



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 127

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 to revise the rules of the highway code to ensure the safety of the users of the public highways.

First, the bill establishes mechanisms to regulate the ownership and use of road vehicles on public highways in Québec and determines the rights and obligations of the owners and drivers of vehicles. It defines the powers of the Régie de l'assurance automobile du Québec with respect to the personal fitness and driving proficiency of drivers and, in addition to simplifying the processing of medical records, introduces new norms for the assessment of a driver's state of health.

The bill introduces stricter provisions relating to the cancellation or suspension of licences and limits the cases where a person may obtain a restricted licence to drive his car for the purposes of his work while his regular licence is cancelled.

Moreover, it establishes rules applicable to motor vehicle dealers and recyclers.

As regards road vehicle equipment and accessories, the bill prescribes the most recent vehicle safety standards, such as installation of a third stop light.

In the area of highway traffic, it defines the rules that must be obeyed by drivers, passengers, pedestrians and cyclists. It strengthens requirements as to the use of seat belts and of restraining devices for passengers under five years of age. Moreover, the bill obliges cyclists to obey all traffic rules that can be applied to the riding of a bicycle. Finally, it makes present traffic rules more uniform and empowers the Government to regulate the use of recreational vehicles.

The bill introduces mandatory mechanical inspection for many road vehicles, including emergency vehicles, public transit vehicles and modified vehicles, and provides penalties for owners who do not comply.

It updates and readjusts penalties applicable to offences committed by the users of public highways according to the hazard that the offence constitutes and provides for the possibility of making agreements with other governments in respect of offences committed outside Québec.

The regulatory powers conferred on the Government, the Régie and the municipalities are also revised so as to facilitate the enforcement of the Code.

Furthermore, certain decisions of the Régie are henceforth to be appealable to the Provincial Court.

The bill provides in addition for the issue by the Régie of parking permits for vehicles used by the handicapped, according to the norms established by the Office des personnes handicapées du Québec.

Lastly, new provisions are introduced with regard to the sums that may be collected by municipalities in relation to fines imposed for offences against this Code.

Finally, the bill replaces the former Highway Safety Code and the Highway Code and makes the necessary concordance amendments to various other legislation.

ACTS AMENDED BY THIS BILL

- Automobile Insurance Act (R.S.Q., chapter A-25);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., chapter R-24);
- Charter of the city of Montréal (1959-60, chapter 102);
- Charter of the city of Québec (1929, chapter 95).

Bill 127

Highway Safety Code

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PRELIMINARY TITLE

SCOPE AND DEFINITIONS

1. The Highway Safety Code governs the use of vehicles and pedestrian traffic on the public highways.

It establishes the rules governing the registration of road vehicles and licences to drive them, which come under the administration of the Régie de l'assurance automobile du Québec.

2. The provisions of this Code which apply to the owner of a road vehicle also apply to every person who acquires or possesses a road vehicle under a title involving a condition or a term giving him the right to become owner thereof, or under a title giving him the right to use it as owner thereof charged to deliver over.

They also apply to every person who leases a road vehicle for a period of not less than one year.

3. The person in whose name a road vehicle is registered is responsible for any offence imputable to the owner pursuant to this Code.

4. In this Code, unless the context indicates otherwise,

“**bus**” means a motor vehicle, other than a minibus, designed for the transportation of more than nine occupants at a time and used mainly for that purpose;

“**combination of road vehicles**” means a combination of vehicles consisting of a motor vehicle drawing a trailer, a semi-trailer or a detachable axle;

“**commercial vehicle**” means a motor vehicle mainly used for the transportation of property;

“**dealer**” means a person who deals in road vehicles;

“**emergency vehicle**” means a road vehicle used as a police car in accordance with the Police Act (R.S.Q., chapter P-13), a road vehicle used as an ambulance in accordance with the Public Health Protection Act (R.S.Q., chapter P-35), a fire department road vehicle, or any other road vehicle which meets the criteria established by regulation for recognition as an emergency vehicle by the Régie;

“**minibus**” means a motor vehicle of the small van type designed for the transportation, for a fare, of more than seven occupants at a time or for the group transportation of handicapped persons;

“**moped**” means a passenger vehicle having two or three wheels and a net mass not in excess of 60 kg, provided with a motor having a piston displacement of not over 50 cm³ and equipped with an automatic transmission, as well as a three-wheel passenger vehicle designed for the transportation of a handicapped person which meets the criteria established by regulation for recognition as a moped by the Régie;

“**motorcycle**” means a passenger vehicle having two or three wheels that has at least one characteristic different from the characteristics of a moped;

“**motor vehicle**” means a motorized road vehicle primarily adapted for the transportation of persons or property;

“**municipality**” means a local municipality and also an urban or regional community or a regional county municipality where, under its constituent Act, it exercises its jurisdiction in respect of a public highway with regard to a matter contemplated in this Code;

“passenger vehicle” means a motor vehicle, other than a minibus, designed for the transportation of not more than nine occupants at a time, where such transportation does not require a permit from the Commission des transports du Québec;

“public highway” means the surface of land or of a structure, the maintenance of which is entrusted to a municipality, a government or one of its agencies, over part of which one or more roadways open to public vehicular traffic are laid out, except

(1) highways under the administration of or maintained by the Ministère de l'Énergie et des Ressources or the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, and

(2) highways under construction or repair, but only with respect to vehicles assigned to the construction or repair;

“road vehicle” means a motor vehicle that can be driven on a highway, other than a vehicle that runs only on rails or an electrically propelled wheelchair; a trailer, a semi-trailer or a detachable axle is defined as a road vehicle;

“roadway” means that part of a public highway ordinarily used for vehicular traffic;

“taxi” means a vehicle defined as such in the Act respecting transportation by taxi (R.S.Q., chapter T-11.1).

5. For the purposes of this Code, the word “person” also includes a partnership.

TITLE I

REGISTRATION OF ROAD VEHICLES

CHAPTER I

GENERAL PROVISIONS

6. Every road vehicle must be registered except a vehicle exempt from registration under this Code.

7. The owner of a road vehicle must apply to the Régie for its registration upon taking possession of it.

8. The owner of a road vehicle who establishes residence in Québec must apply to the Régie for its registration within ninety days thereafter.

9. The Régie, with the approval of the Minister of Transport, may, on such conditions as it may establish, appoint persons authorized to effect on its behalf the registration of road vehicles and any other related transactions, and fix the amount and mode of their remuneration.

10. Registration is effected by the issue of a registration certificate and a registration plate of the class corresponding to the vehicle, issued with validation stickers. Registration is valid for the period determined by regulation.

11. Notwithstanding section 10, registration may be effected by the issue of a certificate alone, in such cases as may be prescribed by regulation.

12. Every registration certificate shall contain the information determined by regulation.

13. A temporary registration certificate or a removable registration plate may be issued in such cases as may be prescribed and on such conditions as may be established by regulation.

CHAPTER II

VEHICLES EXEMPT FROM REGISTRATION

14. The following road vehicles are exempt from registration:

(1) farm machinery owned by a farmer and determined by regulation;

(2) a vehicle which is not in use and from which the tires, skis or caterpillar tracks have been removed;

(3) a recreation vehicle in the cases prescribed by regulation.

15. The following road vehicles, unless used on a public highway, are exempt from registration:

(1) a vehicle stocked by the manufacturer or, during delivery, a vehicle delivered by a manufacturer to a dealer;

(2) a vehicle which a dealer holds in stock for sale;

(3) a vehicle entrusted to the management of the public curator;

- (4) a vehicle seized or impounded by a peace officer;
- (5) a vehicle no longer in use;
- (6) a vehicle designed mainly for use on snow and a tractor owned by a farmer, in the cases prescribed by regulation.

16. For the purposes of sections 14 and 15, a farmer is a natural person who is a member of an association certified under the Farm Producers Act (R.S.Q., chapter P-28) or a person who is the owner or the lessee of a farm and whose principal activity is agriculture.

17. A road vehicle the ownership of which is transferred following a death is exempt from registration if the ownership is again transferred within seven days after the heir or legatee obtains delivery of it or receives it in payment of his legacy.

18. A trailer or semi-trailer leased for a period not exceeding twelve months is exempt from registration if the following conditions are met:

- (1) the leasing contract is entered into outside Québec;
- (2) its owner is not required to hold a leasing permit from the Commission des transports du Québec;
- (3) it is in the possession of the lessee;
- (4) its net mass is 900 kg or less.

19. The passenger vehicle, trailer or semi-trailer of a non-resident is exempt from registration in Québec for a period of six consecutive months from his arrival if the following conditions are met:

- (1) the vehicle is registered as required by the law of the main place of residence or the place of business of its owner;
- (2) the vehicle carries valid registration plate of that place;
- (3) the driver furnishes proof of that registration at the request of the Régie or of a peace officer.

20. A road vehicle acquired outside Québec by a foreign student, *coopérant* or trainee staying in Québec is exempt from registration for the duration of his studies or training if the following conditions are met:

- (1) the vehicle is registered as required by the law of the main place of residence of its owner or the place where he established residence;

(2) the vehicle carries a valid registration plate of that place;

(3) the student, *coopérant* or trainee furnishes proof of that registration at the request of the Régie or of a peace officer;

(4) the same right is accorded students, *coopérants* or trainees from Québec in the place of domicile of that student, *coopérant* or trainee.

CHAPTER III

OBTENTION AND RENEWAL OF REGISTRATION

21. To obtain or renew the registration of a road vehicle, the owner of the vehicle must

(1) comply with the conditions and formalities established by regulation;

(2) furnish to the Régie a statement relating to the road vehicle concerned in accordance with section 96 of the Automobile Insurance Act (R.S.Q., chapter A-25);

(3) pay the duties and fee fixed by regulation and the amount fixed under section 151 of the Automobile Insurance Act;

(4) have the prior authorization of the Commission des transports du Québec in the case provided for in section 35 of the Transport Act (R.S.Q., chapter T-12).

22. The registration of a road vehicle owned by a partnership is made in the name of the partner making the application.

23. The registration of a road vehicle acquired in co-ownership is made in the name of the co-owner making the application.

24. A minor applying for the registration of a road vehicle must furnish to the Régie the written consent of the person having parental authority or, failing such a person, the consent of the person having legal custody of the minor.

The first paragraph does not apply to a minor if he is emancipated or engaged in trade, provided that he proves his status.

25. The Régie may refuse to register a road vehicle or to renew the registration thereof in the following cases:

(1) the owner is already indebted to the Régie regarding an application for registration or a licence or the renewal thereof;

(2) the owner neglects or refuses to submit his vehicle to mechanical inspection or to furnish the certificate of mechanical inspection issued to him;

(3) a certificate of mechanical inspection attests that the vehicle has a minor defect which was not repaired within the time prescribed in section 528.

26. The Régie must refuse to register a road vehicle or to renew the registration thereof in the following cases:

(1) the person making the application is unable to establish that he is the owner or co-owner of the vehicle or that the vehicle is the property of the partnership of which he is a member;

(2) the registration of the road vehicle of the person making the application or his right to obtain such a registration is under a suspension pursuant to section 196, 200 or 202;

(3) a certificate of mechanical inspection attests that the vehicle has a major defect.

CHAPTER IV

CONDITIONS ATTACHED TO REGISTRATION

27. The holder of a registration certificate must sign it.

The certificate must bear the identifying mark of the Régie or the signature of a person authorized by the Régie.

28. The person in whose name the registration of a vehicle is effected by the Régie must inform the Régie of any change of address within thirty days of the change.

29. The owner of a road vehicle must place the temporary registration certificate issued to him in the upper left hand part of the rear window of the vehicle or in such other place as is determined by regulation.

30. The owner of a road vehicle must solidly attach the registration plate issued to him to the rear of the vehicle or to such other place as is determined by regulation.

Where a regulation prescribes the issue of two duplicates of the registration plate, one must be attached to the front of the vehicle and the other to the rear.

31. The owner of a road vehicle must place the validation stickers on the registration plate at the places determined by regulation.

32. No registration plate may bear any inscription other than those determined by the Régie.

The registration plate must be free of any object or matter that could impair its legibility; it must also, if attached to the rear of the vehicle, be sufficiently lighted.

33. A peace officer may require the driver of a road vehicle to clean the registration plate of the vehicle if the presence of dirt on the plate makes it difficult to read.

The driver must comply with the requirement of the peace officer.

34. No other plate that may be confused with a registration plate may be attached to a road vehicle except in the case of a plate required under another Act in force in Québec.

35. The driver of a road vehicle must have with him the registration certificate of the vehicle and the certificate of insurance or of financial responsibility as provided in the Automobile Insurance Act.

If the road vehicle is leased for less than one year or if it has been lent by a dealer, the driver must also have with him the contract of lease or a copy thereof, or a document evidencing the duration of the loan.

36. The driver of a road vehicle must remit for examination to a peace officer, at his request, the documents referred to in section 35.

The peace officer must return the documents to their holder as soon as he has examined them.

37. The holder of an illegible or damaged registration certificate must apply to the Régie to replace it.

38. Upon proof that a registration certificate, a registration plate or a sticker is illegible or damaged or has been destroyed, lost or stolen, the Régie shall replace it upon payment of the fee fixed by regulation.

39. The owner of a road vehicle the registration of which has been suspended must without delay return the registration certificate and plate of the vehicle to the Régie.

Where the owner refuses or fails to observe the requirement of this section, the Régie may request a peace officer to confiscate the certificate and the registration plate. The owner must immediately hand over his certificate and registration plate to the peace officer who, after informing him of the reasons therefor, requests him to do so.

CHAPTER V

TRANSFER OF ROAD VEHICLES

40. Where the right of ownership of a road vehicle is transferred between parties neither of whom is a dealer, the transferor must remit to the Régie the registration plate and the certificate, endorsed, that were issued for the vehicle and the new purchaser must apply for a new registration.

41. Where road vehicles are exchanged between parties neither of whom is a dealer, each owner must remit to the Régie the registration certificate, endorsed, issued for his vehicle and apply for a new registration.

42. Where the right of ownership of a road vehicle is transferred to a dealer, the transferor who is not purchasing a new vehicle must remit the registration certificate of the vehicle to the dealer after endorsing it and transmit the registration plate of the vehicle to the Régie.

43. Where the right of ownership of a road vehicle is transferred to a dealer, the transferor who is purchasing a new vehicle must retain the registration plate, remit the registration certificate to the dealer after endorsing it and apply to the Régie for the issue of a certificate for the new vehicle.

44. Sections 40 to 43 do not apply to the transfer of the right of ownership of a road vehicle that is under a contract of lease with a term of one year or more.

45. The lessee of a road vehicle leased for a term of one year or more must, at the end of the contract of lease, remit the registration certificate and registration plate of the leased vehicle to the Régie.

46. Subject to section 17, a person who becomes the owner of a road vehicle as a result of a death, a gift, a partition, a winding-up, a bankruptcy, the exercise of a right of repossession, the complete transfer of a business or a judicial sale must remit the registration certificate to the Régie and apply for a new registration for the vehicle.

47. The owner of a road vehicle no longer in use must remit the registration certificate and the registration plate of the vehicle to the Régie.

CHAPTER VI

PENAL PROVISIONS

48. Every owner of a road vehicle who contravenes any of sections 29, 30 and 31 is guilty of an offence and is liable, in addition to costs, to a fine of \$30 to \$60.

49. Every person who contravenes section 32, the second paragraph of section 33, or any of sections 34, 35 or 37, is guilty of an offence and is liable, in addition to costs, to a fine of \$30 to \$60.

50. Every person who drives a road vehicle the registration plate of which is so damaged as to prevent the identification of the vehicle is guilty of an offence and is liable, in addition to costs, to a fine of \$30 to \$60.

51. Every person who contravenes the first paragraph of section 27, or section 28 is guilty of an offence and is liable, in addition to costs, to a fine of \$60 to \$100.

52. Every owner of a road vehicle who contravenes section 47 is guilty of an offence and is liable, in addition to costs, to a fine of \$60 to \$100.

53. Every person who contravenes the first paragraph of section 36 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

54. Every person who operates a road vehicle not carrying a registration plate of the class corresponding to that vehicle is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

55. Every owner of a road vehicle who contravenes any of sections 6, 7 or 8 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

56. Every owner of a road vehicle who contravenes section 39 is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

57. Every person who so alters a registration plate as to prevent the identification of a road vehicle is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

58. Every person who drives a road vehicle carrying a plate referred to in section 57 or 60 is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

59. Every person who knowingly gives false or misleading information in making an application for the registration of a road vehicle is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

60. Every person who attaches to a road vehicle a registration plate not issued by the Régie or by another competent administrative authority or which was issued for another road vehicle or makes an unauthorized plate is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2000.

TITLE II

LICENCES TO DRIVE ROAD VEHICLES

CHAPTER I

GENERAL PROVISIONS

61. The Régie shall issue the following licences to drive road vehicles: learner's licences, driver's licences and restricted licences.

62. The Régie shall also issue driving school licences and instructor's licences.

63. Licences shall contain the information prescribed by regulation and, with the exception of restricted licences, are valid for the period prescribed by regulation.

64. The Régie may attach conditions to a licence in the cases prescribed and according to the criteria established by regulation.

CHAPTER II

SPECIAL PROVISIONS RESPECTING LEARNER'S LICENCES AND DRIVER'S LICENCES

DIVISION I

ISSUE OF LICENCES

65. No person may drive a road vehicle unless he holds a driver's licence of the class appropriate to the driving of that vehicle as determined by regulation.

66. Prior to obtaining, for the first time, a licence to drive a motor vehicle other than a moped, a person must pass the appropriate driving course for that vehicle, approved by the Régie.

67. To obtain a licence, a person must pass the proficiency examinations of the Régie, which shall establish the formalities, procedures and content relating to each class of licence.

The person must be at least fourteen years of age in the case of a licence to drive a moped exclusively and sixteen years of age in other cases.

68. A minor applying for a licence must furnish to the Régie the written consent of the person having parental authority or, failing such a person, the consent of the person having legal custody of the minor.

The first paragraph does not apply to a minor if he is emancipated or engaged in trade, provided that he proves his status.

69. To obtain or renew a licence, a person must pay the Régie the duties and fee fixed by regulation and the amount fixed under section 151 of the Automobile Insurance Act. He must also comply with the conditions and formalities established by regulation.

Notwithstanding the first paragraph, where a person is applying for the renewal of his learner's licence only for the duration of the practical session of his proficiency examination, he is not required to pay the amounts prescribed in the first paragraph.

70. To have the class of his licence changed or to have another class added to it, a person must meet the conditions for obtaining a licence of the class he is applying for.

71. The holder of a driver's licence of a class other than that authorizing the driving of a motorcycle who wishes to add that class to his licence must have successfully completed a driving course appropriate for the driving of a motorcycle, approved by the Régie.

72. The holder of a driver's licence of a class authorizing only the driving of motorcycle or moped who wish to add to his licence a class authorizing the driving of any other road vehicle must have successfully completed a driving course appropriate to the driving of such a vehicle, approved by the Régie.

73. The Régie may require an applicant for a licence or the renewal or change of class of a licence, the addition of another class to it or the removal of a condition appearing on it, to undergo a medical examination or an optometric examination and to submit to it a report of the examination as soon as possible.

The Régie may require the examination to be made by the optometrist or physician it designates by name or by a physician in the specialty it indicates.

74. To drive a commercial vehicle for the transportation of property for which a permit from the Commission des transports du Québec is required, an emergency vehicle, a taxi, a bus or a minibus, a person must be at least eighteen years of age and under seventy years of age.

75. A person cannot renew his licence three years or more after it has expired. To obtain a new licence, he must pass the proficiency examinations referred to in section 67.

76. A person whose licence has been cancelled or whose right to obtain a licence has been suspended following conviction for an offence against any of the provisions of the Criminal Code listed in section 180 must, to obtain a licence, comply with the conditions and formalities established by regulation.

No licence may be issued to the person from the date his licence is cancelled or his right to obtain a licence is suspended until the lapse of a period of

(1) one year if the person incurred no cancellation or suspension during the five years preceding that date;

(2) two years if the person incurred only one cancellation or suspension during the five years preceding that date;

(3) three years if the person incurred more than one cancellation or suspension during the five years preceding that date.

Notwithstanding the foregoing, the period shall not be less than that imposed by an order of prohibition to operate a motor vehicle made under subsection 1 or 2 of section 242 of the Criminal Code (R.S.C., 1970, chapter C-34).

77. In the cases provided for in section 76, if the person has incurred a suspension under section 192, no licence may be issued to him before the end of the suspension period referred to in section 192 or 193.

78. Where the class of a person's licence authorizing him to drive a taxi has been cancelled or the person's right to obtain a licence of that class has been suspended following conviction for a criminal offence related to the business of transportation by taxi, he may obtain from the Régie a licence of a class other than that authorizing him to drive a taxi.

79. A person whose licence has been cancelled or whose right to obtain a licence has been suspended following the accumulation of demerit points must, to obtain a licence, comply with the conditions and formalities established by regulation.

No licence may be issued to the person from the date his licence is cancelled or his right to obtain a licence is suspended until the lapse of a period of

(1) three months if the person incurred no cancellation or suspension during the two years preceding that date;

(2) six months if the person incurred only one cancellation or suspension during the two years preceding that date;

(3) one year if the person incurred more than one cancellation or suspension during the two years preceding that date.

80. In the cases provided for in section 79, if the person has incurred a suspension under section 192 no licence may be issued to him before the end of the suspension period referred to in section 192 or 193.

81. The Régie may refuse to issue a licence or to change the class of or add another class to a licence if the applicant

(1) refuses to undergo a medical or optometric examination or fails to submit to it the report of such an examination;

(2) according to a medical or optometric report, suffers from an illness or deficiency or is in a condition which under the medical and optometric standards prescribed by regulation is relatively inconsistent with the driving of a road vehicle corresponding to the class of licence applied for;

(3) according to a medical or optometric report, suffers from an illness or deficiency or is in a condition not contemplated in the medical and optometric standards prescribed by regulation but which, in the opinion of a member of the Comité consultatif médical et optométrique, is inconsistent with the driving of a road vehicle corresponding to the class of licence applied for;

(4) refuses to undergo or fails a proficiency examination;

(5) is indebted to the Régie in respect of an application for registration or a licence or the renewal thereof.

82. The Régie may refuse to remove a condition appearing on a licence if the holder

(1) refuses to undergo a medical or optometric examination or fails to submit to it the report of such an examination;

(2) according to a medical or optometric report, still suffers from the illness or deficiency or is still in the condition which led the Régie to attach the condition to his licence.

83. The Régie must refuse to issue a licence or to change the class of or add another class to a licence if the applicant

(1) does not meet the requirements for the issue of a licence of the class applied for;

(2) according to a medical or optometric report, suffers from an illness or deficiency or is in a condition which, under the medical and optometric standards established by regulation, is absolutely inconsistent with the driving of a road vehicle corresponding to the class of licence applied for;

(3) is under a prohibition to operate a motor vehicle, or has incurred the cancellation or suspension of his licence or the suspension of his right to obtain a licence;

(4) does not comply with the conditions and formalities referred to in sections 76 and 79;

(5) is under eighteen years of age or has reached seventy years of age where the application is in respect of a vehicle referred to in section 74.

84. The Régie must refuse to issue a licence to a person in whose respect it has received a notice under section 63.20 of the Summary Convictions Act (R.S.Q., chapter P-15).

The refusal to issue a licence shall be maintained until notice is received by the Régie under section 63.21 of the said Act.

DIVISION II

RIGHTS AND OBLIGATIONS OF NON-RESIDENTS

85. A non-resident may drive a road vehicle for a period of not over six consecutive months without holding a licence issued by the Régie if he meets the following requirements:

(1) he holds a valid driver's licence issued by another administrative authority which grants the same right to residents of Québec;

(2) the driver's licence issued by that other administrative authority authorizes him to drive a vehicle of the class of vehicles he drives in Québec;

(3) he respects the conditions attached to the driver's licence he holds.

86. A foreign student, *coopérant* or trainee staying in Québec may drive a passenger vehicle during his period of studies or training without holding a licence issued by the Régie if he meets the requirements of section 85.

87. A non-resident whose main occupation is driving a road vehicle and who drives a road vehicle in Québec is exempt from the obligation of obtaining a licence from the Régie if he holds a valid driver's licence issued by another administrative authority authorizing him to drive the road vehicle that he is driving in Québec.

If the non-resident drives a road vehicle registered only in Québec, he must hold a driver's licence issued by the Régie.

88. Notwithstanding sections 85 and 86, a non-resident holding an International Driver's Permit may, while it is valid, drive the road vehicles he is authorized to drive by the licence on the basis of which the International Driver's Permit was issued to him.

89. A person holding a valid driver's licence issued by another administrative authority may, within ninety days of settling in Québec, drive a passenger vehicle in Québec without obtaining a licence from the Régie.

90. A person holding a valid driver's licence issued in Canada by another administrative authority may, if he settles in Québec, exchange that licence, without examination, for a driver's licence issued by the Régie, on payment of the duties and fee prescribed by regulation and the amount fixed under section 151 of the Automobile Insurance Act.

Notwithstanding the foregoing, the holder may not exchange without examination a licence authorizing him to drive a commercial vehicle, an emergency vehicle, a taxi, a bus or a minibus.

91. A person holding a valid driver's licence issued outside Canada may, if he settles in Québec, exchange that licence for a driver's licence issued by the Régie provided he passes the proficiency examination and pays the duties and fee fixed by regulation and the amount fixed under section 151 of the Automobile Insurance Act.

92. Upon proof that they are registered at the Ministère des Relations internationales and hold a valid driver's licence issued by their country of origin or the country of their former posting, the following persons, if they are not Canadian citizens and do not carry on any business nor hold any position or employment in Québec apart from their duties with the government or agency they represent, may without an examination and for the duration of their assignment obtain a driver's licence from the Régie corresponding to the licence they hold upon payment of the fee fixed by regulation and the amount fixed under section 151 of the Automobile Insurance Act:

(1) career civil servants and career members of diplomatic or consular corps;

(2) the trade representative of a country and his deputy;

(3) the president and a member of the Secretariat of the International Civil Aviation Organization and the representatives and alternates of its member states;

(4) the spouse of a person referred to in paragraphs 1 to 3 and any dependent child eighteen years of age or over residing with such a person.

DIVISION III

CONDITIONS ATTACHED TO LICENCES

93. The holder of a licence must sign it.

The licence must bear the identifying mark of the Régie or the signature of a person authorized by the Régie.

94. No person may hold more than one licence of the same class issued by the Régie.

95. The holder of a licence must inform the Régie of any change of address within thirty days of the change.

96. No person may permit the use of his licence by another person.

No person may use a licence issued to another person.

97. The driver of a road vehicle must carry his licence with him.

98. The holder of a licence must comply with the conditions attached to his licence.

99. The holder of a learner's licence must, when driving a road vehicle other than a motorcycle or moped, be assisted by a person holding a driver's licence of the class appropriate to the driving of the vehicle.

100. The holder of a driver's licence assisting a learner must sit beside him, be in condition to drive a road vehicle, and be able to guide the learner in his driving and to intervene if necessary.

A person assisting a learner must also have his driver's licence with him.

101. The learner's licence authorizing the driving of a motorcycle does not allow its holder to drive on public highways except within the scope of a motorcycle driving course approved by the Régie and in the presence of the holder of an instructor's licence, or for a proficiency examination by the Régie.

102. Every person referred to in sections 98 to 101 must surrender his licence for inspection at the request of a peace officer.

The peace officer must return the licence to its holder as soon as he has inspected it.

103. The holder of an illegible or damaged licence must apply to the Régie to replace it.

104. Upon proof that a licence is illegible or damaged or has been destroyed, lost or stolen, the Régie shall replace it upon payment of the fee fixed by regulation.

105. No person may drive a road vehicle while his licence or a class thereof authorizing him to drive such a vehicle is cancelled or suspended or while his right to obtain such a licence or a licence of such a class is suspended.

Notwithstanding the foregoing, the holder of a restricted licence may drive a road vehicle to carry on his principal means of livelihood.

This section also applies to a person whose driver's licence was issued by an administrative authority other than the Régie, where his licence has been suspended or cancelled or he is under a prohibition to operate a motor vehicle, even if he is the holder of an International Driver's Permit.

106. No owner, lessee or a person having the control of a road vehicle may allow the vehicle to be driven by another person whose licence is suspended or cancelled or whose right to obtain a licence is suspended, except if he is the holder of a restricted licence and drives the road vehicle to carry on his principal means of livelihood.

107. A person whose licence or a class thereof has been suspended or cancelled must, without delay, return his licence to the Régie.

The Régie may request a peace officer to confiscate the licence of any person who refuses or omits to comply with that requirement. The person must immediately surrender his licence to the peace officer who, after informing him of the reason therefor, requests him to do so.

The Régie may also require the surrender of any other licence issued by another administrative authority.

108. On receipt of a licence of which a class is suspended, the Régie shall delete the suspended class from the licence and return the licence to the holder without delay.

109. The Régie may require the holder of a licence to undergo an examination referred to in section 67 or 73 where

- (1) he has reached seventy years of age;
- (2) his licence authorizes him to drive a commercial vehicle, an emergency vehicle, a taxi, a bus or a minibus;
- (3) he has not undergone an examination for five years;
- (4) it has reasonable grounds to require that the state of his health or his performance as a driver be evaluated.

DIVISION IV

DEMERIT POINTS

110. This division applies to every person who is convicted of an offence for which demerit points are prescribed. A person who has committed an offence for which demerit points are prescribed and for which the fine has been paid is deemed to be a person convicted.

111. The Régie shall administer, in respect of convicted persons, a system of demerit points *corresponding to the offences against this Code*, established by regulation and under which the Régie may cancel a licence or suspend the right to obtain a licence.

112. The Régie must consider a person convicted when it receives a notice to that effect from the clerk of any court of penal or criminal jurisdiction, from the clerk, the secretary or the secretary-treasurer of any municipality, from the Attorney General or the director of a police department, or when it is in possession of the judgment or the proof of payment.

113. On being informed of a conviction in accordance with section 112, the Régie shall enter, in its files, the number of demerit points which corresponds to the offence committed by a person convicted.

114. As soon as the total number of demerit points entered in a person's file attains the prescribed number, the Régie shall send a notice to the person concerned, at the last address received by the Régie,

informing him of the number of points entered in his file and reminding him of its powers of cancellation and suspension.

115. Failure by the Régie to give the notice referred to in section 114 does not nullify a notice given subsequently nor does it prevent the Régie from subsequently exercising any power or duty under this division, under Chapter III and under Title V.

116. The number of demerit points entered by the Régie in a person's file becomes nil two years from the date of conviction or payment in respect of the offence in question.

117. Whenever the Régie renders a decision under section 186, it shall annul, in the file of the person concerned, a number of points equal to the number that justified the decision; the points most recently entered that are in excess of that number remain in the file.

CHAPTER III

SPECIAL PROVISIONS RESPECTING RESTRICTED LICENCES

118. A restricted licence may be issued by the Régie to a person whose driver's licence has been cancelled under section 186, by order of a judge of the Provincial Court, if the person proves to the judge that he must drive a road vehicle to carry on his principal means of livelihood.

119. The order directing that a restricted licence be issued falls within the jurisdiction of a judge in chambers and must be applied for by a motion to the court of the domicile or establishment of the applicant and served on the Régie ten days or less before the date fixed for its presentation.

If there is no judge of the Provincial Court in the district in which the person intends to present his motion, the motion may be presented to a judge of the Court of the Sessions of the Peace.

The clerk and the clerk's staff must assist the person in the drafting of the motion if he so requests.

120. Where a motion is served on it pursuant to section 119, the Régie shall transmit to the court, before the date fixed for the presentation of the motion, any information held by it in respect of the applicant regarding the application of section 121.

121. No order directing that a restricted licence be issued may be given nor any restricted licence issued if

(1) within the two years preceding the cancellation giving rise to the application for a restricted licence, the applicant's driver's licence was cancelled or his right to obtain a licence was suspended following a conviction for an offence against any of the provisions of the Criminal Code referred to in section 180 or following the accumulation of demerit points, unless a pardon was obtained;

(2) at the time of its cancellation, the applicant's licence was suspended;

(3) at the time of presentation of the motion, the applicant's licence is cancelled following a conviction for an offence against any of the provisions of the Criminal Code referred to in section 180 or if the applicant's right to obtain a licence is suspended following the commission of an offence against the provisions of the Criminal Code referred to in section 180 or as a result of the accumulation of demerit points;

(4) at the time of presentation of the motion, the applicant's right to obtain a licence is under a suspension as a result of the accumulation of demerit points which has not yet taken effect;

(5) a restricted licence would authorize the driving of a road vehicle that the applicant's licence did not authorize him to drive;

(6) the reason invoked to obtain a restricted licence is related to the business of transportation by taxi and, at the time of presentation of the motion, the class of the applicant's licence authorizing the driving of a taxi is cancelled or his right to obtain a licence of that class is suspended following a conviction for an indictable offence related to the business of transportation by taxi;

(7) the licence cancelled is a learner's licence.

122. A restricted licence is valid from the date of its issue to the date of the end of the period which follows the cancellation giving rise to the issue of the restricted licence and during which its holder is not entitled to obtain a new driver's licence.

123. A decision rendered under sections 118 to 121 is final and without appeal.

124. If, when an order directing that a restricted licence be issued is received by the Régie, section 121 is applicable to the person referred

to in the order, the Régie must refuse to issue the restricted licence and must notify its refusal to the judge who made the order together with the reasons justifying it.

125. The holder of a restricted licence who drives a road vehicle otherwise than to carry on his principal means of livelihood is presumed to be driving while his licence is cancelled within the meaning of section 105.

126. Sections 93, 95 to 98 and 102 to 104 apply, adapted as required, to a restricted licence.

CHAPTER IV

SPECIAL PROVISIONS RESPECTING DRIVING SCHOOL LICENCES AND INSTRUCTOR'S LICENCES

127. No person may operate a driving school for giving instruction in the driving of passenger vehicles other than mopeds and receive payment therefor unless he holds a driving school licence.

The licence is issued in cases prescribed by regulation according to its class and to the number of driving schools in the territory of an urban or regional community or regional county municipality.

128. To obtain a driving school licence or the renewal thereof, the applicant must be a natural person acting on his own behalf or for a corporation or partnership; he must also comply with the conditions and formalities established by regulation.

No driving school licence may be issued to a person acting for an educational institution offering courses at the secondary or postsecondary level, except in cases determined by regulation according to the territory of an urban or regional community or regional county municipality.

129. No person may give instruction in driving passenger vehicles other than mopeds and receive payment therefor, unless he is the holder of an instructor's licence. He must also be employed by a driving school and act under the responsibility of the school.

130. To obtain an instructor's licence or the renewal thereof, a person must have passed the proficiency examinations of the Régie, which shall establish the formalities, procedures and content relating to each examination.

The applicant must also comply with the conditions and formalities prescribed by regulation.

131. Driving school licences and instructor's licences shall be issued upon payment of the fee prescribed by regulation.

132. Every holder of a driving school licence or instructor's licence must comply with the conditions attached to his licence, as prescribed by regulation.

133. The holder of a driving school licence must keep a register and student files the contents of which are determined by regulation.

134. The holder of a driving school licence must, during the hours the school is open, allow a person designated by the Régie to

- (1) visit any premises used for the operation of the school;
- (2) examine the registers, student files and contracts relating to the school's activities;
- (3) obtain a copy of any document relating to the operation of the school;
- (4) attend driving classes.

The person designated by the Régie shall, on request, show a document attesting his capacity.

135. With prior approval of the Régie, a driving school licence may be transferred in the cases determined by regulation.

136. Sections 93, 95, 96, 103, 104 and 107, adapted as required, apply to a driving school licence and instructor's licence.

CHAPTER V

PENAL PROVISIONS

137. Every person who contravenes section 97, the second paragraph of section 100, or section 103 is guilty of an offence and is liable, in addition to costs, to a fine of \$30 to \$60.

138. Every person who contravenes the first paragraph of section 93 or section 95 is guilty of an offence and is liable, in addition to costs, to a fine of \$60 to \$100.

139. Every person who contravenes section 98 or the first paragraph of section 102 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

140. Every person who contravenes any of sections 65, 74, 94, 96, 99, the first paragraph of section 100 or either of section 101 or 133 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

141. Every person who contravenes section 107 or 129 is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

142. Every person who knowingly gives false or misleading information when applying for a licence is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

143. Every person who contravenes the first paragraph of section 105 is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600 if his licence or right to obtain a licence is cancelled or suspended for a cause other than those referred to in section 180.

144. Every person who contravenes the first paragraph of section 105 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2000, if his licence or right to obtain a licence is cancelled or suspended pursuant to section 180.

145. Every person who contravenes section 106 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2000.

146. Every person who contravenes the first paragraph of section 127 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2000.

147. Every person who contravenes section 132 or section 134 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2000.

148. Every person who employs a person who has no instructor's licence to give instruction in driving passenger vehicles other than mopeds, is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2000.

149. Every person who contravenes a regulatory provision the violation of which constitutes an offence under paragraph 22 of section 616 is guilty of an offence and is liable, in addition to costs, to a fine

of \$300 to \$600 in the case of a holder of an instructor's licence and of \$600 to \$2000 in the case of a holder of a driving school licence.

150. Every person who, in operating a driving school, knowingly uses all or part of the examination prepared by the Régie to assess the proficiency of persons wishing to obtain a driver's licence, is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2000.

TITLE III

SPECIAL OBLIGATIONS OF DEALERS AND RECYCLERS

CHAPTER I

GENERAL PROVISIONS

151. No person may deal in road vehicles unless he holds a dealer's licence issued by the Régie upon payment of the fee and compliance with the conditions and formalities established by regulation.

152. Every person applying for a dealer's licence must furnish security to the Régie.

Such security guarantees to the owner of a stolen road vehicle, sold by the dealer, reimbursement of the price the owner has paid to any buyer of the vehicle in order to recover possession thereof by way of revendication as stolen property. The dealer and his surety are jointly and severally liable for the reimbursement of the price paid by the owner.

Such security also guarantees execution of a judgment or of a transaction terminating a civil suit instituted under the Consumer Protection Act (R.S.Q., chapter P-40.1), opposing a consumer and the holder of a licence.

153. No person may deal in disused road vehicles, parts taken from disused vehicles or vehicle carcasses or engage in the business of putting back on the market road vehicles assembled from parts or vehicles received unless he holds a recycler's licence issued by the Régie upon payment of the fee and compliance with the conditions and formalities established by regulation.

154. Every person applying for a recycler's licence must furnish security to the Régie.

Such security guarantees

(1) to the owner of a stolen road vehicle, sold by the recycler, reimbursement of the price the owner has paid to the buyer of the vehicle in order to recover possession thereof by way of revendication as stolen property;

(2) to the owner of a stolen road vehicle, dismantled or sold for parts by a recycler, reimbursement, by way of judicial proceedings, of the price of the vehicle, assessed at the time of the theft;

(3) execution of a judgment or of a transaction terminating a suit instituted under the Consumer Protection Act, opposing a consumer and the holder of a licence.

In the case referred to in subparagraph 1 the recycler and his surety are jointly and severally liable for the reimbursement of the price paid by the owner.

155. Every recycler must keep a register recording the following information:

(1) the identification number of every road vehicle he receives, a description of its major components and the identification thereof by means of the identification number of the vehicle;

(2) the description and identification, by means of the identification number of the vehicle from which it has been removed, of every detached major automobile component he receives;

(3) the date of acquisition of every road vehicle or major component as well as the name and address of the person from whom it was received.

The following are considered major automobile components: the motor, the transmission, the rear axle, the front-wheel-drive assembly, the hood, the grill, the fenders, the bumpers, the rear-window panel, the side panels, the trunk lid and the doors.

156. On the request of a peace officer or an employee of the Régie specially designated for that purpose, a recycler must allow him to examine, during the hours his establishment is open for business, his register as well as the road vehicles and major components in his possession.

The employee must, on request, show a document attesting his capacity.

157. A dealer or recycler who sells a road vehicle assembled by a recycler must give the buyer a certificate of mechanical inspection attesting that the vehicle meets the requirements of this Code.

158. No person may offer for sale or sell a road vehicle in a fair or market, or at an auction or at a public sale other than that effected under the authority of the law, unless he has:

(1) deposited security with the Régie in the amount determined by the Minister of Transport, for the purpose of guaranteeing to the buyer that he is the owner of the vehicle, and also of guaranteeing to the owner of a stolen vehicle, sold by such person, reimbursement of the price the owner has paid to any buyer of the vehicle in order to recover possession thereof by way of revendication as stolen property; and

(2) obtained from the Régie a permit for the public sale of such vehicle, issued upon payment of the fee and compliance with the conditions and formalities established by regulation.

In the case referred to in subparagraph 1 of the first paragraph, the owner is entitled to claim in his own name, from the seller or from his surety, the price he has paid to the buyer.

159. The licences issued under this Title must contain the information prescribed by regulation and are valid for the term prescribed by regulation.

160. Any security required under this Title must be deposited in the amount, in the form and according to the terms and conditions prescribed by regulation.

The obligation to furnish security is terminated on the conditions prescribed by regulation.

161. The holder of a licence issued under this Title must comply with the conditions attached to his licence as prescribed by regulation.

162. The Régie must refuse to issue a licence if the dealer, recycler or person referred to in section 158 does not meet the conditions of issue of the licence.

163. A person whose licence is suspended must, without delay, return that licence to the Régie.

The Régie may request a peace officer to confiscate the licence of any person who refuses or omits to comply with that requirement. The person must immediately surrender his licence to the peace officer who, after informing him of the reasons therefor, requests him to do so.

CHAPTER II

PENAL PROVISIONS

164. Every person who contravenes section 151, 153 or 158 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2000.

165. Every recycler who contravenes section 155 or 156 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2000.

166. Every person who contravenes section 157 or 161 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2000.

TITLE IV

OBLIGATIONS IN CASE OF ACCIDENT

CHAPTER I

GENERAL PROVISIONS

167. For the purposes of this Title, an accident is an event during which injury or damage is caused by a moving road vehicle.

168. The driver of a road vehicle involved in an accident must remain at or immediately return to the scene of the accident and render the necessary assistance to any person who has sustained injury or damage.

169. If a person has sustained bodily injury during an accident, the driver of a road vehicle involved in the accident must call for a peace officer.

170. The driver of a road vehicle involved in an accident must give to the peace officer or to the person having sustained injury or damage, his name and address, the number of his licence, the name

and address of the owner entered on the registration certificate of the vehicle, and the number appearing on the registration plate of the vehicle.

171. The driver of a road vehicle who is involved in an accident involving an animal weighing over 25 kg, an unattended road vehicle or any other inanimate object must, if the owner of the damaged property or a person representing him cannot be found at the scene of the accident or nearby, communicate immediately with the nearest police station to report the accident and furnish the information provided for in section 170.

172. The owner of a road vehicle that has been totally destroyed as the result of an accident must, without delay, notify the Régie that his vehicle has been destroyed.

173. Every peace officer who is called to the scene of an accident must inform the Régie of the accident within eight days by means of a report the form and contents of which are determined by regulation.

174. Where an accident is not brought to the attention of a peace officer, the obligation to inform the Régie of the accident is incumbent on the insurer who is notified of it.

175. Every coroner who has conducted an investigation or an inquest into an accident must send a copy of his report to the Régie.

176. The peace officer and the insurer are not required to make a report to the Régie in respect of an accident that caused property damage only, for an amount of not more than \$500, and did not occasion failure to stop at the scene of an accident.

CHAPTER II

PENAL PROVISIONS

177. Every person who contravenes either of sections 172 and 174 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

178. Every person who contravenes section 170 or 171 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

179. Every person who contravenes section 168 or 169 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2000.

TITLE V

CANCELLATION AND SUSPENSION

CHAPTER I

CANCELLATION OF LICENCES

DIVISION I

CRIMINAL OFFENCES

180. Where a person is convicted 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, subsection 2 or 3 of section 239 of the Criminal Code or where a person is convicted of an offence under section 203, 204 or 219 of the said Code if the offence was committed with a road vehicle, his licence is cancelled and the judge making the conviction shall order the licence confiscated and handed over to the Régie.

If the person does not hold a licence, his right to obtain a licence is suspended.

181. Every conviction for an offence referred to in section 180 entails a separate and distinct licence cancellation or suspension of the right to obtain a licence.

Notwithstanding the first paragraph, a conviction for more than one offence referred to in section 237, subsection 5 of section 238 or subsection 2 or 3 of section 239 of the Criminal Code shall entail only one licence cancellation or only one suspension of the right to obtain a licence where the offences are related to the same event.

182. The cancellation of a licence or the suspension of the right to obtain a licence provided for in section 181 shall be maintained even if the person convicted of an indictable offence is granted conditional release or absolute discharge.

183. Where a person is convicted of an indictable offence related to the business of transportation by taxi, the class of his licence authorizing him to drive a taxi is cancelled and his right to obtain a licence of that class is suspended for five years, unless he has obtained a pardon.

The judge making the conviction shall order the licence confiscated and handed over to the Régie.

184. Where a person convicted of an indictable offence related to the business of transportation by taxi does not hold a licence of a class authorizing him to drive a taxi, his right to obtain a licence of that class is suspended for five years, unless he has obtained a pardon.

185. The Régie must cancel a person's restricted licence if after the date of its issue, the person's right to obtain a licence is suspended.

DIVISION II

DEMERIT POINTS

186. As soon as the number of demerit points entered in a person's file attains or exceeds the number prescribed by regulation, the Régie must cancel the person's licence or, if the person is not a licence holder, suspend his right to obtain a licence.

DIVISION III

OTHER CANCELLATION

187. From such time as a person reaches 70 years of age, the class of his licence authorizing the operation of a commercial vehicle for the transportation of property for which a permit of the Commission des transports du Québec is required, or of an emergency vehicle, a taxi, a bus or a minibus is cancelled.

CHAPTER II

SUSPENSION OF REGISTRATION AND LICENCES

DIVISION I

REGISTRATION, LEARNER'S LICENCES AND DRIVER'S LICENCES

188. The Régie may suspend the registration of a road vehicle in the following cases:

(1) the registration was obtained on the basis of false or inaccurate information;

(2) the owner neglects or refuses to submit the vehicle to mechanical inspection or to produce the certificate of mechanical inspection issued to him;

(3) a certificate of mechanical inspection attests that the vehicle has a minor defect which was not repaired within the time provided in section 528;

(4) the owner neglects or refuses to provide the Régie with information it requires of him pursuant to this Code;

(5) the owner is indebted to the Régie with respect to the registration.

189. The Régie must suspend the registration of a road vehicle where

(1) the Commission des transports du Québec orders it to withdraw the registration plate and registration certificate of the vehicle pursuant to section 35 of the Transport Act;

(2) the owner of the vehicle does not have a liability insurance contract as required under the Automobile Insurance Act;

(3) a certificate of mechanical inspection attests that the vehicle has a major defect.

190. The Régie may suspend a licence or a class of a licence where

(1) the licence holder refuses to undergo a medical or optometric examination or fails to submit the examination report to it;

(2) according to a medical or optometric report, the licence holder suffers from an illness or deficiency or is in a condition which, under the medical and optometric standards established by regulation, is relatively inconsistent with the driving of a road vehicle corresponding to the licence of the class he holds;

(3) according to a medical or optometric report, the licence holder suffers from an illness or deficiency or is in a condition which is not contemplated in the medical and optometric standards established by regulation but, in the opinion of a member of the Comité consultatif médical et optométrique, is inconsistent with the driving of a road vehicle corresponding to the licence of the class he holds;

(4) the licence holder refuses to undergo a proficiency examination or fails it;

(5) the licence or class concerned was obtained on the basis of false or inaccurate information;

(6) the licence holder neglects or refuses to provide the Régie with information it requires of him pursuant to this Code;

(7) he is indebted to the Régie with respect to the licence.

191. The Régie must suspend a licence or a class of a licence where according to a medical or optometric report, the licence holder suffers from an illness or deficiency or is in a condition which, under the medical and optometric standards established by regulation, is absolutely inconsistent with the driving of a road vehicle corresponding to that licence or to the class concerned.

192. Where a person is convicted of an offence against the first paragraph of section 105, the Régie must suspend his licence or his right to obtain a licence

(1) for a period equal to the longest disqualification period applicable to him under section 76 or 79 at the time he committed the offence;

(2) for a period of three months, if the suspension in force at the time he committed the offence was imposed under section 190, paragraph 1 of section 191, section 194, or any of sections 196, 197 and 200 to 202.

193. A suspension imposed under section 192 takes effect only after any disqualification period applicable to the person under section 76 or 79 has ended or any suspension under any of sections 190, 191, 194, 196, 197 and 200 to 202 has been lifted, as the case may be.

Any further suspension imposed under section 192 subsequent to a first suspension takes effect after the end of the first suspension period.

194. The Régie must suspend a person's licence where it receives the notice provided for in section 63.20 of the Summary Convictions Act.

The suspension remains in force as long as the Régie has not received the notice provided for in section 63.21 of the said Act.

195. Where the term of validity of a registration or licence terminates before the end of a period of suspension applicable to that registration or licence, the right to obtain a registration or a licence is then suspended for the unexpired portion of the period of suspension.

196. Where the Régie is informed that damage amounting to over \$500 has been caused in an accident and it is not shown to its satisfaction that the owner of a road vehicle involved in the accident held, at the time of the accident, a liability insurance contract as required under the Automobile Insurance Act for that vehicle, except where liability insurance is not required under the said Act, the Régie shall suspend the licence or the right to obtain a licence of the owner and the driver of the vehicle, the registration of any road vehicle registered in the name of either as well as the right of either to obtain a registration.

A suspension under the first paragraph must not be imposed or must be cancelled where it is shown to the satisfaction of the Régie that at the time of the accident, the uninsured vehicle was legally parked, in the possession of a third person who had acquired it by theft or taken it without permission, or in the possession of a third person for storage, repair or transportation or that only the uninsured vehicle or the movable effects it contained sustained damage in the accident.

With respect to the driver, a suspension under the first paragraph must not be imposed or must be cancelled where it is shown to the satisfaction of the Régie that at the time of the accident, he was the owner of a road vehicle for which he held a liability insurance contract as required under the Automobile Insurance Act.

197. The Régie shall not lift a suspension imposed under section 196 until the person concerned furnishes security to it in accordance with section 198 to satisfy any judgment that may arise from the accident or satisfactory proof of exoneration, acquittal or agreement to effect payment in regular instalments, in respect of any claim arising or that may arise from the accident, up to the amount applicable.

Where the creditor who is party to the agreement contemplated in the first paragraph notifies the Régie that payment by the debtor has been interrupted, the Régie must reinstate the suspension it had lifted following the agreement.

198. The security to satisfy any judgment arising from the accident must be in an amount considered sufficient to satisfy any claim arising or that may arise from the accident but not exceeding,

(1) for accidents having occurred between 1 October 1961 and 28 February 1978, the sum of \$35 000, in addition to interest and costs, after deducting \$200 for third party property damage;

(2) for accidents having occurred and occurring from 1 March 1978, the amount provided in section 87 of the Automobile Insurance Act.

For the purposes of this section, the Régie may require an assessment report as to the damage resulting from the accident and determine the form in which security may be furnished to it.

199. Unless otherwise provided in any Act, the person contemplated in section 198 is no longer required to furnish security if

- (1) prescription of the claim has been acquired;
- (2) he has furnished proof of payment of the damage caused by the accident;
- (3) he has been released by final judgment from all liability for the damage resulting from the accident.

200. Upon receiving a notice to that effect from the creditor concerned, the Régie shall suspend the licence, and the registration of the road vehicle or the right to obtain them of a debtor who has not, within the time prescribed for execution, satisfied a final judgment handed down in Canada

- (1) in the amount of not less than \$100 for bodily injury or not less than \$200 for third party property damage resulting from an accident that occurred between 1 October 1961 and 28 February 1978;

- (2) in the amount of not less than \$250 for third party property damage resulting from an accident that occurred between 1 March 1978 and *(insert here the date preceding the date of coming into force of this Code)*;

- (3) in the amount of not less than \$500 for third party property damage resulting from an accident occurring from *(insert here the date of coming into force of this Code)*.

201. A suspension under section 200 remains in force

- (1) for accidents having occurred between 1 October 1961 and 28 February 1978, as long as the debtor has not satisfied the judgment, up to an amount of \$35 000 in addition to interest and costs, after deducting up to \$200 for third party property damage;

- (2) for accidents occurring from 1 March 1978, as long as the debtor has not satisfied the judgment, up to the amount prescribed in section 87 of the Automobile Insurance Act;

- (3) for accidents referred to in subparagraphs 1 and 2, as long as the debtor has not reached an agreement with his creditor to the satisfaction of the Régie, to effect payment in regular instalments.

In the case referred to in subparagraph 3, on receiving a notice from the creditor that payment by the debtor has been interrupted, the Régie must reinstate the suspension it had lifted following the agreement.

202. Where the Régie has effected a payment in satisfaction of a judgment, no licence or registration may be issued or reinstated by it until the debtor has reimbursed the total amount paid, with interest, or has come to an agreement with it to pay in instalments.

In the latter case, the Régie must reinstate the suspension it had lifted if payment by the debtor is interrupted.

DIVISION II

DRIVING SCHOOL LICENCES AND INSTRUCTOR'S LICENCES

203. The Régie may suspend a driving school licence or an instructor's licence if the holder no longer fulfils the conditions attached to the licence or neglects or refuses to comply with a request made under this Code by the Régie or by a person it designates.

204. The Régie must suspend a driving school licence or an instructor's licence

(1) for three months if the holder is convicted of an offence under sections 146 to 150 after having been convicted, in the two years preceding the offence, of an offence under the said sections;

(2) for six months if the holder is convicted of an offence under sections 146 to 150 after having been convicted, in the two years preceding the offence, of two other offences under the said sections;

(3) for twelve months if the holder is convicted of an offence under sections 146 to 150 after having been convicted, in the two years preceding the offence, of more than two other offences under the said sections.

For the purposes of this section, no conviction for which a pardon was obtained shall be taken into account.

205. The Régie must suspend a driving school licence or an instructor's licence for an additional period equal to the initial period of suspension of three, six or twelve months if the holder continues to operate a driving school or to give instruction in driving a passenger vehicle after his licence is suspended under paragraph 1, 2 or 3 of section 204.

206. Where the term of validity of a driving school licence or instructor's licence terminates before the end of a period of suspension applicable to the licence, the right to obtain such a licence is then suspended for the unexpired portion of the period of suspension.

DIVISION III

DEALER'S LICENCES AND RECYCLER'S LICENCES

207. The Régie may

(1) suspend a dealer's licence or a recycler's licence if the holder no longer fulfils the conditions attached to the licence;

(2) suspend, on the recommendation of the president of the Office de la protection du consommateur, the licence of a dealer or of a recycler convicted of an offence under the Consumer Protection Act, unless a pardon was obtained.

208. The Régie must suspend a dealer's licence or a recycler's licence

(1) for three months if the holder is convicted of an offence under section 164 after having been convicted, in the two years preceding the offence, of an offence under the said section;

(2) for six months if the holder is convicted of an offence under section 164 after having been convicted, in the two years preceding the offence, of two other offences under the said section;

(3) for twelve months if the holder is convicted of an offence under section 164 after having been convicted, in the two years preceding the offence, of more than two other offences under the said section;

(4) for an additional period equal to the initial period of suspension of three, six or twelve months if the holder continues to operate his business after his licence is suspended under paragraph 1, 2 or 3.

For the purposes of this section, no conviction for which a pardon was obtained shall be taken into account.

209. Where the term of validity of a dealer's licence or recycler's licence terminates before the end of the period of suspension applicable to the licence, the right to obtain such a licence is then suspended for the unexpired portion of the period of suspension.

TITLE VI

RULES RESPECTING
VEHICLES AND THEIR EQUIPMENT

CHAPTER I

GENERAL PROVISIONS

210. Road vehicles and bicycles must be provided with an identification number affixed by the manufacturer, who must communicate to the Régie the components of the numbers affixed to road vehicles.

The Régie may also affix an identification number to a road vehicle on payment of the fee and on the conditions established by regulation.

211. Except with prior approval from the Régie, no person may alter, make illegible, erase, replace or remove the identification number of a road vehicle or bicycle.

212. In addition to the equipment prescribed in this Title, road vehicles and bicycles must be equipped with any other accessory and equipment required to be installed by the manufacturer under an Act or a regulation in force in Québec.

213. All equipment prescribed in this Code must be kept in good working order at all times.

214. Except with prior approval from the Régie, no person may make, on a road vehicle intended to be operated on a public highway alterations to the chassis, alterations to the body or to a mechanism if susceptible of reducing the stability or braking capacity of the vehicle or any other alteration that would transform a vehicle into a vehicle of another type.

CHAPTER II

PROVISIONS RESPECTING VEHICLE
LIGHTING DEVICES AND WARNING LIGHTS

215. Every motor vehicle, other than a motorcycle or a moped, must carry at least

(1) two single or double white headlights, at the same height, one on each side of the vertical centreline and as far apart as practicable;

(2) two amber or white parking lights, on the front, at the same height, one on each side of the vertical centreline and as far apart as practicable;

(3) two red parking lights, at the rear, at the same height, one on each side of the vertical centreline and as far apart as practicable;

(4) two red stop lights, at the rear, at the same height, one on each side of the vertical centreline and as far apart as practicable;

(5) two amber or white turn-signal lights, on the front, at the same height, one on each side of the vertical centreline and as far apart as practicable;

(6) two red or amber turn-signal lights, at the rear, at the same height, one on each side of the vertical centreline and as far apart as practicable;

(7) one amber side marker lamp on each side, as far forward as practicable;

(8) one red side marker lamp on each side, as far to the rear as practicable;

(9) a white back-up light at the rear;

(10) a white light illuminating the rear registration plate.

In the case of a combination of road vehicles, the lights prescribed in subparagraphs 3, 4 and 6 must be mounted at the rear of the last vehicle.

216. In addition to the lights prescribed in section 215, every motor vehicle, other than a passenger vehicle or a taxi, or every combination of road vehicles, measuring at any point more than 2.03 metres in width must carry,

(1) on the front, two amber clearance lights, at the same height and not more than 150 mm from the upper right and left extremities of the vehicle;

(2) at the rear, two red clearance lights, not more than 150 mm from the upper right and left extremities of the vehicle;

(3) at the rear, two red reflectors, one on each side of the vertical centreline and as far apart as practicable;

(4) on the front, three amber identification lights, grouped in a horizontal row at the centre as close as practicable to the top of the vehicle, and spaced not less than 150 mm nor more than 300 mm apart;

(5) at the rear, three red identification lights, grouped in a horizontal row at the centre as close as practicable to the top of the vehicle, and spaced not less than 150 mm nor more than 300 mm apart.

Where the identification lights prescribed in subparagraph 5 of the first paragraph are mounted at the very top of the vehicle, the clearance lights prescribed in subparagraph 2 of the first paragraph need not be mounted at the prescribed height.

217. The amber identification lights of a combination of road vehicles must be as near to the top of the tractor vehicle as its permanent structure permits.

218. The red identification lights of a combination of road vehicles must be as near to the top of the trailer or semi-trailer as its permanent structure permits.

219. The three red identification lights and the two red reflectors of a motor vehicle or of a combination of road vehicles whose only superstructure is the driver's cab must be grouped in a horizontal row at the rear of the platform or between the two tail-lights required for all vehicles, but the red clearance lights are not prescribed in such a case as long as the tail-lights are placed not more than 150 mm from the right and left extremities of the vehicle.

220. In addition to the lights and reflectors prescribed in sections 215 and 216, every trailer or semi-trailer measuring 1.8 metres or more in length must carry

(1) two amber side marker lights, one on each side as far forward as practicable;

(2) two red side marker lights, one on each side as far to the rear as practicable.

221. In addition to the lights prescribed in section 215, every passenger vehicle, other than a motorcycle or a moped, and every other vehicle of the same configuration manufactured from 1 January 1987 must be equipped with a red stop light at the rear, on the vertical

centreline, at the same height as or higher than the stop lights prescribed in paragraph 4 of section 215.

222. The fog lights that may be mounted on a road vehicle must conform to the standards established by regulation and must be on the front of the vehicle and at the same height, which must not be higher than that of the white headlights.

223. Back-up lights must remain extinguished when the vehicle is moving forward.

224. The Minister of Transport may authorize, on conditions established by regulation, the installation and use of white lights at the rear of certain classes or sub-classes of road vehicles.

225. A road vehicle over two metres in width, operated outside a city or town, must contain the portable lamps, reflectors and flares prescribed by regulation.

226. Emergency vehicles may carry flashing or rotating red lights.

Police vehicles may carry blue flashing or rotating lights.

227. Service vehicles, equipment vehicles, vehicles used for snow removal or for road maintenance, vehicles for which the conditions of issue of a special permit so require and vehicles meeting the criteria established by regulation may carry flashing or rotating amber lights.

For the purposes of this section, “service vehicle” is a motor vehicle equipped to refuel, repair or tow road vehicles and an “equipment vehicle” is a motor vehicle used for the transportation of permanently attached equipment and provided with a load space.

228. Where the conditions of issue of a special permit require that a road vehicle be equipped with a rotating or flashing amber light, the vehicle must be so equipped throughout the term of the special permit and the light must be used in accordance with the conditions appearing on the permit.

229. Every bus or minibus used for the transportation of school children within the meaning of a regulation under the Transport Act must be equipped with two signs bearing the inscription “Écoliers”, one on the front of the vehicle, the other at the rear. It must also be equipped with flashing lights, on the front and at the rear of the vehicle.

The signs and the lights prescribed in the first paragraph must conform to the regulations under the Transport Act.

The signs must be removed or covered when the vehicle is not being used to provide the transportation referred to in section 454 or 461.

230. Every motorcycle or moped must carry at least

- (1) one white headlight;
- (2) one red tail-light;
- (3) two white or amber turn-signal lights on the front and two red or amber turn-signal lights at the rear;
- (4) one red stop light at the rear.

231. When a motorcycle is equipped with a sidecar, the sidecar must carry a red tail-light, which must be as near as practicable to the right extremity of the sidecar.

232. Every bicycle must carry at least

- (1) one white reflector at the front;
- (2) one red reflector at the rear;
- (3) one amber reflector on each pedal;
- (4) one amber reflector attached to the spokes of the front wheel;
- (5) one red reflector attached to the spokes of the back wheel.

233. At night, every bicycle must also carry, at least one white headlight and one red tail-light.

234. Every road vehicle, other than a vehicle specifically mentioned in this chapter, must carry two white headlights and two red tail-lights.

235. The white headlights prescribed in this chapter must be firmly attached to the vehicle and be so adjusted as to produce, under normal atmospheric conditions and on a level road, sufficient light to enable the driver of the vehicle to discern a person or an object within a distance of 150 m.

In the case of a moped, the light must enable the driver to discern a person or an object within a distance of 90 m and in the case of a bicycle, at a distance of 10 m.

236. Where two white headlights are mounted on a vehicle, they must be at the same height, one on each side of the vertical centreline and as far apart as practicable.

237. The headlights, lights and reflectors prescribed in this chapter must be visible at a distance of not less than 150 m and conform to the standards established by regulation.

They must be kept free of any obstructing matter that reduces their effectiveness.

238. A peace officer may require the driver of a road vehicle to clean the headlights, lights and reflectors of the vehicle where their effectiveness is reduced by dirt or other obstructing matter.

The driver must comply with the requirement of the peace officer.

239. No road vehicle, except a vehicle contemplated in section 226 or 227, may carry flashing or rotating lights.

240. A peace officer is authorized to require the removal, at the expense of the owner, of a flashing or rotating light carried by a road vehicle in contravention of this Code.

The peace officer shall give a receipt to the person in possession of the vehicle and remit the light to the Régie.

CHAPTER III

PROVISIONS RESPECTING BRAKES AND BRAKE SYSTEMS

241. For the purposes of this chapter, the term “motor vehicle” does not include a motorcycle or moped.

242. Subject to sections 243 to 247, every road vehicle must be equipped with at least one braking system sufficiently powerful to stop the vehicle quickly in case of emergency and hold the vehicle stationary.

243. Every motor vehicle or combination of road vehicles must be equipped with at least one service brake system allowing sufficient braking force to be applied on each weight-bearing wheel to stop the

vehicle quickly in case of emergency and with a parking brake system to hold the vehicle stationary.

244. Every trailer or semi-trailer that is part of a combination of road vehicles and that has a mass of 1 300 kg or over or, that has a mass that is 50% or more greater than the mass of the tractor vehicle must be equipped with an independent brake system allowing application of a braking force on each weight-bearing wheel.

This section does not apply to a trailer used for agricultural purposes and belonging to a farmer within the meaning of section 16.

245. Every trailer or semi-trailer, other than a trailer or semi-trailer referred to in section 244, operated without an independent brake system adequate to stop the vehicle if the trailer or semi-trailer becomes separated from the tractor vehicle, must be equipped with chains, cables or any other safety device that is sufficiently solid and so installed as to ensure that the trailer or semi-trailer and the tractor vehicle remain attached in the event of a failure in the attachment devices.

246. Every motorcycle or moped must be equipped with at least two brake systems, one acting on the front wheel, the other on the rear wheel, with independent controls for each system. The system acting on the rear wheel may also act on the front wheel.

The brake systems must be sufficiently powerful to stop the vehicle quickly in case of emergency and to hold it stationary.

247. Every bicycle must be equipped with at least one brake system acting on the rear wheel. The system must be sufficiently powerful to quickly block the rotation of the wheel on a paved, dry and level roadway.

248. No person may drive a road vehicle having a brake system that has been modified or altered in such a way as to reduce its effectiveness.

249. A peace officer who has reasonable grounds to believe that the brake system of a road vehicle or bicycle is defective or out of order may require that the vehicle be taken to the nearest practicable place and retained at the expense of the owner until the problem is corrected.

CHAPTER IV

PROVISIONS RESPECTING VARIOUS
OTHER EQUIPMENT

250. No person may either effect or cause the removal, alteration or putting out of service of a seat belt with which the seats of a road vehicle are equipped under the Motor Vehicle Safety Act (R.S.C., 1970, chapter 26, 1st Supplement).

251. No person may effect or cause the installation of a radar warning device in a road vehicle.

252. No person may sell or offer for sale a radar warning device.

253. For the purposes of sections 251 and 252, a “radar warning device” is any device or combination of devices that can be used to warn the driver of a road vehicle of the presence of radar speed measuring equipment or to interfere with the normal operation of such radar equipment.

254. Every motor vehicle must be equipped with a horn.

255. Only emergency vehicles may be equipped with a siren or a device producing a similar sound.

The first paragraph does not apply to an anti-theft device installed and used in a road vehicle in accordance with the standards established by regulation.

256. No person may sound the horn of a road vehicle, except in case of necessity.

257. A peace officer is authorized to require the removal, at the expense of the owner of a road vehicle, of a siren or any other device producing a similar sound installed on a vehicle in contravention of this Code. The peace officer shall give a receipt to the person in possession of the vehicle and remit the device to the Régie.

258. Every motor vehicle must be equipped with an exhaust system that conforms to the standards established by regulation.

259. No person may sell or offer for sale, for use on a public highway, an exhaust system that does not conform to the standards prescribed by regulation.

260. No person may perform or cause the performance of any operation on a motor vehicle to cancel or reduce the effectiveness of the exhaust system of the vehicle.

261. Every motor vehicle equipped with a windshield, other than a motorcycle or moped, must be equipped with a front windshield wiper and, if fitted as original equipment by the manufacturer, a front windshield washer.

262. Every motor vehicle, other than a motorcycle or moped, must be equipped with at least two rear-view mirrors, one solidly attached to the interior of the vehicle at the centre of the upper part of the windshield, and the other, to the exterior of the vehicle on the left side.

When the interior rear-view mirror cannot be used, another rear-view mirror must be attached to the exterior of the vehicle on the right side.

263. Every motorcycle or moped must be equipped with two rear-view mirrors, one solidly attached to each side of the vehicle.

264. The windows, windshield and safety partitions of a motor vehicle must be made of transparent glass so manufactured or treated as to substantially reduce friability and the likelihood of shattering.

265. The windshield and the other windows of a motor vehicle must conform to the standards prescribed by regulation to ensure good visibility for the driver.

They must be free of any material that might reduce visibility for the driver.

266. No person may coat the windshield or the windows of a road vehicle or cause them to be coated with a substance having the effect of reducing or preventing good visibility from inside or outside the vehicle.

267. A peace officer may require the driver of a vehicle to clean or clear the windshield and windowns where obstructing matter reduces visibility for the driver.

The driver must comply with the requirement of the peace officer.

268. Every motor vehicle, other than a motorcycle with a piston displacement not in excess of 125 cc or a moped, must be equipped with an odometer and a speedometer.

269. Where a road vehicle is equipped with bumpers as original equipment by the manufacturer, they must be solidly attached to the part of the vehicle designed for that purpose.

270. Every road vehicle must be fitted with tires that conform to the standards prescribed by regulation.

271. No person may sell or offer for sale, for use on a public highway, a tire that does not conform to the standards prescribed by regulation.

272. With the exception of farm tractors and of farm equipment not equipped with mudguards as original equipment by the manufacturer, every motor vehicle or combination of road vehicles if not fitted with permanent mudguards at least as wide as the tread of the tires, must be equipped with detachable mudguards of resistant material and at least as wide as the tread of the tires.

273. The lower end of the detachable mudguards must not be more than 350 mm from the ground, measured when the vehicle is not loaded.

274. Every road vehicle built to be driven at a speed of less than 40 km/h must carry a warning sign in accordance with the norms prescribed by regulation.

CHAPTER V

PENAL PROVISIONS

275. The owner of a road vehicle that does not meet the requirements of any of sections 212, 269 and 272 to 274 is guilty of an offence and is liable, in addition to costs, to a fine of \$30 to \$60.

276. The owner of a bicycle that does not meet the requirements of any of sections 212, 232, 233, the second paragraph of section 235 or of either of sections 237 and 247 is guilty of an offence and is liable, in addition to costs, to a fine of \$30 to \$60.

277. Every person who contravenes the second paragraph of section 238 or section 256 is guilty of an offence and is liable, in addition to costs, to a fine of \$60 to \$100.

278. The owner of a road vehicle who contravenes section 213 is guilty of an offence and is liable, in addition to costs, to a fine of \$60 to \$100.

279. Every person who installs or uses a white headlight in contravention of section 224 is guilty of an offence and is liable, in addition to costs, to a fine of \$60 to \$100.

280. The owner of a vehicle that does not meet the requirements of any of sections 215 to 223, 225, 230, 231, 234 to 237, 254, 258, 261 to 265, 268 and 270 is guilty of an offence and is liable, in addition to costs, to a fine of \$60 to \$100.

281. Every person who contravenes any of sections 214, 248, 259, 260 and 266, the second paragraph of section 267 and section 271 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

282. The owner of a vehicle that does not meet the requirements of any of sections 239, 242, 243, 246 and 255 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

283. The holder of a special permit who contravenes section 228 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

284. Every person who contravenes any of sections 250 to 252 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

285. The owner of a road vehicle that does not meet the requirements of either of sections 244 and 245 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

286. Every person who contravenes section 211 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2 000.

287. The owner of a vehicle that does not meet the requirements of section 229 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2 000.

TITLE VII

ROAD AND TRAFFIC SIGNS AND SIGNALS

CHAPTER I

GENERAL PROVISIONS

288. For the purposes of this Title, a “limited access highway” is a public highway that may be entered or left only at the specially provided entrances or exits.

289. All road or traffic signs must conform to the specifications established by the Minister of Transport and published in the *Gazette officielle du Québec*, which may prescribe rules respecting their installation.

The Minister of Transport may remove any sign that does not meet the established specifications.

290. The person responsible for the maintenance of a public highway may require the payment of an annual fee fixed by regulation for the erection of commercial tourist information signs on that highway.

291. 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 the mass or dimension of which exceeds that indicated on the sign or signal.

No person may drive on that highway a vehicle the mass or dimension of which exceeds that indicated.

292. Any sign or signal erected under section 291 may provide exceptions with respect to road vehicles used to collect or to deliver goods or property in the territory of a municipality through which runs a highway on which traffic is prohibited pursuant to that section.

293. The person responsible for the maintenance of a public highway may, for reasons of safety or in the public interest during exceptional events or sports events, restrict or prohibit all or some vehicular traffic on that highway for the time he indicates.

Any sign, signal, barrier or other device erected to control vehicular traffic is proof of the control.

No person may drive a road vehicle in contravention of this section during the period traffic is restricted or prohibited.

294. The person responsible for the maintenance of a public highway must erect the proper signs or signals at every intersection.

295. The person responsible for the maintenance of a public highway may, by means of the proper signs or signals,

- (1) indicate traffic stops;
- (2) prohibit U-turns at such locations as may be determined by him;
- (3) lay out pedestrian walkways;
- (4) reserve lanes for the exclusive use of bicycles or certain classes of road vehicles or for the exclusive performance of certain manoeuvres;
- (5) indicate level crossings where the driver of a road vehicle referred to in section 413 is exempt from the requirements of that section;
- (6) authorize the ridding of a horse on such conditions and at such places as may be determined by regulations;
- (7) prohibit, restrict or otherwise regulate the stopping or parking of road vehicles;
- (8) reserve parking spaces for handicapped persons.

296. The person responsible for the maintenance of a limited access highway may, by means of the proper signs or signals,

- (1) prohibit pedestrians from that highway and its entrances and exits;
- (2) regulate or prohibit the presence of certain classes of road vehicles on that highway.

297. The Minister of Transport may, by means of the proper signs, designate a public highway as an autoroute.

298. Every municipality to which paragraph 4 of section 328 applies must erect a sign or signal on every public highway under its maintenance that leads to a built-up area to indicate that the speed limit is set at 50 km/h.

299. Every municipality that establishes, by by-law, a speed limit other than the rate of speed provided for in section 328 shall indicate that rate of speed by means of signs or signals. If the municipality fails to do so, section 328 applies.

300. In the cases described in section 329, the decision of the Minister of Transport prevails over any provision of a by-law passed by a municipality.

The municipality shall, on a notice from the Minister and within the time he indicates, remove the signs or signals erected by it. If it fails to do so within the allotted time, the Minister may remove the signs or signals at the expenses of the municipality.

301. No person, except the person responsible for the maintenance of a public highway, may erect signs or signals or cause signs or signals to be erected on that highway.

302. The person responsible for the maintenance of the public highway may remove any sign or signal erected in contravention of section 301.

303. Notwithstanding section 301, every person carrying on construction or maintenance work or conducting a road check operation shall erect, for the time of the work or operation, signs or signals to warn against danger to be avoided or to indicate a direction to be followed or a rate of speed other than the prescribed rate of speed to be respected.

304. No person may, except with the authorization of the person responsible for the maintenance of a public highway, erect any signal, sign, indication or device on that highway.

305. The person responsible for the maintenance of the public highway may, at the expense of the contravener, remove any object erected in contravention of section 304.

306. No person may erect or display on a private property any signal, sign, indication or device that encroaches upon a public highway or that could create confusion or obstruct any sign erected on a public highway.

307. The person responsible for the maintenance of the public highway may, after the expiry of a forty-eight hour notice requiring the property owner to remove any signal, sign, indication or device

erected or displayed in contravention of section 306 may enter upon the property and remove any such object at the owner's expense.

308. Every sign or signal erected on a private road open to general vehicular traffic must conform to the specifications prescribed in respect of public highways by the Minister of Transport.

309. The Minister of Transport or the municipality within whose territory the road is situated may, after the expiry of a forty-eight hour notice requiring the contravener to remove any sign or signal contravening section 308, have it removed at the contravener's expense.

310. Every person must comply with every road or traffic sign or signal erected on a road or highway under this Code.

311. Where traffic is directed by a peace officer, a school crossing guard or a flag man in charge of directing traffic around or about work sites, every person shall obey his orders or signals even if contrary to existing traffic signs or signals.

312. No person may drive on private property to avoid compliance with a traffic sign or signal.

CHAPTER II

PENAL PROVISIONS

313. The driver of a bicycle who contravenes section 312 is guilty of an offence and is liable, in addition to costs, to a fine of \$30 to \$60.

314. The driver of a road vehicle who contravenes the third paragraph of section 293 or any of sections 310 to 312 is guilty of an offence and is liable, in addition to costs, to a fine of \$60 to \$100.

315. Every person who contravenes either of sections 304 and 308 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

316. Every person who contravenes either of sections 301 and 306 is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

317. Every person who contravenes section 303 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2 000.

318. Every person who contravenes the second paragraph of section 291 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$6 000.

Notwithstanding the first paragraph, in a case contemplated in section 292 every person who contravenes the second paragraph of section 291 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

TITLE VIII

RULES OF THE ROAD

CHAPTER I

INTERPRETATION

319. For the purposes of this Title, unless the context indicates otherwise, the term “limited access highway” is a public highway that may be entered or left only at specially provided entrances or exits.

CHAPTER II

GENERAL PROVISIONS RESPECTING VEHICULAR TRAFFIC

DIVISION I

DRIVING RULES

§ 1.—*Lanes*

320. On a two-way roadway, the driver of a road vehicle must use the right-hand lane of the roadway.

To pass another vehicle or where the lane is obstructed or closed to traffic, the driver may use the other lane but he must then yield the right of way to the vehicle moving in the opposite direction.

321. On a two-way roadway with two lanes or over, the driver of a road vehicle must use the right-hand lane of the roadway.

To pass another vehicle, to turn left or where the right-hand lane is obstructed or closed to traffic, the driver may use another lane in the direction his vehicle is moving.

Where all the lanes in the direction in which the vehicle is moving are obstructed or closed to traffic, the driver may use the nearest lane in the opposite direction that is not obstructed or closed to traffic, but he must then yield the right of way to any vehicle moving in the opposite direction.

322. On a two-way roadway divided into three traffic lanes, where the centre lane is used in either direction, the driver of a road vehicle must use the right-hand lane. He may use the centre lane only for passing or for making left turns.

323. On a two-way roadway divided into five traffic lanes, where the centre lane is used in either direction, the driver of a road vehicle must use either of the two right-hand lanes. He may use the centre lane only for making left turns.

324. On a one-way roadway with two lanes or over, the driver of a road vehicle shall use the right-hand lane.

On a one-way roadway with three lanes or over, the driver must use one of the right-hand lanes.

To pass another vehicle, to turn left, to enter an exit ramps on a limited access highway or where the lane he is using is obstructed or closed to traffic, the driver may use the lane closest to the left-hand side.

325. Notwithstanding section 324, within a city or town or where the speed limit is less than 80 km/h the driver of a road vehicle may use any of the lanes. In such a case, road vehicles moving faster in one lane than in another are not considered to be passing.

The driver of a road vehicle proceeding at less than the normal speed of traffic must drive in the right-hand lane closest to the edge of the roadway, unless he is about to turn left, to park or to stop on the left-hand side and has signalled his intention.

326. On a public highway where the roadways are separated by a median strip or any other separation, the driver of a road vehicle shall not cross the separation except at the places laid out for that purpose and not before he has ascertained that he can do so in safety.

§ 2.—Speed limits and distance between vehicles

327. Any rate of speed or any action that is unsafe or that endangers life or property is prohibited.

328. Without restricting the scope of section 327, no person may drive a road vehicle at a speed

- (1) of less than 60 km/h or more than 100 km/h on autoroutes;
- (2) in excess of 90 km/h on public highways surfaced with concrete, asphalt or a similar material outside cities, towns or villages;
- (3) in excess of 70 km/h on gravel highways outside cities, towns or villages;
- (4) in excess of 50 km/h in cities, towns and villages, except on autoroutes and on highways on which signs indicate otherwise;
- (5) in excess of 50 km/h in school zones when schoolchildren are entering or leaving school.

329. The Minister of Transport may change the speed limits provided in section 328 for all road vehicles or for certain categories thereof.

The installation of traffic signs is proof of the decision of the Minister. The date and approximate location of the installation of such signs, or of their removal, if such is the case, must be entered in a register kept by the Minister.

No person may drive at a speed in excess of the limits indicated on the traffic signs erected under this section.

330. The driver of a road vehicle must reduce the speed of his vehicle when visibility conditions become inadequate because of darkness, fog, rain or other precipitation or when the roadway is slippery or not completely cleared.

331. No person may drive a road vehicle at a low speed that may impede or obstruct normal traffic, except where necessary.

In case of necessity, the driver must use the flashing emergency lights of his vehicle.

332. The rate of speed of a road vehicle may be measured by means of a device approved by regulation and used as prescribed by regulation.

In the absence of any contrary evidence, the use of the speed measuring device in prescribed manner at the time an offence is alleged

to have been committed is proof that the device accurately measured the rate of speed of the road vehicle concerned.

333. No person may drive a road vehicle containing a radar warning device within the meaning of section 253.

334. Every peace officer who has reasonable grounds to believe that a road vehicle contains a radar warning device, may stop the vehicle and inspect it. He may confiscate the radar warning device found in the vehicle, at the expense of the owner of the vehicle.

When confiscating such a radar warning device, the peace officer shall give a receipt to the person in possession of the vehicle and remit the device to the Régie.

335. The driver of a road vehicle shall not follow another vehicle more closely than is prudent and reasonable, taking account of speed, traffic density, atmospheric conditions and the condition of the roadway.

336. Outside a city, town or village, the drivers of road vehicles moving in convoy shall leave sufficient space between them to allow vehicles passing them to occupy the intervening spaces in safety.

337. On a two-way roadway outside a city, town or village, the driver of a road vehicle that has a net mass declared on the registration certificate of 5 500 kg or over and that is following a vehicle that has also a net declared mass of 5 500 kg or over must leave not less than ninety metres between the two vehicles to allow other vehicles to pass.

§ 3.—*Passing*

338. The driver of a road vehicle may cross any lane marked off by a broken line to pass or to change lanes.

339. On a two-way roadway, the driver of a road vehicle passing another vehicle must return to the right lane as soon as possible, after signalling his intention and ascertaining that he may do so without risk to the vehicle being passed.

340. The driver of a road vehicle being passed or about to be passed must not increase the speed of his vehicle while it is being passed.

341. No driver of a road vehicle may pass a bicycle within the same traffic lane unless there is sufficient space to allow him to do so in safety.

342. In no case may the driver of a road vehicle successively pass two or more vehicles in a zigzag pattern on a one-way roadway having two or more traffic lanes.

343. In no case may the driver of a road vehicle cross any of the following lines to pass:

- (1) a solid single line,
- (2) a solid double line,
- (3) a double line consisting of a broken line and a solid line, the latter being situated on the side of the lane in which the road vehicle is moving.

344. The driver of a road vehicle may cross a line described in section 343 providing that he can do so in safety, if the lane is obstructed or closed to traffic, or to pass farm machinery, a farm tractor, a horse-drawn vehicle, a bicycle or a road vehicle carrying a slow-moving vehicle sign.

345. No driver may, to pass, use the lane reserved for traffic moving in the opposite direction

(1) when approaching the crest or at the crest of a grade or on a curve where he cannot see, at a sufficient distance, vehicles approaching from the opposite direction;

(2) in or upon, or when approaching an intersection, a level crossing, a tunnel or a pedestrian crosswalk identified as such.

346. No driver of a road vehicle may pass another vehicle to the right, except where the vehicle being passed is turning left, is about to turn left or is moving toward an exit ramp on a limited access highway.

347. In no case may a driver passing another vehicle drive off the roadway.

348. No driver is allowed to pass

(1) where the driver of a vehicle behind him has already signalled his intention to pass or has already begun to pass;

(2) where the visibility is insufficient to allow entry onto the other part of the roadway in safety;

(3) on a two-way roadway, where the other part of the roadway is not clear of traffic for a sufficient distance to allow him to pass and return to the right of the roadway in safety.

§ 4.—*Turns*

349. The driver of a road vehicle or any person riding a bicycle who is turning at an intersection must yield the right of way to pedestrians and cyclists crossing the roadway he is about to enter.

350. The driver of a road vehicle or any person riding a bicycle who is about to make a left turn must yield the right of way to any vehicle moving in the opposite direction, and is so close that it constitutes a hazard.

351. The driver of a road vehicle who is about to turn right at an intersection must, after signalling his intention and ascertaining that he can do so in safety, move to the extreme right of the roadway or into the space reserved for that purpose by an appropriate sign, make a sharp turn and not encroach on the left or the centre of the road he is entering.

352. On a two-way roadway, the driver of a road vehicle who is about to turn left at the intersection of a two-way roadway must, after signalling his intention and ascertaining that he can do so in safety, approach the centre line of the roadway on which he is driving, proceed in a straight line to the near side of the roadway he is about to enter and turn left as soon as the way is clear so as to enter the right-hand part of the other roadway.

353. On a two-way roadway with two lanes or over, the driver of a road vehicle who is about to turn left at the intersection of a two-way roadway with two lanes or over must, after signalling his intention and ascertaining that he can do so in safety, approach the centre line of the roadway on which he is driving, proceed in a straight line to the near side of the roadway he is about to enter and turn left as soon as the way is clear so as to enter the other roadway to the right of and as close as possible to the centre line.

354. On a two-way roadway, the driver of a road vehicle who is about to turn left at the intersection of a one-way roadway must, after signalling his intention and ascertaining that he can do so in safety, approach the centre line of the roadway on which he is driving, proceed in a straight line to the near side of the roadway he is about to enter

and turn left as soon as the way is clear so as to enter the left-hand part of the other roadway.

355. On a one-way roadway, the driver of a road vehicle who is about to turn left at the intersection of a one-way roadway must, after signalling his intention and ascertaining that he can do so in safety, move to the extreme left of the roadway to the near side of the roadway he is about to enter and turn left as soon as the way is clear so as to enter the left-hand part of the other roadway.

356. On a one-way roadway with two lanes or over, the driver of a road vehicle who is about to turn left at an intersection must, after signalling his intention and ascertaining that he can do so in safety, move to the extreme left of the roadway or into the space reserved for that purpose identified by an appropriate sign.

357. On a one-way roadway, the driver of a road vehicle who is about to turn left at the intersection of a two-way roadway must, after signalling his intention and ascertaining that he can do so in safety, move to the extreme left of the roadway on which he is driving, proceed in a straight line to the near side of the roadway he is about to enter and turn left as soon as the way is clear, so as to enter the right-hand part of the other roadway.

358. On a one-way roadway, the driver of a road vehicle who is about to turn left at the intersection of a two-way roadway with two or more traffic lanes must, after signalling his intention and ascertaining that he can do so in safety, move to the extreme left of the roadway on which he is driving, proceed in a straight line to the near side of the roadway he is about to enter and turn left as soon as the way is clear, so as to enter the other roadway to the right of and as close as possible to the centre line.

§ 5.—*Traffic control devices*

359. Unless otherwise directed by a sign or signal, when facing a red light, the driver of a road vehicle or any person riding a bicycle must stop his vehicle before the pedestrian crosswalk or stop-line or, if none, at the near side of the roadway he is about to cross or enter, and may proceed only when a signal shows he may do so.

360. Unless otherwise directed by a sign or signal, when facing a flashing red light, the driver of a road vehicle or any person riding a bicycle must stop his vehicle and yield the right of way to a vehicle

approaching on another roadway that is entering the intersection, or is so close that it constitutes a hazard.

361. Unless otherwise directed by a sign or signal, when facing an amber light, the driver of a road vehicle or any person riding a bicycle must stop his vehicle before the pedestrian crosswalk or stop-line or, if none, before the near side of the roadway he is about to cross, unless he has entered it or is so close to it that he could not stop in safety; he may proceed only when a signal shows he may do so.

362. Unless otherwise directed by a sign or signal, when facing a flashing amber light, the driver of a road vehicle or any person riding a bicycle must reduce the speed of his vehicle and he may proceed only after yielding the right of way to road vehicles, cyclists and pedestrians crossing the intersection.

363. Unless otherwise directed by a sign or signal, when facing a green light, whether flashing or not, the driver of a road vehicle or any person riding a bicycle must proceed ahead or turn left or right, after yielding the right of way to road vehicles, cyclists and pedestrians crossing the intersection.

364. Unless otherwise directed by a sign or signal, when facing a green arrow, whether flashing or not, the driver of a road vehicle or any person riding a bicycle must move in the direction indicated by the arrow, after yielding the right of way to road vehicles, cyclists and pedestrians crossing the intersection.

365. When traffic lights are installed above traffic lanes, the driver of a road vehicle may drive only in the lanes that are indicated by a green arrow.

366. Even if permitted by the traffic lights, no driver of a road vehicle may enter an intersection if there is not sufficient space ahead of the vehicle to proceed without blocking the intersection; in such a case, the driver must stop his vehicle before the near side of the roadway he is about to cross.

367. Where traffic lights installed at an intersection are defective or are not in operation, the driver of a road vehicle or any person riding a bicycle must act as if the intersection were regulated by stop signs for all directions, except where an adequate sign or signal replaces the traffic light.

368. The driver of a road vehicle or any person riding a bicycle must stop his vehicle when facing a stop sign, and comply with section 360.

369. At an intersection regulated by stop signs installed for only one roadway, the driver of a road vehicle or any person riding a bicycle who is facing a stop sign must stop his vehicle and yield the right of way to pedestrians and cyclists crossing the roadway he is about to cross or enter.

370. At an intersection regulated by stop signs for all directions, the driver of a road vehicle or any person riding a bicycle must stop his vehicle and yield the right of way to any vehicle having reached the intersection before him. He must also yield the right of way to pedestrians crossing the roadway he is about to cross or enter.

371. The driver of a road vehicle or any person riding a bicycle who is facing a "yield" sign must give priority to any vehicle moving in the lane he is about to enter where the vehicle is so close that entering the lane would constitute a hazard.

§ 6.—*Signalling*

372. The driver of a road vehicle who is about to make a turn, change lanes, make a U-turn or return to the roadway from the shoulder or a parking area must, after ascertaining that he may do so in safety, signal his intention by means of his turn-signal lights.

373. The driver of a road vehicle exempt from the requirement to be equipped with turn-signal lights, or on which such lights are defective, must signal his intention by manual signals.

To make a right turn, he must extend his forearm vertically upwards outside the vehicle and to make a left turn, he must extend his arm horizontally outside the vehicle.

374. The driver of a road vehicle exempt from the requirement to be equipped with stop lights, or on which such lights are defective, must signal his intention to stop his vehicle or to reduce its speed by extending his forearm vertically downwards outside the vehicle.

375. In cases described in sections 372 to 374, the driver of a road vehicle must signal his intention without interruption for a sufficient distance to avoid endangering the safety of other users of the public highway.

376. The driver of a road vehicle passing another vehicle must signal his intention by means of his turn-signal lights and may also signal his intention by flashing his headlights.

377. No person may use the flashing emergency lights of a road vehicle except for reasons of safety.

378. The driver of an emergency vehicle shall not operate the flashing or rotating lights or the sound producing device referred to in section 255 with which his vehicle is equipped except in the performance of his duties and if required by the circumstances.

In such a case, the driver is not bound to comply with the provisions of sections 328, 342, 343, 346, 347, 359, 360, 364, 365, 367, 368, 371, 381 to 384 and 386.

379. The driver of a road vehicle shall not operate the flashing or rotating amber lights with which his vehicle is equipped except in the performance of his duties and if so required by the circumstances.

DIVISION II

STOPPING

380. No person may leave a child under five years of age unattended in a road vehicle under his custody.

381. No person may leave unattended a road vehicle that is in his custody without previously stopping the engine, removing the ignition key and locking the doors.

382. No person may stop a road vehicle in such a manner that it will block a sign or signal, obstruct traffic, hinder the performance of work or the maintenance of highways or prevent access to any property.

383. Unless otherwise indicated by the person responsible for the maintenance of the highway, a road vehicle must be parked not more than thirty centimetres from the near edge of the roadway and facing the same way as the traffic.

Where a road vehicle is parked on a slope, its front wheels must be turned so that if such vehicle moves ahead of its own momentum, it will do so toward the near edge of the roadway.

Notwithstanding the foregoing, a motorcycle or moped may be angle-parked against the near edge of the roadway, in the same direction as the traffic, so that if the vehicle moves ahead of its own momentum it will do so toward the near edge of the roadway.

384. Outside cities, towns and villages, no person may stop a road vehicle on the roadway unless otherwise indicated by the person responsible for the maintenance of the highway.

385. If the driver of a road vehicle stops his vehicle at night on a roadway out of necessity, the driver must keep his parking lights or flashing emergency lights on, or signal the presence of his vehicle by means of lamps, reflectors or flares visible from not less than 150 metres and used in accordance with the norms prescribed by regulation.

386. Except in cases of necessity or where another provision of this Code permits it, no person may stop a road vehicle

- (1) on a sidewalk or the median strip of a roadway;
- (2) less than five metres from a fire hydrant or a stop sign;
- (3) less than five metres from a police or fire station, or less than eight metres from such a building and on the opposite side of the street;
- (4) at an intersection, on a pedestrian crosswalk clearly identified as such and on a level crossing or less than five metres therefrom;
- (5) in a loading and unloading zone or a zone reserved exclusively for road vehicles assigned to public transportation, and clearly identified as such;
- (6) on an elevated lane, a bridge or a viaduct, or in a tunnel;
- (7) on an autoroute, an access ramp, at an entrance to or exit from a limited access highway and in a traffic lane reserved exclusively for certain vehicles;
- (8) in front of a sidewalk ramp specially built for handicapped persons.

Notwithstanding the prohibitions provided for in the first paragraph, the driver of a road vehicle used for the transportation of a handicapped person may stop anywhere to take on or discharge the person, if it can be done in safety.

387. No person may stop a road vehicle in a parking space reserved for handicapped persons unless he is the holder of a parking permit for the handicapped or is driving a vehicle carrying a person holding such a permit.

The permit must be affixed to the inside of the vehicle so as to be visible from the outside.

388. The parking permit for the handicapped is issued by the Régie, upon payment of the fee prescribed by regulation, to every person who furnishes an authorization from a physician.

Before giving an authorization under the first paragraph, the physician must satisfy himself that the handicapped person complies with the norms established by the Office des personnes handicapées du Québec to become the holder of a parking permit.

The authorization of the physician must be given on the form prescribed under the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1).

389. The second paragraph of section 93 and sections 95, 96 and 102 to 104, adapted as required, apply in respect of the parking permit for the handicapped.

390. No person may drive or allow any person to drive a bus, a minibus or a commercial vehicle for a longer period than the period prescribed by regulation, and in contravention of the norms prescribed by regulation.

391. A peace officer may cause any road vehicle stopped in contravention of the provisions of this division to be removed and impounded in the nearest suitable place at the expense of the owner.

392. No person may abandon a road vehicle on a public highway.

A peace officer may cause any road vehicle abandoned on a public highway to be removed and impounded in the nearest suitable place at the expense of the owner.

393. When a peace officer impounds an abandoned vehicle, he must make reasonable inquiries to trace the owner, and notify the public curator.

If the owner of an abandoned vehicle has not been found thirty days after the vehicle was impounded, the vehicle is entrusted to the

management of the public curator, who may dispose of it at will; in such case, the curator is responsible for ordinary costs of impoundment.

394. Sections 392 and 393 also apply to a road vehicle abandoned on private land, where the owner of the land requested a peace officer to remove the vehicle.

DIVISION III

SEAT BELTS

395. No person shall drive a road vehicle in which the seat belt, as referred to in section 250, provided for the driver or for the seat occupied by a passenger has been removed, modified or rendered inoperative.

396. Every person five years of age or over must, while in a moving road vehicle, wear, properly fastened, the seat belt with which his seat is equipped.

The first paragraph does not apply to a person driving a vehicle in reverse nor to a person who holds a medical certificate exempting him from wearing a seat belt.

397. Every child five years of age or under who occupies, in a road vehicle other than a taxi, a seat that is required to be equipped with a seat belt, must be restrained by another safety device that conforms to the standards of installation and use prescribed by regulation.

398. A medical certificate exempting a person from wearing a seat belt shall be issued by a physician on the form prescribed by regulation. A physician who issues such a certificate must send a copy thereof to the Régie.

399. A medical certificate exempting a person from wearing a seat belt is valid for a maximum period of two years.

400. To be exempt from wearing a seat belt, the holder of a medical certificate must have the certificate with him and, on request, show it to a peace officer who will return it after completing his examination.

401. No person may drive a road vehicle in which a passenger under sixteen years of age who does not fulfil the obligations prescribed under this division.

402. In the case of a passenger vehicle manufactured or imported in Québec before 1 January 1974, sections 395 to 397 do not apply to that part of the seat belt called "shoulder-belt".

DIVISION IV

OTHER RULES RESPECTING VEHICULAR TRAFFIC

403. Unless otherwise directed by a sign or signal, the driver of a road vehicle or any person riding a bicycle must, at an intersection or junction, yield the right of way to any vehicle moving on his right on the roadway he is about to cross or enter where the vehicle or cyclist is so close that crossing or entering the roadway would constitute a hazard.

Notwithstanding the first paragraph, the driver of a road vehicle who enters a limited access highway must yield the right of way to a vehicle moving on the highway and that is so close that entering it would constitute a hazard.

404. The driver of a road vehicle or any person riding a bicycle who leaves private property to cross or enter a public highway must yield the right of way to any vehicle or pedestrian moving on the highway.

405. The driver of a road vehicle or any person riding a bicycle on a public highway who is about to enter private property must yield the right of way to any road vehicle, cyclist or pedestrian moving on the highway.

406. The driver of a road vehicle or any person riding a bicycle must make way for an emergency vehicle whose lights or sound producing device are in operation by reducing speed, keeping as far to the right as practicable and, if necessary, bringing his vehicle to a standstill.

407. Within a city or a town, the driver of a road vehicle must yield the right of way to a bus when the driver of the bus is flashing his turn-signal lights for re-entering the lane in which he was moving before he stopped.

The obligation to yield the right of way applies only to drivers of road vehicles moving in the lane that the driver of the bus is about to re-enter.

The driver of a bus must not flash his turn-signal lights until he is about to re-enter the lane, after ascertaining that he can do so in safety.

408. The driver of a road vehicle or any person riding a bicycle must yield the right of way to a pedestrian who is crossing a roadway facing a white signal or a flashing pedestrian light.

409. At an intersection regulated by traffic lights, the driver of a road vehicle or any person riding a bicycle must yield the right of way to a pedestrian facing a green light.

410. Where a pedestrian enters a pedestrian crosswalk, the driver of a road vehicle or any person riding a bicycle must stop his vehicle to allow the pedestrian to cross the roadway.

411. At a level crossing, the driver of a road vehicle or any person riding a bicycle must stop his vehicle not less than five metres from the railway where a sign or signal, a lowered gate or a railway employee signals an approaching rail vehicle, or where the driver or cyclist sees or hears a rail vehicle approaching the level crossing.

412. Even if so authorized by traffic lights, no driver of a road vehicle may enter a level crossing if there is not sufficient space ahead of the vehicle to allow him to cross the level crossing.

413. The driver of a bus, minibus or road vehicle carrying certain categories of dangerous substances determined by regulation must stop his vehicle not less than five metres from any level crossing. The driver may then proceed only after ascertaining that he may do so in safety.

The driver is exempt from the obligations under the first paragraph at level crossings where so indicated by a sign or signal.

414. The Minister of Transport may, by an order published in the *Gazette officielle du Québec*, designate certain level crossings where the driver of a road vehicle referred to in section 413 is exempt from the obligations under the said section.

415. In no case may the driver of a road vehicle enter or leave a limited access highway except at such entrances or exits as may be determined by the person responsible for its maintenance.

416. In no case may the driver of a road vehicle drive his vehicle in reverse on a limited access highway or on an entrance or exit ramp.

417. In no case may the driver of a road vehicle drive his vehicle in reverse unless he can do so in safety and without obstructing traffic.

418. In no case may the driver of a road vehicle drive on the shoulder of a public highway except in case of necessity or unless so directed by a sign or signal.

419. The Minister of Transport may, by an order published in the *Gazette officielle du Québec*, determine the locations where the movement of all or some road vehicles designated by him is restricted or prohibited by reason of thawing, rain, erosion or flooding and the periods during which such measures apply.

420. A peace officer may prohibit access to a public highway to all or certain road vehicles if so justified by an emergency.

421. No person may drive a vehicle to which a restrictive or prohibitive measure under section 419 or 420 applies, during such periods and in such locations as are determined under the said sections.

422. No person may drive a road vehicle in a race with another vehicle, or for a wager or a stake except in the case of a rally conducted in conformity with the standards prescribed in a regulation made or approved by the Régie de la sécurité dans les sports du Québec pursuant to the Act respecting safety in sports (R.S.Q., chapter S-3.1).

423. Subject to section 224, no person may drive a road vehicle equipped with turned on white lights projecting a light beam toward the rear.

424. The driver of a road vehicle must, at night or whenever atmospheric conditions require it, turn on the headlights and integrated lights of his vehicle.

The first paragraph also applies to the person riding a bicycle with respect to the lights with which his bicycle must be equipped.

425. The driver of a road vehicle must dim the lights on the front of his vehicle when he is less than 150 m from a vehicle approaching in the opposite direction, when he is less than 150 m behind another vehicle that he is following or when he is moving on a highway that is sufficiently lighted.

426. In no case may the driver of a road vehicle allow more passengers in his vehicle than there are places available for them to

sit unless the vehicle is a bus or minibus that is used in urban areas and is not used for the transportation of school children.

427. No person may drive a road vehicle if the front seat is occupied by more than three persons or if more than two persons are seated in the front of a vehicle equipped with chair seats.

428. No person may occupy a trailer or semi-trailer in motion or tolerate such practice.

Where a trailer or a semi-trailer is specially designed and equipped for the transportation of persons, it may be used for that purpose in parades or other popular events provided the highway used is closed to all other traffic.

429. No person may get on, in, off or out of a road vehicle in motion or tolerate such practice.

430. No person may open the door of a road vehicle until the vehicle is stopped and he has ascertained that it can be done in safety.

431. No person may leave the door of a road vehicle open except to take on or discharge passengers or to load or unload property.

432. The driver of a bus or minibus must, when taking on or discharging passengers, stop his vehicle on the extreme right of the roadway or in the zones provided for that purpose.

433. No person may stand on the running board or on any other outer part of a road vehicle in motion, or tolerate such practice.

However, a person may, in order to perform his duties, stand on any outer part of a vehicle designed for such use.

434. No person may hold on or hang on to a road vehicle in motion.

In no case may the driver of a road vehicle allow a person to hold on or hang on to his vehicle when it is in motion.

435. The driver of a road vehicle shall not make his tires squeal, except in case of necessity.

436. The driver of a road vehicle shall not brake suddenly, unless compelled to do so for safety reasons.

437. No person may use a road vehicle for drawing another road vehicle the wheels of which remain on the ground, unless the vehicle is firmly held by a bar.

438. No person may remove or tow a damaged road vehicle, unless he also removes any object detached from it.

439. No person may drive a road vehicle in which a television set or a cathode screen is so placed that the image broadcast on the screen is directly or indirectly visible to the driver, except in the case of a closed circuit system used by the driver to operate the vehicle, or a system used by a peace officer in the performance of his duties.

440. In no case may the driver of a road vehicle or person riding a bicycle use headphones or earphones.

This section does not apply to a device used in conversational exchanges among its users to the extent that the device allows surrounding traffic noises to be heard.

441. No person may drive a road vehicle on which a tire is equipped with non-skid studs or with any other device that may damage the roadway.

The Minister of Transport may, by an order published in the *Gazette Officielle du Québec*, authorize, under the conditions and for the period he determines, the use of certain types of non-skid devices for such road vehicles as he may designate.

442. No person may drive a road vehicle in which a passenger, an animal or an object is so placed as to obstruct the driver's view or to interfere with the proper handling of the vehicle.

443. No person may drink alcoholic beverages in a road vehicle.

The Government may authorize the consumption of alcoholic beverages under certain conditions, in certain classes of road vehicles it determines, for any occupant other than the driver of the vehicle.

CHAPTER III

SPECIAL PROVISIONS APPLICABLE
TO PEDESTRIANS

444. At an intersection where there are pedestrian lights, pedestrians must comply therewith.

A pedestrian facing a white signal may cross the roadway.

A pedestrian facing an orange light may in no case start across the roadway.

A pedestrian facing a flashing signal and having started across the roadway must proceed quickly to the sidewalk or safety zone.

445. Where there are no pedestrian lights, pedestrians must comply with the traffic lights.

446. At a pedestrian crosswalk not situated at an intersection regulated by traffic lights, a pedestrian must, before crossing the roadway, ascertain that he can do so in safety.

447. Where there are no clearly identified intersections or pedestrian crosswalks in the immediate area, a pedestrian crossing a public highway must yield the right of way to the road vehicles and cyclists moving on it.

448. No pedestrian may stand on the roadway to solicit transportation or to deal with the occupant of a vehicle.

449. No pedestrian may solicit transportation where passing is prohibited.

450. If there is an intersection or a pedestrian crosswalk nearby, a pedestrian may cross a public highway only at such a place.

451. No pedestrian may cross diagonally at an intersection unless he is authorized to do so by a sign or by a peace officer.

452. Where there is a sidewalk bordering the roadway, a pedestrian must use it.

Where it is impossible to use the sidewalk, a pedestrian may walk alongside the curb on the roadway after ascertaining that he can do so in safety.

453. Where there is no sidewalk bordering a roadway, a pedestrian must walk along the side of the roadway and in the direction opposite to that of vehicular traffic after ascertaining that he can do so in safety.

CHAPTER IV

SPECIAL PROVISIONS APPLICABLE TO CERTAIN VEHICLES

DIVISION I

VEHICLES USED FOR THE TRANSPORTATION OF SCHOOL CHILDREN

454. This division applies to the transportation of school children except transportation carried out under a permit issued to that effect by the Commission des transports du Québec and for which a bus or a minibus other than a bus or a minibus used for the transportation of school children within the meaning of a government regulation made under the Transport Act may be used.

455. No driver of a bus or minibus used for the transportation of school children may allow more persons to get on the bus than there are places available for them to sit.

The driver shall ascertain that every person is seated before setting his vehicle in motion and remains seated while it is in motion.

456. The driver of a bus or minibus used for the transportation of school children must, when stopping to take on or discharge persons, give warning by turning on the flashing lights referred to in section 229 and keep them in operation until the persons have reached safety.

457. Where two or more buses or minibuses used for the transportation of school children are stopped in single file and the driver of one of the vehicles is taking on or discharging persons, the driver of every following bus or minibus must turn on the flashing lights of his own vehicle.

458. The driver of a bus or minibus used for the transportation of school children shall not turn on the flashing lights of his vehicle except in the circumstances set out in sections 456 and 457.

459. No person may operate the flashing lights of a vehicle when the vehicle is not used to carry out transportation to which this division applies.

460. The driver of a road vehicle who is approaching a bus or minibus used for the transportation of school children with flashing lights turned on must stop his vehicle more than five metres from the bus or minibus and shall not proceed in either direction until the flashing lights are turned off and he ascertains that he can do so in safety.

The first paragraph does not apply to a road vehicle meeting a bus or minibus used for the transportation of school children on an adjacent roadway separated by a median strip or by any other raised physical separation.

461. Sections 455 to 460 apply, at all times, to the transportation of persons under eighteen years of age by bus or minibus usually used for the transportation of school children within the meaning of a government regulation made under the Transport Act.

DIVISION II

OUTSIZED AND LOADED VEHICLES

462. For the purposes of this division and unless the context indicates otherwise,

(1) “axle load” means the mass measured under the wheels of an axle or of the axles included in one category established by regulation, resulting from the distribution on such wheels of the mass of a road vehicle or combination of road vehicles, including accessories, equipment and load;

(2) “total loaded mass” means the mass of a road vehicle or combination of road vehicles, including accessories, equipment and load;

(3) “outsized vehicle” means

(a) a motor vehicle or a combination of road vehicles the axle load, the total loaded mass, or one dimension of which does not conform to the standards established by regulation; or

(b) a combination of road vehicles made up of more than three road vehicles, a detachable axle supporting a semi-trailer not being considered when computing the number of vehicles making up the combination.

The axle load may be expressed as the sum of the units of mass measured under each outside wheel or under each wheel of an axle or of the axles included in one category.

The total loaded mass may be expressed as the aggregate of the axle loads.

463. No owner or lessee of an outsized vehicle may allow that vehicle to be driven before he has obtained a special permit issued for that purpose. He shall, in addition, comply with the conditions attached to the permit as prescribed by regulation.

The special permit shall be issued on compliance with the conditions and formalities established by regulation and on payment of the fee prescribed by regulation.

464. No person may drive an outsized vehicle unless he carries with him the special permit.

465. The holder of a special permit is liable for any damage caused to the public highways as a result of the use of an outsized vehicle.

466. Where a peace officer has reasonable grounds to believe that a motor vehicle or a combination of road vehicles is an outsized vehicle, he may stop the vehicle or combination of vehicles and require the driver to allow it to be weighed or, as the case may be, facilitate its measurement.

Furthermore, the peace officer may require the vehicle or combination of vehicles to be driven to a location where it can be weighed or measured, provided it is not over fifteen kilometres from the place of interception.

467. The axle load and the total loaded mass of a motor vehicle or combination of road vehicles are determined by means of devices designed for that purpose, approved by the Minister of Transport and used in the manner he determines.

The fact that a measuring device has been approved by the Minister of Transport and used in the manner he has determined is proof, in the absence of any evidence to the contrary, that the device has determined accurately the mass under a wheel, the axle load or the total loaded mass at the time the offence is alleged to have been committed.

468. Where a peace officer has established that a motor vehicle or combination of road vehicles is an outsized vehicle, he may require it to be driven to a suitable place and held at the owner's expense until it is made to conform to the norms of this Code, or until the driver in possession of a special permit.

The driver of the outsized vehicle must comply with the request of the peace officer.

469. The part of the load removed to bring an outsized vehicle into conformity with this Code remains the responsibility of the carrier or the owner of the load.

470. When required to do so by a peace officer or by a sign or signal, the driver of a motor vehicle or combination of road vehicles must drive it to a weighing station and facilitate such inspection as may be required under this Code.

471. No person may drive or authorize another person to drive a road vehicle carrying a load

(1) that is not solidly secured or adequately covered so as to prevent any part of the load from moving or detaching itself from the vehicle;

(2) that is placed, secured or covered in a manner that reduces the driver's field of vision, interferes with the stability or handling of the vehicle or blocks the lights of the vehicle;

(3) that is not placed, secured or covered in accordance with the regulation respecting the securing of loads.

472. Where a peace officer has reasonable grounds to believe that the load of a road vehicle may present a hazard, he may require that the vehicle be impounded in a suitable place, at the owner's expense, until the situation has been corrected.

The driver of the vehicle must comply with the request of the peace officer.

473. No person may, unless he holds or is in possession of a special permit issued for that purpose and complies with conditions prescribed by regulation and related to the permit, drive or allow another to drive a motor vehicle or combination of road vehicles 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 one metre at the front or two meters at the rear.

The special permit shall be issued on compliance with the conditions and formalities established by regulation and on payment of the fee prescribed by regulation.

474. The driver or the owner of the vehicle or combination of vehicles must instal a red flag or a reflector panel that conforms to the norms prescribed by regulation of the Government on the outer end of a load or equipment that extends beyond the rear of a motor vehicle or combination of road vehicles by more than one metre, and, at night, a red light visible for not less than 150 m from the rear and from the sides.

475. Where a peace officer has reasonable grounds to believe that a motor vehicle or a combination of road vehicles is used for the transportation of a dangerous substance he may stop the vehicle or combination of vehicles and inspect it.

476. Where a peace officer ascertains that an offence against a regulation respecting the transportation of dangerous substances has been committed, he may require that the motor vehicle or combination of road vehicles transporting a dangerous substance be driven to a suitable place and impounded at the owner's expense, until the person responsible for the vehicle or for its load complies with the regulation.

The driver of the motor vehicle or combination of road vehicles must comply with the request of the peace officer.

In such a case, the vehicle and its load remain the responsibility of the carrier or the person who is the owner of the load.

DIVISION III

MOTORCYCLES, MOPEDS AND BICYCLES

477. The driver of a motorcycle or moped or a person riding a bicycle must remain seated in the seat and keep hold of the handlebars.

478. No person may drive a motorcycle or a moped or ride a bicycle between two lines of vehicles moving on contiguous lanes.

479. No person may drive a motorcycle equipped with a motor having a piston displacement of not over 125 cm³ or a moped or ride a bicycle or any other non-motorized vehicle on a limited access highway or on an entrance or exit ramps.

480. No driver of a motorcycle or moped may carry any other person thereon unless his vehicle is equipped with permanently fixed seats designed for that purpose and with foot-rests fixed on each side of the vehicle.

481. The passenger of a motorcycle or moped shall be seated facing the handlebars and with both feet on the foot-rests while the vehicle is in motion.

482. The driver of a motorcycle or moped must keep the white headlight of his vehicle on at all times.

483. Drivers of motorcycles or mopeds driving in groups of two or more in one traffic lane must drive in zigzag formation.

484. Every person riding on a motorcycle or moped or in a sidecar must wear a protective helmet that complies with the standards prescribed by regulation.

Such persons must, if so requested by a peace officer, allow him to examine their protective helmets.

485. No person riding a bicycle may take a passenger unless his vehicle is equipped with a fixed seat for that purpose.

486. When driving in groups of two or more, cyclists must keep in single file; in no case may such a file be composed of more than fifteen cyclists.

487. Every person riding a bicycle must use on the extreme right-hand side of the roadway, in the same direction as the traffic, except where that space is obstructed or if he is using a cycle path or lane or is about to turn left.

488. All cyclists must comply with all traffic signs and signals.

489. No person may drink alcoholic beverages while riding a bicycle.

490. Every person riding a bicycle must signal his intention without interruption for a sufficient distance so as not to endanger the safety of other users of the public highway and must

- (1) to stop or reduce speed, extend his left forearm vertically downwards;
- (2) to make a right turn, extend his left forearm vertically upwards or extend his right arm horizontally;
- (3) to make a left turn, extend his left arm horizontally.

491. Subject to section 479, no person may ride a bicycle on a public highway on which the maximum speed allowed is over 50 km/h unless

- (1) the roadway includes cycle lanes specially laid out by the person responsible for the maintenance of the highway;
- (2) he is twelve years of age or over; or
- (3) he is taking part in an excursion led by a person of full age.

492. Where the roadway includes a cycle lane, cyclists must use it.

CHAPTER V

SPECIAL PROVISIONS RESPECTING ANIMALS

493. No person may allow farm animals on or across a public highway unless the animals are escorted by two persons, each of them holding a red flag in full view.

The Government may, by regulation, determine conditions under which a person may allow farm animals across a public highway without being required to comply with the first paragraph.

494. No person may allow farm animals on or across a public highway at night.

495. No person may allow farm animals on or across a limited access highway.

496. No person may ride a horse on a public highway unless permitted by a sign erected by the person responsible for the maintenance of the highway.

CHAPTER VI

MISCELLANEOUS PROVISIONS RESPECTING THE
USE OF PUBLIC HIGHWAYS

497. No person may, in residential areas where the speed limit is 50 km/h or under, drive a road vehicle of a net mass of over 900 kg fitted with snow blowing equipment, except under the supervision of a person preceding the vehicle.

498. No person may dispose of, deposit or throw ice, snow or any object upon a public highway or allow any person to do so.

499. No person may use skates, skis, skateboard or a toy vehicle on the roadway.

500. No person may obstruct traffic on a public highway by means of an obstacle unless authorized to do so by the person responsible for the maintenance of the public highway.

A peace officer is authorized to remove or cause the obstacle to be removed at the owner's expense.

501. No person may, by means of an obstacle, obstruct traffic on a road used as an alternate route for traffic diverted from a public highway, even on private property.

A peace officer is authorized to remove or cause the obstacle to be removed at the owner's expense.

CHAPTER VII

PENAL PROVISIONS

502. Every person who contravenes section 324, the second paragraph of section 325, any of sections 335 to 337, 339, 351 to 358, 366, 372 to 376, 381 to 387, the third paragraph of section 407, any of sections 412, 417, 426 to 436, 439, 440, 442, 477, 480 to 482, 493 or 499 is guilty of an offence and is liable, in addition to costs, to a fine of \$30 to \$60.

503. Every driver of a bicycle who contravenes any of sections 346, 349, 350, 359 to 364, 367 to 371, 403 to 406, 408 to 411, 421, the second paragraph of section 424, any of sections 477 to 479 or any

of sections 485 to 492 is guilty of an offence and is liable, in addition to costs, to a fine of \$30 to \$60.

504. Every pedestrian who contravenes any of sections 444 to 453 is guilty of an offence and is liable, in addition to costs, to a fine of \$30 to \$60.

505. Every person who contravenes any of sections 320 to 323, 326 and 330, any of sections 349, 350, 359 to 365, 367 to 371, 377 to 380, 396, 401, 403 to 406, the first paragraph of section 407, any of sections 408 to 411, 415, 416, 418, 421, 424, 425, 437, 438, the first paragraph of section 441, any of sections 478, 479, 483, 484, 494 to 496 and 498, the first paragraph of section 500 or the first paragraph of section 501 is guilty of an offence and is liable, in addition to costs, to a fine of \$60 to \$100.

506. Every person who contravenes any of sections 331, 340 to 343, 345 to 348, the first paragraph of section 392, section 423 and 474 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

507. Every person who contravenes any of sections 333, 390, 395, 413, 455, 458 to 460, 471, the second paragraph of section 472 or either of sections 473 and 497 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

508. Every occupant of a road vehicle other than a driver who contravenes the first paragraph of section 443 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

Every driver of a road vehicle who contravenes the first paragraph of section 443 is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

509. Every person who contravenes either of sections 327 and 422, the second paragraph of section 468 or section 470 is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

510. Every driver of a combination of road vehicles who contravenes a reglementary provision whose violation constitutes an offence under paragraph 35 of section 618 is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

Every holder of a special permit who contravenes a regulatory provision under paragraph 35 of section 618, and the violation of which

constitutes an offence is guilty of an offence and is liable, in addition to costs, 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, 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 third offence committed during the same period of validity of a special permit, any special permit issued to that holder as well as his right to obtain such permits for other vehicles are suspended for three months.

511. Every person who contravenes either of sections 456 and 457 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2 000.

512. Every person who contravenes section 476 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$6 000.

513. Every person who contravenes section 328 or the third paragraph of section 329 is guilty of an offence and is liable, in addition to costs, to a fine which must be of \$25, plus

(1) if the speed exceeds the speed limit by 1 to 30 km/h, \$5 for each 5 km/h by which the speed exceeds the speed limit;

(2) if the speed exceeds the speed limit by 31 to 60 km/h, \$10 for each 5 km/h by which the speed exceeds the speed limit;

(3) if the speed exceeds the speed limit by 61 km/h or over, \$20 for each 5 km/h by which the speed exceeds the speed limit.

514. Every person who contravenes either of sections 463 and 464 is guilty of an offence and is liable, in addition to costs, to a fine of not less than \$300 or where the motor vehicle or combination of road vehicles is oversized in respect of the total loaded mass, to a minimum fine of \$100 plus,

(1) if the total loaded mass exceeds the maximum total loaded mass authorized by less than 5 000 kg, \$50 for every 1 000 kg in excess;

(2) if the total loaded mass exceeds the maximum total loaded mass authorized by 5 000 kg to 10 000 kg, \$75 for every 1 000 kg in excess;

(3) if the total loaded mass exceeds the maximum total loaded mass authorized by more than 10 000 kg, \$100 for every 1 000 kg in excess.

For the purposes of this section, every person who fails to comply with the conditions attached to his permit is liable to the fine imposable for failure to hold a permit.

515. The owner of a road vehicle moving on a public highway whose net mass or number of axles, as the case may be, exceeds what was declared in the registration application form of such vehicle is guilty of an offence and is liable, in addition to costs and to the difference in the fee he should have paid, to a fine of \$300 to \$600 for the first offence and to a fine of \$600 to \$2 000 for any subsequent offence committed with the same vehicle and during the same period of validity of the registration of the vehicle.

516. Where a motor vehicle or combination of road vehicles for which no special permit has been issued is outsized in respect of more than one standard provided in this Code, the driver, the owner or the lessee of the vehicle cannot be convicted for contravening more than one of such standards.

TITLE IX

MECHANICAL INSPECTION OF VEHICLES

CHAPTER I

GENERAL PROVISIONS

517. The Régie shall have exclusive jurisdiction to carry out the mechanical inspection of road vehicles and to issue certificates of mechanical inspection and inspection stickers. For that purpose, the Régie may, on the conditions it determines, appoint persons authorized to carry out, on its behalf, the inspection of the road vehicles it determines and authorize those persons to issue certificates of mechanical inspection and inspection stickers in respect of those vehicles.

518. The following road vehicles must be submitted to mechanical inspection:

- (1) vehicles used for driving instruction by a driving school;
- (2) emergency vehicles;
- (3) taxis, buses and minibuses;
- (4) vehicles modified in order to use a fuel other than the fuel intended by the manufacturer;

(5) vehicles used mainly for the transportation of property and having a net mass of not less than 3 000 kg nor more than 5 500 kg;

(6) vehicles used mainly for the transportation of property and having a net mass of more than 5 500 kg;

(7) vehicles whose ownership has been transferred and whose year of manufacture is determined by the Minister of Transport;

(8) vehicles to which any of the modifications described in section 214 have been made, vehicles made by hand and vehicles assembled by a recycler;

(9) vehicles of the make, model, series or year for which an inspection is ordered by the Minister of Transport;

(10) vehicles designated by a peace officer having reasonable grounds to believe that modifications described in section 214 have been made to them or that they are in such a condition that they constitute a hazard;

(11) other vehicles determined by regulation.

519. Mechanical inspection is carried out in respect of the various road vehicles, according to the frequency, standards and procedures established by regulation and, in the case of a vehicle contemplated in paragraph 10 of section 518, within the time determined by the peace officer.

520. The owner or driver of a road vehicle contemplated in section 518 must submit the vehicle to the required mechanical inspection and must remit the registration certificate of the vehicle and his licence to the Régie or to the peace officer if so requested.

The Régie or the peace officer must return those documents to their holder once they have been examined.

521. The peace officer may give a notice indicating the time within which the owner or driver of a road vehicle contemplated in paragraph 10 of section 518 is required to submit his vehicle to a mechanical inspection. If the owner or driver fails to comply within the time prescribed, the notice constitutes an infraction ticket under section 520.

522. The owner of a modified road vehicle must furnish to the Régie, before the mechanical inspection, a description of the modifications described in section 214 which have been made to his vehicle.

523. The Régie or a peace officer is authorized to impound a vehicle or to have it impounded at the owner's expense in order to have it submitted to mechanical inspection.

524. Following the mechanical inspection of a road vehicle, the Régie or the person authorized to perform the inspection for it shall issue a certificate of mechanical inspection and notify the owner or the driver of the results of the inspection.

525. Every person authorized to perform the inspection of vehicles for the Régie shall without delay forward to it a copy of every certificate of mechanical inspection issued by him.

526. Where a certificate of mechanical inspection attests that a road vehicle conforms to this Code, the Régie or the person authorized to perform the inspection for it shall affix an inspection sticker to the vehicle.

527. A certificate of mechanical inspection attesting that a road vehicle does not conform to this Code shall indicate the minor or major defects of the vehicle.

528. Where a certificate of mechanical inspection indicates that a road vehicle has a minor defect, the Régie or the person authorized to perform the inspection for it shall issue to the owner or the driver of the vehicle a notice enjoining the owner to make the necessary repairs or cause such repairs to be made within forty-eight hours.

At the expiry of that period, no person may put the vehicle back into operation unless it is proved, to the satisfaction of the Régie or a person authorized to perform the inspection of vehicles for the Régie, that the vehicle conforms to this Code.

529. If an owner fails to have the defects discovered on his vehicle during an inspection repaired within the time indicated in the notice issued under section 528, the notice constitutes an infraction ticket under the first paragraph of section 528.

530. Where a person authorized to perform the inspection of vehicles for the Régie discovers during the inspection of a road vehicle that it has a major defect, he must, without delay, notify the Régie and a peace officer.

531. Where a certificate of mechanical inspection indicates that a road vehicle has a major defect, no person may put the vehicle back into operation unless it is proved, to the satisfaction of the Régie or a person authorized to perform the inspection of vehicles for the Régie, that the vehicle conforms to this Code.

532. A peace officer may require the registration certificate and remove the registration plate of a road vehicle where a certificate of mechanical inspection indicates that the vehicle has a major defect.

533. The Régie and a peace officer are authorized to impound or have impounded at the owner's expense a vehicle that was put back into operation in contravention of sections 528 and 531 until it is proved, to the satisfaction of the Régie or a person authorized to perform the inspection of vehicles for the Régie, that the vehicle conforms to this Code.

534. Where the Régie or a person authorized to perform the inspection of vehicles for the Régie is satisfied with the evidence furnished as proof that a vehicle conforms to this Code, he shall affix an inspection sticker to the vehicle.

Every person authorized to perform the inspection of vehicles for the Régie shall, without delay, notify it of every inspection sticker he affixes on a vehicle pursuant to the first paragraph.

535. No person may issue a certificate of mechanical inspection or affix an inspection sticker to a road vehicle unless he is authorized for such purpose by the Régie in accordance with section 517.

536. No person may issue a certificate of mechanical inspection containing false or inaccurate information on the condition of an inspected vehicle.

537. A peace officer who has reasonable grounds to believe that the taximeter of a taxi does not give a reading that corresponds to the scale in force may require that it be submitted to an inspection on a route provided for that purpose.

538. The owner or the driver of a taxi referred to in section 537 must comply with the request of the peace officer and drive the taxi to the route indicated.

The peace officer is authorized to impound the vehicle or to have it impounded at the owner's expense in order to submit it to an inspection regarding the taximeter.

539. If the peace officer finds that the taximeter does not give a reading that corresponds to the scale in force, he shall issue a notice to the owner or the driver of the taxi enjoining him to cease to operate the taxi and to have the taximeter adjusted, repaired or replaced.

540. The owner or the driver of a taxi referred to in section 539 shall not put it back into operation unless it is proved to the satisfaction of a peace officer that the taximeter gives a reading that corresponds to the scale in force.

A peace officer is authorized to impound or have impounded at the owner's expense a taxi that was put back into operation in contravention of the first paragraph, until that proof is made.

CHAPTER II

PENAL PROVISIONS

541. Every person who contravenes section 525 is guilty of an offence and is liable, in addition to costs, to a fine of \$30 to \$60.

542. Every person who contravenes section 528 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200 for each defect discovered.

543. Every person who contravenes the first paragraph of section 520 or any of sections 531, 535, 536, 538 and 540 is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

TITLE X

PROCEDURE AND PROOF

CHAPTER I

PROCEDURE AND PROOF IN ADMINISTRATIVE MATTERS

DIVISION I

GENERAL PROVISIONS

544. For the purposes of this Code, the Régie may admit any relevant evidence that may serve the interests of justice.

545. The Régie may, where provisions applicable to a particular case are lacking, supply any procedure compatible with this Code.

546. A document filed in the records of the Régie is proof of its content, except on proof to the contrary.

547. Every decision of the Régie rendered under paragraphs 2 and 3 of section 25, paragraph 3 of section 26, paragraphs 1, 2 and 3 of section 81, section 82, paragraph 2 of section 83, paragraph 4 of section 109, section 124, the first paragraph of section 128, the second paragraph of section 130, paragraphs 2 and 3 of section 188, paragraph 3 of section 189, paragraphs 1, 2 and 3 of section 190, section 191, sections 203 to 205, 207 or 208 must be in writing and give the reasons on which it is based.

Every decision of the Régie denying a review of or upholding a decision under the first paragraph must be in writing and give the reasons on which it is based.

The Régie shall send a copy of the decision to the person concerned by registered or certified mail or by any other means of transmission of documents affording evidence that it was sent and was received.

548. Appeal from a conviction by a person convicted of an offence does not suspend the entry of the number of demerit points corresponding to the offence or a decision made by the Régie under section 186, unless the court decides otherwise.

549. The Régie shall, before rendering a decision under paragraphs 2 or 3 of section 81, paragraph 2 of section 82 or paragraphs 2 or 3 of section 190, request, by notice, the person concerned to furnish, within sixty 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 licence for which he is applying;

(2) in the cases described in paragraph 2 of section 82, that he is fit to drive a road vehicle corresponding to the class of licence held by him without being subject to the condition attached to his licence;

(3) 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.

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 his employer.

The decision of the Régie is made on receipt of the detailed report or if the person fails to furnish such a report, at the expiry of a sixty-day period.

550. Every decision relating to a suspension or revocation takes effect fifteen days after a copy of the decision is sent to the person concerned.

Notwithstanding the first paragraph, a decision made under paragraph 3 of section 189 takes effect immediately, a decision made under section 191 and served in accordance with the Code of Civil Procedure (R.S.Q., chapter C-25) takes effect on the date it is served and a decision made under section 192 takes effect at the time indicated in section 193.

551. In communicating its decision, the Régie must inform the person concerned of the consequences of the decision and of his right of appeal under section 557.

552. No recourse provided in articles 834 to 850 of the Code of Civil Procedure may be exercised nor any injunction granted against the Régie, one of its members or a person designated under section 17.1 of the Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., chapter R-4), acting in their official capacity.

553. A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to section 552.

DIVISION II

REVIEW AND APPEAL

554. The Régie may, of its own initiative or on the application of the person concerned, review or cancel any decision it has rendered and which has not been appealed from to the Court

(1) where a new fact is discovered which, if it had been known in due time, might have justified a different decision;

(2) where a substantial or procedural defect is likely to invalidate the decision.

555. The Régie may, in the case contemplated in section 554, request a person to return to it any document issued to him, in accordance with the decision it has reviewed, corrected or annulled.

556. Where the person refuses or fails to comply with the requirement of section 555, the Régie may request a peace officer to take possession of the document and the person shall immediately remit the document to the peace officer who, after informing him of the reasons therefor, requests him to do so.

557. An appeal lies to the Provincial Court

(1) from a decision of the Régie made under paragraphs 2 and 3 of section 25, paragraph 3 of section 26, paragraphs 1, 2 and 3 of section 81, section 82, paragraph 2 of section 83, paragraph 4 of section 109, section 124, the first paragraph of section 128, the second paragraph of section 130, paragraphs 2 and 3 of section 188, paragraph 3 of section 189, paragraphs 1, 2 and 3 of section 190 or section 191;

(2) from a decision of the Régie refusing to review a decision contemplated in paragraph 1, or upholding it.

558. An appeal is brought by filing a motion at the office of the Provincial Court nearest to the place where the appellant is domiciled or has his establishment and serving it on the Régie within thirty days of the date of receipt of the decision appealed from.

The motion may be served by registered or certified mail.

559. The clerk and the personnel of the court office must assist a person in drawing up a motion if the person requests it.

560. Upon service of the motion, the Régie shall transmit the record of the case to the Provincial Court, together with all the related documents.

The court must render its decision on the record transmitted to it, after allowing the parties to be heard.

561. An appeal does not suspend execution of the decision appealed from unless the court decides otherwise.

In no case, however, may the court order the Régie to suspend the execution of a decision rendered under section 124 or 184.

562. The court must notify the parties, in the manner it considers appropriate, of the date, time and place of the hearing.

563. If, at the time fixed for the hearing, one of the parties does not attend or refuses to be heard, the court may proceed *ex parte*, make the appropriate orders or declare the appeal prescribed.

564. The court may, on a motion, authorize the presentation of additional evidence.

565. Each of the parties may examine and cross-examine the witnesses called.

566. A witness has the same privileges and immunity as a witness before the Superior Court and articles 307 to 310 of the Code of Civil Procedure, adapted as required, apply to him.

567. The court may uphold, review or quash the decision submitted to it or send the record back for a new decision according to its instructions.

568. The appeal is heard and decided by preference.

569. No appeal lies from the decision of the court. The decision becomes executory immediately upon being rendered.

The judgment must be in writing and contain, in addition to the conclusions, a statement of the reasons on which it is based.

570. The clerk shall, without delay, send a certified true copy of the judgment to each of the parties by registered or certified mail.

CHAPTER II

PROCEDURE AND PROOF IN PENAL MATTERS

DIVISION I

INFRACTION TICKET AND PRELIMINARY NOTICE

571. The Attorney General shall determine, by an order published in the *Gazette officielle du Québec*, the offences for which the fine is payable following the issue of an infraction ticket.

572. Where a person is guilty of an offence against this Code, the peace officer shall issue an infraction ticket to him or place it conspicuously on the vehicle.

The infraction ticket must specify the nature of the alleged offence and, in the case of an infraction referred to in an order of the Attorney General under section 571, it must also indicate the amount of the minimum fine and, where applicable, the number of demerit points entailed on conviction, and indicate that the fine is payable to the prosecuting party without costs within the ten days following the issue of the ticket.

573. The person authorized by a municipal council to enforce the parking by-laws of a municipality may perform the actions that a peace officer is authorized to perform under this chapter if the offence alleged under this Code is a parking infraction.

574. Where a person is guilty of an offence against any of sections 35, 97, 100 and 520, the peace officer or, in the case described in section 520, the Régie, may issue a notice to him enjoining him to furnish proof within forty-eight hours that he was the holder of the required documents at the time the offence was ascertained.

The peace officer may issue to a licence holder, a notice enjoining him to replace that document if it is illegible or damaged and to furnish proof within forty-eight hours that he has replaced it.

If the offender fails to furnish, within the allotted time, the required proof to a peace officer or to the Régie, as the case may be, the notice becomes an infraction ticket under any of those sections.

575. Where a peace officer ascertains that an offence has been committed against any of sections 30, 31 and the second paragraph of section 32, any of sections 34, 210, 212, 213, 215 to 223, 230 to 237, 242, 243 to 247, 254, 258, 261 to 265, 268 to 270, 272, 273 and 274, he may issue a notice enjoining the offender to make the necessary repairs or corrections, or cause them to be made, within forty-eight hours. If he fails to comply with the notice and to furnish, within the allotted time, proof thereof to a peace officer or to the Régie, as the case may be, the notice becomes an infraction ticket under any of those sections.

576. Where a fine is not paid within the time prescribed in section 572 or is not payable under that section, the prosecuting party shall send a preliminary notice by mail to the offender's last known address. The notice indicates the nature of the offence, the fine payable, which is the minimum fine prescribed for that offence, the amount of the costs fixed by regulation and, where that is the case, the number of demerit points entailed by conviction.

The fine is payable within the following ten days.

The fact that an infraction ticket has not been issued does not prevent the prosecuting party from sending a preliminary notice to the offender.

577. If the fine is not paid within the time prescribed in section 576, a summons is served on the offender, who may plead guilty at any time before appearance by paying to the clerk of the court before which he was summoned to appear, the amount of the fine and the amount of the costs fixed by regulation.

578. If, on the day fixed for appearance, no payment has been received, the judge or the justice of the peace specially authorized by the Courts of Justice Act (R.S.Q., chapter T-16) may, if the offender pleads guilty, condemn him for the offence described in the infraction ticket or the summons.

If, on the day fixed for appearance, no payment has been received and if the offender fails to appear, the judge or the justice of the peace may proceed by default and may condemn him after ascertaining that the summons was duly served and the infraction ticket was duly completed and signed, in which case the infraction ticket is proof of its content.

579. Failure to give a preliminary notice may in no case be invoked against the prosecuting party. However, if a defendant, on appearance, pleads guilty and then proves that the notice was not given to him, he cannot be condemned to pay a higher amount than he would have had to pay pursuant to a notice.

580. Failure to mention, in the infraction ticket or preliminary notice, the number of demerit points entailed by a conviction or a mistake in such mention, does not prevent the Régie from entering the appropriate number of demerit points in the file of the person concerned.

581. Every payment made under section 572, 576 or 577 and every payment accepted by the prosecuting party is presumed to have been made by the person to whom the ticket, notice or summons was sent.

After payment, the offender is considered to have been found guilty of the offence.

Any further proceedings respecting the offence are null.

Payment may in no case be invoked as an admission of civil liability.

582. A payment is considered to have been made once the proper sum is paid in cash or otherwise to the prosecuting party or another person designated by him.

583. The person who accepts a payment for an offence for which conviction entails, under this Code, an entry of demerit points, or the suspension or cancellation of a licence or the suspension of a registration, must inform the Régie.

584. The clerk of a court of justice or a person under his authority must notify the Régie of every conviction that entails, under this Code, the entry of demerit points or the suspension or cancellation of a licence or the suspension of a registration, and of every conviction for an offence under section 186, 187, 191 or 192 of the Automobile Insurance Act.

585. The notice provided for in sections 583 and 584 must be given within thirty days of the acceptance of payment or of conviction and be accompanied with all the information required by the Régie.

The notice must be in the form and contain the particulars determined by the Régie.

586. Every document emanating from the Régie evidencing a payment or a conviction in respect of a person is proof of its contents, in the absence of any contrary evidence.

587. Any delay in the transmission of a notice provided for in sections 583 and 584 does not prevent the Régie from rendering a decision.

DIVISION II

PROCEEDINGS AND RULES OF PROOF

588. Proceedings under this Code are instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General, by a municipality, or by any person authorized by them.

Proceedings for the recovery of duties or fees prescribed under this Code are taken by the Régie.

589. The owner of a road vehicle whose name appears on the registration certificate of the vehicle is liable for every offence against this Code or any municipal traffic or parking by-law committed with

the vehicle, unless he proves that, at the time of the offence, the vehicle was in the possession of a third person without his consent.

In the case of an offence against any of sections 35, 36, 65, 74, 89, 96 to 102, 105, 168, 171, 310, 311, 320 to 324 and the second paragraph of section 325, any of sections 326 to 331, 333, 335 to 337, 339 to 377 and the first paragraph of section 378, any of sections 379, 395, 396, 401, 403 to 413, 415 to 418, 421 to 429, 431 to 443, 455 to 460, 464, the second paragraph of section 468, any of sections 470 and 471, and the second paragraph of section 472, either of sections 473 and 474, the second paragraph of section 476 or any of sections 477 to 484 or against any municipal by-law to the same effect, the owner is liable only if it is established that he was the driver of the vehicle at the time of the offence or was in the vehicle then driven by his agent. In the latter case, the court may condemn either or both of them.

590. Where this Code imposes the obligation to be the holder of a registration certificate, a licence or a permit, the burden of proof is on the defendant that he is the holder thereof.

591. A person authorized by the Attorney General under section 588 may sign a document required for the application of this chapter and certify true a copy of or extract from the document.

The signature of that person may be affixed by means of an automatic device or in the form of an engraved, lithographed or printed facsimile.

A copy of or extract from the document is proof of its content, if it is so certified, without it being necessary to prove the signature and authority of the person who signed it.

592. In proceedings for an offence against this Code, the filing of a document containing any information transmitted electronically by the Régie and stating that the prosecuted person is the owner of a vehicle, the registration number of which is given in the information, infraction ticket or summons, is proof of the fact in the absence of any evidence to the contrary.

To be admissible as proof, the document only requires the attestation of the Régie to the effect that it was issued by it.

593. In proceedings for an offence against this Code, the court may accept, in lieu of the testimony of the peace officer who ascertained the offence, a written report signed by the peace officer, in the form approved by the Government. If the original of the written report is

in the possession of the Attorney General, a true copy certified by a person designated by the Attorney General or by a person acting under the authority of the designated person may be substituted for it.

Notwithstanding the foregoing, the defendant may require the prosecuting party to assign the peace officer as a witness at the hearing, and the court, if it finds the offender guilty, may condemn him to additional costs in such amount as it may fix if, in its opinion, the mere filing of the report would have sufficed.

DIVISION III

PROCEEDINGS BY MUNICIPALITY

594. Proceedings for an offence against this Code committed in the territory of a municipality may be instituted by that municipality or by a person authorized by it for that purpose.

595. Proceedings for an offence against this Code committed in the territory of a municipality may be instituted before the competent municipal court.

596. In the case contemplated in section 595, other than the fact that the costs can include no advocate's fee, the rules of proof and procedure provided under this Code apply and prevail over those that are habitually applicable in municipal courts.

597. A municipality may, by agreement with the Attorney General, approved by the Government, waive in favour of the Attorney General the prosecution of offences committed in its territory and agree on the sharing of the fines.

598. On publication in the *Gazette officielle du Québec* of an agreement under section 597, the Attorney General has the necessary authority to prosecute offences referred to therein, and sections 572 to 587 apply to such proceedings; the Minister of Finance may then pay to the municipality concerned its share of the proceeds of the fines out of the consolidated revenue fund, to such extent as they have been paid into it.

599. Sections 572 to 587 do not apply to proceedings instituted by the cities of Québec and Montréal.

The equivalent provisions of the charter of either of the cities mentioned in the first paragraph that apply to contraventions to that

charter or to a municipal by-law apply, with the necessary adaptations, to a contravention to this Code.

TITLE XI

TRANSMISSION OF INFORMATION

600. Every physician must report to the Régie the name, address and state of health of any patient fourteen years of age or older whom he considers medically unfit to drive a road vehicle, taking into account the medical and optometrical standards established by regulation.

The obligation also applies to an optometrist in respect of his patient's eyesight.

For the application of this section, every physician and every optometrist is authorized to disclose to the Régie the confidential information entrusted to him in the practice of his profession.

601. The Régie may disclose to the physician or optometrist who made a report to it under section 600, the decision it has made after receiving the information transmitted by him.

602. No action in damages may be brought against a physician or an optometrist for having complied with section 600.

603. The report referred to in section 600 is confidential and for the exclusive use of the Régie and the Comité consultatif médical et optométrique.

In no case may the report be used as evidence in any suit or judicial or quasijudicial proceedings, except in the application of section 557.

604. The Régie or the peace officer who filed a report of accident in accordance with section 173 may disclose the information contained in that report to any person involved in the accident as a driver, a victim of bodily injury or an owner of a damaged vehicle or property as well as to the insurer or duly authorized representative of any of them.

The Régie may also transmit to such persons any information permitting the identification of any person involved in the accident or his insurer.

605. For the purposes of paragraph 9 of section 518 or of a recall campaign for which it received a notice from the Department of Transport of Canada, the Régie may transmit to that department or

the Ministère des Transports du Québec as well as to the manufacturers and automobile dealers concerned, any information permitting the identification of the owners of the vehicles that are recalled.

606. With the exception of a report under section 600, the Régie may transmit to the persons, departments and agencies responsible for the application of the legislation on road traffic, compensation of victims of automobile accidents, and highway safety, any information concerning holders of licences, permits or registration certificates issued under this Code where the transmission of that information is necessary for the application of that legislation outside Québec.

607. Any information concerning the holder of a registration certificate may be transmitted by the Régie to a person requesting it as the owner of the vehicle concerned.

Such information may also be transmitted to an insurer where it is required for an investigation concerning the theft of a road vehicle or fraud in respect of such a vehicle.

608. Sections 600, 601 and 603 apply notwithstanding sections 83, 87 and 88 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

Sections 604, 606 and 607 apply notwithstanding sections 53 and 59 of the said Act.

TITLE XII

COMITÉ CONSULTATIF MÉDICAL ET OPTOMÉTRIQUE

609. A committee called the “Comité consultatif médical et optométrique” is hereby established.

610. The committee is composed of members of the Corporation professionnelle des médecins du Québec and of the Corporation professionnelle des optométristes du Québec in such number as may be determined by the Government.

611. The Government shall appoint the members of the committee and determine their term of office.

612. The Régie shall designate one of its officers to represent it on the committee. The officer shall also act as secretary of the committee at the meetings and he shall call to the meetings, those members whose attendance is required with respect to the proposed agenda.

If the secretary is absent or unable to act, the Régie shall designate a person to replace him.

613. The members of the committee are responsible for giving advice and making recommendations to the Régie, according to their specializations on the condition of vision and state of health required to drive a road vehicle and for establishing criteria to determine the cases in which a medical or optometrical examination is required.

The committee also has the duty to give its advice on the eyesight, health and physical fitness of an applicant for or holder of a licence.

614. The members of the committee are remunerated in the amount and according to the terms and conditions fixed by regulation.

TITLE XIII

REGULATORY PROVISIONS

CHAPTER I

POWERS OF THE GOVERNMENT

615. The Government may by regulation

(1) prescribe the criteria on the basis of which a three-wheel passenger vehicle designed for the transportation of a handicapped person may be recognized as a moped and a road vehicle as an emergency vehicle;

(2) determine the cases where registration may be effected by the sole issuance of a certificate;

(3) determine the term of validity of the registration according to classes and sub-classes of road vehicles, use, the identity of the owner or the area where a vehicle is used;

(4) determine the information that must appear on a registration certificate and the form of such a certificate;

(5) determine the cases where a temporary registration certificate and a detachable licence plate may be issued and establish their conditions of issue;

(6) determine the farm machinery that is exempt from registration and the cases where a vehicle designed to be used mainly on snow,

a tractor owned by a farmer and a recreation vehicle are exempt from registration;

(7) establish the requirements and formalities governing the registration or the renewal of the registration of a road vehicle according to classes and sub-classes of vehicles, use, the identity of the owner or the area where the vehicle is used;

(8) establish the amount of the fee exigible for obtaining or renewing the registration of a road vehicle according to the classes or sub-classes of road vehicles, a fixed tariff or a tariff that varies according to the vehicle's net mass, number of axles, use, owner's identity, the area where it is used or according to the principle of registration by lot and prescribe terms of payment of the fee;

(9) define, for determining the fee exigible to obtain or renew the registration of a road vehicle, the words "axle" and "net mass" and establish a method for calculating the number of axles of a road vehicle and the rules governing any increase in the number of axles or decrease in net mass during the term of validity of the registration of the vehicle;

(10) provide, subject to the conditions established by it, cases of exemption or reduction of the fee exigible for obtaining or renewing the registration of a road vehicle;

(11) determine the cases where a reimbursement of the fee exigible for obtaining or renewing the registration of a road vehicle may be made and establish the terms and conditions of the reimbursement;

(12) define, with respect to registration, classes and sub-classes of road vehicles other than those established under this Code;

(13) determine classes of licence plates according to classes and sub-classes of road vehicles, use, the identity of the owner or according to the area where it is used and impose restrictions on vehicles bearing certain classes of licence plates;

(14) prescribe a method for attaching licence plates according to their classes;

(15) determine any other place on the vehicle where a temporary registration certificate and a licence plate may be affixed;

(16) determine the cases where two duplicates of the licence plate must be issued;

(17) determine the places on the licence plate where the validation sticker must be affixed;

(18) provide, subject to the conditions it determines, other cases of total or partial exemption from registration.

616. The Government may by regulation

(1) determine, in relation to the nature of a licence or permit, the information it must contain, its form and, except for a restricted licence, its term of validity;

(2) determine the cases where and establish the criteria according to which conditions may be attached to a licence;

(3) determine types and classes of licences according to their nature;

(4) determine the fee exigible for the issue or renewal of a licence according to the licence's nature, type or class and determine, subject to the conditions established by it, cases of fee exemption or reduction;

(5) determine the cases where the fee exigible for the issue or renewal of a licence may be reimbursed and establish terms and conditions of the reimbursement;

(6) establish the conditions and procedures for the issue or renewal of a licence according to the licence's nature, type or class;

(7) establish the particular requirements and procedures for the issue of a learner's licence or of a driver's licence to a person whose licence is cancelled or whose right to obtain a licence is suspended;

(8) establish the medical and optometrical standards which identify the illnesses, deficiencies and conditions affecting a person that are considered as being absolutely or relatively inconsistent with the driving of a road vehicle or class or sub-class of road vehicles and specify the cases where a person suffering from an illness or deficiency or affected by a condition considered to be relatively inconsistent with driving may obtain a licence and the requirements that the person must then fulfil;

(9) establish a system of demerit points on the basis of which the Régie cancels a licence or suspends the right to obtain a licence; the system shall include a list of offences and the corresponding number of demerit points for each offence and determine the total number of demerit points entered in a person's file that entails the sending of a notice, the cancellation of a licence or the suspension of the right to obtain a licence;

(10) determine the cases where a driving school licence may be issued in relation to its class and the number of driving schools in the territory of a regional or urban community or regional county municipality and specify the cases where no licence may be issued in such a territory;

(11) determine in which cases, in relation to the territory of an urban or regional community or regional county municipality, a driving school licence may be issued to a person acting on behalf of a secondary or post-secondary educational institution and prescribe the cases in which no licence may be issued in such territory;

(12) establish the conditions attaching to a driving school licence and to an instructor's licence;

(13) determine the content of the programs of instruction of a driving school;

(14) determine the content of the registers and students' files that must be kept by the holder of a driving school licence;

(15) determine the cases where a driving school licence may be transferred;

(16) determine other cases where driving courses may be required;

(17) establish, on the conditions determined by it, exemptions from the requirement to take driving courses;

(18) determine the maximum number of students per classroom used by a driving school and establish the minimum ratio between students, instructors and vehicles for driving courses;

(19) establish the standards to be met by the road vehicles used for the operation of driving school licences or instructor's licences and determine the equipment and signs that such vehicles must carry;

(20) establish criteria for selecting the location of premises to be used by a licensed driving school or instructor and the standards to be met by such premises;

(21) establish standards respecting advertising by the holder of a driving school licence and prohibit certain kinds of advertising;

(22) determine the prescriptions of a regulation concerning driving schools or the instruction given in driving passenger vehicles other than mopeds the violation of which constitutes an offence.

617. The Government may by regulation

(1) establish the conditions and formalities of issue of a licence or permit referred to in Title III;

(2) determine the information that must appear on a licence or permit referred to in Title III, and prescribe the form and term of validity of such a licence or permit;

(3) fix the amount of the security that must be furnished under Title III and establish the form, terms and conditions according to which security must be furnished and the conditions subject to which the requirement to furnish security may be terminated;

(4) establish classes of licences and the conditions attaching to a licence or permit under Title III;

(5) determine the form and content of the report that a peace officer must transmit to the Régie;

(6) fix the annual amount that the Minister of Transport may require for the erection of commercial tourist information signs on a public highway the maintenance of which is under his jurisdiction.

618. The Government may by regulation

(1) establish the conditions for the affixing by the Régie of an identification number to a road vehicle;

(2) prescribe standards for the manufacture, sale, installation and use of fog lights, exhaust systems, tires and protective helmets;

(3) establish the conditions for the installation and use of white lights at the rear of certain classes or sub-classes of road vehicles;

(4) prescribe the lamps, reflectors and flares that must be carried by a road vehicle having a width that exceeds two meters driven outside a city or town;

(5) establish criteria to be met by a road vehicle to be equipped with flashing or rotating amber lights;

(6) prescribe standards respecting the colour, intensity, shape and dimensions of headlights, lights and reflectors;

(7) prescribe standards for the windshield and windows of a road vehicle which will ensure good visibility for the driver;

(8) prescribe standards for the manufacture, installation and use of a slow-moving vehicle signs, red flags and reflector pannels;

(9) establish conditions under which riding a horse is permitted on public highways and determine the place on a public highway where riding a horse may be authorized;

(10) approve devices to measure the rate of speed of a road vehicle and determine the manner in which such devices are to be used;

(11) establish norms to govern the utilization of lamps, reflectors and flares;

(12) prescribe maximum periods of time during which a bus, minibus or commercial vehicle may be driven and prescribe special standards for the installation and use of accessories and equipment on such vehicles and norms governing the driving of such vehicles;

(13) prescribe standards of installation and use of child safety devices and anti-theft devices;

(14) prescribe the form on which a medical certificate exempting a person from the obligation to wear a seat belt is issued;

(15) establish classes of motor vehicles and combinations of road vehicles according to load, the number, type and class of axles, configuration in respect of axle arrangement, tire and suspension specifications or any other mechanical or material specification;

(16) establish classes of axles;

(17) establish for classes of public highways, according to classes of motor vehicles and combinations of road vehicles and classes of axles, norms for axle load, total loaded mass and dimensions of motor vehicles and combinations of road vehicles with or without load;

(18) modify, during periods of thaw or in the event of rain, erosion or flooding, the norms established under paragraph 17;

(19) determine the form and content of special permits and designate a person authorized to issue such permits;

(20) determine the amount of the fee exigible and the conditions and formalities for obtaining a special permit and the conditions attached to such a permit according as the permit relates to an outsized vehicle or to a vehicle used for the transportation of a load exceeding its length or its width;

(21) determine the circumstances in which farm animals may be allowed across a public highway even when the requirements of the first paragraph of section 493 are not met;

(22) prescribe norms respecting the sale and use of brake fluid;

(23) establish norms for the securing of loads and determine, among the provisions of the regulation, those the violation of which constitutes an offence;

(24) require the installation and use on buses and minibuses of accessories that meet safety standards and establish norms of installation and use in respect thereof;

(25) establish the safety standards that must be met by a road vehicle to be authorized to be operated;

(26) regulate the presence and movement of convoys on the public highways;

(27) take the measures necessary to control the dimensions and mass of a motor vehicle or combination of road vehicles moving on a public highway, load included;

(28) determine what road vehicles are subject to mechanical inspection under paragraph 11 of section 518;

(29) prescribe the frequency, standards and procedures of the mechanical inspection of the various road vehicles that are subject to inspection;

(30) determine, in relation to the inspection of vehicles the minor and major defects that may affect a road vehicle;

(31) establish the form, content, conditions and procedures of issue of the notices referred to in sections 528 and 539;

(32) establish the form and content of the certificate of mechanical inspection and the inspection sticker;

(33) identify a road vehicle as a recreation vehicle according to the use, type, configuration or other mechanical or material characteristic of the vehicle and determine norms and prohibitions with respect to the use and operation of recreation vehicles and specify the minimum age required to drive such a vehicle;

(34) determine, among the provisions of a regulation made under paragraph 33, those the violation of which constitutes an offence;

(35) determine, among the provisions of a regulation concerning the conditions attached to a special permit for a certain class of combinations of road vehicles, those the violation of which constitutes an offence.

619. The Government may, with respect to the transportation of dangerous substances on a public highway, by regulation

(1) establish classes of motor vehicles and combinations of road vehicles according to load or mechanical or material characteristics;

(2) establish classes and categories of dangerous substances;

(3) designate a substance as a dangerous substance;

(4) prescribe norms, conditions and procedures for the construction, use, custody and maintenance of any motor vehicle, combination of road vehicles and any container it may indicate where that vehicle or that container is used for the transportation of a dangerous substance;

(5) prescribe, according to classes of vehicles and classes and categories of dangerous substances, the norms and prohibitions respecting

(a) the operation of motor vehicles and combinations of road vehicles assigned to the transportation of a dangerous substance;

(b) the presence on a public highway of a motor vehicle or combination of road vehicles assigned to the transportation of a dangerous substance;

(c) the operations of loading, unloading, placing into containers and packaging dangerous substances transported, or to be transported, on a public highway;

(d) the packaging of dangerous substances transported, or to be transported, on a public highway;

(6) prescribe, according to classes of road vehicles and classes and categories of dangerous substances transported or to be transported on a public highway,

(a) the indication of danger and other information which must be affixed on dangerous substances and on their packaging as well as on the containers, motor vehicles and combinations of road vehicles containing them;

(b) the documents that must accompany dangerous substances that are being transported on public highways and the minimum information that these documents must contain.

The regulation-making powers provided in the first paragraph may be exercised in respect of all public highways or of certain specifically designated public highways.

620. The Government may by regulation

- (1) prescribe the form and tenor of an infraction ticket, a preliminary notice or a summons;
- (2) prescribe the amount of costs referred to in sections 576 and 577;
- (3) fix the amount and the terms and conditions of the remuneration of the members of the Comité consultatif médical et optométrique.

CHAPTER II

POWERS OF THE RÉGIE

621. The Régie may by regulation

- (1) determine the amount of the fee exigible for the issue or the renewal of the registration of a road vehicle and establish the terms and conditions of payment of that fee;
- (2) determine the amount of the fee exigible for the issue of a duplicate of a registration certificate;
- (3) determine the amount of the fee exigible for the issue or the renewal of a licence or permit according to its nature, class or category and establish the terms and conditions of payment of that fee;
- (4) determine the amount of the fee exigible for proficiency examinations;
- (5) determine the amount of the fee exigible for the replacement of an illegible, damaged, destroyed, lost or stolen, registration certificate, registration plate, sticker or licence;
- (6) determine the operating costs for each classroom used by a driving school and the amount, nature, object, duration and the terms and conditions of the security that may be required from a driving school;

(7) determine the amount of the fee exigible for the issue of a licence under Title III;

(8) determine the amount of the fee exigible for the affixing of an identification number to a road vehicle;

(9) determine, according to the various road vehicles that are subject to mechanical inspection, the amount of the fee exigible for the mechanical inspection performed by it;

(10) determine the amount of the fee exigible for the issue of a certificate of mechanical inspection or inspection sticker;

(11) provide, subject to the conditions it determines, cases of exemption from or reduction of certain exigible fees it determines;

(12) permit, subject to the conditions it establishes, that the identifying mark of the Régie be engraved, lithographed or printed on the documents it determines, other than a document referred to in section 547, and substituted for the signature of a person designated under section 17.1 of the Act respecting the Régie de l'assurance automobile du Québec;

(13) determine, according to the nature of the objects, the cases where an object confiscated or taken from its owner may be returned to him;

(14) determine the information that a parking permit for the handicapped must contain, the form and term of validity of the permit and the amount of the fee exigible for its issue.

622. Every regulation, made by the Régie is subject to the approval of the Government.

CHAPTER III

POWERS OF MUNICIPALITIES

623. A municipality may by by-law or ordinance

(1) determine classes of non-motorized vehicles that are subject to registration and determine the amount of the registration fee exigible according to such classes;

(2) require every resident of its territory who owns a non-motorized vehicle subject to registration that he registers such vehicle;

(3) provide for the issue of a certificate evidencing the registration of a non-motorized vehicle and require the holder to carry the certificate when using the vehicle;

(4) prescribe the minimum and maximum speed limits for road vehicles in its territory, which may be different for different locations except on public highways maintained by the Minister of Transport or on which the Minister of Transport has erected traffic signs in accordance with section 329;

(5) prohibit all vehicular traffic, with or without exception, on the streets it indicates provided it allows road vehicles the use of streets permitting them to drive across the municipality and provided that the prohibition, the use of those streets and the route to be followed are indicated by traffic signs or traffic officers;

(6) locate taxi stands and stops for buses and minibuses;

(7) establish safety zones for pedestrians, and require and regulate their use;

(8) establish rules regulating the direction of traffic, the meeting of uncoming vehicles and the passing of road vehicles on public highways maintained by it provided that such rules are compatible with the provisions of this Code relating to those matters;

(9) establish rules regulating the movement of convoys on public highways maintained by it;

(10) regulate the speed of road vehicles in parks or cemeteries under its control or prohibit the use of road vehicles in the lanes of parks or cemeteries provided that the speed limit or prohibition is clearly indicated by means of signs conspicuously placed at the entrance to the park or cemetery and along the lanes;

(11) prohibit or restrict the movement of all or certain road vehicles in the vicinity of schools and hospital centres;

(12) take the necessary measures to prevent or relieve traffic congestion;

(13) determine the annual amount it may require for the erection of commercial tourist information signs on a public highway maintained by it.

624. Notwithstanding any inconsistent provision of any general law or special Act, every by-law or ordinance respecting speed limits

passed by a municipality must be approved by the Minister of Transport to have effect.

625. The Minister of Transport may approve the whole or only a part of a by-law or ordinance referred to in section 624. He may also withdraw approval given under that section, in which case the by-law, ordinance or part thereof from which approval has been withdrawn becomes void from the date fixed in a notice of the withdrawal of approval published in the *Gazette officielle du Québec*.

TITLE XIV

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

626. The Minister of Transport may, according to law, enter into an agreement with any government, department, or body respecting any matter referred to in this Code.

An agreement under this section may exempt any person from the application of part of this Code.

The Régie shall be responsible for the implementation of such an agreement.

627. An agreement under section 626 may also provide that a penalty under this Code becomes applicable in the case of an indictable offence or an offence for which a number of demerit points is prescribed by regulation on a conviction by a court of a jurisdiction that is a party to the agreement for a substantially equivalent offence.

The penalty prescribed under this Code in the case of failure to pay a fine following conviction for an offence under this Code may also be rendered applicable by such an agreement with respect to conviction for a substantially equivalent offence.

The agreement must include descriptions of the offences and applicable penalties.

628. The Government may, by regulation, adopt the necessary measures to give effect to an agreement under section 626. That regulation is not subject to the publication requirements set out in the Regulation Act (1986, chapter 22).

629. Any person convicted by a court of the jurisdiction that is a party to an agreement under section 626 may apply to a judge of

the Provincial Court for a ruling on the applicability of the penalty prescribed for the offence for which he was convicted.

Sections 558 to 570, adapted as required, apply to an application under this section.

630. The Minister of Transport may, where he considers it justified by exceptional circumstances and after consultation with the Régie, issue a special permit authorizing the operation on public highways of a motor vehicle or combination of road vehicles where the applicant is unable to meet the requirements of a regulation under paragraph 20 of section 618.

Where the Minister grants a permit under the first paragraph, he shall fix the conditions attached to the permit, the fee exigible and the amount and nature of the security guaranteeing payment of any damage that the operation of such vehicle or combination of vehicles may cause to a public highway.

631. The Minister of Transport may classify public highways for the purposes of this Code.

632. A peace officer who has reasonable grounds to believe that a person has committed an offence against this Code may request that person to produce his licence or to give his name and address for the purpose of drawing up an infraction ticket or a notice that may constitute an infraction ticket.

Notwithstanding the foregoing, a person may refuse to comply with that request until the peace officer has informed him of the offence justifying his request.

633. Every peace officer who, in the performance of the duties conferred on him under this Code, has reasonable cause to believe that an offence against this Code has been committed and that it is required by the circumstances, may, without the owner's permission, take possession of a road vehicle, drive it and impound it at the expense of the owner.

634. A peace officer is authorized to confiscate, and subsequently forward to the Régie, any unauthorized plate or licence.

For the purposes of the first paragraph, an unauthorized plate is a plate described in section 60 and an unauthorized licence is a licence not issued by the Régie or issued to a person other than the person who uses it in driving a road vehicle.

635. Every peace officer who, in accordance with this Code, confiscates or takes an object from its owner shall immediately inform the Régie of the name and address of the person who was in possession of the object.

636. If the nature of the object confiscated or taken allows it, the Régie may, subject to the conditions and in the cases prescribed by regulation, return the object to its owner if he files an application therefor within thirty days after the date the object was confiscated or taken. The object is returned at the owner's expense.

637. The Régie shall dispose of every object confiscated or taken pursuant to this Code at the expiry of a period of thirty days following the date it was confiscated or taken.

638. The public servants of the Sûreté du Québec designated by the Director General of the Sûreté du Québec to carry out the provisions of this Code are peace officers responsible for its application with respect to driving schools and the following road vehicles:

- (1) a motor vehicle used by a driving school for instruction purposes;
- (2) a bus, a minibus, a commercial vehicle, a taxi and a combination of road vehicles;
- (3) a vehicle used for the transportation of permanently attached equipment and provided with a load space;
- (4) a vehicle designed mainly to do specific work and permanently equipped for that purpose;
- (5) a vehicle equipped to refuel, repair or tow road vehicles;
- (6) a motor vehicle owned by a farmer and used for the transportation of agricultural products or materials necessary for their production.

639. The owner of a stolen road vehicle is required to give immediate notice of the theft of his vehicle and, as the case may be, of its recovery, to the Régie.

A peace officer, on being informed of the theft of a road vehicle, must do what is necessary to inform the Régie.

640. The owner of a road vehicle who contravenes the first paragraph of section 639 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

641. Every person who permits or tolerates the fraudulent use of a document issued by the Régie is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

642. Every person who contravenes a regulation under paragraph 34 of section 618 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

643. Every person who contravenes a regulation under section 619 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$6 000.

644. Any fine prescribed under a by-law or ordinance passed under paragraphs 5, 6 and 9 of section 623 must be equal to the fine prescribed by this Code for an offence of the same nature.

645. The sums collected under this Code are paid into the consolidated revenue fund, within the time and according to the terms and conditions fixed by the Minister of Finance, except

(1) the sums collected by a municipality for an offence against this Code;

(2) the sums placed at the disposal of the Régie in accordance with section 151 of the Automobile Insurance Act and section 23 of the Act respecting the Régie de l'assurance automobile du Québec;

(3) the fees prescribed by regulation of the Régie under this Code;

(4) the part of the fines allocated by the Government to the Régie.

646. Every municipality is required to transmit, to the Attorney General, within ninety days of the end of each year, a detailed report recording for the past year the accidents, within the meaning of section 167, that have occurred in its territory and the offences that entailed the collection of sums of money under paragraph 1 of section 645.

The Attorney General shall transmit a copy of the report to the Régie on a request therefor.

647. The Minister of Transport is responsible for the carrying out of this Code, except the provisions respecting traffic supervision and proceedings for offences coming under the jurisdiction of the Attorney General.

648. The licences, permits, certificates and registration plates issued under the Highway Safety Code (R.S.Q., chapter C-24.1) and the dealer's licences and salvager's licence issued under the Highway Code (R.S.Q., chapter C-24) are deemed to have been issued under this Code.

649. The proficiency certificates issued under the Highway Safety Code become driver's licences of the class appropriate for the driving of a moped.

650. For the purposes of section 204, every person convicted of an offence under any of sections 142 to 142.3 of the Highway Safety Code is deemed to have been convicted of an offence under any of sections 146 or, 148 to 150.

651. The Highway Safety Code shall continue to apply to the suspensions and cancellations of licences or permits imposed before *(insert here the date of the coming into force of this Code)*.

652. Demerit points attributable to an offence committed before *(insert here the date of the coming into force of this Code)* are counted as demerit points for the purposes of the cancellation of a licence or for a suspension of the right to obtain a licence under this Code.

653. In any Act and its statutory instruments any reference to a provision of the Highway Code or to the Highway Safety Code is a reference to the corresponding provision of this Code.

654. Every agreement entered into with any government, any department of such a government or any agency under the Highway Code or under the Highway Safety Code remains in force to such extent as it is compatible with this Code.

655. The certificates of exemption for medical reasons issued under section 454 of the Highway Safety Code are valid for a period of two years from the coming into force of this Code or, as the case may be, for the shorter period indicated on the certificate.

656. The provisions of Division III of Chapter II of Title VIII relating to the obligation to wear the seat belt or other safety device will apply only from 1 January 1989 in respect of the back seat passengers of a vehicle.

657. The judge of the Provincial Court who held the office of president of the Transport Tribunal on 1 June 1982 shall retain, for himself or his widow, his rights to the pension of a chief judge.

658. The Government may order that no driving school licence is to be issued for a maximum period of two years from the coming into force of section 127.

Notwithstanding the first paragraph, the Government may, during such a period, authorize the issue of a driving school licence under Chapter IV of Title II where 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.

659. The Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing paragraph 16 of section 1 by the following paragraph:

“(16) “garage operator” means the person who operates an establishment where road vehicles are maintained or repaired, and receives payment therefor;”.

660. Section 151 of the said Act is replaced by the following section:

“**151.** The Régie shall, by regulation, fix each year, after actuarial valuation, the sums exigible from any date determined by the Régie for obtaining or renewing a licence according to its nature, class or category and for obtaining or renewing a registration according to the class or sub-class of road vehicles on the basis of a fixed tariff or a tariff graduated according to the net mass, number of axles or engine capacity of the vehicle and according to the use of the vehicle, the identity of its owner or the area where it is used.”

661. Section 195 of the said Act is amended by replacing paragraph *n* by the following paragraph:

“(n) to determine the cases, conditions and circumstances giving a right to the reimbursement of the amounts fixed under Title V and fix the method for computing or the exact amount of the sums that may be reimbursed and the sum exigible as administrative expenses at the time of such a reimbursement;”.

662. Section 197 of the said Act is replaced by the following section:

“197. Every regulation of the Régie, except a regulation under paragraph *b* of section 195 must be approved by the Government.

A regulation under section 151 may take effect before the date of its publication in the *Gazette officielle du Québec*.”

663. The Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by inserting, after section 64, the following section:

“64.1 The Office may, by regulation, establish the norms that a handicapped person must comply with to be the holder of a parking permit under section 387 of the Highway Safety Code (1986, chapter *insert here the chapter number of this Act*) and prescribe the form to be completed by a physician to authorize the Régie de l'assurance automobile du Québec to issue such a permit.”

664. Section 156 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by replacing paragraph *h* by the following paragraph:

“(h) that a certificate of mechanical inspection issued under the Highway Safety Code (1986, chapter *insert here the chapter number of this Act*) will be given to the purchaser upon the signing of the contract;”.

665. Section 158 of the said Act is amended by replacing paragraph *a* by the following paragraph:

“(a) the number of the licence issued to the merchant under the Highway Safety Code (1986, chapter *insert here the chapter number of this Act*);”.

666. Section 322 of the said Act is amended by replacing the first paragraph by the following paragraph:

“322. Where the merchant does not hold the permit required by this Act or, as the case may be, the licence required under the Highway Safety Code (1986, chapter *insert here the chapter number of this Act*), a consumer may apply to have the contract annulled.”

667. The Act respecting the Régie de l'assurance automobile du Québec is amended by inserting, after section 15, the following section:

“15.1 In any proceedings, the court may admit a signed report in lieu of the testimony of an officer, public servant or employee of

the Régie to provide information relating to any Act under the administration of the Régie.

Notwithstanding the first paragraph, a party to the proceedings may require the presence of the officer, public servant or employee at the hearing and the court, if of the opinion that the mere filing of the report would have been sufficient, may condemn that party to additional costs in the amount fixed by it."

668. Sections 176 and 177 of the Highway Safety Code remain in force until 30 June 1987.

669. Article 524 of the Charter of the city of Montréal (1959-60, chapter 102), amended by section 55 of chapter 59 of the statutes of 1962, by section 20 of chapter 70 of the statutes of 1963 (1st session), by section 24 of chapter 86 of the statutes of 1966-67, by section 7 of chapter 90 and by section 1 of chapter 91 of the statutes of 1968, by section 21 of chapter 96 of the statutes of 1971, by section 4 of chapter 76 of the statutes of 1972, by section 58 of chapter 77 of the statutes of 1973, by section 48 of chapter 77 of the statutes of 1977, by section 82 of chapter 7 of the statutes of 1978, by section 10 of chapter 40 of the statutes of 1980 and by section 21 of chapter 71 of the statutes of 1982 is again amended by replacing subparagraph *f* of subparagraph 2 by the following subparagraph:

"(f) regulate the parking of vehicles used by handicapped persons holding parking permits issued by the Régie de l'assurance automobile du Québec under section 387 of the Highway Safety Code (1986, chapter *insert here the chapter number of this Act*)."

670. Section 545 of the Charter of the city of Québec (1929, chapter 95), enacted by section 17 of chapter 97 of the statutes of 1974 and amended by section 85 of chapter 7 of the statutes of 1978, by section 40 of chapter 42 of the statutes of 1980 and by section 39 of chapter 61 of the statutes of 1984, is again amended by replacing the third paragraph by the following paragraph:

"It may regulate the parking of vehicles used by handicapped persons holding parking permits issued by the Régie de l'assurance automobile du Québec under section 387 of the Highway Safety Code (1986, chapter *insert here the chapter number of this Act*)."

671. Subject to section 668, this Code replaces the Highway Code and the Highway Safety Code.

672. The provisions of this Code come into force on 1 January 1987 except those of sections 84 and 194, which will come into force on such dates as may be fixed by the Government.



HIGHWAY SAFETY CODE

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