

DRAFT FOR CONSULTATION PURPOSES ONLY

Regulations Respecting Definitions and Prescriptions for the Purpose of the Act and the Regulations made by the Governor in Council under Section 5 and 322 of Chapter 29 of the Acts of 2018, the *Traffic Safety Act*

1 Citation

These regulations may be cited as the *Traffic Safety Act Interpretation Regulations*.

2 Definitions for these regulations

In these regulations,

“Act” means the *Traffic Safety Act*.

3 Definitions of terms used but not defined in Act

In the Act,

“3-wheeled motor vehicle” means a 3-wheeled vehicle as defined in the *Motor Vehicle Safety Regulations*;

“accessible-parking permit” means a permit for the purpose of Section 47 of the Act that includes the international symbol of access and that may be issued in accordance with the regulations to a person with a mobility impairment or to a business or organization for the purpose of transporting a person with a mobility impairment;

“alley” means a narrow passageway between or behind buildings;

“ambulance” means a motor vehicle that meets both of the following criteria:

- (i) it is specially designed, constructed or equipped to provide emergency medical transportation services to a sick, injured, or otherwise incapacitated individual,
- (ii) it has been approved by the Minister of Health for use as a ground ambulance under the *Health Services and Insurance Act* or by an equivalent authority in another Canadian jurisdiction;

“bicycle” means a device that meets all of the following criteria:

- (i) it has steering handlebars,
- (ii) it is equipped with pedals or hand cranks,
- (iii) it has 1 of the following configuration of wheels:
 - (A) 2 tandem wheels,
 - (B) 3 wheels, at least 1 of which has a minimum wheel rim diameter of 350 mm,
 - (C) 4 wheels, at least 2 of which have a minimum wheel rim diameter of 350 mm,
- (iv) it is propelled exclusively by human power,
- (v) it is not a mobility aid;

“bus” means a motor vehicle with a designated seating capacity of 10 or more persons, including the driver;

“commercial driver” means the driver of a commercial vehicle and, in relation to a carrier, includes an individual who is employed or otherwise engaged by the carrier to drive a commercial vehicle, including a self-employed driver;

“commercial vehicle” means 1 of the following vehicles:

- (i) a truck, truck tractor, trailer or any combination of those vehicles, that has a registered weight of greater than 4500 kg or weighs over 4500 kg;
- (ii) a bus, unless it is being used only for personal purposes.

“divided highway” means a highway that is divided by a median into separate roadways for use by traffic travelling in opposite directions;

“driving automation system” means a motor vehicle system, including hardware and software, that performs part or all of a dynamic driving task on a sustained basis;

“dynamic driving task”, in relation to driving a motor vehicle, means any of the following functions, carried out as required to drive the motor vehicle on a highway having regard to other traffic:

- (i) controlling the lateral and longitudinal motion of the motor vehicle,
- (ii) monitoring the driving environment,
- (iii) executing responses to objects and events,

- (iv) planning driving manoeuvres,
- (v) enhancing vehicle conspicuity;

“farm implement” means a vehicle that meets all of the following criteria:

- (i) it is capable of being towed,
- (ii) it is manufactured, designed, redesigned, converted or reconstructed exclusively for use in operating a farm business;

“fire vehicle” ” previously referred to in earlier version as “fire response vehicle”

“fire vehicle” means a vehicle owned or engaged by a municipality, the Province, the Department of National Defence, or a volunteer fire service and used to respond to fire and other emergencies;

“heavy truck” means a truck with a shipping weight of greater than 3200 kg;

“international symbol of access” means the International Organization for Standardization’s ISO 7001 image that consists of a blue square overlaid in white with a stylized image of a person in a wheelchair;

“law enforcement vehicle” means a motor vehicle that is used by a law enforcement officer in the performance of their duties;

“light motor vehicle” means 1 of the following motor vehicles, but not including an ambulance or hearse:

- (i) a passenger car,
- (ii) a multi-purpose passenger vehicle,
- (iii) a truck with a shipping weight of 3200 kg or less,
- (iv) a 3-wheeled vehicle;

“limited speed motorcycle” means a limited speed motorcycle as defined in the *Motor Vehicle Safety Regulations*;

“median” means a physical barrier on or portion of a highway that physically separates the highway into separate roadways;

“medical or fire response vehicle” previously referred to in earlier version as “emergency response vehicle”

“medical or fire response vehicle” means 1 of the following motor vehicles:

- (i) a fire vehicle,
- (ii) a motor vehicle owned by a fire chief or a deputy fire chief of a volunteer fire service,

- (iii) an ambulance,
- (iv) a motor vehicle owned by Emergency Medical Care Inc;

“miscellaneous powered equipment” means any of the following motor vehicles:

- (i) a crane, a lifting device or well-drilling or other equipment of a similar type that is permanently mounted on a truck chassis that is not designed to transport goods or carry a load other than the permanently mounted equipment,
- (ii) self-powered wheeled or rubber-tracked construction or maintenance equipment, including a crane, backhoe, articulated wheel loader, road grader, trail groomer, forklift and utility tractor, but not including a lawn or garden tractor, that meets all of the following criteria:
 - (A) it has at least 2 axles,
 - (B) it has a maximum speed of no greater than 60 km/h,
 - (C) it is designed to carry no passengers other than the operator,
- (iii) a utility task vehicle that meets all of the following criteria:
 - (A) it is equipped with side-by-side seating, seat belts, roll-over protection and a storage box at the rear of the vehicle,
 - (B) it has at least 2 axles and a maximum speed of no greater than 60 km/h,
 - (C) it is owned by 1 of the following:
 - (I) a municipality, the Province, the Government of Canada, a university,
 - (II) an agency of an entity described in subparagraph I,
 - (III) a commercial entity.

“miscellaneous towed equipment” means a trailer that meets both of the following criteria:

- (i) it has permanently mounted on it machinery or equipment such as an air compressor, generator, welder, tar bucket, concrete mixer or other equipment of a similar type,
- (ii) it is not designed to transport goods or carry a load other than the permanently mounted equipment;

“motorcycle” means a motorcycle as defined in the *Motor Vehicle Safety Regulations*;

“multi-purpose passenger vehicle” means a multi-purpose passenger vehicle as defined in the *Motor Vehicle Safety Regulations*;

“non-repairable vehicle” means a vehicle that is a total loss that has no resale value except as a source of parts or scrap metal, including, without limitation, a total loss that meets any of the following criteria:

- (i) it has been recovered after being stolen but with substantially all the body panels or interior components missing,
- (ii) it has been immersed in a liquid to the bottom of the dashboard or to a level affecting any of the major electrical system components,
- (iii) it has been contaminated with a toxic substance that renders the vehicle unsafe due to the toxic hazard,
- (iv) it has been burned or damaged by heat in 2 or more compartments or burned or damaged by heat to the extent that high-strength steel components are affected,
- (v) it is a full-frame motor vehicle and has extensive damage requiring replacement of both cab and frame,
- (vi) it is a unibody motor vehicle and has any of the following types of damage:
 - (A) collision or other damage to the passenger compartment floor, cowl and A-pillar,
 - (B) collision or other damage to the rocker panel and B-pillar extending into the floor,
 - (C) an opening made anywhere in the unibody as part of a rescue or recovery operation;

“overtake” means, while driving on a highway, to go past or attempt to go past another slower moving vehicle or other conveyance that is travelling in the same direction;

“passenger car” means a “passenger car” as defined in the *Motor Vehicle Safety Act Regulations*;

“pedicab” means a device that meets all of the following criteria:

- (i) its designed to transport the individual driving it and no more than 3 passengers,
- (ii) it has 3 wheels that are each at least 350 mm in diameter,

- (iii) it is fitted with pedals that are operable at all times to propel the pedicab,
- (iv) it is propelled by 1 of the following:
 - (A) human power,
 - (B) a combination of human power and mechanical power from an attached motor that is driven by electricity producing no more than 500 W and incapable of providing further assistance when the pedicab reaches a speed of 32 km/h on level ground;

“person with a mobility impairment” means a person who has a severe physical disability caused by paralysis, lower limb amputation, heart or lung disease or other debilitating impairment that limits the person’s mobility in 1 of the following ways:

- (i) the person is unable to propel themselves without the aid of
 - (A) a wheelchair
 - (B) a walker, or
 - (C) a combination of 2 of the following:
 - (I) a crutch,
 - (II) a cane,
 - (III) a leg brace,
 - (IV) a leg prosthesis,
- (ii) the person is limited in mobility to 50 m or less in outdoor weather conditions as a result of 1 of the following circumstances:
 - (A) the person requires the daily use of a device to assist with breathing,
 - (B) the person has a significant cardiopulmonary condition that results in severe shortness of breath with minimum physical activity,
 - (C) the person has a severe neuromuscular or skeletal condition,
- (iii) the person has vision loss to a degree that significantly impairs their mobility;

“personal transporter” means a self-balancing electrically powered conveyance with 2 side-by-side wheels that is designed to transport a single individual and, for greater certainty, includes a Segway;

“power-assisted bicycle” means a conveyance that meets all of the following criteria:

- (i) it has steering handlebars,
- (ii) it is equipped with pedals or hand cranks,
- (iii) it has 1 of the following configuration of wheels:
 - (A) 2 tandem wheels,
 - (B) 3 wheels, at least 1 of which has a wheel rim diameter of at least 350 mm,
 - (C) 4 wheels, at least 2 of which have a wheel rim diameter of at least 350 mm;
- (iv) it is capable of being propelled by human power,
- (v) it has 1 or more electric motors that have, singly or in combination, all of the following characteristics:
 - (A) a total continuous nominal power output rating, measured at the shaft of each motor, of 500 W or less,
 - (B) if engaged by the use of muscular power, power assistance immediately ceases when the muscular power ceases,
 - (C) if engaged by the use of an accelerator controller, power assistance immediately ceases when the brakes are applied,
 - (D) no capability of providing further assistance when the bicycle attains a speed of 32 km/h on level ground,
- (vi) it has 1 of the following safety features:
 - (A) an enabling mechanism to turn the electric motor on and off that is separate from the accelerator controller and fitted in such a manner that it is operable by the driver,
 - (B) a mechanism that prevents the motor from being engaged before the bicycle attains a speed of 3 km/h;

“race”, for the purpose of clause 177(1)(b) of the Act, means a situation in which an individual does any of the following:

- (i) drives a motor vehicle at a speed above the lawful rate of speed in a manner that indicates that the driver is engaged in a competition,
- (ii) drives a motor vehicle in a manner that indicates the intent to chase another vehicle,

- (iii) drives a motor vehicle at a speed above the lawful rate of speed to outdistance or attempt to outdistance 1 or more other vehicles,
- (iv) drives a motor vehicle at a speed above the lawful rate of speed and repeatedly changes lanes in close proximity to 1 or more other vehicles;

“recovery vehicle” means a motor vehicle that is equipped to remove a vehicle by hoisting and towing it or loading it and carrying it away;

“recreational vehicle” means a motor vehicle that is primarily designed to provide temporary living quarters for recreational camping, travel or seasonal use, including a motor vehicle with a camper unit mounted on it;

“registered weight” of a vehicle means the maximum gross vehicle weight that the owner of the vehicle has registered the vehicle for;

“rickshaw” means a 2-wheeled passenger cart designed to be pulled by an individual on foot;

“school bus” means a school bus as defined in the *Motor Carrier Act*;

“service truck” means a motor vehicle that is used to provide service or minor repair to a vehicle that is damaged, disabled or inoperable, including battery service, tire changing and repairs and locked vehicle service;

“shared-use sidewalk” means a sidewalk that is designated by a traffic authority as a portion of a highway that may be used by pedestrians, bicycles and other conveyances specified by the traffic authority;

“shipping weight” of a vehicle means the weight of the vehicle as equipped with standard equipment and carrying its maximum capacity of oil and coolant and minimum amount of fuel, and including the weight of any air-conditioning equipment on the vehicle;

“state” means any state in the United States of America and includes the District of Columbia”;

“stunt”, for the purpose of clause 177(1)(d) of the Act, means any of the following actions:

- (i) attempting to lift all or some of a vehicle’s tires from the surface of the highway, other than when using lift axles on a commercial motor vehicle,
- (ii) attempting to spin or circle a vehicle without maintaining control of the vehicle,

- (iii) driving on the portion of the highway designated for use by oncoming traffic for longer than necessary to overtake 1 or more other vehicles,
- (iv) driving with a person in the trunk of the vehicle,
- (v) driving from a position in a vehicle other than the designated driver's seat,
- (vi) driving without due care or attention, reasonable consideration for others on the highway or in a manner that may endanger other persons, including any of the following:
 - (A) driving in a manner that indicates an intention to prevent another vehicle from passing safely,
 - (B) stopping or slowing in a manner that indicates an intention to interfere with the movement of another vehicle,
 - (C) driving as close as possible to another vehicle, a pedestrian or a fixed object,
 - (D) making a left turn at an intersection controlled by traffic control signals immediately after the signal facing the vehicle changes to solid green and before a vehicle that was stopped facing a red light in the opposite direction is able to proceed straight through the intersection;

“total loss” means a vehicle that has been damaged by collision, impact, fire or flood, or has been stolen and dismantled, so that the estimated cost of repairing it exceeds the difference between the fair market value of the vehicle immediately before it was damaged or stolen and its salvage value;

“traffic lane” means a marked or unmarked part of the main travelled way intended for 1 line of traffic travelling in the same direction;

“truck” means a motor vehicle designed, used or maintained primarily for transporting goods, materials or property;

“truck-tractor” means a motor vehicle designed and used primarily for towing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and the load being towed.

4 Further definition of “pedestrian”

“Pedestrian” as defined in the Act is further defined as including a person pushing or pulling a wagon, cart, baby carriage or stroller.

5 Prescriptions for purposes of definitions in Act

- (1) Each of the following is prescribed as a conveyance to be included in the definition of “conveyance” in the Act:
 - (a) a power-assisted bicycle;
 - (b) a bicycle trailer;
 - (c) a wagon or cart pulled by an animal that is led or driven.
- (2) Each of the following is prescribed as an incident to be included in the definition of “emergency” in the Act:
 - (a) an incident that requires the provision of emergency medical services;
 - (b) an incident that requires immediate emergency rescue or assistance;
 - (c) a spill of chemicals or other hazardous materials that requires urgent clean-up or containment.
- (3) Each of the following motor vehicles is prescribed as an emergency vehicle for the purpose of the definition of “emergency vehicle” in the Act:
 - (a) a law enforcement vehicle;
 - (b) a medical or fire response vehicle.
- (4) Each of the following individuals is prescribed as a law enforcement officer for the purpose of the definition of “law enforcement officer” in the Act:
 - (a) a police officer;
 - (b) a motor vehicle inspector;
 - (c) a sheriff who is an employee of the Department of Justice;
 - (d) a conservation officer appointed under an enactment;
 - (e) an inspector appointed under Section 34 of the *Motor Carrier Act*;
 - (f) a special constable appointed under Section 88 of the *Police Act* who is employed as a special constable by the Halifax-Dartmouth Bridge Commission;
 - (g) a fishery officer or fishery guardian designated under subsection 5(1) of the *Fisheries Act (Canada)*;
 - (h) an officer designated under subsection 12(1) of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (Canada)*;

- (i) a game officer designated under subsection 6(1) of the *Migratory Birds Convention Act* (Canada);
 - (j) an enforcement officer designated under subsection 85(1) of the *Species at Risk Act* (Canada);
 - (k) a wildlife officer designated under Section 11 of the *Canada Wildlife Act* (Canada).
- (5) Each of the following individuals is prescribed as a health professional to be included in the definition of “regulated health professional” in the Act:
- (a) an optometrist as defined in the *Optometry Act*;
 - (b) an occupational therapist as defined in *Occupational Therapists Act*.
- (6) Each of the following is prescribed as an activity to be included in the definition of “regulated vehicle activity” in the Act:
- (a) providing fleet driver training, administering practical driving examinations and issuing certificates of competence for a particular class of driver’s licence to the employees of the holder of a fleet driver training licence;
 - (b) providing driver training;
 - (c) conducting vehicle inspections at an inspection station;
 - (d) operating as a commercial driver.
- (7) Both of the following are prescribed as the criteria for a collision to meet the definition of “reportable collision” in the Act:
- (a) the collision involves a vehicle;
 - (b) the collision results in any of the following:
 - (i) bodily injury to an individual,
 - (ii) the death of an individual,
 - (iii) property damage in an amount of more than \$2000.
- (8) Each of the following is prescribed as a vehicle for the purpose of the definition of “vehicle” in the Act:
- (a) a light motor vehicle;
 - (b) a motorcycle;
 - (c) a recreational vehicle;
 - (d) a heavy truck;

- (e) a bus;
 - (f) a trailer;
 - (g) miscellaneous powered equipment;
 - (h) miscellaneous towed equipment.
- (9) While either of the following vehicles is attending at the scene of an emergency or assisting a disabled vehicle, each of the driver and any passengers in the vehicle is prescribed as a vulnerable road user for the purpose of the definition of “vulnerable road user” in the Act:
- (a) a recovery vehicle;
 - (b) a service truck.

6 Definitions for purposes of regulations

In any of the regulations made under the Act,

“curb weight” of a vehicle means the weight of the vehicle as equipped with standard equipment and carrying its maximum capacity of fuel, oil and coolant, and including

- (i) the weight of any air-conditioning equipment on the vehicle, and
- (ii) the amount by which the weight of any optional engine that the vehicle is equipped with exceeds the weight of the standard engine;

“farm machine” means a motor vehicle that is manufactured, designed, redesigned, converted or reconstructed for use in operating a farm business, and includes a combine, seeder, and sprayer;

“farm tractor” means a motor vehicle that meets all of the following criteria:

- (i) it is wheeled or tracked,
- (ii) it has at least 2 axles,
- (iii) it has a maximum design speed of at least 6 km/h,
- (iv) its main function lies in its tractive power,
- (v) it is especially designed with a power take-off to pull, push, carry and actuate interchangeable equipment designed to perform agricultural work;

“front axle certification weight” of an axle means the maximum axle weight that can be safely carried on the axle as determined by the manufacturer of the axle;

“gross vehicle weight” of a vehicle means the weight of the vehicle, including the weight of any cargo or passengers that the vehicle may transport;

“GVWR” or “gross vehicle weight rating” of a vehicle means the value specified by the vehicle manufacturer as the loaded weight of the vehicle, as defined in the *Motor Vehicle Safety Regulations*;

“heavy trailer” means 1 of the following vehicles:

- (i) a trailer with a gross vehicle weight rating of greater than 4500 kg,
- (ii) a farm implement with a gross vehicle weight of greater than 4500 kg;

“light trailer” means 1 of the following vehicles:

- (i) a trailer with a gross vehicle weight rating of 4500 kg or less,
- (ii) a farm implement with a gross vehicle weight of 4500 kg or less;

“*Motor Vehicle Safety Regulations*” means the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada);

“nighttime” means the period beginning 1/2 hour after sunset and ending 1/2 hour before the following sunrise;

“passenger car” means a “passenger car” as defined in the *Motor Vehicle Safety Act Regulations*;

“private bus” means a bus that is used to transport passengers other than for gain or hire;

“pole trailer” means a pole trailer as defined in Standard 223 set out in the *Motor Vehicle Safety Regulations*;

“police vehicle” means a vehicle that is owned by a municipal or federal police organization and used to provide policing services;

“vehicle for hire” means a Class 5 motor vehicle, as defined in the *Driver Licensing Regulations* made under the Act, that is used to transport passengers for compensation.