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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 74

## **An Act to amend the Highway Safety Code**

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### **Introduction**

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



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## EXPLANATORY NOTES

*The object of this bill is to amend the Highway Safety Code with respect to the definition of certain vehicles.*

*It introduces new rules respecting outsized vehicles, particularly regarding penalties and controls relating to special driving permits, the regulation of escorting and the driving of outsized vehicles on certain bridges and viaducts.*

*New traffic rules are also introduced to better formulate the prohibition against driving certain road vehicles on the public highways for reasons of safety.*

*On the other hand, the bill broadens the provisions regarding parking for handicapped persons and makes certain medical standards more flexible; for instance, in certain cases it allows persons to obtain or keep their driver's licence provided they do not constitute a hazard to public safety.*

*The bill also prohibits transactions involving a new passenger vehicle unless the vehicle bears the safety mark or a statement of compliance issued under the federal Motor Vehicle Safety Act.*

*Lastly, the bill contains various provisions allowing adjustments to the regulation-making powers of the Government.*

## ACT AMENDED BY THIS BILL:

- Highway Safety Code (R.S.Q., chapter C-24.2)

# Bill 74

## 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 adding the words “, or equipped with devices to secure wheelchairs against movement” after the word “purpose” at the end of the definition of the word “bus”;

(2) by replacing the word “motor” in the second line of the definition of the term “combination of road vehicles” by the words “motorized road”;

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

“**“minibus”** means a motor vehicle having two axles with single wheels and equipped with not more than five rows of seats for the transportation of more than nine occupants at a time or equipped with devices to secure wheelchairs against movement;”;

(4) by replacing the words “passenger vehicle having two or three wheels that has” in the first and second lines of the definition of the word “motorcycle” by the words “two- or three-wheeled passenger vehicle with a single front wheel directly attached to a handlebar, having a seat which, without a load, is at least 650 mm above ground level and having”;

(5) by replacing the words “other than a minibus” in the first line of the definition of the term “passenger vehicle” by the words “other than a vehicle equipped with devices to secure wheelchairs against movement”.

**2.** Section 11 of the said Code is amended by replacing the second paragraph by the following paragraph:

“The Régie may, in such cases and on such conditions as may be determined by regulation, issue an identification sticker

(1) to a handicapped person who is not the owner of a road vehicle but complies with all the other requirements of the first paragraph;

(2) to a public establishment within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5) that is the owner of a road vehicle used for the transportation of handicapped persons.”

**3.** Section 83 of the said Code is amended by replacing the word “absolutely” in the third line of paragraph 2 by the word “essentially”.

**4.** The said Code is amended by inserting, after section 83, the following section:

**“83.1** Notwithstanding paragraph 2 of section 83, the Régie may issue a licence, change the class of or add another class to a licence if the applicant demonstrates to the satisfaction of the Régie

(1) that he has developed compensatory abilities enabling him to drive a road vehicle corresponding to the class of licence applied for without constituting a hazard to public safety; or

(2) that he can drive a road vehicle corresponding to the class of licence applied for by complying with the conditions suitable to his functional capability and intended to enable him to drive the vehicle without constituting a hazard to public safety.”

**5.** Section 92 of the said Code is amended

(1) by replacing paragraph 3 by the following paragraph:

“(3) any employee of a governmental international organization recognized by the Gouvernement du Québec and any member of a representation of a State which is a member of that organization, other than service personnel members;”;

(2) by striking out paragraph 4;

(3) by adding the words “, other than service personnel members” after the word “Québec” at the end of paragraph 5;

(4) by replacing the figures and word “1 to 5” in the first line of paragraph 6 by the figures and words “1 to 3 and 5”.

**6.** Section 107 of the said Code is amended

(1) by replacing the words “without delay” in the third line of the first paragraph by the words “on the date on which the suspension or cancellation takes effect or on any later date fixed by the Régie”;

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

“If the Régie does not receive the driver’s licence within ten days from the date prescribed in the first paragraph, the person is, in the absence of any evidence to the contrary, deemed not to have complied with the Régie’s request.”

**7.** The said Code is amended by inserting, after section 160, the following section:

**“160.1** An association of dealers or recyclers may act as surety for its members, in the form and according to the terms and conditions prescribed by regulation of the Government. The association must in such a case deposit an amount with a trust company as security. This amount shall be fixed by the Régie.”

**8.** Section 191 of the said Code is amended by replacing the word “absolutely” in the fifth line by the word “essentially”.

**9.** The said Code is amended by inserting, after section 191, the following section:

**“191.1** Notwithstanding section 191, the Régie may decide not to suspend a licence or a class thereof or may waive such suspension if the licence holder demonstrates to the satisfaction of the Régie

(1) that he has developed compensatory abilities enabling him to drive a road vehicle corresponding to the licence or class concerned without constituting a hazard to public safety; or

(2) that he can drive a road vehicle corresponding to the licence or class concerned by complying with the conditions suitable to his functional capability and intended to enable him to drive the vehicle without constituting a hazard to public safety.”

**10.** The said Code is amended by inserting, after section 211, the following section:

**“211.1** No person may sell or lease to or place at the disposal of any person, for a consideration, or in any manner offer to sell or lease to or place at the disposal of any person, for a consideration, a new passenger vehicle that does not bear the national safety mark under the Motor Vehicle Safety Act (R.S.C., 1985, chapter M-10) or a statement of compliance issued under that Act.”

**11.** The said Code is amended by inserting, after section 286, the following section:

**“286.1** Every person who contravenes section 211.1 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2 000.”

**12.** Section 293 of the said Code is amended

(1) by replacing the words “for reasons of safety or in the public interest” in the second line of the first paragraph by the words “, by means of the proper signs or signals”;

(2) by striking out the second paragraph.

**13.** The said Code is amended by inserting, after section 293, the following section:

**“293.1** The person responsible for the maintenance of a public highway may, by means of the proper signs or signals, restrict or prohibit, for reasons of safety, all or some vehicular traffic on that highway.

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 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 maintenance of that highway or for the installation and maintenance of public utilities thereon.”

**14.** Section 314 of the said Code is amended by replacing the word “third” in the first line by the word “second”.

**15.** The said Code is amended by inserting, after section 316, the following section:

**“316.1** The driver of a road vehicle who contravenes the third paragraph of section 293.1 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2 000.

In the case of a passenger vehicle, however, the minimum fine is \$300.”

**16.** Section 388 of the said Code is amended

(1) by inserting the words “or plates” after the word “stickers” in the third line;

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

“(3) any form of identification sticker or plate for handicapped persons issued by another administrative authority in Canada or the United States.”

**17.** Section 463 of the said Code is amended

(1) by striking out the second sentence of the first paragraph;

(2) by inserting the words “or, in the case of a permit issued under section 633, on the conditions and on payment of the fee prescribed by the Minister” at the end of the second paragraph.

**18.** The said Code is amended by inserting, after section 464, the following sections:

**“464.1** No person other than the holder of an escort permit may provide escort service for an outsized vehicle where the vehicle is required to travel under escort by the conditions attached to the special permit authorizing the vehicle to be driven.

**“464.2** Every driver of a vehicle escorting an outsized vehicle in the circumstances described in section 464.1 shall carry an escort permit with him.”

**19.** Section 466 of the said Code is amended by replacing the words “motor vehicle” in the second line of the first paragraph by the words “road vehicle”.

**20.** Section 467 of the said Code is amended by replacing the words “motor vehicle” in the first line of the first paragraph by the words “road vehicle”.

**21.** Section 468 of the said Code is amended by replacing the words “motor vehicle” in the first line of the first paragraph by the words “road vehicle”.

**22.** Section 470 of the said Code is amended by replacing the words “motor vehicle” in the second line by the words “road vehicle”.

**23.** Section 473 of the said Code is replaced by the following sections:

**“473.** No owner or lessee of a road vehicle or of a combination of road vehicles nor carrier contemplated in Title VIII.1 who is responsible therefor may, before obtaining a special permit issued for that purpose, allow the vehicle or combination of road vehicles to be driven while carrying a load or equipment

(1) in excess of the maximum width of the vehicle or combination of vehicles at its widest point or that of its mandatory accessories;

(2) exceeding the maximum length of the vehicle or combination of vehicles by more than 1 metre at the front or 2 metres at the rear.

The special permit shall be issued in accordance with the conditions and formalities established by regulation and upon payment of the fee prescribed by regulation or, in the case of a permit issued under section 633, on the conditions and on payment of the fee prescribed by the Minister.

**“473.1** No person may drive a vehicle or a combination of road vehicles referred to in section 473 unless he carries the special permit for that purpose with him.”

**24.** Section 509 of the said Code is amended by inserting the figure “473.1,” after the figure “423,” in the second line.

**25.** Section 512 of the said Code is amended by replacing the word and figure “and 422” in the first line by the figures and word “, 422 or 464.2”.

**26.** Section 513 of the said Code is amended

(1) by inserting the words “a road vehicle or” after the words “driver of” in the first line of the first paragraph;

(2) by inserting the words “or any condition prescribed under section 633” after the figure “621” in the third line of the first paragraph;

(3) by inserting the words “or any condition prescribed under section 633” after the figure “621” in the second line of the second paragraph;

(4) by replacing the third paragraph by the following paragraphs:



“Every holder of an escort permit who contravenes a regulatory provision the violation of which constitutes an offence under paragraph 20.3 of section 621 is guilty of an offence and liable to a fine of \$600 to \$2 000.

In addition to the fine, in the case of a conviction for a second offence committed during the same period of validity of a special permit or escort permit, the permit issued to that holder for the vehicle driven at the time of those offences as well as his right to obtain such a permit for another vehicle are suspended for three months and in the case of a subsequent offence committed during the same period of validity of a special permit or escort permit, every special permit or escort permit issued to that holder, according as it is an offence contemplated in the second or third paragraph, as well as his right to obtain such a permit for other vehicles, is suspended for three months.

Where a vehicle that is an outsized vehicle in respect of the axle load or the total loaded mass is driven, in contravention of the first, second or third paragraph, on a bridge or viaduct where a sign or signal prohibits outsized vehicles, the fines prescribed in the first, second and third paragraphs shall be doubled.”

**27.** The said Code is amended by inserting, after section 513, the following section:

**“513.1** Every person who contravenes section 464.1 is guilty of an offence and liable to a fine of \$600 to \$2 000.”

**28.** Section 517 of the said Code is amended

(1) by replacing the words “motor vehicle” in the third line of the first paragraph and in the first line of the second paragraph by the words “road vehicle”;

(2) by adding, at the end, the following paragraph:

“Where a vehicle that is an outsized vehicle in respect of the axle load or the total loaded mass is driven on a bridge or viaduct where a sign or signal prohibits outsized vehicles, the fines prescribed in the first paragraph shall be doubled.”

**29.** Section 517.1 of the said Code is amended

(1) by replacing the words “motor vehicle” in the fourth line of the first paragraph and in the first line of the second paragraph by the words “road vehicle”;

(2) by adding, at the end, the following paragraph:

“Where a vehicle that is an outsized vehicle in respect of the axle load or the total loaded mass is driven on a bridge or viaduct where a sign or signal prohibits outsized vehicles, the fines prescribed in the first paragraph shall be doubled.”

**30.** Section 519 of the said Code is amended by replacing the words “motor vehicle” in the first line by the words “road vehicle”.

**31.** Section 519.10 of the said Code is amended by adding, at the end, the following paragraph:

“This section does not apply to hand luggage.”

**32.** Section 519.20 of the said Code is replaced by the following section:

**“519.20** No carrier may authorize the operation of a bus in which baggage, freight or express is not distributed and secured in accordance with section 519.10.”

**33.** Section 521 of the said Code is amended by replacing paragraph 5 by the following paragraph:

“(5) vehicles used mainly for the transportation of property and having a net mass of more than 3 000 kg but not more than 5 500 kg;”.

**34.** Section 552 of the said Code is replaced by the following section:

**“552.** Where a person is in any of the situations described in paragraphs 2 and 3 of section 81 or paragraphs 2 and 3 of section 190, the Régie may, before rendering a decision, request, by notice, the person to furnish, within 60 days of the date of the notice, a detailed report by a physician or an optometrist, as the case may be, establishing to the satisfaction of the Régie,

(1) in the cases described in paragraphs 2 and 3 of section 81, that he is fit to drive a road vehicle corresponding to the class of licence applied for without constituting a hazard to public safety;

(2) in the cases described in paragraphs 2 and 3 of section 190, that he is fit to drive a road vehicle corresponding to the class of licence held by him without constituting a hazard to public safety.

The report may be accompanied with other documents from a health establishment or another health professional governed by the

Professional Code (R.S.Q., chapter C-26) or, in the case of a professional driver, with a notice from the person's employer.

On receipt of the detailed report or, if the person fails to furnish such a report, at the expiry of a sixty-day period, the Régie shall make the appropriate decision."

**35.** Section 619 of the said Code is amended

(1) by inserting, after paragraph 6, the following paragraphs:

"(6.1) fix, according to the nature and class of licence applied for, a minimum period of time before which a person who has failed a proficiency examination referred to in section 67 may again undergo such an examination;

"(6.2) establish, according to the nature and class of licence applied for, any additional conditions or formalities a person who has failed a proficiency examination referred to in section 67 must comply with to obtain a licence or a class of licence;"

(2) by replacing paragraph 8 by the following paragraph:

"(8) establish the medical and optometrical standards identifying the illnesses, deficiencies and conditions affecting a person, that are considered essentially or relatively inconsistent with the driving of a road vehicle or a class or sub-class of road vehicles;"

**36.** Section 620 of the said Code is amended by inserting, after paragraph 3, the following paragraph:

"(3.1) establish the form, terms and conditions according to which an association of dealers or recyclers may act as surety for its members;"

**37.** Section 621 of the said Code is amended

(1) by replacing the words "motor vehicles" in paragraphs 15 and 17 by the words "road vehicles";

(2) by inserting, after paragraph 20, the following paragraphs:

"(20.1) determine the form and content of escort permits for outsized vehicles and designate a person authorized to issue such permits;

"(20.2) fix the fee exigible for obtaining an escort permit for outsized vehicles, establish the conditions for obtaining such a permit

and provide for the deposit of security, its nature and amount, and determine the conditions attached to the permit, including the reports to be transmitted by the holder to the person authorized to issue the escort permit;

“(20.3) determine, from among the provisions of a regulation made under paragraph 20.2, the provisions the violation of which constitutes an offence;”;

(3) by replacing the words “motor vehicle” in the second line of paragraph 27 by the words “road vehicle”;

(4) by inserting the words “road vehicles or” before the word “combinations” in the third line of paragraph 35.

**38.** Section 633 of the said Code is amended by replacing the words “motor vehicle” in the fourth line of the first paragraph by the words “road vehicle”.

**39.** Publication of the Draft Regulation to amend the Regulation respecting mechanical inspection and safety standards for road vehicles in the *Gazette officielle du Québec* dated 11 April 1990 replaces the publication formalities prescribed in Division III of the Regulations Act (R.S.Q., chapter R-18.1).

**40.** The Regulation respecting medical and optometrical standards for driving a road vehicle and the conditions attached to a licence made by Order 32-89 of 18 January 1989 is amended by replacing the word “absolutely” wherever it appears by the word “essentially”.

The said regulation is deemed to be enacted under paragraph 2 of section 619 of the Highway Safety Code and under paragraph 8 of section 619 of the said Code, as replaced by paragraph 2 of section 36 of this Act, until a new regulation enacted under paragraph 8 of section 619 of the said Code comes into force.

**41.** This Act comes into force on (*insert here the date of assent to this Act*).