

2. This Schedule comes into force on January 1, 2017.

SCHEDULE

12

HIGHWAY TRAFFIC ACT

1. (1) The definition of “road-building machine” in subsection 1 (1) of the *Highway Traffic Act* is repealed and the following substituted:

“road-building machine” means a self-propelled vehicle of a design commonly used in the construction or maintenance of highways that,

- (a) belongs to a class of vehicle prescribed in the regulations,
- (b) has the features or equipment prescribed in the regulations, or
- (c) is being used as prescribed in the regulations; (“machine à construire des routes”)

(2) Section 1 of the Act is amended by adding the following subsection:

Definition of “road-building machine”

(11) The Lieutenant Governor in Council may make regulations for the purpose of the definition of “road-building machine” in subsection (1),

- (a) prescribing classes of vehicles that are or are not road-building machines;
- (b) prescribing features and equipment that a vehicle must have or must not have to be a road-building machine;
- (c) prescribing uses to which a vehicle must be put or must not be put to be a road-building machine.

2. The Act is amended by adding the following section:

Modification of application of Act or regulations

1.2 The Lieutenant Governor in Council may make regulations,

- (a) providing that any Part or provision of this Act, or any regulation or provision of a regulation, applies to a specified class of vehicles or to drivers, operators, owners or lessees of a specified class of vehicles in addition to the vehicles, drivers, operators, owners or lessees that the Part, provision or regulation otherwise applies to, prescribing modifications to that Part, provision or regulation for any such application and prescribing conditions and circumstances for any such application;
- (b) exempting a specified class of vehicles, or drivers, operators, owners or lessees of a specified class of vehicles, from any Part or provision of this Act, or any regulation or provision of a regulation, and prescribing conditions and circumstances for any such exemption;
- (c) defining “operator” and “owner” for the purposes of regulations made under clause (a) or (b).

3. Section 50 of the Act is amended by adding the following subsection:

Extension of time to appeal

(3.3) The time to appeal a decision under subsection (3) or (3.1) may be extended by a judge of the Superior Court of Justice or the Divisional Court, as the case may be, before or after the expiration of the time limit set out in those subsections.

4. Subsection 76 (2) of the Act is amended by adding the following paragraph:

- 4. Road-building machines.

5. (1) Subsection 82 (2) of the Act is amended by striking out “any motor vehicle or motor assisted bicycle” and substituting “any vehicle, other than a bicycle”.

(2) Subsection 82 (3) of the Act is amended by striking out “the owner of a motor vehicle, motor assisted bicycle or vehicle drawn by a motor vehicle” and substituting “the owner of a vehicle, other than a bicycle”.

6. (1) Subsection 105 (1) of the Act is amended by striking out “or that does not bear the National Safety Mark referred to in that Act” at the end.

(2) Section 105 of the Act is amended by adding the following subsection:

Regulations

(4) The Lieutenant Governor in Council may make regulations exempting classes of motor vehicles, trailers, conversion units and trailer converter dollies from the application of subsection (1), and prescribing conditions and circumstances for any such exemption.

7. The Act is amended by adding the following section:

Road-building machines

189.1 (1) No person shall drive or permit the operation of a road-building machine on a highway except in accordance with the regulations made under this section.

Offence

(2) A person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$20,000.

Regulations

(3) The Lieutenant Governor in Council may make regulations regulating or prohibiting the operation of road-building machines on any highway or class of highway or on any part or parts of any highway.

8. Section 191 of the Act is repealed and the following substituted:

Exemption certificate, hours of work for commercial motor vehicle drivers

191. (1) An operator may apply in writing to the Registrar for a certificate exempting the operator and any driver employed by or contracted to the operator from any requirement prescribed by the regulations made under clause 190 (7) (a), (b) or (c).

Issuance

(2) On an application under subsection (1), the Registrar may issue the certificate applied for granting an exemption from any requirement prescribed by a regulation made under clause 190 (7) (c) if the Registrar is satisfied that the operator applying for the certificate has a genuine need for it and the issuance of the certificate is unlikely to jeopardize the safety or health of any person.

Same

(3) On an application under subsection (1), the Registrar shall issue a certificate granting the exemptions that are set out in the regulations from requirements prescribed by a regulation made under clauses 190 (7) (a), (b) and (c) if the operator applying for the certificate or the vehicle in respect of the which the exemption is to apply belongs to a class specified in the regulations.

Conditions

(4) A certificate issued under subsection (2) may contain any conditions that the Registrar considers appropriate and a certificate is subject to the conditions contained in it.

Same

(5) A certificate issued under subsection (3) shall contain the conditions that are prescribed in the regulations and a certificate is subject to those conditions.

Effect of certificate

(6) Subject to subsection (8), a certificate issued under subsection (2) exempts the operator to whom it is issued and any driver employed by or contracted to that operator from those requirements prescribed by the regulations made under clause 190 (7) (c) that are set out in the certificate.

Same

(7) Subject to subsection (8), a certificate issued under subsection (3) grants the operator to whom it is issued and any driver employed by or contracted to that operator the exemptions that are set out in the regulations from requirements made under clauses 190 (7) (a), (b) and (c).

Where certificate does not apply

- (8) A certificate issued under this section does not apply to exempt,
- (a) an operator who is in contravention of any condition set out in the certificate;
 - (b) a driver who is in contravention of any condition set out in the certificate or who is in contravention of subsection (10); or
 - (c) an operator for whom a driver referred to in clause (b) is working.

Duration

(9) A certificate is valid during the period set out in the certificate, which period, in the case of a certificate issued under subsection (2), shall not exceed 12 months.

Certificate to be produced for inspection

(10) A driver claiming an exemption under a certificate issued under this section shall carry the certificate or a true copy of it and produce the certificate or copy for inspection upon the demand of a police officer or an officer appointed for the purpose of carrying out the provisions of this Act.

Regulations

- (11) The Lieutenant Governor in Council may make regulations,
- (a) prescribing classes of operators or vehicles for the purpose of subsection (3);
 - (b) prescribing the exemptions granted under a certificate issued under subsection (3), and the conditions that apply to such exemptions;
 - (c) prescribing different requirements that apply to operators or vehicles exempted under a certificate issued under subsection (3) instead of the requirements set out in a regulation made under clause 190 (7) (a), (b) or (c), as the case may be.

9. Subsection 216 (1) of the Act is repealed and the following substituted:**Power of police officer to stop vehicles**

(1) A police officer, in the lawful execution of his or her duties and responsibilities, may require the driver of a vehicle, other than a bicycle, to stop and the driver of a vehicle, when signalled or requested to stop by a police officer who is readily identifiable as such, shall immediately come to a safe stop.

10. (1) Subsections 216.1 (1) and (2) of the Act are repealed and the following substituted:**Power of officer to examine commercial vehicles, road-building machines**

(1) Any officer appointed for carrying out the provisions of this Act may, at any time, examine any commercial vehicle or road-building machine and its contents and equipment for the purpose of ascertaining whether this Act, the *Compulsory Automobile Insurance Act* or the *Dangerous Goods Transportation Act*, or the regulations under any of them, are being complied with, and the driver, operator or other person in control of the vehicle shall assist in the examination.

Power to stop commercial vehicles, road-building machines

(2) Any officer appointed for carrying out the provisions of this Act, in the lawful execution of his or her duties and responsibilities, including for the purpose of an examination under subsection (1), may direct, by signals or otherwise, the driver of any commercial vehicle or road-building machine driven on a highway to stop, and the driver, upon being so directed, shall stop the vehicle.

(2) Subsection 216.1 (3) of the Act is amended by striking out “Where a commercial vehicle and its contents and equipment are examined under this section” at the beginning and substituting “Where a commercial vehicle or road-building machine and its contents and equipment are examined under this section”.

(3) Subsection 216.1 (6) of the Act is amended by striking out “a commercial vehicle” in the portion before clause (a) and substituting “a commercial vehicle or road-building machine”.

Commencement

11. (1) Subject to subsection (2), this Schedule comes into force on the day the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* receives Royal Assent.

Same

(2) Sections 1, 2 and 4 to 10 come into force on a day to be named by proclamation of the Lieutenant Governor.