

**APPENDIX A
'POINTABLE' OFFENCES**

MOTOR VEHICLE ACT

- 297(2)** The Registrar shall assess against each driver and each non-resident driver for each conviction or each order a number of points as follows:
- (a) upon conviction of an offence under paragraph 346(1)(a)¹ or (c), 5 points;
 - (b) upon conviction of an offence under the *Criminal Code* (Canada) involving the use of a motor vehicle, 10 points;
 - (b.1) upon an order directing discharge under subsection 255(5)² of the *Criminal Code* (Canada), 10 points;
 - (b.2) upon conviction of an offence under subsection 4(1) or (2) or 7(5) or (6)³ of the *Transportation of Dangerous Goods Act*, 5 points;
 - (c) upon conviction of any offence under this Act or the regulations involving the use of motor vehicle in motion, 3 points;
 - (d) upon conviction of any offence under this Act or the regulations involving the equipment of a vehicle 2 points;
 - (d.1) upon conviction of an offence under paragraph 84(4)(a), (b) or (c)⁴, 3 points;
 - (d.2) upon conviction of an offence under paragraph 84(4)(d) or subsection 84(5) or 310.02(13)⁴, 10 points;
 - (e) upon conviction of an offence under section 130⁵ for failure to report an accident, 5 points;
 - (f) upon conviction of an offence under paragraph 140(1.1)(a)⁶, 3 points;
 - (g) upon conviction of an offence under paragraph 140(1.1)(b) or (c)⁶, 5 points;
 - (g.1) upon conviction of an offence under subsection 142.1(2)⁶, 3 points;
 - (h) upon conviction of an offence under subsection 192(1)⁷ for unlawful parking with view obstructed, 3 points;
 - (i) upon conviction of an offence under sections 193, 194 and 195⁷ for unlawful parking without view obstructed, 2 points;
 - (i.1) upon conviction of an offence under subsection 200.1(3)⁸, 1 point;
 - (j) upon conviction of an offence under a local by-law involving use of a motor vehicle in motion, 3 points.
- 297(2.1)** Notwithstanding subsection (2), the Registrar shall not assess any points upon conviction of an offence in relation to section 200.1, other than an offence under subsection 200.1(3).

ACTS AND SECTIONS CITED

¹From the [Motor Vehicle Act](#)

346(1) Every person who drives a motor vehicle on a highway

- (a) without due care and attention,
 - (b) without reasonable consideration for any other person using the highway, or
 - (c) in a race,
- commits an offence.

²From the [Criminal Code of Canada](#)

255(5) Notwithstanding subsection 730(1), a court may, instead of convicting a person of an offence committed under section 253, after hearing medical or other evidence, if it considers that the person is in need of curative treatment in relation to his consumption of alcohol or drugs and that it would not be contrary to the public interest, by order direct that the person be discharged under section 730 on the conditions prescribed in a probation order, including a condition respecting the person's attendance for curative treatment in relation to that consumption of alcohol or drugs.

730(1) Where an accused, other than a corporation, pleads guilty to or is found guilty of an offence, other than an offence for which a minimum punishment is prescribed by law or an offence punishable by imprisonment for fourteen years or for life, the court before which the accused appears may, if it considers it to be in the best interests of the accused and not contrary to the public interest, instead of convicting the accused, by order direct that the accused be discharged absolutely or on the conditions prescribed in a probation order made under subsection 731(2).

253 Every one commits an offence who operates a motor vehicle or vessel or operates or assists in the operation of an aircraft or of railway equipment or has the care or control of a motor vehicle, vessel, aircraft or railway equipment, whether it is in motion or not,

- (a) while the person's ability to operate the vehicle, vessel, aircraft or railway equipment is impaired by alcohol or a drug; or
- (b) having consumed alcohol in such a quantity that the concentration in the person's blood exceeds eighty milligrams of alcohol in one hundred millilitres of blood.

³From the [Transportation of Dangerous Goods Act](#)

4(1) No person shall transport any dangerous goods in, on or by a vehicle on a highway unless

- (a) all applicable prescribed safety requirements are complied with, and
- (b) the vehicle and all containers and packaging in it comply with all applicable prescribed safety standards and display all applicable prescribed safety marks.

4(2) No person shall transport dangerous goods in, on or by a vehicle on a highway if the transportation of such dangerous goods is prohibited by regulation.

7(5) The owner or other person who has the charge, management or control of a container, packaging or vehicle inspected under subsection (1) or a vehicle or goods seized or detained under subsection (3) shall give an inspector all reasonable assistance to enable the inspector to carry out the inspector's duties and functions.

⁴ From the [Motor Vehicle Act](#)

84(4) A novice driver who, during stage one, operates or has care or control of a motor vehicle, whether in motion or not, does so subject to, and shall comply with, the following conditions:

- (a) if the motor vehicle has accommodation for a passenger alongside the driver, the novice driver shall be accompanied by a licensed driver who is occupying a seat alongside the novice driver and who is the holder of a valid and subsisting licence, other than a learner's licence, that authorizes the holder to operate that type of motor vehicle;
- (b) if the motor vehicle does not have accommodation for a passenger alongside the driver, the novice driver shall be under the direct observation and supervision of a licensed driver who is occupying a seat inside the motor vehicle and who is the holder of a valid and subsisting licence, other than a learner's licence, that authorizes the holder to operate that type of motor vehicle;
- (c) no other person, other than a licensed driver referred to in paragraph (a) or (b), shall be in or on that motor vehicle; and
- (d) the novice driver shall not have consumed alcohol in such a quantity that the concentration in the novice driver's blood exceeds zero milligrams of alcohol in one hundred millilitres of blood.

84(5) A novice driver who, during stage two, operates or has care or control of a motor vehicle, whether in motion or not, does so subject to, and shall comply with, the condition that the novice driver shall not have consumed alcohol in such a quantity that the concentration in the novice driver's blood exceeds zero milligrams of alcohol in one hundred millilitres of blood.

310.02(13) Every person who, without reasonable excuse, fails or refuses to comply with a demand made to the person by a peace officer under this section, commits an offence.

⁵ From the [Motor Vehicle Act](#)

130(1) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of one thousand dollars or more shall immediately by the quickest means of communication available to the driver give notice of such accident and his name and address and the name and address of the owner of the vehicle to the local police department, if such accident occurred within the limits of a municipality or region as defined in the *Police Act*, otherwise to the Royal Canadian Mounted Police, and, upon the request of a member of the local police department or of the Royal Canadian Mounted Police, shall make an accident report giving all the information required by the registrar on the form for accident reports as provided for by section 133 whether by completing the form himself or by verbally supplying the information required therein.

⁶ From the [Motor Vehicle Act](#)

- 140(1.1)** Any person who violates the provisions of subsection (1)
- (a) by driving at a speed of twenty-five kilometres per hour or less in excess of a speed limit referred to in that subsection commits an offence,
 - (b) by driving at a speed of more than twenty-five kilometres per hour but not more than fifty kilometres per hour in excess of a speed limit referred to in that subsection commits an offence, or
 - (c) by driving at a speed of more than fifty kilometres per hour in excess of a speed limit referred to in that subsection commits an offence.
- 142.1(2)** Subject to subsection 140(2), any person who drives a vehicle on a highway at a speed of less than the rate of minimum speed prescribed under subsection (1) for that highway commits an offence.

⁷ From the [Motor Vehicle Act](#)

- 192(1)** No person shall stop, park or leave standing any vehicle outside of an urban district, whether such vehicle is attended or not
- (a) upon the paved or main-travelled part of the highway when it is practicable to stop, park or leave standing such vehicle off such part of the highway, or
 - (b) unless an unobstructed width of five metres of the roadway opposite such standing vehicle is left for the free passage of other vehicles and a clear view of such stopped vehicle may be had from a distance of sixty metres in each direction upon such roadway, or
 - (c) on any highway on which a sign has been erected under subsection 194(5) prohibiting or restricting such stopping, standing or parking, except as may be permitted in accordance with such sign.
- 193(1)** No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a peace officer or traffic-control device, in any of the following places:
- (a) on a sidewalk,
 - (b) in front of a public or private driveway,
 - (c) within an intersection,
 - (d) within five metres from the point on the curb or edge of the roadway immediately opposite a fire hydrant,
 - (e) on a cross walk,
 - (f) within five metres of a cross walk at an intersection,
 - (g) within ten metres upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway,

- (h) between a safety zone and the adjacent curb or within ten metres of points on the curb immediately opposite the ends of a safety zone, unless the local authority indicates a different length by signs or markings,
 - (i) within fifteen metres of the nearest rail of a railroad crossing,
 - (j) within ten metres of the driveway entrance to any fire station and on the side of a street opposite to any fire station within twenty-five metres of said entrance,
 - (k) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic,
 - (l) on the roadway side of any vehicle stopped, parked or left standing at the edge or curb of a roadway,
 - (m) upon any bridge or other elevated structure of a highway or within a highway tunnel, or
 - (n) at any place where official signs prohibit stopping.
- 193(2)** No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- 193.1(1)** Subject to subsection (1.1), no person shall park a vehicle on a highway in a location reserved for parking for disabled persons unless there is displayed on or in the vehicle a disabled persons identification plate, permit or placard issued by the Registrar.
- 193.1(1.1)** If a local authority has made a by-law establishing and regulating the use of locations for parking for disabled persons under paragraph 113(1)(a.1), subsection (1) does not apply within the boundaries of the local authority and the local authority shall have sole authority to regulate the use of the locations for parking.
- 193.1(2)** The Registrar, upon application, may issue disabled persons identification plates, permits or placards for the purpose of display on or in vehicles to be used for the transportation of disabled persons.
- 193.1(3)** The Minister, with the approval of the Lieutenant-Governor in Council, may enter into a reciprocal arrangement or agreement with another province or state for the mutual recognition of disabled persons identification plates, permits or placards issued by either jurisdiction.
- 193.1(4)** Notwithstanding paragraph 113(1)(a.1) and subsection (1.1), a local authority that is establishing and regulating the use of locations reserved for parking for disabled persons shall recognize disabled persons identification plates, permits or placards that are issued under subsection (2) or are the subject of any agreement made under subsection (3) for the purpose of establishing and regulating such parking and shall not issue identification plates, permits, placards or other means of identification that in any way are, are intended to be or appear to be for the same purpose.
- 194(1)** Subject to subsections (2) and (4), no person shall stop or park a vehicle, or leave a vehicle standing upon a highway other than on the right hand side of the highway and with the right-hand wheels of the vehicle parallel to and within fifty centimetres of the curb or outer edge of the shoulder.

- 194(2)** Local authorities may by by-law authorize parking of vehicles on the left side of a highway, but any vehicle so parked shall be parked with the left wheels of such vehicle parallel to and within fifty centimetres of the left-hand curb or outer edge of the left shoulder of a one way roadway.
- 194(3)** Where a local authority by by-law authorizes parking of vehicles under subsection (2), no person shall stop or park a vehicle, or leave a vehicle standing upon the left side of such highway other than with the left hand wheels of the vehicle parallel to and within fifty centimetres of the curb or outer edge of the shoulder.
- 194(4)** Local authorities may by by-law permit angle parking on any roadway, except that angle parking shall not be permitted on any Provincial highway unless the Minister has determined by order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- 194(5)** Subject to subsection (5.1), the Minister may cause signs to be erected on a provincial highway or any part thereof prohibiting or restricting the stopping, standing or parking of vehicles thereon, where in his opinion such stopping, standing or parking
- (a) would be dangerous to those using the highway, or*
 - (b) would unduly interfere with the free movement of traffic.*
- 194(5.1)** If a provincial highway referred to in subsection (5) is under the administration and control of the New Brunswick Highway Corporation, the reference in that subsection to the Minister shall be read as a reference to the Corporation and that subsection applies with any other necessary modifications.
- 194(6)** No person shall park a vehicle upon a provincial highway outside the jurisdiction of any local authority so as to interfere with snowplowing operations.
- 194(7)** Notwithstanding anything contained in this or any other Act, no person shall have a right of action against Her Majesty the Queen in right of the Province or against any officer, servant or agent of Her Majesty for damages done to any vehicle parked in violation of subsection (6) where such damage was caused by such officer, servant or agent in the course of his duties or employment, unless such officer, servant or agent is guilty of gross negligence or wanton misconduct.
- 195(1)** No person driving or in charge of a motor vehicle shall permit it to stand unattended on the roadway without first
- (a) stopping the engine,*
 - (b) locking the ignition,*
 - (c) removing the ignition key,*
 - (d) effectively setting the brake thereon, and*
 - (e) when standing upon any grade, turning the front wheels to the curb or side of the roadway.*

⁸From the [Motor Vehicle Act](#)

- 200.1(2)** No person shall drive on a highway a motor vehicle in which a seat belt assembly required under the provisions of the *Motor Vehicle Safety Act* (Canada), at the time that the vehicle was manufactured or imported into Canada has been removed, rendered partly or wholly inoperative or modified so as to reduce its effectiveness.
- 200.1(3)** Subject to subsection (5), every person who drives on a highway a motor vehicle in which a seat belt assembly is provided for the driver shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner.