



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 91

An Act to amend the Highway Safety Code

Introduction

**Introduced by
Mr Sam L. Elkas
Minister of Transport**

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EXPLANATORY NOTES

This bill proposes various amendments to the Highway Safety Code to facilitate its administration. The amendments concern mainly the requirement to equip schoolbuses with a compulsory stop signal, identification of road points critical for trucks, and the requirement that trucks be equipped with an additional braking system.

The bill introduces new measures concerning mechanical inspection and technical appraisal of vehicles. It also proposes amendments allowing for a uniform amount of fines for reserved lane violations and enables the Société de l'assurance automobile du Québec to charge a fee for electronic exchanges of data.

The bill amends the rule applicable to the transmission of notices of licence suspension or cancellation. It empowers the Société to enter into agreements with any department or body designated by the Government for the purposes of the Marine Products Processing Act and the Act respecting the use of petroleum products.

Lastly, the bill contains amendments of a technical nature and amendments for the sake of concordance.

Bill 91

An Act to amend the Highway Safety Code

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 105 of the Highway Safety Code (R.S.Q., chapter C-24.2) is replaced by the following section:

“105. No person under a sanction may drive a road vehicle even if he holds an International Driver’s Permit.

However, the holder of a restricted licence may, subject to section 195.1, drive a road vehicle to carry on his principal means of livelihood.”

2. Section 106 of the said Code is replaced by the following section:

“106. No owner, lessee or a person having the control of a road vehicle may allow the vehicle to be driven by another person under a sanction, even if the latter is the holder of an International Driver’s Permit.

However, he may allow the latter to drive the vehicle if that person is, subject to section 195.1, the holder of a restricted licence and drives the vehicle to carry on his principal means of livelihood.”

3. The said Code is amended by inserting, after section 106, the following section:

“106.1 For the purposes of sections 105 and 106, the term “sanction” means the cancellation or suspension of the licence authorizing the driving of a road vehicle or of a class of such a licence and the suspension of the right to obtain such a licence or such a class. It includes the cancellation and suspension pronounced by any administrative authority other than the Société.”

4. Section 229 of the said Code is amended

(1) by adding, at the end of the first paragraph, the following words: “and with a compulsory stop signal consisting of a retractable stop sign or a retractable arm with a stop sign”;

(2) by replacing the words “signs and the lights” in the first line of the second paragraph by the words “lights, the signs and the compulsory stop signal”.

5. The said Code is amended by inserting, after section 292, the following section:

“292.1 The person responsible for the maintenance of a public highway may, by means of appropriate signs or signals, prohibit access to the highway to road vehicles whose mass, load included, exceeds that prescribed by regulation, if the vehicle is not equipped with a braking system prescribed by regulation.

In the case of a municipality, this power is subject to the authorization of the Minister of Transport, except in an emergency; the Minister may remove any sign or signal not previously authorized by him.

No person may drive a road vehicle in contravention of a sign or signal erected under this section, unless the vehicle is being used for the maintenance of that highway.”

6. Section 318 of the said Code is amended by inserting the words “or the third paragraph of section 292.1” after the figure “291” in the second line of the first paragraph.

7. Section 386 of the said Code is amended by replacing paragraph 7 by the following paragraphs:

“(7) on a limited access highway, at an entrance to or exit from such a highway or on an access ramp;

“(7.1) in a traffic lane reserved exclusively for certain vehicles;”.

8. Section 456 of the said Code is amended by inserting the words “and activate the compulsory stop signal” after the word “lights” in the third line.

9. Section 457 of the said Code is amended by adding, at the end, the words “and activate the compulsory stop signal”.

10. Section 458 of the said Code is amended by inserting the words “or activate the compulsory stop signal,” after the word “vehicle” in the second line.

11. Section 459 of the said Code is amended

(1) by inserting the words “or activate the compulsory stop signal” after the word “vehicle” in the first line;

(2) by replacing the words “est muni de ces feux” in the second line of the French text by the words “en est muni”.

12. Section 460 of the said Code is amended

(1) by inserting the words “or whose compulsory stop signal has been activated” after the words “turned on” in the third line;

(2) by inserting the words “and the compulsory stop signal has been retracted,” after the word “off” in the fifth line.

13. Section 462 of the said Code is amended by replacing paragraph *b* of subparagraph 3 of the first paragraph by the following paragraph:

“(b) a combination of road vehicles made up of more than four motorized road vehicles or chassis of motor vehicles, or of more than three vehicles, a detachable axle supporting a semi-trailer not being considered when calculating the number of vehicles making up the combination.”

14. Section 463 of the said Code is amended by inserting the words “, assembly as a road train,” after the word “construction” in the fifth line of the second paragraph.

15. Section 473 of the said Code is amended by adding, at the end, the following paragraph:

“This section does not apply to equipment used to level, clear or mark the roadway.”

16. Section 506 of the said Code is amended by inserting, after the figure and word “381 to” in the third line, the figures and words “, 385, paragraphs 1 to 7, 8 and 9 of section 386, either of sections 387 or 388”.

17. Section 509 of the said Code, amended by section 61 of chapter 54 of the statutes of 1992, is again amended by inserting the

words and figures “paragraph 7.1 of section 386, section” after the figure “365,” in the second line.

18. Section 519.2 of the said Code is amended by replacing the words “of a motor vehicle to which this Title applies, or who leases such a vehicle for a period of less than one year” in the first, second and third lines of the definition of the word “carrier” by the words “or lessee of a motor vehicle to which this Title applies”.

19. Section 519.63 of the said Code is amended by replacing the word “Title” in the third line by the word “Code”.

20. Section 519.65 of the said Code is replaced by the following section:

“519.65 The Société may, with the approval of the Minister of Transport, enter into an agreement with any department or body designated by the Government for the application of the following Acts:

- (1) Act respecting truck transportation (R.S.Q., chapter C-5.1);
- (2) Act respecting explosives (R.S.Q., chapter E-22);
- (3) Retail Sales Tax Act (R.S.Q., chapter I-1);
- (4) Tobacco Tax Act (R.S.Q., chapter I-2);
- (5) Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29);
- (6) Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);
- (7) Environment Quality Act (R.S.Q., chapter Q-2);
- (8) Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- (9) Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
- (10) Fuel Tax Act (R.S.Q., chapter T-1);
- (11) Marine Products Processing Act (R.S.Q., chapter T-11.01);
- (12) Act respecting transportation by taxi (R.S.Q., chapter T-11.1);

(13) Transport Act (R.S.Q., chapter T-12);

(14) Act respecting the use of petroleum products (R.S.Q., chapter U-1.1).”

21. Section 519.67 of the said Code is amended by striking out the words “highway control, for seeing to” in the third and fourth lines.

22. The said Code is amended by inserting, after section 519.67, the following section:

“519.67.1 In the performance of his duties relating to the control of road vehicles referred to in Title VIII.1, a highway controller may inspect any road vehicle and, for such purpose, enter it or open or cause to be opened any container or recipient. He may also demand any information relating to the enforcement of this Code and that any document relating thereto be produced for examination.

Any person having custody, possession or control of a road vehicle must comply with any request made by a highway controller under the first paragraph.”

23. Section 519.77 of the said Code is amended by inserting the words “the second paragraph of section 519.67.1,” after the word “contravenes” in the first line.

24. Section 521 of the said Code is amended by replacing paragraph 10.2 by the following paragraph:

“(10.2) damaged vehicles that have been rebuilt and to which Title IX.1 applies;”.

25. Section 546.3 of the said Code is repealed.

26. Section 546.4 of the said Code is amended

(1) by replacing that part preceding subparagraph 1 of the first paragraph by the following:

“546.4 Every person rebuilding a damaged vehicle shall maintain a record on the rebuilding of the vehicle on the form provided by the Société. The record must contain the following documents and information:”;

(2) by inserting the word “colour” before the word “photographs” and before the word “photograph” in the first line and the second line, respectively, of subparagraph 6 of the first paragraph.

27. Section 546.6 of the said Code is replaced by the following section:

“546.6 No person may put a damaged vehicle that has been rebuilt back into operation without first having submitted it for technical appraisal with the record of rebuilding referred to in section 546.4 and without having obtained a certificate of technical conformity and a certificate of technical inspection stating that the vehicle meets the requirements of this Code.

However, a person is not required to submit the record of rebuilding if the vehicle was damaged and rebuilt outside Québec, provided it has been registered outside Québec as a rebuilt vehicle, or to furnish the documents and information required in the record of rebuilding which concern the insurer if the vehicle was damaged outside Québec.”

28. The said Code is amended by inserting, after section 550, the following section:

“550.1 The Société shall transmit to the person concerned the decision in respect of a sanction referred to in section 106.1 by giving it to him or sending it to him, in particular, by registered or certified mail sent to the last address listed for him in the records of the Société.

Where the decision is sent by registered or certified mail, the person to whom the decision is mailed is deemed to have received it on the fifth day following the mailing, unless he demonstrates that despite all reasonable precautions having been taken, he did not receive the decision.”

29. The said Code is amended by inserting, after section 596.2, the following sections:

“596.3 In any penal proceedings for an offence against section 523, proof of the notification provided for in section 524 may be made by the filing of a duplicate of the notice attesting the giving of the notice and signed by the peace officer or the person authorized by the Société.

The date of the mechanical inspection may be proved by the filing of a duplicate of the notice attesting the inspection, dated and signed by the inspector.

However, the defendant may require the prosecutor, in accordance with article 63 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), to summon as a witness the person who gave the notice or made the inspection.

“596.4 In any penal proceedings for an offence against section 531, proof of the notification provided for in that section may be made by the filing of a duplicate of the notice attesting the giving of the notice, signed by the person authorized by the Société or the person authorized to make the mechanical inspection for the Société.

The date of the inspection of the repairs and the certification of the conformity of the road vehicle with this Code may be proved by the filing of a duplicate of the notice attesting the inspection of the vehicle and its conformity with this Code, dated and signed by the person authorized by the Société or the person authorized to make the mechanical inspection for the Société.

However, the defendant may require the prosecutor, in accordance with article 63 of the Code of Penal Procedure, to summon as a witness the person who gave the notice or made the inspection.”

30. Section 621 of the said Code is amended by inserting, after paragraph 36, the following paragraph:

“(36.1) determine the additional braking systems with which road vehicles must be equipped when travelling on a public highway if their mass; load included, exceeds the mass determined by the Government, where such equipment is required by a sign or signal;”.

31. Section 624 of the said Code, amended by section 166 of chapter 61 of the statutes of 1992, is again amended by adding, after paragraph 17, the following paragraph:

“(18) fix the amount of the fee exigible for any electronic exchange of data relating to the carrying out of this Code with any legal person established in the public interest or for a private interest.”

32. The provisions of this Act will come into force on the date or dates fixed by the Government.