

1 *New Brunswick Regulation 2008-109 under the Motor Vehicle Act is amended by adding after section 2 the following:*

Exemption

2.1(1) The following definition applies in this section.

“medical practitioner” means a person lawfully entitled to practise medicine in the place in which such practise is carried on by him or her and includes a medical officer of the Canadian forces. (*médecin*)

2.1(2) Subject to subsection 310.18(2) of the Act, the Registrar may exempt a mandatory participant from the program in the following circumstances and under the following conditions:

- (a) the participant has a chronic medical condition that diminishes his or her lung capacity so that he or she cannot provide a rolling breath sample;
- (b) the participant does not own or have access to a motor vehicle; or

(c) an authorized service provider is unable to install an alcohol ignition interlock device in the motor vehicle of the participant due to a mechanical or wiring issue.

2.1(3) The evidence required to establish the medical condition referred to in paragraph (2)(a) is a signed statement from a medical practitioner in a form satisfactory to the Registrar setting out that

(a) the participant has a chronic medical condition that diminishes his or her lung capacity, and

(b) due to that medical condition, the participant cannot provide a rolling breath sample.

2 *The heading “Alcohol ignition interlock devices” preceding section 3 of the Regulation is repealed.*

3 *Section 3 of the Regulation is repealed.*

4 *The heading “Registrar to notify applicant” preceding section 5 of the English version of the Regulation is amended by striking out “applicant” and substituting “participant”.*

5 *Section 5 of the Regulation is repealed and the following is substituted:*

5 The Registrar shall give written notice to a participant of his or her registration in the program.

6 *Schedule A of the Regulation is repealed.*

7 *This Regulation comes into force on November 1, 2017.*