

BILL

No. 50

An Act to amend *The Traffic Safety Act*

(Assented to _____)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Traffic Safety Amendment Act, 2021*.

SS 2004, c T-18.1 amended

2 *The Traffic Safety Act* is amended in the manner set forth in this Act.

Section 2 is amended

3 **Clause 2(1)(u) is repealed and the following substituted:**

“(u) ‘**official sign**’ and ‘**sign**’ mean a sign, pavement marking, barricade, traffic control device or object that the minister responsible for *The Highways and Transportation Act, 1997*, a municipality or other public authority authorizes to be erected, placed, used or painted on the roadway or right of way of a highway or provincial highway for the lawful control, warning, guidance, direction of, or the provision of information to, traffic on the highway or provincial highway”.

New section 32.01

4 **The following section is added after section 32:**

“**Suspension, cancellation or revocation, disqualification, not applicable**

32.01 For the purposes of this Part, Division 1 of Part XIII and section 172, and notwithstanding any other provision of this Act, a person’s driver’s licence or other permit to drive is not considered to be suspended, cancelled or revoked and a person is not considered to be disqualified from driving a motor vehicle on a highway while that person is participating in:

- (a) driver training and is taking instruction from and is accompanied by a person who holds a valid driving instructor’s certificate issued pursuant to this Act;
- (b) a road test and is accompanied by or under the direction of a person authorized pursuant to this Act to conduct driver examinations; or
- (c) a driver assessment and is accompanied by either a person who holds a valid driver instructor’s certificate issued pursuant to this Act or a person authorized pursuant to this Act to conduct driver examinations”.

Section 163.2 amended

5(1) Subsections 163.2(5) and (7) are repealed.

(2) Subsection 163.2(8) is amended in the portion preceding clause (a) by striking out “or (7)”.

(3) Subsection 163.2(9) is amended by striking out “or (7)”.

New section 163.21

6 The following section is added after section 163.2:

“Seizure and impoundment in prescribed circumstances

163.21(1) In the prescribed circumstances, if a peace officer seizes and impounds a motor vehicle, other than a commercial vehicle, pursuant to section 163.1:

(a) the peace officer shall immediately:

(i) suspend the driver from driving a motor vehicle;

(ii) if the driver is the holder of a driver’s licence or any other permit authorizing the driver to drive a motor vehicle, require the driver to immediately surrender that driver’s driver’s licence or permit; and

(iii) issue and serve a notice of suspension on the driver; and

(b) on being required to do so pursuant to subclause (a)(ii), the driver shall immediately surrender that driver’s driver’s licence or permit to the peace officer.

(2) If a driver is served with a notice of suspension pursuant to this section, that driver is suspended from driving a motor vehicle for the prescribed period.

(3) If a peace officer suspends the driver’s licence of a driver pursuant to this section, the peace officer shall:

(a) keep a written record of the driver’s licence suspended by the peace officer;

(b) provide the driver whose driver’s licence is suspended with a written statement, in the prescribed form, of the time from which the suspension takes effect;

(c) if the driver surrenders that driver’s driver’s licence, give the driver a receipt for the driver’s licence; and

(d) promptly send the driver’s licence of the driver to the administrator.

(4) A driver whose driver’s licence is suspended pursuant to this section may, in the prescribed circumstances, apply to the board for a review of the suspension.

(5) An application for review pursuant to subsection (4) must:

(a) be in the prescribed form and manner; and

(b) be accompanied by the prescribed fee.

(6) A review pursuant to subsection (4) must be conducted in the prescribed manner.

(7) An application for review pursuant to subsection (4) does not stay the suspension”.

Section 163.3 amended

7 Section 163.3 is amended in the portion preceding clause (a) by striking out “subsections 163.1(9) and 163.2(7)” and substituting “subsection 163.1(9)”.

Section 165 amended

8 Section 165 is amended in the portion preceding clause (a) by striking out “section 162, subsections 163.1(8) and 163.2(7), sections 164 and 166” and substituting “sections 162, 163.1, 163.2, 164 and 166”.

New section 198.1

9 The following section is added before section 199:

“Application and evidence of speed, no parking zones or other direction

198.1 For the purposes of this Part, in the absence of evidence to the contrary:

- (a) the maximum speed, a parking restriction or other guidance, a direction or information indicated on a sign or official sign is presumed to be lawfully established; and
- (b) the sign or official sign is presumed to be lawfully erected, used, placed or marked”.

Section 199 amended

10 Subsection 199(1) is repealed and the following substituted:

“(1) Subject to the other provisions of this Act, no person shall drive a vehicle on a highway:

- (a) if no signs are erected on the highway, at a speed greater than 80 kilometres per hour; or
- (b) at a speed greater than the maximum speed indicated by any signs that are erected on the highway”.

Section 200 amended

11(1) Subsection 200(1) is amended:

- (a) **in clause (a) by striking out “official sign” and substituting “sign”; and**
- (b) **in clause (b) by striking out “official sign” and substituting “sign”.**

(2) Subsection 200(2) is amended by striking out “official sign” and substituting “sign”.

(3) Clause 200(3)(b) is amended by striking out “official signs” and substituting “signs”.

Section 201 amended

12(1) Subsection 201(1) is amended:

- (a) **by adding “or sign” after “official sign”; and**
- (b) **by adding “provincial” before “highway”.**

(2) Subsection 201(2) is amended by adding “official signs or” before “signs”.

Section 210 amended

13(1) Subsection 210(1) is amended by striking out “official signs” and substituting “signs”.

(2) Subsection 210(3) is amended by striking out “an official sign” and substituting “a sign”.

New section 214

14 Section 214 is repealed and the following substituted:

“Speeding and stunts prohibited

214(1) For the purposes of this section:

‘contest’ means a contest as defined in the regulations;

‘race’ means a race as defined in the regulations;

‘stunt’ means a stunt as defined in the regulations.

(2) No driver shall operate a motor vehicle on a highway:

(a) in a race or contest;

(b) while performing a stunt; or

(c) on a bet or wager.

(3) No person shall facilitate or participate in the following:

(a) a race, contest or stunt involving a motor vehicle on a highway;

(b) the operation of a motor vehicle on a highway on a bet or wager.

(4) No owner of a motor vehicle shall permit the use of that motor vehicle on a highway:

(a) in a race, contest or stunt; or

(b) on a bet or wager”.

Section 287 amended

15 Clause 287(1)(aaaa) is amended:

(a) in subclause (ii) by striking out “official signs” and substituting “signs”; and

(b) in paragraph (iii)(B) by striking out “official signs” and substituting “signs”.

Coming into force

16(1) Subject to subsection (2), this Act comes into force on assent.

(2) Sections 6 and 14 of this Act come into force by order of the Lieutenant Governor in Council.

SECOND SESSION

Twenty-ninth Legislature

SASKATCHEWAN

B I L L

No. 50

An Act to amend *The Traffic Safety Act*

Received and read the

First time

Second time

Third time

And passed

Honourable Don Morgan
