

# BILL

No. 116

## An Act to amend *The Traffic Safety Act* and to make a consequential amendment to *The Summary Offences Procedure Act, 1990*

(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 (Drivers' Licences and Hand-held Electronic Communications Equipment) Amendment Act, 2009*.

### S.S. 2004, c.T-18.1 amended

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

### New sections 31 and 31.1

3 **Section 31 is repealed and the following substituted:**

#### “Form of valid driver’s licence

31(1) Subject to the regulations and to subsection (3), a valid driver’s licence consists of a single document containing:

(a) a licence certificate that sets out the information that the administrator may or is required by this Act to set out in a licence, including any endorsement or restriction; and

(b) a photograph of the applicant that is taken in accordance with any prescribed criteria and that clearly identifies the person shown in the photograph as the person named in the driver’s licence.

(2) A driver’s licence expires on the date set out on the driver’s licence or, if no expiry date is set out, five years after the date of its issue.

(3) If the administrator considers it necessary and appropriate to do so, the administrator may issue another document that sets out any endorsements or restrictions that are placed on the driver’s licence.

(4) If the administrator issues another document pursuant to subsection (3) with respect to a driver’s licence:

(a) the other document is deemed to be part of the driver’s licence; and

(b) the holder of the driver’s licence shall produce the other document with the driver’s licence when required to produce the driver’s licence pursuant to this Act.

**“Photo identification card**

**31.1(1)** Subject to the regulations, a person may apply for a photo identification card, and the administrator may issue the photo identification card.

(2) If the administrator issues a photo identification card to a person, the photo identification card expires on the date set out on the photo identification card”.

**New section 36**

**4 Section 36 is repealed and the following substituted:**

**“Temporary driver’s licence**

**36(1)** A receipt issued pursuant to this Act in connection with the payment of a licence fee pending the issuance of a driver’s licence is deemed to be the driver’s licence applied for.

(2) Notwithstanding any date that may appear on a receipt mentioned in subsection (1), the receipt expires 90 days after the date of its issue”.

**Section 37 repealed**

**5 Section 37 is repealed.**

**Section 40 amended**

**6(1) Clause 40(1)(b) is repealed and the following substituted:**

“(b) a replacement driver’s licence to replace a driver’s licence that has been lost or destroyed”.

**(2) The following subsection is added after subsection 40(2):**

“(2.1) An applicant for a driver’s licence or a replacement driver’s licence shall pay the fee mentioned in clause (2)(b) in the prescribed manner”.

**(3) Subsection 40(4) is repealed and the following substituted:**

“(4) The administrator may require the driver to be photographed in accordance with the regulations if:

- (a) a person or an agent for the person applies for a driver’s licence or a replacement driver’s licence; and
- (b) the administrator considers it necessary to do so in order to issue the driver’s licence or replacement driver’s licence”.

**Section 44 amended**

**7 Clause 44(a) is amended by adding “or a replacement driver’s licence” after “a replacement photo identification card”.**

**Section 48 amended**

**8 Subsection 48(2) is amended:**

**(a) in the portion preceding clause (a) by adding “, cancel” after “suspend”; and**

**(b) by adding the following clause after clause (a):**

“(a.1) the person who holds or applies for the driver’s licence has failed to pay the prescribed fee for the driver’s licence in the prescribed manner and in accordance with the prescribed terms and conditions”.

**Section 52 amended****9 Subsections 52(2) and (3) are repealed and the following substituted:**

“(2) Subject to subsection (3), the administrator shall refuse to issue a driver’s licence to an offender in default, until the offender in default:

- (a) fully pays the fine and any late payment charge imposed pursuant to *The Summary Offences Procedure Act, 1990*; or
- (b) otherwise fully discharges the fine and any late payment charge imposed pursuant to *The Summary Offences Procedure Act, 1990*.

“(2.1) Subject to subsection (3), the administrator shall suspend or cancel the driver’s licence of the offender in default if the offender in default has not, in accordance with *The Summary Offences Procedure Act, 1990*:

- (a) fully paid the fine and any late payment charge imposed pursuant to that Act; or
- (b) otherwise fully discharged the fine and any late payment charge imposed pursuant to that Act.

“(3) The administrator shall not suspend or cancel the driver’s licence of a person who was an offender in default, or refuse to issue a driver’s licence to a person who was an offender in default, if the person has been imprisoned pursuant to section 31 of *The Summary Offences Procedure Act, 1990* with respect to an offence designated for the purposes of this section by regulations made pursuant to that Act, even though any late payment charge imposed pursuant to section 28 of *The Summary Offences Procedure Act, 1990* or any surcharge imposed pursuant to *The Victims of Crime Act, 1995* on that person remains unpaid”.

**Section 75 amended****10 The following clause is added after clause 75(1)(b):**

“(b.1) in the case of a holder or applicant who has been issued a driver’s licence, the holder or applicant has failed to pay the prescribed fee for a driver’s licence in the prescribed manner and in accordance with the prescribed terms and conditions”.

**New section 241.1****11 The following section is added after section 241:****“Hand-held electronic communications equipment prohibited**

**241.1(1)** In this section and in section 287:

- (a) **‘electronic communications equipment’** means a cellular phone or other prescribed equipment;
- (b) **‘make a phone call’** means to make, answer or end a phone call, or to transmit or receive voice communication;
- (c) **‘new driver’** means a new driver as defined in the regulations;
- (d) **‘use’** means, with respect to electronic communications equipment, to use the electronic communications equipment to make a phone call, text, talk, email, or surf or access the Internet, or for any other prescribed purpose.

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- (2) No driver shall use electronic communications equipment while driving a motor vehicle on a highway.
- (3) Subsection (2) does not apply to:
- (a) a driver who is not a new driver and who, while driving a motor vehicle on a highway:
    - (i) activates the electronic communications equipment to make a phone call by pressing a button once on the electronic communications equipment, or on a device that is linked to electronic communications equipment, and does not hold the electronic communications equipment; or
    - (ii) utilizes his or her voice to activate electronic communications equipment to make a phone call and does not hold the electronic communications equipment;
  - (b) a driver if the driver is using electronic communications equipment to report an emergency to a police service, a fire department or emergency medical services or to request an ambulance;
  - (c) a prescribed person or prescribed class of persons; or
  - (d) a prescribed vehicle or prescribed class of vehicles”.

**Section 287 amended****12 Subsection 287(1) is amended:**

- (a) **by adding the following clause after clause (f):**
- “(f.1) prescribing the manner of paying the fees that may be charged for any driver’s licences or classes of driver’s licences, including:
- (i) authorizing an applicant to pay the fees by instalment; and
  - (ii) prescribing the conditions that an applicant must comply with in order to pay the fees by instalment”;
- (b) **by repealing clauses (m) and (n) and substituting the following:**
- “(m) for the purposes of section 31, prescribing the form and content of driver’s licences;
- “(n) for the purposes of sections 31 and 31.1:
- (i) prescribing the form and content of photo identification cards;
  - (ii) prescribing the classes of persons to whom access to or copies of photographs of persons taken for the purposes of section 31 or 31.1 may be provided; and
  - (iii) prescribing the circumstances in which access to or copies of photographs mentioned in subclause (ii) may be provided”; **and**

**(c) by adding the following clause after clause (bbbb):**

“(bbbb.1) for the purposes of section 241.1:

- (i) for the purposes of clause (1)(a), prescribing other equipment as electronic communications equipment;
- (ii) for the purposes of clause (1)(d), prescribing other purposes for using electronic communications equipment that constitute a prohibited use;
- (iii) prescribing persons or classes of persons to whom that section does not apply; and
- (iv) prescribing vehicles or classes of vehicles to which that section does not apply”.

**Transitional**

**13** Notwithstanding *The Traffic Safety Act* or any other provision of this Act, a driver’s licence that was issued pursuant to *The Traffic Safety Act* before January 1, 2011 and that has not expired on the day on which this Act comes into force remains valid for the purposes of *The Traffic Safety Act* until the earlier of:

- (a) the date set out on the driver’s licence; and
- (b) January 1, 2013.

**S.S. 1990-91, c.S-63.1, section 30 amended**

**14 Subsections 30(3) and (4) of *The Summary Offences Procedure Act, 1990* are repealed and the following substituted:**

“(3) Subject to subsection (4), the administrator designated pursuant to *The Traffic Safety Act* shall refuse to issue a driver’s licence to an offender in default, until the offender in default fully pays or otherwise fully discharges the fine and any late payment charge imposed.

“(3.1) Subject to subsection (4), the administrator designated pursuant to *The Traffic Safety Act* shall suspend or cancel, in accordance with *The Traffic Safety Act*, the driver’s licence of an offender in default if the offender in default has not, within the period prescribed in the regulations, fully paid or otherwise fully discharged the fine and any late payment charge imposed.

“(4) The administrator shall not suspend or cancel the driver’s licence of a person who was an offender in default, or refuse to issue a driver’s licence to a person who was an offender in default, if the person has been imprisoned pursuant to section 31 with respect to an offence designated pursuant to subsection (1), even though any late payment charge imposed pursuant to section 28 or any surcharge imposed pursuant to *The Victims of Crime Act, 1995* on that person remains unpaid”.

**Coming into force**

- 15(1)** Subject to subsection (2), this Act comes into force on January 1, 2011.
- (2) Section 11 and clause 12(c) of this Act come into force on proclamation.





THIRD SESSION

# Twenty-sixth Legislature

SASKATCHEWAN

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## B I L L

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Received and read the

First time

Second time

Third time

And passed

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Honourable June Draude

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