

# *The Traffic Safety (Residency) Regulations*

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[Chapter T-18.1 Reg 11](#) (effective August 1, 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 11

### *The Traffic Safety Act*

#### Title

- 1 These regulations may be cited as *The Traffic Safety (Residency) Regulations*.

#### Interpretation

- 2(1) In these regulations:

- (a) **“Act”** means *The Traffic Safety Act*;
- (b) **“business operator”** means a partnership, a corporation, an Indian band, an association of persons or another entity that satisfies the administrator that it is carrying on an undertaking, whether for profit or not;
- (c) **“educational institution”** means:
  - (i) a school within the meaning of *The Education Act, 1995* and includes the conseil scolaire;
  - (ii) a university, college, technical school or other educational institution recognized by the administrator;
- (d) **“immediate family member”** means an individual’s spouse, parent, child, brother, sister, mother, father, grandmother or grandfather or another individual to whom that individual stands in the place of a parent;
- (e) **“Indian band”** means an Indian band within the meaning of the *Indian Act* (Canada) and includes the council of a band;
- (f) **“parent”** means:
  - (i) the mother or 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;
- (g) **“permanent residence”** means a place that an individual owns, rents or leases as accommodation and in which that individual normally resides, but does not include a temporary residence;
- (h) **“place of business”** means a physical structure or location in Saskatchewan owned, rented or leased by the business operator;

- (i) **“resident”** means:
  - (i) in the case of a business operator, a business operator that has a place of business in Saskatchewan;
  - (ii) in the case of an individual, an individual who meets the requirements set out in subsections (2) or (3);
- (j) **“spouse”** means:
  - (i) the legally married spouse of the individual, with whom the individual is cohabiting; or
  - (ii) if the individual does not have a spouse within the meaning of subclause (i), another individual with whom the individual cohabits and has cohabited as a spouse:
    - (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 the parents of a child;
- (k) **“student”** means:
  - (i) an individual who is enrolled in a course of study and is considered a full-time student in the educational institution where he or she is enrolled; or
  - (ii) an individual who is enrolled in an educational institution on a full-time basis in a course of study that offers students a work-term option or requires a work-term to complete the course and who:
    - (A) is participating in a work-term recognized by that educational institution; and
    - (B) continues to be considered a full-time student by that educational institution;
- (l) **“temporary residence”** means:
  - (i) a house, apartment, trailer or other accommodation owned, rented or leased by an individual’s employer;
  - (ii) a motel or hotel;
  - (iii) a work camp;
  - (iv) a dormitory; or
  - (v) any other temporary accommodation.
- (2) An individual is deemed to be a resident if that individual:
  - (a) is lawfully entitled to remain in Canada;
  - (b) has a permanent residence in Saskatchewan; and

- (c) either:
  - (i) files his or her personal income tax return in Saskatchewan; or
  - (ii) if that individual has not had a permanent residence in Saskatchewan long enough to file a personal income tax return, satisfies the administrator that he or she normally resides in Saskatchewan.
- (3) An individual who normally resides with an immediate family member who is a resident is deemed to be a resident but only if that individual:
  - (a) files his or her personal income tax return in Saskatchewan; or
  - (b) if that individual has not resided in Saskatchewan long enough to file a personal income tax return, satisfies the administrator that he or she normally resides in Saskatchewan.

9 Aug 2013 cT-18.1 Reg 11 s2.

**Eligibility for driver's licence**

- 3(1) Subject to the other provisions of these regulations, an individual who intends to obtain or renew a driver's licence must be a resident to be eligible to obtain or renew a driver's licence.
- (2) If an individual becomes a resident of Saskatchewan and if he or she has a valid driver's licence from another jurisdiction, that individual may operate a vehicle on a highway for 90 days without obtaining a driver's licence issued by the administrator.
- (3) Notwithstanding subsection (1), a driver's licence may be issued to or renewed for:
  - (a) an individual:
    - (i) who is lawfully entitled to remain in Canada;
    - (ii) who does not have a permanent residence in any other jurisdiction in North America;
    - (iii) whose last known permanent residence was in Saskatchewan;
    - (iv) who does not hold a driver's licence from any other jurisdiction;
    - (v) who files his or her personal income tax return in Saskatchewan;
    - (vi) who maintains a mailing address in Saskatchewan; and
    - (vii) who either:
      - (A) if he or she is travelling in North America, is not absent from Saskatchewan for more than 12 consecutive months; or
      - (B) if he or she is travelling outside North America, is not absent from Saskatchewan for more than 24 consecutive months;

- (b) a student who normally resides in any other jurisdiction in North America, but only if he or she:
  - (i) had a temporary or permanent residence in Saskatchewan for at least 90 consecutive days before residing in the other jurisdiction;
  - (ii) maintains a mailing address in Saskatchewan;
  - (iii) does not hold a driver's licence from any other jurisdiction; and
  - (iv) files his or her personal income tax return in Saskatchewan; or
- (c) an individual who normally resides in a temporary residence in Saskatchewan but only if he or she:
  - (i) files his or her personal income tax return in Saskatchewan, or if the individual has not had a residence in Saskatchewan long enough to file a personal income tax return, satisfies the administrator that he or she normally resides in Saskatchewan;
  - (ii) does not hold a driver's licence from any other jurisdiction; and
  - (iii) is not absent from Saskatchewan for more than 12 consecutive months.

9 Aug 2013 cT-18.1 Reg 11 s3.

**Eligibility for vehicle registration by individuals**

4(1) Subject to the other provisions of these regulations, an individual who intends to register a vehicle in Saskatchewan must meet the following requirements in order to be eligible to obtain or renew a certificate of registration:

- (a) he or she must be a resident;
  - (b) he or she must not hold a driver's licence from any other jurisdiction.
- (2) If an individual becomes a resident of Saskatchewan and he or she has a valid certificate of registration or registration permit from another jurisdiction, that individual may operate a motor vehicle, trailer or semi-trailer on a highway for 90 days without obtaining a certificate of registration or registration permit pursuant to the Act with respect to the motor vehicle, trailer or semi-trailer.
- (3) Notwithstanding subsection (1), a certificate of registration may be issued to or renewed for:
- (a) an individual who meets the requirements of subclauses 3(3)(a)(i) to (vi) and who is not absent from Saskatchewan for more than 12 consecutive months;
  - (b) a student who meets the requirements of clause 3(3)(b);
  - (c) an individual who meets the requirements of clause 3(3)(c); or

- (d) an individual who is not a resident and who does not meet the requirements set out in clause (a), (b) or (c) if the vehicle that individual is seeking to register:
  - (i) is located in Saskatchewan; and
  - (ii) does not leave Saskatchewan for more than a total of 30 days in any year.
- (4) A vehicle mentioned in subsection (1) or clause (3)(a), (b) or (c) must not be operated or used outside Saskatchewan by a non-resident, other than a person mentioned in clause 3(a), (b) or (c), for more than a total of 90 days in any year.

9 Aug 2013 cT-18.1 Reg 11 s4.

#### **Eligibility for group registration**

**5(1)** In this section, “**group**” means:

- (a) more than one individual;
- (b) a combination of one or more individuals and business operators; or
- (c) more than one business operator.
- (2) Subject to these regulations, to be eligible to issue or renew a certificate of registration, a group that intends to register a vehicle in Saskatchewan must have at least one member who is a resident.
- (3) Notwithstanding subsection (2), a certificate of registration may be issued to or renewed for a group that does not have a member who is a resident if the vehicle the group is seeking to register:
  - (a) is located in Saskatchewan; and
  - (b) does not leave Saskatchewan for more than a total of 30 days in any year.
- (4) A vehicle whose certificate of registration has been issued to a group that has one member who is a resident must not be operated or used outside Saskatchewan by a non-resident for more than a total of 90 days in any year.

9 Aug 2013 cT-18.1 Reg 11 s5.

#### **Retaining status as resident**

**6(1)** An individual who is a resident retains his or her status as a resident if he or she:

- (a) retains a permanent residence in Saskatchewan or continues to reside with an immediate family member who is a resident and the individual:
  - (i) does not hold a driver’s licence from another jurisdiction; and
  - (ii) continues to file his or her personal income tax return in Saskatchewan;

- (b) maintains a mailing address in Saskatchewan and is working outside Saskatchewan, either:
    - (i) as an employee of the Government of Saskatchewan, the Government of Canada or an agency of either of those governments; or
    - (ii) as a missionary with a religious group or organization recognized by the administrator; or
  - (c) is a student outside Saskatchewan if he or she:
    - (i) maintains a mailing address in Saskatchewan;
    - (ii) does not hold a driver's licence from another jurisdiction; and
    - (iii) continues to file his or her personal income tax return in Saskatchewan.
- (2) The immediate family members of a person mentioned in clause (1)(b) retain their status as residents while they accompany and reside with the person mentioned in clause (1)(b).

9 Aug 2013 cT-18.1 Reg 11 s6.

**Coming into force**

- 7(1) Subject to subsection (2), these regulations come into force on July 1, 2013.
- (2) If these regulations are filed with the Registrar of Regulations after July 1, 2013, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

9 Aug 2013 cT-18.1 Reg 11 s7.