

1982, chapter 49

AN ACT TO AMEND THE AUTOROUTES ACT AND OTHER LEGISLATION

Bill No. 88

Introduced by Mr Michel Clair, Minister of Transport

First reading: 16 November 1982

Second reading: 3 December 1982

Third reading: 16 December 1982

Assented to: 16 December 1982

Coming into force: by proclamation of the Government

- 1 January 1983: ss. 1 to 10 and 12 to 23
G.O., 1983, Part 2, p. 128
- 20 January 1983: s. 11
G.O., 1983, Part 2, p. 128

Acts amended:

Autoroutes Act (R.S.Q., chapter A-34);

Roads Act (R.S.Q., chapter V-8);

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



CHAPTER 49

An Act to amend the Autoroutes Act and other legislation

[Assented to 16 December 1982]

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

R.S.Q., c.
A-34, Div.
I, ss. 9,
11, 12,
14-16,
repealed.
R.S.Q., c.
A-34, s. 3,
am.

1. Division I and sections 9, 11, 12, 14, 15 and 16 of the Autoroutes Act (R.S.Q., chapter A-34) are repealed.

2. Section 3 of the said Act is amended by replacing the words “,who shall fix their salary” in the third line by the words “and shall not be entitled to any salary”.

R.S.Q., c.
A-34,
s. 13,
replaced.
Immunity.

3. Section 13 of the said Act is replaced by the following section:

“13. The members of the Authority cannot be prosecuted by reason of official acts done in good faith in the exercise of their functions.”

R.S.Q., c.
A-34, ss.
17-37,
replaced.

4. Divisions III to V of the said Act are replaced by the following divisions:

“DIVISION III

“OBJECT OF THE AUTHORITY

Object.

“17. The object of the Authority is the repayment of its bonded debt.

“DIVISION IV

“FINANCIAL PROVISIONS

Sinking
fund.

“18. The sinking fund for the bonded debt of the Authority is maintained and the Minister of Finance is entrusted with its management.

- Note. **"19.** The Minister of Finance is authorized to sign a note on behalf of the Government and in favour of the Authority, in the amount of the bonded debt of the Authority and of the accrued interest to 1 April 1982, less the accumulated amount of the sinking fund for that bonded debt.
- Content. The note must specify the terms, the rate of interest and all the other conditions consistent with the full discharge of the liabilities of the Authority in respect of the repayment of its debt.
- Amount. The amount of the note shall be posted to the net debt as defined in the public accounts prepared under the Financial Administration Act (R.S.Q., chapter A-6).
- Payment. **"20.** The contributions to the sinking fund for the bonded debt shall be paid by the Minister of Finance out of the consolidated revenue fund and shall be allocated to the debt evidenced by the note contemplated in section 19.
- Other expenses. **"21.** The other expenses of the Authority shall be paid out of the appropriations granted every year for that purpose by the Legislature.
- Revenues. **"22.** The amounts derived from the operations of the Authority shall be paid into the consolidated revenue fund and posted as revenue of the Government.
- Fiscal year. **"23.** The fiscal year of the Authority ends on 31 March every year.
- Report. **"24.** Every year before 30 June, the Authority must send a report of its operations for the preceding fiscal year to the Minister of Transport.
- Content. The report must also contain any information the Minister may require.
- Tabling. The Minister shall table the report of the Authority in the National Assembly of Quebec within thirty days after receiving it if it is in session, or, if it is not sitting, within thirty days after the opening of the next session or, as the case may be, resumption.
- Audit. **"25.** The accounts of the Authority shall be audited by the Auditor General once a year and whenever ordered by the Government.

"DIVISION V

"FINAL PROVISION

Minister. "26. The Minister of Transport is responsible for the application of this Act."

R.S.Q., c. V-8, ss. 14-18, replaced.

5. Division II of the Roads Act (R.S.Q., chapter V-8) is amended by replacing sections 14 to 18 by the following sections:

"dump". "14. In this Act, the word "dump" means a place where scrapped objects are deposited, whether or not such objects are intended to be sold or recycled; it includes in particular an old car dump.

Offence and penalty. "15. The owner, lessee or occupant of any land who uses it as a dump within a distance of 150 metres of a road maintained by the Minister of Transport is guilty of an offence and liable, in addition to costs, to a fine of 50 to 100 dollars.

Old car dump. However, in the case of an old car dump situated along an autoroute or a connecting highway, the distance is determined by regulation of the Government and may vary from one autoroute to another or from one part of an autoroute or connecting highway to another.

Applicability. "15.1 Section 15 applies, *mutatis mutandis*, to the owner of a vehicle deposited in a dump.

Removal of scrapped objects. "15.2 The court which pronounces sentence following an offence under section 15 or section 15.1 shall order the scrapped objects concerned in the offence removed or destroyed by the offender within a period of eight days from the date of sentence.

Failure. If the offender fails to comply with the order, the Minister may have it carried out at the expense of the offender.

Fence. "16. The owner, lessee or occupant of any land used as a dump and visible from a road maintained by the Minister of Transport must surround it with a fence conforming to standards prescribed by regulation of the Government; such standards may vary from one road to another or from one part to another of the same road.

Offence and penalty. An owner, lessee or occupant who contravenes this section is guilty of an offence and liable, in addition to costs, to a fine of 50 to 100 dollars.

Poster, signboard and luminous sign. "17. No poster, signboard or luminous sign may be placed along an autoroute or a connecting highway within a distance determined

by regulation of the Government; that distance may vary from one autoroute to another or from one part of an autoroute or connecting highway to another.

Permit.

“17.1 Notwithstanding section 17, the owner, lessee or occupant of an establishment where he carries on a profession or occupation may, within the prescribed distance, erect thereon a poster or luminous sign bearing only his name if he holds a permit granted for that purpose by the Minister.

Particulars.

The dimensions and particulars of the poster or luminous sign and the place where it may be placed shall be determined in the permit.

Authorized representative.

“17.2 Any representative authorized in writing by the Minister of Transport may at any time enter upon private property to examine any poster, signboard or luminous sign located there.

Offence and penalty.

“17.3 Every person who contravenes section 17 or section 17.1 is guilty of an offence and liable, in addition to costs, to a fine of 50 to 100 dollars.

Removal of poster or signboard.

“17.4 The court which pronounces sentence following an offence under section 17 or section 17.1 shall order the poster or signboard concerned in the offence removed or destroyed by the offender within a period of eight days from the date of sentence.

Failure.

If the offender fails to comply with the order, the Minister may have it carried out at the expense of the offender.

Proceedings.

“18. Any proceedings for an offence under section 15, 15.1, 16, 17 or 17.1 are brought under the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or by any person generally or specially authorized by him for that purpose.

Coming into force of regulations.

“18.1 Any regulation made under section 15, 16 or 17 comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date determined therein.”

R.S.Q., c. V-8, ss. 90.1-90.3, added.

6. The said Act is amended by adding, after section 90, the following sections:

Government property.

“90.1 Section 90 does not apply

(1) to autoroutes administered by the Office des autoroutes du Québec before 1 January 1983 and which remain the property of the Government;

(2) to a road declared to be an “autoroute” by order of the Government.

Order. **“90.2** The Government may, by order, declare that a road is an autoroute.

Government property. The road then becomes, without indemnity, the property of the Government from the publication of the order in the *Gazette officielle du Québec*.

“auto-route”. **“90.3** For the purposes of sections 90.1 and 90.2, the word “autoroute” means a limited access rapid transit highway and includes not only the works necessary for an autoroute but also other works and bridges.”

R.S.Q., c. V-8, ss. 103-108, added. **7.** The said Act is amended by adding, after section 102, the following divisions and sections:

“DIVISION XV

“TOLLS

Tollgates. **“103.** The Minister of Transport may establish tollgates on any autoroute within the meaning of section 90.1.

Acquisition of immoveables. For that purpose, he may acquire, by agreement or expropriation, the immoveables and the real rights situated outside the right of way of the autoroute.

Tools. **“104.** The amounts collected at the tollgates are paid into the consolidated revenue fund.

Régulations. **“105.** The Government may, by regulation,
(1) fix the tolls for the use of an autoroute, according to the categories of vehicles that it determines or according to the number of persons carried per vehicle;

(2) exempt a category of vehicles, certain vehicles of a category or the vehicles carrying such number of persons as it may fix from the application of the tolls.

Coming into force. **“106.** A regulation made under section 105 comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date determined therein.

"DIVISION XVI

"FINAL PROVISIONS

Applica-
bility. **"107.** The provisions of this Act applicable to a highway or a road apply, *mutatis mutandis*, to an autoroute.

Accessory
works. **"108.** Roadside rest areas and tollgates are accessory works of a road or highway and they are subject to this Act."

R.S.Q., c.
C-24.1, s.
1, am. **8.** Section 1 of the Highway Safety Code (R.S.Q., chapter C-24.1) is amended by striking out the words ", or an autoroute within the meaning of the Autoroutes Act (R.S.Q., chapter A-34)" in the definition of the word "autoroute".

R.S.Q., c.
C-24.1, s.
291,
replaced.
Tollgate. **9.** Section 291 of the said Code is replaced by the following section:

"291. No person may pass through a tollgate without depositing the sum prescribed by regulation of the Government made under section 105 of the Roads Act (R.S.Q., chapter V-8)."

R.S.Q., c.
C-24.1, s.
508, am. **10.** Section 508 of the said Code is amended by replacing the second paragraph by the following paragraph:

Waiver
agreement. **"On publication in the *Gazette officielle du Québec* of an agreement contemplated in the first paragraph, the Attorney General has the necessary authority to prosecute infractions there referred to, and sections 480 to 497 apply to such prosecutions; the Minister of Finance may then pay to the municipality concerned its share of the proceeds of the fines out of the consolidated revenue fund, to such extent as they have been paid into it."**

Employees
of the Of-
fice des
autoroutes. **11.** The civil servants and employees of the Office des autoroutes du Québec become, without any further formality, civil servants and employees of the Ministère des Transports.

Members
of a
municipal
council. Notwithstanding section 15.1 of the Act respecting elections in certain municipalities (1978, chapter 63), a person contemplated in the first paragraph who is a member of the council of a municipality on 20 January 1983 may continue to perform his functions as a member of the council until he ceases to be a member. A person does not cease to be a member of the council at the expiry of his term if he is reelected at the next election.

Accounting
of assets. **12.** The assets in the hands of the Office des autoroutes du Québec, except the sinking fund for its bonded debt, shall be accounted for as assets of the Government.

Liabilities.

13. The liabilities of the Office des autoroutes du Québec, except the principal of and the interest on its bonded debt, shall be accounted for as liabilities of the Government and are payable at maturity out of the consolidated revenue fund.

Net debt.

14. The amount of the difference between the assets and liabilities accounted for under sections 12 and 13 shall be included in the net debt, in accordance with the accounting conventions established pursuant to the Financial Administration Act (R.S.Q., chapter A-6).

Expropriations.

15. The expropriations undertaken by the Office des autoroutes du Québec shall be continued without further formality by the Minister of Transport.

Applicability of the Roads Act.

16. That part of an immovable acquired by the Office des autoroutes du Québec which is in excess of its requirements is subject to the Roads Act.

Continuance of regulations, orders.

17. Every regulation, order in council or order made under any provision replaced by sections 4 and 7 of this Act remains in force and is deemed to have been made by the Government under the Roads Act.

Permits.

18. Every permit issued by the Office des autoroutes du Québec to authorize the placing of posters or luminous signs is deemed to be a permit issued by the Minister of Transport in conformity with section 17.1 of the Roads Act.

Juridicial status.

19. This Act does not change the juridical status of the Office des autoroutes du Québec as the entity responsible for its bonded debt nor change the obligations of the Authority and the Government in regard to that debt.

Valid exemptions.

20. Every exemption from payment for the use of an autoroute granted before 1 January 1983 by the Office des autoroutes du Québec to certain categories of vehicles is valid.

Effect.

21. Sections 18 to 22 of the Autoroutes Act, enacted by section 4 of this Act, and sections 12, 13 and 14 of this Act have effect from 1 April 1982.

Exception.

22. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming in-
to force.

23. This Act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by such proclamation, which will come into force, in whole or in part, on any later date that may be fixed by proclamation of the Government.