



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 60

An Act to amend the Highway Safety Code

Introduction

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

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EXPLANATORY NOTES

The object of this bill is, first, to lengthen the period for which a driver's or learner's licence may be revoked or the right to obtain one suspended. Henceforth, that period will be

- one year for the first indictable offence related to driving;*
- two years for the second offence; and*
- three years for any other indictable offence.*

It specifies that the period cannot be shorter than that prescribed by the order prohibiting a person from operating a vehicle under the Criminal Code.

The bill provides that entries relating to such indictable offences will appear in the driver's record for a period of five years.

A second object of the bill is to make it impossible for a person who is convicted of an indictable offence related to driving to obtain a restricted licence.

The bill also provides that the fine imposed on a person for driving a motor vehicle while his licence is revoked or his right to obtain a licence is suspended will be not less than \$600 nor more than \$2 000.

Lastly, the bill has these several objects:

- to specify the obligations of a school bus driver with regard to operating the flashing lights of the bus in certain circumstances;*
- to authorize the Government to make regulations on vehicles used for the transport of handicapped persons;*
- to prohibit the transport of persons in trailers or semi-trailers, except in certain circumstances, even if they are equipped for that type of transport;*
- to make certain adjustments for the sake of concordance.*

Bill 60

An Act to amend the Highway Safety Code

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 95 of the Highway Safety Code (R.S.Q., chapter C-24.1) is replaced by the following section:

“**95.** Where a person has been found guilty of an offence under paragraph *a*) of subsection (1) or subsection (3) or (4) of section 233, subsection (1) of section 236, section 237, subsection (5) of section 238 or subsection (2) or (3) of section 239 of the Criminal Code (R.S.C., 1970, chapter C-34) or where a person has been found guilty of an offence under section 203, 204 or 219 of that Code if the offence was committed with a road vehicle, his driver’s licence or learner’s licence is revoked and the judge who pronounces the verdict of guilty shall order the licence confiscated and handed over to the Régie.

If the person does not hold a driver’s licence or a learner’s licence, his right to obtain a licence is suspended.”

2. Section 99 of the said Code is replaced by the following sections:

“**99.** A person whose driver’s licence or learner’s licence has been revoked or whose right to obtain a licence has been suspended under section 95 must, to obtain a licence, comply with the conditions and formalities prescribed by regulation of the Government.

No licence may be issued to the person from the date of revocation of the licence or suspension of the right, until the lapse of

(1) a period of one year, in the case of the first revocation or suspension imposed within the five years ending with the revocation or suspension;

(2) a period of two years, in the case of the second revocation or suspension imposed within the five years ending with the revocation or suspension;

(3) a period of three years, in the case of any other revocation or suspension imposed within the five years ending with the revocation or suspension.

Notwithstanding the foregoing, in no case may the period be shorter than the period prescribed by the order prohibiting a person from operating a vehicle under subsections (1) and (2) of section 242 of the Criminal Code.

“99.1 A person whose driver’s licence or learner’s licence has been revoked or whose right to obtain a licence has been suspended under section 97 must, to obtain a licence, comply with the conditions and formalities prescribed by regulation of the Government.

No licence may be issued to the person from the date of revocation of the licence or suspension of the right, until the lapse of

(1) a period of three months, in the case of the first revocation or suspension imposed within the two years ending with the revocation or suspension;

(2) a period of six months, in the case of the second revocation or suspension imposed within the two years ending with the revocation or suspension;

(3) a period of one year, in the case of any other revocation or suspension imposed within the two years ending with the revocation or suspension.

“99.2 The duration of the period of revocation or suspension of a driver’s licence or learner’s licence is not limited to the valid period of the licence.”

3. Section 104 of the said Code is repealed.

4. Section 107 of the said Code is replaced by the following section:

“107. No order to issue a restricted licence may be given nor any restricted licence issued if, at the time of the motion,

(1) the applicant's driver's licence has previously been revoked or his right to obtain a licence has previously been suspended under section 95 or 97 within the two years preceding the revocation giving rise to the motion for a restricted licence; or

(2) the applicant's driver's licence is revoked or his right to obtain a licence is suspended under section 95."

5. Section 108 of the said Code is replaced by the following section:

"108. An order made under sections 105 and 106 is final; there is no appeal."

6. Section 140 of the said Code is replaced by the following section:

"140. Every person who contravenes section 100 is guilty of an offence and is liable, in addition to costs, to a fine of not less than \$600 nor more than \$2 000."

7. Section 207 of the said Code is amended by replacing the second paragraph by the following paragraph:

"The signs must be removed or covered when the bus is in use otherwise than for transport contemplated in section 386 or 390.1."

8. Section 273 of the said Code is amended by adding, at the end, the following paragraph:

"(23) establish standards, conditions and modalities for the construction, use, upkeep and maintenance, salubrity and safety of road vehicles of any kind used for the transport of handicapped persons, prescribe the installation and use of safety equipment and accessories and specify what persons and what road vehicles are subject to those standards."

9. Section 386 of the said Code is replaced by the following section:

"386. In this division, the expression "school bus" includes a minibus used for the transport of school children.

This division applies to the transport of school children, except where it is done under a licence issued for that purpose by the Commission des transports du Québec with authorization to use a bus or minibus other than a school bus or minibus within the meaning of the regulations of the Government made under the Transport Act."

10. The said Code is amended by inserting, after section 389, the following sections:

“389.1 The driver of a school bus shall not operate the flashing lights of his vehicle except in the circumstances described in sections 388 and 389.

“389.2 No person may operate the flashing lights provided for in section 207 when the vehicle equipped with such lights is in use otherwise than for transport contemplated in section 386.”

11. The said Code is amended by inserting, after section 390, the following:

“C.—TRANSPORT OF CHILDREN

“390.1 Sections 387 to 390 apply at all times to the transport of any person under 18 years of age by a bus or minibus ordinarily used as a school bus within the meaning of the regulations of the Government made under the Transport Act.”

12. Section 464 of the said Code is replaced by the following section:

“464. No person may occupy a trailer or semi-trailer in motion on a public highway or tolerate such practice.

However, a trailer or semi-trailer specially designed and equipped for the transport of persons may be used for that purpose on a public highway at parades or other popular events provided that the highway is closed to traffic.

The back part of an articulated bus is not a trailer or semi-trailer within the meaning of this section.”

13. Section 470 of the said Code is replaced by the following section:

“470. Every person who contravenes any of sections 275, 279, 283, 287, 289 to 291, 293, 297, 299, 325 to 334, 337, 344, 345, 374, 378, 389.1, 389.2, 403, 404, 426, 430, 431 and 436 or the first paragraph of any of sections 433, 437 and 438 is guilty of an offence and is liable, in addition to costs, to a fine of not less than \$50 nor more than \$100.”

14. A restricted licence issued by the Régie de l'assurance automobile du Québec under section 104 of the Highway Safety Code and in force on (*insert here the date preceding the date of coming into force of this Act*) remains in force until the expiry of the period for which it was issued.

Notwithstanding the foregoing, the licence is not renewable after the specified date.

15. This Act comes into force on the date fixed by the Government.