

The Vehicle Impoundment (General) Regulations, 2006

Repealed

by Chapter T-18.1 Reg 17 (effective June 27, 2014).

Formerly

Chapter T-18.1 Reg 1 (effective July 1, 2006) as amended by Saskatchewan Regulations 101/2006, 24/2011, 30/2012, 45/2013 and 65/2013.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER T-18.1 REG 1

The Traffic Safety Act

PART I

Title

Title

1 These regulations may be cited as *The Vehicle Impoundment (General) Regulations, 2006*.

5 Jly 2013 SR 45/2013 s4.

Interpretation for regulations

1.1 In these regulations:

- (a) “**Act**” means *The Traffic Safety Act*;
- (b) “**Table**” means a Table as set out in Part 1 of the Appendix.

5 Jly 2013 SR 45/2013 s5.

PART II

Unauthorized Drivers

Interpretation

2(1) In this Part:

- (a) **Repealed.** 5 Jly 2013 SR 45/2013 s7.
 - (b) “**Form**” means a Form as prescribed in Part 2 of the Appendix;
 - (c) “**licence issuer**” means a person authorized by the administrator to issue certificates of registration and driver’s licences;
 - (d) **Repealed.** 5 Jly 2013 SR 45/2013 s7.
 - (e) “**tow truck operator**” means a person who operates a tow truck.
- (2) For the purposes of the Act and in these regulations:
- (a) “**hearing officer**” means a person designated by the board as a hearing officer;
 - (b) “**unauthorized driver**” means a person:
 - (i) who is prohibited from driving a motor vehicle by order of a court pursuant to section 259 of the *Criminal Code*;
 - (ii) who is entitled to operate a motor vehicle with an ignition interlock device, if that person is operating a motor vehicle without an ignition interlock device;

(iii) whose driver's licence is suspended or cancelled or who is disqualified or prohibited from driving or applying for or obtaining a driver's licence pursuant to clause 48(2)(c), (e) or (f), section 49 or 50, subsection 139(2) or section 141, 144, 146, 146.1, 146.2, 147, 148, 150, 150.1 or 151 of the Act;

(iii.1) who has been issued a driver's licence with a "6" endorsement or an "M" endorsement with a novice 1 or novice 2 restriction and who is operating a motorcycle while that endorsement is suspended;

(iv) whose period of disqualification, prohibition or suspension mentioned in subclause (i) or (iii) has expired and who has not lawfully obtained a driver's licence pursuant to the Act; or

(v) who does not hold a driver's licence permitting him or her to drive a motor vehicle, and who has within the previous five years been convicted of contravening section 32 of the Act.

(3) For the purposes of these regulations and sections 159 to 172 of the Act, "**owner**" means the person in whose name a vehicle is registered pursuant to the laws of the jurisdiction in which the vehicle is registered.

7 Jly 2006 cT-18.1 Reg 1 s2; 20 May 2011 SR
24/2011 s2; 5 Jly 2013 SR 45/2013 s7.

Prescribed fees, costs and charges

3(1) A garage keeper who impounds or immobilizes a motor vehicle pursuant to section 161 of the Act is entitled to the fees, costs and charges set forth in Table 1.

(2) If a motor vehicle has been seized, impounded or immobilized in error and is released by a hearing officer pursuant to clauses 162(4)(a) to (d) of the Act, the administrator shall pay the garage keeper's fees, costs and charges in accordance with Table 1.

7 Jly 2006 cT-18.1 Reg 1 s3.

Duties of garage keeper

4 A garage keeper who impounds or immobilizes a motor vehicle, or a tow truck operator who assists the garage keeper for the purpose of impounding or immobilizing a vehicle pursuant to section 161 of the Act, shall make an inventory of the motor vehicle's contents and a report on the condition of the motor vehicle in a form approved by the administrator.

7 Jly 2006 cT-18.1 Reg 1 s4.

Report and return of garage keeper

5 On or before the seventh day of each month, a garage keeper shall:

(a) for each vehicle impounded or immobilized or released by the garage keeper in the previous month, make a report to the administrator in a form approved by the administrator; and

(b) for each vehicle sold by the garage keeper in the previous month pursuant to subsection 161(4) of the Act, make a return to the administrator in a form approved by the administrator.

7 Jly 2006 cT-18.1 Reg 1 s5.

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Notice of seizure

6 The prescribed form of a notice of seizure and impoundment or immobilization and a notice of seizure and direction is Form A.

7 Jly 2006 cT-18.1 Reg 1 s6.

Application of proceeds of sale

7(1) If a garage keeper sells a motor vehicle pursuant to subsection 161(4) of the Act, the garage keeper shall apply the proceeds of the sale:

(a) firstly, to the satisfaction of any lien that the garage keeper has pursuant to subsection 161(2) of the Act; and

(b) secondly, towards satisfaction of any security interest registered pursuant to *The Personal Property Security Act, 1993*.

(2) If, after applying the proceeds of a sale in the manner prescribed in subsection (1), any excess remains, the garage keeper shall forward the excess to the administrator.

(3) If the administrator receives moneys pursuant to subsection (2), the administrator shall:

(a) apply the moneys towards any outstanding administrative fees incurred by the administrator as a result of the seizure, impoundment or immobilization of the vehicle; and

(b) forward any balance remaining to the owner of the vehicle.

(4) Notwithstanding subsection (3), the administrator shall not refund any amount pursuant to clause (3)(b) unless the amount exceeds \$1.

7 Jly 2006 cT-18.1 Reg 1 s7.

Declaration of garage keeper

8 For the purposes of clause 161(6)(b) of the Act, the statutory declaration by a garage keeper declaring that the amount of the lien arising out of the seizure, impoundment or immobilization exceeds the garage keeper's estimate of the value of the motor vehicle is to be in Form B.

7 Jly 2006 cT-18.1 Reg 1 s8.

Application for early release

9(1) If a person applies pursuant to subsection 162(1) of the Act to a hearing officer for the release of a motor vehicle that has been seized and impounded or immobilized, the person shall:

(a) apply to the board in the manner set out in Form A; and

(b) pay a fee of \$100.

(2) A person making an application mentioned in subsection (1) shall deliver the fee and the application to a licence issuer.

7 Jly 2006 cT-18.1 Reg 1 s9; 3 Nov 2006 SR 101/2006 s3.

Appeal against 60-day seizure

10(1) If a person applies pursuant to subsection 163(5) of the Act to a hearing officer for an order that an impoundment or immobilization for a period of 60 days imposed pursuant to subsection 163(3) does not apply, the person shall:

- (a) apply to the board in the manner set out in Form A; and
- (b) pay a fee of \$100.

(2) A person making an application mentioned in subsection (1) shall deliver the fee and the application to a licence issuer.

7 Jly 2006 cT-18.1 Reg 1 s10; 3 Nov 2006 SR 101/2006 s4.

Report re impoundment

11 If an application is made pursuant to subsection 163(5) of the Act to a hearing officer for an order that an impoundment or immobilization for a period of 60 days imposed pursuant to subsection 163(3) of the Act does not apply, the report required to be prepared by the administrator pursuant to subsection 163(6) of the Act shall contain the following information, in addition to the information required by clause 163(6)(a) of the Act:

- (a) the previous occasions within the last two years in which the applicant has been operating a motor vehicle on an occasion giving rise to a seizure and impoundment or immobilization pursuant to subsection 160(2) of the Act;
- (b) a description of vehicles owned by the applicant that have been seized and impounded or immobilized within the previous two years pursuant to clause 160(2)(a) of the Act;
- (c) the owner of vehicles operated by the applicant that have been seized and impounded or immobilized within the previous two years pursuant to clause 160(2)(a) of the Act; and
- (d) the disposition of all seizures and impoundments or immobilizations described in clauses (a) and (b).

7 Jly 2006 cT-18.1 Reg 1 s11.

Personal property that may be removed

12 For the purposes of subsection 165(3) of the Act, the following types of personal property are prescribed as personal property that may be removed from a motor vehicle:

- (a) child restraint systems;
- (b) infant restraint systems;
- (c) booster cushions;
- (d) devices for the use of persons with a physical disability.

7 Jly 2006 cT-18.1 Reg 1 s12.

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Request for authorization to impound or immobilize

13(1) If a peace officer applies for an order authorizing the impoundment or immobilization of the motor vehicle on the grounds that he or she has reasonable grounds to believe that the circumstances mentioned in subsection 160(5) of the Act exist, the application is to be in Form C.

(2) If, on an application made pursuant to subsection (1), the justice is satisfied that the peace officer has reasonable grounds to believe that an unauthorized driver has driven the motor vehicle for which the order is requested, the justice may grant an order in Form D directed to the person named in the order:

- (a) to impound or immobilize the motor vehicle; and
- (b) to enter any building or place where the motor vehicle can be found for the purpose of impounding or immobilizing the motor vehicle.

7 Jly 2006 cT-18.1 Reg 1 s13.

PART III
Impoundment of Vehicles Creating a Hazard

Impoundment of vehicles creating a hazard

13.1(1) Subject to subsection (2), for the purposes of clause 280(2)(a) of the Act, a peace officer may seize and impound a vehicle if, in the opinion of the peace officer:

- (a) the vehicle is apparently abandoned on a highway at a place, or in a manner, that constitutes a hazard to other users of the highway;
- (b) the driver has in his or her body alcohol, a drug or a substance that causes the driver to be unable to safely operate the vehicle; or
- (c) the driver has a medical condition that may interfere with the safe operation of the vehicle.

(2) A peace officer may seize and impound a vehicle only if:

- (a) in the circumstances mentioned in clause (1)(b), the driver has been suspended from driving or operating the vehicle pursuant to Division 3 of Part XIII of the Act; and
- (b) in the circumstances mentioned in clause (1)(b) or (c), there is no other person authorized by the driver or owner of the vehicle whom the peace officer is satisfied is able to safely operate the vehicle.

(3) For the purposes of subsection 280(3) of the Act, a vehicle must remain impounded until the later of:

- (a) the time that a peace officer is satisfied that the owner or a person authorized by the owner of the vehicle is able to operate the vehicle; and
- (b) if the vehicle is stored with a garage keeper, the date that the fees, costs and charges mentioned in subsection (4) have been paid to the garage keeper.

(4) A garage keeper who impounds or immobilizes a motor vehicle pursuant to section 280 of the Act is entitled to the fees, costs and charges set forth in Table 1.

5 Jly 2013 SR 45/2013 s8; 9 Aug 2013 SR 65/
2013 s2.

PART IV
Repeal and Coming into Force**R.R.S. c.H-3.1 Reg 17 repealed**

14 *The Vehicle Impoundment (Unauthorized Driver) Regulations* are repealed.

7 Jly 2006 cT-18.1 Reg 1 s14.

Coming into force

15(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Traffic Safety Act* comes into force.

(2) If section 1 of *The Traffic Safety Act* comes into force before the day on which these regulations are filed with the Registrar of Regulations, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

7 Jly 2006 cT-18.1 Reg 1 s15.

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Appendix

Part 1

TABLE 1
[Sections 3 and 13.1]

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Item	Costs and charges where the place of seizure, impoundment and storage is in the City of Regina or the City of Saskatoon	Costs and charges where the place of seizure, impoundment and storage is outside the City of Regina or the City of Saskatoon	Costs and charges where the place of seizure and impoundment is outside the City of Regina or the City of Saskatoon and the place of storage is in the City of Regina or the City of Saskatoon
1. Towing and transportation of impounded vehicles (regardless of time of day or night) with a registered gross vehicle weight not exceeding 5 500 kg from the place of seizure to the place of impoundment including: – pick-up by whatever means necessary, – the first day of storage, – cost of remitting administration fee, – credit card discounts, and any other costs and charges for any service not otherwise specifically provided for in this Table, in the Act or the regulations	\$55	\$50 plus \$2.00 per loaded km	\$50 plus \$2.00 per loaded km
2. Winching or dolly costs when required to transport vehicle	\$25	\$25	\$25
3. Storage per day of impounded vehicle with a registered gross vehicle weight not exceeding 5 500 kg	\$10	\$10	\$10
4. Towing and transportation of impounded vehicles (regardless of time of day or night) with a registered gross vehicle weight exceeding 5 500 kg from the place of seizure to the place of impoundment including: – pick up by whatever means necessary, – the first day of storage, – cost of remitting administration fee, – credit card discounts, – attached semi-trailer, and any other costs and charges for any service not otherwise specifically provided for in this Table, in the Act or the regulations	\$100	\$75 plus \$2.25 per loaded km	\$75 plus \$2.25 per loaded km
5. Storage per day of impounded vehicle with a registered gross vehicle weight exceeding 5 500 kg	\$10	\$10	\$10
6. Access to the vehicle while impounded during the garage keeper's regular business hours	\$0	\$0	\$0

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7. Administrative costs associated with the impoundment	\$22	\$22	\$22
8. If there is a transfer of ownership of the motor vehicle to the garage owner pursuant to subsection 161(7) of the Act, postage costs associated with delivering to the administrator the licence plates of the motor vehicle pursuant to clause 161(1)(6)(a) of the Act	\$7	\$7	\$7

18 May 2012 SR 30/2012 s2; 5 Jly 2013 SR 45/
2013 s10.

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Part 2 FORM A [Section 6]

Notice of Seizure and Impoundment or Immobilization/Notice of Seizure and Direction

Driver Information

Name of Driver: _____
(Last name) (initial) (First name)

Date of Birth: ____/____/____

Drivers Licence #: Saskatchewan _____

Other Jurisdiction: _____
(Province/State) (number)

Address: _____
Street or box number City Province/State Postal Code

Telephone: _____

Vehicle Information: _____

Licence Plate or Certificate Number: _____ Issuing Jurisdiction: _____

Year: ____ Colour: ____ Make/model: ____ V.I.N.: ____

Registered Owner: _____ or: ____ same as above

Name of Registered Owner: _____
First name initial Last Name

Address: _____
Street or box number City Province/State Postal Code

Date of Birth: ____/____/____ Telephone: _____

The undersigned Peace Officer has reason to believe that the above-noted driver was operating the above-noted vehicle while he or she was an unauthorized driver, and has therefore seized the motor vehicle. The vehicle:

_____ has been impounded for a minimum of thirty (30) days* from:

date and time of seizure: ____/____/____ : ____ hrs.

The motor vehicle has been impounded by: _____
Business name

at _____
Address of business impounding vehicle

_____ is to be produced on: ____/____/____, at ____ : ____ hrs. at: _____

_____. The vehicle will be impounded for a minimum of
thirty (30) days* from that date and time.

Dated this _____ day of _____, 20 ____.

Peace officer Detachment or Service

**This impoundment period may be extended by the Administrator if certain conditions are met. See reverse for further information.*

1. Peace officer
2. Garage Keeper
3. Registered Owner
4. Driver

T-18.1 REG 1**VEHICLE IMPOUNDMENT
(UNAUTHORIZED DRIVER)****FORM A REVERSE****Conditions:**

The vehicle will be impounded for 30 days on the driver's first occurrence of driving while disqualified, suspended or without a licence, regardless of who owns the vehicle. Once the vehicle is impounded the licence plates on the vehicle cannot be cancelled or transferred to another vehicle.

If a driver has two or more incidents within a two-year period, the vehicle being driven will be impounded for 60 days. It need not be the same vehicle.

Application for Early Release from Impoundment

The owner (or other person affected by the impoundment) can apply for early release of the vehicle from impoundment in the following situations:

Grounds for Early Release:

1. The vehicle owner reported the vehicle stolen;
2. The owner could not have reasonably known of the driver's disqualification;
3. The driver could not have reasonably known of his or her own disqualification;
4. The continued impoundment would pose a serious threat to the health of any person;
5. The continued impoundment would cause extreme hardship for person(s) other than the driver;
6. The 60-day impoundment term should have been 30 days.

Applications for early release of a vehicle can be obtained at any licence issuer upon payment of the \$100.00 application fee. A telephone hearing will be set up with the Highway Traffic Board within three days. Results of the hearing -- whether or not the vehicle will be released early -- will be provided by telephone. If the application for early release is successful, the \$100 fee will be refunded.

Release Cost

At the end of the impoundment term, or after early release has been granted, a Vehicle Impoundment Release Certificate must be purchased at the cost of \$50.00, at any licence issuer's office. You must take the certificate to the garage keeper where the vehicle is impounded to authorize its release. All towing and storage costs must be paid to the garage keeper before the vehicle can be released.

If the vehicle is not claimed on or within 15 days after the end of the impoundment term, the vehicle will be disposed of by the garage keeper to cover the costs associated with the impoundment. For more information, please call 1-800-667-9868.

UNDER *THE TRAFFIC SAFETY ACT*, SECTION 165(2) - NO PERSON SHALL REMOVE THE LICENCE PLATES FROM A MOTOR VEHICLE, OR ATTEMPT TO TRANSFER THE LICENCE PLATES, OR TRANSFER THE OWNERSHIP, OR TRANSFER OR CANCEL THE REGISTRATION OF A MOTOR VEHICLE SEIZED AND IMPOUNDED OR IMMOBILIZED.

NO PERSON SHALL REMOVE PERSONAL PROPERTY THAT IS ATTACHED TO A MOTOR VEHICLE OR THAT IS CONNECTED WITH THE OPERATION OF A MOTOR VEHICLE THAT HAS BEEN SEIZED AND IMPOUNDED OR IMMOBILIZED, OTHER THAN CHILD RESTRAINT SYSTEMS, INFANT RESTRAINT SYSTEMS, BOOSTER CUSHIONS AND DEVICES FOR THE USE OF PERSONS WITH A PHYSICAL DISABILITY, AS PRESCRIBED IN SECTION 12 OF *THE VEHICLE IMPOUNDMENT (UNAUTHORIZED DRIVERS) REGULATIONS*.

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FORM B [Section 8]

Impoundment Unit, 2260 11th Avenue
Regina, Saskatchewan S4P 2N7

STATUTORY DECLARATION VEHICLE IMPOUNDMENT

I, _____, of _____, carrying on the
business of garage keeper at _____, DO SOLEMNLY DECLARE: With respect to the
following vehicle: Year _____,

Make/Model _____ VIN _____

Plate Number _____

● Transfer of Ownership

1. THAT by reason of section 161 of *The Traffic Safety Act*, I have a lien on the above vehicle:

for _____
(specify, e.g. towing and/or storage)

2. THAT in my opinion, the vehicle is worth no more than \$ _____.

3. THAT I have surrendered licence plate _____.
(licence plate number)

● Disposal of Vehicle

This vehicle was sold/disposed of on _____ for the amount of \$ _____.
Date

Attach copy of the bill of sale to this form and submit vehicle licence plates.
Attach copy of lien search done through *The Personal Property Security Act, 1993*.

The towing cost for this vehicle is \$ _____.

Towed by _____
Company Name and Address

The storage cost for the above vehicle is \$ _____.

Company Name and Address

I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the
Canada Evidence Act.

Declared before me at _____

in Saskatchewan this _____

day of _____ A.D. 20 _____

_____) _____
A Commissioner for Oaths in and for Saskatchewan Garage Keeper's Signature

My Appointment expires _____, 20 _____

1. SGI 2. Garage Keeper

T-18.1 REG 1**VEHICLE IMPOUNDMENT
(UNAUTHORIZED DRIVER)****FORM C**

[Subsection 13(1)]

**Information to obtain an order to impound or immobilize
a motor vehicle pursuant to section 168 of *The Traffic Safety Act*.**Canada
Province of Saskatchewan

This is the information of A.B., of _____, in Saskatchewan, Peace Officer, called "the informant", taken before me.

The informant says that (*describe the motor vehicle to be searched for, and the reason for seeking the order*), and that he/she believes on reasonable grounds that the motor vehicle, or some part of the motor vehicle is located in OR AT the (*dwelling house, garage, shed, or other property*) of C.D., of _____ in Saskatchewan.The reason for the informant's belief is (*here add the reasons for the belief*).Wherefore, the informant requests that an order be granted to enter the (*dwelling house, garage, shed, or other property*) and impound or immobilize the motor vehicle discovered.

Sworn before me this _____ day of _____,

A.D. 20 _____, at _____

Signature of Informant

in Saskatchewan.

*A Justice of the Peace, in and for
Saskatchewan***FORM D**

[Subsection 13(2)]

**Order to impound or immobilize a motor vehicle pursuant
to section 168 of *The Traffic Safety Act*.**Canada
Province of Saskatchewan

To A.B. and other peace officers in Saskatchewan:

Whereas it appears on the oath of A.B., a peace officer in Saskatchewan, that there are reasonable grounds for believing that the following motor vehicle(s)
(*describe vehicles to be searched for*)used by C.D., an unauthorized driver within the meaning of *The Traffic Safety Act* and the regulations made pursuant to that Act, is or are to be found in the following places or premises
(*describe place or premises to be entered*)This is therefore to authorize you to enter that place or those premises between the hours of (*justice may direct*) and impound or immobilize the motor vehicle(s).Issued at (*time*) on the (*day*) of (*month*) 20 _____, at (*place*) in Saskatchewan._____
*A Justice of the Peace, in and for
Saskatchewan*