

# CONSOLIDATION OF MOTOR VEHICLES ACT

R.S.N.W.T. 1988,c.M-16

(Current to: April 5, 2007)

## AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.22(Supp.)

R.S.N.W.T. 1988,c.44(Supp.)

R.S.N.W.T. 1988,c.106(Supp.)

S.N.W.T. 1994,c.14

S.N.W.T. 1994,c.7

In force January 1, 1995: SI-019-94

S.N.W.T. 1994,c.33

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S.N.W.T. 1995,c.11

S.N.W.T. 1996,c.15

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S.N.W.T. 1997,c.8

S.N.W.T. 1998,c.40

S.N.W.T. 1998,c.21

In force March 31, 1999: SI-007-99

## AS AMENDED BY STATUTES ENACTED UNDER SECTION 76.05 OF NUNAVUT ACT:

S.N.W.T. 1998,c.34

In force April 1, 1999

## AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2003,c.4,s.22

s.22 in force March 28, 2003

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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**MOTOR VEHICLES ACT****INTERPRETATION**

## Definitions

**1.** In this Act,

"adjudicator" means an adjudicator appointed under subsection 320(1); (*arbitre*)

"all-terrain vehicle" means an all-terrain vehicle as defined in the *All-terrain Vehicles Act*; (*véhicule tout-terrain*)

"bicycle" means a cycle having any number of wheels that is propelled by human power and on which a person may ride; (*bicyclette*)

"bus" means a motor vehicle with a maximum seating capacity set by the manufacturer of more than 10 persons, including the driver's seat; (*autobus*)

"centre line" means the real or imaginary line that divides the lanes for traffic travelling in opposite directions on a two-way roadway; (*axe médian*)

"certificate of registration" means a certificate of registration or an interim certificate of registration issued under Part I; (*certificat d'immatriculation*)

"commercial vehicle" means a motor vehicle used for business purposes, but does not include a public service vehicle; (*véhicule utilitaire*)

"construction vehicle" means a grader, loader, shovel, tractor, mobile crane, backhoe, forklift and other similar equipment not normally used for travel on a highway; (*véhicule de construction*)

"council" means the council of a municipal corporation; (*conseil*)

"crosswalk" means

- (a) that part of a roadway at an intersection
  - (i) marked as a pedestrian crossing by a traffic control device,
  - (ii) that lies between imaginary lines connecting the lateral lines of the sidewalks on opposite sides of the highway where there are no marked pedestrian crossings and the intersecting highways have sidewalks, and
  - (iii) that lies between an imaginary line connecting the curb or edge of the roadway on opposite sides of the highway and an imaginary line parallel to and 1.5 m back from the first line where there are no marked pedestrian crossings and the intersecting highways do not have sidewalks, and

- (b) that part of a roadway other than at an intersection, marked as a pedestrian crossing by a traffic control device; (*passage pour piétons*)

"curb or edge" means, in respect of a roadway, the edge of the roadway, if the roadway does not have a curb; (*bordure ou côté de la chaussée*)

"dealer" means a person regularly engaged in the business of selling or exchanging motor vehicles or buying motor vehicles for the purpose of resale; (*concessionnaire*)

"Deputy Registrar" means a Deputy Registrar of Motor Vehicles appointed under subsection 317(1); (*registraire adjoint*)

"driver" means a person who operates a vehicle or, where the vehicle is not in motion, the person who is in actual physical control of the vehicle; (*conducteur*)

"driver's licence" means a driver's licence or interim driver's licence issued under Part II; (*permis de conduire*)

"emergency vehicle" means

- (a) a motor vehicle that is used for emergency purposes, carries rescue or first aid equipment and has markings on the outside of the vehicle indicating that it is used for emergency purposes, or
- (b) a motor vehicle that is operated by a member of a fire department in the performance of his or her duties and has markings on the outside of the vehicle indicating that it is used by a fire department; (*véhicule de secours*)

"enforcement vehicle" means a motor vehicle operated by a person authorized to enforce an Act of the Territories or an Act of Canada or the by-laws of a municipal corporation; (*véhicule de police*)

"examiner" means a driver examiner appointed under subsection 319(1) and a person who *ex officio* is a driver examiner under subsection 319(2); (*examineur*)

"general identification card" means a general identification card issued under Part VIII.1; (*carte d'identité*)

"gross weight" means the combined weight of a vehicle and its load; (*poids brut*)

"highway" means a road, place, bridge or structure, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage of vehicles and includes

- (a) a privately or publicly owned area that is designed and primarily used for the parking of vehicles, other than the driveway of a private dwelling,

- (b) where a plan of survey or other instrument establishes a highway, the area between the boundary lines of the highway as shown on the plan of survey or instrument,
- (c) a sidewalk, pathway, ditch or shoulder adjacent to and on either side of the travelled portion of the road or place and the area between the sidewalk, pathway, ditch or shoulder and the travelled portion of the road or place, and
- (d) a road on a frozen body of water or water course or a road that can be used for only a portion of a year; (*route*)

"insurance card" means a card issued under the *Insurance Act* that evidences the issue, renewal or continuation of a motor vehicle liability policy insuring the owner of a motor vehicle in respect of the ownership, use or operation of that vehicle; (*carte d'assurance*)

"intersection" means the area closed by the imaginary extension and connection of the curbs or edges of roadways that intersect or join at an angle; (*intersection*)

"judge" means a judge of the Supreme Court, a justice, a youth court or youth justice court judge and a judge of a court of appeal; (*juge*)

"jurisdiction" means the Territories, a province, the Yukon Territory, a district, state or country; (*autorité compétente*)

"licence plate" means a licence plate issued under Part I and includes a certificate issued under subsection 43(1); (*plaque d'immatriculation*)

"motorcycle" means a motor vehicle that

- (a) has two or three wheels,
- (b) is designed for use on a highway, and
- (c) does not have a cab for the driver; (*motocyclette*)

"motor vehicle" means a vehicle propelled or driven by power other than muscular power and includes a trailer, but does not include

- (a) an aircraft, a marine vehicle or an all-terrain vehicle,
- (b) a device that runs or is designed to run exclusively on rails, or
- (c) a mechanically propelled wheelchair; (*véhicule automobile*)

"motor vehicle liability policy" means a motor vehicle liability policy as defined in the *Insurance Act*; (*police de responsabilité automobile*)

"municipal corporation" means a corporation established or continued as

- (a) a city, town or village by or under the *Cities, Towns and Villages Act*,
- (b) a hamlet by or under the *Hamlets Act*, or
- (c) a charter community under the *Charter Communities Act*; (*municipalité*)

"municipality" means the geographic area of jurisdiction of a municipal corporation;  
(*municipalité*)

"NSC vehicle" means a commercial vehicle or a public service vehicle that is

- (a) a truck, truck tractor, or trailer, or a combination of a truck or truck tractor and one or two trailers, where the gross weight of the motor vehicle or the combination of motor vehicles exceeds 4,500 kg, and
- (b) a bus, other than a bus operated by the owner exclusively for his or her personal use; (*véhicule CCS*)

"officer" means a motor vehicle officer appointed under subsection 318(1) and a person who *ex officio* is a motor vehicle officer under subsection 318(2); (*agent*)

"park", in respect of a vehicle, means the stopping of a vehicle, whether occupied or not, except where

- (a) the vehicle is stopped in accordance with the direction of an officer or traffic control device,
- (b) the flow of traffic requires the vehicle to be stopped, or
- (c) the vehicle is temporarily stopped for the purpose of and while engaged in loading or unloading; (*stationner*)

"pedestrian" means a person on foot or in a wheelchair and includes a child in a carriage or carried by a person on foot; (*piéton*)

"public service vehicle" means a motor vehicle used for business purposes to transport

- (a) freight not owned by the owner of the vehicle, or
- (b) passengers for compensation; (*véhicule de transport public*)

"Registrar" means the Registrar of Motor Vehicles appointed under subsection 315(1); (*registraire*)

"roadway" means the part of a highway that is improved, designed or ordinarily used for the passage of vehicles, but does not include the shoulder of a highway; (*chaussée*)

"school bus" means a motor vehicle used to convey students to or from school or any other place approved by the authority in charge of the school that the students attend where

- (a) the vehicle is owned or operated by the authority in charge of the school, or
- (b) the vehicle is operated pursuant to a contract with the authority in charge of the school; (*autobus scolaire*)

"settlement" means the geographic area designated as a settlement under the *Settlements Act*; (*localité*)

"sidewalk" means the part of a highway beside or near a curb or edge of a roadway that is improved for the use of pedestrians; (*trottoir*)

"taxi" means a motor vehicle, other than a bus, that is used to transport passengers for compensation; (*taxi*)

"through highway" means a highway or part of a highway, for which traffic is not required to yield or to stop at intersections; (*route à priorité*)

"traffic" includes vehicles, ridden or herded animals and all-terrain vehicles; (*circulation*)

"traffic control device" means a sign, signal, light, line, marking or device placed or erected under a by-law made under subsection 346(1) or under section 5 of the *Public Highways Act* for the purpose of regulating, warning or guiding pedestrians or traffic; (*dispositif de signalisation*)

"traffic light" means a traffic control device that uses shapes, symbols or words that are periodically illuminated to direct traffic or pedestrians to stop and to proceed; (*feu de signalisation*)

"trailer" means a vehicle that is designed to be drawn on a highway by a motor vehicle, whether or not part of its weight or load rests on or is carried by that motor vehicle, but does not include a side car attached to a motorcycle; (*remorque*)

"valid" means, in respect of a document issued under or referred to in this Act or the regulations, a document that is not under suspension or has not been cancelled and that has not expired; (*valide*)

"vehicle" includes any vehicle designed to travel on land that is drawn, propelled or driven by any kind of power, including muscular power, but does not include an all-terrain vehicle or a device that is designed to run on rails; (*véhicule*)

"vehicle safety item" means any equipment, device or article that may be

- (a) attached to, carried in or a part of a vehicle, or
- (b) worn by a driver or passenger in or on a vehicle,

that may affect the safety of the driver, a passenger in or on the vehicle or the public, whether or not the vehicle is in motion. (*article de sécurité*)

R.S.N.W.T. 1988,c.44(Supp.),s.2; S.N.W.T. 1994,c.14,s.2; S.N.W.T. 1994,c.33,s.2; S.N.W.T. 1998,c.34,Sch.C,s.25(2); S.N.W.T. 1998,c.21,s.14(2); S.Nu. 2003,c.4,s.22(1).

## GOVERNMENT OF THE NORTHWEST TERRITORIES

Government bound by Act and regulations

**2.** This Act and the regulations bind the Government of the Northwest Territories and its agents.

## PART I

### REGISTRATION OF MOTOR VEHICLES

#### INTERPRETATION

##### Definition of "owner"

**3.** (1) Subject to subsection (2), in this Part, "owner" means, in respect of a motor vehicle, the person who has legal title to the motor vehicle.

##### Qualification

(2) In this Part, where a motor vehicle is subject to a contract providing that the person in possession of the motor vehicle shall receive legal title to the motor vehicle on compliance with the terms of the contract, "owner" means the person in possession of the motor vehicle.

##### *Idem*

(3) Notwithstanding subsections (1) and (2), in this Part, a person who obtains a leasehold interest in a motor vehicle for more than 30 days is an "owner" and a person who obtains a leasehold interest in a motor vehicle for 30 days or less is not an "owner".

##### Application by agent

**4.** (1) An application made by an owner of a motor vehicle or a dealer under this Part may be made by the agent of the owner or dealer.

##### Authority of agent

(2) The Registrar may reject an application made under this Part by an agent where the Registrar is not satisfied that the owner or dealer has authorized the agent to act on behalf of the owner or the dealer.

### REGISTRATION AND LICENCE PLATE

##### Registration

**5.** Subject to section 7, no person shall operate a motor vehicle on a highway unless

- (a) there is a valid certificate of registration that contains a description of the motor vehicle other than a certificate of registration that indicates, pursuant to subsection 15(2), that no licence plate was issued with the certificate; or
- (b) there is a valid certificate of registration issued to a dealer that does not contain a description of a motor vehicle and there is a licence plate of the prescribed class for dealers attached to the vehicle.

S.N.W.T. 1994,c.14,s.3,4.

## Licence plate and validation sticker

- 6.** Subject to section 7, no person shall operate a motor vehicle on a highway unless
- (a) a licence plate that was issued to the person named in the certificate of registration is attached to the motor vehicle with a valid validation sticker affixed to the licence plate; and
  - (b) the licence plate attached to the motor vehicle
    - (i) is or was the current series of licence plate issued by the Registrar when the validation sticker referred to in paragraph (a) was issued, or
    - (ii) is a licence plate bearing numbers or letters specifically selected by a person.
- S.N.W.T. 1994,c.14,s.5.

## Motor vehicles registered outside Territories

**7.** (1) Sections 5 and 6 do not apply to a person operating a motor vehicle on a highway where the owner of the motor vehicle has complied with the laws of a jurisdiction other than the Territories respecting registration, licence plates and validation stickers and

- (a) the motor vehicle
  - (i) has been in the Territories for a period not exceeding 90 consecutive days, and
  - (ii) is not a commercial or public service vehicle;
- (b) there is a valid registration permit for the motor vehicle in the name of the owner;
- (c) the motor vehicle
  - (i) is a commercial or public service vehicle,
  - (ii) has a gross weight below the prescribed weight, and
  - (iii) is in the Territories for a period not exceeding 30 consecutive days;
- (d) the owner of the motor vehicle is temporarily resident in the Territories for the purpose of attending an educational institution as a student or is participating as a student in an exchange program or other educational program recognized by the Registrar; or
- (e) the motor vehicle is a commercial or public service vehicle that is a trailer.

## In transit permit

(2) Sections 5 and 6 do not apply to a person operating a motor vehicle on a highway where there is a valid in transit permit for the motor vehicle.

## Requirement for new owner to obtain registration

**8.** (1) Subject to subsection (2), a person who becomes an owner of a motor vehicle for which a certificate of registration has been issued, other than a motor vehicle described in a notice referred to in section 9 that has been accepted by the Registrar, shall obtain a new certificate of registration for the motor vehicle within 30 days of becoming the owner.

*Idem*

(2) Where a person, who has been prohibited from applying for a certificate of registration by the Registrar, becomes the owner of a motor vehicle for which a certificate of registration has been issued, the person shall obtain a new certificate of registration for the motor vehicle within 30 days after the expiration of the period of prohibition.

## Inoperable motor vehicle

**9.** (1) Where a motor vehicle for which a certificate of registration has been issued is inoperable and the motor vehicle cannot be put into an operable condition, the owner of the motor vehicle shall notify the Registrar of this fact without delay.

## Where no further certificates of registration

(2) Where the Registrar receives a notice referred to in subsection (1) and is satisfied that the motor vehicle cannot be put into an operable condition, the Registrar shall not issue another certificate of registration for the motor vehicle described in the notice.

## Motor vehicles brought into Territories

**10.** (1) An owner of a motor vehicle that is registered under the laws of a jurisdiction other than the Territories referred to in paragraph 7(1)(a) shall obtain a certificate of registration for the motor vehicle by the day that the motor vehicle has been in the Territories for 91 consecutive days regardless of whether the motor vehicle is operated on a highway.

## Exemption

(2) Subsection (1) does not apply to an owner of a motor vehicle who is temporarily resident in the Territories for the purpose of attending an educational institution as a student or is participating as a student in an exchange program or other educational program recognized by the Registrar.

## Application by owner

**11.** (1) The owner of a motor vehicle may apply to the Registrar to have a certificate of registration, registration permit, in transit permit, licence plate or validation sticker issued for that motor vehicle.

## Application by dealer

(2) A dealer may apply to the Registrar for a certificate of registration that does not contain a description of a motor vehicle, an in transit permit, licence plate or validation sticker for motor vehicles that are in the possession of the dealer and that the dealer intends to sell in the course of his or her business as a dealer.

## Duty to issue

**12.** The Registrar shall issue a certificate of registration, registration permit, in transit permit, licence plate or validation sticker to a person applying for such a document or licence plate where the person meets the requirements of this Act and the regulations for that document or licence plate.

## CERTIFICATES OF REGISTRATION

## Certificate of registration

- 13.** (1) The Registrar shall not issue a certificate of registration to an owner of a motor vehicle unless
- (a) the owner completes an application that contains a postal and residential address for the owner in the Territories or, if the owner is a corporation, a postal address and an address setting out the location of the owner's place of business in the Territories;
  - (b) the Registrar is satisfied in accordance with the prescribed standards that the applicant is the owner of the motor vehicle;
  - (c) where the motor vehicle is intended to be operated on a highway, the owner submits a certificate issued under subsection 38(1), an insurance card or written proof satisfactory to the Registrar that the owner has obtained a motor vehicle liability policy that complies with the *Insurance Act* for the vehicle;
  - (c.1) where the motor vehicle is an NSC vehicle, the Registrar is satisfied that the owner has not been assigned an unsatisfactory safety rating under the regulations;
  - (d) the Registrar is satisfied that there is no judgment of a court in any jurisdiction for damages against the owner arising out of a traffic accident
    - (i) of which there is no insurance available for payment of the damages, and
    - (ii) that has not been satisfied within 30 days of the judgment becoming final;
  - (e) the Registrar is satisfied that the owner is not prohibited by this Act from applying for a certificate of registration; and
  - (f) the owner submits the prescribed fee.

## Early renewal

(2) The Registrar shall not issue a certificate of registration for a motor vehicle to a person who is named on a valid certificate of registration for the same motor vehicle if there are more than 90 days before the date of expiry on the valid certificate unless the Registrar is satisfied that there are circumstances that justify issuing a certificate earlier than 90 days before the date of expiry.

### Existing certificates

(3) The Registrar shall not issue a new certificate of registration for a motor vehicle to a person who is named in a certificate of registration that has or is about to expire for the vehicle unless the person submits the original or a replacement certificate of registration for the vehicle issued in the name of the person applying.  
R.S.N.W.T. 1988,c.44(Supp.),s.3.

### Where extraterritorial registration suspended or cancelled

**14.** The Registrar shall not issue a certificate of registration to an owner of a motor vehicle that has been registered under the laws of a jurisdiction other than the Territories where, at the time the application is made, the registration of the owner is suspended or the registration of the owner has been cancelled and the owner is prohibited from obtaining a new certificate, unless

- (a) the Registrar is satisfied that he or she knows the facts on which the suspension or cancellation is based; and
- (b) based on the Registrar's knowledge of the facts, no suspension or cancellation of the registration could be made in the Territories or, if a cancellation could be made in the Territories, the owner could not be prohibited from applying for a certificate of registration or the period of prohibition would have expired in the Territories.

### Exemption from insurance requirement

**15.** (1) Paragraph 13(1)(c) does not apply to an owner

- (a) who does not intend to operate the motor vehicle on a highway; or
- (b) who is a dealer who intends to sell the motor vehicle in the course of his or her business as a dealer.

### Where no licence plate issued on registration

(2) Where the Registrar issues a certificate of registration to an owner of a motor vehicle who did not submit a certificate, an insurance card or written proof referred to in paragraph 13(1)(c) for the motor vehicle, the Registrar shall not issue a licence plate to the owner based on that certificate of registration and the certificate of registration must indicate that no licence plate was issued with the certificate. S.N.W.T. 1994,c.14,s.6.

### Attaching licence plates

**16.** (1) No person shall attach a licence plate to a motor vehicle described in a certificate of registration referred to in subsection 15(2) unless

- (a) the licence plate is of the class for dealers; and
- (b) a valid certificate of registration in the name of a dealer that does not contain a description of a motor vehicle is inside the motor vehicle.

### Operation of motor vehicle

(2) No person shall operate a motor vehicle described in a certificate of registration referred to in subsection 15(2) on a highway, unless

- (a) a licence plate of the class for dealers is attached to the motor vehicle; and
- (b) a valid certificate of registration in the name of a dealer that does not contain a description of a motor vehicle is inside the motor vehicle.

### Taxis and school busses

**17.** (1) An owner who intends to use his or her motor vehicle as a school bus or taxi shall, when applying for a certificate of registration for the motor vehicle, notify the Registrar of this intention.

### Insurance requirements

(2) The Registrar shall not issue a certificate of registration to an owner of a motor vehicle who has notified the Registrar that he or she intends to use the motor vehicle as a school bus or taxi unless the Registrar is satisfied that the motor vehicle, when operated as a school bus or taxi, will be covered by a motor vehicle liability policy that insures at least to the prescribed limits against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property.

### Dealer's certificate of registration

**18.** The Registrar shall not issue a certificate of registration that does not contain a description of a motor vehicle to a dealer unless

- (a) the dealer completes an application that contains a postal address for the dealer in the Territories and an address setting out the place of business of the dealer in the Territories;
- (b) the Registrar is satisfied in accordance with the prescribed standards that the applicant is a dealer;
- (c) the Registrar is satisfied that each motor vehicle that is operated in the course of the business of the dealer under the certificate will be covered by a motor vehicle liability policy that complies with the *Insurance Act*;
- (d) the Registrar is satisfied that there is no judgment of a court in any jurisdiction for damages against the dealer arising out of a traffic accident
  - (i) for which there is no insurance available for payment of the damages, and
  - (ii) that has not been satisfied within 30 days of the judgment becoming final;
- (e) the Registrar is satisfied that the dealer is not prohibited by this Act from applying for a certificate of registration; and
- (f) the dealer submits the prescribed fee.

#### Non-payment of fine

**19.** The Registrar may refuse to issue a certificate of registration to an owner or dealer who has been required to pay a fine for contravening this Act, the regulations or a by-law made under Part XII, where the time allowed for payment of the fine has passed and the fine is outstanding.

#### Interim certificate of registration

**20.** (1) Where an owner or dealer is entitled to be issued a certificate of registration, but it is impracticable for the Registrar to issue the certificate, the Registrar may issue an interim certificate of registration to the owner or dealer.

#### Expiration of interim certificate

(2) An interim certificate of registration expires 90 days after it is issued or after a shorter period that may be specified by the Registrar on the interim certificate.

#### Instructions

(3) The owner or dealer shall, at the time of receiving an interim certificate, specify whether the Registrar is

- (a) to notify the owner or dealer, or
  - (b) to mail the certificate of registration to the owner or dealer,
- when the certificate of registration is issued.

#### Compliance with instructions

(4) When the certificate of registration is issued, the Registrar shall notify the owner or dealer or mail the certificate in accordance with the instructions provided under subsection (3).

#### Destruction of interim certificate

(5) The owner or dealer shall, on receipt of the certificate of registration, destroy the interim certificate.

### EXPIRATION OF CERTIFICATES

#### Expiration of certificate of registration

**21.** (1) A certificate of registration that does not contain a description of a motor vehicle issued to a dealer expires on the earliest of the following days:

- (a) the day specified by the Registrar in the certificate;
- (b) 90 days after the death or, where the dealer is a corporation, the dissolution of the dealer.

#### *Idem*

(2) A certificate of registration, other than a certificate referred to in subsection (1), expires on the earliest of the following days:

- (a) the day specified by the Registrar in the certificate;
- (b) the day that a person, other than the person named in the certificate or the executor or administrator of the estate of that person,

- becomes the owner of the motor vehicle described in the certificate;
- (c) where the motor vehicle for which the certificate is issued is not a commercial or public service vehicle, 60 days after the death of the person named in the certificate or, where the person is a corporation, 90 days after its dissolution;
  - (d) where the motor vehicle for which the certificate is issued is a commercial or public service vehicle, 90 days after the death of the person named in the certificate or, where the person is a corporation, 90 days after its dissolution.

### TRANSFER OF OWNERSHIP

#### Transfer on death or dissolution of dealer

**22.** Where a certificate of registration that does not contain a description of a motor vehicle issued to a dealer expires under paragraph 21(1)(b), the executor or administrator of the estate of a deceased dealer or, where the dealer is a corporation that is dissolved, the person having legal authority to deal with the assets of the dissolved corporation shall, within 10 days after the expiration of the certificate,

- (a) notify the Registrar of the death or dissolution of the dealer; and
- (b) submit the licence plate described in the certificate of registration to the Registrar.

#### Transfer by voluntary act

**23.** Where a certificate of registration expires under paragraph 21(2)(b) and the person named in the expired certificate has transferred ownership of the motor vehicle by a voluntary act,

- (a) the person named in the expired certificate shall
    - (i) immediately remove the licence plate attached to the motor vehicle, and
    - (ii) sign the notice of transfer on the certificate of registration for the motor vehicle and give this notice to the new owner; and
  - (b) the new owner shall, within 10 days of becoming the owner, submit the notice of transfer to the Registrar.
- S.N.W.T. 1994,c.14,s.7.

#### Transfer by operation of law

**24.** Where a certificate of registration expires under paragraph 21(2)(b) and the new owner acquired ownership of the motor vehicle by operation of law or without the voluntary act of the person named in the expired certificate, the new owner shall

- (a) immediately remove the licence plate attached to the motor vehicle and give it to the person named in the expired certificate or to the Registrar if that person cannot be located; and

- (b) within 10 days of becoming the owner of the motor vehicle, notify the Registrar of the transfer of ownership.  
S.N.W.T. 1994,c.14,s.8.

#### Transfer on death or dissolution

**25.** Where a certificate of registration for a motor vehicle expires under paragraph 21(2)(c) or (d), the executor or administrator of the estate of the person named in the expired certificate or, where the person named in the expired certificate is a corporation, the person having legal authority over the assets of the dissolved corporation shall

- (a) immediately remove the licence plates attached to the motor vehicle; and
- (b) within 10 days after the expiration of the certificate
  - (i) notify the Registrar of the death or dissolution of the person named in the certificate, and
  - (ii) submit the licence plates removed from the motor vehicle to the Registrar.

### REGISTRATION PERMITS

#### Registration permit

**26.** A registration permit authorizes the operation of a motor vehicle as a commercial or public service vehicle on a highway for up to one year where the motor vehicle is

- (a) registered, and
- (b) has a licence plate attached,

in accordance with the laws of a jurisdiction other than the Territories.

R.S.N.W.T. 1988,c.106(Supp.),s.2; S.N.W.T. 1994,c.14,s.9.

#### Requirements for registration permit

**27.** The Registrar shall not issue a registration permit to the owner of a motor vehicle unless

- (a) the Registrar is satisfied that the motor vehicle is registered and has licence plates attached in accordance with the laws of a jurisdiction other than the Territories;
- (b) the owner submits a completed registration permit form;
- (c) the Registrar is satisfied that the motor vehicle is a commercial or public service vehicle;
- (c.1) where the motor vehicle is an NSC vehicle, the Registrar is satisfied that the owner has not been assigned an unsatisfactory safety rating under the regulations;
- (d) the Registrar is satisfied that there is no judgment of a court in any jurisdiction for damages against the owner arising out of a traffic accident
  - (i) for which there is no insurance available for payment of the damages, and

- (ii) that has not been satisfied within 30 days of the judgment becoming final;
  - (e) the owner submits the prescribed fee;
  - (f) the owner submits proof in the prescribed manner that the owner meets the prescribed standards of financial responsibility with respect to the operation of the motor vehicle and any trailer it tows in the Territories; and
  - (g) the Registrar is satisfied that the owner is not prohibited by this Act from applying for a registration permit.
- R.S.N.W.T. 1988,c.44(Supp.),s.4.

#### Non-payment of fine

**28.** The Registrar may refuse to issue a registration permit to an owner who has been required to pay a fine for contravening this Act, the regulations or a by-law made under Part XII, where the time allowed for payment of the fine has passed and the fine is outstanding.

#### Conditions of registration permit

- 29.** (1) A registration permit is subject to
- (a) the prescribed conditions; and
  - (b) any conditions that are endorsed on the permit that the Registrar considers proper.

#### Compliance with conditions

(2) Every person who operates a motor vehicle on a highway under the authority of a registration permit shall comply with the conditions that apply to the permit.

#### Expiry

**30.** A registration permit expires on the day specified by the Registrar on the permit.  
R.S.N.W.T. 1988,c.106(Supp.),s.3.

### IN TRANSIT PERMITS

#### In transit permit

- 31.** (1) An in transit permit authorizes the operation of a motor vehicle
- (a) that is not registered in a jurisdiction other than the Territories, and
  - (b) for which there is no valid certificate of registration for the vehicle that entitles the person named in the certificate to a licence plate,
- on a highway between the locations specified on the permit.

#### Restriction

(2) An in transit permit does not authorize the operation of a public service vehicle or a commercial vehicle except for the operation of a motor vehicle by a dealer or his or her driver in the course of his or her business as a dealer. S.N.W.T. 1994,c.14,s.10.

## Requirements for in transit permit

**32.** The Registrar may not issue an in transit permit to an owner of a motor vehicle or a dealer unless the owner or dealer

- (a) satisfies the Registrar that
    - (i) the motor vehicle is not registered in a jurisdiction other than the Territories, and
    - (ii) there is no valid certificate of registration for the vehicle that entitles the holder to a licence plate;
  - (b) satisfies the Registrar,
    - (i) in the case of a dealer, that he or she is a dealer in accordance with the prescribed standards, or
    - (ii) in the case of an owner, that he or she is the owner in accordance with the prescribed standards and that the motor vehicle will not be used as a commercial or public service vehicle;
  - (c) submits a completed in transit form;
  - (d) submits the prescribed fee; and
  - (e) in the case of an owner, submits a certificate issued under subsection 38(1), an insurance card or written proof satisfactory to the Registrar that the owner has obtained a motor vehicle liability policy that complies with the *Insurance Act* for the motor vehicle or, in the case of a dealer, satisfies the Registrar that the motor vehicle, when operated in the course of the business of the dealer, will be covered by a motor vehicle liability policy that complies with the *Insurance Act*.
- S.N.W.T. 1994,c.14,s.10.

## Non-payment of fine

**33.** The Registrar may refuse to issue an in transit permit to an owner or dealer who has been required to pay a fine for contravening this Act, the regulations or a by-law made under Part XII, where the time allowed for payment of the fine has passed and the fine is outstanding.

## Conditions of in transit permit

**34.** (1) The Registrar shall specify on an in transit permit the day and the locations between which the motor vehicle described on the permit may be operated.

## Prohibition

(2) No person shall operate a motor vehicle on a highway under the authority of an in transit permit except on the day and between the locations specified on the permit.

## Display of in transit permit

(3) No person shall operate a motor vehicle, other than a trailer, on a highway under the authority of an in transit permit

- (a) where the motor vehicle is equipped with a windshield, unless the in transit permit is displayed on the right side of the windshield; or

- (b) where the motor vehicle is not equipped with a windshield, unless the in transit permit is carried by the driver of the vehicle.

#### Display of in transit permit where trailer operated

(4) No person shall operate a trailer on a highway under the authority of an in transit permit

- (a) where the motor vehicle towing the trailer is equipped with a windshield, unless the in transit permit is displayed on the right side of the windshield; or
- (b) where the motor vehicle towing the trailer is not equipped with a windshield, unless the in transit permit is carried by the driver of the vehicle.

#### Obligations on operator

**35.** A person operating a motor vehicle on a highway under the authority of an in transit permit shall

- (a) take the most direct route allowed by law between the locations specified on the permit; and
- (b) destroy the permit immediately after the motor vehicle reaches the destination specified on the permit.

## INSURANCE

#### Definition of "visiting force"

**36.** (1) For the purposes of subsection (3), "visiting force" means a visiting force as defined in the *Visiting Forces Act* (Canada).

#### Requirement for insurance

(2) No person shall park a motor vehicle on a highway, other than a privately owned area that is designed and primarily used for the parking of vehicles, or operate a motor vehicle on a highway unless,

- (a) with respect to a motor vehicle for which there is a certificate of registration or an in transit permit or that is not registered under the laws of any jurisdiction, there is
  - (i) a motor vehicle liability policy that is in force and that evidences a contract that insures at least to the limits required by section 144 of the *Insurance Act*, or
  - (ii) a valid certificate issued under subsection 38(1); or
- (b) with respect to a motor vehicle registered under the laws of a jurisdiction other than the Territories, the owner of the motor vehicle meets the prescribed standards of financial responsibility with respect to the operation of the motor vehicle in the Territories or, where the motor vehicle is a commercial or public service vehicle that is a trailer, the owner of the motor vehicle towing the trailer meets the prescribed standards of financial responsibility with respect to the operation of the trailer in the Territories.

### Exemption

(3) Subsection (2) does not apply to a person who is a member of a visiting force operating a service motor vehicle of that visiting force.

### School busses and taxis

**37.** No person shall operate, on a highway, a motor vehicle as a school bus or taxi unless there is in respect of that vehicle a motor vehicle liability policy that is in force and that evidences a contract that insures at least to the prescribed limits against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property when the vehicle is operated as a school bus or taxi.

### Certificate of financial responsibility

**38.** (1) Where an owner has made arrangements satisfactory to the Registrar respecting the provision of security for the payment of compensation for the injury or death of persons or loss or damage to property caused by the operation of a motor vehicle of the owner, the Registrar may issue a certificate of financial responsibility stating that the owner has made this arrangement.

### Application of certificate

(2) A certificate of financial responsibility issued to an owner under subsection (1) applies to the motor vehicles that are described on certificates of registration issued, from time to time, in the name of the owner.

## LICENCE PLATES AND VALIDATION STICKERS

### Transferring licence plate

**39.** (1) Subject to subsection (2), where the ownership of a motor vehicle is transferred, otherwise than on the death of the owner or, if the owner is a corporation, on the dissolution of the corporation, the person named in the certificate of registration for the motor vehicle may transfer the licence plate with a validation sticker affixed from the vehicle that is no longer owned by the person to another motor vehicle that he or she owns.

### Obtaining certificate of registration

(2) Where a person transfers a licence plate to a motor vehicle under subsection (1), the person shall, within 14 days of the transfer, obtain a new certificate of registration for the vehicle and advise the Registrar of the numbers or letters on the licence plate attached to the vehicle.

### Restriction

(3) The person referred to in subsection (1) shall not transfer a licence plate to a motor vehicle under subsection (1) if it is an offence to operate the vehicle with that class of licence plate. R.S.N.W.T. 1988,c.106(Supp.),s.4; S.N.W.T. 1994,c.14,s.11,12,13.

## Issuing licence plate and validation sticker

**40.** The Registrar shall not issue a licence plate or a validation sticker to an owner of a motor vehicle unless the owner

- (a) has applied for and is entitled to receive a certificate of registration for the motor vehicle, other than a certificate of registration referred to in subsection 15(2);
  - (b) meets the prescribed eligibility requirements for the licence plate and validation sticker; and
  - (c) submits the prescribed fee.
- S.N.W.T. 1994,c.14,s.14.

## Issuing licence plates and validation stickers to dealer

**41.** Where the Registrar issues a certificate of registration that does not contain a description of a motor vehicle to a dealer, the Registrar shall, on payment of the prescribed fee, issue to the dealer

- (a) one licence plate of the class for dealers and a validation sticker; or
- (b) a validation sticker if the dealer has a licence plate of the class for dealers that is of the current series.

## Licence plates identified on certificate of registration

**42.** (1) Where the Registrar issues a certificate of registration, other than a certificate of registration referred to in subsection 15(2), the certificate must identify

- (a) the licence plate that the Registrar has issued in respect of that certificate; or
- (b) the licence plate that is being transferred to the motor vehicle described in the certificate pursuant to section 39.

## Prohibition

(2) No person shall operate a motor vehicle on a highway under a certificate of registration unless the licence plate attached to the motor vehicle is the licence plate identified in the certificate of registration. S.N.W.T. 1994,c.14,s.15,16.

## Certificate respecting licence plate and validation sticker

**43.** (1) Where an owner or dealer is entitled to be issued a licence plate or a validation sticker but it is impracticable for the Registrar to issue the plate or sticker, the Registrar may issue a certificate to the owner or dealer stating that the owner or dealer is entitled to the specified class of licence plate or validation sticker in respect of a motor vehicle to which the certificate applies.

## Deemed compliance

(2) An owner or dealer who has been issued a certificate referred to in subsection (1) and who carries the certificate in the motor vehicle to which the certificate applies shall be deemed to be in compliance with the provisions of this Act and the regulations respecting the licence plate of the class described in the certificate and the validation sticker.

#### Expiration of certificate

(3) A certificate referred to in subsection (1) expires 90 days after it is issued or after a shorter period that may be specified by the Registrar on the certificate.

#### Instructions

(4) The owner or dealer shall, at the time of receiving a certificate, specify whether the Registrar is to

- (a) notify the owner or dealer, or
  - (b) mail the licence plate or validation sticker to the owner or dealer,
- when the licence plate or validation sticker is issued.

#### Compliance with instructions

(5) When the licence plate or validation sticker is issued, the Registrar shall notify the owner or dealer or mail the plate or sticker in accordance with the instructions provided under subsection (4).

#### Destruction of certificate

(6) The owner or dealer shall, on receipt of the licence plate or validation sticker, destroy the certificate. S.N.W.T. 1994,c.14,s.17,18,19,20.

#### New series of licence plates

**44.** The Registrar may, from time to time, issue a new series of licence plates.

#### Expiration of validation sticker

**45.** A validation sticker expires on the last day of the month and year specified on the sticker as determined by the Registrar.

#### Licence plate issued to owner

**46.** (1) No person shall operate or park, on a highway, a motor vehicle

- (a) with a licence plate attached, or
- (b) with a validation sticker affixed to a licence plate,

unless the licence plate or validation sticker was issued by the Registrar to the person or dealer named in the certificate of registration for the vehicle.

#### Improper use of licence plate

(2) No person who has been issued a licence plate or a validation sticker shall knowingly permit another person to use their plate or sticker in contravention of subsection (1). S.N.W.T. 1994,c.14,s.21.

#### Application

**47.** (1) This section applies to a person who is operating a motor vehicle under the authority of a certificate of registration.

#### Requirement for placing of licence plate

(2) Subject to subsection (2.1), no person shall operate or park a motor vehicle, other than a motorcycle, trailer or a prescribed class of motor vehicle, on a highway unless a licence plate is securely attached to the rear bumper of the vehicle.

#### Vehicle having gross weight over 4500 kg

(2.1) No person shall operate or park on a highway a public service vehicle or commercial vehicle having a gross weight that exceeds 4500 kg unless that vehicle has a licence plate attached to the front bumper.

#### Motorcycles

(3) No person shall operate or park a motorcycle on a highway unless a licence plate is securely attached to the rear fender of the motorcycle.

#### Trailers

(4) No person shall operate or park a trailer on a highway unless a licence plate is securely attached to the back of the trailer at a position not lower than the rear axle.  
S.N.W.T. 1994,c.14,s.22.

#### Licence plates from other jurisdictions

**47.1.** (1) Subject to subsection (2), no person shall operate a motor vehicle with licence plates issued by more than one jurisdiction attached to the motor vehicle.

#### Exception

(2) Subsection (1) does not apply to a person in possession of a registration permit for the operation of a commercial vehicle or public service vehicle having a gross weight that exceeds 4500 kg.

#### Plate of current issue

(3) No person shall operate a motor vehicle with a licence plate representing or purporting to represent the Territories, other than a licence plate of current issue, attached to the motor vehicle. S.N.W.T. 1994,c.14,s.23.

#### Definitions

**48.** (1) In this section, "licence plate" and "validation sticker" mean a licence plate and validation sticker issued under this Part or under the laws of a jurisdiction other than the Territories.

#### Obligations of driver

(2) No person shall operate or park a motor vehicle on a highway unless the licence plate attached to the motor vehicle is free of dirt and obstructions.

## Defaced licence plates

(3) No person shall

- (a) deface or alter a licence plate or validation sticker; or
- (b) operate or park a motor vehicle on a highway with a defaced or altered licence plate that is attached to the motor vehicle or with a defaced or altered validation sticker affixed to a licence plate that is attached to a motor vehicle.

## Removal of licence plates

(4) No person shall

- (a) remove a licence plate that is attached to a motor vehicle without the consent of the owner of the vehicle, unless the person is authorized by this Act or the regulations to remove the licence plate; or
- (b) remove a licence plate attached to a motor vehicle that is parked on a highway unless a new licence plate is immediately attached to the vehicle.

S.N.W.T. 1994,c.14,s.24,25.

## Parked motor vehicles

**49.** (1) No person shall park and no owner shall allow a motor vehicle to stand on a highway, other than a privately owned area that is designed and primarily used for the parking of vehicles, unless licence plates with validation stickers affixed as described in paragraphs 6(a) and (b) are attached to the motor vehicle.

## Exemption

(2) Subsection (1) does not apply to a motor vehicle described in subsection 7(1) or a motor vehicle for which there is a valid in transit permit.

## MISCELLANEOUS

## Replacement certificates and permits

**50.** (1) Where a certificate of registration, registration permit or in transit permit is lost, stolen or destroyed or becomes illegible, the person named in the certificate or permit may apply for a replacement.

## Requirements for replacement certificates and permits

(2) The Registrar shall not issue a replacement certificate or permit to a person unless the person submits

- (a) a completed application;
- (b) the prescribed fee; and
- (c) the existing certificate or permit if it is still in the possession of the person.

## New licence plate and validation sticker

**51.** (1) Where a validation sticker or licence plate is lost, stolen, destroyed or becomes illegible, the person to whom the licence plate or validation sticker was issued may apply for a new licence plate or validation sticker.

## Requirements

(2) The Registrar shall not issue a new licence plate or validation sticker to a person applying under subsection (1), unless the person submits

- (a) a completed application;
- (b) the prescribed fee; and
- (c) the certificate of registration for the motor vehicle for which the licence plate or validation sticker referred to in subsection (1) was issued and
  - (i) where the application is for a licence plate, the existing licence plate with a validation sticker affixed, if it is still in the possession of the person,
  - (ii) where the application is for a validation sticker that has not been affixed to a licence plate, the existing validation sticker, if it is still in the possession of the person, or
  - (iii) where the application is for a validation sticker that has been affixed to a licence plate, the existing licence plate with the validation sticker affixed, if it is still in the possession of the person.

## New licence plate and validation sticker

(3) Upon a person meeting the requirements of subsection (2), the Registrar shall issue to the person a new licence plate and validation sticker, as required, and a new certificate of registration. S.N.W.T. 1994,c.14,s.26.

## Change of name or address

**52.** (1) Where the person named in a certificate of registration changes his or her name or address as shown on the certificate, the person shall, within 15 days after the change, notify the Registrar in writing

- (a) in respect of a change of name, of the old name and new name; and
- (b) in respect of a change of address, of the old address and the new address in the Territories.

## New certificate issued

(2) On receipt of a notice referred to in subsection (1) and the Registrar being satisfied that the information contained in the notice is complete and correct, the Registrar shall issue a new certificate showing the new name or address, as the case may be.

## Restriction on application for certificate or permit

**53.** (1) No person shall apply for a certificate of registration or registration permit during the period of time that the person is prohibited by the Registrar from applying for a certificate of registration and registration permit.

## Restriction on application for registration permit

(2) No person shall apply for a registration permit for a motor vehicle during the period in which the certificate of registration or similar document issued under the laws of a jurisdiction other than the Territories for the vehicle is

- (a) suspended; or
- (b) cancelled and no new certificate or document has been obtained for the vehicle.

## Driving after certificate cancelled

**54.** No person shall operate a motor vehicle on a highway

- (a) while the certificate of registration for the vehicle is suspended; or
- (b) where the certificate of registration for the vehicle has been cancelled and no new certificate of registration has been obtained.

## Defence

**55.** No person shall be found guilty of contravening section 53 or 54 if the person proves that he or she did not have actual notice of the prohibition, suspension or cancellation, as the case may be, before the alleged contravention.

## Documents to be carried in motor vehicle

**56.** (1) Subject to subsection (2), no person shall operate a motor vehicle on a highway unless the following documents are located inside the vehicle:

- (a) in respect of a motor vehicle operated under the authority of a certificate of registration or an in transit permit, other than a certificate that does not contain a description of a motor vehicle or an in transit permit issued in the name of a dealer,
  - (i) the certificate of registration or in transit permit for the motor vehicle, and
  - (ii) a certificate issued under subsection 38(1), an insurance card or written proof accepted by the Registrar that the owner has obtained a motor vehicle liability policy that complies with the *Insurance Act* for the motor vehicle;
- (b) in respect of a motor vehicle operated under the authority of a certificate of registration that does not contain a description of a motor vehicle or an in transit permit issued in the name of a dealer,
  - (i) the certificate of registration or in transit permit, and
  - (ii) a document issued by an insurance company indicating that the motor vehicle, when operated in the course of the business of the dealer, is covered by a motor vehicle liability policy that complies with the *Insurance Act*;

- (c) in respect of a motor vehicle operated under the authority of a registration permit,
  - (i) a document that establishes that the vehicle is registered under the laws of a jurisdiction other than the Territories,
  - (ii) the registration permit for the motor vehicle, and
  - (iii) a prescribed document indicating that the owner of the motor vehicle meets the prescribed standards of financial responsibility with respect to the operation of the motor vehicle and any trailer it tows in the Territories;
- (d) in respect of a motor vehicle operated under paragraph 7(1)(a), (c) or (d),
  - (i) a document that establishes that the vehicle is registered under the laws of a jurisdiction other than the Territories, and
  - (ii) a prescribed document indicating that the owner of the motor vehicle meets the prescribed standards of financial responsibility with respect to the operation of the motor vehicle in the Territories.

#### Trailers

(2) A person operating a motor vehicle that tows a trailer shall keep the documents referred to in subsection (1) in respect of the trailer either inside the motor vehicle that is towing the trailer or inside the trailer.

#### Insurance card

(3) Notwithstanding subparagraph (1)(a)(ii), where a person obtains a certificate of registration or an in transit permit for a motor vehicle by submitting written proof satisfactory to the Registrar that the owner has obtained a motor vehicle liability policy that complies with the *Insurance Act*, no person shall operate that motor vehicle on a highway more than 60 days after the motor vehicle liability policy comes into force, unless the insurance card that evidences the policy is located inside the vehicle.

#### Proof of insurance respecting school busses and taxis

**57.** (1) An officer who, on reasonable grounds, believes that a motor vehicle is being operated as a school bus or taxi may direct the driver of the vehicle or the person named in the certificate of registration issued under this Part or under the laws of a jurisdiction other than the Territories to produce proof satisfactory to the officer that there is in force with respect to that vehicle a motor vehicle liability policy described in section 37.

#### Time for compliance

(2) A person who is directed under subsection (1) to produce proof of insurance under subsection (1) may produce the proof to the officer within 48 hours after the officer gives the direction.

## SUSPENSION AND CANCELLATION

### Error on certificate or permit

**58.** (1) Where a certificate of registration or registration permit is issued that contains an error, the Registrar may issue a new certificate or permit that is correct, cancel the erroneous certificate or permit, and personally serve or send the corrected certificate or permit by registered mail to the person named in the certificate or permit.

### Return of erroneous certificate or permit

(2) A person who receives a corrected certificate of registration or registration permit shall return the certificate or permit that contains the error to the Registrar.

### Destruction of certificate or permit

(3) The Registrar may destroy a certificate or permit that is returned under subsection (2).

### Suspension for non-payment of fees

**59.** (1) Where

- (a) a cheque is submitted in payment of the prescribed fee for a certificate of registration, a registration permit or an in transit permit, and
- (b) the cheque is dishonoured,

the Registrar may suspend the certificate or permit.

### Notice

(2) Where a certificate or permit is suspended under subsection (1), the Registrar shall send to the person named in the certificate or permit a notice that sets out that

- (a) the certificate or permit is suspended for non-payment of fees; and
- (b) the certificate or permit will be cancelled on the date specified in the notice unless payment of the prescribed fees for the certificate or permit and for the reinstatement of a suspended certificate or permit is received by the Registrar before that date.

### Date of cancellation

(3) The date specified in the notice referred to in paragraph (2)(b) must be not less than

- (a) 14 days after the day of service where there is personal service of the notice; or
- (b) 14 days after the day on which the notice is deemed to have been received where the notice is sent by registered mail.

### Requirements after receipt of notice

(4) On receipt of a notice referred to in subsection (2), the person named in the certificate of registration, registration permit or in transit permit shall, by the date specified in the notice,

- (a) pay the prescribed fees for the certificate or permit and for the reinstatement of a suspended certificate or permit; or
- (b) return to the Registrar
  - (i) the certificate of registration and the licence plate that is attached to the motor vehicle described in the certificate, or
  - (ii) the registration permit or in transit permit.

#### Cancellation

(5) If payment of the prescribed fees is not received by the Registrar by the date specified in the notice referred to in paragraph (2)(b), the Registrar may cancel the certificate of registration, registration permit or in transit permit.

#### Termination of suspension

(6) If payment of the prescribed fees for the certificate or permit and for the reinstatement of a suspended certificate or permit is received by the Registrar by the date specified in the notice referred to in paragraph (2)(b), the Registrar shall terminate the suspension of the certificate of registration, registration permit or in transit permit.  
S.N.W.T. 1994,c.14,s.27.

#### Where application contains false information

**60.** (1) Where the Registrar issues a certificate of registration or a registration permit and then comes to believe, on reasonable grounds, that information contained in the application for the certificate of registration or registration permit or in a document submitted in support of that application is false or inaccurate, the Registrar may send to the person named in the certificate or permit a notice

- (a) setting out the information contained in the application or supporting document that the Registrar believes is false or inaccurate and the grounds for this belief;
- (b) specifying the time, day and place that the person may appear before the Registrar to satisfy the Registrar that
  - (i) the information is true and accurate, or
  - (ii) the person did not know that the information was false or inaccurate at the time of submitting it and to provide true and accurate information; and
- (c) stating that if the person does not appear before the Registrar at the time, day and place specified or if the person does not satisfy the Registrar with respect to matters described in paragraph (b), the Registrar may
  - (i) cancel every certificate of registration or registration permit issued in the name of the person, and
  - (ii) prohibit that person from applying for a certificate of registration or registration permit for a period not exceeding two years.

### Day of hearing

(2) The day of the hearing specified in the notice referred to in paragraph (1)(b) must be not less than

- (a) 14 days after the day of service where there is personal service of the notice; or
- (b) 14 days after the day that the notice is deemed to have been received where the notice is sent by registered mail.

### Cancellation

(3) The Registrar may cancel every certificate of registration and registration permit issued in the name of the person referred to in subsection (1) and may prohibit that person from applying for a certificate of registration and a registration permit for a period not exceeding two years, if the person

- (a) does not appear at the time, day and place specified in the notice referred to in paragraph (1)(b);
- (b) does not satisfy the Registrar that the information identified in the notice referred to in paragraph (1)(a) is true and accurate; or
- (c) does not satisfy the Registrar that he or she did not know the information identified in the notice referred to in paragraph (1)(a) was false or inaccurate at the time of submitting it or does not provide true and accurate information.

### Notice

(4) Where the Registrar cancels every certificate of registration or registration permit of a person under subsection (3), the Registrar shall send a notice to the person advising the person of the cancellation and the prohibition from applying for a certificate or permit, if any.

### Duty after cancellation

(5) On receipt of a notice referred to in subsection (4), the person named in the certificates of registration or registration permits that are cancelled under subsection (3) shall, without delay, deliver or mail to the Registrar the certificates of registration and licence plates that are attached to the motor vehicles described in the certificates and the registration permits, as the case may be.

### Non-payment of judgment

**61.** (1) The Registrar may cancel every certificate of registration and registration permit issued in the name of a person who is liable under a judgment of a court in any jurisdiction for damages arising out of a traffic accident where

- (a) the Registrar receives a certified copy of the judgment;
- (b) the Registrar is satisfied that no insurance is available for payment of the damages awarded by the judgment; and
- (c) the Registrar is satisfied that the judgment has not been satisfied within 30 days of the judgment becoming final.

### Notice

(2) Where the Registrar cancels every certificate of registration or registration permit of a person under subsection (1), the Registrar shall send a notice to the person advising the person of the cancellations and the reason for the cancellations.

### Duty after cancellation

(3) On receipt of a notice referred to in subsection (2), the person named in the certificates of registration and registration permits that are cancelled shall, without delay, deliver or mail to the Registrar the certificates of registration and licence plates attached to the motor vehicles described in the certificates and the registration permits.

### Unsafe motor vehicle

**62.** (1) The Registrar may cancel the certificate of registration or registration permit for a motor vehicle where the Registrar believes, on reasonable grounds, that the operation of the motor vehicle on a highway is likely to endanger the safety of the driver or passengers in the motor vehicle or the public.

### Notice of cancellation

(2) Where the Registrar cancels a certificate of registration or a registration permit under subsection (1), the Registrar shall send a notice to the person named in the certificate or permit setting out

- (a) that the certificate of registration or registration permit has been cancelled because the Registrar believes, on grounds specified in the notice, that the operation of the vehicle described in the certificate or permit is likely to endanger the safety of the driver or passengers in the vehicle or the public;
- (b) the equipment or parts of the vehicle that must be repaired, removed or added so that the operation of the vehicle will not endanger the safety of the driver or passengers in the vehicle or the public; and
- (c) that the person named in the certificate or permit is required to deliver or mail to the Registrar the certificate of registration and the licence plate attached to the vehicle described in the certificate of registration or the registration permit, as the case may be.

### Return of certificate of registration

(3) On receipt of a notice referred to in subsection (2), the person named in the certificate of registration or registration permit that is cancelled shall, without delay, deliver or mail to the Registrar the certificate of registration and the licence plate attached to the motor vehicle described in the certificate or the registration permit, as the case may be.

#### Issuance of new certificate

(4) The Registrar may refuse to issue

- (a) a certificate of registration for which a licence plate may be issued,  
or
- (b) a registration permit,

for a motor vehicle described in a certificate of registration or registration permit cancelled under subsection (1) unless the Registrar is satisfied that the repair, removal or addition of equipment or parts of the vehicle set out in the notice referred to in paragraph (2)(b) have been completed. S.N.W.T. 1994,c.14,s.28,29.

#### Arrangements under certificate of financial responsibility

**63.** (1) Where the arrangements referred to in subsection 38(1) are no longer satisfactory to the Registrar, the Registrar shall send a notice to the person named in the certificate of financial responsibility stating that the certificate of financial responsibility and every certificate of registration issued in the name of the person may be cancelled on the date specified in the notice unless the owner makes new arrangements satisfactory to the Registrar before that date.

#### Date of cancellation

(2) The date specified in the notice referred to in subsection (1) must be not less than

- (a) 14 days after the day of service where there is personal service of the notice; or
- (b) 14 days after the day that the notice is deemed to have been received where the notice is sent by registered mail.

#### Cancellation of certificate of financial responsibility

(3) Where the person named in the certificate of financial responsibility does not make new arrangements satisfactory to the Registrar by the date specified in the notice referred to in subsection (1), the Registrar may cancel

- (a) the certificate issued under subsection 38(1); and
- (b) every certificate of registration issued in the name of the person.

#### Notice of cancellation

(4) Where the Registrar cancels a certificate of financial responsibility and the certificates of registration of a person under subsection (3), the Registrar shall send a notice to the person advising the person of the cancellations.

#### Duty after cancellation

(5) On receipt of a notice referred to in subsection (4), the person named in the certificates of registration that are cancelled shall, without delay, deliver or mail to the Registrar the certificates of registration and the licence plates that are attached to the motor vehicles described in the certificates.

## No insurance

- 64.** (1) Where the Registrar, on reasonable grounds, believes that
- (a) there is no motor vehicle liability policy in force with respect to a motor vehicle for which a certificate of registration has been issued and to which a licence plate has been lawfully attached, and the vehicle is not covered by a certificate issued under subsection 38(1), or
  - (b) a motor vehicle for which a certificate of registration has been issued is being operated as a school bus or taxi and there is no motor vehicle liability policy described in section 37 in force with respect to the vehicle,

the Registrar may send a notice to the person named in the certificate of registration stating that the certificate of registration for the motor vehicle may be cancelled on the date specified in the notice unless the person named in the certificate of registration,

- (c) in respect of a motor vehicle referred to in paragraph (a), satisfies the Registrar that there is a motor vehicle liability policy in force that evidences a contract that insures at least to the limits required by section 144 of the *Insurance Act* or obtains a certificate issued under subsection 38(1), or
- (d) in respect of a motor vehicle referred to in paragraph (b), satisfies the Registrar that a motor vehicle liability policy described in section 37 is in force or that the motor vehicle will not be used as a school bus or taxi.

## Date of cancellation

(2) The date specified in the notice referred to in subsection (1) must be not less than

- (a) 14 days after the day of service where there is personal service of the notice; or
- (b) 14 days after the day that the notice is deemed to have been received where the notice is sent by registered mail.

## Cancellation of certificate of registration

(3) Where the person named in the certificate of registration does not meet the requirements of paragraph (1)(c) or (d) by the day specified in the notice referred to in subsection (1), the Registrar may cancel the certificate of registration for the motor vehicle.

## Notice of cancellation

(4) Where the Registrar cancels a certificate of registration of a person under subsection (3), the Registrar shall send a notice to the person advising the person of the cancellation.

### Duty of cancellation

(5) On receipt of a notice referred to in subsection (4), the person named in the certificate of registration that is cancelled shall, without delay, deliver or mail to the Registrar the certificate of registration and the licence plate that is attached to the motor vehicle described in the certificate. S.N.W.T. 1994,c.14,s.30,31.

### Return of licence plates

**65.** (1) Where

- (a) a motor vehicle liability policy expires or is cancelled, and
- (b) the person named in the certificate of registration covered by the policy does not, without delay, obtain a new motor vehicle liability policy or a certificate issued under subsection 38(1) for the motor vehicle,

the person named in the certificate of registration for the motor vehicle shall deliver or mail to the Registrar the licence plates in respect of the vehicle.

### Cancellation of certificate of registration

(2) Where the Registrar receives a licence plate surrendered pursuant to subsection (1), the Registrar shall cancel the certificate of registration of the motor vehicle to which the licence plate relates. S.N.W.T. 1994,c.14,s.32.

### NSC vehicle

**65.1.** The Registrar may suspend or cancel a certificate of registration for an NSC vehicle where the person named on the certificate has been assigned an unsatisfactory safety rating under the regulations. R.S.N.W.T. 1988,c.44(Supp.),s.5.

### Suspension

**65.2.** (1) Where the Registrar suspends a certificate of registration under section 65.1, the Registrar shall send a notice to the person named on the certificate stating

- (a) that the certificate has been suspended because the person named on the certificate has been assigned an unsatisfactory safety rating under the regulations;
- (b) the period of the suspension; and
- (c) that the person named on the certificate
  - (i) is required to remove from the NSC vehicle the certificate and the licence plate attached to the vehicle, and
  - (ii) is not permitted to return the certificate to the vehicle or reattach the licence plate to the vehicle until the period of the suspension has expired.

### Removal of certificate of registration

(2) On receipt of a notice referred to in subsection (1), the person named on the certificate of registration

- (a) shall, without delay, remove from the NSC vehicle the certificate and the licence plate attached to the vehicle; and

- (b) shall not return the certificate to the NSC vehicle or reattach the licence plate to the vehicle until the period of the suspension has expired.

S.N.W.T. 1994,c.14,s.33.

#### Cancellation

**65.3.** (1) Where the Registrar cancels a certificate of registration under section 65.1, the Registrar shall send a notice to the person named on the certificate stating

- (a) that the certificate has been cancelled because the person named on the certificate has been assigned an unsatisfactory safety rating under the regulations; and
- (b) that the person named on the certificate is required to deliver or mail to the Registrar the certificate and the licence plate attached to the vehicle described on the certificate.

#### Return of certificate of registration

(2) On receipt of a notice referred to in subsection (1), the person named on the certificate of registration shall, without delay, deliver or mail to the Registrar the certificate of registration and the licence plate attached to the motor vehicle described on the certificate. R.S.N.W.T. 1988,c.44(Supp.),s.5; S.N.W.T. 1994,c.14,s.34.

## PART II

### DRIVERS' LICENCES

#### REQUIREMENT FOR DRIVER'S LICENCE

##### Requirement for driver's licence

**66.** (1) No person shall operate a motor vehicle on a highway unless that person has been issued a driver's licence of a class that authorizes the operation of that vehicle and the driver's licence is valid.

##### Exemptions

(2) Subsection (1) does not apply to a person

- (a) named in a valid driver's licence issued under the laws of a jurisdiction in Canada or the United States, other than the Territories, that authorizes the person to operate the class of motor vehicle he or she is operating, who is not disqualified from operating a motor vehicle under paragraph 88(b) or subsection 89(3) and who
  - (i) is a resident of the Territories for less than 30 days, or
  - (ii) is not a resident of the Territories and
    - (A) has been in the Territories for less than 90 consecutive days, or

- (B) is in the Territories for the purpose of attending an educational institution as a student or of participating as a student in an exchange program or other educational program recognized by the Registrar;
- (b) named in a valid driver's licence issued by the Government of Canada if the motor vehicle is being operated in the service of and owned or leased by the Government of Canada; or
- (c) who is not a resident of Canada or the United States, who does not remain in the Territories for more than 12 consecutive months and who holds a valid international driving permit issued by a contracting state under the *Convention on Road Traffic* signed at Geneva on September 19, 1949.

## APPLICATION

### Duty to issue driver's licence

**67.** The Registrar shall issue a driver's licence to a person making an application for a driver's licence where the person meets the requirements of this Act and the regulations for the driver's licence.

### General right to apply for driver's licence

**68.** (1) A person who

- (a) has not been issued a driver's licence,
- (b) wishes to obtain a class of driver's licence that has greater privileges than the class of driver's licence issued to that person, or
- (c) is not entitled to apply under sections 69 to 71,

may apply under this section to the Registrar for the class of driver's licence permitted by the regulations.

### Driving examinations

(2) The Registrar shall not issue a class of driver's licence to a person making an application under subsection (1) unless that person passes, by the prescribed standard, the theoretical and practical driving examinations for that class of driver's licence.

### Surrender of driver's licence

(3) The Registrar shall not issue a class of driver's licence to a person making an application under paragraph (1)(b) unless the person surrenders his or her driver's licence.

### Application based on valid, expired or cancelled driver's licence

**69.** (1) A person who is named in

- (a) a valid driver's licence,
- (b) a driver's licence that has expired for a period of less than one year,
- (c) a driver's licence that has been cancelled under section 99, 101 or 102 and less than one year has passed from the date of cancellation, or

(d) a driver's licence that has been cancelled under section 89 or 111, where the period of time that the person is prohibited from operating a motor vehicle under section 89 or 111 is less than one year and less than one year has passed from the last day that the person is prohibited from operating a motor vehicle, may apply to the Registrar for a driver's licence of the same class as the person previously held or of a class of licence that has less privileges.

#### Early renewals

(2) The Registrar shall not issue a driver's licence to a person named on a valid driver's licence making an application under paragraph (1)(a) if there are more than 90 days before the date of expiry on the valid driver's licence unless the Registrar is satisfied that there are circumstances that justify issuing a licence earlier than 90 days before the date of expiry.

#### Requirement to surrender driver's licence

(3) The Registrar shall not issue a class of driver's licence to a person making an application under paragraph (1)(a) or (b) unless the person surrenders his or her driver's licence. R.S.N.W.T. 1988,c.22(Supp.),s.2,3,4.

#### Right of driver from outside Territories to apply

**70.** (1) A person named on a driver's licence issued under the laws of a jurisdiction other than the Territories may apply to the Registrar for a driver's licence.

#### Requirements

(2) The Registrar shall not issue a driver's licence to a person making an application under subsection (1) unless the applicant surrenders

- (a) a valid driver's licence issued under the laws of a jurisdiction other than the Territories; or
- (b) a driver's licence issued under the laws of a jurisdiction other than the Territories that has expired for less than one year.

#### Equivalent class of driver's licence

(3) Where a person applying under this section meets the requirements of this Act and the regulations, the Registrar shall issue a class of driver's licence to the person that, in the opinion of the Registrar, is equivalent to the class of the driver's licence surrendered under subsection (2).

#### Return of driver's licence to issuing jurisdiction

(4) Subject to subsection (5), the Registrar shall return a driver's licence that is surrendered under subsection (2) to the jurisdiction that issued the licence.

#### Return of driver's licence to individual

(5) The Registrar may

- (a) retain a driver's licence surrendered under subsection (2) that has been issued under the laws of a jurisdiction other than a province

- or the Yukon Territory or a state or the District of Columbia of the United States, and
- (b) return the driver's licence referred to in paragraph (a) to the person named in it,

where

- (c) the Registrar is satisfied that the person named in the driver's licence is leaving the Territories, and
- (d) the person named in the driver's licence surrenders his or her territorial driver's licence, unless the territorial driver's licence has expired.

R.S.N.W.T. 1988,c.22(Supp.),s.5.

#### Suspended or cancelled drivers' licences

**71.** (1) A person named on a driver's licence issued under the laws of a jurisdiction other than the Territories that has been suspended or cancelled may apply to the Registrar for a driver's licence.

#### Requirements

(2) The Registrar shall not issue a driver's licence to a person making an application under subsection (1) unless

- (a) the Registrar is satisfied that he or she knows the facts on which the suspension or cancellation is based;
- (b) based on the Registrar's knowledge of the facts, no suspension or cancellation could be made in the Territories or the length of the suspension exceeds the maximum length that a similar suspension could be made in the Territories; and
- (c) the application is received by the Registrar within one year after the expiration after the period of suspension or the cancellation.

#### Equivalent class of driver's licence

(3) The Registrar may issue a class of driver's licence to a person who applies under subsection (1) that, in the opinion of the Registrar, is equivalent to the class of the driver's licence the person held before the suspension or cancellation.

R.S.N.W.T. 1988,c.22(Supp.),s.6.

#### Examinations at discretion of Registrar

**72.** (1) The Registrar may require a person applying for a driver's licence under section 69, 70 or 71 to take the prescribed theoretical and practical driving examination for the class of driver's licence for which application has been made.

#### Requirement to pass examinations

(2) The Registrar shall not issue a driver's licence to a person taking the examinations under subsection (1), unless the person passes the theoretical and practical driving examination by the prescribed standard.

### General requirements

**73.** The Registrar shall not issue a driver's licence to a person applying under this Part unless

- (a) the person submits a completed application that contains a postal and residential address for that person in the Territories;
- (b) the person submits the prescribed fee;
- (c) the Registrar is satisfied that the person has attained the prescribed age for the class of driver's licence applied for;
- (d) the person meets the prescribed requirements respecting medical examinations;
- (e) the Registrar is satisfied that there is no unpaid judgment of a court in any jurisdiction for damages against that person arising out of a traffic accident of which there is no insurance available for the payment of the damages and that has not been satisfied within 30 days of the judgment becoming final;
- (f) the Registrar is satisfied that the person has no physical or mental disability or disease that prevents the person from operating a motor vehicle in a safe manner; and
- (g) the Registrar is satisfied that the person is not prohibited by this Act from applying for a driver's licence.

### Non-payment of fines

**74.** The Registrar may refuse to issue a driver's licence to a person who has been required to pay a fine for contravening this Act, the regulations or a by-law made under Part XII, where the time allowed for payment of the fine has passed and the fine is outstanding.

## EXAMINATIONS

### Application for examination

**75.** (1) An examiner shall administer a theoretical or practical driving examination for a class of driver's licence to a person where that person

- (a) submits a completed application;
- (b) satisfies the examiner that he or she has attained the prescribed age for the class of driver's licence applied for;
- (c) submits a valid driver's licence issued in his or her name of the prescribed class, if any, for taking the examination applied for; and
- (d) submits the prescribed fee.

### Exemption

(2) Subsection (1) does not apply to an examination referred to in subsection 104(4) or 105(1).

Illiterate applicant

**76.** (1) Where an examiner is satisfied that an applicant for a theoretical examination is illiterate, the examiner may administer an oral theoretical examination in place of a written theoretical examination.

Non-English speaking applicant

(2) Where the examiner is satisfied that an applicant for a theoretical or practical examination does not understand or speak English, the examiner may require the examination to be conducted with the assistance of an interpreter approved by the examiner.

Assistance by interpreter

(3) No interpreter referred to in subsection (2) shall provide the person being examined with an answer to a question on an examination.

Condition of motor vehicle

**77.** An examiner shall not conduct a practical driving examination in a motor vehicle the operation of which would contravene a provision of this Act or the regulations respecting a vehicle safety item.

## ISSUING DRIVERS' LICENCES

Terms and conditions

**78.** (1) The Registrar may, when issuing a driver's licence or at any time after the licence is issued, impose the terms and conditions that the Registrar considers appropriate.

Driver's licence restricted to geographic area

(2) Without restricting the generality of subsection (1), the Registrar may impose on a driver's licence the condition that the person named in the licence shall not operate a motor vehicle outside a specified geographic area.

Contravention of terms

(3) No person who is named in a driver's licence that is subject to terms or conditions imposed by the Registrar, under subsection (1) or (2) or by any other provision of this Act or the regulations, shall operate a motor vehicle on a highway in contravention of those terms or conditions.

Interim driver's licence

**79.** (1) Where an applicant is entitled to be issued a driver's licence, but it is impracticable for the Registrar to issue the driver's licence, the Registrar may issue an interim driver's licence to the applicant.

Expiration of interim driver's licence

(2) An interim driver's licence expires 90 days after it is issued or after a shorter period that may be specified by the Registrar on the interim licence.

**Instructions**

(3) The applicant shall, at the time of receiving an interim driver's licence, specify whether the Registrar is to

- (a) notify the applicant, or
  - (b) mail the driver's licence to the applicant,
- when the driver's licence is issued.

**Compliance with instructions**

(4) When the driver's licence is issued, the Registrar shall notify the applicant or mail the licence in accordance with the instructions provided under subsection (3).

**Destruction of interim driver's licence**

(5) The applicant shall, on receipt of the driver's licence, destroy the interim licence.

**Signature**

**80.** A driver's licence is not valid until the person named on the licence signs the licence in the space provided for that purpose.

**Requirement to carry driver's licence**

**81.** The person named in a driver's licence shall, when operating a motor vehicle on a highway, carry the licence with him or her.

**Expiration of driver's licence**

**82.** A driver's licence expires on the prescribed date or after a shorter period that may be specified by the Registrar in the licence.

**International driving permit**

**83.** The Registrar, or any person, organization or association authorized by the Registrar, may issue an international driving permit described in the *Convention on Road Traffic* signed at Geneva on September 19, 1949, to a resident of the Territories.

**SCHOOL BUSES****Requirement for endorsement**

**84.** (1) Subject to subsection (2), no person shall operate a school bus on a highway unless that person is named in a valid driver's licence that bears a valid endorsement of the Registrar under subsection 85(1).

**Exemption for extraterritorial driver's licence**

(2) Subsection (1) does not apply to a person named in a valid driver's licence issued under the laws of a jurisdiction other than the Territories that authorizes the operation of a school bus if

- (a) the person is a resident of the Territories for less than 30 days; or
- (b) the person is not a resident of the Territories and has been in the Territories for less than 90 consecutive days.

R.S.N.W.T. 1988,c.106(Supp.),s.5,6,7.

#### Taxi and school bus endorsements

**85.** (1) The Registrar may authorize the person named in a valid driver's licence, by an endorsement on the licence, to operate motor vehicles to which the class of licence applies as a school bus.

#### Requirements

(2) The Registrar shall make an endorsement referred to in subsection (1) on a driver's licence where the person named in the licence

- (a) submits an appropriate class of driver's licence that is valid;
- (b) submits a completed application;
- (c) submits the prescribed fee;
- (d) satisfies the Registrar that he or she has attained the prescribed age;
- (e) passes the prescribed theoretical and practical driving examination by the prescribed standard; and
- (f) meets the prescribed requirements respecting medical examinations.
- (g) **Repealed, R.S.N.W.T. 1988,c.106(Supp.),s.9(c).**

#### Expiration of endorsement

(3) A school bus endorsement expires on the earliest of the following days:

- (a) the day the driver's licence, on which the endorsement appears, expires;
- (b) the day specified by the Registrar in the endorsement.

#### Exemption

(4) The Registrar may exempt a person named in a driver's licence from the requirements of paragraph (2)(e) where the person has previously obtained a school bus endorsement and the person applies for a school bus endorsement within one year after the expiration of the endorsement.

(5) **Repealed, R.S.N.W.T. 1988,c.106(Supp.),s.11.**

R.S.N.W.T. 1988,c.22(Supp.),s.7,8; R.S.N.W.T. 1988,c.106(Supp.),s.8,9,10,11.

### MISCELLANEOUS

#### Change of name and address

**86.** (1) Where the person named in a driver's licence changes his or her name or address as shown on the licence, the person shall, within 15 days after the change, notify the Registrar

- (a) in respect of a change of name, of the old and new name; and
- (b) in respect of a change of address, of the old address and the new address in the Territories.

#### New driver's licence

(2) On receipt of a notice referred to in subsection (1) and the Registrar being satisfied that the information contained in the notice is complete and correct, the Registrar shall issue a new driver's licence showing the new name or address.

#### Replacement driver's licence

**87.** (1) Where a driver's licence is lost, stolen or destroyed or becomes illegible, the person named in the licence may apply for a replacement driver's licence.

#### Requirements

(2) The Registrar shall issue a replacement driver's licence where the person named in the licence

- (a) submits a completed application;
- (b) submits the prescribed fee;
- (c) submits the existing licence, if it is still in the possession of the person; and
- (d) with respect to a licence that is lost, stolen or destroyed, satisfies the Registrar that the licence has been lost, stolen or destroyed.

### SUSPENSION AND CANCELLATION

By a Judge

#### *Criminal Code*

**88.** Where a person who is named in a driver's licence issued under this Part or the laws of a jurisdiction other than the Territories is discharged in respect of an offence under the *Criminal Code* or is convicted or found guilty of an offence under the *Criminal Code* and a judge, on the basis of that discharge, conviction or finding of guilt, makes an order, under the *Criminal Code* or the *Youth Criminal Justice Act* (Canada), prohibiting the person from operating a motor vehicle,

- (a) the driver's licence issued under this Part is cancelled; or
  - (b) where the person is named on a driver's licence issued under the laws of a jurisdiction other than the Territories, the person is disqualified from operating a motor vehicle in the Territories during the period of prohibition set out in the order.
- S.Nu. 2003,c.4,s.22(2).

#### Discharge and conviction

**89.** (1) A judge who discharges a person in respect of an offence under or convicts a person of an offence under or finds a person guilty of contravening

- (a) section 5, 36, 37, 66, subsection 78(3), section 84, 119 to 121, 169 or subsection 285(2),

- (b) the provisions of Part IV, other than a parking offence, or a by-law of a municipal corporation regulating a matter contained in Part IV, other than a parking offence, or
- (c) a by-law of a municipal corporation that fixes a speed limit or a provision of a regulation made under the *Government Property Traffic Act* (Canada) that fixes a speed limit,

may, by order, prohibit the person from operating a motor vehicle for a period not exceeding three years.

#### Cancellation of driver's licence

(2) Where a person is prohibited from operating a motor vehicle by an order made under subsection (1) or the *Young Offenders Act* in respect of an offence referred to in subsection (1) and the person is named in a driver's licence, the driver's licence is cancelled.

#### Disqualification

(3) Where

- (a) a person is prohibited from operating a motor vehicle by an order made under subsection (1) or the *Young Offenders Act* in respect of an offence referred to in subsection (1), and
- (b) the person is named in a driver's licence issued under the laws of a jurisdiction other than the Territories,

the person is disqualified from operating a motor vehicle in the Territories during the period of prohibition set out in the order.

#### Surrender of driver's licence

**90.** (1) Where a person is prohibited from operating a motor vehicle by an order referred to in section 88 or 89 and the person is named in a driver's licence issued under this Part or the laws of a jurisdiction other than the Territories, the person shall, unless the licence is lost, stolen or destroyed, immediately surrender the licence to the judge making the order or, where the person does not have the licence with him or her at the time the order is made, surrender the licence to an officer within 24 hours after the making of the order.

#### Driver's licence to Registrar

(2) The judge or an officer receiving a driver's licence under subsection (1) shall cause the licence to be sent to the Registrar.

#### Driver's licence to issuing jurisdiction

(3) On receiving a driver's licence issued under the laws of a jurisdiction other than the Territories that was sent to the Registrar under subsection (2), the Registrar shall send the licence to the jurisdiction that issued it after the relevant order referred to in section 88 or 89 becomes final.

#### Copy of order to Registrar

**91.** Notwithstanding the *Young Offenders Act*, a judge who prohibits a person from operating a motor vehicle by an order referred to in section 88 or 89 shall cause a copy of the order and a statement indicating whether the person named in the order surrendered his or her driver's licence to the judge to be sent to the Registrar.

#### Vacating order

**92.** Where a judge vacates an order made under the *Criminal Code* or the *Youth Criminal Justice Act* (Canada) prohibiting a person from operating a motor vehicle,

- (a) if the person had a driver's licence that was cancelled under paragraph 88(a), the person is entitled to be issued a new licence by the Registrar; and
- (b) if the person was disqualified from operating a motor vehicle in the Territories under paragraph 88(b), that disqualification is terminated.

S.Nu. 2003,c.4,s.22(2).

#### Sentence

**93.** Where a judge discharges or convicts a person of an offence referred to in subsection 89(1) and the judge makes an order prohibiting the person from operating a motor vehicle, the order may be appealed in the same manner as an appeal of sentence.

#### Appeal

**94.** (1) On the filing of an appeal or an application for a prerogative writ in respect of an offence referred to in subsection 89(1), the judge may, before hearing the appeal or application, by order, suspend an order made in respect of the offence that prohibits the convicted person from operating a motor vehicle until the judge renders his or her decision respecting the appeal or application.

#### Registrar to return driver's licence

(2) Where the Registrar receives a certified copy of an order issued under subsection (1) and the Registrar has received the driver's licence of the person who is the subject of the order, the Registrar shall return the licence to that person.

#### Order to be sent to Registrar

**95.** Notwithstanding the *Young Offenders Act*, a judge who varies, confirms, cancels or imposes an order prohibiting a person charged with an offence referred to in subsection 89(1) from operating a motor vehicle shall cause a copy of the order to be sent to the Registrar.

#### Surrender of driver's licence

**96.** (1) Where a judge hears an appeal or an application for a prerogative writ in respect of an offence referred to in subsection 89(1) and varies, confirms or imposes an order prohibiting the person convicted of the offence from operating a motor vehicle, the person convicted shall, unless the licence has been lost, stolen or destroyed or has been

submitted to a judge or an officer pursuant to subsection 90(1) and has not been returned pursuant to subsection 94(2),

- (a) immediately surrender the licence to the judge; or
- (b) where the person does not have the licence with him or her at the time of the making of the order, surrender the licence to an officer within 24 hours after the making of the order.

Duty to send driver's licence

(2) A judge or an officer receiving a driver's licence under subsection (1) shall cause the licence to be sent to the Registrar.

By Registrar

Effect of extraterritorial order

**97.** (1) Where the Registrar receives a certified copy of an order made under the *Criminal Code* or the *Youth Criminal Justice Act* (Canada) in respect of an offence under the *Criminal Code* by a judge or court from a jurisdiction other than the Territories that prohibits a person who has been issued a driver's licence from operating a motor vehicle, the Registrar shall cancel the licence.

Notice

(2) Where the Registrar cancels a driver's licence of a person under subsection (1), the Registrar shall send a notice to the person advising the person of the cancellation and the reason for the cancellation.

Duty after cancellation

(3) On receipt of a notice referred to in subsection (2), the person named in the driver's licence that is cancelled shall, without delay, deliver or mail the licence to the Registrar. S.Nu. 2003,c.4,s.22(2).

Error in driver's licence

**98.** (1) Where a driver's licence is issued that contains an error, the Registrar may

- (a) issue a new licence that is correct;
- (b) cancel the erroneous licence; and
- (c) personally serve or send the corrected licence by registered mail to the person named in the licence.

Return of erroneous driver's licence

(2) A person who receives a corrected driver's licence shall return the licence that contains the error to the Registrar.

Destruction of driver's licence

(3) The Registrar may destroy a driver's licence that is returned under subsection (2).

### Suspension for non-payment of fees

**99.** (1) The Registrar may suspend a driver's licence where a cheque is submitted in payment of the prescribed fee for the driver's licence and the cheque is dishonoured.

### Notice

(2) Where a driver's licence is suspended under subsection (1), the Registrar shall send to the person named in the licence a notice that sets out that the driver's licence

- (a) is suspended for non-payment of fees; and
- (b) will be cancelled on the date specified in the notice unless payment of the prescribed fees for the driver's licence and for the reinstatement of a suspended licence is received by the Registrar before that date.

### Date of cancellation

(3) The date specified in the notice referred to in paragraph (2)(b) must be not less than

- (a) 14 days after the day of service where there is personal service of the notice; or
- (b) 14 days after the day that the notice is deemed to have been received where the notice is sent by registered mail.

### Requirements after receipt of notice

(4) On receipt of a notice referred to in subsection (2), the person named in the driver's licence shall, by the date specified in the notice,

- (a) pay the prescribed fees for the driver's licence and for the reinstatement of a suspended licence; or
- (b) return the driver's licence to the Registrar.

### Cancellation

(5) The Registrar may cancel the driver's licence if payment of the prescribed fees is not received by the Registrar by the date specified in the notice referred to in paragraph (2)(b).

### Termination of suspension

(6) The Registrar shall terminate the suspension if payment of the prescribed fees for the driver's licence and for the reinstatement of a suspended licence is received by the Registrar by the date specified in the notice referred to in paragraph (2)(b).

### Where application contains false information

**100.** (1) Where the Registrar issues a driver's licence and then comes to believe, on reasonable grounds, that information contained in the application for the licence or in a document submitted in support of the application is false or inaccurate, the Registrar may send to the person named in the licence a notice

- (a) setting out the information contained in the application or supporting document that the Registrar believes is false or inaccurate and the grounds for this belief;

- (b) specifying the time, day and place that the person may appear before the Registrar to satisfy the Registrar that
  - (i) the information is true and accurate, or
  - (ii) the person did not know that the information was false or inaccurate at the time of submitting it and to provide true and accurate information; and
- (c) stating that if the person does not appear before the Registrar at the time, day and place specified or if the person does not satisfy the Registrar with respect to the matters described in paragraph (b), the Registrar may
  - (i) cancel the driver's licence of the person, and
  - (ii) prohibit that person from operating a motor vehicle on a highway for a period not exceeding two years.

#### Day of hearing

(2) The day of the hearing specified in the notice referred to in paragraph (1)(b) must be not less than

- (a) 14 days after the day of service where there is personal service of the notice; or
- (b) 14 days after the day that the notice is deemed to have been received where the notice is sent by registered mail.

#### Cancellation

(3) The Registrar may cancel the driver's licence issued in the name of a person referred to in subsection (1) and may prohibit that person from operating a motor vehicle on a highway for a period not exceeding two years, if the person

- (a) does not appear at the time, day and place specified in the notice referred to in paragraph (1)(b);
- (b) does not satisfy the Registrar that the information identified in the notice referred to in paragraph (1)(a) is true and accurate; or
- (c) does not satisfy the Registrar that he or she did not know the information identified in the notice referred to in paragraph (1)(a) was false or inaccurate at the time of submitting it or does not provide true and accurate information.

#### Notice

(4) Where the Registrar cancels a driver's licence of a person under subsection (3), the Registrar shall send a notice to the person advising the person of the cancellation and the prohibition from operating a motor vehicle on a highway, if any.

#### Duty after cancellation

(5) On receipt of a notice referred to in subsection (4), the person named in the driver's licence that is cancelled under subsection (3) shall, without delay, deliver or mail the licence to the Registrar.

### Non-payment of judgment

**101.** (1) The Registrar may cancel a driver's licence issued to a person who is liable under a judgment of a court in any jurisdiction for damages arising out of a traffic accident where

- (a) the Registrar receives a certified copy of the judgment;
- (b) the Registrar is satisfied that there is no insurance available for the payment of the damages awarded by the judgment; and
- (c) the Registrar is satisfied that the judgment has not been satisfied within 30 days of the judgment becoming final.

### Notice

(2) Where the Registrar cancels a driver's licence of a person under subsection (1), the Registrar shall send a notice to the person advising the person of the cancellation and the reason for the cancellation.

### Duty after cancellation

(3) On receipt of a notice referred to in subsection (2), the person named in the driver's licence that is cancelled shall, without delay, deliver or mail the licence to the Registrar.

### Non-payment of fine

**102.** (1) The Registrar may cancel a driver's licence of a person who has been required to pay a fine for contravening this Act, the regulations or a by-law made under Part XII where the time allowed for payment of the fine has passed and the fine is outstanding.

### Notice

(2) Where the Registrar cancels a driver's licence of a person under subsection (1), the Registrar shall send a notice to the person advising the person of the cancellation and the reason for the cancellation.

### Duty after cancellation

(3) On receipt of a notice referred to in subsection (2), the person named in the driver's licence that is cancelled shall, without delay, deliver or mail the licence to the Registrar.

### Duty of medical practitioner

**103.** (1) Where a medical practitioner has reasonable grounds to believe that a person who is 15 years of age or older is unable to operate a motor vehicle in a safe manner because of a physical or mental disability or disease, the practitioner shall notify the Registrar of the name of the person and of the physical or mental disability or disease.

### Prescribed guides or codes

(2) For the purposes of satisfying subsection (1), a medical practitioner may adopt the recommendations contained in prescribed guides or codes that have been prepared to assist medical practitioners in determining if a person is unable to operate a motor vehicle in a safe manner because of a physical or mental disability or disease.

#### Action barred

(3) No action based on a medical practitioner giving the Registrar a notice referred to in subsection (1) shall be commenced against the practitioner, unless the practitioner giving the notice acted maliciously or without reasonable grounds to believe that the person named in the notice is unable to operate a motor vehicle in a safe manner.

#### Medical examination

**104.** (1) On receipt of a notice referred to in subsection 103(1) or where the Registrar has other reasonable grounds to believe that a person named on a driver's licence is unable to operate a class of motor vehicle, the operation of which is authorized by the driver's licence, in a safe manner because of a physical or mental disability or disease, the Registrar may send to the person named on the licence a notice that sets out

- (a) the grounds for the Registrar's belief that the person is unable to operate a motor vehicle in a safe manner because of a physical or mental disability or disease; and
- (b) that the licence of the person may be cancelled unless the person undergoes a prescribed medical examination by the date specified in the notice by a medical practitioner specified by the Registrar or, if the Registrar does not specify a practitioner, by a medical practitioner chosen by the person.

#### Date of medical examination

(2) The date specified in the notice referred to in paragraph (1)(b) must be not less than

- (a) 14 days after the day of service where there is personal service of the notice; or
- (b) 14 days after the day that the notice is deemed to have been received where the notice is sent by registered mail.

#### Transmission of report

(3) The medical practitioner who conducts a medical examination referred to in subsection (1) shall send a report of the examination to the Registrar within three days after completing the examination.

#### Review of report

(4) On receiving a report of a medical examination referred to in subsection (3), the Registrar may select and consult with a medical practitioner to review the report and may send a notice to the person who is the subject of the report setting out that the person is required to take a practical and theoretical driving examination by a date specified by the Registrar.

#### Date of examination

(5) The date specified in the notice referred to in subsection (4) must be not less than

- (a) 14 days after the day of service where there is personal service of the notice; or

- (b) 14 days after the day that the notice is deemed to have been received where the notice is sent by registered mail.

#### Cancellation

(6) The Registrar may cancel the driver's licence of a person named in a notice referred to in subsection (1) where

- (a) the Registrar does not receive a prescribed medical report in respect of the person within 14 days after the date specified in the notice referred to in paragraph (1)(b); or
- (b) the person does not take a practical or theoretical driving examination by the date specified in the notice referred to in subsection (4).

#### Powers of Registrar

(7) After the Registrar has reviewed the medical report and considered the results of the practical or theoretical driving examination, if any, the Registrar may, with respect to the driver's licence of the person who is the subject of the report,

- (a) confirm the licence;
- (b) impose terms and conditions on the licence;
- (c) cancel the licence; or
- (d) cancel the licence and issue a new licence of a different class with or without imposing terms and conditions on the licence.

#### Notice

(8) Where the Registrar exercises his or her powers under subsection (6) or paragraph (7)(b), (c) or (d), the Registrar shall notify the person named in the driver's licence of the specific power exercised.

#### Return of driver's licence

(9) On receipt of a notice referred to in subsection (8), the person named in the driver's licence shall, without delay, deliver or mail the licence to the Registrar.

#### Examination at discretion of Registrar

**105.** (1) The Registrar may, at any time, require a person who has been issued a driver's licence to take the theoretical and practical driving examination for the class of licence issued to the person by sending a notice to the person setting out that

- (a) the person is required to take the theoretical and practical driving examination for the class of driver's licence issued to the person by a date specified in the notice; and
- (b) if the person does not take the examination by the specified date, the Registrar may cancel the driver's licence issued to that person.

## Time limit for taking examination

(2) The date specified in the notice referred to in paragraph (1)(a) must be not less than

- (a) 14 days after the day of service where there is personal service of the notice; or
- (b) 14 days after the day that the notice is deemed to have been received where the notice is sent by registered mail.

## Cancellation for failing examination

**106.** (1) Where the person referred to in subsection 105(1) takes the required examination and does not pass the examination by the prescribed standard, the Registrar shall cancel the driver's licence issued to that person.

## Surrender of driver's licence

(2) The person named in a driver's licence cancelled under subsection (1) shall immediately surrender the licence to the Registrar.

## Cancellation for not taking examination

**107.** (1) Where the person referred to in subsection 105(1) does not take the required examination by the date specified in the notice referred to in paragraph 105(1)(b), the Registrar may cancel the driver's licence issued in the name of that person.

## Notice

(2) Where the Registrar cancels a driver's licence of a person under subsection (1), the Registrar shall send a notice to the person advising the person of the cancellation and the reason for the cancellation.

## Duty after cancellation

(3) On receipt of a notice referred to in subsection (2), the person named in the driver's licence that is cancelled shall, without delay, deliver or mail the licence to the Registrar.

**108. Repealed, R.S.N.W.T. 1988,c.106(Supp.),s.12.**

**109. Repealed, R.S.N.W.T. 1988,c.106(Supp.),s.12.**

## Definition of "driving record"

**110.** In sections 111 and 114, "driving record" means a record of discharges, convictions or findings of guilt respecting offences against

- (a) the *Criminal Code* in which a judge, by order, prohibits the person discharged or convicted from operating a motor vehicle;
- (b) this Act, the regulations or by-laws made under Part XII that deal with the operation of a motor vehicle on a highway; and
- (c) the *All-terrain Vehicles Act* or the regulations or by-laws made under that Act that deal with the operation of an all-terrain vehicle on a highway.

## Unsafe driver

**111.** (1) Where the Registrar believes on reasonable grounds, that a person named in a driver's licence

- (a) has been operating a motor vehicle in a manner that endangers the safety of the public, or
- (b) has a driving record that is unsatisfactory,

the Registrar may cancel the driver's licence and prohibit the person from operating a motor vehicle for a period not exceeding two years.

## Notice

(2) Where the Registrar cancels a driver's licence under subsection (1), the Registrar shall send a notice to the person named in the driver's licence setting out that

- (a) the driver's licence has been cancelled, the length of time that the person is prohibited from operating a motor vehicle on a highway and the reasons for the cancellation; and
- (b) the person is required to deliver or mail his or her driver's licence to the Registrar without delay.

## Return of driver's licence

(3) On receipt of a notice referred to in subsection (2), the person named in the driver's licence that is cancelled shall, without delay, deliver or mail the driver's licence to the Registrar.

## Right to appeal suspension or cancellation of certificate of registration

**112.** (1) A person named on a certificate of registration may appeal a decision of the Registrar under section 65.1 suspending or cancelling the certificate.

## Right to appeal cancellation of driver's licence

(2) The holder of a driver's licence may appeal a decision of the Registrar cancelling the licence under section 104 or 111. S.N.W.T. 1994,c.33,s.3.

## Notice of appeal

**113.** (1) An appellant shall submit a notice of appeal and the prescribed fee to the Registrar within 45 days after receiving notice of the Registrar's decision.

## Duties of Minister

(2) On receipt of a notice of appeal, the Registrar shall notify the Minister who shall

- (a) designate an adjudicator to hear the appeal, or
- (b) assign the appeal to an adjudicator who has already been designated.

S.N.W.T. 1994,c.33,s.3.

## Powers of adjudicator

- 114.** (1) On being assigned an appeal, an adjudicator may
- (a) require the Registrar to provide, to the adjudicator, copies of all records and information relevant to the decision under appeal;
  - (b) hold hearings and determine matters of procedure at hearings;
  - (c) receive written or oral evidence relating to the appeal;
  - (d) require the Registrar or any other person to provide additional information before making a decision on the appeal; and
  - (e) confirm, vary or set aside the decision under appeal.

## Written reasons

(2) The adjudicator shall give written reasons for his or her decision and shall give the Registrar and the appellant a copy of the decision.

## Decision

(3) The decision of the adjudicator is final. S.N.W.T. 1994,c.33,s.3.

## Duties of adjudicator

- 115.** The adjudicator shall determine the issues arising in any proceedings and shall
- (a) subject to paragraph (b), adopt the most expeditious method of resolving the issues; and
  - (b) ensure that the rules of natural justice are followed.  
S.N.W.T. 1994,c.33,s.3.

## By Officers

## Definition of "driver's licence"

**116.** (1) In this section, "driver's licence" includes a driver's licence issued under the laws of a jurisdiction other than the Territories.

## Direction by officer

(2) Where an officer on reasonable grounds believes that the ability of a driver of a motor vehicle on a highway is adversely affected because the driver

- (a) has consumed or otherwise introduced alcohol or any other drug into his or her body, or
- (b) is fatigued,

the officer may

- (c) in the case of a driver operating a motor vehicle on a highway, direct the person to stop and park the vehicle, and
- (d) direct the driver to surrender his or her driver's licence.

## Surrender of driver's licence

(3) A driver shall

- (a) stop and park his or her motor vehicle, and
- (b) surrender his or her driver's licence to an officer,

when directed to do so by an officer under subsection (2).

#### Period of suspension

(4) Subject to subsection (6), where an officer requests a driver to surrender his or her driver's licence under subsection (2),

- (a) if the licence is issued under this Part, the licence is suspended, or
- (b) if the licence is issued under the laws of a jurisdiction other than the Territories, the person is disqualified from operating a motor vehicle,

from four to 24 hours, as may be determined by the officer.

#### Certificate

(5) An officer who directs a driver to surrender his or her driver's licence under subsection (2) shall immediately provide the driver with a certificate that sets out

- (a) whether the officer believes the ability of the driver to operate a motor vehicle is adversely affected because of alcohol, a drug other than alcohol, fatigue or any or all of these factors;
- (b) the length of the suspension; and
- (c) where the driver's licence can be obtained after the suspension expires.

#### Early termination

(6) Where an officer requests a driver to surrender his or her driver's licence because the officer believes the driver has consumed or otherwise introduced alcohol into his or her body and

- (a) the driver voluntarily undergoes a test of his or her breath administered by the officer or the person designated by the officer using prescribed test equipment and the test indicates that the proportion of alcohol in the driver's blood does not exceed 60 mg of alcohol in 100 ml of blood, or
- (b) the driver presents to the officer a certificate signed by a medical practitioner stating that the driver's blood, as tested by the practitioner after the commencement of the suspension, does not contain more than 60 mg of alcohol in 100 ml of blood,

the suspension or disqualification based on alcohol is terminated and, if the suspension or disqualification is based only on alcohol, the officer shall immediately return the licence to the driver.

#### Restriction

(7) Paragraph (6)(a) applies only where the officer has access to the prescribed test equipment in the community in which the officer is based.

#### Restriction on volunteering to undergo test

(8) A person may exercise the right to voluntarily undergo a test of his or her breath under paragraph (6)(a) only once during the suspension or disqualification.

## Report by officer

(9) An officer who requests a driver to surrender his or her driver's licence under subsection (2) shall send to the Registrar a report that

- (a) identifies the person who was subject to the suspension or disqualification and the length of the suspension or disqualification; and
- (b) indicates whether the licence was returned under subsection (6).

## Return of driver's licence

(10) An officer that is in possession of a driver's licence under this section shall, on the request of the driver or the agent of the driver made after the suspension or disqualification expires, return the licence to the driver or the agent.

R.S.N.W.T. 1988,c.44(Supp.),s.6.

## OFFENCES RESPECTING DRIVERS' LICENCES

## Restriction on application

**117.** No person who is named on a valid driver's licence shall apply for a driver's licence, except for the purpose of

- (a) renewing the licence;
- (b) obtaining a replacement driver's licence under section 87; or
- (c) reclassifying the licence.

## Definition of "driver's licence"

**118.** (1) In this section, "driver's licence" includes a driver's licence issued under the laws of a jurisdiction other than the Territories, but does not include an international driving permit.

## Number of driver's licences

(2) No person shall hold more than one driver's licence.

## Prohibition from driving

**119.** No person shall operate a motor vehicle on a highway during the period of time that

- (a) the person is prohibited from operating a motor vehicle by
    - (i) an order of a judge of the Territories or of any other jurisdiction in Canada made under the *Criminal Code* or the *Youth Criminal Justice Act* (Canada) in respect of an offence under the *Criminal Code*,
    - (ii) an order of a judge made under section 89 or the *Young Offenders Act* in respect of an offence referred to in section 89 of this Act, or
    - (iii) the Registrar or an adjudicator; or
  - (b) the driver's licence of the person is suspended.
- S.N.W.T. 1994,c.33,s.4; S.Nu. 2003,c.4,s.22(2).

Prohibition from applying

**120.** No person shall apply for a driver's licence while that person is prohibited from operating a motor vehicle on a highway under section 119.

Prohibition from operating taxi

**121.** No person shall operate a taxi during the period of time that the person is prohibited from operating a taxi by an order of a justice.  
R.S.N.W.T. 1988,c.106(Supp.),s.13.

Defence

**122.** No person shall be found guilty of contravening

- (a) subsection 66(1) because the driver's licence of the person issued under this Act or the laws of a jurisdiction other than the Territories is suspended or cancelled, or
- (b) sections 119 to 121,

if the person proves that he or she did not have actual notice of the suspension, cancellation or prohibition, as the case may be, before the alleged contravention.

Duty of owner

**123.** No owner of a motor vehicle shall allow the motor vehicle to be operated on a highway by a person who is not authorized by this Act or the regulations to operate that vehicle on a highway.

Using other person's licence

**124.** (1) No person who has been issued a driver's licence shall allow another person to use that licence.

*Idem*

(2) No person shall use a driver's licence that has been issued in the name of another person.

Fictitious licence

(3) No person, unless authorized by the Minister, shall use a driver's licence that has been issued in the name of a person who does not exist.

### PART III

### EQUIPMENT

#### REQUIREMENT FOR EQUIPMENT

Equipment standards

**125.** No person shall operate a vehicle on a highway unless the vehicle is equipped in accordance with this Act and the regulations.

#### Unsafe vehicle

**126.** No person shall operate, on a highway, a vehicle that is in such a condition that the operation of the vehicle is likely to endanger the safety of the driver, a passenger in the vehicle or the public.

#### Dealer's requirement

**127.** (1) No dealer shall sell a motor vehicle to a person who intends to drive the vehicle on a highway unless the motor vehicle is equipped in accordance with this Act and the regulations.

#### Written warranty

(2) A dealer shall, at the time of delivery of a motor vehicle to a purchaser who intends to drive the vehicle on a highway, provide the purchaser with a written warranty that states that the motor vehicle and any vehicle safety item in respect of that vehicle comply with this Act and the regulations.

### USE OF EQUIPMENT

#### Headlights or daytime running lights

**128.** (1) Subject to subsection (1.1), no person shall operate a motor vehicle on a highway unless the headlights or daytime running lights are in use.

#### Lights at night or during poor visibility

(1.1) No person shall operate a motor vehicle on a highway during the period from 1/2 hour after sunset to 1/2 hour before sunrise or at any other time when conditions of poor visibility exist, unless the headlights and other prescribed lights are in use.

#### Dimming of headlights

(2) Every person operating, on a highway, a motor vehicle with the high beam of the headlights in use shall change the headlights to low beam

- (a) when his or her motor vehicle is at a distance of not less than 300 m from a vehicle approaching from the opposite direction, and shall keep the headlights on low beam until the other vehicle has passed;
- (b) when his or her motor vehicle is at a distance of not less than 60 m behind a vehicle proceeding in the same direction, and shall keep the headlights on low beam while his or her motor vehicle is behind and within 60 m of the other vehicle; and
- (c) on being overtaken by a vehicle proceeding in the same direction, and shall keep the headlights on low beam until the other vehicle has proceeded a distance of not less than 60 m ahead of his or her motor vehicle.

### Stopped motor vehicle

(3) Where a motor vehicle is stopped on a highway and the headlights are in use, the driver of the vehicle shall maintain the headlights on low beam.

S.N.W.T. 1996,c.15,s.2.

### Spotlight

**129.** (1) No person shall activate a spotlight attached to a vehicle when the vehicle is in motion, unless the beam of light from the spotlight

- (a) is directed to the extreme right of the roadway; and
- (b) strikes the roadway within 25 m of the vehicle.

### Exemption

(2) Subsection (1) does not apply to a person who activates a spotlight attached to an enforcement or emergency vehicle.

### Flares

**130.** (1) No person shall operate, on a highway, a vehicle of or more than the prescribed weight unless the vehicle is equipped with two flares, lights, lanterns or reflective devices of a kind described in subsection (2).

### Use of flares

(2) Where a vehicle of or more than the prescribed weight is parked on a highway outside of a municipality or settlement during the period from 1/2 hour after sunset to 1/2 hour before sunrise or at any other time when conditions of poor visibility exist, the driver of the motor vehicle shall place and maintain on the highway in the manner described in subsection (3)

- (a) two lighted flares, lights or lanterns; or
- (b) two reflective devices, each of which
  - (i) has a diameter of not less than 65 mm, and
  - (ii) casts a red reflection that is clearly visible from a distance of 150 m.

### Position of flares

(3) One of the flares, lights, lanterns or reflecting devices mentioned in subsection (1) must be placed at a distance of at least 60 m in front of the vehicle, and the other must be placed at least 60 m to the rear of the vehicle and, where reflecting devices are so placed, each of them must be placed so as to be illuminated by the lights of an approaching vehicle.

### Definition of "flashing light"

**131.** In sections 132 to 135, "flashing light" means a light that is designed to flash intermittently or revolve, but does not include a turn signal light or four-way emergency flashing lights.

Flashing lights prohibited

**132.** (1) No vehicle that is operated on a highway shall be equipped with a flashing light unless authorized by this section.

Enforcement vehicle

(2) An enforcement vehicle may be equipped with one or more red flashing lights or a combination of red and blue flashing lights.

Emergency vehicle

(3) An emergency vehicle may be equipped with one or more red flashing lights.

School bus

(4) A school bus may be equipped with red flashing lights.

Tow truck and other vehicles

(5) A tow truck, a motor vehicle that services a public utility, a construction vehicle, a motor vehicle used for road maintenance and a motor vehicle used to plough snow must be equipped with one or more amber flashing lights if the vehicle is operated on a highway.

Authority to activate flashing lights

**133.** No person shall activate the flashing lights of a motor vehicle unless the person is authorized by the proper authority to activate the flashing lights.

School bus

**134.** A person who operates, on a highway, a school bus that is equipped with red flashing lights shall activate the red flashing lights on the bus when

- (a) the bus is slowing down to stop, and
- (b) the bus is stopped,

for the purposes of receiving or discharging passengers.

Tow truck

**135.** (1) A person who operates a tow truck on a highway shall activate the amber flashing lights on the truck when the truck is towing a vehicle.

Public utility service and other vehicles

(2) A person who operates a motor vehicle that services a public utility, a motor vehicle used for road maintenance or a motor vehicle used to plough snow shall activate the amber flashing lights on the vehicle when the vehicle is being used for such purposes.

Construction vehicles

(3) No person shall operate a construction vehicle on a highway unless the amber flashing lights on the vehicle are activated.

#### Restriction on use of flashing lights

(4) No person shall activate the amber flashing lights on the vehicles described in subsections (1) and (2) except when authorized under those subsections.

#### Siren

**136.** (1) No person shall operate, on a highway, a vehicle, other than an enforcement or an emergency vehicle, that is equipped with a siren or a device that produces a sound that resembles the sound produced by a siren.

#### Use of siren

(2) No person shall activate a siren of an enforcement or emergency vehicle unless the person is authorized by the proper authority to operate the siren.

#### Requirement for horn

**137.** (1) A motor vehicle that is operated on a highway must be equipped with a horn or bell of the prescribed standard.

#### Use of horn

(2) A person who operates a motor vehicle on a highway shall sound the horn or bell attached to the vehicle whenever it is reasonably necessary to warn persons using the highway of the approach of the vehicle.

#### Noise from horn

**138.** (1) No person who operates a motor vehicle on a highway shall sound the horn or bell attached to the vehicle so as to make an unreasonable noise.

#### Noise from exhaust or braking system

(2) No person shall operate a motor vehicle on a highway in any manner that causes a loud or unnecessary noise from the exhaust or braking system of the vehicle or from the contact of the tires of the vehicle with the highway.

#### Exemption

(3) This section does not apply to a person who is operating an enforcement or emergency vehicle.

#### Exhaust or smoke

**139.** No person shall operate on a highway a motor vehicle that produces an unreasonable amount of exhaust or smoke.

#### Repair of odometer

**140.** (1) Where a motor vehicle is equipped with an odometer, no person shall alter the reading on the odometer except where the alteration is a necessary consequence to a repair of the odometer.

**Owner to be informed**

- (2) A person who is not the owner of a motor vehicle and who
- (a) repairs the odometer of the motor vehicle shall inform the owner in writing of the reading on the odometer before and after its repair;
  - or
  - (b) replaces the odometer of the motor vehicle shall inform the owner in writing that the odometer has been replaced and the reading on the odometer that was replaced.

**Duty of seller**

- (3) A dealer or other person selling a motor vehicle who knows that
- (a) the reading on the odometer of the motor vehicle has been altered or is not accurate, or
  - (b) the odometer of the motor vehicle is not its original odometer,
- shall inform a person who intends to purchase the vehicle of this fact.

**Written notice**

- (4) A dealer shall inform a person who intends to purchase a vehicle of the facts referred to in paragraph (3)(a) or (b) in writing.

**Obstruction of view by windshield stickers**

**141.** No person shall operate, on a highway, any motor vehicle with a sticker, sign, poster or other non-transparent material placed over, or affixed to the windshield or a side or a rear window that unduly obstructs his or her view of the highway or an intersecting highway.

**Obstruction of view by snow**

**142.** No person shall operate, on a highway, a motor vehicle with the windshield or a side or a rear window of the vehicle that is

- (a) covered with snow, ice or condensation, or
- (b) cracked or in any other condition,

that unduly obstructs his or her view of the highway or an intersecting highway.

**Obstruction of view by equipment**

**143.** No person shall operate, on a highway, a vehicle that carries any equipment, fixture or load in a manner or position that unduly obstructs his or her view of the highway or an intersecting highway.

**Radar detection devices**

- 144.** (1) No person shall equip a motor vehicle with a device that is designed to detect or interfere with
- (a) radar signals; or
  - (b) equipment used for measuring the speed of vehicles.

#### Prohibition against buying device

(2) No person shall buy, sell, possess or manufacture a device that is designed to detect or interfere with

- (a) radar signals; or
- (b) equipment used for measuring the speed of vehicles.

#### Viewing screens

**145.** (1) No person shall operate, on a highway, a vehicle that is equipped with a cathode ray tube display screen or similar viewing screen, if the screen

- (a) is located in front of the driver's seat; or
- (b) is visible to the driver while the driver is operating the vehicle.

#### Exemption

(2) Subsection (1) does not apply to a person who operates a vehicle that is equipped with a prescribed cathode ray tube display screen or similar viewing screen or with a cathode ray tube display screen or similar viewing screen used only for prescribed purposes.

#### Seat belt assembly

**146.** (1) No person shall operate, on a highway, a motor vehicle in which a seat belt assembly was required under the *Motor Vehicle Safety Act* (Canada) when it was manufactured, assembled or imported into Canada if the seat belt assembly has been removed or has become wholly or partly inoperative.

#### Driver's seat belt

(2) The driver of a motor vehicle that has a seat belt assembly provided for the driver shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner while the vehicle is operated on a highway.

#### Passenger's seat belt

(3) A passenger in a motor vehicle that has a seat belt assembly provided for the seating position that the passenger occupies shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner while the vehicle is operated on a highway.

#### Exemptions

- (4) Subsections (2) and (3) do not apply to a person
  - (a) driving a motor vehicle in reverse;
  - (b) who is named in a certificate signed by a medical practitioner certifying that the person is
    - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
    - (ii) because of his or her size, build or other physical characteristic, unable to wear a seat belt assembly;
  - (c) who is engaged in work which requires him or her to descend from and re-enter a motor vehicle at frequent intervals and the motor

- vehicle is not operated at a speed exceeding 40 km/h while the person is engaged in such work; or
- (d) who is under the age of 15 years.

#### Person under 15 years of age

- (5) No person shall operate, on a highway, a motor vehicle in which there is
- (a) a seating position available that has a seat belt assembly provided, and
- (b) a passenger who is under the age of 15 years,
- unless the passenger
- (c) is wearing the seat belt assembly in a properly adjusted and securely fastened manner, or
- (d) is named in a certificate referred to in
- (i) subparagraph (4)(b)(i) and the period stated in the certificate has not expired, or
- (ii) subparagraph (4)(b)(ii).

#### Child restraint systems

(6) Notwithstanding subsection (5), no person shall operate, on a highway, a motor vehicle in which there is a passenger of the prescribed size or weight unless that passenger is properly secured in a prescribed child restraint system.

#### Exemption

(7) This section or any part of this section does not apply to a prescribed class of motor vehicles or a prescribed class of drivers or passengers in motor vehicles.

#### Interfering with motor vehicle

**147.** No person shall use, interfere or tamper with a vehicle, or an accessory or thing placed in, on or attached to a vehicle without the consent of the owner.

#### Serial number

**148.** (1) No person shall remove, obliterate or deface the manufacturer's serial number on a motor vehicle or a part or accessory of a motor vehicle.

#### Sale where serial number removed

(2) No person shall, without the permission of the Registrar, sell, offer or expose for sale a motor vehicle or a part or accessory of a motor vehicle where the manufacturer's serial number has been removed, obliterated or defaced or is not clearly visible.

#### Exemption

(3) Subsection (2) does not apply to the sale of used tires.

PART IV  
RULES OF THE ROAD

APPLICATION

Application

**149.** Unless the context otherwise requires, this Part applies to pedestrians and to vehicles on a highway.

Exemption for motor vehicles engaged in construction

**150.** (1) Subject to subsections (2) and (3) and unless the context otherwise requires, a person operating a motor vehicle that is engaged in the construction or maintenance of a highway while at the site of the work, may contravene a provision of this Part if it is impracticable for the person to comply with this Part.

Duty of operators

(2) A person who contravenes a provision of this Part under subsection (1) shall operate the motor vehicle with due regard for the safety of persons using the highway.

Directions of officer

(3) A person operating a motor vehicle that is engaged in the construction or maintenance of a highway shall obey the directions of an officer respecting the operation of the motor vehicle on the highway.

Rights of animal riders

**151.** A person riding an animal or driving an animal-drawn vehicle has the rights and is subject to the duties of a driver under this Part.

Traffic control devices

**152.** Any reference in this Part to a sign, signal, light, line or marking is a reference to a sign, signal, light, line or marking that is a traffic control device.

DIRECTION BY OFFICER

Direction by officer

**153.** (1) Notwithstanding any provision of this Part, an officer may give a pedestrian or a driver a direction, the compliance of which is a contravention of a provision of this Part or a by-law made under Part XII, if the officer believes that the direction is necessary

- (a) to ensure the orderly movement of traffic or to prevent injury or damage to persons or property; or
- (b) because of an emergency.

### Protection for drivers and pedestrians

(2) A driver or a pedestrian who receives a direction referred to in subsection (1) shall obey the direction and the driver or pedestrian complying with the direction does not commit an offence with respect to any provision of this Part.

## GENERAL RULES

### Careless driving

**154.** (1) No driver shall operate a vehicle on a highway without due care and attention.

### Consideration for others

(2) No driver shall operate a vehicle without reasonable consideration for others using the highway.

### Requirement for safety

**155.** No driver shall turn, start, stop, move or otherwise operate his or her vehicle on a highway unless the operation of the vehicle can be made safely and without unduly interfering with traffic on the highway.

### Duty to obey traffic control device

**156.** (1) Notwithstanding any other provision of this Act or the regulations, every driver and pedestrian shall obey the command that is set out in words or by signals or symbols on a traffic control device that applies to the driver or pedestrian, unless the driver or pedestrian is otherwise directed by an officer under subsection 153(1).

### Signals and symbols

(2) A signal or symbol used on a traffic control device shall be deemed to give the command that is set out in this Act or the regulations for that signal or symbol.

## TRAFFIC LIGHTS

### Driver at green light

**157.** A driver facing a green light as shown at an intersection by a traffic light may proceed across the intersection or turn left or right at the intersection.

### Pedestrian at green light

**158.** A pedestrian facing a green light as shown at an intersection by a traffic light may cross the roadway within a crosswalk.

### Driver at yellow or amber light

**159.** A driver facing a yellow or amber light as shown at an intersection by a traffic light shall stop his or her vehicle before it enters the intersection, unless a stop cannot be made in safety.

**Pedestrian at yellow or amber light**

**160.** (1) A pedestrian facing a yellow or amber light as shown at an intersection by a traffic light shall not enter the roadway.

**Crossing on yellow or amber light**

(2) Where a pedestrian is crossing a roadway at an intersection under section 158 and the yellow or amber light of the traffic light facing the pedestrian comes on, the pedestrian shall proceed across the roadway.

**Driver at red light**

**161.** (1) A driver facing a red light as shown at an intersection by a traffic light shall stop his or her vehicle before it enters the intersection.

**Turning**

(2) A driver facing a red light referred to in subsection (1) may, after bringing his or her vehicle to a stop, proceed

- (a) to turn the vehicle to the right; or
- (b) to turn the vehicle to the left from a one-way street onto a one-way street.

**Pedestrian at red light**

**162.** A pedestrian facing a red light as shown at an intersection by a traffic light shall not enter the roadway.

**Driver at red flashing light**

**163.** (1) A driver facing a red flashing light as shown at an intersection by a traffic light shall stop his or her vehicle before it enters the intersection.

**Proceeding through intersection**

(2) Where a driver has stopped his or her vehicle pursuant to subsection (1), the driver shall yield the right of way to traffic in accordance with this Act and only proceed through the intersection when it is safe to do so.

**Driver at yellow or amber flashing light**

**164.** A driver facing a yellow or amber flashing light as shown at an intersection by a traffic light shall comply with section 208.

**Pedestrian at red, yellow or amber flashing light**

**165.** A pedestrian facing a red, yellow or amber flashing light as shown at an intersection by a traffic light shall stop before crossing the roadway and only proceed across the roadway at a cross walk when it is safe to do so.

**Inoperative traffic lights**

**166.** Where traffic lights at an intersection are not in operation, a driver approaching the intersection shall stop his or her vehicle before it enters the intersection and yield the right of way in accordance with section 204.

## Pedestrian facing "walk" signal

**167.** Notwithstanding section 160 or 162, a pedestrian facing the word "walk" or an outline of a walking person as shown at an intersection by a traffic light may cross the roadway within a crosswalk.

## Pedestrian facing "wait" signal

**168.** (1) Notwithstanding section 158, a pedestrian facing the word "wait", the words "don't walk" or an outline of a raised hand as shown at an intersection by a traffic light shall not enter the roadway.

## Crossing on "wait" signal

(2) Where a pedestrian is crossing a roadway at an intersection under section 167 and the word "wait", the words "don't walk" or an outline of a raised hand as shown by the traffic light comes on, the pedestrian shall proceed across the roadway.

## RESTRICTIONS ON SPEED

## Maximum speed limits

**169.** No driver shall operate a vehicle on a highway

- (a) within a settlement or municipality at a speed greater than
  - (i) the maximum speed limit that is set out by a traffic control device, or
  - (ii) 50 km/h if there is no maximum speed limit set out by a traffic control device; and
- (b) outside a settlement or municipality at a speed greater than
  - (i) the maximum speed limit that is set out by a traffic control device, or
  - (ii) 90 km/h if there is no maximum speed limit set out by a traffic control device.

## Speed limit signs

**170.** Where a traffic control device sets out a maximum speed limit, the speed limit applies to that part of the highway between the traffic control device and the point where another traffic control device indicates a greater or lesser speed or that the speed limit has ceased to apply.

## Unreasonable speed

**171.** No driver shall drive at a rate of speed that is unreasonable having regard to all the circumstances including, without restricting the generality of the foregoing,

- (a) the condition of the highway;
- (b) the class of vehicle being driven;
- (c) the classes of vehicles that are permitted to use the highway;
- (d) the weather or other conditions that might affect the visibility of the driver;

- (e) the amount of traffic on the highway; and
- (f) the mechanical condition of any vehicle safety item in respect of the vehicle being driven.

#### Unreasonably slow vehicles

**172.** (1) No driver shall operate a vehicle at such a slow speed that the vehicle unreasonably impedes the movement of other vehicles travelling in the same direction.

#### Exemption

(2) Subsection (1) does not apply to a driver operating a vehicle at a slow speed if the slow speed is required

- (a) for the safe operation of the vehicle, or
  - (b) to comply with this Act or the regulations,
- and a prescribed slow-moving vehicle sign is attached to the back of the vehicle.

#### Powers of officer

**173.** Where a driver contravenes subsection 172(1), an officer may direct the driver

- (a) to increase the speed of his or her vehicle so that the vehicle no longer impedes the movement of other vehicles, or
- (b) to remove the vehicle from the highway,

and the driver shall comply with the direction.

### DRIVING ON LEFT-HAND AND RIGHT-HAND SIDE OF ROADWAY

#### Driving on left-hand side of roadway

**174.** No driver shall drive his or her vehicle to the left of the centre line of a roadway except

- (a) when overtaking and passing another vehicle proceeding in the same direction;
- (b) when the roadway to the right of the centre line of the roadway is obstructed by a parked vehicle or other object or is closed to traffic; or
- (c) when making a left turn at an intersection or onto a private roadway or driveway.

#### Driving on right-hand side of roadway

**175.** A driver on a two-way roadway shall keep his or her vehicle to the right of the centre line of the roadway when approaching and passing a vehicle proceeding in the opposite direction.

#### Narrow roadways

**176.** A driver on a two-way roadway that has a width for only one lane of traffic shall keep his or her vehicle on the right one-half side of the roadway when approaching and passing a vehicle proceeding in the opposite direction.

### Median

**177.** No driver shall drive across the median of a highway.

### Changing lanes

**178.** No driver shall drive from one lane to another without first signalling his or her intention to do so.

### Lines marked on roadway

**179.** A driver driving on a roadway that is divided into lanes by lines,

- (a) where one or more broken lines separate lanes, may, with caution, cross and recross from one lane to another;
- (b) where a solid line and a broken line are together and the broken line is on the right-hand side of the solid line, may, with caution, cross and recross from one lane to another; and
- (c) where there is a solid line or where there is a broken and solid line together and the solid line is on the right-hand side of the broken line, shall not cross the solid line except to make a left-hand turn, or to enter a roadway.

### Driving in centre lane

**180.** No driver shall drive his or her motor vehicle in the centre lane of a two-way roadway that is divided into three lanes that are not marked by lines unless

- (a) the centre lane is clear of traffic
  - (i) when passing another vehicle proceeding in the same direction, or
  - (ii) when approaching an intersection where he or she intends to turn to the left; or
- (b) the centre lane is designated for vehicles moving in the direction of travel of his or her vehicle.

## PASSING

### Passing on left

**181.** The driver of a vehicle overtaking a vehicle that is proceeding in the same direction may, in overtaking and passing, use the lane to the left of the vehicle that is being passed.

### Driving on left-hand side of roadway

**182.** No driver shall drive on the left side of the centre line of a roadway to overtake and pass a vehicle proceeding in the same direction, unless the roadway to the left of the centre line is clearly visible and is free of oncoming traffic and obstructions for a sufficient distance to permit the overtaking and passing to be completed without interfering with the safe operation of another vehicle.

### Restrictions

**183.** No driver shall drive on the left side of the centre line of a roadway to overtake and pass a vehicle proceeding in the same direction

- (a) within 30 m of or while crossing an intersection, crosswalk or level railway crossing; or
- (b) within 30 m of or while on or in a bridge or tunnel.

### Vehicle turning left

**184.** No driver shall drive on the left side of the centre line of a roadway to overtake and pass a vehicle proceeding in the same direction where the vehicle being overtaken is making a left turn or its driver is signalling an intention to make a left turn.

### Passing on right

**185.** No driver shall overtake and pass a vehicle proceeding in the same direction on the right of that vehicle, unless

- (a) the vehicle being overtaken is making a left turn or its driver is signalling an intention to make a left turn; or
- (b) there is an unobstructed lane to the right of the vehicle being overtaken for traffic moving in the direction of the vehicle being overtaken.

### Speed limit when passing

**186.** No driver shall exceed the maximum speed limit for the highway when passing a vehicle.

### Staying on roadway

**187.** No driver shall drive off a roadway when passing a vehicle.

### Vehicle being passed

**188.** A driver, when being overtaken by a vehicle proceeding in the same direction, shall allow that vehicle to pass.

### Where passing on right prohibited

**189.** A driver who is being overtaken in a place where passing on the right is not permitted shall

- (a) as far as is practicable, move his or her vehicle to the right-hand curb or edge of the roadway to allow the overtaking vehicle sufficient room to pass; and
- (b) not increase the speed of his or her vehicle until the overtaking vehicle has passed.

### Overtaking vehicle

**190.** A driver overtaking a vehicle proceeding in the same direction shall

- (a) not pass the vehicle being overtaken without first signalling his or her intention to pull into another lane;

- (b) enter another lane to pass the vehicle at a safe distance from the vehicle; and
- (c) not return to the lane occupied by the driver before passing the vehicle unless the driver signals an intention to return to that lane and it is safe to return to that lane.

#### Slow vehicles

**191.** A driver whose vehicle is proceeding slower than other vehicles proceeding in the same direction shall drive,

- (a) where there is more than one lane for vehicles proceeding in the driver's direction, in the lane closest to the right-hand curb or edge of the roadway, or
- (b) where there is one lane for motor vehicles proceeding in the driver's direction, as close as is practicable to the right-hand curb or edge of the roadway,

except when

- (c) overtaking and passing another vehicle proceeding in the same direction, or
- (d) preparing for a left-hand turn.

#### Following too closely

**192.** (1) No driver shall drive behind a vehicle more closely than is reasonable in the circumstances.

#### Motorcades

(2) A driver on a highway outside of a settlement or municipality travelling in a motorcade, other than a funeral procession, shall leave sufficient space between his or her vehicle and the vehicle in front of him or her to enable a vehicle to enter and occupy that space without danger.

### BACKING UP

#### Restriction on backing up

**193.** No person shall cause a vehicle to move backwards on or onto a highway unless the movement can be made in safety.

#### Backing across roadway

**194.** No person shall cause a vehicle to move backwards across the centre line of a roadway unless a person outside of the vehicle directs the person in control of the vehicle and ensures that the movement can be made in safety.

## TURNS

## Right turns

**195.** (1) A driver who intends to turn right at an intersection or onto a private road or driveway shall make the turn as closely as is practicable to the right-hand curb or edge of the roadway.

## Entering roadway

(2) A driver who turns right at an intersection shall make the turn by passing as closely as is practicable to the right-hand curb or edge of the roadway being entered.

## Left turns

**196.** A driver who intends to turn left at an intersection shall

- (a) approach the intersection in the extreme left-hand lane that is lawfully available to traffic proceeding in the same direction as the driver; and
- (b) after entering the intersection, make the left turn so as to leave the intersection, as nearly as possible, in the extreme left-hand lane that is lawfully available to traffic proceeding in the same direction as the driver on the roadway being entered.

## Left turns onto private road or driveway

**197.** (1) A driver who intends to turn left from a two-way roadway onto a private road or driveway shall make the turn from the right of, and as closely as is practicable to, the centre line of the roadway.

*Idem*

(2) A driver who intends to turn left from a one-way roadway onto a private road or driveway shall make the turn from the lane closest to the left-hand curb or edge of the roadway.

## Distance for signal

**198.** (1) Subject to subsection (2), a driver who intends to make a turn shall signal an intention to turn

- (a) at least 30 m before the place of the turn if the driver is on a highway within a settlement or municipality; and
- (b) at least 150 m before the place of the turn if the driver is on a highway outside a settlement or municipality.

## Intersection with minimum distance

(2) Where there is an intersection between the distance referred to in subsection (1) and the intersection at which the driver intends to turn, the driver shall not signal the turn until the driver passes the intersection that lies between.

## U-turns

**199.** (1) Subject to subsection (2), a driver may turn a vehicle so as to proceed in the opposite direction if that movement can be made without interfering with traffic.

## Restrictions on making U-turns

(2) No driver shall turn his or her vehicle so as to proceed in the opposite direction if he or she is driving

- (a) on a curve;
- (b) on an approach to or near the crest of a hill where the vehicle cannot be seen by a person operating a vehicle approaching from either direction within 150 m; or
- (c) on a railway crossing or within 30 m of a railway crossing.

## SIGNALS

## Left turn

**200.** A driver who is required to give a left turn signal for a left turn or other movement of his or her vehicle to the left shall make the signal by

- (a) extending his or her left hand and arm horizontally from the vehicle; or
- (b) activating the flashing turn signal lights on the left-hand side of the vehicle.

## Right turn

**201.** A driver who is required to give a right turn signal for a right turn or other movement of his or her vehicle to the right shall make the signal by

- (a) extending his or her left arm from the shoulder to the elbow horizontally and from the elbow to the hand vertically upwards from the vehicle; or
- (b) activating the flashing turn signal lights on the right-hand side of the vehicle.

## Stopping

**202.** A driver who is required to give a signal to indicate a stop or decrease in speed of his or her vehicle shall make the signal by

- (a) extending his or her left arm diagonally downwards from the vehicle; or
- (b) activating the brake lights on the vehicle.

## Location of driver

**203.** A driver who gives a signal by hand shall give the signal from the left-hand side of the vehicle.

## RIGHT OF WAY

## Definition of "intersection"

- 204.** (1) In this section, "intersection" means an intersection that
- (a) is not controlled by a traffic control device;
  - (b) is controlled by a traffic control device, but the device is not in operation; or
  - (c) is controlled at every corner by a stop sign or red flashing light.

## Traffic within intersection

(2) A driver approaching an intersection shall yield the right of way to traffic within the intersection.

## First to intersection

(3) A driver reaching an intersection before another driver has the right of way over the other driver.

## Arriving at the same time

(4) Where two drivers arrive at an intersection on different roadways at the same time, the driver on the left shall yield the right of way to the driver on the right.

## Left turns

- 205.** (1) A driver who intends to turn left at an intersection
- (a) facing a green light as shown by a traffic light, or
  - (b) from a through highway onto a highway that is not a through highway,

shall yield the right of way to traffic approaching from the opposite direction that is within the intersection or so close to the driver that it is not safe for the driver to turn left.

*Idem*

(2) A driver who intends to turn left at an intersection and faces a driver who intends to turn right shall yield the right of way to the driver turning right.

*Idem*

(3) A driver who intends to turn left onto a private road or driveway shall yield the right of way to traffic approaching from the opposite direction that is so close to the driver that it is not safe for the driver to turn left.

*Idem*

(4) A driver who has yielded the right of way as required by subsections (1) to (3) may proceed to turn left with caution and vehicles approaching the intersection from the opposite direction shall yield the right of way to the driver.

#### Stop sign at through highway

- 206.** (1) A driver who is about to proceed across or turn onto a through highway facing a traffic control device that requires the driver to stop shall yield the right of way to
- (a) traffic within the intersection; and
  - (b) traffic proceeding on the through highway that is so close to the driver that it is not safe for the driver to proceed across or turn onto the through highway.

#### Proceed with caution

(2) A driver who has yielded the right of way as required by subsection (1) may proceed across or turn onto the through highway with caution and vehicles approaching the intersection on the through highway shall yield the right of way to the driver.

#### Right turns

**207.** (1) A driver who intends to turn right at an intersection facing a red light as shown by a traffic light shall yield the right of way to traffic within the intersection and to traffic approaching the intersection on the roadway that the driver intends to turn onto that is so close to the driver that it is not safe for the driver to turn right.

#### *Idem*

(2) A driver who has yielded the right of way as required by subsection (1) may proceed to turn right with caution and vehicles approaching on the highway that the driver is entering shall yield the right of way to the driver.

#### Yield signs

- 208.** (1) A driver approaching a yield sign or flashing yellow or amber light at an intersection shall
- (a) slow his or her vehicle to a speed that would enable the driver to stop his or her vehicle before it enters the intersection;
  - (b) yield the right of way to traffic within the intersection or proceeding on the intersecting highway that is so close to the driver that it is not safe for the driver to enter the intersection; and
  - (c) stop the vehicle before it enters the intersection if it is not safe to proceed into the intersection.

#### When to proceed

(2) Section 206 applies to a driver that has stopped his or her vehicle as required by subsection (1).

#### Entering highway

**209.** A driver who is about to enter or cross a highway from a private road, alley, building, driveway or lane shall yield the right of way to pedestrians and traffic proceeding on the highway that are so close to the driver that it is not safe for the driver to enter the highway.

## STOPS

### Signal to slow down or stop

**210.** Where there is an opportunity to give a signal, no driver shall stop or suddenly decrease the speed of his or her vehicle without first giving the signal for a stop or a decrease in speed.

### Stopping at intersections

**211.** A driver that is required to stop his or her vehicle before it enters an intersection shall stop the vehicle before it enters an intersection

- (a) at a stop line marked at the intersection;
- (b) if there is no stop line, then immediately before entering a marked crosswalk; or
- (c) if there is no stop line or marked crosswalk, then at the point nearest the intersection from which the driver has a view of traffic approaching on the intersecting roadway.

### Stop sign at intersections

**212.** A driver approaching a stop sign at an intersection shall stop his or her vehicle before it enters the intersection.

### School bus at railway crossing

**213.** A driver of a school bus carrying students shall, on approaching a railway crossing,

- (a) stop the bus not less than 5 m from the nearest rail of the crossing; and
- (b) listen and look in both directions of the crossing for an approaching train.

R.S.N.W.T. 1988,c.106(Supp.),s.14.

### When to proceed

**214.** A driver who has brought his or her school bus to a stop under section 213 shall

- (a) not proceed across the railway crossing until it is safe to do so;
- (b) enter the railway crossing in a gear that will enable the bus to cross the tracks without having to shift gears; and
- (c) not shift gears while crossing the railway crossing.

### Railway crossings

**215.** (1) Where a driver approaches a railway crossing and

- (a) a warning device or flag operator indicates that a train is approaching, or
- (b) a train that is approaching is visible or is emitting an audible signal and it is not possible to cross the railway crossing in safety,

the driver shall stop his or her vehicle not less than 5 m from the nearest rail of the railway.

**When to proceed**

(2) Subject to subsection (3), a driver who has brought his or her vehicle to a stop under subsection (1) shall not proceed across the railway crossing until it is safe to do so.

**Gates and barriers**

(3) No driver shall drive through, around or under a crossing gate or barrier at a railway crossing when the gate or barrier is closed or is being opened or closed.

**Stop sign at railway crossing**

**216.** Where a stop sign has been erected at a railway crossing, a driver shall stop his or her vehicle not less than 5 m from the nearest rail of the railway and shall not proceed until it is safe to do so.

**School bus with flashing lights**

**217.** A driver, on meeting a school bus that

- (a) is headed in the same or opposite direction as the driver, and
- (b) has its flashing lights in use,

shall

- (c) stop his or her vehicle before it reaches the bus, and
- (d) not proceed until the flashing lights are no longer in use.

## PARKING

**Parking off roadway**

**218.** (1) No driver shall park his or her vehicle on a roadway where it is practicable to park the vehicle off a roadway, unless there is a traffic control device authorizing the parking of vehicles on that roadway.

**Obstructing passage of vehicles**

(2) No driver shall park his or her vehicle on a roadway so as to obstruct the passage of vehicles on the roadway.

**Exemption**

(3) Subsections (1) and (2) do not apply to a driver where his or her vehicle

- (a) is disabled and cannot be driven to a place on the roadway that does not obstruct the passage of vehicles on the roadway; and
- (b) has been left on the roadway for less than 24 hours.

**Warning lights**

(4) A driver who has parked his or her vehicle on a roadway under the authority of subsection (3) shall, during the period from 1/2 hour after sunset to 1/2 hour before sunrise or at any other time when conditions of poor visibility exist,

- (a) if the vehicle is of or more than the prescribed weight, place flares, lights, lanterns or reflective devices on the highway in the manner described in subsection 130(3); or
- (b) if the vehicle is less than the prescribed weight,

- (i) place a light that shows white or green to the front and red to the rear to the left side of the motor vehicle so that the light is visible to the front and back of the vehicle from a distance of 60 m, or
- (ii) if the vehicle is equipped with emergency four-way flashers, activate the flashers.

#### Parking within settlement or municipality

**219.** No person shall, within a settlement or, unless otherwise provided by by-law made under Part XII, within a municipality, park a vehicle on a highway

- (a) in front of a public or private driveway;
- (b) within an intersection;
- (c) on a sidewalk;
- (d) within 3 m from a fire hydrant;
- (e) within a crosswalk or within 6 m of a crosswalk;
- (f) within 5 m in front of a stop or yield sign or traffic light located at the side of the roadway;
- (g) within 15 m of the nearest rail of a railway crossing;
- (h) within 6 m of a driveway to a fire station on the side of a street on which the fire station is located;
- (i) adjacent to or opposite a street excavation or obstruction, where parking obstructs the flow of traffic;
- (j) on the highway side of a vehicle parked at the curb or edge of a roadway;
- (k) on a bridge or other elevated structure; or
- (l) in front of a ramp designed for use by a physically disabled person.

#### Manner of parking

**220.** A person shall park a vehicle

- (a) on a two-way roadway, on the right-hand side of the roadway, and
- (b) on a one-way roadway, on the right-hand or left-hand side of the roadway,

within 30 cm of the curb or edge of the roadway.

#### Brakes on unattended vehicle

**221.** No driver shall leave a vehicle on a highway that is unattended without first taking the action that may be reasonably necessary in the circumstances to prevent the vehicle from moving or being set in motion while the vehicle is unattended.

#### Moving parked vehicle

**222.** No driver shall move a vehicle that is parked unless the driver makes the appropriate right or left turn signal.

## Leaving motor vehicle with engine running

- 223.** (1) No driver shall leave his or her motor vehicle with its engine running unless
- (a) all the doors of the motor vehicle are locked;
  - (b) the motor vehicle is being used to collect garbage, deliver fuel or water, pump sewage or to perform some other public service; or
  - (c) the motor vehicle is being loaded or unloaded.

## Exemption

- (2) Subsection (1) does not apply to a driver of a motor vehicle who
- (a) leaves a person who is 16 years of age or older in attendance of the motor vehicle; or
  - (b) is assisting a person to or from the motor vehicle.

## MISCELLANEOUS RULES

## Meaning of "abandoned"

- 224.** (1) For the purposes of this section and without restricting the meaning of "abandoned", a vehicle that has been parked for more than 72 hours on a highway outside of a settlement or municipality without a note attached to the vehicle or other evidence that indicates the driver or owner of the vehicle intends to return, shall be deemed to be abandoned.

## Abandoned vehicle

- (2) No person shall abandon a vehicle on
- (a) private or public property, other than a highway, without the express or implied consent of the owner or person in lawful possession or control of the property; or
  - (b) a highway.

## Interfering with driver

- 225.** (1) No driver shall operate a vehicle if
- (a) the control of the driver over the driving mechanisms of the vehicle is interfered with; or
  - (b) the view of the driver to the front, sides or rear of the vehicle is obstructed.

## Position of passengers

- (2) No passenger shall occupy a position in a vehicle that interferes with or obstructs
- (a) the view of the driver to the front of the vehicle; or
  - (b) the ability of the driver to control the vehicle.

## Passenger limits

- 226.** No driver shall permit
- (a) where the front seats of a motor vehicle are bucket seats or other seating designed for two persons, more than two persons to occupy

- the front seats and the space between and beside the front seats;  
and
- (b) in any other motor vehicle, more than three persons to occupy the front seat and the space beside the front seat.

#### Canyons and mountains

**227.** A driver travelling through canyons or on mountains shall hold his or her vehicle under control and as near to the right-hand curb or edge of the roadway as is reasonably possible.

#### Coasting down hills

**228.** No driver travelling down a hill shall

(a) put the gears of his or her motor vehicle into neutral; or

(b) disengage the clutch of his or her motor vehicle.

#### Listen for trains

**229.** A driver approaching a railway crossing shall listen and look in both directions of the crossing for an approaching train.

#### Following fire-fighting vehicles

**230.** No driver of a vehicle, other than an enforcement or emergency vehicle, shall

(a) follow a vehicle used to fight fires, unless the driver remains at least 150 m behind the vehicle used to fight fires; or

(b) park his or her vehicle within 150 m of a vehicle used to fight fires that has stopped in answer to a fire alarm.

#### Fire hoses

**231.** No driver shall drive over an unprotected hose of a fire department that has been laid down on a highway or private roadway or driveway near the location of a fire or a suspected fire, unless the driver has obtained the consent of an official of the fire department.

#### Littering highways

**232.** (1) No person shall deposit on a highway any glass, nails, tacks or scraps of metal or any rubbish, refuse or waste.

#### Removing wrecked vehicle

(2) A person who removes from a highway a vehicle that is wrecked or damaged shall remove any glass or other thing that has fallen on the highway from the vehicle.

#### Driving on sidewalk

**233.** No driver shall drive over a sidewalk unless his or her vehicle is entering or leaving a driveway, lane or parking lot.

#### Opening door of vehicle

- 234.** (1) No person shall open the door of a vehicle
- (a) while the vehicle is in motion; or
  - (b) if the opening of the door interferes with the movement of traffic.

#### Leaving door open

(2) No person shall leave the door of a vehicle open on the side of the vehicle adjacent to the travelled portion of the highway unless the vehicle is being loaded or unloaded or passengers are getting in or out through that door.

#### Stunts

**235.** No person shall engage in a stunt or activity on a highway that is likely to distract or startle a driver using the highway.

#### Races

**236.** No driver shall drive his or her vehicle in a race or in a contest of performance.

#### Riding outside motor vehicle

**237.** (1) No person shall ride and no driver shall permit a person to ride, on the outside of a motor vehicle or in the box of a truck.

#### Exemption

- (2) Subsection (1) does not apply to a person riding
- (a) on the seat of a motorcycle;
  - (b) in the box of a truck if
    - (i) the box is totally enclosed, or
    - (ii) the truck is being operated within a municipality or settlement at less than 30 km/h;
  - (c) on a construction vehicle or a motor vehicle engaged in the maintenance of a highway;
  - (d) on an enforcement or emergency vehicle;
  - (e) on a motor vehicle forming part of a parade that has been approved by the proper authority; or
  - (f) on a motor vehicle that is part of a garbage disposal service and the vehicle is being used to collect garbage.

#### Occupying trailers

**238.** No person shall occupy and no driver whose motor vehicle is pulling a trailer shall permit a person to occupy a trailer while it is being moved on a highway.

#### Aircraft on highways

**239.** No person shall operate an aircraft on a highway except within a portion of a highway designated by a traffic control device for aircraft or where an officer permits a person to operate an aircraft on a highway.

## ENFORCEMENT AND EMERGENCY VEHICLES

## Exemption for enforcement and emergency vehicles

**240.** (1) Subject to subsections (2) and (3), the driver

- (a) of an emergency or enforcement vehicle, when responding to an emergency call or alarm, or
- (b) of an enforcement vehicle, when in pursuit of a person who is suspected of contravening a law or when going to investigate a suspected contravention of a law,

may drive the emergency or enforcement vehicle, as the case may be, in contravention of this Act or the regulations or a by-law of a municipal corporation where it is necessary to do so.

## Lights and siren

(2) Subsection (1) does not apply to a driver of an enforcement or emergency vehicle, unless

- (a) when the vehicle is moving, it is emitting an audible signal by bell or siren and the flashing lights on the vehicle are activated; or
- (b) when the vehicle arrives at its destination and parks, the flashing lights on the vehicle are activated.

## Manner of driving

(3) Where the driver of an enforcement or emergency vehicle contravenes this Act, the regulations or a by-law of a municipal corporation under subsection (1), the driver shall drive the vehicle with regard for the safety of traffic using the highway taking into account all circumstances of the case including

- (a) the condition of the highway;
- (b) the amount of traffic that is on or might reasonably be expected to be on the highway;
- (c) the nature of the use being made of the enforcement or emergency vehicle at that time; and
- (d) the time of day.

## Duty of other drivers

**241.** Upon the immediate approach of an enforcement or emergency vehicle that is emitting an audible signal by bell or siren or that has its flashing lights activated, a driver shall

- (a) yield the right of way to the enforcement or emergency vehicle;
- (b) immediately drive to a position clear of an intersection and parallel to and as close as is practicable to
  - (i) the right-hand curb or edge of a two-way roadway, or
  - (ii) the right-hand or left-hand curb or edge of a one-way roadway; and
- (c) stop and remain in that position until the enforcement or emergency vehicle has passed.

## MOTORCYCLES

### Riding on motorcycle

**242.** (1) No driver or passenger of a motorcycle shall stand up while riding on the motorcycle.

### Passengers

(2) No passenger shall ride on a motorcycle unless

- (a) the motorcycle is designed and equipped with a seat to carry more than one person, and the person rides on that seat; or
- (b) the passenger rides in a side car that is attached to the motorcycle.

### Duty of driver

(3) A driver of a motorcycle shall not permit a passenger to ride on the motorcycle in contravention of subsection (2).

### Helmets

**243.** No person shall drive or ride on a motorcycle unless the person wears a prescribed helmet in the prescribed manner.

### Riding beside another motorcycle

**244.** No driver of a motorcycle shall drive the motorcycle beside another motorcycle that is being operated on a highway except when passing that motorcycle.

### Restriction on operation

**245.** No person shall drive a motorcycle that has a piston displacement of 90 cm<sup>3</sup> or less on a highway

- (a) outside of a municipality or settlement; or
- (b) that has a maximum speed limit greater than 50 km/h.

## BICYCLES

### Duties of bicyclists

**246.** (1) A person who is riding a bicycle

- (a) shall not ride it on a sidewalk;
- (b) shall ride it as near as is practicable to the right hand curb or edge of a roadway;
- (c) shall not ride beside another bicycle that is being ridden on a highway except when passing that bicycle;
- (d) shall keep at least one hand on the handle bars;
- (e) shall ride on and astride the seat of the bicycle; and
- (f) shall not use the bicycle to carry more persons than the number for which it is designed and equipped.

### Bicycle paths

(2) No person shall ride a bicycle on a roadway if there is a usable path, other than a sidewalk, intended for the use of bicycles adjacent to the roadway.

### Duties of person riding play vehicle

**247.** No person shall ride on or use a coaster, sled, toboggan, skateboard, ice skates, roller skates or skis on a roadway

- (a) if there is a sidewalk adjacent to the roadway that is usable; or
- (b) if there is no sidewalk adjacent to the roadway that is usable, unless the person rides the device as close as is practicable to the left-hand curb or edge of the roadway.

### Towing of play vehicles

**248.** No driver shall knowingly use a vehicle to tow on a highway a bicycle, coaster, sled, toboggan, skateboard, ice skates, roller skates or skis.

### Animal-drawn vehicle

**249.** A driver of an animal-drawn vehicle or a person who is riding an animal shall keep the animal-drawn vehicle or the animal, as the case may be, as close as is practicable

- (a) to the right-hand curb or edge of a two-way roadway; or
- (b) to the right-hand or left-hand curb or edge of a one-way roadway.

## PEDESTRIANS

### Crosswalk at intersection

**250.** (1) Notwithstanding any provision of this Act, a driver shall yield the right of way to a pedestrian crossing a roadway within a crosswalk at an intersection where

- (a) there are traffic lights at the intersection and the pedestrian is authorized under this Act to cross the roadway; or
- (b) there are no traffic lights at the intersection or the traffic lights are not in operation.

### Other crosswalks

(2) A driver shall yield the right of way to a pedestrian crossing a roadway within a crosswalk that is not at an intersection.

### Passing motor vehicle at crosswalk

**251.** Where a motor vehicle is stopped at a crosswalk to permit a pedestrian to cross the roadway, a driver approaching from the rear shall not pass the stopped vehicle.

### Duty of pedestrian

**252.** (1) A pedestrian shall look in both directions before leaving a curb or other place of safety to cross a roadway.

*Idem*

(2) No pedestrian shall leave a curb or other place of safety and walk or run into the path of a motor vehicle that is so close that it is impracticable for the driver of the vehicle to yield.

## Crossing outside of crosswalk

**253.** Where a pedestrian is crossing a roadway at a point other than within a crosswalk, the pedestrian shall yield the right of way to all drivers.

## Duty of driver

**254.** Notwithstanding any provision of this Act, a driver shall

- (a) exercise care to avoid colliding with a pedestrian;
- (b) give a warning to a pedestrian by sounding the horn or bell on his or her vehicle when necessary; and
- (c) exercise proper precaution and be prepared to stop where a child or an apparently confused or incapacitated person is on a highway.

## Use of sidewalks

**255.** (1) A pedestrian shall not walk or run on a roadway if there is a sidewalk that is usable on either side of the roadway.

## Using left-hand side of roadway

(2) Where there is no sidewalk that is usable on either side of a roadway, a pedestrian shall, unless it is impracticable, walk or run on the left-hand side of the roadway or the shoulder of the highway.

## Holding onto vehicle

**256.** (1) No person who is outside of a vehicle shall

- (a) hold onto a vehicle that is in motion, or
- (b) hold onto a vehicle that is stationary,

for the purpose of being towed.

*Idem*

(2) No driver shall knowingly tow a person that is holding onto the vehicle he or she is driving.

## Soliciting employment or business

**257.** No pedestrian shall be on a roadway for the purpose of soliciting employment or business with an occupant of a vehicle using the roadway.

## PART V

## ACCIDENTS

## Definition of "certificate of registration"

**258.** In this Part, "certificate of registration" includes a certificate of registration issued under the laws of a jurisdiction other than the Territories.

## Duty of driver at accident

**259.** (1) Where an accident occurs on or adjacent to a highway, each driver of a motor vehicle that is directly or indirectly involved in the accident shall, if he or she is capable of doing so,

- (a) remain at the scene of the accident;
- (b) render all reasonable assistance;
- (c) provide in writing to anyone sustaining loss or injury and, if requested by a member of the Royal Canadian Mounted Police, to that member,
  - (i) his or her name and address,
  - (ii) the number of his or her driver's licence issued under this Act or under the laws of a jurisdiction other than the Territories, and
  - (iii) the name and address of the person named in the certificate of registration or in transit permit for the motor vehicle he or she was driving and the number of the certificate or permit; and
- (d) produce for inspection to anyone sustaining loss or injury and, if requested by a member of the Royal Canadian Mounted Police, to that member, the document evidencing a motor vehicle liability policy or financial responsibility that is required to be located inside the motor vehicle by section 56.

## When driver may leave accident

(2) Notwithstanding paragraph (1)(a), the driver of a motor vehicle that is directly or indirectly involved in an accident may leave the scene of the accident

- (a) after the driver has performed the duties imposed by subsection (1); or
- (b) for the purpose of obtaining assistance.

## Duty after leaving accident

(3) A driver who leaves the scene of an accident under paragraph (2)(b) shall, after obtaining or attempting to obtain assistance,

- (a) return immediately to the scene of the accident and comply with paragraphs (1)(b), (c) and (d); or

- (b) immediately make a report in writing that contains the information described in paragraph (1)(c) and produce for inspection the document referred to in paragraph (1)(d) to a member of the Royal Canadian Mounted Police.

#### Driver not capable of providing information

(4) Where a driver is not capable of meeting the requirements of subsection (1) at the time of the accident and is not the person named in the certificate of registration or in transit permit for the motor vehicle, the person named in the certificate or permit shall, on learning of the accident, without delay,

- (a) make a report in writing that sets out
  - (i) his or her name and address,
  - (ii) the number of his or her certificate of registration or in transit permit, and
  - (iii) the name and address of the person driving the motor vehicle at the time of the accident, and
- (b) produce for inspection the document referred to in paragraph (1)(d),

to a member of the Royal Canadian Mounted Police.

#### *Idem*

(5) Where a driver is not capable of meeting the requirements of subsection (1) at the time of the accident and is the person named in the certificate of registration or in transit permit for the motor vehicle, the driver shall, after becoming capable of so doing, without delay,

- (a) make a report in writing that contains the information described in paragraph (1)(c), and
- (b) produce for inspection the document referred to in paragraph (1)(d),

to a member of the Royal Canadian Mounted Police.

#### Accident with unattended vehicle or other property

**260.** (1) Subject to subsection (2), a driver of a motor vehicle that collides with an unattended vehicle or other property on or adjacent to a highway, shall bring his or her motor vehicle to a stop and locate and provide the driver or owner of the unattended vehicle or the owner of the property with

- (a) his or her name and address;
- (b) the number of his or her driver's licence issued under this Act or under the laws of a jurisdiction other than the Territories;
- (c) the name and address of the person named in the certificate of registration or in transit permit for the motor vehicle he or she was driving and the number of the certificate or permit; and
- (d) the document referred to in paragraph 259(1)(d) for inspection purposes.

#### Where owner cannot be located

(2) Where a driver referred to in subsection (1) cannot after reasonable efforts locate the driver or owner of the unattended vehicle or the owner of the property, the driver shall leave in a conspicuous place in or on the unattended vehicle or property a written notice that contains the information referred to in paragraphs (1)(a) to (c) and the information contained on the document referred to in paragraph 259(1)(d).

#### Definition of "accident"

**261.** For the purposes of sections 262 to 269, "accident" means an accident on or adjacent to a highway involving a motor vehicle that results in

- (a) the injury or death of a person; or
- (b) damages to all property involved in the accident that appear to be \$1,000 or more.

#### Written reports to R.C.M.P.

**262.** (1) Subject to subsections (2) and (3), the driver of each motor vehicle involved in an accident shall immediately make a written report to a member of the Royal Canadian Mounted Police that sets out the circumstances of the accident and a description of how the accident occurred.

#### Where driver incapable

(2) Where a driver is incapable of making the report referred to in subsection (1) and there is another occupant of the motor vehicle capable of making the report, that occupant shall make the report.

#### *Idem*

(3) Where the driver of a motor vehicle involved in an accident

- (a) is alone at the time of the accident, and
- (b) is incapable of making the report required by subsection (1) at the time of the accident,

the driver shall make the report immediately after becoming capable of making it.

#### Report to Registrar

(4) A member of the Royal Canadian Mounted Police who receives a report made under this section shall send the report to the Registrar.

#### Officer's report to Registrar

**263.** A member of the Royal Canadian Mounted Police who has investigated an accident shall immediately forward to the Registrar a written report setting out full particulars of the accident including

- (a) the names and addresses of the drivers involved;
- (b) a description of the motor vehicles involved; and
- (c) the extent of the personal injuries or property damage.

## Additional information to Registrar

**264.** A member of the Royal Canadian Mounted Police who has submitted a report to the Registrar pursuant to section 263 and any other person having information respecting an accident shall provide the Registrar with additional information respecting the accident if requested to do so by the Registrar.

## Duty of Chief Coroner

**265.** The Chief Coroner shall send to the Registrar

- (a) a copy of the report on the investigation referred to in paragraph 19(a) of the *Coroners Act*, and
- (b) a copy of the verdict of the jury referred to in section 55 of the *Coroners Act*,

with respect to an accident that results in the death of a person.

## Duty of insurance company

**266.** An insurance company that receives a claim under a motor vehicle liability policy in respect of an accident that occurred in the Territories shall immediately notify the Registrar of the name and address of the person making the claim.

## Bullet striking motor vehicle

**267.** Where a motor vehicle has been struck by a bullet, the driver or person named in the certificate of registration or in transit permit for the vehicle shall, on becoming aware that the motor vehicle has been struck by a bullet, report this fact to a member of the Royal Canadian Mounted Police.

## Notice to be affixed to motor vehicle

**268.** Where a report referred to in section 262 or 267 has been made to a member of the Royal Canadian Mounted Police, the member shall cause to be affixed to the motor vehicle described in the report a notice certifying that the report required by section 262 or 267 has been submitted.

## Repair of motor vehicle in accident

**269.** No person shall undertake to repair a motor vehicle that shows evidence of having been in an accident or that has been struck by a bullet, unless a notice referred to in section 268 is affixed to the motor vehicle.

## PART VI

## CIVIL ACTIONS LIABILITY

## Actions involving vehicles

**270.** Except as provided in this Part, nothing in this Act or the regulations affects the right of a person to commence an action for damages involving a vehicle.

#### Liability of owner

**271.** (1) Subject to subsection (2), the owner of a vehicle is liable for damages for injury, loss or damage to persons or property caused by the negligence or improper conduct of the driver of the vehicle in the operation of the vehicle on a highway and the driver is liable to the same extent as the owner.

#### Exception to liability

(2) The owner of a vehicle is not liable under subsection (1) if at the time the vehicle caused the damage, the vehicle was being operated by a person without the consent of the owner.

#### Consent presumed

(3) For the purposes of subsection (2), the driver of a vehicle shall be presumed to be operating the vehicle with the consent of the owner of the vehicle where the driver is

- (a) living with and is a member of the family of the owner, or
- (b) an employee or agent of the owner,

unless the owner can prove that the driver was, at the time of the accident, operating the vehicle without his or her consent.

### BURDEN OF PROOF

#### Burden of proof

**272.** (1) The burden of proof that damages caused by a vehicle on a highway did not entirely or solely arise through the negligence or improper conduct of the owner or driver is on the owner or driver of the vehicle.

#### Collision between vehicles

(2) Subsection (1) does not apply to an action for damages

- (a) arising from a collision between vehicles on a highway; or
- (b) sustained by a person while that person was a passenger in a vehicle.

#### Where contravention involved

**273.** Where a vehicle on a highway causes damage and, at the time the damage occurred, the driver of the vehicle was operating the vehicle in contravention of this Act or the regulations or a by-law of a municipal corporation made under Part XII, the burden of proof that the damage was not caused because of the contravention is on the driver or owner of the vehicle.

### LIMITATION OF ACTIONS

#### Limitation period

**274.** An action may not be brought against a person for the recovery of damages resulting from the operation of a vehicle on a highway

- (a) where a death is caused, after the time limited for the commencement of actions by the *Fatal Accidents Act*; and

- (b) in any other case, after two years from the time when the cause of action arose.

## PART VII

### FINANCIAL RESPONSIBILITY

#### Definitions

**275.** In this Part,

"accident" means an accident involving a motor vehicle on or adjacent to a highway that results in

- (a) the injury or death of a person, or
- (b) total damages to all property involved in the accident that appears to be \$1,000 or more; (*accident*)

"owner", in respect of a motor vehicle, includes

- (a) the person named in the certificate of registration issued under this Act or under the laws of a jurisdiction other than the Territories or an in transit permit for that motor vehicle, and
- (b) a person or partnership that has an interest in that motor vehicle that secures payment or the performance of an obligation.  
(*propriétaire*)

#### Impounding motor vehicles

**276.** (1) Subject to subsection (2), a member of the Royal Canadian Mounted Police shall impound each motor vehicle involved in an accident

- (a) at the scene of the accident; or
- (b) at the place where the member locates the vehicle if the vehicle has left the scene of the accident.

#### Evidence of insurance or financial responsibility

(2) A member of the Royal Canadian Mounted Police shall not impound a motor vehicle under subsection (1) where the driver or owner of the motor vehicle produces for inspection to the member the document evidencing a motor vehicle liability policy or financial responsibility that is required to be located inside the motor vehicle by section 56.

#### Where owner selects garage

**277.** (1) A motor vehicle that is impounded under section 276 must be taken

- (a) where repairs are necessary and immediately desired by the owner, to any repair shop or garage that the owner selects, for the purpose of having it repaired; or
- (b) where repairs are not necessary or are not immediately desired by the owner, to any garage or storage place that the owner selects.

#### Where R.C.M.P. selects garage

(2) Notwithstanding subsection (1), a member of the Royal Canadian Mounted Police may cause a motor vehicle that has been impounded under section 276 to be taken

- (a) to a garage or storage place maintained by the Royal Canadian Mounted Police or other public authority; or
- (b) where a garage or storage place referred to in paragraph (a) is not available, to any other garage or storage place.

#### Notice to Registrar

(3) Where a motor vehicle is impounded under section 276, a member of the Royal Canadian Mounted Police shall, without delay, notify the Registrar of this fact and of the name and address of the proprietor of the place holding the vehicle.

#### Liability for impoundment expenses

**278.** (1) The owner of a motor vehicle that is taken to a repair shop, garage or storage place under section 276 is liable for all reasonable charges for the towing, care and storage of the vehicle.

#### Lien

(2) The reasonable charges for the care and storage of the motor vehicle are a lien on the vehicle in favour of the proprietor of the repair shop, garage or storage place holding the vehicle, so long as the vehicle is in the possession of the proprietor.

#### Sale of motor vehicle

(3) The proprietor of the repair shop, garage or storage place that is storing a motor vehicle impounded under section 276 may sell the vehicle to recover the reasonable charges for the care and storage of the vehicle where the proprietor

- (a) has received an order of the Registrar terminating the authority to impound the vehicle;
- (b) has not received payment in full for the reasonable charges for the care and storage of the vehicle; and
- (c) is in possession of the vehicle.

#### *Warehouse Keepers Lien Act*

(4) The *Warehouse Keepers Lien Act* applies, with such modifications as the circumstances require, to the sale authorized by subsection (3), the application of proceeds of the sale and the disposition of any surplus moneys.

#### Release of impounded motor vehicle

**279.** (1) No person shall remove or release a motor vehicle that is impounded under section 276 from the repair shop, garage or storage place in which it is held, unless the removal or release is authorized

- (a) by the written authorization of a member of the Royal Canadian Mounted Police made under subsection 280(1); or
- (b) by the written order of the Registrar made under sections 281 to 284.

#### Notice to proprietor of garage

(2) Where a motor vehicle impounded under section 276 is placed in a repair shop, garage or storage place, the member of the Royal Canadian Mounted Police impounding the vehicle shall, in writing, notify the proprietor of the repair shop, garage or storage place that the vehicle is impounded and must not be removed or released except on receiving

- (a) the written authorization of a member of the Royal Canadian Mounted Police made under subsection 280(1); or
- (b) the written order of the Registrar made under sections 281 to 284.

#### Change of place of impoundment

**280.** (1) Where a motor vehicle is taken to a repair shop, garage or storage place selected by an owner under subsection 277(1), a member of the Royal Canadian Mounted Police in the area in which the repair shop, garage or storage place is situated may, on receipt of a written application by the owner of the vehicle and at the expense of the owner, authorize in writing the vehicle to be transferred to another repair shop, garage or storage place selected by that owner.

#### Notice to Registrar

(2) Where a motor vehicle is transferred under subsection (1), a member of the Royal Canadian Mounted Police shall, without delay, notify the Registrar of this fact and of the name and address of the proprietor of the place holding the vehicle.

#### Release of impounded motor vehicle

**281.** Where a motor vehicle is impounded under section 276 and the Registrar is satisfied that

- (a) at the time of the accident the motor vehicle was a stolen vehicle,
- (b) the only damage resulting from the accident is to the person or property of the owner or driver of the motor vehicle, or
- (c) the owner of the motor vehicle meets the requirements with respect to insurance or financial responsibility described in section 36,

the Registrar shall order that the authority for impounding the vehicle under section 276 is terminated.

#### Security or satisfaction of claims

**282.** Where an owner of a motor vehicle impounded under section 276 gives security or proof of satisfaction of claims for damages that is satisfactory to the Registrar for damages resulting from an accident referred to in section 276, the Registrar shall order that the authority for impounding the motor vehicle under section 276 is terminated.

#### Definition of "certificate"

**283.** (1) In this section, "certificate" means a certificate of the Clerk of the Supreme Court stating that an action for the recovery of damages resulting from an accident has been commenced.

### Release of impounded vehicle

(2) Where a motor vehicle is impounded under section 276 and an owner does not give security or proof of satisfaction of claims for damages resulting from an accident, the Registrar shall order that the authority for impounding the motor vehicle under section 276 is terminated if

- (a) six months have elapsed since the date of the accident and no certificate has been filed with the Registrar; or
- (b) a certificate has been filed with the Registrar and the Registrar is satisfied that
  - (i) the action against the owner of the motor vehicle has been decided in the owner's favour and that no appeal against the judgment has been filed within the time fixed for the filing of an appeal,
  - (ii) any judgment recovered against the owner has been satisfied or settled,
  - (iii) the action has not been brought to trial within 12 months after being commenced, or
  - (iv) although judgment has been recovered against the owner and no appeal has been filed by the owner within the time fixed for the filing of an appeal or an appeal by the owner has been dismissed, the motor vehicle has not, within three months from the date of the judgment or the date of the dismissal of the appeal, been seized under an execution issued pursuant to the judgment.

### Seizure by execution creditors

(3) Where judgment has been recovered in an action against the owner of a motor vehicle impounded under section 276, and the motor vehicle has been seized under an execution issued pursuant to the judgment, the Registrar shall order that the authority for impounding the vehicle under section 276 is terminated.

S.N.W.T. 1998,c.34,Sch.C,s.25(3).

### Where repairs are impracticable

**284.** Where the Registrar is satisfied by a certificate signed by a mechanic, or by other written evidence, that a motor vehicle impounded under section 276 is so damaged that it is impracticable to repair the vehicle so that it can be driven on a highway, the Registrar may order that the authority for impounding the motor vehicle under section 276 is terminated.

## PART VIII

### ENFORCEMENT

#### STOPPING VEHICLES

##### Power to stop vehicles

**285.** (1) An officer may direct a person operating a vehicle on a highway to stop and park the vehicle to determine if the person operating the vehicle and the vehicle and its equipment comply with the requirements of this Act and the regulations.

##### Duty to stop vehicles

(2) A person operating a vehicle on a highway who is directed to stop and park the vehicle by an officer under subsection (1) shall comply with the direction.

#### EQUIPMENT INSPECTIONS

##### Equipment inspections

**286.** (1) An officer who has directed a person operating a vehicle on a highway to stop the vehicle may inspect the vehicle and any vehicle safety item in respect of that vehicle to determine if the vehicle and item comply with the requirements of this Act and the regulations.

##### Tests

(2) An officer conducting an inspection referred to in subsection (1) may conduct the tests that the officer considers necessary or that may be prescribed to determine if the vehicle and any vehicle safety item in respect of the vehicle complies with the requirements of this Act and the regulations.

##### Moving a vehicle

(3) For the purposes of conducting tests and examinations referred to in subsection (2), an officer may cause the vehicle to be moved to a place selected by the officer by

- (a) directing the person having control of the vehicle to drive the vehicle to that place; or
- (b) arranging to have the vehicle towed to that place.

##### Towing expenses

(3.1) Any expenses incurred by towing a vehicle under paragraph (3)(b) are the responsibility of the person having control of the vehicle.

##### Assistance to officer

(4) The person having the control of a vehicle being inspected under this section and any passenger in or on the vehicle shall provide all reasonable assistance in his or her power to the officer conducting the inspection. R.S.N.W.T. 1988,c.44(Supp.),s.7.

#### Powers after inspection

**287.** (1) Where an officer who has conducted an inspection under subsection 286(1) believes that the vehicle that was inspected is in such condition that its operation is likely to endanger the safety of the person operating the vehicle, a passenger in or on the vehicle or the public, the officer may

- (a) where the vehicle inspected is a motor vehicle, remove the licence plates attached to the vehicle issued under this Act or under the laws of a jurisdiction other than the Territories; or
- (b) where the vehicle inspected is not a motor vehicle, direct the person having control of the vehicle to remove the vehicle from the highway.

#### Duty to remove vehicle

(2) A person who is directed by an officer to remove a vehicle from a highway under paragraph (1)(b) shall comply with the direction.

#### Notice

(3) An officer who removes the licence plates from a motor vehicle under paragraph (1)(a) or directs the removal of a vehicle from a highway under paragraph (1)(b) shall immediately provide the operator of the vehicle with a notice that sets out

- (a) the equipment or parts of the vehicle that must be repaired, removed or added so that the operation of the vehicle will not endanger the safety of the person operating the vehicle, a passenger in or on the vehicle or the public; and
- (b) in the case of a motor vehicle, where the licence plates may be claimed.

#### Towing of motor vehicle

(4) Where an officer removes the licence plates from a motor vehicle under paragraph (1)(a), the driver of the vehicle or his or her agent shall have the vehicle towed or otherwise removed from the highway by a means that does not require the engine of the vehicle, if any, to be started.

#### Operation of vehicle prohibited

(5) No person shall operate, on a highway, a vehicle that is the subject of a notice referred to in subsection (3) unless the repair, removal or addition of equipment or parts of the vehicle set out in the notice have been completed.

#### Return of licence plates

**288.** (1) An officer who has removed licence plates from a motor vehicle under paragraph 287(1)(a) shall return the licence plates to the person in whose name the vehicle is registered or his or her agent where the officer is satisfied within 30 days after removing the licence plates that the repair, removal or addition of equipment or parts of the vehicle set out in the notice referred to in paragraph 287(3)(a) have been completed.

#### Licence plates to Registrar

(2) Where an officer does not return licence plates under subsection (1) within 30 days after removing the licence plates, the officer shall deliver or mail the licence plates to the Registrar together with a copy of the notice referred to in subsection 287(3).

#### Return of licence plates

(3) The Registrar shall return licence plates that have been sent to the Registrar pursuant to subsection (2) to the person in whose name the motor vehicle from which the licence plates were removed is registered or his or her agent where the Registrar has received the licence plates and is satisfied that the repair, removal or addition of equipment or parts of the motor vehicle set out in the notice referred to in paragraph 287(3)(a) have been completed.

### INFORMATION AND DOCUMENTS

#### Power to request information

**289.** (1) An officer may request the person having control of a vehicle that is on a highway and any passenger in or on the vehicle to provide information respecting the vehicle to determine if the operation of the vehicle on a highway complies with the requirements of this Act and the regulations.

#### Duty to answer questions

(2) The person having the control of a vehicle that is on a highway and any passenger in or on the vehicle shall, to the best of his or her ability, answer all reasonable questions relating to the vehicle asked by the officer.

#### Power to request documents

**290.** (1) An officer may request the driver of a motor vehicle who has stopped and parked the vehicle pursuant to subsection 285(2) to produce for inspection

- (a) any document that is required to be located inside the motor vehicle by section 56 or under the regulations; and
- (b) his or her driver's licence issued under this Act or under the laws of a jurisdiction other than the Territories.

#### Duty to produce documents

(2) A driver who is requested by an officer to produce a document under subsection (1) shall comply with the request.

#### Seizure of document

##### (3) Where

- (a) a driver produces a document to an officer pursuant to subsection (2), and
- (b) the officer, on reasonable grounds, believes that
  - (i) the document is suspended or cancelled, or

(ii) with respect to a document indicating there is a motor vehicle liability policy for a motor vehicle, the contract evidenced by the policy is cancelled, terminated or expired, the officer may seize the document and deliver or mail it to the Registrar.  
R.S.N.W.T. 1988,c.44(Supp.),s.8.

#### Permission to move vehicle

**291.** A person who

- (a) has stopped the vehicle that he or she is operating pursuant to subsection 285(2), or
- (b) has the control of a vehicle that is being inspected under subsection 286(1),

shall not move the vehicle until permitted to do so by an officer.

### INSPECTION AND SEARCH OF PREMISES

#### Definitions

**291.1.** In sections 291.2 to 291.6,

"officer" means a member of the Royal Canadian Mounted Police and a person appointed as a motor vehicle officer under subsection 318(1); (*agent*)

"owner" means, in respect of an NSC vehicle, an owner as defined in section 3.  
(*propriétaire*)  
R.S.N.W.T. 1988,c.44(Supp.),s.9.

#### Inspection

**291.2.** (1) Where an officer believes on reasonable grounds that a person is the owner of an NSC vehicle, the officer may at any reasonable time enter and inspect any place or building, other than a dwelling-house, owned by or under the control of that person to determine if there is compliance with the Act or the regulations.

#### Warrant required to enter dwelling-house

(2) An officer may not enter a dwelling-house under subsection (1) without the consent of the occupant, except under the authority of a warrant issued under subsection (3).

#### Authority to issue warrant

(3) Where on *ex parte* application a justice of the peace is satisfied by information on oath

- (a) that the conditions for entry described in subsection (1) exist in relation to a dwelling-house,
- (b) that entry to the dwelling-house is necessary for any purpose relating to the administration or enforcement of this Act, and

- (c) that entry to the dwelling-house has been refused or that there are reasonable grounds for believing that entry to the dwelling-house will be refused,

the justice may issue a warrant authorizing the officer named in the warrant and any person assisting the officer to enter and inspect that dwelling-house.

R.S.N.W.T. 1988,c.44(Supp.),s.9.

#### Warrant

**291.3.** (1) Where on *ex parte* application a justice is satisfied by information on oath that there are reasonable grounds to believe that there is in any place or building anything that will afford evidence that a contravention of this Act or the regulations has been committed, the justice may issue a warrant authorizing the officer named in the warrant to enter and search that place or building for any such thing.

#### Search and seizure

(2) An officer authorized by a warrant may search a place or building referred to in the warrant and seize and detain anything referred to in the warrant.

R.S.N.W.T. 1988,c.44(Supp.),s.9.

#### Search without warrant

**291.4.** Where an officer has reasonable grounds to believe that there is in any place or building anything that will afford evidence that a contravention of the Act or regulations has been committed the officer may search the place or building without a warrant where the officer reasonably believes that delaying the search to obtain a warrant would result in the loss or destruction of evidence. R.S.N.W.T. 1988,c.44(Supp.),s.9.

#### Powers of officer

**291.5.** An officer may, in the performance of an inspection under section 291.2 or a search under section 291.3 or 291.4

- (a) examine and remove, for the purpose of making copies, any books, records or other documents that the officer reasonably believes contain information relevant to the administration or enforcement of this Act or the regulations;
- (b) use any computer to examine any data available to the computer, and reproduce as a print-out or other physical copy any record or entry that the officer reasonably believes contains information relevant to the administration or enforcement of this Act or the regulations;
- (c) inspect any NSC vehicle located at the place or in the building; and
- (d) examine anything relevant to the administration or enforcement of this Act or the regulations.

R.S.N.W.T. 1988,c.44(Supp.),s.9.

## Assistance to officers

**291.6.** A person who owns or has control of a place or building inspected under section 291.2 or searched under section 291.3 or 291.4 shall give an officer all reasonable assistance to enable the officer to perform the inspection or search and shall

- (a) allow the officer to enter the place or building;
- (b) provide the officer with the information relating to the administration of the Act and the regulations that the officer may reasonably require;
- (c) provide the officer with access to books, records and other documents in the place or building; and
- (d) provide the officer with access to any computer in the place or building and assist the officer to search and take a physical copy of any data available to the computer.

R.S.N.W.T. 1988,c.44(Supp.),s.9.

## ARREST

**292. Repealed, R.S.N.W.T. 1988,c.44(Supp.),s.10.**

## Power of arrest

**293.** (1) An officer may arrest, without a warrant, a person whom the officer finds contravening the provisions of this Act referred to in subsection (2) if the officer on reasonable and probable grounds believes that the public interest, having regard to all the circumstances, including

- (a) the need to establish the identity of the person,
- (b) the need to secure or preserve evidence of or relating to the contravention,
- (c) the need to prevent the continuation or repetition of the contravention or the commission of another contravention, and
- (d) the probability that the person will fail to attend in court in order to be dealt with according to law,

requires that the person be arrested without a warrant.

## Contraventions identified

(2) An officer may arrest a person under subsection (1) for contravening subsection 66(1), 118(2), section 119, paragraph 121(b), section 147, subsection 154(1), section 169, 233, 235, 236, 259, 260, 262 or subsection 285(2).

## SEIZURE

## Power of seizure

**294.** An officer who finds a person, on a highway, contravening this Act or the regulations may, if a vehicle is involved in the contravention, seize the vehicle if the vehicle is required for evidence.

#### Storage of vehicle

**295.** (1) Subject to sections 297 and 298, an officer who seizes a vehicle under section 294 or under a search warrant in respect of an offence under this Act or the regulations may cause the vehicle to be taken to and stored in a suitable place until the final disposition of any proceedings in respect of the offence involving the vehicle and may cause tests and examinations to be made of the vehicle that the officer considers proper.

#### Use of force

(2) An officer or a person authorized by an officer may use such reasonable force as is necessary to have a vehicle seized under section 294 or under a search warrant removed from its location under subsection (1).

#### Towing and storage expenses

**296.** Any towing or storage expenses incurred by a seizure of a vehicle referred to in subsection 295(1) are the responsibility of the police force, municipal corporation or government of which the officer is an employee.

#### Where proceedings not commenced

**297.** Unless proceedings relating to an offence involving a vehicle seized under section 294 or under a search warrant referred to in subsection 295(1) are commenced within 15 days of the vehicle being seized, the seizure of the vehicle is terminated and the vehicle shall be released to the owner of the vehicle or his or her agent.

#### Termination of seizure

**298.** (1) The owner or any person having an interest in a vehicle referred to in subsection 295(1) may apply to a judge for an order that terminates the seizure and releases the vehicle to the applicant.

#### Grounds for termination

(2) A judge shall order the termination of a seizure and the return of a vehicle to an applicant referred to in subsection (1) where

- (a) the judge is satisfied that the applicant is the owner or person who is lawfully entitled to possession of the vehicle; and
- (b) the prosecutor does not satisfy the judge that the vehicle is required for the purposes of any investigation or proceedings in relation to an offence under this Act or the regulations.

S.N.W.T. 1998,c.34,Sch.C,s.25(4).

#### Return of vehicle

**299.** At the final disposition of proceedings in respect of an offence involving a vehicle referred to in subsection 295(1), the seizure of the vehicle is terminated and the vehicle must be released to the owner of the vehicle or his or her agent, unless the seizure has already been terminated under section 297 or 298.

### Seizure

**300.** (1) An officer may seize a vehicle and cause it to be removed from its location to a place of storage that the officer considers appropriate where

- (a) the officer has reasonable grounds to believe that the vehicle is abandoned in contravention of section 224;
- (b) the vehicle is a motor vehicle that is on a highway and no licence plates issued under this Act or under the laws of a jurisdiction other than the Territories are attached to the vehicle;
- (c) the vehicle is parked
  - (i) in contravention of this Act or the regulations or a by-law made under Part XII, or
  - (ii) in a position that interferes with the fighting of a fire; or
- (d) in any other case, the vehicle is on a highway and is involved in a contravention of this Act or the regulations and the officer on reasonable grounds believes that the public interest requires the vehicle to be seized.

### Use of force

(2) An officer or a person authorized by an officer may use such reasonable force as is necessary to have the vehicle removed from its location under subsection (1).

### Termination of seizure

(3) A seizure made under subsection (1) terminates 24 hours after the vehicle is seized.

### Notice by officer

**301.** (1) Where the operator or owner of a vehicle being seized under section 300 is present when the seizure is made, the officer making the seizure shall notify the operator or owner of

- (a) the reason for the seizure;
- (b) the time at which the seizure terminates;
- (c) the place where the vehicle can be claimed; and
- (d) the charges described in section 302 for which the owner of the vehicle is liable.

### Notification of Registrar

(2) An officer who seizes a motor vehicle under subsection 300(1) shall immediately notify the Registrar

- (a) of the removal and location of the storage of the motor vehicle;
- (b) of any information that will enable the Registrar to identify the person named in the certificate of registration for the vehicle; and
- (c) whether the officer notified the operator or owner of the vehicle of the information described in paragraphs (1)(a) to (d).

#### Notification of person named in certificate of registration

(3) The Registrar shall notify an operator or owner of a motor vehicle of the matters described in paragraphs (1)(a) to (d) where

- (a) the Registrar receives a notice referred to in subsection (2) that indicates the officer did not notify the operator or owner of the motor vehicle of the information described in paragraphs (1)(a) to (d); and
- (b) the Registrar identifies the person named in the certificate of registration for the motor vehicle.

#### Liability of owner

**302.** (1) The owner of a vehicle seized under subsection 300(1) is liable for all reasonable charges for the removal, care and storage of the vehicle.

#### Lien

(2) The reasonable charges for the care and storage of the vehicle are a lien on the vehicle in favour of the proprietor of the place where the vehicle is stored, so long as the vehicle is in the possession of the proprietor.

#### Sale of vehicle

(3) The proprietor of a place that has stored a vehicle seized under subsection 300(1) may sell the vehicle to recover the reasonable charges for the care and storage of the vehicle where the proprietor

- (a) has not received payment in full for the reasonable charges for the care and storage of the vehicle; and
- (b) is in possession of the vehicle.

#### *Warehouse Keepers Lien Act*

(4) The *Warehouse Keepers Lien Act* applies, with such modifications as the circumstances require, to the sale authorized by subsection (3), the application of proceeds of the sale and the disposition of any surplus moneys.

#### Seizure of radar detection devices

**303.** (1) An officer may seize a device that is designed to detect or interfere with

- (a) radar signals, or
- (b) equipment used for measuring the speed of motor vehicles,

that is inside or attached to a motor vehicle on a highway.

#### Forfeiture

(2) A device seized under subsection (1) is forfeited to the Government of the Northwest Territories.

#### Seizure of licence plates

**304.** (1) Subject to subsection (2), where an officer on reasonable grounds believes that

- (a) the person named in a certificate of registration for a motor vehicle has failed to remove licence plates attached to the motor vehicle

- described in the certificate and to return them to the Registrar as required by this Act or the regulations, or
- (b) a motor vehicle is equipped with licence plates that were not issued to the person named in the certificate of registration for the motor vehicle,

the officer may, at any time, remove the licence plates that are attached to the motor vehicle that is on a highway.

#### Warrant required to enter building

(2) An officer may not enter a building or place for the purpose of removing the licence plates attached to a motor vehicle for the reasons described in paragraph (1)(a) or (b) except under a warrant issued under subsection (3).

#### Authority to issue warrant

(3) Where, on *ex parte* application, a justice of the peace is satisfied by information on oath that

- (a) there are reasonable grounds to believe that either of the situations in paragraph (1)(a) or (b) exist, and
- (b) the motor vehicle to which the licence plates are attached is located in a building or place other than on a highway,

the justice of the peace may issue a warrant under his or her hand authorizing the officer named in the warrant to enter that building or place and to remove the licence plates attached to that vehicle, subject to the conditions that may be specified in the warrant.

#### Notice to person named in certificate of registration

(4) If the driver of or person named in the certificate of registration for a motor vehicle is not in or near the vehicle when an officer removes the licence plates under subsection (1) or under a warrant, the officer shall attach a notice to the vehicle that advises the person named in the certificate of registration for the motor vehicle that the licence plates have been removed under the authority of this Act.

#### Registrar to receive licence plates

**305.** (1) An officer who has removed licence plates under subsection 304(1) or a warrant issued under subsection 304(3) shall

- (a) deliver or mail the plates to the Registrar without delay; or
- (b) if proceedings are commenced in respect of an offence involving the plates after they have been seized, notify the Registrar of the identification numbers and letters on the plates without delay and deliver or mail the plates to the Registrar after the final disposition of the proceedings.

#### Return of licence plates

(2) The Registrar, on receiving licence plates sent pursuant to subsection (1), may return the plates to the person who was originally issued the plates where that person is named in a valid certificate of registration for the motor vehicle to which the person intends to attach the plates.

#### Removal of licence plates

**306.** (1) Where an officer finds a motor vehicle that the officer believes, on reasonable grounds, has been parked or operated in contravention of section 36, the officer may remove the licence plates, issued under this Act or under the laws of a jurisdiction other than the Territories, that are attached to the motor vehicle.

#### Proof of insurance or financial responsibility

(2) An officer who removes licence plates under subsection (1) shall return the plates to the driver or owner of the motor vehicle where, within 48 hours of the licence plates being removed, the driver or owner produces for inspection to the officer who has custody of the plates, the document evidencing a motor vehicle liability policy or financial responsibility that is required to be located inside the motor vehicle by section 56.

#### Notice

(3) An officer who removes licence plates under subsection (1) shall notify the driver or owner of the motor vehicle to which the plates were attached that the plates may be returned to the driver or owner under subsection (2) or, if the driver or owner cannot be located, the officer shall leave a notice attached to the vehicle setting out the substance of subsection (2).

#### Licence plates to Registrar

(4) Where a driver or owner does not produce for inspection the document that evidences a motor vehicle liability policy or financial responsibility referred to in subsection (2) within 48 hours of the licence plates being removed, the officer shall deliver or mail the licence plates to the Registrar.

### IDENTITY OF DRIVER

#### Duty of owner

**307.** (1) Where an officer finds a driver contravening this Act or the regulations or a by-law made under Part XII, and the identity of the driver is not known to the officer, the owner of the vehicle shall, at the request of the Registrar or an officer, within 48 hours after the request, supply the person making the request with the name and address of the driver of the vehicle at the time of the contravention.

#### Defence

(2) An owner shall be found not guilty of contravening subsection (1) if the owner proves that he or she did not know the name and address of the driver before the expiration of the 48 hours.

## PART VIII.1

## GENERAL IDENTIFICATION CARDS

## APPLICATION

Registrar may issue general identification card

**307.1.** (1) The Registrar may issue a general identification card to a person if the person meets the requirements of this Act and the regulations.

Photograph

(2) A general identification card must contain a photograph of the person named in the card. S.N.W.T. 1998,c.21,s.14(3).

Requirements for issuance of general identification card

**307.2.** The Registrar shall not issue a general identification card to a person under subsection 307.1(1) unless

- (a) the person makes an application and provides a postal and residential address in the Territories;
  - (b) the person is a resident of the Territories;
  - (c) the person provides evidence of his or her age and identity satisfactory to the Registrar;
  - (d) the Registrar is satisfied with respect to the age and identity of the person;
  - (e) the person submits the prescribed fee; and
  - (f) the Registrar is satisfied that the person is not prohibited by this Act from applying for a card.
- S.N.W.T. 1998,c.21,s.14(3).

Signature

**307.3.** A general identification card is not valid until the person named on the card signs it in the space provided for that purpose. S.N.W.T. 1998,c.21,s.14(3).

Expiration of general identification card

**307.4.** A general identification card expires on the date fixed in accordance with the regulations or on the expiry of a shorter period that may be specified by the Registrar on the card. S.N.W.T. 1998,c.21,s.14(3).

Change of name or address

**307.5.** (1) Where the person named in a general identification card changes his or her name or address as shown on the card, the person shall, within 15 days after the change, notify the Registrar

- (a) in respect of a change of name, of the old and new name; and
- (b) in respect of a change of address, of the old address and the new address in the Territories.

#### New general identification card

(2) On receipt of a notice referred to in subsection (1), and the Registrar being satisfied that the information contained in the notice is complete and correct, the Registrar may issue a new general identification showing the new name or address. S.N.W.T. 1998,c.21,s.14(3).

#### Replacement general identification card

**307.6.** (1) Where a general identification card is lost, stolen or destroyed or becomes illegible, the person named in the card may apply for a replacement.

#### Requirements

(2) The Registrar may issue a replacement general identification card where the person named in the card

- (a) submits a completed application;
  - (b) submits the prescribed fee;
  - (c) submits the existing card, if it is still in the possession of the person; and
  - (d) with respect to a card that is lost, stolen or destroyed, satisfies the Registrar that it has been lost, stolen or destroyed.
- S.N.W.T. 1998,c.21,s.14(3).

### CANCELLATION

#### Error in general identification card

**307.7.** (1) Where a general identification card is issued that contains an error, the Registrar may

- (a) issue a corrected card;
- (b) cancel the erroneous card; and
- (c) personally serve or send the corrected card by registered mail to the person named in the card.

#### Return of erroneous general identification card

(2) A person who receives a corrected general identification card shall return the erroneous card to the Registrar.

#### Destruction of general identification card

(3) The Registrar may destroy a general identification card that is returned under subsection (2). S.N.W.T. 1998,c.21,s.14(3).

#### Where application contains false information

**307.8.** (1) Where the Registrar issues a general identification card and then comes to believe, on reasonable grounds, that information contained in the application for the card or in a document submitted in support of the application is false or inaccurate, the Registrar may

- (a) advise the person named in the card of the Registrar's belief that the information contained in the application or supporting document is false or inaccurate and the reasons for that belief; and
- (b) cancel the card if the person fails to satisfy the Registrar that the information is true and accurate within 30 days of being advised under paragraph (a).

#### Notice

(2) Where the Registrar cancels a general identification card of a person under subsection (1), the Registrar shall send notice of the cancellation to the person.

#### Duty after cancellation

(3) On receipt of a notice referred to in subsection (2), the person named in the general identification card cancelled under subsection (1) shall, without delay, deliver or mail the card to the Registrar. S.N.W.T. 1998,c.21,s.14(3).

### OFFENCES RESPECTING GENERAL IDENTIFICATION CARDS

#### Restriction on application

**307.9.** No person who is named on a valid general identification card shall apply for another card, except for the purpose of renewing the card or obtaining a replacement card under section 307.6. S.N.W.T. 1998,c.21,s.14(3).

#### Allowing another person to use general identification card

**307.91.** (1) No person who has been issued a general identification card shall allow another person to use that card.

#### Using another person's general identification card

(2) No person shall use a general identification card that has been issued in the name of another person.

#### Fictitious general identification card

(3) No person, unless authorized by the Minister, shall use a general identification card that has been issued in the name of a person who does not exist. S.N.W.T. 1998,c.21,s.14(3).

## PART IX

### RECORDS OF REGISTRAR

#### Reports of contraventions

**308.** Notwithstanding the *Young Offenders Act*, a judge who discharges, convicts or finds a person guilty of an offence against

- (a) the *Criminal Code* in which a judge, by order, prohibits the person from operating a motor vehicle, or

- (b) this Act, the regulations or by-laws made under Part XII that deal with the operation of a motor vehicle on a highway,
- shall cause a report to be sent to the Registrar that contains
- (c) the name, address, birthdate and the number of the driver's licence, if any, of the person discharged, convicted or found guilty, and
  - (d) the law contravened and the day that the offence was committed.

#### Requirement to keep records

**309.** The Registrar shall keep a record of

- (a) each certificate, licence plate, driver's licence, general identification card, validation sticker, permit, notice or document issued by or under the authority of the Registrar under this Act or the regulations, and
- (b) each application, notice, report or document submitted to the Registrar under this Act or the regulations,

for a period of five years from the date of issue of the licence plate or document or receipt of the document, as the case may be. S.N.W.T. 1998,c.21,s.14(4).

#### Destruction of documents

**310.** The Registrar may destroy any document or licence plate referred to in paragraph 309(a) that is returned to the Registrar under this Act or the regulations where

- (a) the document has expired or, in the case of a licence plate, the validation sticker on the plate has expired; or
- (b) the Registrar issues a new or replacement document for the document returned.

#### Copies of records

**311.** (1) Subject to section 312, on request and on payment of the prescribed fee, the Registrar shall provide a person, his or her agent or the insurer of the person or the agent of the insurer with

- (a) a copy certified to be true by the Registrar or the person designated by the Registrar of any document that has been issued to the person by the Registrar or that has been received by the Registrar from the person, or
- (b) an abstract or a copy certified to be true by the Registrar or the person designated by the Registrar of reports of discharges, convictions or findings of guilt of the person
  - (i) referred to in section 308, or
  - (ii) in respect of offences under the *All-Terrain Vehicles Act* or the regulations or by-laws made under that Act,

that are received by the Registrar for a period of up to three years preceding the date of the request.

## Request by law enforcement agency

(2) Subject to section 312, the Registrar shall provide

- (a) a member of a law enforcement agency,
- (b) a person in charge of a government department in a jurisdiction other than the Territories responsible for the registration of motor vehicles and the licensing of drivers,
- (c) the Attorney-General of Canada or agent of the Attorney-General of Canada, or
- (d) the Sheriff for the Territories,

with a copy or abstract referred to in subsection (1) on request and without a fee.

## Young persons

**312.** The Registrar shall keep the reports of convictions in respect of young persons as defined in the *Young Offenders Act* or the *Youth Criminal Justice Act* (Canada) separate from all other records and the Registrar shall not knowingly make available for inspection those reports or a copy of them, except when the reports are used in a driving record referred to in sections 111 and 114. S.Nu. 2003,c.4,s.22(2).

## Confidentiality of reports

**313.** (1) Subject to subsections (2) and (3) and section 314, any notice or medical report submitted to the Registrar pursuant to section 103 or 104, a report or information submitted to the Registrar pursuant to sections 262 to 264 and the report and verdict submitted to the Registrar pursuant to section 265 are not

- (a) open to public inspection; or
- (b) admissible in evidence for any purpose in a trial arising out of the accident, except
  - (i) to prove compliance with section 103 or 104 or sections 262 to 265, as the case may be, or
  - (ii) in a prosecution of a contravention of section 330.

## Exception

(2) On payment of the prescribed fee, the Registrar shall provide the person who is the subject of a notice or medical report submitted to the Registrar pursuant to section 103 or 104, or his or her agent, with copies of those reports, certified to be true by the Registrar or the person designated by the Registrar.

*Idem*

(3) On payment of the prescribed fee, the Registrar shall provide

- (a) a driver, his or her insurer or their agents, or
- (b) a person named in a certificate of registration issued under this Act or under the laws of a jurisdiction other than the Territories, his or her insurer or their agents,

of a motor vehicle involved in an accident, with copies, certified to be true by the Registrar or the person designated by the Registrar, of the reports submitted to the Registrar pursuant to sections 262 to 265 in respect of that accident.

## Research

**314.** (1) The Registrar may provide persons engaged in highway safety research with a copy of any report or information referred to in subsection 313(1) or with any other information contained in the records of the Registrar.

## Duty of researcher

(2) A person who receives copies or other information from the Registrar under subsection (1) shall

- (a) keep the identities of the persons referred to in the information confidential; and
- (b) not make public the information in a manner that would allow particulars of the information to be identified with a specific person or business.

## PART X

## ADMINISTRATION

## GENERAL

## Registrar of Motor Vehicles

**315.** (1) The Minister may appoint a Registrar of Motor Vehicles.

## Direction of Minister

(2) The Registrar shall perform the duties and exercise the powers of Registrar under the direction of the Minister.

## Supervision by Registrar

**316.** (1) The Registrar shall supervise all Deputy Registrars, officers and examiners in the performance of their duties and in the exercise of their powers.

## Powers

(2) The Registrar may

- (a) approve the form of certificates, permits, licence plates, validation stickers, drivers' licences, general identification cards, applications, reports and notices for use under this Act and the regulations; and
- (b) authorize an employee of the Government of the Northwest Territories or a person who has entered into a contract with the Government of the Northwest Territories
  - (i) to issue anything that the Registrar may issue under this Act or the regulations, or
  - (ii) to impose terms and conditions on registration permits, in transit permits and drivers' licences,

on behalf of and in accordance with the instructions of the Registrar.

### Other duties and powers

(3) The Registrar may perform any of the duties and exercise any of the powers of an officer or examiner. S.N.W.T. 1998,c.21,s.14(5).

### Deputy Registrars of Motor Vehicles

**317.** (1) The Minister may appoint Deputy Registrars of Motor Vehicles.

### Duties and powers

(2) The Minister may, in an appointment of a Deputy Registrar, authorize the Registrar to fix the duties and powers of the Deputy Registrar.

### Motor vehicle officers

**318.** (1) The Minister may appoint motor vehicle officers.

### *Ex officio* motor vehicle officers

(2) Members of the Royal Canadian Mounted Police and persons appointed by a council to enforce the by-laws of the municipal corporation are *ex officio* motor vehicle officers.

### Restriction

(3) A person appointed by a council to enforce the by-laws of the municipal corporation may perform the duties and exercise the powers of a motor vehicle officer only within that municipality.

### Driver examiners

**319.** (1) The Minister may appoint driver examiners.

### *Ex officio* driver examiners

(2) Members of the Royal Canadian Mounted Police are *ex officio* driver examiners.

### Appointment of adjudicators

**320.** (1) The Minister may appoint persons to act as adjudicators for a term of two years or as the need arises.

### Restriction on appointment

(2) No person shall be appointed under subsection (1) who works in a department of the public service that administers this Act. S.N.W.T. 1994,c.33,s.5.

### Liability

**321.** (1) The Registrar, Deputy Registrars, officers and examiners are not liable in a personal or official capacity for loss or damage caused by anything done or not done by them in good faith in the performance of their duties or in the exercise of their powers.

#### Government of the Northwest Territories

(2) The Government of the Northwest Territories is not liable for loss or damage caused by anything done or not done in good faith by any of the officials referred to in subsection (1) in the performance of their duties or in the exercise of their powers.

#### Persons directed by officials

(3) A person acting under the instructions of any of the officials referred to in subsection (1) is not liable to a member of the public for any loss or damage caused by anything done or not done by him or her in good faith in carrying out the instructions.

#### Exemption

(4) Subsection (3) does not apply to a person acting under the instructions of an examiner while taking a practical driving examination.

#### Form of certificate

**322.** Every certificate, permit, licence plate, validation sticker, driver's licence, general identification card, application, report and notice for use under this Act or the regulations must be in the form approved by the Registrar. S.N.W.T. 1998,c.21,s.14(6).

#### Notice

**323.** (1) Whenever the Registrar gives notice of any matter pursuant to the provisions of this Act or the regulations, the notice must

- (a) be personally served on the person to be notified; or
- (b) be sent by registered mail to the address of the person to be notified contained in the records of the Registrar and any other address that the Registrar considers appropriate.

#### Deemed receipt

(2) Where a notice has been sent by registered mail under paragraph (1)(b), the notice shall be deemed to have been received 10 days after the notice is mailed.

#### Natural justice

**324.** The Registrar is bound by the rules of natural justice where, pursuant to this Act, a person appears before the Registrar in respect of a suspension, cancellation or confirmation of a document issued under this Act.

## AGREEMENTS

#### Agreements respecting registration

**325.** (1) The Minister may, on behalf of the Government of the Northwest Territories, enter into agreements with the government of any jurisdiction that, with respect to the owners and drivers of motor vehicles or a class of motor vehicles that are registered under the laws of that jurisdiction, exempts those owners and drivers from or alters or adds to the provisions of this Act or the regulations respecting the registration of motor vehicles, licence plates or validation stickers.

### Reciprocity of agreements

(2) An agreement referred to in subsection (1) must provide that the rights conferred and obligations imposed on the owners and drivers of motor vehicles described in the agreement that are registered under the laws of the jurisdiction of the government that is a party to the agreement when those motor vehicles are operated in the Territories, are the rights conferred and obligations imposed on a similar class of owners and drivers of motor vehicles for which a certificate of registration is issued under this Act when those motor vehicles are operated in the jurisdiction of the government that is a party to the agreement.

### Agreements respecting drivers' licences

**326.** (1) The Minister may, on behalf of the Government of the Northwest Territories, enter into agreements with the government of any jurisdiction that, with respect to persons who are named in a driver's licence issued under the laws of that jurisdiction, exempts those persons from or alters or adds to the provisions of this Act or the regulations respecting driver's licences.

### Reciprocity of agreements

(2) An agreement referred to in subsection (1) must provide that the rights conferred and obligations imposed on the persons who are named in a class of driver's licence issued under the laws of the jurisdiction of the government that is a party to the agreement when those persons operate motor vehicles in the Territories, are the rights conferred and obligations imposed on persons who are named on a similar class of driver's licence issued under this Act when those persons operate motor vehicles in the jurisdiction of the government that is a party to the agreement.

### Giving effect to agreement

**327.** An exemption, alteration or addition to the provisions of this Act or the regulations respecting the registration of motor vehicles, licence plates, validation stickers or drivers' licences contained in an agreement made under section 325 or 326 shall, on being prescribed, be given effect.

### Other agreements

**328.** (1) Subject to subsection (2), the Minister may, on behalf of the Government of the Northwest Territories, enter into agreements with the government of any jurisdiction respecting

- (a) codes of performance standards for the safe operation of vehicles; and
- (b) any other matter relating to the operation of vehicles on a highway.

### Government of Canada

(2) The Minister and the Commissioner may, on behalf of the Government of the Northwest Territories, enter into agreements described in subsection (1) with the Government of Canada.

## PART XI

## OFFENCES AND PUNISHMENT

## LIABILITY FOR OFFENCES

## Definition of "owner"

**329.** (1) In this section, "owner" means an owner as defined in section 3.

## Liability of person named in certificate of registration

(2) The person named in a certificate of registration for a motor vehicle or, if there is no valid certificate of registration for the motor vehicle, the owner of the motor vehicle, that is involved in a contravention of section 5, 6, subsection 16(2), 29(2), 34(2) to (4), section 36, 37, subsection 42(2), section 46, 47, subsection 48(3) or section 56 is liable for the contravention.

## Defence

(3) In a prosecution under subsection (2) of a person named in a certificate of registration or an owner for a contravention of a provision referred to in subsection (2), the accused shall be found not guilty if the accused proves that the driver of the motor vehicle at the time of the contravention was in possession of the motor vehicle without the consent of the accused.

## OFFENCES

## False statements or documents

**330.** No person shall knowingly

- (a) make a false statement in any application, declaration, affidavit, report or other document that is submitted to the Registrar, an officer or an examiner; or
- (b) submit a false document to the Registrar, an officer or an examiner.

S.N.W.T. 1998,c.21,s.14(7).

## Obstructing Registrar, etc.

**331.** No person shall

- (a) obstruct or interfere with, or
- (b) give false information to,

the Registrar, a Deputy Registrar, examiner or an officer in the performance of his or her duties or in the exercise of his or her powers.

## Defacing documents

**332.** No person shall deface, alter or add to any document issued under this Act or the regulations, unless authorized by this Act or the regulations.

## Erecting traffic control device

**333.** No person shall place or erect a sign, signal, light, line, marking or device that purports to regulate traffic, unless that person is authorized by a by-law made under subsection 346(1) or is authorized under section 5 of the *Public Highways Act*.

## Defacing traffic control devices

**334.** No person shall tear down, deface, destroy, cover or in any way change a traffic control device, unless the person has been authorized to do so by the authority responsible for the traffic control device.

## Obscuring traffic control device

**335.** No person shall attach anything to a traffic control device or erect anything in front of a traffic control device that

- (a) interferes with the operation of the device; or
- (b) obstructs the view of a person operating a vehicle or a pedestrian of a device when the person or pedestrian is facing the device.

## Offence against Act and regulations

**336.** Every person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to the punishment set out in this Act.

## PUNISHMENT

## Minimum punishment

**337.** Every person who is found guilty of contravening section 36, 37, 259 or 262 is liable to a minimum fine of \$500 or to imprisonment for a minimum term of three months or to both.

## General punishment

**338.** Subject to section 337, every person who is found guilty of an offence under this Act or the regulations is liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six months or to both.

## EVIDENCE

## Admissible documents

**339.** In a prosecution or in any other proceedings,

- (a) a document purporting to be signed by the Registrar or his or her agent or a Deputy Registrar issued under this Act or the regulations, including a document or abstract certified to be true under paragraph 311(1)(a) or (b), and
- (b) a certificate purporting to be signed by the Registrar or a Deputy Registrar that contains a statement dealing with any matter respecting the administration of this Act or the regulations,

is, in the absence of evidence to the contrary, proof of the facts stated in the document or certificate and may be admitted without proof of the signature or appointment of the person purporting to have signed the document or certificate.

#### Proof of ownership

**340.** In a prosecution or in any other proceeding, the fact that a person is named in a certificate of registration is, in the absence of evidence to the contrary, proof that the person is the owner of the motor vehicle described in the certificate.

#### Tests of equipment

**341.** In a prosecution for a contravention of this Act or the regulations or a by-law made under Part XII, a certificate stating the result of a test of

- (a) the speedometer of a motor vehicle identified in the certificate,
- (b) a tuning fork identified in the certificate and used for determining the accuracy of a radar set,
- (c) a stop-watch identified in the certificate, or
- (d) any other device identified in the certificate and used for or in connection with establishing the speed of vehicles,

that bears a date

- (e) in the case of a tuning fork, not more than one year before or after the date of the offence charged, or
- (f) in the case of a speedometer, stop-watch or other device used for establishing the speed of vehicles, not more than 30 days before or after the date of the offence charged,

and that purports to be signed by an officer is, in the absence of evidence to the contrary, proof of the facts stated in the certificate and may be admitted without proof of the signature or appointment of the person purporting to have signed the certificate.

#### Existence of traffic control device

**342.** In a prosecution for a contravention of this Act or the regulations or a by-law made under Part XII, the existence of a traffic control device is, in the absence of evidence to the contrary, proof that the device was placed or erected and its location established under a by-law made under subsection 346(1) or under section 5 of the *Public Highways Act*.

## PART XII

### BY-LAWS

#### Authority over highways

**343.** (1) Subject to subsection (2), a council may make by-laws under this Part in respect of highways within its municipality.

### Primary highways

(2) A council may not make by-laws under this Part in respect of a primary highway designated under the *Public Highways Act* except in accordance with an agreement made under section 10 of that Act.

### Maximum speed limits

**344.** (1) A council may, by by-law, establish the maximum speed for vehicles on a highway or class of highways and may establish different maximum speed limits for vehicles

- (a) of different classes;
- (b) being used for particular purposes;
- (c) during the day and night;
- (d) during different periods of the year;
- (e) in different lanes on the same highway; and
- (f) on highways under construction or repair or in a state of disrepair.

(2) **Repealed, S.N.W.T. 1998,c.40,s.2(2)(b).**

S.N.W.T. 1998,c.40,s.2(2).

### Posting speed limit

**345.** (1) No person shall be convicted of contravening a by-law of a municipal corporation that establishes a maximum speed limit unless there is a traffic control device that sets out the maximum speed limit that applies to the portion of the highway in which the alleged contravention occurred.

### Exception

(2) Subsection (1) does not apply to a person charged with contravening a by-law of a municipal corporation that establishes a maximum speed limit of 50 km/h.

### Authority to erect traffic control devices

**346.** (1) A council may, by by-law, with respect to a highway,

- (a) authorize the location, placement and erection of traffic control devices that it considers necessary;
- (b) authorize the maintenance and repair of such traffic control devices; and
- (c) delegate to an officer of the municipal corporation the power to establish the location of traffic control devices.

### Record

(2) A council shall keep a record of the locations of all traffic control devices established under this section and the record shall be open to public inspection during the normal business hours of the municipal corporation.

## By-laws for control of vehicles and pedestrians

**347.** (1) Subject to subsection (2), a council may, by by-law, provide for the regulation and control of vehicles and pedestrians and, without restricting the generality of this power to make by-laws, may, by by-law,

- (a) restrict and impose conditions on the gross weight of vehicles using a highway for the purpose of protecting that highway;
- (b) provide for the establishment and operation of weigh scales and the weighing of vehicles operated on a highway;
- (c) restrict and impose conditions on the dimension of vehicles and their loads using a highway;
- (d) require persons operating vehicles of a specified gross weight or dimension to obtain a permit before the vehicle may be operated on a highway;
- (e) classify vehicles for any purpose relating to the use of highways and public places;
- (f) prohibit, restrict and regulate the parking of vehicles used for carrying flammable, combustible, explosive or other dangerous material, whether loaded or unloaded, on highways or within a certain distance from any building;
- (g) require a vehicle that is carrying flammable, combustible, explosive or other dangerous material to be operated on specified highways or prohibit those vehicles from operating on specified highways;
- (h) prohibit the owner of a vehicle or the person in charge of a vehicle from parking or leaving the vehicle on private property without the express or implied consent of the owner or person in lawful possession or control of the property and provide for
  - (i) the impounding and removal of a vehicle parked or left on the private property, and
  - (ii) the laying of an information by the owner or person in lawful possession or control of the property against the owner or person in charge of the vehicle for the parking offence;
- (i) authorize a person, appointed by a council to enforce the by-laws of the municipal corporation, to place an erasable chalk mark on the tread of a tire of a parked or stopped vehicle for the purpose of enforcing a by-law regulating the parking of vehicles;
- (j) establish, operate, control and regulate parking stands and places for parking vehicles on a highway or other public place or on municipal lands designated in the by-law;
- (k) assign a parking stand or place to a specific person or persons;
- (l) prescribe a tariff of fees or charges to be paid by persons using parking stands or places based on the location of the parking stands or places and the class of vehicle using them;
- (m) grant free use of all or any parking stands or places for all vehicles or a class of vehicle for the period of time that may be specified;

- (n) provide for the impounding and removal from a highway or other public place of a vehicle in respect of which fees or charges for parking the vehicle have not been paid or of a vehicle parked in contravention of a provision of a by-law regulating the parking of vehicles on a highway or other public place;
- (o) permit persons, subject to the conditions and restrictions that may be specified, to park motor vehicles on a highway
  - (i) adjacent to or in the vicinity of the land on which the persons reside, or
  - (ii) in a zone or area in which is situated the land on which the persons reside,notwithstanding any general or specific prohibitions or restrictions on parking relating to that highway;
- (p) define what constitutes objectionable noise by a vehicle, devise a system or method of measuring that noise and prohibit the operation of vehicles that make objectionable noise;
- (q) regulate parades or processions over and along a highway and prohibit the passage of any parade or procession over a highway unless a permit authorizing the parade or procession has been issued by the municipal corporation;
- (r) authorize a licence or permit to be issued for the temporary occupation or use of a highway or a portion of a highway where the highway is not required for public use, provided that the licence or permit may be terminated by the municipal corporation on 30 days notice in writing; and
- (s) prohibit vehicles or classes of vehicles from using a highway for a specified time.

#### Restrictions on by-laws

- (2) A by-law made under subsection (1) must not
  - (a) be inconsistent with this Act or the regulations; or
  - (b) regulate or control any matter covered by Part I or II of this Act.

#### Punishment for contravention of by-law

**348.** Notwithstanding the *Cities, Towns and Villages Act*, the *Hamlets Act* or the *Charter Communities Act*, a by-law passed under this Part must not set out a punishment for a contravention of the by-law that exceeds the punishment set out in section 338.

PART XIII  
GENERAL  
REGULATIONS

## Regulations

**349.** The Commissioner, on the recommendation of the Minister, may make regulations

- (a) respecting fees or establishing a mechanism for determining fees for certificates, permits, licence plates, validation stickers, drivers' licences, general identification cards or any other document issued by or under the authority of the Registrar under this Act or the regulations and for the reservation of licence plates and any other service provided by the Registrar under this Act or the regulations;
- (a.1) respecting the refund of fees;
- (b) prescribing the content of a certificate, permit, licence plate, validation sticker, driver's licence or general identification card issued under this Act or the regulations and an application, report or notice referred to in this Act or the regulations;
- (b.1) setting out the exemptions, alterations or additions to the provisions of this Act or the regulations respecting the registration of motor vehicles, licence plates, validation stickers or driver's licences contained in an agreement made under section 325 or 326;
- (c) respecting the means by which a person may establish that he or she is the owner of a motor vehicle or a dealer;
- (c.1) respecting the standards of financial responsibility for owners of motor vehicles registered in a jurisdiction other than the Territories that are operated in the Territories and the manner of proving that an owner meets those standards;
- (d) respecting minimum limits of liability coverage in motor vehicle liability policies for motor vehicles used as school busses;
- (d.1) prescribing conditions applicable to registration permits;
- (e) respecting licence plates, including
  - (i) the establishment of different classes of licence plates and the entitlements and restrictions that apply to each class of licence plate,
  - (ii) the reservation of licence plates,
  - (iii) licence plates in which the applicant selects the letters or numbers that appear on the licence plates,
  - (iv) the establishment of eligibility requirements of applicants for each class of licence plate, and
  - (v) the classes of motor vehicles to which only one licence plate may be attached;
- (e.1) respecting drivers' licences, including the establishment of

- (i) different classes of licences and the entitlements, restrictions and conditions that apply to each class of licence,
- (ii) the theoretical and practical driving examination for each class of licence and the standards for passing those examinations,
- (iii) the eligibility of applicants for each class of licence, and
- (iv) the expiration of drivers' licences;
- (f) respecting medical examinations that applicants must undergo for particular classes of driver's licences or for school bus endorsements, the standards for passing those examinations and the documentation in respect of the medical examinations that must be received by the Registrar at the time of application for the driver's licence or a school bus endorsement;
- (f.1) prescribing a minimum age for obtaining a school bus endorsement on a driver's licence and establishing the theoretical and practical driving examinations for an applicant for an endorsement and the standards for passing those examinations;
- (g) prescribing guides or codes for the purposes described in subsection 103(2);
- (g.1) respecting the medical examination that a person may be required to undergo pursuant to subsection 104(1);
- (h) establishing procedures and fees for the conduct of an appeal before an adjudicator;
- (h.1) respecting conditions on the use or operation of vehicles that are owned, kept or used by dealers, repairers or storers of vehicles, parking lot operators or vehicle wreckers;
- (i) prescribing the requirement and use of devices to prevent the theft of motor vehicles;
- (i.1) respecting permits to allow exemptions to any provision of the regulations with respect to a vehicle or class of vehicles;
- (i.2) prescribing standards for securing the load of a vehicle or combination of vehicles;
- (j) respecting the weight that is shown on a certificate of registration, registration permit or in transit permit;
- (j.1) respecting limitations, restrictions and conditions on the dimensions and weight of any vehicle or combination of vehicles and their loads operating on a highway;
- (k) respecting the restrictions and allowances on the weight of any vehicle or combination of vehicles and their loads during different periods or seasons of the year;
- (k.1) respecting the establishment and operation of weigh scales and the weighing of vehicles operated on a highway;
- (l) authorizing the Registrar or a person designated by the Registrar
  - (i) to close in whole or in part, or

- (ii) to restrict the speed or weight of vehicles or a combination of vehicles using,
  - a highway within a municipality designated as a primary highway under the *Public Highways Act* or a highway outside of a municipality for the purpose of preventing serious damage to the highway or ensuring the safety of persons using the highway;
- (l.1) respecting the evidence that may be used to prove the weight of any vehicle or combination of vehicles in a prosecution for a contravention of this Act or the regulations;
- (m) prescribing the weight of vehicles for the purposes of subsection 130(2);
- (m.1) prescribing the slow-moving vehicle sign to be used pursuant to subsection 172(2);
- (n) respecting the information that is to appear on the outside of vehicles or a class of vehicles;
- (n.1) prescribing the signs to be displayed on a school bus;
- (o) respecting the use of cathode ray tube display screens or similar viewing screens in vehicles and the equipping of vehicles with such screens;
- (o.1) respecting the design and performance specifications of any vehicle safety item;
- (p) designating an organization to test and mark its approval on any vehicle safety item and prohibiting the use, installation or sale of any item so specified that is not marked or approved by that testing organization;
- (q) prohibiting the sale, installation or use of any vehicle safety item or of vehicle safety items that do not meet the prescribed specifications;
- (r) respecting the requirements for and the installation, maintenance and replacement of vehicle safety items;
- (s) respecting the means by which a vehicle safety item may be tested to determine if it complies with the requirements of this Act or the regulations and the admission of those test results into evidence in a prosecution of an offence concerning a vehicle safety item;
- (t) setting out special requirements for taxis, school busses and NSC vehicles with respect to vehicle safety items;
- (u) prescribing the size and weight of children required to be in a child restraint system and the child restraint system to be used pursuant to subsection 146(6);
- (v) exempting any class of motor vehicle or any class of driver or passenger in a motor vehicle from the application of the whole or a part of subsection 146(7);
- (w) respecting signs, symbols and words that appear on traffic control devices and the meaning of those signs, symbols and words;
- (x.1) authorizing the Registrar or a person designated by the Registrar to assign an identification number to the owner of an NSC vehicle;

- (x.2) requiring the owners and drivers of NSC vehicles to keep and maintain prescribed records and documents;
  - (x.3) authorizing the Registrar or a person designated by the Registrar to
    - (i) develop and maintain profiles relating to the owners and drivers of NSC vehicles, and
    - (ii) assign a safety rating to the owners and drivers of NSC vehicles and amend that safety rating;
  - (x.4) prescribing the information to be contained in profiles relating to the owners and drivers of NSC vehicles;
  - (x.5) prescribing the information that can be considered by the Registrar or a person designated by the Registrar in assigning a safety rating to the owner or driver of an NSC vehicle, or in amending that safety rating;
  - (x.6) prescribing repair, maintenance and inspection standards for NSC vehicles;
  - (x.7) restricting the number of hours a driver may operate an NSC vehicle in a prescribed period, and prescribing rest periods during which a driver may not operate an NSC vehicle;
  - (x.8) prescribing the amount of a deposit, insurance policy or bond required in respect of a public service vehicle;
  - (x.9) prescribing the terms and conditions for the disposition of a deposit and for the cancellation of the insurance or bond referred to in paragraph (x.8);
  - (x.10) respecting the filing of bonds and certificates of insurance in respect of a public service vehicle;
  - (x.11) prescribing the form, content and use of bills of lading and the conditions of carriage in respect of a public service vehicle;
  - (x.12) respecting general identification cards, including
    - (i) the information that the Registrar may require as proof of age or identity for the purposes of paragraph 307.2(c), and
    - (ii) the expiration of general identification cards;
  - (y) prescribing any matter or thing that by this Act may or is to be prescribed; and
  - (z) respecting any other matter that the Commissioner considers necessary or advisable for carrying out the purposes and provisions of this Act.
- R.S.N.W.T. 1988,c.44(Supp.),s.11;  
 R.S.N.W.T. 1988,c.106(Supp.),s.15,16; S.N.W.T. 1994,c.14,s.35;  
 S.N.W.T. 1994,c.33,s.6; S.N.W.T. 1997,c.8,s.21(2);  
 S.N.W.T. 1998,c.21,s.14(8).

#### Adoption of code of rules or standards

- 350.** (1) Where a code of rules or standards concerning the subject-matter of this Act
- (a) has been promulgated by an association, person or body of persons, and
  - (b) is available in printed form,

the Commissioner, on the recommendation of the Minister, may adopt the code by regulation and on adoption, the code shall be in force in the Territories either in whole or in part or with such variations as may be specified in the regulation.

Codes as amended

(2) A regulation made under subsection (1) may adopt a code as amended from time to time.

Publication of notice of adoption

(3) Where a code is adopted under this section, publication in the *Northwest Territories Gazette* of a notice of adoption identifying the code, stating where copies of the code may be obtained, the extent of its adoption and the variations subject to which it is adopted, shall, for the purposes of the *Statutory Instruments Act*, be deemed sufficient publication without publishing in the *Northwest Territories Gazette* the text of the code adopted. R.S.N.W.T. 1988,c.44(Supp.),s.12.

### TRANSITIONAL

By-laws

**351.** A by-law made under the *Vehicles Act*, R.S.N.W.T. 1974,c.V-2, that is in force immediately before April 1, 1988, shall continue to be in force to the extent that it is not inconsistent with Part XII of this Act, until the by-law expires, is terminated or is repealed.