



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 77

An Act to amend the Highway Safety Code

Introduction

1988

**Introduced by
Mr Marc-Yvan Côté
Minister of Transport**

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EXPLANATORY NOTES

The main object of this bill is to introduce in the Highway Safety Code new measures concerning the implementation of the National Safety Code for Motor Carriers. Under the new measures, the Régie will have the power to authorize a greater number of hours of driving or hours of service by drivers in certain cases and on certain conditions which will be specified in the authorization along with the maximum number of hours and the relevant standards, terms and conditions applicable. On the other hand, peace officers will be empowered to confiscate the driver's licence of any driver who has exceeded the prescribed or authorized number of hours of driving or of service for a period of time equal to the prescribed number of hours of rest, and to take possession of the vehicle of that driver.

In addition, the Code is amended to ensure that, in the future, no radar warning device will, in any way, be placed in or on or carried in or on a motor vehicle and to prohibit the sale, leasing or lending or the offer to sell, lease or lend, in any way, a radar warning device for a consideration.

An amendment enables the Régie de l'assurance automobile du Québec to appoint persons who will be authorized to effect renewals of driver's licences on behalf of the Régie.

Other amendments concerning driver's licences are introduced to remove the age limit for obtaining or keeping a licence of a class permitting the holder to drive a commercial vehicle used for the conveyance of goods for which a permit from the Commission des transports du Québec is required, or to drive, an emergency vehicle, a taxi, a bus or a minibus. Another amendment establishes the continued application of certain provisions of the former Code with respect to the sanctions that may be imposed on a person who drives a vehicle while the registration is suspended or revoked or while his licence is suspended or revoked.

The Code is also amended to prolong the moratorium on the issue of new driving school licences for a period of not more than two years.

Finally, the bill contains provisions to specify the meaning of the expression "private road open to public vehicular traffic" and to establish the fine applicable in the event of a contravention to the Regulation respecting snowmobiles.

ACT AMENDED BY THIS BILL

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

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Highway Safety Code (R.S.Q., chapter C-24.2) is amended by inserting, after section 69, the following section:

“69.1 The Régie may, with the approval of the Minister of Transport, appoint, subject to the conditions it establishes, persons who will be authorized to effect the renewal of driver's licences and carry out any related operation, on behalf of the Régie, and determine the amount and mode of remuneration of such persons.”

2. Section 74 of the said Code is repealed.

3. Section 83 of the said Code is amended by striking out paragraph 5.

4. Section 140 of the said Code is amended by striking out the figure “74,” in the first line.

5. The heading of Division III of Chapter I of Title V of the said Code is replaced by the following title:

“OTHER CANCELLATION”.

6. Section 187 of the said Code is repealed.

7. Section 251 of the said Code is replaced by the following section:

“251. No person may instal, cause to be installed or in any way introduce a radar warning device in a road vehicle.”

8. Section 252 of the said Code is replaced by the following section:

“252. No person may sell or lease to, or place at the disposal of any person, in exchange for consideration, or in any way offer to sell or lease to, or to place at the disposal of any person, in exchange for consideration, a radar warning device.”

9. Section 519.11 of the said Code, enacted by section 70 of chapter 94 of the statutes of 1987, is amended by adding, at the end, the words “or the number of hours of driving or hours of service specified in an authorization granted by the Régie under section 519.30.1, or in violation of the standards, conditions and procedures specified in the authorization.”

10. The said Code is amended by inserting, after section 519.14, enacted by section 70 of chapter 94 of the statutes of 1987, the following section:

“519.14.1 Every peace officer, in the performance of the duties conferred on him by this Code may take, for the period corresponding to the number of hours of rest prescribed by regulation, the driver's licence from a driver who has exceeded the number of hours of driving or hours of service prescribed by regulation or authorized by the Régie, take possession of his vehicle and drive it to an appropriate place. The driver must comply with the requests of the peace officer.”

11. Section 519.23 of the said Code, enacted by section 70 of chapter 94 of the statutes of 1987, is amended by adding, at the end, the words “, or the number of hours of driving or hours of service specified in an authorization granted by the Régie under section 519.30.1, or in violation of the standards, conditions and procedures specified in the authorization.”

12. The said Code is amended by inserting, after section 519.30, enacted by section 70 of chapter 94 of the statutes of 1987, the following section:

“519.30.1 The Régie may, in the cases and on the conditions prescribed by regulation, grant to a carrier who applies therefor, the authorization to increase the number of hours of driving or hours of service of drivers to a number that is greater than the number

prescribed by regulation, and establish therein standards, conditions and procedures other than those prescribed by regulation.

The Régie shall grant such an authorization with respect to a specified number of hours only.”

13. Section 519.39 of the said Code, enacted by section 70 of chapter 94 of the statutes of 1987, is amended by replacing the words “or the first paragraph of section 519.14” in the first and second lines by the words “the first paragraph of section 519.14, or section 519.14.1”.

14. Section 621 of the said Code, amended by section 93 of chapter 94 of the statutes of 1987, is again amended

(1) by inserting, after the word “vehicle” in the fourth line of paragraph 12, the words “, prescribe the number of hours of rest that are applicable to the driver”;

(2) by inserting, after paragraph 12, the following paragraphs:

“(12.01) define the expressions “hours of driving”, “hours of service” and “hours of rest”;

“(12.02) determine in what cases and on what conditions the Régie may grant a carrier subject to Title VIII.1 an authorization to increase the number of hours of driving or hours of service of drivers to a number that is greater than the number prescribed by regulation;”;

(3) by inserting, after paragraph 46, the following paragraph:

“(46.1) define what constitutes a private road open to public vehicular traffic;”.

15. The said Code is amended by inserting, after section 645.1, enacted by section 100 of chapter 94 of the statutes of 1987, the following section:

“645.2 Every person who contravenes any provision of the Regulation respecting snowmobiles (R.R.Q., 1981, c. C-24, r. 21) adopted under the Highway Code (R.S.Q., chapter C-24) and maintained in force by virtue of section 672 of this Code is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.”

16. Section 660 of the said Code is replaced by the following section:

“660. The Government may order that, for the period it specifies, no new driving school licences are to be issued, except in the case of the renewal of a licence in force on the date the order becomes effective. The Government shall not, however, suspend the issue of new permits for a period ending after 31 December 1990.

Notwithstanding the first paragraph, the Government may, during the period covered by an order, authorize the issue of a driving school licence under Chapter IV of Title II if it is of the opinion that the number of driving school licences that have been issued in the territory of the urban or regional community or regional county municipality in respect of which the licence is applied for is insufficient or if it deems it advisable in view of the circumstances.”

17. Any suspension of registration, any suspension or revocation of a driver’s licence or of a class thereof, or of a learner’s licence, or any suspension of the right to obtain a registration, a driver’s licence or a learner’s licence imposed under any of sections 44, 96, 96.1, 98, 99, 99.1, 101, 155 and 159 of the Highway Safety Code (R.S.Q., chapter C-24.1) is deemed to have been imposed under section 196, 194, 190, 76, 79, 192, 197 or 201, of this Code.

18. The provisions of this Act will come into force on the dates fixed by the Government, except the provisions of sections 1, 16 and 17, which will come into force on 1 January 1989.

Section 17 has effect from 1 December 1987.