

From: Stewart Rand <[REDACTED]>
Sent: October 9, 2018 8:38 AM
To: Office of the Legislative Counsel
Subject: Law Amendments - Concerns about Traffic Safety Act, Bill 80

To whom it may concern,

I would like to draw the attention of the legislature to my concerns about the content of the Traffic Safety Act. I have read the bill in full and have noticed some instances of what appear to be drafting errors or typographical errors. I also have a few concerns with the substance of the bill.

Under section 5 (c), there is duplication, where "power-assisted bicycle" is listed twice in the same list of types of vehicles.

Also under section 5, there are two sub-sections marked "(m)", where the lettering of the sub-sections should continue sequentially, (m, n, o, etc.).

In section 75 (4) and section 76 (2), the term "peace office" is used, whereas "peace officer" is used and defined elsewhere in the bill. I believe this should say "peace officer", since "peace office" is undefined in the bill.

Section 101 of the bill contains the passage, "unless the report was made writing". I believe this was intended to say "made in writing".

In terms of the substance of the bill, I would like to draw attention to the definition of "equipment" and to section 127 (4). In that section, drivers are prohibited from using a vehicle if its equipment is not in good working order. The problem is the definition of "equipment" is so broad that it could easily encompass many parts or accessories in a vehicle that are not essential to the safety or basic functioning of the vehicle.

For instance, the functioning of a car's air conditioning system or stereo system does not have any bearing on the safety of the vehicle. It seems unnecessary and unduly restrictive to bar motorists from using their vehicles if one of these non-essential systems are not in "good working order".

Likewise, the same broad definition of equipment is used in relation to non-vehicle conveyances in section 128 (4). I interpret this to mean someone may not ride their bicycle if a headlight attached to their bike has run out of batteries, even if the law or regulations do not require use of a headlight in the circumstances, such as in broad daylight.

In my opinion, sections 127 (4) and 128 (4) should be refined to clarify that the restriction applies only to equipment required for the basic functioning of the vehicle of conveyance, or those which are critical to safety.

Finally, I would like to draw attention to section 292 of the bill. This section specifies that revenue raised from electronic enforcement mechanisms may only be used for "enhancing road safety". I think these kinds of system, such as red-light cameras, have great potential in Nova Scotia to deter unsafe driving. At the same time, it is not immediately clear to me how money raised from them would be spent to improve road safety.

This requirement is unduly restrictive on the government, in my opinion. We have far greater need for funding in education and health care in our province, so the bill should be amended to remove this restriction on the use of the funds in order that the money can be returned to general revenues and put to more productive and urgent use.

Sincerely,

Stewart Rand
Halifax, Nova Scotia