

The Driver Licensing and Suspension Regulations

Repealed

by Chapter T-18.1 Reg 2 (effective July 1, 2006).

Formerly

Chapter V-2.1 Reg 15 (effective August 1, 1996. Section 15 comes into force August 1, 1997.) as amended by Saskatchewan Regulations 83/1999, 2/2001, 22/2001, 84/2001, 17/2003, 73/2004, 20/2005 and 93/2005.

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 V-2.1 REG 15
The Vehicle Administration Act

PART I
Title and Interpretation

Title

1 These regulations may be cited as *The Driver Licensing and Suspension Regulations*.

Interpretation

2(1) In these regulations:

- (a) **“Act”** means *The Vehicle Administration Act*;
- (b) **“addictions counsellor”** means a person:
 - (i) employed as an addictions counsellor by a health district established pursuant to *The Health Districts Act*; or
 - (ii) working as an addictions counsellor under contract to a health district established pursuant to *The Health Districts Act*;
- (c) **“bus”** means a vehicle that has a seating capacity of more than 15 passengers;
- (c.1) **“child”**, with respect to an individual, includes:
 - (i) another individual to whom the individual stands in the place of a parent; and
 - (ii) another individual for whose support an individual was, at the relevant date for the purposes of these regulations, liable pursuant to any Act or Act of the Parliament of Canada;
- (d) **“class 1 motor vehicles”** means:
 - (i) power unit and semi-trailer combinations;
 - (ii) trucks, other than two-axle trucks that are registered as Class F, when towing a vehicle or vehicles the combined gross weight of which exceeds 4,600 kilograms; and
 - (iii) buses when towing a vehicle or vehicles, the combined gross weight of which exceeds 4,600 kilograms;
- (e) **“class 2 motor vehicles”** means buses that have a seating capacity of more than 24 passengers, when transporting passengers;

- (f) **“class 3 motor vehicles”** means:
- (i) trucks with more than two axles, other than trucks registered as Class F;
 - (ii) trucks mentioned in subclause (i), when towing a vehicle or vehicles the combined gross weight of which does not exceed 4,600 kilograms; and
 - (iii) power units with more than two axles, when not towing a trailer;
- (g) **“class 4 motor vehicles”** means:
- (i) buses that have a seating capacity of not more than 24 passengers, when transporting passengers;
 - (ii) vehicles registered in Class PT pursuant to *The Vehicle Classification and Registration Regulations*, when transporting not more than 24 passengers for hire;
 - (iii) vehicles registered in Class PB or PC pursuant to *The Vehicle Classification and Registration Regulations*:
 - (A) when transporting not more than 24 passengers for hire; and
 - (B) when not used exclusively to transport passengers with a disability and any attendants to those passengers;
 - (iv) ambulances, when being used for hire;
- (h) **“class 5 motor vehicles”** means:
- (i) subject to clauses (c), (d) and (f), vehicles with not more than two axles other than motorcycles;
 - (ii) trucks with two axles registered as Class F, when towing any vehicle;
 - (iii) trucks with two axles, when towing a vehicle or vehicles whose combined gross weight does not exceed 4,600 kilograms;
 - (iv) trucks with more than two axles registered as Class F;
 - (v) trucks with more than two axles registered as Class F, when towing a vehicle or vehicles whose combined gross weight does not exceed 4,600 kilograms;
 - (vi) buses, when not carrying passengers;
 - (vi.1) vehicles registered in Class PB or PC pursuant to *The Vehicle Classification and Registration Regulations*:
 - (A) when transporting not more than 24 passengers for hire; and
 - (B) when used exclusively to transport passengers with a disability and any attendants to those passengers;
 - (vii) motor homes with three axles;

- (viii) public service vehicles used in the operation of a taxi service, when not being used for hire;
 - (ix) ambulances, when not being used for hire;
 - (x) law enforcement vehicles; and
 - (xi) any vehicle registered as a school bus, with or without passengers;
- (i) **Repealed.** 16 Sep 2005 SR 93/2005 s3.
- (i.1) **“disability”** means, with respect to a person:
- (i) a loss of function of lower limbs that requires the person to use a wheelchair;
 - (ii) a physical or mental impairment, of a permanent or temporary nature, that requires the person to use a mechanical aid, including a walker or crutches;
 - (iii) a physical impairment, including the effects of aging, that causes the person to be unstable or to have difficulty when walking;
 - (iv) a physical restriction or condition that makes walking a further risk to the person’s health;
- (j) **“driver training school”** means a driver training school that is the holder of a driver training school certificate issued pursuant to *The Driver Training Regulations, 1986*;
- (k) **“DWI course”** means a Driving Without Impairment course of studies approved by the administrator;
- (l) **“fee regulations”** means *The Vehicle Administration Fees Regulations, 1996*;
- (l.1) **“ignition interlock device”** means a device approved by the administrator that:
- (i) is installed in a vehicle; and
 - (ii) is designed to measure the concentration of alcohol in the driver’s blood;
- (l.2) **“ignition interlock program”** means a program that enables a driver to operate a motor vehicle with an ignition interlock device subject to the terms and conditions set out in sections 33.1, 33.2 and 33.3;
- (l.3) **“immediate family”**, with respect to an individual, means the individual’s:
- (i) spouse;
 - (ii) child;
 - (iii) parent;
 - (iv) brother or sister; or
 - (v) grandmother or grandfather

- (m) **“medical report”** means a medical report described in clause 15(3)(b) of the Act with respect to the applicant for or holder of a driver’s licence or applicant for a renewal of a driver’s licence;
- (n) **“new driver”** means a driver described in subsection (2);
- (n.1) **“parent”** means:
- (i) the mother or the father of a child;
 - (ii) a person to whom custody of a child has been granted by a court of competent jurisdiction or by a custody agreement; or
 - (iii) a person with whom a child resides and who stands in the place of a parent to the child;
- (o) **“passenger”** does not include:
- (i) the driver of a vehicle;
 - (ii) a mechanic when present for the purpose of testing or inspecting the vehicle;
 - (iii) a driver examiner; or
 - (iv) where the driver is a learner, a person licensed to drive the vehicle who is present for the purpose of supervising the learner;
- (p) **Repealed.** 16 Sep 2005 SR 93/2005 s3.
- (q) **“provisional driver’s licence”** means a driver’s licence mentioned in subsection 33(6);
- (r) **“registered”**, for the purposes of clauses (d), (f) and (h), means registered pursuant to the Act as required by *The Highway Traffic Act*;
- (r.1) **“restricted driver’s licence”** means a driver’s licence that has been restricted by the administrator, and includes a driver’s licence mentioned in subsection 33.1(1) or section 34;
- (s) **“seating capacity”** means the maximum number of adult persons that can be seated in a vehicle when all seats for passengers are occupied.
- (t) **“spouse”**, with respect to an individual, means:
- (i) the legally married spouse of the individual; or
 - (ii) if the individual does not have a spouse within the meaning of subclause (i), another individual with whom the individual is cohabitating and has co-habitated as spouses:
 - (A) continuously for a period of not less than two years; or
 - (B) continuously for a period of not less than one year, if they are parents of a child.

(2) For the purposes of these regulations and the Act, “**new driver**” means, subject to sections 27 and 36.1:

- (a) the holder of a class 7 driver’s licence;
- (b) the holder of a class 5 driver’s licence with a novice 1 or novice 2 restriction noted on the driver’s licence; or
- (c) the holder of a licence issued by another jurisdiction that is equivalent to a driver’s licence described in either clause (a) or (b).

(3) **Repealed.** 4 Apr 2003 SR 17/2003 s3.

19 Jly 96 cV-2.1 Reg 15 s2; 16 Nov 2001
SR 84/2001 s3; 4 Apr 2003 SR 17/2003 s3; 10
Sep 2004 SR 73/2004 s3; 18 Mar 2005 SR 20/
2005 s3; 16 Sep 2005 SR 93/2005 s3.

PART II

Driving Authority and Restrictions

Class 1 driver’s licence

3 The holder of a class 1 driver’s licence may operate:

- (a) classes 1, 2, 3, 4 and 5 motor vehicles;
- (b) where his or her driver’s licence bears the endorsement “M”, motorcycles; and
- (c) where his or her driver’s licence bears the endorsement “6”, motorcycles as a learner.

19 Jly 96 cV-2.1 Reg 15 s3.

Class 2 driver’s licence

4 The holder of a class 2 driver’s licence may operate:

- (a) classes 2, 3, 4 and 5 motor vehicles;
- (b) where his or her driver’s licence bears the endorsement “M”, motorcycles;
- (c) where his or her driver’s licence bears the endorsement “6”, motorcycles as a learner; and
- (d) where his or her driver’s licence bears the endorsement “1”, class 1 motor vehicles as a learner.

19 Jly 96 cV-2.1 Reg 15 s4.

Class 3 driver's licence

5 The holder of a class 3 driver's licence may operate:

- (a) classes 3, 4 and 5 motor vehicles;
- (b) where his or her driver's licence bears the endorsement "M", motorcycles;
- (c) where his or her driver's licence bears the endorsement "6", motorcycles as a learner;
- (d) where his or her driver's licence bears the endorsement "1", classes 1 and 2 motor vehicles as a learner; and
- (e) where his or her driver's licence bears the endorsement "2", class 2 motor vehicles as a learner.

19 Jly 96 cV-2.1 Reg 15 s5.

Class 4 driver's licence

6 The holder of a class 4 driver's licence may operate:

- (a) classes 4 and 5 motor vehicles;
- (b) where his or her driver's licence bears the endorsement "M", motorcycles;
- (c) where his or her driver's licence bears the endorsement "6", motorcycles as a learner;
- (d) where his or her driver's licence bears the endorsement "1", classes 1, 2 and 3 motor vehicles as a learner;
- (e) where his or her driver's licence bears the endorsement "2", classes 2 and 3 motor vehicles as a learner; and
- (f) where his or her driver's licence bears the endorsement "3", class 3 motor vehicles as a learner.

19 Jly 96 cV-2.1 Reg 15 s6.

Class 5 driver's licence

7 The holder of a class 5 driver's licence may operate:

- (a) class 5 motor vehicles;
- (b) where his or her driver's licence bears the endorsement "M", motorcycles;
- (c) where his or her driver's licence bears the endorsement "6", motorcycles as a learner;
- (d) where his or her driver's licence bears the endorsement "1", classes 1, 2, 3 and 4 motor vehicles as a learner;
- (e) where his or her driver's licence bears the endorsement "2", classes 2, 3 and 4 motor vehicles as a learner;

(f) where his or her driver's licence bears the endorsement "3", classes 3 and 4 motor vehicles as a learner; and

(g) where his or her driver's licence bears the endorsement "4", class 4 motor vehicles as a learner.

19 Jly 96 cV-2.1 Reg 15 s7.

Holder of European driver permit may operate class 5 motor vehicles

7.1(1) In this section, "**European driver permit**" means a valid driving permit that is:

- (a) issued to a person by a member state of the European Union; and
- (b) recognized by all member states of the European Union.

(2) The holder of a European driver permit may operate class 5 motor vehicles.

4 Apr 2003 SR 17/2003 s4.

8 Repealed. 16 Sep 2005 SR 93/2005 s4.

Class 7 driver's licence

9 The holder of a class 7 driver's licence may operate:

- (a) a class 5 motor vehicle as a learner; and
- (b) if the holder's driver's licence bears:
 - (i) an "M" endorsement, a motorcycle; or
 - (ii) a "6" endorsement, a motorcycle as a learner.

16 Sep 2005 SR 93/2005 s5.

Classes for snowmobiles

10(1) In this section:

- (a) "**accompanied and supervised**" means accompanied and supervised as defined in *The Snowmobile Regulations, 1998*;
- (b) "**snowmobile**" means a snowmobile as defined in *The Snowmobile Act*.

(2) The holder of a class 1, 2, 3, 4 or 5 driver's licence may operate a snowmobile.

(3) Subject to *The Snowmobile Act* and subsection (4), the holder of a class 7 driver's licence may operate a snowmobile that is required to be registered but only if the holder of the class 7 driver's licence is:

- (a) accompanied on the snowmobile by the holder of a class 1, 2, 3, 4 or 5 driver's licence; or
- (b) accompanied and supervised by the holder of a class 1, 2, 3, 4, or 5 driver's licence operating another snowmobile.

(4) For the purposes of accompanying or supervising the holder of a class 7 driver's licence on a snowmobile, the holder of a class 5 driver's licence must not be the holder of a class 5 driver's licence with a novice 1 or novice 2 restriction.

16 Sep 2005 SR 93/2005 s6.

Other restrictions

- 11(1) Subject to subsections (2) and (3), no driver's licence permits its holder to operate a motor vehicle that is equipped with air brakes unless the licence bears the endorsement "A".
- (2) Subsection (1) does not apply to a person operating a class 5 motor vehicle that is registered as Class F.
- (3) A person whose driver's licence does not bear the endorsement "A" may operate a motor vehicle equipped with air brakes as a learner if the licence would permit him or her to operate the vehicle if it were not so equipped.
- (4) No driver shall operate a school bus when carrying a passenger unless that driver has been issued and holds a valid school bus endorsement card issued by the administrator.
- (5) No driver's licence permits its holder to operate a class 5 motor vehicle that is transporting more than 12 passengers unless he or she is at least 18 years of age.
- (6) A class 7 licence held by a person who is 15 years of age remains valid only if the person is enrolled in or has completed a high school driver training program that is under the direction of the Government of Saskatchewan.
- (7) A class 7 driver's licence may only be endorsed with an "M" or "6" endorsement if the holder of the class 7 driver's licence is 16 years of age or older.

19 Jly 96 cV-2.1 Reg 15 s11; 19 Nov 99 SR 83/
1999 s3; 10 Sep 2004 SR 73/2004 s4; 16 Sep
2005 SR 93/2005 s7.

Restrictions on holders of class 7 driver's licences

- 12(1) For the purposes of the Act and these regulations, a class 7 driver's licence is deemed to be a learner's licence.
- (2) For the purposes of this section, the following are not permitted to accompany and supervise the holder of a class 7 driver's licence:
- (a) another holder of a class 7 driver's licence;
 - (b) the holder of a class 5 driver's licence with a novice 1 or novice 2 restriction.
- (3) The holder of a class 7 driver's licence shall not operate a motor vehicle, other than a motorcycle, unless he or she is accompanied and supervised by another person who:
- (a) holds a driver's licence, and has held a driver's licence for 365 days in the preceding three years, that permits the other person to operate the vehicle being operated by the person holding the class 7 licence;
 - (b) occupies the seat that:
 - (i) is nearest to the person holding the class 7 driver's licence; and
 - (ii) is, other than the driver's seat, nearest to the controls of the vehicle; and
 - (c) is at all times conscious and capable of lawfully assuming the operation of the vehicle.

- (4) The holder of a class 7 driver's licence, when operating a motor vehicle, shall not:
- (a) transport passengers other than an immediate family member between the hours of 12:00 a.m. and 5:00 a.m. each day;
 - (b) when operating a vehicle with a rear seat, transport any passengers in the front seat other than the supervising driver;
 - (c) transport more passengers than there are seat belts in the vehicle.
- (5) If there is no seat-belt assembly in the vehicle, the holder of a class 7 driver's licence shall not transport more than three passengers in the vehicle in addition to the supervising driver.
- (6) No holder of a class 7 driver's licence nor any person whose driver's licence entitles that person to operate a motorcycle as a learner shall operate a motorcycle:
- (a) at night;
 - (b) when accompanied by a passenger; or
 - (c) outside a 100 kilometre radius from the address or secondary address listed on the certificate of registration for the motorcycle.

16 Sep 2005 SR 93/2005 s8.

Eligibility for class 1, 2, 3 or 4 driver's licence

- 13(1)** No person is eligible to be issued a class 1, 2, 3 or 4 driver's licence unless he or she is at least 18 years of age.
- (2) No new driver is eligible to be issued:
- (a) a class 1, 2, 3, or 4 driver's licence; or
 - (b) a class 1, 2, 3 or 4 endorsement on his or her driver's licence.
- (3) No new driver is eligible to be issued a class 5 driver's licence unless he or she:
- (a) is at least 16 years of age;
 - (b) files with the administrator a medical report whenever requested by the administrator; and
 - (c) has held a class 5 driver's licence with a novice 2 restriction for at least 365 days before being eligible for a class 5 driver's licence.
- (4) Subject to subsection (6), the following rules apply for the purpose of calculating when the holder of a class 5 driver's licence with a novice 2 restriction has held that licence for 365 days:
- (a) the first day of the holder's 365-day period is to be the day the holder applies for and receives a class 5 driver's licence with a novice 2 restriction;

- (b) the calculation of the 365 days is to stop if, at any time during the period the holder holds the class 5 driver's licence with a novice 2 restriction, any of the following occurs:
- (i) the holder is determined by the administrator to be at least 50% at fault for an accident;
 - (ii) the holder is convicted of an offence pursuant to *The Highway Traffic Act*;
 - (iii) the holder is convicted of an offence pursuant to section 220, 221 or 236, clause 249(1)(a), subsection 249(3) or (4), section 249.1 or 252, clause 253(a) or (b), subsection 255(2) or (3) or subsection 259(4) of the *Criminal Code* committed by means of a motor vehicle;
 - (iv) the holder is convicted of an offence pursuant to subsection 254(5) of the *Criminal Code* for failure or refusal to comply with a breath demand pursuant to section 254;
 - (v) subject to (7), the holder is disqualified from driving a motor vehicle on a highway, or the holder's driver's licence is suspended, pursuant to the Act or the regulations; or
 - (vi) the holder's driver's licence is suspended pursuant to section 91 of *The Highway Traffic Act*.
- (5) If the calculation of the 365-day period is stopped pursuant to subsection (4):
- (a) the holder is deemed not to have previously held a class 5 driver's licence with a novice 2 restriction; and
 - (b) the calculation of the 365-day period must begin again with the first day of the holder's 365-day period being the day following the latest of the following:
 - (i) the date of the holder's conviction;
 - (ii) the date of the accident; or
 - (iii) if the holder's driver's licence is subject to a suspension or the holder is disqualified from driving a motor vehicle on a highway, the date the driver's licence is reinstated or the period of disqualification ends.
- (6) The calculation of the holder's 365-day period is to be interrupted until the holder once again holds a valid driver's licence if any of the following circumstances occurs:
- (a) if the holder's driver licence is not suspended or the holder is not disqualified from driving a motor vehicle on a highway and the holder has failed to renew his or her driver's licence;
 - (b) if the holder is prohibited from renewing his or her driver's licence pursuant to clause 15(2)(e), (f), (g), (g.1), (g.2), (h), (i.1), (m), (m.1), (m.2) or (n) or section 23.1 of the Act.

(7) If a holder's driver's licence is suspended pursuant to clause 23(1.1)(a), (b), (d), (e) or (f) or section 58 of the Act:

- (a) subsection (4) is not to apply to the calculation of the holder's 365-day period; and
- (b) calculation of the holder's 365-day period is to be interrupted until the holder once again holds a valid driver's licence.

16 Sep 2005 SR 93/2005 s8.

Eligibility for class 5 driver's licence with a novice 2 restriction

14(1) No person is eligible for a class 5 driver's licence with a novice 2 restriction unless he or she:

- (a) is at least 16 years of age;
- (b) files with the administrator a medical report whenever requested by the administrator; and
- (c) has held a valid class 5 driver's licence with a novice 1 restriction for at least 183 days before being eligible for a class 5 driver's licence with a novice 2 restriction.

(2) For the purposes of clause (1)(c), when calculating the number of days a holder has held a valid class 5 driver's licence with a novice 1 restriction, the administrator shall not include in the calculation any period during which:

- (a) the holder is disqualified from driving a motor vehicle on a highway, or the holder's driver's licence is suspended, pursuant to the Act or the regulations;
- (b) the holder's driver's licence is suspended pursuant to section 91 of the *Highway Traffic Act*;
- (c) the holder is disqualified from driving a motor vehicle on a highway as a result of a conviction for an offence pursuant to section 220, 221, or 236, clause 249(1)(a), subsection 249(3) or (4), section 249.1 or 252, clause 253(a) or (b), subsection 255(2) or (3) or subsection 259(4) of the *Criminal Code* committed by means of a motor vehicle; or
- (d) the holder does not hold a valid driver's licence or has been refused renewal of his or her driver's licence.

16 Sep 2005 SR 93/2005 s8.

Eligibility for class 5 driver's licence with a novice 1 restriction

15(1) No person is eligible for a class 5 driver's licence with a novice 1 restriction unless he or she:

- (a) is at least 16 years of age;
- (b) submits to the administrator evidence satisfactory to the administrator of his or her name and age;

- (c) if he or she is under 18 years of age and has not previously held a driver's licence, submits to the administrator the written consent of one of his or her parents;
 - (d) files with the administrator a medical report whenever requested by the administrator;
 - (e) has passed the vision, sign, road and written or oral tests determined by the administrator for a class 5 licence;
 - (f) has held a valid class 7 driver's licence for at least 274 days before applying for a class 5 driver's licence with a novice 1 restriction; and
 - (g) either:
 - (i) has undergone and successfully completed a high school driver training program that is under the control of the Government of Saskatchewan; or
 - (ii) has received a minimum of six hours of in-car training and a minimum of six hours of classroom training by a driver instructor as defined in *The Driver Training Regulations, 1986*.
- (2) For the purposes of clause (1)(f), when calculating the number of days a driver has held a class 7 driver's licence the administrator shall not include in the calculation any period during which:
- (a) the holder is disqualified from driving a motor vehicle on a highway, or the holder's driver's licence is suspended, pursuant to the Act or the regulations;
 - (b) the holder's driver's licence is suspended pursuant to section 91 of *The Highway Traffic Act*;
 - (c) the holder is disqualified from driving a motor vehicle on a highway as a result of a conviction for an offence pursuant to sections 220, 221, 236, clause 249(1)(a), subsection 249(3) or (4), section 249.1, 252, clause 253(a) or (b), subsection 255(2) or (3) or subsection 259(4) of the *Criminal Code* committed by means of a motor vehicle; or
 - (d) the holder does not hold a valid driver's licence or has been refused renewal of his or her driver's licence.

16 Sep 2005 SR 93/2005 s8.

Eligibility for class 7 driver's licence

16 No person is eligible for a class 7 driver's licence unless he or she:

- (a) is either:
 - (i) at least 16 years of age; or
 - (ii) at least 15 years of age and enrolled in or has completed a high school driver training program;
- (b) if he or she is under 18 years of age and has not previously held a driver's licence, submits to the administrator the written consent of one of his or her parents;

- (c) files with the administrator a medical report whenever requested by the administrator; and
- (d) has passed the vision, sign, and written or oral tests determined by the administrator for a class 7 licence.

16 Sep 2005 SR 93/2005 s8.

Limits on holders of class 5 driver's licence with novice 1 restriction

16.1(1) Subject to subsection (2), the holder of a class 5 driver's licence with a novice 1 restriction must not transport more than one passenger.

(2) Subject to subsections (3) and (4), the holder of a class 5 driver's licence with a novice 1 restriction may transport:

- (a) more than one passenger, if all passengers are members of the driver's immediate family; or
- (b) more than one passenger, if he or she is transporting:
 - (i) one passenger other than an immediate family member; and
 - (ii) all other passengers are members of the driver's immediate family.

(3) The holder of a class 5 driver's licence with a novice 1 restriction shall not transport more passengers than there are seat belts in the vehicle.

(4) If there is no seat-belt assembly in the vehicle, the holder of a class 5 driver's licence with a novice 1 restriction shall not transport more than four passengers in the vehicle.

16 Sep 2005 SR 93/2005 s8.

Limits on holders of class 5 driver's licence with novice 2 restriction

17(1) The holder of a class 5 driver's licence with a novice 2 restriction shall not transport more passengers than there are seat belts.

(2) If there is no seat-belt assembly in the vehicle, the holder of a class 5 driver's licence with a novice 2 restriction shall not transport more than four passengers in the vehicle.

16 Sep 2005 SR 93/2005 s8.

Requirements re endorsements

18(1) Subject to these regulations, the administrator shall not endorse a driver's licence to authorize the driver to operate a particular type of motor vehicle unless the holder of the driver's licence:

- (a) passes the vision, sign, road and written or oral tests determined by the administrator for the endorsement being sought;
- (b) files with the administrator a medical report satisfactory to the administrator whenever requested by the administrator; and
- (c) is at least 16 years of age.

- (2) The administrator shall not provide a person with a school bus endorsement card unless the person has, within the five years preceding the issue of the card:
- (a) passed the vision, sign, road and written or oral test determined by the administrator for school bus operations; and
 - (b) filed with the administrator a satisfactory medical report completed pursuant to an examination made within that five-year period.
- (3) The administrator shall not provide the following persons with a school bus endorsement card:
- (a) a new driver; or
 - (b) a person whose habits or conduct, in the opinion of the administrator, make that person's operation of a school bus a source of danger to the public.
- (4) The administrator shall not issue the following to a person under the age of 18 years:
- (a) a class 1 driver's licence, a class 2 driver's licence, a class 3 driver's licence or a class 4 driver's licence; or
 - (b) a school bus endorsement card.
- (5) **Repealed.** 16 Sep 2005 SR 93/2005 s9.

19 Jly 96 cV-2.1 Reg 15 s18; 16 Nov 2001
SR 84/2001 s4; 10 Sep 2004 SR 73/2004 s8; 16
Sep 2005 SR 93/2005 s9.

Administrator's discretion

19 The administrator may waive the requirements of these regulations and may issue a driver's licence of a class it considers appropriate if the applicant should, in the administrator's opinion, be licensed in that manner because of his or her particular driving experience and expertise.

19 Jly 96 cV-2.1 Reg 15 s19.

PART III
Actions Concerning Driver's Licences

Prescribed devices, persons and forms

20(1) Subject to subsection (2), for the purpose of subsection 78.1(4) of the Act, prescribed devices with which a sample of breath may be analyzed are:

- (a) Alcolmeter S-L2;
- (b) Alco-Sûr;
- (c) Alcotest 7410 PA3;
- (d) Alcotest 7410 GLC;
- (e) Alco-Sensor IV DWF;
- (f) Alco-Sensor IV PWF;
- (g) Intoxilyzer 400 D.

(2) Where a device mentioned in subsection (1) is not reasonably available, a sample of breath may be analyzed with:

- (a) Breathalyzer, Model 900;
- (b) Breathalyzer, Model 900 A;
- (c) Intoxilyzer 5000 C.

(3) For the purpose of subsection 78.1(3) of the Act, the members of the class of persons who may take a sample of breath are peace officers as defined in *The Highway Traffic Act*.

(4) For the purpose of subsection 78.1(4) of the Act, the members of the class of persons by whom a sample of breath may be analyzed are peace officers as defined in *The Highway Traffic Act*.

(5) For the purposes of subsections 71.1(6) and 78.2(4) of the Act, the peace officer shall complete the form set out in Part I of the Appendix, and deliver it to the new driver.

19 Jly 96 cV-2.1 Reg 15 s20; 16 Nov 2001
SR 84/2001 s5; 16 Sep 2005 SR 93/2005 s10.

Interviews

21 A driver may be required to attend for an interview or an education or safety seminar pursuant to section 21 of the Act if:

- (a) he or she is convicted of a violation of:
 - (i) the Act;
 - (ii) *The Highway Traffic Act*;
 - (iii) a law of any province or territory in Canada or a bylaw of a municipal corporation in Canada that is substantially similar to a provision of the Act or *The Highway Traffic Act*;
 - (iv) an offence pursuant to section 220, 221, 236, clause 249(1)(a), subsection 249(3) or (4), section 249.1, section 252, clause 253(a) or (b), subsection 255(2) or (3), or subsection 259(4) of the *Criminal Code* committed by means of a motor vehicle;
 - (v) an offence pursuant to subsection 254(5) of the *Criminal Code* for failure or refusal to comply with a demand pursuant section 254 of the *Criminal Code* where the offender, within the two hours preceding the offence, operated, or had the care or control of, a motor vehicle;
 - (vi) an offence pursuant to section 130 of the *National Defence Act* (Canada) for having contravened clauses 253(a) and (b), subsection 254(5) or subsection 255(2) or (3) of the *Criminal Code*; or
 - (vii) any law of the United States of America that is substantially similar to any of the provisions enumerated in subclause (i) to (vi);
- (a.1) he or she is determined to be at least 50% at fault for an accident;

- (b) he or she, as a driver, is the object of a written complaint by:
 - (i) a judge of a court;
 - (ii) a justice of the peace;
 - (iii) a traffic officer appointed pursuant to *The Highway Traffic Act*;
 - (iv) a police officer; or
 - (v) any person considered by the administrator to be a responsible individual; or
- (c) he or she has been the subject of an order of suspension or an order of disqualification made pursuant to subsection 78.2(2) of the Act.

19 Jly 96 cV-2.1 Reg 15 s21; 19 Nov 99 SR 83/
1999 s6; 4 Apr 2003 SR 17/2003 s6; 10 Sep 2004
SR 73/2004 s9; 16 Sep 2005 SR 93/2005 s11.

Penalties for new drivers

22(1) In this section and section 22.1:

- (a) **“administrative penalty”** means one of the actions that the administrator may require a new driver to follow pursuant to this section;
 - (b) **“assigned rating”** means the rating assigned to an incident as set out in Part II of the Appendix;
 - (c) **“incident”** means:
 - (i) a motor vehicle accident for which the new driver is determined to be at least 50% at fault; or
 - (ii) a conviction for an offence set out in Part II of the Appendix;
 - (d) **“insurer”** means the insurer as defined in *The Automobile Accident Insurance Act*.
- (2) The administrator shall:
- (a) for a first incident with an assigned rating of 2 points or less, send a warning letter by ordinary mail to a new driver to the last address of the new driver known to the administrator; or
 - (b) for a first incident with an assigned rating of 3 to 6 points, require a new driver to attend an education or safety seminar approved by the administrator.
- (3) For the next incident, if any, that occurs after the first incident mentioned in subsection (2):
- (a) if as a result of the first incident the new driver was provided with a warning letter, the administrator shall require the new driver to attend an education or safety seminar approved by the administrator; or
 - (b) if as a result of the first incident the new driver was required to attend an education or safety seminar, the administrator shall require the new driver to attend a defensive driving course approved by the administrator.

(4) For each subsequent incident registered against a new driver after the second incident mentioned in subsection (3), the administrator may impose on the new driver one of the following administrative penalties:

(a) if the new driver was required to attend an education or safety seminar approved by the administrator as a result of the previous incident, the administrator may require the new driver to attend a defensive driving course approved by the administrator;

(b) if the new driver was required to attend a defensive driving course approved by the administrator as a result of the previous incident, the administrator may require the new driver to attend a driver improvement course approved by the administrator;

(c) if the new driver was required to attend a driver improvement course approved by the administrator as a result of the previous incident, the administrator may suspend the driver's licence of the new driver for 30 days;

(d) if the new driver had his or her driver's licence suspended for 30 days as a result of the previous incident, the administrator may suspend the driver's licence of the new driver for 90 days;

(e) if the new driver had his or her driver's licence suspended for 90 days as a result of the previous incident, the administrator may suspend the driver's licence of the new driver for 180 days.

(5) If a new driver is involved in a motor vehicle accident that would, but for this section, be considered an incident for the purposes of this section and the new driver elects to reimburse the insurer for any moneys paid out pursuant to Parts III and IV of *The Automobile Accident Insurance Act* on behalf of the new driver:

(a) the motor vehicle accident is not considered an incident; and

(b) the administrator shall not impose any administrative penalty pursuant to subsections (2) to (4) on the new driver respecting that motor vehicle accident.

(6) The administrator shall suspend the driver's licence of a new driver who, within 60 days after being advised of his or her obligation to participate in a seminar or course mentioned in this section as part of an administrative penalty, fails to participate in that seminar or course.

(7) If the administrator decides to impose an administrative penalty on a new driver, the administrator shall send a notice of the decision to the new driver by ordinary mail addressed to the last address of the new driver known to the administrator.

Appeals to board re administrative penalties

22.1(1) If as a result of an incident, the administrator imposes an administrative penalty on a new driver, the new driver may appeal to the board respecting the administrator's decision to impose the administrative penalty.

(2) A new driver who wishes to do so shall make an appeal pursuant to this section on a form, and in the manner, provided by the board.

(3) An appeal to the board does not stay any suspension of the driver's licence of the new driver imposed on the new driver by the administrator.

(4) On an appeal, the board may:

(a) overturn any administrative penalty imposed against the new driver pursuant to section 22, including overturning the suspension of the driver's licence of the new driver; or

(b) impose a different or an additional administrative penalty on the new driver that the board considers appropriate, including suspending the driver's licence of the new driver or reducing or increasing the period of suspension of the driver's licence of the new driver.

(5) If the board overturns the suspension of the driver's licence of a new driver pursuant to subsection (4), the period that the driver is without a licence before the date the suspension is overturned is to be counted as time the new driver held a valid driver's licence for the purposes of clauses 13(3)(c), 14(1)(c), and 15(1)(f).

16 Sep 2005 SR 93/2005 s12.

Reinstatement conditions – roadside suspensions

23 Where, pursuant to section 91 of *The Highway Traffic Act*:

(a) the driver's licence of a person other than a new driver or the holder of a driver's licence issued pursuant to section 33 or 34 has been suspended because his or her blood contained not less than 40 milligrams of alcohol per 100 millilitres of blood and the suspension has not been terminated pursuant to subsection 91(5) or (6) of that Act; and

(b) on one previous occasion within the five years prior to the suspension, the person's driver licence had been suspended pursuant to section 91 of that Act, and the suspension had not been terminated pursuant to subsection 91(5) or (6) of that Act;

the person shall complete the DWI course within 90 days of the date of the suspension.

19 Jly 96 cV-2.1 Reg 15 s23; 16 Sep 2005 SR 93/2005 s13.

Reinstatement conditions – roadside suspensions

24(1) Where, pursuant to section 91 of *The Highway Traffic Act*:

- (a) the driver's licence of a person other than a new driver or the holder of a driver's licence issued pursuant to section 33 or 34 has been suspended because his or her blood contained not less than 40 milligrams of alcohol per 100 millilitres of blood and the suspension has not been terminated pursuant to subsection 91(5) or (6) of that Act; and
- (b) on two or more occasions within the previous five years prior to the suspension, the person's driver licence had been suspended pursuant to section 91 of that Act, and the suspension had not been terminated pursuant to subsection 91(5) or (6) of that Act;

the person is not eligible to have his or her licence reinstated unless he or she complies with subsection (2).

(2) The person shall have been assessed by an addictions counsellor and:

- (a) have completed an education or a recovery program recommended by the addictions counsellor, and where a recovery program has been recommended, be considered by an addictions counsellor to be at low risk for continued impaired driving; or
- (b) if no education or recovery program is recommended by the addictions counsellor, have successfully completed a program that the administrator may direct.

(3) Notwithstanding subsection (2), no person is eligible to have his or her licence reinstated until the expiration of the period mentioned in subsection 23.01(2) of the Act.

19 Jly 96 cV-2.1 Reg 15 s24; 4 Apr 2003 Sr 17/
2003 s8; 16 Sep 2005 SR 93/2005 s14.

When certain drivers must complete DWI course

25(1) In this section and section 26, "**driver**" means:

- (a) a new driver; or
- (b) the holder of a licence issued pursuant to section 33 or 34 of these regulations.

(2) If a driver has been subject to his or her first suspension pursuant to section 78.2 of the Act and the driver's licence of the driver has not been returned after a review pursuant to section 78.3 of the Act, the driver shall complete the DWI course within 90 days from the date of the suspension.

16 Sep 2005 SR 93/2005 s15.

New driver roadside suspension counselling requirement

26(1) A driver is not eligible to have his or her driver's licence reinstated unless he or she has complied with subsection (2) if:

- (a) the driver has been suspended pursuant to clause 78.2(2)(a) of the Act and the driver's licence of the driver has not been returned after a review pursuant to section 78.3 of the Act; and
 - (b) the driver was, on a previous occasion, the subject of an order of suspension or disqualification issued pursuant to section 78.2 of the Act and that order was not cancelled after a review pursuant to section 78.3 of the Act.
- (2) The new driver shall have been assessed by an addictions counsellor, and:
- (a) have completed an education or a recovery program recommended by the addictions counsellor, and, where a recovery program has been recommended, be considered by an addictions counsellor to be at low risk for continued impaired driving; or
 - (b) if no education or recovery program is recommended by the addictions counsellor, have successfully completed a program that the administrator may direct.
- (3) Notwithstanding subsection (1), no new driver is eligible to have his or her licence reinstated until the expiration of the period mentioned in subsection 23.02(2) of the Act.

19 Jly 96 cV-2.1 Reg 15 s26; 4 Apr 2003 SR 17/
2003 s9; 16 Sep 2005 SR 93/2005 s16.

Certain persons deemed to be a new driver

27(1) The holder of a driver's licence issued pursuant to section 33 or 34 is a new driver for the purposes of sections 78.1 to 78.4 of the Act.

- (2) If the holder of a driver's licence issued pursuant to section 33 or 34 is found pursuant to section 78.2 of the Act to have driven after consuming any amount of alcohol, the administrator shall suspend the holder's driver's licence for the remainder of any period of disqualification that would have been in force pursuant to subsection 74(2) of the Act when the provisional driver's licence was issued if the offence had not been prescribed pursuant to section 32.

16 Sep 2005 SR 93/2005 s17.

Provisional driver reinstatement programs

28(1) If the holder of a provisional driver's licence is found pursuant to section 78.2 of the Act to have driven a motor vehicle having consumed any amount of alcohol, the driver shall serve the remainder of the original period of suspension or disqualification unless he or she is reinstated pursuant to section 33 or 34.

(2) Notwithstanding subsection (1), the holder of a provisional driver's licence is not eligible to have his or her licence reinstated unless he or she has been assessed by an addictions counsellor and:

(a) has completed an education or a recovery program recommended by the addictions counsellor and, where a recovery program has been recommended, is considered by an addictions counsellor to be at low risk for continued impaired driving; or

(b) if no education or recovery program is recommended by the addictions counsellor, has successfully completed a program that the administrator may direct.

19 Jly 96 cV-2.1 Reg 15 s28; 4 Apr 2003 SR 17/2003 s10; 16 Sep 2005 SR 93/2005 s18.

Review by board of section 23.01 suspensions

29 If the administrator has suspended the driver's licence of any person pursuant to section 23.01 of the Act, the driver may apply to the board for a review of that suspension, on the grounds that he or she does not meet the criteria for suspension, by:

(a) applying in writing to the board on a form acceptable to the board; and

(b) paying the fee prescribed in the fee regulations.

10 Sep 2004 SR 73/2004 s11.

Review by board of section 23.02 suspensions

30 If the administrator has suspended the driver's licence of a new driver pursuant to section 23.02 of the Act, the new driver may apply to the board for a review of that suspension, on the grounds that he or she does not meet the criteria for suspension, by:

(a) applying in writing to the board on a form acceptable to the board; and

(b) paying the fee prescribed in the fee regulations.

10 Sep 2004 SR 73/2004 s11.

Review by board of section 71.2 prohibitions

30.1 A person may apply for a review pursuant to section 71.2 of the Act by:

(a) applying in writing to the board on a form acceptable to the board; and

(b) paying the fee prescribed in the fee regulations.

10 Sep 2004 SR 73/2004 s11.

Documents to be sent to administrator re section 71.1 prohibition

30.2 For the purposes of subsection 71.1(7) of the Act, a peace officer shall forward the following documents to the administrator if those documents are available to the peace officer:

- (a) any witness statements;
- (b) any statement provided by the driver;
- (c) a copy of the Breathalyzer or Intoxilyzer check sheet;
- (d) a copy of the prosecutor's information sheet;
- (e) a copy of the investigator's check sheet;
- (f) a copy of the notes of any peace officer who was involved in imposition of the administrative prohibition pursuant to section 71.1 of the Act;
- (g) any other information, equivalent to that mentioned in clauses (a) to (f), that is in the possession of the peace officer or the peace officer's police service, if any, and that concerns the imposition of an administrative prohibition pursuant to section 71.1 of the Act.

4 Apr 2003 SR 17/2003 s11.

Review by board of section 78.3 suspensions

31 A person may apply for a review pursuant to section 78.3 of the Act by:

- (a) applying in writing to the board on a form acceptable to the board; and
- (b) paying the fee prescribed in the fee regulations.

10 Sep 2004 SR 73/2004 s12.

Indefinite suspension offences

32 The prescribed offences pursuant to subsection 74(2.1) of the Act are:

- (a) an offence under clause 249(1)(a) of the *Criminal Code*;
- (b) an offence under section 220, 221, 236, subsection 249(3) or (4), section 249.1, section 252, clause 253(a) or (b), subsection 255(2) or (3) or subsection 259(4) of the *Criminal Code* committed by means of a motor vehicle;
- (c) an offence under subsection 254(5) of the *Criminal Code* for failure or refusal to comply with a demand made under section 254 of the *Criminal Code* where the offender, within the two hours preceding the offence, operated, or had the care or control of, a motor vehicle;
- (d) an offence under subsection 40(8) or subsection 89(1) of *The Highway Traffic Act*;
- (e) an offence pursuant to section 130 of the *National Defence Act* (Canada) for having contravened clause 253(a) or (b), subsection 254(5) or subsection 255(2) or (3) of the *Criminal Code*;

(f) an offence pursuant to any law of any state of the United States of America that is substantially similar to sections 220, 221, 236, clause 249(1)(a), subsection 249(3) or (4), section 252, clause 253(a) or (b), subsection 254(5), subsection 255(2) or (3) or subsection 259(4) of the *Criminal Code*;

(g) an offence pursuant to regulations made pursuant to the *Indian Act* (Canada) for having contravened subsection 89(1) of *The Highway Traffic Act*.

19 Jly 96 cV-2.1 Reg 15 s32; 4 Apr 2003 SR 17/
2003 s12.

Application and waiver – education or treatment

32.1(1) Where a driver is convicted of an offence listed in section 32 and his or her driver's licence is revoked, the driver is only eligible for a driver's licence if:

(a) the driver has served the full period of suspension, prohibition or disqualification required pursuant to section 74 of the Act; and

(b) the driver has been assessed by an addictions counsellor, and:

(i) has completed an education or recovery program recommended by the addictions counsellor, and where a recovery program was recommended, has been assessed by an addictions counsellor to be at low risk for continued impaired driving; or

(ii) if no education or recovery program is recommended by the addictions counsellor, has successfully completed a program that the administrator may direct.

(2) The administrator may waive any requirements set out in subsection (1) in the case of a disqualification arising out of a conviction of an offence:

(a) with respect to subsection 89(1) of *The Highway Traffic Act*; or

(b) under the regulations made pursuant to the *Indian Act* (Canada) for having contravened subsection 89(1) of *The Highway Traffic Act*.

19 Nov 99 SR 83/99 s8; 4 Apr 2003 SR 17/2003
s13.

Application – provisional licence

33(1) Notwithstanding section 32.1 and subject to subsections (2) to (5.1) an application may be made to the administrator pursuant to section 90 of the Act for a driver's licence by a person who has been convicted of an offence listed in section 32, and the administrator may issue a driver's licence to that person.

(2) An application pursuant to this section may be made:

(a) in the case of a disqualification described in clause 74(2)(a) of the Act, six months after the conviction which resulted in the disqualification;

(b) in the case of a disqualification described in clause 74(2)(b) of the Act, 18 months after the conviction that resulted in the disqualification;

- (c) in the case of a disqualification described in clause 74(2)(c) of the Act, 30 months after the conviction that resulted in the disqualification; and
 - (d) in no case before the expiration of any order of prohibition made pursuant to section 259 of the *Criminal Code*.
- (3) Where a person is subject to more than one disqualification, the person may not make an application pursuant to this section until the expiration of the longest applicable period mentioned in subsection (2).
- (4) A person is not eligible to be issued a driver's licence pursuant to this section unless he or she has been assessed by an addictions counsellor and:
- (a) has completed an education program or a recovery program recommended by the addictions counsellor and, where a recovery program has been recommended, is considered by an addictions counsellor to be at low risk for continued impaired driving; or
 - (b) if no education or recovery program is recommended by the addictions counsellor, has successfully completed a program that the administrator may direct
- (5) In the case of a disqualification arising out of a conviction of an offence under subsection 89(1) of *The Highway Traffic Act* or an offence under regulations made pursuant to the *Indian Act* (Canada) for having contravened subsection 89(1) of *The Highway Traffic Act*, the administrator may waive any of the requirements set out in subsection (3).
- (5.1) No person may apply for a driver's licence pursuant to this section if the person has been issued a driver's licence pursuant to section 33.1.
- (6) A driver's licence issued pursuant to this section is a provisional licence and remains a provisional licence until the expiration of the longest period of disqualification mentioned in subsection 74(2) of the Act that would be applicable to the driver if the offence had not been prescribed pursuant to section 32 of these regulations.

Application – ignition interlock program licence

33.1(1) A person described in subsection (2) may apply to the administrator for a driver's licence, and the administrator may issue a driver's licence to that person.

(2) A person, other than a non-resident, may apply for a driver's licence pursuant to this section only if:

(a) the person has been convicted of an offence pursuant to section 253 or 254 of the *Criminal Code*, and that offence is a first offence within the meaning of section 72 of the Act;

(b) the person agrees to participate in the ignition interlock program; and

(c) the person pays the fee set out in the fee regulations.

(3) Notwithstanding subsection (2), a person described in that subsection is not eligible to be issued a driver's licence pursuant to this section unless he or she has been assessed by an addictions counsellor and:

(a) has completed an education program or a recovery program recommended by the addictions counsellor and, where a recovery program has been recommended, is considered by an addictions counsellor to be at low risk for continued impaired driving; or

(b) if no education or recovery program is recommended by the addictions counsellor, has successfully completed a program that the administrator may direct.

(4) On receipt of an application pursuant to this section, if the administrator is satisfied that the applicant is eligible and has complied with this section and that it is not contrary to the public interest, the administrator may issue a driver's licence to the applicant.

(5) Subject to section 33.2, a driver's licence issued pursuant to this section is a restricted driver's licence and remains a restricted driver's licence until one year from the date of the conviction mentioned in clause (2)(a).

(6) Every holder of a licence issued pursuant to this section is responsible to pay all costs associated with the installation, monitoring, servicing and removal of an ignition interlock device in each motor vehicle the holder operates.

16 Nov 2001 SR 84/2001 s9; 4 Apr 2003 SR 17/2003 s15.

Ignition interlock program

33.2(1) Every holder of a licence issued pursuant to subsection 33.1(1) must comply with any restrictions that the administrator considers necessary and in the public interest.

(2) Where the holder of a licence issued pursuant to subsection 33.1(1) does not comply with the restrictions mentioned in subsection (1), the administrator may:

(a) revoke the restricted driver's licence and suspend the driver from holding or applying for a driver's licence; and

(b) prohibit the driver from participating in the ignition interlock program.

(3) Where a driver does not successfully complete the ignition interlock program, or a driver is prohibited from participating in the ignition interlock program pursuant to clause (2)(b), the driver is not eligible for a driver's licence until one year from the date of the conviction mentioned in clause 33.1(2)(a).

Prohibitions

33.3(1) No driver to whom a restricted driver's licence is issued pursuant to section 33.1 shall:

- (a) operate a motor vehicle that is not equipped with an ignition interlock device;
- (b) solicit a breath sample from any person for the purpose of assisting the driver to:
 - (i) start a vehicle equipped with an ignition interlock device;
 - (ii) keep a vehicle equipped with an ignition interlock device in motion.
- (2) No person shall tamper with an ignition interlock device.

16 Nov 2001 SR 84/2001 s9.

Application – probationary licence

34(1) Notwithstanding section 32.1 and subject to subsections (2) to (9), an application may be made to the board for an order pursuant to section 90 of the Act authorizing the administrator to issue a driver's licence by a person who has been convicted of an offence listed in section 32.

(2) An application under this section may be made after the expiration of any order of prohibition made pursuant to section 259 of the *Criminal Code*.

(3) Before making his or her application, the applicant must:

- (a) have been assessed by an addictions counsellor; and
- (b) either:
 - (i) have completed an education or a recovery program recommended by the addictions counsellor and, where a recovery program has been recommended, be considered by an addictions counsellor to be at low risk for continued impaired driving; or
 - (ii) if no education or recovery program is recommended by the addictions counsellor, have successfully completed a program that the administrator may direct.

(4) In the case of a disqualification arising out of a conviction of an offence under subsection 89(1) of *The Highway Traffic Act*, or an offence under regulations made pursuant to the *Indian Act (Canada)* for having contravened subsection 89(1) of *The Highway Traffic Act*, the administrator may waive any of the requirements set out in subsection (3).

(5) An application to the board pursuant to subsection (1) shall:

- (a) be made on the form provided by the board;
- (b) demonstrate to the board that the absence of any driving privileges would cause exceptional hardship to the applicant;
- (c) demonstrate that the issuance of a licence to the applicant would not be contrary to the public interest.

- (6) Each application pursuant to subsection (1) is to include a fee as set out in the fee regulations.
- (7) Every holder of a licence issued pursuant to this section is a new driver for the purposes of sections 23.02 and 78.1 to 78.4 of the Act.
- (8) No person may apply for a driver's licence pursuant to this section if that person has been issued a driver's licence pursuant to section 33.1.
- (9) If the holder of a driver's licence issued pursuant to this section is found, pursuant to section 78.2 of the Act, to have driven a motor vehicle having consumed any alcohol, the driver's licence is suspended for the remainder of any period of disqualification that would have been in force pursuant to subsection 74(2) of the Act as if the offence had not been prescribed pursuant to section 32 of these regulations.

19 Jly 96 cV-2.1 Reg 15 s34; 19 Nov 99 SR 83/1999 s10; 16 Nov 2001 SR 84/2001 s10; 4 Apr 2003 SR 17/2003 s16.

Fourth and subsequent convictions

35 Notwithstanding sections 33 and 34, where a driver is convicted of an offence and the conviction would be a fourth and subsequent conviction within the meaning of subsection 74(2) of the Act, the driver is not eligible for a driver's licence until:

- (a) the driver has served the full period of suspension, prohibition or disqualification mentioned in subsection 74(2) of the Act; and
- (b) the driver has been assessed by an addictions counsellor, and:
 - (i) completed an education or recovery program recommended by the addictions counsellor, and where a recovery program has been recommended, be considered by an addictions counsellor to be at low risk for continued impairment; or
 - (ii) have successfully completed the DWI course, where no education or recovery program is recommended by the addictions counsellor.

19 Jly 96 cV-2.1 Reg 15 s35; 16 Nov 2001 SR 84/2001 s11.

PART III.1

Photo Licensing

Interpretation of Part

35.1 In this Part:

- (a) **“long-term photo exemption card”** means a long-term photo exemption card issued pursuant to section 35.6;
- (b) **“photo exemption card”** means a short-term photo exemption card or a long-term photo exemption card;

- (c) **“qualified applicant”** means:
- (i) in the case of an application for a short-term photo exemption card, an individual who meets the qualifications set out in subsection 35.3(2);
 - (ii) in the case of an application for a long-term photo exemption card, an individual who meets the qualifications set out in subsection 35.3(3);
- (d) **“short-term photo exemption card”** means a short-term photo exemption card issued pursuant to section 35.5.

4 Apr 2003 SR 17/2003 s17.

Holders of photo exemption card are exempt from section 16 of the Act

35.2 For the purposes of section 16 of the Act, every holder of a valid photo exemption card is exempt from the requirement to be photographed and to hold a photo identification card.

4 Apr 2003 SR 17/2003 s17.

Application for photo exemption card

35.3(1) Every qualified applicant who wishes to obtain a photo exemption card shall:

- (a) apply to the administrator on a form approved by the administrator; and
 - (b) supply the administrator with any information that the administrator reasonably requires to determine whether or not to issue to the applicant a photo exemption card.
- (2) The following individuals are qualified to apply for a short-term photo exemption card:
- (a) an individual who satisfies the administrator that he or she has a temporary illness;
 - (b) an individual who is not in Saskatchewan or who satisfies the administrator that he or she has a reasonable excuse that temporarily prevents him or her from obtaining a photo identification card.
- (3) The following individuals are qualified to apply for a long-term photo exemption card:
- (a) an individual who:
 - (i) satisfies the administrator that he or she has a facial disfigurement that distorts or obscures his or her facial features; and
 - (ii) provides the administrator with a letter from a duly qualified medical practitioner setting out the reasons supporting the individual’s request for the photo exemption card;
 - (b) an individual who:
 - (i) satisfies the administrator that his or her religious beliefs do not allow him or her to be photographed; and
 - (ii) provides the administrator with a letter from a priest, religious leader or elder of the individual’s church or religious organization setting out the reasons supporting the individual’s request for the photo exemption card;

(c) an individual who satisfies the administrator that he or she permanently resides in one of the following communities or in one of the following postal code zones:

- (i) Canoe Narrows or S0M 0K0;
- (ii) Cole Bay or S0M 0M0;
- (iii) Dillon or S0M 0S0;
- (iv) Patuanak or S0M 2H0;
- (v) Deschambault Lake or S0P 0C0;
- (vi) Pelican Narrows or S0P 0E0;
- (vii) Black Lake or S0J 0H0;
- (viii) Fond-du-lac or S0J 0W0;
- (ix) Pinehouse Lake or S0J 2B0;
- (x) Reindeer Lake or S0J 2L0;
- (xi) Stanley Mission or S0J 2P0;
- (xii) Stony Rapids or S0J 2R0;
- (xiii) Uranium City or S0J 2W0;
- (xiv) Sandy Bay or S0P 0G0;
- (xv) Kinoosao or S0P 0J0;
- (xvi) Molanosa or S0J 1W0;
- (xvii) Southend or S0J 2L0;
- (xviii) Wollaston Lake or S0J 3C0.

4 Apr 2003 SR 17/2003 s17.

Issuance of photo exemption card

35.4 On receipt of an application, the administrator may issue the photo exemption card that is applied for if the administrator is satisfied that:

- (a) the application is complete;
- (b) the individual who applied for the photo exemption card is a qualified applicant; and
- (c) it is not contrary to the public interest to issue the photo exemption card.

4 Apr 2003 SR 17/2003 s17.

Short-term photo exemption card

35.5(1) The administrator may issue a short-term photo exemption card to an individual who is a qualified applicant for that card.

(2) A short-term photo exemption card expires on the period that is stated on the card.

(3) For the purposes of subsection (2), the maximum period for which a short-term photo exemption card may be issued is one year.

4 Apr 2003 SR 17/2003 s17.

Long-term photo exemption card

35.6(1) The administrator may issue a long-term photo exemption card to an individual who is a qualified applicant for that card.

(2) A long-term photo exemption card expires on the period that is stated on the card.

(3) For the purposes of subsection (2), the maximum period for which a long-term photo exemption card may be issued is five years.

4 Apr 2003 SR 17/2003 s17.

Suspension or cancellation of photo exemption card

35.7(1) The administrator may suspend or cancel a photo exemption card if:

(a) the holder of the photo exemption card has provided the administrator with any false or misleading information at any time with respect to the application for the card; or

(b) the photo exemption card was issued as a result of an administrative or clerical error or mistake.

(2) Before the administrator takes any action pursuant to subsection (1), the administrator shall give the individual to whom the photo exemption card is issued:

(a) written notice of the administrator's intention to suspend or cancel the photo exemption card, and the reasons for doing so; and

(b) an opportunity to make written representations to the administrator, within 30 days after the written notice mentioned in clause (a) is served, as to why the photo exemption card should not be suspended or cancelled.

(3) The administrator is not required to give an oral hearing to any individual to whom a notice has been given pursuant to subsection (2).

(4) After receiving the representations mentioned in subsection (3), the administrator shall provide a written decision and forward that written decision to the individual who made the representations.

4 Apr 2003 SR 17/2003 s17.

PART IV

Transitional, Repeal and Coming into Force**Transitional**

36(1) A driver who on the day that this section comes into force is disqualified from driving a motor vehicle on a highway pursuant to subsection 74(2) of the Act as it existed on the day before the day that this section comes into force may apply for reinstatement of his or her driver's licence on the expiration of one-half his or her period of disqualification, and sections 33 and 34 apply to that person with any necessary modification.

- (2) Notwithstanding section 35, a driver who, on the day that this section comes into force, is not disqualified pursuant to subsection 74(2) of the Act, but has previously been convicted of an offence as defined in clause 71(c) of the Act, and who, after the coming into force of this section is convicted of an offence prescribed pursuant to section 32 that would be a fourth or subsequent conviction within the meaning of subsection 74(2) of the Act, may apply for reinstatement pursuant to section 33 or 34, as if the conviction were a third conviction.
- (3) A driver may avail himself or herself of subsection (2) on only one occasion.

19 Jly 96 cV-2.1 Reg 15 s36.

Transitional resulting from certain amendments

36.1(1) In this section:

- (a) **“effective date”** means the date that *The Driver Licensing and Suspension Amendment Regulations, 2005 (No. 2)* come into force;
- (b) **“probationary driver’s licence”** means a probationary driver’s licence as that term was defined in *Driver Licensing and Suspension Regulations*, as those regulations existed on the day before the effective date, and that was issued by the administrator before the effective date.
- (2) Subject to subsections (3) and (4) and for the purposes of these regulations, a person is deemed to be a new driver if that person, on the day before the effective date:
- (a) did not hold a valid class 1 to 4 driver’s licence or a class 5 driver’s licence with a class 1 to 4 endorsement; or
- (b) did not hold a valid class 5 driver’s licence, or a licence issued by another jurisdiction that is equivalent to a class 5 driver’s licence, for at least 548 days.
- (3) If a person is deemed to be a new driver pursuant to subsection (2) and, on the day before the effective date, that person held a valid:
- (a) class 5 driver’s licence, that person is deemed to hold a class 5 driver’s licence with a novice 2 restriction; or
- (b) a class 7 driver’s licence, that driver is deemed to hold a class 7 driver’s licence.
- (4) A person is entitled to a class 5 driver’s licence if that person, on the day before the effective date:
- (a) had held a probationary driver’s licence for at least 548 days; and
- (b) during the last 365 days of the 548-day period mentioned in clause (a), had not been:
- (i) involved in a motor vehicle accident and determined to be at least 50% at fault for the accident;
- (ii) convicted of an offence pursuant to *The Highway Traffic Act*;

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- (iii) convicted of an offence pursuant to section 220, 221 or 236, clause 249(1)(a), subsection 249(3) or (4), section 249.1 or 252, clause 253(a) or (b), subsection 255(2) or (3) or subsection 259(4) of the *Criminal Code* committed by means of a motor vehicle;
 - (iv) convicted of an offence pursuant to subsection 254(5) of the *Criminal Code* for failure or refusal to comply with a breath demand pursuant to section 254;
 - (v) suspended or prohibited from renewing his or her driver's licence pursuant to section 21 or 22, clause 23(1.1)(c), subsection 23(4) or (5) or section 23.01, 71.1, 74 or 78.2 of the Act; or
 - (vi) suspended pursuant to section 91 of *The Highway Traffic Act*.
- (5) A person who obtains a class 7 driver's licence before the effective date is eligible for a class 5 driver's licence with a novice 1 restriction if, before May 31, 2006, the person has:
- (a) held a class 7 driver's licence for at least six months;
 - (b) successfully completed a high school driver training program that is under the control of the Government of Saskatchewan; and
 - (c) successfully completed a minimum of 4 hours of in-car training with a driving instructor as defined in *The Driver Training Regulations, 1986*.
- (6) A person who obtains a class 7 driver's licence before the effective date and who does not complete the driving instruction requirements set out in subsection (5) by May 31, 2006 is required to meet the driving instruction requirements set out in subclause 15(1)(g)(ii) before being entitled to receive a class 5 driver's licence with a novice 1 restriction.

16 Sep 2005 SR 93/2005 s19.

R.R.S. c.V-2.1 Reg 2 repealed

37 *The Driver Suspension Regulations, 1986* are repealed.

19 Jly 96 cV-2.1 Reg 15 s37.

R.R.S. c.V-2.1 Reg 6 repealed

38 *The Driver Licensing Regulations, 1986* are repealed.

19 Jly 96 cV-2.1 Reg 15 s38.

Appendix

NOTICE AND ORDER OF SUSPENSION, DISQUALIFICATION OR PROHIBITION

DRIVER INFORMATION	SGI NO. _____	Police Report No. _____
Name: _____ <i>last / first / initial</i>	Date of Birth: _____ / _____ / _____ <i>year month day</i>	
Address: _____	Sex: Male <input type="checkbox"/> Female <input type="checkbox"/>	Telephone: (_____) _____
Driver's Licence No. _____	<input type="checkbox"/> Sask <input type="checkbox"/> Other _____ <i>jurisdiction</i>	
Type of licence: <input type="checkbox"/> Regular <input type="checkbox"/> Learner <input type="checkbox"/> Novice 1 <input type="checkbox"/> Novice 2	<input type="checkbox"/> Restricted <input type="checkbox"/> Provisional <input type="checkbox"/> No type indicated	
Licence or permit seized: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Vehicle: Make _____ Model _____ Year _____ Plate No. _____ Province _____		

NOTICE AND ORDER OF SUSPENSION, DISQUALIFICATION OR PROHIBITION

On _____ / _____ / _____ at or about _____ hours at or near _____
year month day

in the Province of Saskatchewan, in relation to the operation or having care or control of a motor vehicle as defined in *The Vehicle Administration Act*, the undersigned Peace Officer:

(In the case of learner, novice 1, novice 2, restricted or provisional drivers)

A. has reason to believe that:

(i) by reason of analysis of your breath or blood; or

(ii) by reason of reasonable grounds; *(observations noted on the back of the form)*

you, either as a learner, novice 1, novice 2, restricted or provisional driver, have consumed alcohol and, as a result, you are hereby, on behalf of the Administrator, immediately suspended from applying for or holding a driver's licence or permit in Saskatchewan and from operating a motor vehicle on a highway in Saskatchewan for 30 days.

30-day Suspension Start Date: _____ / _____ / _____ Time: _____
year month day 24-hour clock

(In the case of experienced drivers)

B. has reason to believe that:

(i) by reason of analysis of your breath or blood; or

(ii) by reason of reasonable grounds; *(observations noted on the back of the form)*

you, as an experienced driver, have consumed alcohol in such a quantity that the concentration of alcohol exceeds 40 milligrams of alcohol in 100 millilitres of blood and, as a result, you are hereby, on behalf of the Administrator, immediately suspended from operating a motor vehicle on a highway for 24 hours or applying for or holding a driver's licence or permit in Saskatchewan for 24 hours and from operating a motor vehicle on a highway in Saskatchewan for 24 hours.

24-hour Suspension Start Date: _____ / _____ / _____ Time: _____
year month day 24-hour clock

(In the case of any driver charged under section 253 or 254 of the Criminal Code)

C. has reason to believe that by reason of analysis of your breath or blood:

(i) you have consumed alcohol in such quantity that the concentration of alcohol in your blood exceeds 80 milligrams of alcohol in 100 millilitres of blood; or

(ii) you have alcohol in your body and have failed to supply or refused to comply with a demand to supply a sample of your breath or blood;

and, as a result, you are hereby, on behalf of the Administrator, immediately suspended for 24 hours from operating a motor vehicle or from applying for or holding a driver's licence or permit in Saskatchewan for 24 hours and, subject to the issuance of a temporary driving permit, after the 24-hour period has expired you are suspended from applying for or holding a driver's licence or permit in Saskatchewan and from operating a motor vehicle on a highway in Saskatchewan for 90 days.

24-hour Suspension Start Date: _____ / _____ / _____ Time: _____
year month day 24-hour clock

TEMPORARY DRIVING PERMIT
(issued only if the driver holds a valid driver's licence)

Subject to the terms and conditions set out in section 71.1 of *The Vehicle Administration Act*, this Temporary Driving Permit is, on the expiry of the 24-hour Suspension, Disqualification or Prohibition, in effect for seven days.

This temporary driver's licence is valid _____ / _____ / _____ Time: _____ until _____ / _____ / _____ Time: _____
year month date year month date

or on the expiry of your driver's licence, whichever is earlier.

90-day Suspension Start Date: _____ / _____ / _____ Time: _____
year month day 24-hour clock

I acknowledge receipt of this Notice and Order of Suspension, Disqualification or Prohibition.

Signature of Driver

Date

Signature of Peace Officer

Detachment

Date

PEACE OFFICER – COMPLETE REPORT ON REVERSE

Indicate observations made regarding alcohol consumption or impairment where breath device is not used.

Administrator – White Driver – Yellow Police – Pink

PART II
[Clause 22(1)(b)]

Incident	Points
At Fault Accident	6
<i>The Highway Traffic Act</i>	
Permitting a person to ride on the exterior part of a motor vehicle	3
Allowing other person to use licence	1
Failing to proceed cautiously at a flashing amber light	3
Backing up a vehicle when it is unsafe	1
Driving in a contest of speed	4
Crossing a highway unlawfully	1
Crossing solid lines unlawfully to change lanes	1
Moving in front of a person or vehicle after passing when it is unsafe	1
Defacing or altering driver's licence/ certificate of registration or licence plate	1
Failing to yield to an emergency vehicle	4
Passing a school bus that has its safety lights in operation	4
Failing to stop at a red light at an intersection	4
Failing to stop at a red light at a place other than an intersection	1
Crossing a median unlawfully	4
Driving a vehicle with an unrestrained passenger under 16 years of age	3
Driver failing to wear a seat-belt assembly / Driver failing to wear a seat-belt assembly properly	3
Driver failing to stop at a crosswalk against an amber light	3
Driving Contrary to Sign Direction at an intersection with a green light	3
Failing to keep right when required	1
Driving on the left-hand side of a median	4
Driving while subject to a 24-hour suspension	4
Entering or leaving a controlled access highway except where the right to do so is indicated by a sign	
Exceeding 60 kilometres per hour when passing a stopped emergency vehicle	3
Exceeding 60 kilometres per hour when passing a highway worker or flag person	3
Exceeding the speed limit in a speed zone marked by signs	1

Failing to dim headlights when approaching/ following/ passing/ being overtaken / stationary	1
Failing to extinguish spot light	1
Failing to obey the direction of a flag person or peace officer	3
Driving a motor vehicle in contravention of a licence endorsement or restriction	1
Failing to produce a licence / certificate of registration	1
Failing to report an accident	4
Failing to stop at a level railway crossing	4
Failing to yield the right of way on entering a highway from other than a highway	3
Failing to yield at an intersection displaying a red light with a green arrow	4
Failing to yield the right of way to pedestrians at a “walk” signal	3
Failing to extinguish loading lamps	1
Failing to keep right when about to be overtaken	3
Providing a false statement	4
Failing to obey a red flashing light, stopping at the wrong place or failing to stop	4
Following too closely	1
Driving without lights as prescribed in the regulations	1
Holding more than one licence	1
Crossing solid lines unlawfully to change lanes	1
Changing lanes when it is unsafe	1
Allowing a passenger on a motorcycle not equipped for passenger	1
Allowing a passenger to ride side-saddle on a motorcycle	1
Allowing a passenger to ride in front of the motorcycle driver	1
Allowing more than one passenger on a motorcycle	1
Driver failing to wear prescribed eye protection on a motorcycle without a windshield	1
Driver failing to wear a safety helmet on a motorcycle	1
Failing to use a signalling device to warn of intention to turn	3
Making a left turn to or from the wrong lane	3
Making a left turn on a one-way street on a red light when prohibited	3
Driving a motorcycle beside a vehicle other than a motorcycle	1
Driving motorcycles more than two abreast	1

Driving with no licence/inappropriate licence	1
Permitting an over-crowded driving compartment	3
Passing to the right of a vehicle	4
Passing at an intersection (same direction) when it is unsafe	1
Permitting a person to hold on to a moving vehicle	1
Proceeding at an intersection in a direction not indicated by a green arrow	3
Producing another person's licence	1
Driving at 50 km/hr over limit	4
Exceeding a speed that is safe and reasonable	4
Speeding in school zone	3
Increasing speed when about to be overtaken	3
Failing to obey stop signs	4
Driving to the left of a solid centre line	1
Stunting	4
Tampering with flares/hazard lights	1
Displaying an unauthorized licence plate	1
Driving without lights as prescribed in the regulations	1
Using amber beacon or flashing lights when prohibited	1
Making a U-turn at an intersection with a traffic light	1
Driving without due care and attention	4
Failing to yield right of way at a yield sign	3
Driving with an obstructed windshield or window	1
Driving a vehicle while the licence plates are not visible and legible	1
Driving an unregistered vehicle	1
<i>The Vehicle Equipment Regulations, 1997</i>	
Failing to have a vehicle equipped or fitted with, or carry, the equipment or items prescribed by the regulations	1
<i>The Highways and Transportation Act, 1997</i>	
Driving a vehicle loaded insecurely	4
Bylaws	
Contravening any municipal bylaw concerning the obstruction of an intersection	1

