

THE NEWFOUNDLAND AND LABRADOR GAZETTE

EXTRAORDINARY

Part II

PUBLISHED BY AUTHORITY

ST. JOHN'S, MONDAY, JUNE 1, 2009

**NEWFOUNDLAND AND LABRADOR
REGULATIONS**

44/09

45/09

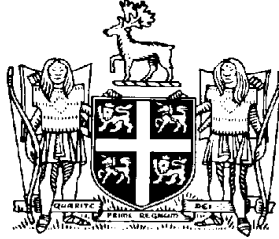
46/09

47/09

48/09

49/09

50/09



**NEWFOUNDLAND AND LABRADOR
REGULATION 44/09**

*Proclamation bringing Act into force
under
An Act to Amend the Highway Traffic Act
(O.C. 2009-173)*

(Filed June 1, 2009)

*ELIZABETH THE SECOND, by the Grace of God of the
United Kingdom, Canada and Her Other Realms and Territories
QUEEN, Head of the Commonwealth, Defender of the Faith.*

JOHN C. CROSBIE
Lieutenant Governor

THOMAS W. MARSHALL, Q.C.
Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 8 of “*An Act to Amend the Highway Traffic Act*” SNL2008 c57 (the “Act”) it is provided that the Act shall come into force on a day to be fixed by Proclamation of Our Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall come into force on the date set out below;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that “*An Act to Amend the Highway Traffic Act*” SNL2008 c57, shall come into force on the June 1, 2009.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the
Honourable John Carnell Crosbie,
Member of the Privy Council of Canada,
Officer of the Order of Canada,
Chancellor of the Order of Newfoundland and Labrador,
and one of Her Majesty's Counsel learned in the law,
Lieutenant Governor in and for Our
Province of Newfoundland and Labrador

AT OUR GOVERNMENT HOUSE in Our City of St. John's,
this 22nd day of May in the year of
Our Lord two thousand and nine
in the fifty-eight year of Our Reign.

BY COMMAND,

BAXTER ROSE
Deputy Registrar General

110.1(4)(c)	3	Exceeding the speed limit by between 21 and 30 kilometres an hour
110.1(4)(d)	4	Exceeding the speed limit by 31 kilometres an hour and over

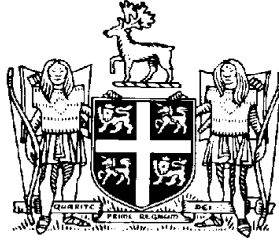
(2) The Schedule to the regulations is amended in the provisions referring to the *Highway Traffic Act* by deleting the reference to subsection 178(8) and by adding immediately after that the following:

178.1(2)	2	Operating on a highway a vehicle in which there is a passenger, who is a child 8 years of age or younger, improperly or not secured in a child seat restraint system
----------	---	----------------------------------------------------------------------------------------------------------------------------------------------------------------------

Commencement

2. These regulations come into force on June 1, 2009.

©Earl G. Tucker, Queen's Printer



**NEWFOUNDLAND AND LABRADOR
REGULATION 46/09**

Bus Regulations (Amendment)
under the
Highway Traffic Act

(Filed June 1, 2009)

Under the authority of section 195 of the *Highway Traffic Act*, I make the following regulations.

Dated at St. John's, May 29, 2009.

Kevin O'Brien
Minister of Government Services

REGULATIONS

Analysis

- | | |
|------------------------------------|-----------------|
| 1. S.6 Amdt.
Equipment required | 2. Commencement |
|------------------------------------|-----------------|

CNLR 1000/96
as amended

1. Paragraph 6(1)(f) of the *Bus Regulations* is repealed.

Commencement

2. These regulations come into force on June 1, 2009.

©Earl G. Tucker, Queen's Printer



**NEWFOUNDLAND AND LABRADOR
REGULATION 47/09**

Licensing and Equipment Regulations (Amendment)
under the
Highway Traffic Act

(Filed June 1, 2009)

Under the authority of section 195 of the *Highway Traffic Act*, I make the following regulations.

Dated at St. John's, May 29, 2009.

Kevin O'Brien
Minister of Government Services

REGULATIONS

Analysis

1. S.44 Amdt.
Operation of motorcycle

CNLR 1007/96
as amended

1. Subsection 44(1) of the *Licensing and Equipment Regulations* is repealed and the following substituted:

Operation of motor-
cycle

44. (1) A person shall not operate or ride on a motorcycle or moped unless that person wears a helmet that conforms to the requirements of the

- (a) Canadian Standards Association Standard D 230, Safety Helmets for Motorcycle Riders, as amended, and the helmet

shall bear the monogram of the Canadian Standards Association Testing Laboratories;

- (b) United States Federal Motor Vehicle Safety Standard 218, as amended, and the helmet shall bear the DOT symbol as used by the United States Department of Transportation; or
- (c) United Nations Economic Commission for Europe, ECE Regulation 22 incorporating the 05 series of amendments, as amended, and the helmet shall bear the approval mark as required by that regulation.

©Earl G. Tucker, Queen's Printer

*Highway Traffic Demerit Point System
Regulations (Amendment)*

48/09

110.1(4)(c)	3	Exceeding the speed limit by between 21 and 30 kilometres an hour
-------------	---	-------------------------------------------------------------------

110.1(4)(d)	4	Exceeding the speed limit by 31 kilometres an hour and over
-------------	---	-------------------------------------------------------------

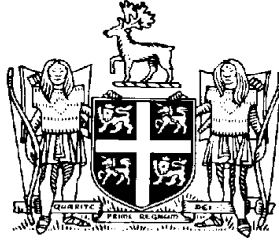
(2) The Schedule to the regulations is amended by deleting the reference to subsection 178(8) and by adding immediately after that the following:

178.1(2)	2	Operating on a highway a vehicle in which there is a passenger, who is a child 8 years of age or younger, improperly or not secured in a child seat restraint system
----------	---	----------------------------------------------------------------------------------------------------------------------------------------------------------------------

Commencement

2. These regulations come into force on June 1, 2009.

©Earl G. Tucker, Queen's Printer



**NEWFOUNDLAND AND LABRADOR
REGULATION 49/09**

*Highway Traffic Driver Regulations, 1999
(Amendment)
under the
Highway Traffic Act
(O.C. 2009- 178)*

(Filed June 1, 2009)

Under the authority of sections 55.1 and 186 of the *Highway Traffic Act*, the Minister of Government Services and the Lieutenant-Governor in Council make the following regulations.

Dated at St. John's, June 1, 2009.

Kevin O'Brien
Minister of Government Services

Gary Norris
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|----------------------------------------------------|-------------------------------------------------|
| 1. S.12 R&S
Medical | 4. S.27 Amdt.
Evidence of program completion |
| 2. S.23 Amdt.
Approved driver education program | 5. Sch. A Amdt. |
| 3. S.26.6 Rep.
Registrar's Advisory Committee | 6. Commencement |

NLR 110/98
as amended

1. Section 12 of the *Highway Traffic Driver Regulations, 1999* is repealed and the following substituted:

Medical

12. The registrar shall not issue a driver's licence to the persons referred to in paragraphs (a) and (b) unless the driver has undergone a medical examination and filed with the registrar a certificate from a qualified medical practitioner or a qualified nurse practitioner and completed in accordance with medical standards fixed by the "CCMTA Medical Standards for Drivers" made by the Canadian Council of Motor Transportation Administrators, and

- (a) for a person who holds a class 1, 2, 3 or 4 driver's licence, the certificate shall be filed at the time of making the original application, every 5 years to age 45, every 3 years to age 65 and annually each year after age 65; and
- (b) for a person who holds a class 5, 6 or 8 driver's licence, the certificate shall be filed at the ages of 75 and 80 years and every 2 years after the age of 80 years.

2. (1) Subsection 23(2) of the regulations is repealed and the following substituted:

(2) An approved driver education program may be established to teach proper and safe motor vehicle operation skills to persons 16 years of age or older who hold or will hold a driver's licence including a novice driver's licence.

(2) Subsection 23(3) of the regulations is repealed and the following substituted:

- (3) A driver education program approved under this section
 - (a) shall comply with the policies and guidelines which the minister may establish with respect to program content, duration, records, vehicles, instructors, materials and other requirements;
 - (b) shall provide instruction in a motor vehicle in addition to instruction held in a classroom; and
 - (c) may be cancelled by the minister in accordance with the policies and guidelines he or she may establish.

(3) Subsections 23(5) and (6) of the regulations are repealed.

3. Section 26.6 of the regulations is repealed.

4. Subsection 27(2) of the regulations is repealed and the following substituted:

(2) The registrar shall require a person whose licence is reinstated under subsection (1) to provide proof of successful completion of one or more of the following programs as set out in Schedule A, within a time set by the registrar:

(a) an alcohol and drug education program; and

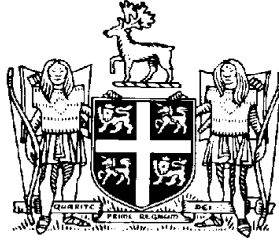
(b) an alcohol and drug dependency assessment, followed by an alcohol and drug rehabilitation program where the program is recommended in the assessment.

5. Schedule A of the regulations is amended by adding immediately after the word "Alcohol" wherever it occurs the words "and drug".

Commencement

6. These regulations come into force on June 1, 2009.

©Earl G. Tucker, Queen's Printer



**NEWFOUNDLAND AND LABRADOR
REGULATION 50/09**

*Feasibility Report Respecting a Municipal Council
for Fogo Island
under the
Municipalities Act, 1999*

(Filed June 1, 2009)

Under the authority of section 9 of the *Municipalities Act, 1999* I make the following Order.

Dated at St. John's, May 25, 2009.

Dianne Whalen
Minister of Municipal Affairs

ORDER

Analysis

- | | |
|--------------------------|--------------------------|
| 1. Report to be prepared | 3. Preparation of report |
| 2. Appointment | 4. Submission of report |

Report to be prepared

1. A feasibility report shall be prepared concerning the matter to conduct a feasibility study considering one municipal council for Fogo Island.

Appointment

2. Mr. George Whey of Whey Group is appointed to prepare the feasibility report referred to in section 1.

Preparation of
report

3. The feasibility report shall be prepared in accordance with the provisions of the *Municipalities Act, 1999* and the Terms of Reference for the study.

Submission of
report

4. The feasibility report shall be completed and submitted to me before August 22, 2009.

©Earl G. Tucker, Queen's Printer

Index

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Extra Date & Page No.
An Act to Amend the Highway Traffic Act			
Proclamation bringing Act into force (June 1, 2009)	NLR 44/09	new	June 1/09 p. 3
Highway Traffic Act			
Carrier Safety Regulations (Amdt.)	NLR 45/09	Amends CNLR 1160/96 Sch. Amdt.	June 1/09 p. 5
Bus Regulations (Amdt.)	NLR 46/09	Amends CNLR 1000/96 s.6 Amdt.	June 1/09 p. 7
Licensing and Equipment Regulations (Amdt.)	NLR 47/09	Amends CNLR 1007/96 s.44 Amdt.	June 1/09 p. 9
Highway Traffic Demerit Point System Regs (Amdt.)	NLR 48/09	Amends CNLR 753/96 Sch. Amdt.	June 1/09 p. 11
Highway Traffic Driver Regulations, 1999 (Amdt.)	NLR 49/09	Amends NLR 110/98 s.12 R&S, s.23 Amdt. s.26.6 Rep. s.27 Amdt. Sch. A Amdt.	June 1/09 p. 13
Municipalities Act, 1999			
Feasibility Report Respecting a Municipal Council for Fogo Island	NLR 50/09	new	June 1/09 p. 17