

TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF MANITOBA:

Your Standing Committee on LAW AMENDMENTS presents the following as its Sixth Report.

**Meetings:**

Your Committee met on the following dates:

Thursday, June 28, 2001 at 10:00 a.m.

Tuesday, July 3, 2001 at 6:30 p.m.

All meetings took place in Room 255 of the Legislative Building.

**Matters Under Consideration:**

- Bill (No. 11) – The Highway Traffic Amendment and Consequential Amendments Act/Loi modifiant le Code de la route et modifications corrélatives
- Bill (No. 23) – The Highway Traffic Amendment Act/Loi modifiant le Code de la route
- Bill (No. 33) – The Highway Traffic Amendment and Consequential Amendments Act (2)/Loi n° 2 modifiant le Code de la route et modifications corrélatives
- Bill (No. 35) – The Improved Enforcement of Support Payments (Various Acts Amended) Act/Loi visant à faciliter la perception des paiements alimentaires (modification de diverses dispositions législatives)
- Bill (No. 36) – The Enhanced Debt Collection (Various Acts Amended) Act/Loi visant à faciliter le recouvrement des créances (modification de diverses dispositions législatives)
- Bill (No. 37) – The Inter-jurisdictional Support Orders Act/Loi sur l'établissement et l'exécution réciproque des ordonnances alimentaires
- Bill (No. 46) – The Provincial Court Amendment and Court of Queen's Bench Amendment Act/Loi modifiant la Loi sur la Cour provinciale et la Loi sur la Cour du Banc de la Reine
- Bill (No. 49) – The Statutes Correction and Minor Amendments Act, 2001/Loi corrective de 2001

**Membership Resignations / Elections:**

Substitutions received prior to commencement of meeting on June 28, 2001 at 10:00 a.m.:

- Hon. Mr. ASHTON for Hon. Ms. BARRETT;
- Mr. REID for Hon. Mr. CHOMIAK;
- Hon. Mr. MACKINTOSH for Hon. Mr. SELINGER;
- Ms. ALLAN for Mr. AGLUGUB;
- Mr. PRAZNIK for Mrs. DRIEDGER;
- Mr. CUMMINGS for Mr. GILLESHAMMER;
- Mr. REIMER for Mrs. MITCHELSON.

Substitutions received during meeting on June 28, 2001 at 10:00 a.m., by leave:

- Ms. KORZENIOWSKI for Hon. Mr. LEMIEUX.

Substitutions received prior to commencement of meeting on July 3, 2001 at 6:30 p.m.:

- Mr. GILLESHAMMER for Mr. CUMMINGS;
- Mr. FAURSCHOU for Mr. REIMER.

**Public Presentations:**

The following individuals and/or organizations made presentations on Bill (No. 11) – The Highway Traffic Amendment and Consequential Amendments Act/Loi modifiant le Code de la route et modifications corrélatives:

Sharon Stewart  
Donald Dewar  
Shawn Feely

Terry Johns

Private Citizen  
Keystone Agricultural Producers Inc.  
IMPACT, The Injury Prevention Centre of  
Children's Hospital  
Coalition of Manitoba Motorcycle Groups

The following individuals and/or organizations made presentations on Bill (No. 23) – The Highway Traffic Amendment Act/Loi modifiant le Code de la route:

Donald Dewar	Keystone Agricultural Producers Inc.
Greg Riou	Heavy Equipment Rental Association of Manitoba

The following individuals and/or organizations made presentations on Bill (No. 33) – The Highway Traffic Amendment and Consequential Amendments Act (2)/Loi n° 2 modifiant le Code de la route et modifications corrélatives:

Josh Weinstein	Manitoba Association of Rights and Liberties
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The following individuals and/or organizations made presentations on Bill (No. 35) – The Improved Enforcement of Support Payments (Various Acts Amended) Act/Loi visant à faciliter la perception des paiements alimentaires (modification de diverses dispositions législatives):

Paula Mallea	Private Citizen
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The following individuals and/or organizations made presentations on Bill (No. 37) – The Inter-jurisdictional Support Orders Act/Loi sur l'établissement et l'exécution réciproque des ordonnances alimentaires:

Paula Mallea	Private Citizen
John Stefaniuk	Canadian Bankers Association

The following individuals and/or organizations made presentations on Bill (No. 46) – The Provincial Court Amendment and Court of Queen's Bench Amendment Act/Loi modifiant la Loi sur la Cour provinciale et la Loi sur la Cour du Banc de la Reine:

Robb Tonn and Linda Giesbrecht	Provincial Judges Association
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#### **Written Submissions:**

The following individuals and/or organizations offered written submissions to the Committee on Bill (No. 11) – The Highway Traffic Amendment and Consequential Amendments Act/Loi modifiant le Code de la route et modifications corrélatives:

Tristan Goertzen	Private Citizen
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The following individuals and/or organizations offered written submissions to the Committee on Bill (No. 23) – The Highway Traffic Amendment Act/Loi modifiant le Code de la route:

Chris Lorenc	Manitobas Heavy Construction Association
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#### **Bills Considered and Reported:**

**Bill (No. 11)** – The Highway Traffic Amendment and Consequential Amendments Act/Loi modifiant le Code de la route et modifications corrélatives

Your Committee has agreed to report the Bill, with the following amendments:

*THAT the following be added after section 4 of the Bill:*

*4.1 The centred heading before section 26 and section 26 are repealed.*

*THAT section 5 of the Bill be amended*

*(a) by striking out the part before the proposed centred heading "NOVICE DRIVERS" and substituting "The following is added after section 26:";*

*(b) by renumbering the proposed subsections 26(1) to (5) as subsections 26.1(1) to (5);*

*(c) in the proposed clause 26.1(1)(m), by striking out ", or blood alcohol concentration levels of zero, for novice or" and substituting "for";*

*(d) in the proposed clause 26.1(1)(n), by striking out "his or her blood alcohol concentration level exceeds the prescribed level" and substituting "he or she has any alcohol in his or her blood";*

*(e) in the proposed clause 26.1(1)(r), by striking out "driver's blood alcohol concentration level exceeds the prescribed level" and substituting "driver has any alcohol in his or her blood"; and*

*(f) by adding the following after the proposed clause 26.1(1)(r):*

(r.1) respecting the removal and storage of a vehicle, and any towed equipment, being driven by a novice driver when he or she has been found to be driving with alcohol in his or her blood, and respecting the enforcement of the costs of removal and storage;

*THAT the following be added after section 5 of the Bill:*

*5.1 The following is added after section 26.1:*

#### **Stages for novice drivers**

**26.2(1)** A novice driver must hold a class or subclass of licence prescribed for novice drivers

(a) in the learner stage for at least nine months before being eligible to progress to the intermediate stage;

(b) in the intermediate stage for at least 15 months before being eligible to progress to the full stage; and

(c) in the full stage for at least 12 months before he or she is no longer a novice driver.

#### **Exemption for existing licences**

**26.2(2)** Subsection (1) does not apply to a licence that is issued before the day on which this section comes into force.

#### **Zero BAC level: novice drivers**

**26.3** No novice driver shall, while he or she has any alcohol in his or her blood, operate or have care or control of

(a) a motor vehicle or off-road vehicle; or

(b) an implement of husbandry, special mobile machine or tractor.

#### **Restrictions at learner stage for class 5 vehicles**

**26.4(1)** A novice driver who holds a class or subclass of licence prescribed for novice drivers in the learner stage entitling him or her to operate a class 5 vehicle shall not

(a) operate a class 5 vehicle unless a supervising driver is in it;

(b) operate the vehicle

(i) with anyone else in the front seat other than the supervising driver, or

(ii) with anyone in the part of the vehicle behind the front seat except in a seating position that is equipped with a seat belt;

(c) tow another vehicle; or

(d) operate an off-road vehicle on or across a highway.

#### **Restrictions at intermediate stage for class 5 vehicles**

**26.4(2)** A novice driver who holds a class or subclass of licence prescribed for novice drivers in the intermediate stage entitling him or her to operate a class 5 vehicle shall not,

(a) between 5:00 a.m. and midnight, operate a class 5 vehicle with more than one passenger in the front seat or with anyone in the part of the vehicle behind the front seat except in a seating position that is equipped with a seat belt; and

(b) between midnight and 5:00 a.m., operate a class 5 vehicle

(i) with more than one passenger in the vehicle, unless a supervising driver is in the vehicle, or

(ii) when a supervising driver is in the vehicle, with anyone else in the front seat other than the supervising driver, or with anyone in the part of the vehicle behind the front seat except in a seating position that is equipped with a seat belt.

*THAT the following be added after section 22 of the Bill:*

*22.1 Clause 319(1)(vv) is replaced with the following:*

(vv) prescribing classes and subclasses of licence required to operate or learn to operate a specified class or type of vehicle or more than one class or type of vehicle, prescribing fees for examinations for various classes and subclasses of licences, governing drivers who hold particular classes or subclasses of licences, and prescribing conditions and restrictions that shall apply to any class or subclass of licence;

**Bill (No. 23)** – The Highway Traffic Amendment Act/Loi modifiant le Code de la route

Your Committee has agreed to report the Bill, with the following amendments:

*THAT the proposed subsection 24(1.1), as set out in section 4 of the Bill, be replaced with the following:*

**Licence required to operate tractors, etc.**

**24(1.1)** Every person shall, before operating an implement of husbandry, special mobile machine or tractor on a provincial highway, or a highway within the municipal boundaries of a city, town, village or urban municipality, obtain and have in his or her possession a valid and subsisting licence of a class that authorizes him or her to drive a class 5 vehicle, as defined in the regulations, without a full-time supervising driver.

*THAT clause 21(2)(b) of the English version of the Bill be replaced with the following:*

*(b) in the subsection, by striking out "clauses (1)(a), (c) and (d) do" and substituting "clause (1)(d) does".*

**Bill (No. 33)** – The Highway Traffic Amendment and Consequential Amendments Act (2)/Loi n° 2 modifiant le Code de la route et modifications corrélatives

Your Committee has agreed to report the Bill, with the following amendments:

*THAT section 7 of the Bill be amended by adding the following after the proposed subsection 242.3(40):*

**Sending confirmation statement**

**242.3(40.1)** Instead of sending a copy of a registered financing statement to a motor vehicle owner, secured party or insurance company under subsection (9), (11) or (36), the designated person may send the owner, party or company a copy of a statement, issued by the Personal Property Registry, confirming registration of the financing statement.

*THAT the proposed subsection 264(1), as set out in subsection 9(1) of the Bill, be amended in clause (d) of the definition "Category A offence" by striking out "or section 263.1 or 265".*

*THAT the proposed subsection 264(1.1), as set out in subsection 9(1) of the Bill, be amended by striking out "a series" and substituting "an unrelated series".*

*THAT subsection 12(2) be amended by striking out "subsection 6(1)" and substituting "subsection 9(1)".*

**Bill (No. 35)** – The Improved Enforcement of Support Payments (Various Acts Amended) Act/Loi visant à faciliter la perception des paiements alimentaires (modification de diverses dispositions législatives)

Your Committee has agreed to report the Bill, with the following amendments:

*THAT subsection 59.4(3), as set out in section 13 of the Bill, be amended*

*(a) in clause (a), by striking out "on the personal property of the person in default" and substituting "on all personal property of the person in default, including proceeds and after-acquired personal property"; and*

*(b) by replacing clause (b) with the following:*

(b) is deemed to have been perfected on the day

(i) the maintenance was due,

(ii) the enforcement provisions of this Part become applicable to the order, or

(iii) this section comes into force;

whichever occurs last.

*THAT subsection 59.4(5), as set out in section 13 of the Bill, be amended in the part before clause (a) by striking out "before or after the maintenance was due and payable" and substituting "after the lien and charge was perfected".*

**Bill (No. 36)** – The Enhanced Debt Collection (Various Acts Amended) Act/Loi visant à faciliter le recouvrement des créances (modification de diverses dispositions législatives)

Your Committee has agreed to report the Bill, without amendment.

**Bill (No. 37)** – The Inter-jurisdictional Support Orders Act/Loi sur l'établissement et l'exécution réciproque des ordonnances alimentaires

Your Committee has agreed to report the Bill, without amendment.

**Bill (No. 46)** – The Provincial Court Amendment and Court of Queen's Bench Amendment Act/Loi modifiant la Loi sur la Cour provinciale et la Loi sur la Cour du Banc de la Reine

Your Committee has agreed to report the Bill, without amendment.

**Bill (No. 49)** – The Statutes Correction and Minor Amendments Act, 2001/Loi corrective de 2001

Your Committee has agreed to report the Bill, without amendment.

Submitted by:

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Mr. Doug MARTINDALE, Chairperson

July 3, 2001