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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-THIRD LEGISLATURE

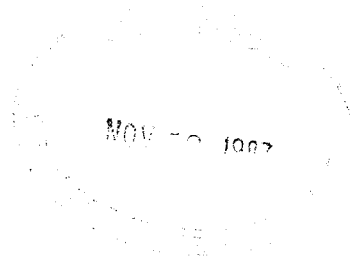
Bill 73

## **An Act to amend the Highway Safety Code and the Automobile Insurance Act**

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### **Introduction**

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



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## EXPLANATORY NOTES

*The main object of this bill is to incorporate the standards of the National Safety Code for Motor Carriers into Québec legislation. Henceforth, the Highway Safety Code will contain specific rules pertaining to the operation of buses or commercial vehicles with a net mass in excess of 3 000 kg. The new rules define the responsibilities of professional drivers and carriers with respect to the maintenance, repair and mechanical inspection of vehicles, the safety and securement of loads, the dimension and total loaded mass of outsized vehicles and the transportation of dangerous substances. The bill includes rules concerning the obligation to hold one driver's licence only and the limitation of hours of service. In addition, a system of demerit points applicable to carriers is established to sanction non-compliance with safety rules.*

*Moreover, the bill contains provisions relating to the weighing of vehicles and the responsibility of the shipper with respect to outsized vehicles. Under the bill, a non-resident will be forbidden to drive in Québec if he has failed to pay a fine imposed on him for an offence against the Highway Safety Code.*

*Other amendments introduced by this bill pertain to the issue of municipal certificates to handicapped persons so as to allow them to park their vehicles in parking spaces reserved for their use. Other rules concerning the authorization to ride a horse on public highways, subject to certain exceptions, are also provided.*

*The bill makes a number of adjustments that have proved necessary with the implementation of the new Highway Safety Code.*

*Finally, the bill amends the Automobile Insurance Act to increase the minimum compulsory amount of liability insurance to \$1 000 000 for carriers and to \$2 000 000 for carriers who transport dangerous substances.*

## Bill 73

### **An Act to amend the Highway Safety Code and the Automobile Insurance Act**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 1 of the Highway Safety Code (1986, chapter 91) is amended by adding, at the end of the first paragraph, after the word “highways”, the following words: “and, in the cases and on the conditions prescribed by regulation, on private roads open to public vehicular traffic.”

**2.** Section 4 of the said Code is amended by replacing the definition of the word “minibus” by the following definition:

“ “**minibus**” means a motor vehicle of the small van type designed for the group transportation of handicapped persons, for the transportation, for a fare, of more than seven occupants at a time or for the transportation, without remuneration, of more than nine occupants at a time;”.

**3.** Section 14 of the said Code is amended by adding, after paragraph 3, the following paragraph:

“(4) a detachable axle.”

**4.** Section 21 of the said Code is amended by adding, after the first paragraph, the following paragraph:

“Notwithstanding the foregoing, the Régie may, on renewing a registration, issue a registration certificate and validation stickers to any person who owns more than ten road vehicles without first requiring

him to meet the conditions set forth in the first paragraph. The owner must, however, fulfil such conditions before the beginning of the period of validity of the new registration.”

**5.** Section 25 of the said Code is amended by adding, at the end of paragraph 1, the following words: “or in respect of the fee exigible for the issue of a certificate of mechanical inspection or an inspection sticker;”.

**6.** Section 47 of the said Code is amended by replacing the first paragraph by the following paragraph:

**“47.** The owner of a road vehicle no longer in use must return the registration certificate and the registration plate of the vehicle to the Régie. A new registration certificate indicating that the vehicle is no longer in use shall be issued to the owner by the Régie.”

**7.** Section 51 of the said Code is amended by replacing the words “or section 28” in the second line by the words “or any of sections 28 or 40 to 46”.

**8.** Section 69 of the said Code is amended by striking out the words “the renewal of” in the second line of the second paragraph.

**9.** Section 73 of the said Code is amended

(1) by replacing the words “as soon as possible” at the end of the first paragraph by the words “within a period of not more than 90 days.”;

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

“The Régie may also require that a person applying for the removal of a condition appearing on his licence undergo a proficiency examination.”

**10.** The said Code is amended by inserting, after section 80, the following sections:

**“80.1** A person whose licence has been cancelled pursuant to section 187.1 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 until the lapse of a period of

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

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

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

**“80.2** In the cases provided for in section 80.1, 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.

**“80.3** Where the class of a person’s licence has been cancelled or the person’s right to obtain a licence of that class has been suspended pursuant to section 187.2, he must, to obtain a licence of that class, comply with the conditions and formalities established by regulation.

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

(1) three months if the person incurred no class cancellation or suspension for an offence under the same provision during the two years preceding that date;

(2) six months if the person incurred only one class cancellation or suspension for an offence under the same provision during the two years preceding that date;

(3) one year if the person incurred more than one class cancellation or suspension for an offence under the same provision during the two years preceding that date.

**“80.4** In the cases provided for in section 80.3, if the person has incurred a suspension under section 192 no licence may be issued to him before the end of the suspension period imposed under section 192 or 193.”

**11.** Section 81 of the said Code is amended by adding, at the end of paragraph 5, the following words: “or in respect of the fee exigible for the issue of a certificate of mechanical inspection or an inspection sticker.”

**12.** Section 82 of the said Code is amended by adding, after paragraph 2, the following paragraph:

“(3) refuses to undergo a proficiency examination or fails it.”

**13.** Section 87 of the said Code is amended by striking out the second paragraph.

**14.** Section 90 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Notwithstanding the foregoing, the Régie may require that the holder undergo an examination where the exchanged licence is a licence authorizing him to drive a commercial vehicle, an emergency vehicle, a taxi, a bus or a minibus.”

**15.** Section 91 of the said Code is amended by adding, after the first paragraph, the following paragraph:

“Notwithstanding the first paragraph, a person holding a valid driver’s licence issued in a country other than the United States is not required to surrender the licence issued in his country of origin.”

**16.** The said Code is amended by inserting, after section 92, the following section:

**“92.1** No non-resident who has failed to pay, within the prescribed time, a fine imposed for an infringement of this Code may drive a road vehicle in Québec.”

**17.** Section 94 of the said Code is replaced by the following section:

**“94.** No person may hold more than one driver’s licence or more than one learner’s licence of the same class issued by the Régie.

Except in the cases and on the conditions prescribed by regulation,

(1) no person holding a driver’s licence issued by the Régie may at the same time hold a valid driver’s licence issued by another administrative authority in Canada;

(2) no person holding a valid driver’s licence issued by another administrative authority in Canada may, when driving a road vehicle in Québec, hold more than one valid driver’s licence issued by an administrative authority in Canada.”

**18.** Section 111 of the said Code is replaced by the following section:

**“111.** The Régie shall administer, in respect of convicted persons, a system of demerit points prescribed by regulation, under which the cancellation of a licence or the suspension of the right to obtain a licence may be incurred.

Demerit points shall be prescribed

- (1) for an offence against a provision of this Code;
- (2) for an offence the description of which corresponds to an offence against a provision of this Code and which is in violation of
  - (a) a by-law passed by a municipality;
  - (b) an Act of Canada other than the Criminal Code (R.S.C., 1970, chapter C-34), or a regulation of Canada in the case of an offence committed in a territory under the jurisdiction of the Government of Canada."

**19.** The English text of section 119 of the said Code is amended by replacing the words "ten days or less" in the fourth line of the first paragraph by the words "at least ten days".

**20.** Section 128 of the said Code is amended by replacing the first paragraph by the following paragraph:

**"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. The applicant and the corporation or partnership for which he is acting must, also, comply with the conditions and formalities established by regulation."

**21.** Section 140 of the said Code is amended by striking out the figure "94" in the first line.

**22.** The said Code is amended by inserting, after section 146, the following section:

**"146.1** Every person who contravenes section 94 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2 000."

**23.** The English text of section 158 of the said Code is amended by replacing the word "or" in the second line of the second paragraph by the word "and".

**24.** The English text of section 161 of the said Code is amended

(1) by inserting the words "or permit" in the first line, after the word "licence";

(2) by inserting the words "or permit" in the second line, after the word "licence".

**25.** The said Code is amended by inserting, after section 161, the following section:

**“161.1** Every holder of a dealer’s licence who is authorized to effect the registration of road vehicles must comply with the conditions established by the Régie regarding transactions related to registration and the use of temporary registration.”

**26.** The English text of section 162 of the said Code is amended

(1) by inserting the words “or permit” in the first line after the word “licence”;

(2) by inserting the words “or permit” in the third line after the word “licence”.

**27.** Section 166 of the said Code is amended by replacing the word and figure “and 161” in the second line by the word and figures “, 161 and 161.1”.

**28.** Section 173 of the said Code is amended by replacing the words “and contents” in the third line by the words “, content and mode of transmission”.

**29.** Section 176 of the said Code is amended by replacing the words and figure “not more than \$500” in the third line by the words and figure “\$500 or less”.

**30.** The said Code is amended by inserting, after section 187, the following sections:

**“187.1** Where a person is convicted of an offence against section 94, the Régie must cancel the person’s licences.

**“187.2** Where a person is convicted of an offence described in section 519.11, in the second paragraph of section 519.12 or in section 519.44, the Régie must cancel the class of that person’s licence which authorizes him to drive a motor vehicle subject to Title VIII.1 or suspend, if his licence does not include that class, his right to obtain such a class.

The cancellation or suspension must pertain to the class or right to obtain a class which authorizes the driving of the motor vehicle the person was driving at the time the offence was committed.”

**31.** Section 188 of the said Code is amended



(1) by inserting the words “or renewed” after the word “obtained” in the first line of paragraph 1;

(2) by adding, at the end of paragraph 5, the following words: “or with respect to the fee exigible, in relation to the vehicle, for the issue of a certificate of mechanical inspection or an inspection sticker;”;

(3) by adding, after paragraph 5, the following paragraph:

“(6) the owner has failed to submit his vehicle to mechanical inspection after having been notified to do so by the Régie.”

**32.** Section 189 of the said Code is amended by adding, after paragraph 3, the following paragraph:

“(4) a carrier has failed to repair a motor vehicle subject to Title VIII.1 which has major defects or has allowed the vehicle to be operated in contravention of section 519.19.”

**33.** Section 190 of the said Code is amended by replacing paragraph 5 by the following paragraph:

“(5) the licence holder has furnished false or inaccurate information to obtain or renew the licence or class concerned;”.

**34.** Section 192 of the said Code is amended

(1) by replacing the word and figure “or 79” in the second line of paragraph 1 by the word and figures “, 79, 187.1 or 187.2”;

(2) by inserting the words “this section or” before the words “any of sections” in the second line of paragraph 2.

**35.** Section 193 of the said Code is amended by replacing the first paragraph by the following paragraph:

**“193.** A suspension imposed under section 192 takes effect only

(1) after any disqualification period applicable to the person under section 76, 79, 187.1 or 187.2 at the time the offence was committed has ended;

(2) after any suspension imposed, at the time the offence was committed, under any of sections 190, 191, 192, 194, 196, 197 and 200 to 202 is lifted.”

**36.** Section 194 of the said Code is amended by inserting the words “or his right to obtain one” after the word “licence” in the first line of the first paragraph.

**37.** Section 200 of the said Code is amended

(1) by replacing the words “not less than \$200” in the first and second lines of paragraph 1 by the words “of more than \$200”;

(2) by replacing the words “not less than” in the first line of paragraph 2 by the words “more than”;

(3) by replacing the words “not less than” in the first line of paragraph 3 by the words “more than”.

**38.** Section 204 of the said Code is amended by inserting the word and figure “or 644” after the figure “150” in the second line of each of subparagraphs 1, 2 and 3 of the first paragraph.

**39.** Section 208 of the said Code is amended

(1) by adding the words “or the right to obtain such a licence” after the word “licence” in the second line of the first paragraph;

(2) by inserting the words “or the person applying for such a licence” after the word “holder” in the first line of each of subparagraphs 1, 2 and 3 of the first paragraph.

**40.** Section 214 of the said Code is replaced by the following section:

**“214.** Except with prior approval from the Régie, no person may

(1) 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;

(2) use, for testing purposes, a motor vehicle or a combination of motor vehicles that has been modified or that does not meet the requirements of the Motor Vehicle Safety Act (R.S.C., 1970, chapter 26, 1<sup>st</sup> Supp.).”

**41.** Section 228 of the said Code is replaced by the following section:

**“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 light may be permanently attached to the vehicle but it may be operated only when the vehicle is used for the transportation of property requiring the issue of a special permit in accordance with the conditions appearing on the permit.”

**42.** The French text of section 229 of the said Code is amended by replacing the word “intermittants” in the fifth line of the first paragraph by the word “intermittents”.

**43.** Section 262 of the said Code is amended by adding, after the second paragraph, the following paragraph:

“Where the motor vehicle draws a trailer or a semi-trailer, rear-view mirrors must be attached so as to enable the driver to have a clear view to the back of the combination of vehicles:

(1) one rear-view mirror attached to the exterior of the motor vehicle on the left side if the existing rear-view mirror cannot be used; and

(2) another rear-view mirror attached to the exterior of the motor vehicle on the right side if the existing interior or exterior rear-view mirror on the right side cannot be used.”

**44.** Section 274 of the said Code is replaced by the following section:

“**274.** Every road vehicle built to be driven at a speed of less than 40 km/h as well as every animal-drawn vehicle must carry a warning sign in accordance with the standards prescribed by regulation.”

**45.** Section 295 of the said Code is amended by replacing paragraph 6 by the following paragraph:

“(6) prohibit horse riding or restrict it to part of the public highway;”.

**46.** Section 324 of the said Code is amended by adding, after the third paragraph, the following paragraph:

“The driver of a road vehicle used for snow removal or road maintenance may also use the left-hand lane when performing his duties.”

**47.** The English text of section 324 of the said Code is amended by striking out the words “or over” in the first line of the first paragraph.

**48.** The French text of section 331 of the said Code is amended by replacing the words “clignotants d’urgence” in the first and second lines of the second paragraph by the words “de détresse”.

**49.** The English text of section 337 of the said Code is amended

(1) by replacing the words and figure “5 500 kg or over” in the third line by the words and figure “over 5 500 kg”;

(2) by replacing the words and figure “5 500 kg or over” in the fourth line by the words and figure “over 5 500 kg”.

**50.** Section 346 of the said Code is amended

(1) by replacing the word “or” in the third line by a comma;

(2) by adding, at the end, the following words: “or is a snow removal or road maintenance vehicle doing work on the left-hand lane of a one-way roadway with two lanes or over.”

**51.** Section 386 of the said Code is amended by adding, after paragraph 8, the following paragraph:

“(9) at any place where parking is prohibited by a sign erected in accordance with this Code.”

**52.** Section 388 of the said Code is amended by adding, at the end, the following words “or a certificate issued by a municipality in accordance with paragraph 15 of section 626.”

**53.** Section 389 of the said Code is replaced by the following section:

“**389.** No person may drive or allow any person to drive a minibus or a commercial vehicle weighing 3 000 kg or less for a longer period than the period prescribed by regulation and in violation of the standards prescribed by regulation.”

**54.** The said Code is amended by inserting, after section 421, the following section:

“**421.1** No person may drive, on a public highway, a road vehicle carrying a registration plate that does not authorize the driving of that vehicle on such a highway.”

**55.** The English text of section 426 of the said Code is amended by inserting the word “available” after the word “seats” in the second line of subparagraph 2 of the second paragraph.

**56.** The said Code is amended by inserting, after section 492, the following section:

**“492.1** In no case may the driver of a motorcycle or moped or a person riding a bicycle drive or ride on a sidewalk except where necessary or where so directed by a sign.”

**57.** Section 496 of the said Code is replaced by the following section:

**“496.** No person may ride a horse

- (1) on a limited access highway or on an entrance or exit ramp;
- (2) on any part of a public highway where a sign prohibits it.”

**58.** Section 504 of the said Code is amended by replacing the figure “492” in the fourth line, by the figure “492.1”.

**59.** Section 508 of the said Code is amended by replacing the word and figure “and 479” in the eighth line by the word and figures “, 479 or 492.1”.

**60.** Section 509 of the said Code is amended by inserting the figure “, 421.1” after the figure “391” in the second line.

**61.** Section 517 of the said Code is replaced by the following sections:

**“517.** Every person who contravenes section 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 outsized 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.

**“517.1** Any owner or lessee of an outsized vehicle or any carrier subject to Title VIII.1 who contravenes section 463 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 outsized 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.

**“517.2** Where the load of a motor vehicle subject to Title VIII.1 is dealt with as a single load chargeable in its entirety to only one consignor and the vehicle is outsized, the consignor is guilty of an offence and is liable, in addition to costs,

(1) if the vehicle is outsized in respect of the dimension, to a fine of not less than \$300;

(2) if the vehicle is outsized in respect of the total loaded mass, to a minimum fine of \$100, plus,

(a) 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;

(b) 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;

(c) 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.

Proof that the offence was committed by the consignor is, in the absence of any evidence to the contrary, proof that the offence took place with the approval and under the direction of the consignor.

For the purposes of this section, the consignor is the person requesting the transportation of goods.”

**62.** The said Code is amended by inserting, after section 519, the following title:

“TITLE VIII.1

“SPECIAL RULES RESPECTING THE OPERATION  
OF CERTAIN MOTOR VEHICLES

“CHAPTER I

“SCOPE AND DEFINITIONS

“**519.1** This title establishes special rules respecting the operation of the following motor vehicles:

- (1) buses;
- (2) commercial vehicles having a net mass in excess of 3 000 kg.

“**519.2** For the purposes of this title, unless the context indicates otherwise,

“**carrier**” means any person who, directly or through the agency of another carrier for whom he is responsible, regularly carries passengers or goods by means of a motor vehicle that is subject to this title or who leases such a motor vehicle for such purposes;

“**driver**” means any person who drives a motor vehicle that is subject to this title.

The Government may, by regulation, according to the kinds of carriers it determines:

- (1) determine the cases where a carrier is responsible for another carrier within the meaning of the first subparagraph of the first paragraph;
- (2) define the expression “regularly carries passengers or goods”.

“**519.3** For the purposes of this title, the term “motor vehicle” includes a trailer, a semi-trailer or a detachable axle drawn by the motor vehicle.

## “CHAPTER II

### “OBLIGATIONS OF CARRIERS AND DRIVERS

#### “DIVISION I

##### “OBLIGATIONS OF DRIVERS

**“519.4** Every driver must keep the inspection register pertaining to the motor vehicle he is driving in his vehicle at all times.

No driver may have in his possession more than one inspection register for the vehicle he is driving.

**“519.5** Every driver must, in accordance with the standards prescribed by regulation, maintain and update the inspection register of the motor vehicle he is driving.

**“519.6** Every driver must, in the cases prescribed by regulation, inspect his motor vehicle and record its mechanical condition in the inspection register, in accordance with the standards prescribed by regulation.

**“519.7** Every driver who discovers a mechanical defect during an inspection conducted pursuant to section 519.6 must report it in writing to the carrier in accordance with the standards and procedures prescribed by regulation.

**“519.8** No person may drive a motor vehicle which has a major defect discovered during an inspection conducted pursuant to section 519.6.

**“519.9** Every driver whose driver's licence or class of licence authorizing him to drive a motor vehicle subject to this title has been modified, suspended or cancelled shall, in accordance with the procedure prescribed by regulation, notify immediately the carrier who is responsible, within the meaning of subparagraph 1 of the second paragraph of section 519.2, for the vehicle he is driving.

**“519.10** Every driver of a bus must ensure that baggage, freight or express is distributed and secured in a manner which assures

(1) unrestricted freedom of movement for the driver and his proper operation of the bus;

(2) unobstructed access to all exits by any occupant of the bus;

(3) protection of the occupants of the bus against injury resulting from the falling or displacement of articles transported in the bus.



**“519.11** No person may drive a motor vehicle for a longer period of time than that prescribed by regulation and in violation of the standards prescribed by regulation.

**“519.12** Every driver who is required to maintain a register of hours of service must do so in accordance with the standards prescribed therefor by regulation.

No driver may have in his possession more than one register of hours of service.

Every driver must have his register in his possession at all times when driving his motor vehicle and must surrender it for inspection at the request of a peace officer or an authorized person referred to in section 519.26 or 519.27. The peace officer or the inspector must return the register to the driver as soon as he has inspected it.

**“519.13** Every driver must, at the request of a peace officer or an authorized person referred to in section 519.26 or 519.27, identify the carrier who is responsible, within the meaning of subparagraph 1 of the second paragraph of section 519.2, for the vehicle he is driving.

**“519.14** Every peace officer who, in the performance of the duties conferred on him by this Code, has reasonable cause to believe that a person is driving a road vehicle while his faculties are impaired by alcohol, fatigue, illness, drugs or medication and that such condition makes him temporarily incapable of operating his vehicle safely may take his driver's licence from him for a period not exceeding 24 hours, take possession of his vehicle and drive it to an appropriate place. The driver must comply.

Notwithstanding the foregoing, the prohibition to drive ceases to apply and the peace officer shall immediately return the driver's licence and, as the case may be, the vehicle to the driver in the following cases:

(1) at the request of the driver, the peace officer verifies the concentration of alcohol in the driver's blood by means of a sample of breath and finds it to be less than 80 mg of alcohol in 100 ml of blood;

(2) the driver furnishes to the peace officer a medical certificate signed after the prohibition to drive which certifies at the time it is signed, that the concentration of alcohol in his blood is less than 80 mg in 100 ml of blood or that his faculties are not impaired by fatigue, illness, medication or a drug other than alcohol;

(3) the driver proves to the peace officer that his faculties are not impaired by fatigue, illness, medication or a drug other than alcohol.

The peace officer is required to comply with a request made by a driver pursuant to subparagraph 1 of the second paragraph.

## “DIVISION II

### “OBLIGATIONS OF CARRIERS

**“519.15** Every carrier must keep the motor vehicles for which he is responsible in safe operating condition and must comply with the vehicle maintenance standards prescribed by regulation.

Moreover, every carrier must see to it that drivers inspect their vehicle to ascertain that they are in safe operating condition, in accordance with section 519.6.

**“519.16** Every carrier must provide each motor vehicle for which he is responsible with one inspection register. Moreover, he must see to it that the driver keeps the register in the vehicle at all times and makes therein every entry required by the standards prescribed by regulation.

**“519.17** Every carrier must correct any defect reported to him by a driver pursuant to section 519.7. The repairs must be made in accordance with the vehicle maintenance standards prescribed by regulation.

**“519.18** Where a motor vehicle has a minor defect, the carrier must make the necessary repairs or cause them to be made within 48 hours.

No carrier may put the vehicle back into operation at the expiry of that period unless the repairs have been made.

**“519.19** No carrier may permit the operation of a motor vehicle that has a major defect reported to him by the driver pursuant to section 519.7.

**“519.20** No carrier may permit the operation of a bus that does not meet the requirements of section 519.10.

**“519.21** Every carrier must maintain the registers and records prescribed by regulation.

**“519.22** Where a carrier is notified or becomes aware of a notice of defect issued by a vehicle manufacturer pursuant to the Motor Vehicle Safety Act (R.S.C., 1970, chapter 26, 1<sup>st</sup> Supp.), the carrier must forthwith ensure that the defect is corrected as instructed by the manufacturer or that the vehicle is repaired or modified in such a way that the defect no longer exists.

**“519.23** No carrier may permit a vehicle to be driven for a longer period than that prescribed by regulation and in violation of the standards prescribed by regulation.

**“519.24** Every lessor of a motor vehicle subject to this title must identify the lessee in the leasing contract as prescribed by the Régie.

**“519.25** Every carrier must see to it that every driver has his vehicle weighed in accordance with section 470.

### “CHAPTER III

#### “POWERS AND DUTIES OF THE RÉGIE

**“519.26** A person authorized by the Régie to act as an inspector for the purposes of this title may, in the performance of his duties,

- (1) enter the establishment of a carrier at any reasonable time;
- (2) inspect the premises and any equipment in which registers and records that must be maintained under this title and the regulations may be found;
- (3) stop and inspect any motor vehicle subject to this title;
- (4) require communication of any register, record or other document for examination, reproduction or the production of extracts, and make photographs thereof, if he believes, on reasonable grounds, that it contains information relevant to the application of this title or the regulations.

The authorized person shall, on request, identify himself and produce a certificate of his capacity issued by the Régie.

**“519.27** The Minister of Transport may authorize a person to act as an inspector for the purposes of section 519.26.

**“519.28** The carrier or any other person in charge of his establishment is required to assist the inspector in the performance of his duties and put at the inspector’s disposal any register, record or other relevant document he wishes to examine.

**“519.29** No person may hinder an inspector in the performance of his duties.

**“519.30** The Régie may appoint, on such conditions as it may determine, a carrier or a heavy-vehicle driving school to conduct

mandatory competency examinations, except medical examinations, for the issue of a class of licence authorizing the driving of a motor vehicle subject to this title.

**“519.31** The Régie shall take the steps necessary to inform carriers of the rules contained in this title and of the regulations made under its authority and, where applicable, of the rules relating to the transportation of dangerous substances.

## “CHAPTER IV

### “OFFENCES AND PENALTIES

**“519.32** A driver or carrier who is guilty of an offence against a provision of this Code which is described in a provision of this chapter is liable only to the fine imposed under this chapter.

**“519.33** The driver of a motor vehicle that does not meet the requirements of any of sections 212, 213, 215 to 223, 225, 234, the first paragraph of section 235, any of sections 236, 237, 254, 258, 261 to 265, 269, 270, 272, 273 and 441 is guilty of an offence and is liable, in addition to costs, to a fine of \$60 to \$100.

Every carrier who operates or permits the operation of a motor vehicle that does not meet the requirements of any of the provisions referred to in the first paragraph is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

**“519.34** Every driver who contravenes any of sections 274, 519.10 and 519.13 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

Every carrier who contravenes section 274 or 519.20 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

**“519.35** Every driver who contravenes section 519.7 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200 if he neglected or refused to report a minor defect or to a fine of \$300 to \$600 if he neglected or refused to report a major defect.

**“519.36** The driver of a motor vehicle that is not registered as required under section 6, 7 or 8 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

Every carrier who operates or permits the operation of a motor vehicle that does not meet the requirements of any of the sections

referred to in the first paragraph is guilty of an offence and is liable, in addition to costs and to the amount owing on the registration fee he should have paid, to a fine of \$300 to \$600.

**“519.37** Every driver who contravenes section 228 or 474 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

Every carrier who contravenes either section referred to in the first paragraph is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

**“519.38** Every driver who contravenes any of sections 519.4, 519.6 and 519.11 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

**“519.39** Every driver who contravenes section 248 or 519.5 or the first paragraph of section 519.14 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

**“519.40** Every carrier who operates or permits the operation of a motor vehicle contrary to the provisions of section 54 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

**“519.41** Every carrier who contravenes any of sections 214, 239, 258, 260, 266 and 268 or who permits the operation of a motor vehicle that does not meet the requirements of section 423 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

**“519.42** Every carrier who, notwithstanding proper notification pursuant to section 519.9, operates or permits the operation of a motor vehicle whose driver is not the holder of the class of licence authorizing him to drive the vehicle as prescribed by regulation, is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

**“519.43** Every carrier who contravenes the second paragraph of section 531 or section 532 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

**“519.44** Every driver who, in maintaining or updating his register of hours of service, makes false or inaccurate entries is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

**“519.45** Every lessor of a motor vehicle subject to this title who contravenes section 519.24 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300.

**“519.46** Every carrier who contravenes section 519.22 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300 if the motor vehicle to which the notice applies has a minor defect or to a fine of \$600 to \$2 000 if the vehicle has a major defect.

**“519.47** Every carrier who contravenes any of sections 519.17 to 519.19 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300 if the motor vehicle that is the subject of the driver’s report has a minor defect or to a fine of \$600 to \$2 000 if the vehicle has a major defect.

**“519.48** Every carrier who operates or permits the operation of a motor vehicle that does not meet the requirements of section 34 or 57 or who contravenes section 519.15 is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

**“519.49** The driver of a motor 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 \$300 to \$600.

**“519.50** Every driver who contravenes any of sections 519.8, 519.9 and 519.12 is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

**“519.51** Every carrier who contravenes section 519.25 or 534 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2 000.

**“519.52** Every carrier who operates or permits the operation of a motor vehicle whose brake system has been modified or altered in such a way as to reduce its effectiveness or who contravenes any of sections 471, 473, 519.16, 519.21, 519.28, 519.29, 523, 538 and 539 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$2 000.

**“519.53** Every carrier who contravenes section 519.23 is guilty of an offence and is liable, in addition to costs, to a fine of \$600 to \$6 000.

## “CHAPTER V

### “DEMERIT POINTS

**“519.54** This chapter applies to every carrier who is convicted of an offence for which demerit points are prescribed. A carrier 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.

**“519.55** The Régie shall administer, in respect of convicted persons, a system of demerit points prescribed by regulation, under which it shall impose penalties.

Demerit points shall be prescribed

(1) for an offence against a provision of this Code, the Automobile Insurance Act (R.S.Q., chapter A-25), the Transport Act (R.S.Q., chapter T-12) or the Act respecting truck transportation (1987, chapter *insert here the chapter number of the said Act in the volume of the Statutes of Québec for 1987*);

(2) for an offence the description of which corresponds to an offence against a provision of this Code and which is in violation of

(a) a by-law passed by a municipality;

(b) an Act of Canada other than the Criminal Code (R.S.C., 1970, chapter C-34), or a regulation of Canada in the case of an offence committed in a territory under the jurisdiction of the Government of Canada.

**“519.56** The Régie shall consider a person convicted where 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 from the director of a police department, or where it is in possession of the judgment or the proof of payment.

**“519.57** On being informed of a conviction in accordance with section 519.56, the Régie shall enter, in its files, the number of demerit points which corresponds to the offence committed by the person convicted.

**“519.58** As soon as the total number of demerit points entered in a carrier's file attains the number prescribed by regulation, the Régie shall send a notice to the carrier, at the last address known or 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 to impose penalties and suspensions.

The Régie may also call the carrier to a meeting with a public servant designated by it for that purpose.

**“519.59** Failure by the Régie to give the notice required by section 519.58 does not nullify a notice given subsequently nor does it prevent the Régie from subsequently exercising any power or duty under this chapter.

**“519.60** The number of demerit points entered by the Régie in a carrier’s file becomes nil two years from the date of conviction or payment in respect of the offence in question.

**“519.61** As soon as the total number of demerit points entered in a carrier’s file is equal to or greater than the number prescribed by regulation, the Régie shall impose on the carrier a penalty of \$5 000 to \$40 000, according to the conditions and procedure prescribed by regulation.

Moreover, in case of default, the Régie may seize, in accordance with the conditions and procedure prescribed by regulation, one or more motor vehicles of the carrier and apply to a judge of the Provincial Court for an order directing the sale thereof to cover the amount of the unpaid penalty.

**“519.62** Whenever the Régie imposes a penalty under section 519.61, it shall cancel, in the file of the carrier concerned, a number of points equal to the number that justified the imposition of a penalty; the points most recently entered that are in excess of that number remain in the file.”

**63.** Section 520 of the said Code is amended by adding, after the first paragraph, the following paragraph:

“The persons so appointed must pay the duties prescribed by regulation.”

**64.** Section 521 of the said Code is amended by inserting, after paragraph 10, the following paragraph:

“(10.1) vehicles which, in the opinion of the Régie, are in such poor condition that they constitute a hazard;”.

**65.** Section 524 of the said Code is replaced by the following section:

**“524.** The peace officer or the Régie, as the case may be, may give a notice indicating the time within which the owner or driver of a road vehicle described in paragraph 10 or 10.1 of section 521 is required to submit his vehicle to a mechanical inspection.

No person may, after the expiry of the time allotted, operate the vehicle 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 was submitted to a mechanical inspection and that it conforms to this Code.



If the owner or driver fails to comply within the time indicated, the notice constitutes an infraction ticket under section 523.”

**66.** Section 532 of the said Code is replaced by the following section:

**“532.** The owner must prove, within the time indicated in the notice issued under section 531,

(1) that the defects discovered on his vehicle during an inspection have been repaired;

(2) that his vehicle conforms to this Code to the satisfaction of the Régie or a person authorized to perform the inspection of vehicles for the Régie.

Failing such proof, the notice constitutes an infraction ticket under the first paragraph of section 531.”

**67.** Section 533 of the said Code is amended by replacing the word “and” in the fourth line by the word “or”.

**68.** Section 535 of the said Code is replaced by the following section:

**“535.** A peace officer or a person authorized by the Régie to act as an inspector for the purposes of this Code may, in the performance of his duties, 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.

An inspector may exercise the same powers where an owner fails to submit his vehicle to a mechanical inspection within the time allotted under section 524.”

**69.** Section 536 of the said Code is amended by replacing the words “The Régie and a peace officer are authorized” in the first line by the words “The Régie or a peace officer is authorized”.

**70.** The said Code is amended by inserting, after section 543, the following section:

**“543.1** Where the owner of a road vehicle is notified or becomes aware of a notice of defect issued by a vehicle manufacturer pursuant to the Motor Vehicle Safety Act (R.S.C., 1970, chapter 26, 1<sup>st</sup> Supp.), he must forthwith ensure that the defect is corrected as instructed by the manufacturer or that the vehicle is repaired or modified in such a way that the defect no longer exists.”

**71.** The said Code is amended by inserting, after section 545, the following section:

**“545.1** Every person who contravenes section 543.1 is guilty of an offence and is liable, in addition to costs, to a fine of \$60 to \$100 if the road vehicle to which the notice applies has a minor defect or to a fine of \$100 to \$200 if the vehicle has a major defect.”

**72.** Section 550 of the said Code is amended by replacing the word and figure “and 208” in the seventh line of the first paragraph by the word and figures “, 208 and 519.61”.

**73.** Section 552 of the said Code is amended

(1) by striking out the words and figures “, paragraph 2 of section 82” in the second line of the first paragraph;

(2) by striking out subparagraph 2 of the first paragraph.

**74.** Section 553 of the said Code is amended by adding the words “, unless no other suspension or revocation is in effect at the time the suspension is applied” at the end of the second paragraph.

**75.** Section 560 of the said Code is amended by replacing the word and figure “and 207” in the sixth line of paragraph 1 by the word and figures “, 207 and 519.61”.

**76.** Section 575 of the said Code is amended by inserting, after the first paragraph, the following paragraph:

“In the case of an offence against section 463 or 464, the weigher who ascertains the offence may issue an infraction ticket to the driver of the oversized vehicle.”

**77.** Section 587 of the said Code is amended by replacing the figure “185” in the fifth line by the figure “186”.

**78.** Section 596 of the said Code is amended

(1) by inserting the words “, the weigher who ascertained an offence against section 463 or 464” after the word “offence” in the third line of the first paragraph;

(2) by inserting the words “the weigher” after the word “officer,” in the second line of the second paragraph.

**79.** The said Code is amended by inserting, after section 607, the following section:

**“607.1** If a transmission under section 607 is effected electronically, the document resulting therefrom is, in any proceedings, proof of its contents in the absence of any evidence to the contrary.

To be admissible as proof, the document only requires the attestation of the person who transmits it to the effect that it was issued by him.”

**80.** Section 618 of the said Code is amended by striking out paragraph 23.

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

(1) by replacing paragraph 7 by the following paragraph:

“(7) establish the particular requirements and procedures for the issue of a learner’s licence, of a driver’s licence or of a class of either to a person whose licence or class is cancelled or whose right to obtain one is suspended;”;

(2) by adding, after paragraph 22, the following paragraphs:

“(23) determine in what cases and on what conditions a person may hold both a driver’s licence issued by the Régie and a valid driver’s licence issued by another administrative authority in Canada;

“(24) determine in what cases and on what conditions a person may hold more than one valid driver’s licence issued by different administrative authorities in Canada.”

**82.** The English text of section 619 of the said Code is amended by striking out the words “or permit” in the first line of paragraph 1.

**83.** Section 620 of the said Code is amended by replacing the words “and content” in the first line of paragraph 5 by the words “, content and mode of transmission”.

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

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

“(2.1) prescribe standards, conditions and procedures for the construction, operation, custody, maintenance, salubrity and safety of any type of road vehicle used for the transportation of handicapped

persons, prescribe the installation and use of safety equipment and accessories, and specify the persons to whom and the vehicles to which the standards apply;”;

(2) by replacing paragraph 9 by the following paragraph:

“(9) establish the conditions on which riding a horse is permitted on a public highway;”;

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

“(12.1) prescribe the form and content of the register of hours of service every driver must maintain pursuant to section 519.12 as well as the preservation rules pertaining thereto;

“(12.2) determine, subject to the conditions it determines, in what case a driver subject to Title VIII.1 is partially or completely exempted from the obligation to maintain a register of hours of service;”;

(4) by replacing paragraph 20 by the following paragraph:

“(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, or to an outsized vehicle used for testing purposes;”;

(5) by adding, after paragraph 36, the following paragraphs:

“(37) prescribe standards for the maintenance of motor vehicles that are subject to Title VIII.1 and the frequency and procedure of mandatory inspections by carriers;

“(38) prescribe standards and procedures for the inspection of a motor vehicle pursuant to section 519.6, the cases where such an inspection must be conducted and the reports that must be made by the driver of the vehicle;

“(39) determine the cases where a carrier subject to Title VIII.1 is required to maintain registers, records or other documents as well as their form and content and the preservation rules pertaining thereto;

“(40) determine the cases where a driver subject to Title VIII.1 is required to make entries in the inspection register of the vehicle he is driving as well as the form and content of the register and the preservation rules pertaining thereto;

“(41) establish a system of demerit points in respect of carriers subject to Title VIII.1, setting out

- (a) classes of carriers and the related conditions and procedures;
- (b) a list of offences and the corresponding number of demerit points;
- (c) the total number of demerit points in a carrier's file entailing the sending of a notice;
- (d) the imposition of penalties and related conditions and procedures;

“(42) determine, subject to the conditions it determines, the cases where a motor vehicle is partially or totally exempt from the application of Title VIII.1;

“(43) prescribe conditions and procedures in respect of the seizure and sale of a motor vehicle under section 519.61;

“(44) prescribe the procedure according to which a carrier is informed by a driver whose driver's licence or class of licence authorizing him to drive a motor vehicle subject to Title VIII.1 has been modified, suspended or cancelled;

“(45) establish, according to the types of carriers it determines, the cases where a carrier is responsible for another carrier within the meaning of the first subparagraph of the first paragraph of section 519.2 and define the expression “regularly carries passengers or goods” used in that subparagraph;

“(46) determine in what cases and on what conditions this Code is applicable to private roads open to public vehicular traffic.”

**85.** Section 622 of the said Code is amended by adding, after subparagraph 6 of the first paragraph, the following subparagraphs:

“(7) determine, among the provisions of a regulation under this section, those that are applicable to a person who requests the transportation of dangerous substances;

“(8) determine, among the provisions of a regulation under this section, those the violation of which constitutes an offence and prescribe for each offence the minimum and maximum fines that may be imposed on the offender, namely, \$200 to \$300, \$300 to \$600 or \$600 to \$6 000, according to the seriousness of the offence.”

**86.** Section 624 of the said Code is amended by adding, after paragraph 14, the following paragraphs:

“(15) fix the administrative charge exigible in respect of a cheque without sufficient funds or returned by a financial institution for any other reason;

“(16) fix the duties exigible from persons authorized to conduct the inspection of road vehicles under section 520.”

**87.** The English text of section 624 of the said Code is amended by striking out the words “or permit” in the second line of paragraph 3.

**88.** Section 626 of the said Code is amended by adding, after paragraph 14, the following paragraph:

“(15) establish the conditions and procedure for the issue of a certificate to a handicapped person who qualifies under the medical standards established under paragraph 20 of section 618, the conditions relating to the use thereof, its term of validity and the fee exigible for its issue and renewal.”

**89.** Section 627 of the said Code is amended by inserting the words “or the operation of road vehicles transporting dangerous substances” after the word “limits” in the second line.

**90.** Section 636 of the said Code is replaced by the following section:

“**636.** 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

(1) stop a road vehicle;

(2) without the owner’s permission, take possession of a road vehicle, drive it and impound it at the expense of the owner.”

**91.** Section 640 of the said Code is amended by striking out the words “pursuant to this Code” in the second line.

**92.** Section 646 of the said Code is replaced by the following section:

“**646.** Every person who contravenes a regulatory provision determined under subparagraph 8 of the first paragraph of section 622

is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$300, \$300 to \$600 or \$600 to \$6 000 according to the offence and to the corresponding minimum and maximum fines prescribed by regulation.”

**93.** Section 648 of the said Code is amended by inserting, after paragraph 3, the following paragraph:

“(3.1) the fees collected by the Régie pursuant to a government regulation under subparagraphs 1 and 2 of the first paragraph of section 155 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);”.

**94.** Section 651 of the said Code is amended by striking out the words “and salvager’s licence” in the third line.

**95.** The Automobile Insurance Act (R.S.Q., chapter A-25) is amended by inserting, after section 87, the following section:

“**87.1** The minimum compulsory amount of liability insurance for a carrier subject to Title VIII.1 of the Highway Safety Code is \$1 000 000.

However, in the case of a carrier who transports dangerous substances, the minimum amount is \$2 000 000.”

**96.** Section 186 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**186.** Except in the case provided for in section 94, the owner of an automobile or a carrier subject to Title VIII.1 of the Highway Safety Code who has not contracted the compulsory liability insurance is guilty of an offence and is liable, in addition to costs, to a fine

(1) of not less than \$250 nor more than \$2 300 if he is an owner who uses or allows another person to use his automobile;

(2) of not less than \$600 nor more than \$6 000 if he is a carrier who uses or allows another person to use his motor vehicle.”

**97.** The first regulation to be made by the Government under paragraph 45 of section 621 of the Highway Safety Code, enacted by paragraph 5 of section 84 of this Act, may be made without the publication of a draft regulation in the *Gazette officielle du Québec*.

The regulation shall be deemed to be in force from the date of coming into force of paragraph 5 of section 84.

**98.** The provisions of this Act come into force on the dates fixed by the Government, except sections 4, 18, 80, 86 and 98, which come into force on *(insert here the date of assent to this Act)*.

Section 18 has effect from 29 June 1987.