

1986, chapter 12
**AN ACT TO AMEND THE HIGHWAY
SAFETY CODE**

Bill 60

Introduced by Mr Marc-Yvan Côté, Minister of Transport

Introduced 14 May 1986

Passage in principle 3 June 1986

Passage 18 June 1986

Assented to 18 June 1986

Coming into force: on the date fixed by the Government

— 29 August 1986: ss. 1 to 15
G.O., 1986, Part 2, p. 2111

Act amended:

Highway Safety Code (R.S.Q., chapter C-24.1)





CHAPTER 12

An Act to amend the Highway Safety Code

[Assented to 18 June 1986]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-24.1, s.
95, replaced

1. Section 95 of the Highway Safety Code (R.S.Q., chapter C-24.1) is replaced by the following section:

Confiscation
of licence

“95. Where a person has been found guilty of an offence under paragraph *a*) of subsection (1) or subsection (3) or (4) of section 233, subsection (1) of section 236, section 237, subsection (5) of section 238 or subsection (2) or (3) of section 239 of the Criminal Code (R.S.C., 1970, chapter C-34) or where a person has been found guilty of an offence under section 203, 204 or 219 of that Code if the offence was committed with a road vehicle, his driver’s licence or learner’s licence is revoked and the judge who pronounces the verdict of guilty shall order the licence confiscated and handed over to the Régie.

Suspension
of right

If the person does not hold a driver’s licence or a learner’s licence, his right to obtain a licence is suspended.”

c. C-24.1, s.
99, replaced

2. Section 99 of the said Code is replaced by the following sections:

Conditions
and
formalities

“99. A person whose driver’s licence or learner’s licence has been revoked or whose right to obtain a licence has been suspended under section 95 must, to obtain a licence, comply with the conditions and formalities prescribed by regulation of the Government.

Period of
revocation

No licence may be issued to the person from the date of revocation of the licence or suspension of the right, until the lapse of

(1) a period of one year, in the case of the first revocation or suspension imposed within the five years ending with the revocation or suspension;

(2) a period of two years, in the case of the second revocation or suspension imposed within the five years ending with the revocation or suspension;

(3) a period of three years, in the case of any other revocation or suspension imposed within the five years ending with the revocation or suspension.

Period of revocation

Notwithstanding the foregoing, in no case may the period be shorter than the period prescribed by the order prohibiting a person from operating a vehicle under subsections (1) and (2) of section 242 of the Criminal Code.

Conditions and formalities

“99.1 A person whose driver’s licence or learner’s licence has been revoked or whose right to obtain a licence has been suspended under section 97 must, to obtain a licence, comply with the conditions and formalities prescribed by regulation of the Government.

Period of revocation or suspension

No licence may be issued to the person from the date of revocation of the licence or suspension of the right, until the lapse of

(1) a period of three months, in the case of the first revocation or suspension imposed within the two years ending with the revocation or suspension;

(2) a period of six months, in the case of the second revocation or suspension imposed within the two years ending with the revocation or suspension;

(3) a period of one year, in the case of any other revocation or suspension imposed within the two years ending with the revocation or suspension.

Period of revocation or suspension

“99.2 The duration of the period of revocation or suspension of a driver’s licence or learner’s licence is not limited to the valid period of the licence.”

c. C-24.1, s. 104, repealed

3. Section 104 of the said Code is repealed.

c. C-24.1, s. 107, replaced

4. Section 107 of the said Code is replaced by the following section:

Rules governing restricted licence

“107. No order to issue a restricted licence may be given nor any restricted licence issued if, at the time of the motion,

(1) the applicant's driver's licence has previously been revoked or his right to obtain a licence has previously been suspended under section 95 or 97 within the two years preceding the revocation giving rise to the motion for a restricted licence; or

(2) the applicant's driver's licence is revoked or his right to obtain a licence is suspended under section 95."

c. C-24.1, s.
108,
replaced
Final order

5. Section 108 of the said Code is replaced by the following section:

"108. An order made under sections 105 and 106 is final; there is no appeal."

c. C-24.1, s.
140,
replaced
Offence and
penalties

6. Section 140 of the said Code is replaced by the following section:

"140. Every person who contravenes section 100 is guilty of an offence and is liable, in addition to costs,

(1) to a fine of not less than \$600 nor more than \$2 000 if his driver's licence, his learner's licence or his right to obtain a licence has been revoked or suspended under section 95;

(2) to a fine of not less than \$200 nor more than \$500 if his driver's licence, his learner's licence or his right to obtain a licence has been revoked or suspended on grounds other than those provided for in paragraph 1."

c. C-24.1, s.
207, am.

7. Section 207 of the said Code is amended by replacing the second paragraph by the following paragraph:

Signs

"The signs must be removed or covered when the bus is in use otherwise than for transport contemplated in section 386 or 390.1."

c. C-24.1, s.
273, am.

8. Section 273 of the said Code is amended by adding, at the end, the following paragraph:

"(23) establish standards, conditions and modalities for the construction, use, upkeep and maintenance, salubrity and safety of road vehicles of any kind used for the transport of handicapped persons, prescribe the installation and use of safety equipment and accessories and specify what persons and what road vehicles are subject to those standards."

c. C-24.1, s.
386,
replaced
"school
bus"

9. Section 386 of the said Code is replaced by the following section:

"386. In this division, the expression "school bus" includes a minibus used for the transport of school children.

Transport
of school
children

This division applies to the transport of school children, except where it is done under a licence issued for that purpose by the Commission des transports du Québec with authorization to use a bus or minibus other than a school bus or minibus within the meaning of the regulations of the Government made under the Transport Act.”

c. C-24.1,
ss. 389.1,
389.2,
added

10. The said Code is amended by inserting, after section 389, the following sections:

Flashing
lights

“**389.1** The driver of a school bus shall not operate the flashing lights of his vehicle except in the circumstances described in sections 388 and 389.

Flashing
lights

“**389.2** No person may operate the flashing lights provided for in section 207 when the vehicle equipped with such lights is in use otherwise than for transport contemplated in section 386.”

c. C-24.1, s.
390.1,
added

11. The said Code is amended by inserting, after section 390, the following:

“C.—TRANSPORT OF CHILDREN

Provisions
applicable
to a school
bus

“**390.1** Sections 387 to 390 apply at all times to the transport of any person under 18 years of age by a bus or minibus ordinarily used as a school bus within the meaning of the regulations of the Government made under the Transport Act.”

c. C-24.1, s.
464,
replaced

12. Section 464 of the said Code is replaced by the following section:

Trailer

“**464.** No person may occupy a trailer or semi-trailer in motion on a public highway or tolerate such practice.

Exception

However, a trailer or semi-trailer specially designed and equipped for the transport of persons may be used for that purpose on a public highway at parades or other popular events provided that the highway is closed to traffic.

Articulated
bus

The back part of an articulated bus is not a trailer or semi-trailer within the meaning of this section.”

c. C-24.1,
s. 470,
replaced

13. Section 470 of the said Code is replaced by the following section:

Offence and
penalties

“**470.** Every person who contravenes any of sections 275, 279, 283, 287, 289 to 291, 293, 297, 299, 325 to 334, 337, 344, 345, 374,

378, 389.1, 389.2, 403, 404, 426, 430, 431 and 436 or the first paragraph of any of sections 433, 437 and 438 is guilty of an offence and is liable, in addition to costs, to a fine of not less than \$50 nor more than \$100.”

Restricted
licence

14. A restricted licence issued by the Régie de l'assurance automobile du Québec under section 104 of the Highway Safety Code and in force on 28 August 1986 remains in force until the expiry of the period for which it was issued.

Renewal

Notwithstanding the foregoing, the licence is not renewable after the specified date.

Coming into
force

15. This Act comes into force on the date fixed by the Government.