



BILL NO. 93

Government Bill

*2nd Session, 61st General Assembly
Nova Scotia
59 Elizabeth II, 2010*

An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act

CHAPTER 59
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 10, 2010**

The Honourable Bill Estabrooks, M.B.
Minister of Transportation and Infrastructure Renewal

*Halifax, Nova Scotia
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**An Act to Amend Chapter 293
of the Revised Statutes, 1989,
the Motor Vehicle Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, as amended by Chapter 24 of the Acts of 1994, Chapter 12 the Acts of 1994-95, Chapter 23 of the Acts of 1995-96, Chapter 12 of the Acts of 2001, Chapter 20 of the Acts of 2002, Chapter 42 of the Acts of 2004, Chapter 35 of the Acts of 2006, Chapter 20 of the Acts of 2007, Chapter 45 of the Acts of 2007 and Chapter 21 of the Acts of 2008, is further amended by

(a) adding immediately after clause (c) the following clause:

(ca) "bicycle lane" means a marked lane on a roadway designated by a traffic sign for the use by bicyclists;

(b) adding immediately after clause (h) the following clause:

(ha) "cyclist" means a person operating a bicycle;

2 Subsection 85(1) of Chapter 293 is amended by striking out “person riding a bicycle or” in the first line and substituting “cyclist and every person riding an”.

3 Subsection 110(1) of Chapter 293 is amended by adding “, subject to Section 131A,” immediately after “and” in the fourth line.

4 Section 114 of Chapter 293 is amended by adding “(1)” immediately after the Section number and adding the following subsection:

(2) Notwithstanding Section 85 and clause (1)(a), a cyclist operating on the far right side or the right-hand shoulder of the roadway may pass to the right of the overtaken vehicle if it is safe to do so.

5 Chapter 293 is further amended by adding immediately after Section 131 the following Section:

131A The driver of a vehicle shall not operate the vehicle in a bicycle lane unless

(a) it is necessary to do so to go around a vehicle or a bicycle immediately in front of the driver's vehicle that has signalled its intention to turn left;

(b) it is necessary to do so to complete a lawful manoeuvre; or

(c) the driver has encountered a condition on the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal or surface hazard that makes it impracticable not to do so,

but in that event shall yield the right of way to any cyclist lawfully in the bicycle lane.

6 Section 137 of Chapter 293 is amended by striking out “the rider of a bicycle” in the second line and substituting “a cyclist”.

7 Section 143 of Chapter 293 is amended by adding “(1)” immediately after the Section number and adding the following subsection:

(2) It shall be an offence for the driver of a vehicle to park the vehicle, whether attended or unattended, in a bicycle lane, except in compliance with the directions of a peace officer.

8 Subsection 169(1) of Chapter 293 is amended by striking out “the operator of a bicycle or” in the first and second lines and substituting “a cyclist or the operator of a”.

9 (1) Subsection 171(1) of Chapter 293 is amended by

(a) striking out “The rider of a bicycle” in the first line and substituting “A cyclist”; and

(b) striking out “such rider” in the third line and substituting “a cyclist”.

(2) Subsection 171(3) of Chapter 293 is repealed and the following subsections substituted:

(3) Where a roadway has a bicycle lane for bicycles travelling in the same direction that a cyclist is travelling, the cyclist shall ride in the bicycle lane unless it is impracticable to do so.

(4) A cyclist who is not riding in a bicycle lane shall ride as far to the right side of the roadway as practicable or on the right-hand shoulder of the roadway unless the cyclist is

(a) in the process of making a left turn in the same manner as a driver of a motor vehicle,

(b) travelling in a rotary or roundabout,

(c) passing a vehicle on the vehicle's left, or

(d) encountering a condition on the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal or surface hazard that prevents the person from safely riding to the right side of the roadway;

(5) A cyclist on a highway shall ride in the same direction as the flow of traffic.

(6) Except when passing another cyclist, cyclists on a highway shall ride in single file.

10 Chapter 293 is further amended by adding immediately after Section 171A the following Section:

171B (1) A driver of a vehicle shall not pass a bicycle travelling in the same direction as the vehicle that is being ridden to the far right of the driver of the vehicle on the roadway, on the shoulder or in an adjacent bicycle lane unless

- (a) there is sufficient space to do so safely; and
- (b) the driver leaves at least one metre open space between the vehicle and the cyclist.

(2) Notwithstanding subsection 115(2), a driver of a motor vehicle may cross a line to pass a bicycle in accordance with subsection (1) if the driver can do so safely as required by Section 100.

11 Section 295 of Chapter 293, as amended by Chapter 36 of the Acts of 1990, Chapter 12 the Acts of 1994-95, Chapter 23 of the Acts of 1995-96, Chapter 34 of the Acts of 1996, Chapter 11 the Acts of 1999, Chapter 12 of the Acts of 2001, Chapter 10 of the Acts of 2002, Chapter 42 of the Acts of 2004, Chapter 8 of the Acts of 2005, Chapter 20 of the Acts of 2007 and Chapter 45 of the Acts of 2007, is further amended by adding ", 171B" immediately after "115" in the second line.

12 Section 298 of Chapter 293, as amended by Chapter 10 of the Acts of 2002, Chapter 8 of the Acts of 2005, Chapter 45 of the Acts of 2007 and Chapter 21 of the Acts of 2008, is further amended by adding ", Section 131A" immediately after "125A" in the second line.

13 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
