

**Bill #118
Motor Vehicle Act (amended)**

**CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE
BY THE MINISTER OF SERVICE NOVA SCOTIA
AND MUNICIPAL RELATIONS**

PAGE 2, Clause 1, proposed subsection 7C(5) -

- (a) add the following:
 - (a) decisions by the Registrar, pursuant to subsection (2) of Section 279, to suspend or revoke a driver's license or privilege of obtaining a driver's license suspended pursuant to clause (a), (b), (d), (e) or (f) of subsection (1) of Section 279;
 - (b) **proposed clauses (a) and (b) - reletter as (b) and (c).**

PAGE 2, Clause 1, proposed subsection 7C(8),

- (a) **proposed clause (a) - delete;**
- (b) **proposed clauses (b) and (c) - reletter as (a) and (b).**

PAGES 3 and 4, Clause 4, proposed Section 278C,

- (a) **proposed subsection (2), line 2 - delete "(1)(a)" and substitute "(a) of subsection (1)";**
- (b) **proposed subsection (3), line 1 - delete "(1)(b)" and substitute "(b) of subsection (1)";**
- (c) **proposed subsection (4), line 1 - delete "(1)(b)" and substitute "(b) of subsection (1)";**
- (d) **proposed clause (5)(b), line 1 - delete "(1)(b)" and substitute "(b) of subsection (1)"; and**
- (e) **proposed subsection (6), line 2 - delete "(3)(f)" and substitute "(f) of subsection (3)".**

PAGE 4, Clause 4, proposed Section 278D,

- (a) **proposed subsection (1), line 2 - delete "278C(1)(b)" and substitute "(b) of subsection (1) of Section 278C"; and**
- (b) **proposed subsection (4), line 2 - delete "(3)(a)" and substitute "(a) of subsection (3)".**

PAGE 5, Clause 4, proposed subsection 278E(3), line 4 - delete "7B(7)" and substitute "(6) of Section 7B".

PAGE 5, Clause 4 - add after proposed Section 278E the following:

278F (1) Where, before the coming into force of this Section, the Registrar has, pursuant to subsection (2) of Section 279, suspended or revoked the driver's license or privilege of obtaining a driver's license of a person whose driver's license or privilege of obtaining a driver's license was suspended pursuant to clause (a), (b), (d), (e) or (f) of subsection (1) of Section 279, the person may, within ninety days of the date this Section comes into force, appeal the decision of the Registrar to the Motor Vehicle Appeal Board.

(2) Where, at the time of or after the coming into force of this Section, the Registrar suspends or revokes the driver's license or privilege of obtaining a driver's license of a person pursuant to subsection (2) of Section 279, the person may, within ninety days of the date of the Registrar's decision pursuant to subsection (2) of Section 279, appeal the decision to the Motor Vehicle Appeal Board.

(3) An appeal pursuant to this Section may be made by

(a) filing the appeal in accordance with this Act and the regulations; and

(b) paying the fee prescribed by the regulations.

(4) In an appeal pursuant to this Section, the Motor Vehicle Appeal Board may consider

(a) the written decision of the Registrar, if any;

(b) any information relied upon by the Registrar in making the decision, including the driving record of the appellant;

(c) submissions from the appellant;

(d) submissions from the Registrar; and

(e) such other information that the Board determines is necessary to make a decision.

(5) In deciding an appeal pursuant to this Section, the Motor Vehicle Appeal Board may

(a) confirm the suspension or revocation;

(b) rescind the suspension or revocation;

(c) vary the suspension, revocation or any conditions for reinstatement required by the Registrar; or

(d) require that reinstatement of the appellant's driver's license or privilege of obtaining a driver's license be subject to conditions.

(6) Except where the suspension or revocation of a driver's license or privilege of obtaining a driver's license made pursuant to subsection (2) of Section 279 is rescinded pursuant to this Section, a driver's license or privilege of obtaining a driver's license that was suspended or revoked remains suspended or revoked as decided pursuant to subsection (2) of Section 279 or varied pursuant to this Section, as the case may be, until any conditions for reinstatement required pursuant to this Act have been satisfied.

PAGE 5, Clause 6, proposed clause 279BA(4)(b), line 2 - delete "Section" and substitute "section".

PAGE 6, Clause 6, proposed clause 279BA(5)(c), lines 1 and 2 - delete "Section" and substitute "section".

PAGE 8, Clause 12 - delete subclauses (1) and (2) and substitute the following:

(1) Notwithstanding any other enactment, subject to subsections (2) and (3), subsections 279(1) to (2A) of the *Motor Vehicle Act* continue to apply as if not repealed by this Act with respect to any order of suspension issued pursuant to subsection 279(1) of the *Motor Vehicle Act* and in effect immediately before the coming into force of Section 4.

(2) Where subsection (1) applies, the Medical Advisory Committee appointed pursuant to Section 7B of the *Motor Vehicle Act* is deemed to be the medical advisory committee.

(3) Where a person's driver's license or privilege of obtaining a driver's license is suspended pursuant to clause 279(1)(a), (b), (d), (e) or (f) of the *Motor Vehicle Act*, the suspension is in effect immediately before the coming into force of Section 4 and the person has not requested a hearing or opportunity to offer an explanation pursuant to subsection 279(2) of the *Motor Vehicle Act* before the coming into force of Section 4, the person may only request a hearing or opportunity to offer an explanation pursuant to subsection 279(2) of the *Motor Vehicle Act* if the request is made within ninety days of the date Section 4 comes into force.

PAGE 8, subclauses 12(3) and (4) - renumber as (4) and (5).
