

Chapter 10

AN ACT TO AMEND THE TRAFFIC SAFETY ACT

(Assented to March 16, 2021)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the *Traffic Safety Act*.

2. The following is added after section 336:

Municipal corporations that may prosecute

337. (1) This section applies only to municipal corporations prescribed in the regulations as municipal corporations with the authority to prosecute all contraventions of this Act.

Prosecution

(2) A municipal corporation may conduct prosecutions for contraventions of this Act or the regulations that occurred within its municipality.

Representative of municipal corporation

(3) Subject to subsection 318(2), a by-law officer may represent the municipal corporation for the purposes of subsection (2).

Fines, surcharges and costs

337.1. Subject to any other enactment, the fines, surcharges and costs levied in respect of proceedings under section 337 belong to the municipal corporation conducting the prosecution.

3. (1) Section 349 is renumbered subsection 349(1).

(2) Subsection 349(1) is amended

(a) by adding the following after paragraph (a.2):

- (a.3) in respect of any activity related to matters that are subject to this Act or the regulations, in addition to what is required under the Act,
 - (i) requiring a certificate or permit,
 - (ii) respecting the issuance of certificates or permits,
 - (iii) respecting the terms and conditions attached to certificates and permits, and
 - (iv) respecting the amendment, suspension, cancellation and renewal of certificates and permits;
- (a.4) respecting the requirements, contents and placement of stickers, labels, tags, or decals required under this Act or the regulations;

- (a.5) respecting the issuing of notices under this Act or the regulations;
- (b) in the English version of paragraph (d) by adding "taxi or" after "motor vehicles used as";**
- (c) in subparagraph (e.4)(iv) by adding "or renewal" after "expiration";**
- (d) by adding the following after (l.1):**
 - (l.2) respecting the placement of signs indicating a highway closure, partial closure or restriction designated under paragraph (l);
- (e) by adding the following is after (j.1):**
 - (j.2) respecting limitations, restrictions and conditions on the operation of any vehicle or combination of vehicles and their load, operating on a highway, based on the dimensions and weight of
 - (i) the vehicle,
 - (ii) the combination of vehicles and their load, or
 - (iii) the load;
 - (j.3) setting out exemptions to the provisions of this Act or the regulations with respect to the operation of construction vehicles;
 - (j.4) respecting the placement of signs for bridges indicating the maximum applicable weight of vehicles using the bridge;
- (f) in paragraph (n) by adding ", colours and markings" after "information" and replacing "that is" with "that are";**
- (g) by adding the following after paragraph (t):**
 - (t.1) prescribing repair, maintenance and inspection standards for school busses;
 - (t.2) respecting the issuing and filing of certificates of safe operating conditions for school bus drivers;
 - (t.3) respecting the dimensions, placement, and material for aisles, seats, stairs and any other component of the school bus interior;
 - (t.4) respecting the maintenance and cleanliness of a school bus interior;
 - (t.5) prescribing the method for determining passenger seating capacity of a school bus;
 - (t.6) respecting the installation, location, maintenance and use of school bus equipment, emergency exits, and signal lamps and lights;
 - (t.7) establishing the procedures for loading passengers on, and discharging passengers from, a school bus;
 - (t.8) respecting the conduct of school bus passengers;
 - (t.9) respecting obligations of school bus drivers with respect to the conduct of school bus passengers;

(h) by adding the following after paragraph (w):

- (w.1) respecting maintenance programs for NSC vehicles;
- (w.2) respecting the conditions under which NSC vehicles may be operated;

(i) by repealing and replacing paragraph (x.2) with:

- (x.2) requiring the carriers, owners and drivers of NSC vehicles to keep and maintain prescribed records, logs, statements, reports, permits and documents in the prescribed manner and to produce the records, logs, reports and documents when prescribed;

(j) by deleting "and" at the end of paragraph (ac), replacing the period at the end of paragraph (ad) with a semicolon and adding the following after paragraph (ad):

- (ae) authorizing the Registrar or a person designated by the Registrar to maintain driving records for every driver that has been issued a driver's licence;
- (af) respecting a demerit point system, including
 - (i) the calculation of points,
 - (ii) the addition and transfer of points to a driving record and their removal from that record,
 - (iii) the conditions under which a driver may be required to attend an interview or driver improvement course due to the accumulation of points, and
 - (iv) the conditions under which a driver's licence may be refused, suspended or cancelled by the Registrar as a result of an accumulation of points;
- (ag) authorizing the Registrar or a person designated by the Registrar to establish a program for the provision of driver improvement courses, the standards for successfully completing any program and prescribing fees that may be charged for the assessments or programs, including fees that may be charged by independent contractors; and
- (ah) subject to subsection (2), prescribing the list of municipal corporations with the authority to prosecute all contraventions of this Act.

(3) The following is added after subsection 349(1):

Regulations respecting municipal prosecution

- (2) With respect to regulations made under paragraph 349(1)(ah),
 - (a) a municipal corporation may only be added to the list of municipal corporations with the authority to prosecute all contraventions of this Act if the addition is recommended by its council;

- (b) a municipal corporation must be removed as soon as practicable from the list of municipal corporations with the authority to prosecute all contraventions of this Act if the removal is recommended by its council; and
- (c) for greater certainty, a municipal corporation may be removed from the list of municipal corporations with the authority to prosecute all contraventions of this Act without a recommendation by its council.

Consequential amendments

- 4. **Section 176 of the *Cities, Towns and Villages Act* is amended**
 - (a) **in subsection (1) by adding "and to enforce compliance with the *Traffic Safety Act*" after "by-laws"; and**
 - (b) **in paragraph (2)(a) by adding "and for offences under the *Traffic Safety Act*" after "by-laws".**
- 5. **Section 176 of the *Hamlets Act* is amended**
 - (a) **in subsection (1) by adding "and to enforce compliance with the *Traffic Safety Act*" after "by-laws"; and**
 - (b) **in paragraph (2)(a) by adding "and for offences under the *Traffic Safety Act*" after "by-laws".**
- 6. **(1) The English version of subsection 142(1) of the *Legislation Act* is amended by replacing "Paragraph 349(z)" with "Paragraph 349(1)(z)".**
(2) Subsection 142(3) of the *Legislation Act* is amended by replacing "Section 349 and subsection 350(1)" with "Subsections 349(1) and 350(1)".