



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 126

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 amends the Highway Safety Code, in particular to allow the issue of driver's licences that include a photograph of the holder, and defines the circumstances in which a licence holder may be required to produce his licence.

The bill introduces new measures concerning bicycle safety equipment, motorcycle safety helmets and child restraint devices. It also proposes changes to the obligation imposed on peace officers and insurers as regards accident reports.

The bill amends the provisions relating to the rebuilding of seriously damaged vehicles and to mechanical inspection programs carried out in other jurisdictions. It also includes amendments regarding the equipment of certain vehicles such as farm vehicles, oversized vehicles, trailers and semi-trailers.

The bill provides exemptions for certain vehicles with respect to mechanical inspection and exemptions under Title VIII.1 in connection with the use of buses and commercial vehicles.

Lastly, the bill amends the penal provisions relating to special permits and the rebuilding of damaged vehicles and the provisions relating to the application in certain regions of the moratorium on the issue of driving school licences.

ACTS AMENDED BY THIS BILL:

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Act to amend the Highway Safety Code and other legislative provisions (1990, chapter 83).

Bill 126

An Act to amend the Highway Safety Code

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by striking out the words “and a net mass not in excess of 60 kg” in the first and second lines of the definition of “moped”;

(2) by replacing the definition of “minibus” by the following definition:

“ “minibus” means a motor vehicle having two axles with single wheels that

(1) is equipped with not more than five rows of seats for the transportation of more than nine occupants at a time;

(2) can be equipped with not more than five rows of seats for the transportation of more than nine occupants at a time, but is instead equipped with devices to secure wheelchairs against movement.”

2. Section 14 of the said Code is amended by replacing paragraph 4 by the following paragraph:

“(4) a detachable axle and a single-axle utility trailer.”

3. Section 61 of the said Code is amended by adding, after the first paragraph, the following paragraph:

“The holder of a licence is required to produce his licence only where so requested by a peace officer or an officer of the Société and solely for the purposes of highway safety.”

4. The said Code is amended by inserting, after section 63, the following section:

“63.1 A driver’s licence and a probationary licence must include the signature of the licence holder and a photograph of the holder that meets the standards prescribed by regulation.

However, the Société may issue a licence that does not include the photograph or signature of the holder for the category and class of licence, in the cases and circumstances and on the conditions determined by regulation.”

5. Section 75 of the said Code is replaced by the following section:

“75. To obtain a driver’s licence, a person must pass the proficiency examination referred to in section 67 if he has not been authorized to drive a road vehicle for three or more years.”

6. Section 83 of the said Code is amended by adding, after paragraph 5, the following paragraphs:

“(6) refuses to provide a photograph that meets the standards prescribed by regulation, to be photographed by the Société or to affix his signature, in the manner indicated by the Société;

“(7) refuses to pay the fees fixed by regulation for the processing of the photograph he is required to provide or for the taking of the photograph.”

7. Section 91 of the said Code is amended by inserting, after the second paragraph, the following paragraph:

“A person holding a driver’s licence issued outside Canada that is valid or that has been expired for less than three years is exempted from the proficiency examination if he proves that he formerly held a Québec driver’s licence.”

8. Section 93 of the said Code is amended by replacing the words “must sign it” in the first line of the first paragraph by the words “shall sign his licence, except in the cases and circumstances and on the conditions determined by regulation”.

9. Section 93.1 of the said Code is amended

(1) by replacing the words “over the periods” in the second line of the first paragraph by the words “during the period”;

(2) by replacing the second, third and fourth paragraphs by the following paragraphs:

“The holder of a probationary licence or of a driver’s licence who requests that his licence be cancelled within the time fixed by regulation will not be required to pay the duties and fees or the insurance contribution.

The holder of a probationary licence or of a driver’s licence who fails to pay the amounts referred to in the first paragraph within the time fixed by regulation may not drive a road vehicle from the day after the date on which payment is due, and without further notice.

The holder of a probationary licence or of a driver’s licence who has not paid the amounts referred to in the first paragraph and who applies to the Société, within the period corresponding to the payment of those amounts, for authorization to drive a road vehicle again, must pay the duties, the fees, the insurance contribution and any additional fees prescribed by regulation, in accordance with the terms and conditions prescribed by regulation.”

10. Section 108 of the said Code is repealed.

11. Section 109 of the said Code is amended by adding, after paragraph 4, the following paragraph:

“(5) he has not been authorized to drive a road vehicle for the preceding three or more years;”.

12. Section 176 of the said Code is replaced by the following section:

“**176.** Except in the cases prescribed by regulation, peace officers and insurers are not required to make a report to the Société in respect of an accident that caused property damage only and did not involve a failure to stop at the scene of an accident.”

13. The said Code is amended by inserting, after section 210.1, the following section:

“**210.2** Sections 210 and 210.1 do not apply to a trailer or semi-trailer having a net mass of not more than 900 kg.”

14. Section 214.1 of the said Code is amended

(1) by adding, at the end of the first paragraph, the words “or by another farm vehicle provided that a warning sign referred to in section 274 is affixed to the rear of the combination of road vehicles.”;

(2) by adding, after the second paragraph, the following paragraph:

“All vehicles referred to in this section which exceed 2.6 metres in width are subject to the equipment standards and driving rules prescribed by regulation for farm machinery.”

15. The said Code is amended by inserting, after section 233, the following section:

“233.1 No bicycle dealer may sell, offer for sale, rent or offer for rent a bicycle not carrying the reflectors prescribed in section 232.”

16. Section 244 of the said Code is amended by adding the words “or by another farm vehicle provided that a warning sign defined in section 274 is affixed to the rear of the combination of road vehicles” at the end of the third paragraph.

17. The said Code is amended by inserting, after section 250, the following section:

“250.1 No dealer may sell or offer for sale, rent or offer for rent protective helmets that do not meet the standards prescribed by regulation to the drivers or passengers of motorcycles and mopeds.”

18. Section 262 of the said Code is amended by adding, at the end, the following paragraph:

“This section does not apply to a vehicle that is outsized by reason of its width if it is followed by an escort vehicle that meets the regulatory conditions attached to a special permit.”

19. Section 276 of the said Code is amended by inserting the words and figure “, or a person dealing in bicycles who contravenes section 233.1,” after the figure “247” in the third line.

20. Section 284 of the said Code is amended by inserting the figure “, 250.1” after the figure “250” in the first line.

21. Section 328 of the said Code, amended by section 140 of chapter 83 of the statutes of 1990, is again amended by adding, after paragraph 5, the following paragraph:

“(6) in excess of 40 km/h, if the vehicle or combination of vehicles is required to carry the warning sign referred to in section 274.”

22. Section 365 of the said Code is amended by inserting the words “pointing downward” after the words “green arrow” in the third line.

23. Section 397 of the said Code is replaced by the following section:

“397. Every child under 5 years of age occupying, in a road vehicle other than a taxi or emergency vehicle, a seating position that is equipped with the prescribed seat belt must be restrained by another safety device suited to his weight and height.

The safety device must be installed and used in accordance with the standards prescribed by regulation.”

24. Section 462 of the said Code is amended by inserting the words “or measured under the wheels not attached to an axle that are included in such a category,” after the word “regulation” in the second line of subparagraph 1 of the first paragraph.

25. Section 513 of the said Code is amended

(1) by replacing the words and figures “is liable to a fine of \$300 to \$600” in the fourth and fifth lines of the first paragraph by the following: “is liable,

(1) if the offence is established by reason of a load that exceeds the axle load limits or the total loaded mass specified in the special permit, to a fine of \$300, plus \$100 for every 1 000 kg of excess load;

(2) to a fine of \$300 to \$600 in other cases.”;

(2) by replacing the words and figures “is liable to a fine of \$600 to \$2 000” in the third and fourth lines of the second paragraph by the following: “is liable

(1) if the offence is established by reason of the failure to sign the special permit, to a fine of \$100 to \$200;

(2) if the offence is established by reason of a load that exceeds the axle load limits or the total loaded mass specified in the special permit, to a fine of \$600, plus \$100 for every 1 000 kg of excess load;

(3) to a fine of \$600 to \$2 000 in other cases.”

26. Section 519.1 of the said Code is amended

(1) by adding the words “, except for tow trucks” at the end of paragraph 2;

(2) by adding, after paragraph 2, the following paragraph:

“This title does not apply to emergency vehicles.”

27. Section 521 of the said Code, amended by section 24 of chapter 42 of the statutes of 1993, is again amended by replacing paragraphs 5 and 6 by the following paragraph:

“(5) vehicles used mainly for the transportation of goods and having a net mass of more than 3 000 kg, except for motor homes, travel trailers and construction trailers;”.

28. Section 546.1 of the said Code is amended by adding, after the second paragraph, the following paragraph:

“Every person so appointed is required to pay the fees prescribed by regulation.”

29. Section 546.2 of the said Code is amended

(1) by replacing the words “taking possession of” in the third line of the first paragraph by the word “acquiring”;

(2) by inserting, after the first paragraph, the following paragraph:

“Every owner of a road vehicle exempted by sections 101 and 102 of the Automobile Insurance Act from the obligation to contract liability insurance guaranteeing compensation for property damage caused by the vehicle must also notify the Société whenever any of his vehicles is declared to be a total loss, and indicate whether or not the vehicle can be rebuilt.”

30. Section 546.5 of the said Code is amended

(1) by replacing the words “person authorized to make technical appraisals for the Société” in the first and second lines by the words “Société or the person authorized by the Société to carry out technical appraisals on its behalf” and by replacing the word “his” in the second line by the words “its or his” and the word “he” in the fifth line by the words “it or he”;

(2) by adding, after the first paragraph, the following paragraph:

“Once the technical appraisal is completed, the Société or the person shall inform the owner of the results of the appraisal.”

31. The said Code is amended by inserting, after section 546.5, the following sections:

“546.5.1 The person authorized to carry out technical appraisals on behalf of the Société shall forward a copy of the certificate of technical compliance, or a copy of the results of the appraisal to the Société, without delay.

“546.5.2 No person may issue a certificate of technical compliance or the results of a technical appraisal unless he is authorized to do so by the Société in accordance with section 546.1.

“546.5.3 No person may issue a certificate of technical compliance or results of a technical appraisal containing false or inaccurate information with respect to the condition of the vehicle inspected.”

32. The said Code is amended by inserting, after section 546.6, the following section:

“546.6.1 Every insurer, and every owner of a vehicle exempted under section 102 of the Automobile Insurance Act, who contravenes section 546.2, and every person who contravenes section 546.5.1, is guilty of an offence and is liable to a fine of \$30 to \$60.”

33. Section 546.7 of the said Code is replaced by the following section:

“546.7 Every person who contravenes any of sections 546.5.2, 546.5.3 and 546.6 is guilty of an offence and is liable to a fine of \$300 to \$600.”

34. Section 578 of the said Code, amended by section 149 of chapter 61 of the statutes of 1992, is again amended by replacing the words and figure “or section 274” in the fourth line of the first paragraph by the words and figures “, 274 or the second paragraph of section 397”.

35. Section 619 of the said Code is amended by inserting, after paragraph 6, the following paragraphs:

“(6.0.1) prescribe the standards relating to the photograph that must be provided by a person applying to obtain, renew or replace a probationary licence or a driver’s licence;

“(6.0.2) determine, according to the category and the class of a licence, the cases, conditions and circumstances in or on which the Société may or must issue a probationary licence or driver’s licence that does not include the photograph or signature of the licence holder;”.

36. Section 620 of the said Code is amended by inserting, after paragraph 5, the following paragraph:

“(5.1) determine the cases in which peace officers and insurers are required to make a report to the Société in respect of an accident that caused property damage only and did not involve a failure to stop at the scene of an accident;”.

37. Section 621 of the said Code is amended

(1) by inserting the words “and from the obligation to keep the register in his possession when driving his motor vehicle” after the word “service” in the fourth line of paragraph 12.2;

(2) by replacing paragraph 16 by the following paragraph:

“(16) establish classes of axles and include in such classes, the wheels that are not attached to an axle;”;

(3) by replacing the word and figure “section 546.2” in the third line of paragraph 31.2 by the word and figure “Title IX.1”;

(4) by inserting, after paragraph 31.2, the following paragraph:

“(31.3) determine the classes of damaged road vehicles that are partially or totally exempt from the application of Title IX.1;”;

(5) by replacing the words “registered in Québec or in the place of origin of the program as well as” in the fourth and fifth lines of paragraph 49 by the word “and”.

38. Section 624 of the said Code is amended by inserting the words “, for the processing of the photograph which must be provided by the person applying for a licence and for the taking of the person’s photograph” after the word “licence” in the second line of paragraph 3.

39. Section 660 of the said Code is amended by replacing the words “the urban or regional community or regional county municipality” in the fourth and fifth lines of the second paragraph by the words “an urban community, in the territory of a regional county

municipality, in the territory comprising the territories of the municipalities enclosed within the territory of the municipality of Baie James or in the territory comprising the territories of the municipalities constituted under the Act respecting the municipal reorganization of the territory of the municipality of the North Shore of the Gulf of St. Lawrence (1988, chapter 55)”.

40. Section 2 of the Act to amend the Highway Safety Code and other legislative provisions (1990, chapter 83) is amended by striking out paragraph 3.

41. Section 63.1 of the Highway Safety Code, enacted by section 4, does not apply to a probationary licence or to a driver’s licence issued before the date determined by the Government, for as long as such licences remain valid.

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