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# NATIONAL ASSEMBLY

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FOURTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 81

## **An Act to amend the Highway Safety Code and other legislation**

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### **Introduction**

**Introduced by  
Mr Jacques Léonard  
Minister of Transport**



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## EXPLANATORY NOTES

*This bill is mainly a bill of amendments of the Highway Safety Code, in view of setting up a scheme for the listing of all motor vehicles and improving the rules applicable to suspensions and cancellations of licences issued under the Code and to the issue of restricted licences.*

*The proposed new listing scheme is intended to provide a more accurate count of the number of vehicles on the road and to make it possible to identify the owner of every vehicle operating on the highways at all times. It also enacts new norms to facilitate supervision of sales of new, used and recycled vehicles.*

*Other amendments proposed by this bill are designed to provide closer supervision of persons holding licences to operate driving schools that teach passenger vehicle and motorcycle driving, and of holders of licences to teach driving of such vehicles.*

*This bill provides for the issue of parking permits for vehicles transporting handicapped persons, by municipalities, usable throughout Québec, and outside its borders by agreement.*

*This bill corrects certain anomalies in the enforcement of the traffic rules and modifies some of the standards on the accessories and equipment of road vehicles. In addition, it seeks to improve the administration of the mechanical inspection program, especially through the issue of mechanical standards certificates and mechanical inspection reports.*

*Finally, various other provisions are amended or reformulated to allow greater all around efficiency in the administration of the Code by the Régie.*

## ACTS AMENDED BY THIS BILL

- (1) The Highway Safety Code (R.S.Q., chapter C-24.1)
- (2) The Automobile Insurance Act (R.S.Q., chapter A-25)
- (3) The Consumer Protection Act (R.S.Q., chapter P-40.1)

(4) The Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., chapter R-4)

(5) The Fuel Tax Act (R.S.Q., chapter T-1)

(6) The Act to amend the Automobile Insurance Act and other legislation (1982, chapter 59)

(7) The Charter of the City of Montréal (1959-60, chapter 102)

(8) The Charter of the City of Québec (1929, chapter 95)



# Bill 81

## An Act to amend the Highway Safety Code and other legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 1 of the Highway Safety Code (R.S.Q., chapter C-24.1), amended by section 98 of chapter 46 of the statutes of 1983, is again amended

(1) by replacing the definition of the word “farmer” by the following definition:

““**farmer**” means 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 tenant of a farm and whose principal activity is agriculture;”;

(2) by replacing the definition of the word “moped” by the following definition:

““**moped**” means a road vehicle having two or three wheels and a mass not in excess of 60 kg, provided with a motor having a piston displacement of not over 50 cm<sup>3</sup>;”;

(3) by inserting, after the definition of the words “farm vehicle”, the following definition:

““**garagist**” means a person who operates an establishment where road vehicles are maintained or repaired for remuneration, except an establishment where vehicles are only stored or parked;”;

(4) by inserting, after the definition of the word “autoroute”, the following definition:

“**“auto salvager”** means a person who carries on the business of collecting and reselling discarded road vehicles or road vehicle parts, selling vehicles as scrap, or returning to operation road vehicles that he rebuilds from parts or vehicles he has collected;”;

(5) by replacing the definition of the words “traffic control device” by the following definition:

“**“traffic control device”** means a signal light, sound signal, sign, marking or device specially designed to prohibit, regulate or control traffic or parking or to inform;”;

(6) by replacing the definition of the words “private commercial vehicle” by the following definition:

“**“private commercial vehicle”** means a motor vehicle mainly used for the transportation of things that does not require a permit from the Commission des transports du Québec or the Régie des marchés agricoles du Québec;”;

(7) by replacing the definition of the words “public commercial vehicle” by the following definition:

“**“public commercial vehicle”** means a motor vehicle mainly used for the transportation of things that requires a permit from the Commission des transports du Québec or the Régie des marchés agricoles du Québec;”;

(8) by replacing the definition of the words “passenger vehicle” by the following definition:

“**“passenger vehicle”** means a motor vehicle, other than a motorcycle, light motorcycle, moped or minibus, designed for the transportation of not more than ten persons at a time, when such transportation does not require a permit from the Commission des transports du Québec or the Régie des marchés agricoles du Québec;”;

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

“This Code includes the regulations made by the Government and the Régie.”

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

“A person who leases a road vehicle for a period of not less than one year is considered an owner of a road vehicle for the purposes of registration.

The person in whose name a road vehicle is registered is responsible for any infraction imputable to the owner under this Code.”

**3.** The heading of Chapter II of the said Act is replaced by the following heading:

“LISTING AND REGISTRATION”.

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

“**4.** The owner of a road vehicle possessed in Québec must list it, unless he is exempted from so doing by this Code.

An owner who uses or allows the use of a road vehicle in Québec must register it, unless he is exempted from so doing by this Code.”

**5.** Sections 6 to 11 of the said Code are replaced by the following sections:

“**6.** The following are exempt from registration and listing:

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

(2) a trailer or semi-trailer leased for a period not exceeding twelve months if

(a) its unloaded mass is 900 kg or less;

(b) its owner is not required to hold a leasing permit from the Commission des transports du Québec;

(c) the leasing contract is entered into outside Québec;

(d) it is in the possession of the lessee;

(3) the passenger vehicle, motorcycle, moped, light motorcycle, trailer or semi-trailer of a person whose main place of residence is outside Québec, for a period of six consecutive months from the arrival of the vehicle in Québec, if

(a) the vehicle is registered as required by the law of the main place of residence or the place of business of its owner and has valid registration plates of that place;

(b) the driver furnishes proof of such registration at the request of the Régie or a peace officer.

“**7.** A road vehicle held in stock by the manufacturer or, during the course of delivery, a road vehicle being delivered to a dealer by

the manufacturer, is exempt from listing and, unless used on a public highway, registration.

**“8.** The following, unless used on a public highway, are exempt from registration:

(1) a snow vehicle, in the cases prescribed by regulation of the Government;

(2) a farm tractor owned by a farmer;

(3) a road vehicle in the possession of a dealer holding it in stock for sale.”

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

**“12.** The owner of a road vehicle shall apply for the listing in accordance with the formalities determined by regulation of the Régie and shall attach a statement to his application containing all the information required by regulation of the Government. The application must be accompanied with payment of the duties fixed by regulation of the Régie.”

**7.** Section 13 of the said Code, replaced by section 38 of chapter 59 of the statutes of 1982, is again replaced by the following section:

**“13.** The owner of a road vehicle shall apply for the registration or the renewal of registration of the vehicle in accordance with the formalities determined by regulation of the Régie and shall attach a statement to his application containing all the information required by regulation of the Government. The application must be accompanied with payment of the duties fixed by regulation of the Régie.

To obtain the registration or the renewal of registration of a road vehicle, the owner must furnish to the Régie a statement in accordance with section 96 of the Automobile Insurance Act (R.S.Q., chapter A-25) for the road vehicle concerned and pay to the Régie the amount fixed under section 151 of the said Act and the registration duties fixed by regulation of the Government; he must also fulfil the other formalities and conditions fixed by regulation of the Government.”

**8.** Section 14 of the said Code is repealed.

**9.** Section 15 of the said Code is replaced by the following section:

**“15.** The listing and registration of a road vehicle owned by a partnership are made in the name of the partner making the application.

The listing and registration of a road vehicle in co-ownerships are made in the name of the co-owner applying therefor.”



**10.** Sections 19 and 20 of the said Code are replaced by the following sections:

**“19.** The Régie must refuse to list a road vehicle if the applicant is unable to prove 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.

**“19.1** The Régie may refuse to list a road vehicle if the owner does not meet the conditions prescribed in section 12.

**“20.** The Régie must refuse to register a road vehicle or to renew the registration thereof if

(1) the registration of the road vehicle of the person making the application, or his right to obtain such a registration, is under a suspension provided for by section 152, 158 or 160;

(2) the owner does not comply with section 84 of the Automobile Insurance Act;

(3) in a case provided for by section 35 of the Transport Act (R.S.Q., chapter T-12), the person making the application has not obtained the prior authorization of the Commission des transports du Québec;

(4) a mechanical inspection report states that the vehicle needs minor repairs and these have not been done within the time limit prescribed in section 263, or needs major repairs;

(5) the applicant is unable to prove 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.

**“20.1** The Régie may refuse to register a road vehicle or to renew its registration if

(1) the owner does not meet the conditions prescribed in section 13, 16 or 17 as well as those prescribed by regulation of the Government;

(2) the owner is already the debtor of the Régie regarding an application for registration or a licence or the renewal thereof;

(3) the owner does not furnish a certificate of mechanical inspection where a regulation of the Government prescribed that such a certificate is required.”

**11.** Section 23 of the said Code is replaced by the following section:

**“23.** Every listing certificate and registration certificate issued by the Régie must contain the information determined by regulation of the Government.

Every holder of a listing certificate or of a registration certificate must sign it. The certificates must bear the identifying inscription of the Régie or the signature of the person authorized by the Régie.”

**12.** The heading of Division III of Chapter II of the said Code is replaced by the following heading:

“CONDITIONS ATTACHED TO LISTING AND REGISTRATION”.

**13.** Section 25 of the said Code is replaced by the following section:

“**25.** The owner in whose name a road vehicle is listed or registered in Québec must inform the Régie of any change of address within thirty days of the change.”

**14.** Section 28 of the said Code is amended by adding, after the second paragraph, the following paragraph:

“The owner of a road vehicle shall affix the sticker issued by the Régie to the place determined by regulation of the Régie.”

**15.** Section 32 of the said Code is amended by replacing the first paragraph by the following paragraph:

“**32.** Every person driving a road vehicle on a public highway must have with him, in addition to the documents contemplated in section 87, the listing certificate and the registration certificate of the vehicle and the certificate of insurance or of financial responsibility provided for by the Automobile Insurance Act.”

**16.** Sections 34 to 37 of the said Code are replaced by the following sections:

“**34.** Where the right of ownership of a road vehicle is transferred between two persons neither of whom is a dealer, an insurer or an auto salvager, the transferor must, without delay, remit to the Régie the listing certificate, after endorsing it.

“**35.** Where the right of ownership of a road vehicle is transferred to a dealer, an insurer or an auto salvager, the transferor must remit the listing certificate to the dealer, insurer or auto salvager after endorsing it and the dealer, insurer or auto salvager must remit it to the Régie without delay.

“**36.** Where the right of ownership of a road vehicle is transferred by a dealer, an insurer or an auto salvager, the transferor must remit the listing certificate to the transferee after endorsing it and inform the Régie of the transfer; the transferee must remit the certificate to the Régie without delay.

**“37.** Where the right of ownership of a road vehicle is transferred, the transferor must remit the registration certificate and registration plate to the Régie.

The first paragraph does not apply to the owner in respect of a road vehicle that he leases for at least one year.”

**17.** Sections 38 and 39 of the said Code are repealed.

**18.** Sections 40 to 44 of the said Code are replaced by the following sections:

**“40.** Every auto salvager must keep a register in which he must:

- (1) enter the identification number of every road vehicle he receives;
- (2) describe the major parts of every road vehicle he acquires such as the motor, the transmission, the rear axle or the front-wheel drive, the hood, the radiator grill, the fenders, the bumpers, the rear-window panel, the quarter panels, the trunk-lid and the doors;
- (3) describe every major part referred to in paragraph 2 that he receives;
- (4) enter the date on which a road vehicle or any major part referred to in paragraph 2 is received or acquired and the name and address of the person from whom it is received or acquired.

**“40.1** The auto salvager shall, at any time, at the request of a peace officer or an officer of the Régie, allow him to examine his register.

**“41.** Every dealer or auto salvager who sells a road vehicle rebuilt by an auto salvager shall remit to the purchaser a certificate of roadworthiness indicating that the road vehicle meets the requirements of the Code.

**“42.** Every owner entered on the listing certificate who discards a road vehicle must remit to the Régie the registration certificate and the registration plate. The Régie shall inscribe on the listing certificate that the vehicle has been discarded.

**“42.1** Where a road vehicle is exempt from listing only, sections 34 to 36 and 42 apply to the registration certificate as if it were a listing certificate.

**“43.** The Régie shall suspend the registration of a road vehicle if

- (1) the registration of the road vehicle of the applicant therefor or his right to obtain such registration is suspended under section 152, 158 or 160;

(2) the applicant has not obtained prior authorization from the Commission des transports du Québec in the case of section 35 of the Transport Act;

(3) a mechanical inspection report states that the vehicle is in need of minor repairs that were not made within the time prescribed in section 263, or major repairs.

**“44.** The Régie may suspend the registration of a road vehicle if

(1) the owner no longer meets the conditions set forth in section 13, 16 or 17 or in a regulation of the Government;

(2) the registration was obtained under false representations.”

**19.** Section 46 of the said Code is replaced by the following section:

**“46.** The owner of a road vehicle whose registration is suspended shall return to the Régie the registration certificate and registration plate of the road vehicle.

If the owner refuses or fails to comply with the requirement, the Régie may commission a peace officer to confiscate the registration certificate and the registration plate and the owner shall then immediately remit his registration certificate and registration plate to the peace officer who requests him to do so.”

**20.** Section 48 of the said Code is amended by replacing the figures and word “, 28 or 42” in the second line by the word and figure “or 28”.

**21.** Section 49 of the said Code is replaced by the following section:

**“49.** Every person who drives on a public highway a road vehicle the registration plate of which is so damaged as to prevent the identification of the owner of the road vehicle by means of the registration plate is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$50.”

**22.** The said Code is amended by inserting, after section 53, the following section:

**“53.1** No person may use or allow another person to use a road vehicle the registration of which is suspended.

Every person who uses or allows the use of the road vehicle described in the first paragraph is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500.”

**23.** Section 54 of the said Code is replaced by the following section:

**“54.** Every person who contravenes section 4, 5, 34, 35, 40, 40.1, 41 or 42 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.”

**24.** Section 56 of the said Code is replaced by the following section:

**“56.** Every person who so alters a registration plate as to prevent the identification of the owner of a road vehicle by means of the registration plate or drives on a public highway a road vehicle provided with a registration plate so altered is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500.

The owner of the road vehicle provided with a registration plate altered as in the first paragraph is liable, in addition to costs, to a fine of \$200 to \$500, unless he proves that the alteration was made without his knowledge.”

**25.** Section 58 of the said Code, amended by section 39 of chapter 59 of the statutes of 1982 and section 99 of chapter 46 of the statutes of 1983, is again amended

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

“(2) fix registration duties exigible according to the categories or sub-categories of road vehicles, to their use, to the identity of their owners or to the territory where they are used, and prescribe the terms and conditions of payment of the duties;”;

(2) by replacing paragraphs 7 and 8 by the following paragraphs:

“(7) determine, according to the identity of the owners, the information to be furnished in applications for listing, registration or renewal of registration and the form and content of listing certificates or registration certificates;

“(8) provide, on such conditions as it may determine, other cases of total or partial exemption from the application of section 4 and determine what farm machinery is exempt from listing and registration and what snow vehicles are exempt from registration;”;

(3) by adding, after the word “issue” in the first line of paragraph 11, the words “or renewal”.

**26.** Section 59 of the said Code is replaced by the following section:

**“59.** The Government, on such conditions as it may determine, may appoint persons to carry out, on behalf of the Régie, the listing and registration of road vehicles and any other related operation, and determine the amount and mode of their remuneration.”

**27.** Section 61 of the said Code is replaced by the following section:

**“61.** A restricted licence authorizes the holder to drive a road vehicle on a public highway in carrying on his principal means of livelihood while his driver’s licence is revoked.”

**28.** Sections 63 and 64 of the said Code are replaced by the following sections:

**“63.** A driving school licence authorizes the operation, for remuneration, of a driving school where instruction is given in driving passenger vehicles or motorcycles for the purpose of allowing the obtention or retention of a driver’s licence or of a class of driver’s licences.

**“64.** An instructor’s licence authorizes the holder to give, for remuneration, instruction in driving passenger vehicles or motorcycles in a driving school.”

**29.** The heading of Division II of Chapter III of the said Code is replaced by the following heading:

“DRIVER’S LICENCE, LEARNER’S LICENCE, CERTIFICATE OF COMPETENCE AND RESTRICTED LICENCE”.

**30.** Section 67 of the said Code is replaced by the following section:

**“67.** To drive a moped on a public highway, a person must hold a driver’s licence or a certificate of competence.

The certificate of competence is issued by the Régie; however, the Government, on such conditions as it may determine, may appoint persons to issue the certificate on behalf of the Régie and determine the amount and mode of their remuneration.”

**31.** Section 69 of the said Code, replaced by section 3 of chapter (*insert here the chapter number of Bill 76 of 1984*) of the statutes of 1984, is again replaced by the following section:

**“69.** To obtain a driver’s licence, a person must be at least sixteen years of age and have passed the proficiency examination of the Régie and have fulfilled the other conditions prescribed by regulation of the Government.

To obtain a licence authorizing him to drive a passenger vehicle, a person must have passed a driving course for driving passenger vehicles, approved by the Régie and to obtain a licence authorizing him to drive a motorcycle, a person must have passed a driving course for driving motorcycles, approved by the Régie.”

**32.** Section 69.1 of the said Code, enacted by section 3 of chapter *(insert here the chapter number of Bill 76 of 1984)* of the statutes of 1984, is repealed.

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

**“70.1** To obtain a certificate of competence, a person must be at least fourteen years of age and fulfil the other conditions prescribed by regulation of the Government.”

**34.** Section 71 of the said Code is amended by replacing the words “or learner’s licence” in the first line by the words “, learner’s licence or certificate of competence”.

**35.** Section 72 of the said Code, amended by section 40 of chapter 59 of the statutes of 1982, is again amended by replacing the words “or a learner’s licence” in the first line by the words “, a learner’s licence or a certificate of competence”.

**36.** Section 73 of the said Code is replaced by the following section:

**“73.** The Régie may require that an applicant for a licence undergo a medical examination or an optometric examination and that a report of the examination be submitted to it as soon as possible. It may require that the examination be conducted by an optometrist or by a physician specialized in any field it may determine or by an optometrist or physician designated by the Régie by name.”

**37.** Section 74 of the said Code is replaced by the following section:

**“74.** Driver’s licences and certificates of competence are valid for the period determined by regulation of the Government.”

**38.** Section 77 of the said Code is replaced by the following section:

**“77.** A licence must be signed by its holder. The licence must also bear the identifying inscription of the Régie or the signature of a person authorized by the Régie.”

**39.** Section 78 of the said Code is amended by striking out the words and figures “under section 101, 152, 158 or 160” at the end of paragraph 2.

**40.** Section 79 of the said Code is amended

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

“(1) who does not fulfil the conditions prescribed in section 69, 71, 72 or 99;”;

(2) by striking out paragraph 4.

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

**“79.1** The Régie must refuse to issue a certificate of competence to a person

(1) who does not fulfil the conditions prescribed in section 70.1, 71 or 72;

(2) whose certificate of competence is suspended.”

**42.** Section 80 of the said Code is amended by replacing paragraph 1 by the following paragraph:

“(1) who does not fulfil the conditions prescribed in section 72 or 99;”.

**43.** Section 81 of the said Code is replaced by the following sections:

**“81.** The Régie must refuse to issue or renew a driver’s licence, learner’s licence or certificate of competence where

(1) according to a medical or optometric report, the applicant suffers from an illness or deficiency or is in a situation which, according to the medical and optometric guide prescribed by regulation of the Régie, is inconsistent with obtaining such a licence, unless it is proved, in the manner provided in section 173.1 but only where expressly permitted by the guide, that the person concerned may safely drive a road vehicle corresponding to the licence applied for;

(2) the applicant is strictly forbidden to drive.

**“81.1** The Régie may refuse to issue or renew a driver’s licence, learner’s licence or certificate of competence where the applicant

(1) fails to comply with a decision taken under section 73;

(2) according to a medical or optometric report, suffers from an illness or deficiency or is in a situation which, in the opinion of the medical and optometric advisory committee, is inconsistent with the granting of the licence applied for;

(3) refuses to submit to a proficiency examination or has failed it;

(4) fails to comply with a decision taken under section 103.1 or 115;



(5) is the debtor of the Régie regarding an application for registration, a licence or the renewal thereof.”

**44.** Section 86 of the said Code is repealed.

**45.** Section 87 of the said Code is amended by adding the following paragraph:

“Where a document issued by the Régie and referred to in the first paragraph is damaged, the holder shall apply for its replacement. On proof that one of the documents has been destroyed, lost or stolen, the Régie, on payment of the duties fixed by regulation, shall replace it.”

**46.** Section 91 of the said Code is replaced by the following section:

“**91.** The Régie shall establish the formalities, the terms and conditions and the content of the proficiency examination required to obtain a driver’s licence, a learner’s licence or a certificate of competence.”

**47.** Section 92 of the said Code, amended by section 98 of chapter 46 of the statutes of 1983, is replaced by the following section:

“**92.** The Régie may require the holder of a driver’s licence, learner’s licence or certificate of competence to undergo an examination contemplated in section 73 or 91 if

- (1) he is seventy years of age or over;
- (2) his licence has been suspended;
- (3) his licence authorizes him to drive a public commercial vehicle, taxi, bus or minibus;
- (4) it has reasonable grounds to believe that it is expedient to assess his behaviour as a driver on the public highway or his state of health; or
- (5) he has held his driver’s licence for over five years.”

**48.** Section 95 of the said Code is replaced by the following section:

“**95.** In this division, the word “penalty” means the revocation of a licence or the suspension of a right to obtain a licence pursuant to section 95.2 or 97.

Where more than one penalty is imposed on a person at the same time, the penalties must be imposed successively.”

The word “penalty” also means the revocation of a licence or the suspension of a right to obtain a licence pursuant to section 95 as in

force on (*insert here the date of the day preceding the day of coming into force of this section*) or to a decision pursuant to section 97 before (*insert here the date of coming into force of this section*).

**49.** Section 95.1 of the said Code, enacted by section 100 of chapter 46 of the statutes of 1983, is replaced by the following sections:

**“95.1** Where the Régie is informed that a person has been found guilty of an indictable offence related to the supplying of transportation by taxi, it shall

(1) revoke the class of his driver’s licence authorizing him to drive a taxi;

(2) where he does not hold a licence of that class, suspend his right to obtain one.

No driver’s licence of a class authorizing a person to drive a taxi may be issued to a person who is subject to a decision rendered under the first paragraph until five years after the effective date of the decision.

**“95.2** Where a person has been found guilty of a crime related to the driving of a road vehicle or an offence referred to in section 140, the person’s driver’s licence or learner’s licence is revoked, and the judge pronouncing the verdict of guilty shall order that the permit be confiscated and be returned to the Régie.

Where the person does not hold such a licence, his right to obtain one is suspended.

The fact that a person found guilty of a crime referred to in the first paragraph has obtained a release order does not prevent the penalty from being effective.

A person contemplated in the second paragraph of section 140 is not subject to a penalty under this section.

**“95.3** Every verdict of guilty for an offence referred to in section 95.2 entails a separate penalty.

Where the Régie has proof that a person has been found guilty of more than one offence described in section 234, paragraph 2 of section 235 or section 236 of the Criminal Code and the offences were related to one event, it shall impose only one penalty on the person concerned.

The Régie is not prevented from rendering a decision under section 95.1 by the fact that a person is subject to a penalty under section 95.2.”

**50.** Section 96 of the said Code is replaced by the following section:

**“96.** The Régie must suspend the driver’s licence or learner’s licence of a person, or if he does not hold such a licence, his right to obtain one, who is contemplated in section 152, 158 or 160 or if he is strictly forbidden to drive.”

**51.** Section 97 of the said Code is amended by replacing paragraph 2 by the following paragraph:

“(2) if the person is not a holder of such a licence, suspend his right to obtain one.”

**52.** Sections 98 and 99 of the said Code are replaced by the following sections:

**“98.** The Régie must suspend a person’s driver’s licence, learner’s licence or certificate of competence if, according to a medical or optometric report, he suffers from an illness or deficiency or is in a situation that, according to the medical and optometric guide prescribed by regulation of the Régie, is inconsistent with obtaining such a licence, unless it is proved, in the manner prescribed in section 173.1, but only where expressly permitted by the guide, that the person concerned may safely drive a road vehicle corresponding to the licence he holds.

**“98.1** The Régie may suspend the driver’s licence, learner’s licence or certificate of competence of a person, or his right to obtain any of them that he does not hold, if

(1) he fails to comply with a decision taken under section 73;

(2) according to a medical or optometric report, he suffers from an illness or deficiency or is in a situation which, in the opinion of the medical and optometric advisory committee, is inconsistent with the granting of the licence he holds;

(3) he refuses to submit to a proficiency examination or has failed it;

(4) he fails to comply with a decision taken under section 103.1 or 115;

(5) he has obtained it under false representations.

**“99.** A person who is subject to a penalty shall, to obtain a driver’s licence or learner’s licence, comply with the special conditions and formalities established by regulation of the Government.

A person who is a minor shall, in addition, furnish the written consent of the person holding parental authority or, if none, of the person having custody of him.

No driver's licence or learner's licence may be issued to a person who is subject to a penalty before the lapse, from the effective date of the penalty

(1) of three months, in the case of a first penalty, or of not less than two years from the effective date of any previous penalty;

(2) of six months, in the case of a second penalty;

(3) of twelve months in the case of a penalty subsequent to a second penalty.

**"99.1** The suspension of a licence is not limited to the valid period of the licence."

**53.** Sections 101 and 102 of the said Code are replaced by the following sections:

**"101.** No person whose certificate of competence or right to obtain one has been suspended may drive a moped.

**"102.** No owner, lessee or person who has control of a road vehicle may permit it to be driven by another person whose driver's licence, learner's licence or right to obtain one is suspended or revoked, unless the person holds a restricted licence and he drives the road vehicle to carry on his principal means of livelihood."

**54.** Section 103 of the said Code is amended by replacing the first two paragraphs by the following paragraphs:

**"103.** A person whose driver's licence, learner's licence or certificate of competence is suspended or revoked shall return that document to the Régie.

The Régie may commission a peace officer to confiscate the driver's licence, learner's licence or certificate of competence of a person who refuses to comply with the requirement contemplated in the first paragraph, and the person shall then immediately remit his licence to the peace officer who requests him to do so."

**55.** The said Code is amended by inserting, after section 103, the following section:

**"103.1** The Régie may summon any person who is subject to a penalty to appear before an officer designated by it. Upon the recommendation of the officer, the Régie may require the person concerned to comply with any measure it considers advisable to avoid any penalty."

**56.** Sections 104 to 108 of the said Code are replaced by the following sections:

**“104.** The judge who finds the holder of a driver’s licence guilty of an offence contemplated in the first paragraph of section 95.2 may, on a motion of the holder of the licence made immediately after pronouncement of the verdict of guilty, order the Régie to issue a restricted licence to him if that person has demonstrated to him that he must drive a road vehicle to carry on his principal means of livelihood.

If the person, for a valid reason, proof of which devolves on him, has not made his motion at the time prescribed in the first paragraph, he may still do so by presenting a motion to the same judge or to a judge of the same court; if the verdict of guilty was not pronounced in Québec, the motion may be made according to section 105.

**“105.** A judge of the Provincial Court may order the Régie to issue a restricted licence to a person who has received a notice of revocation of his driver’s licence under section 97, if that person has demonstrated to him that he must drive a road vehicle to carry on his principal means of livelihood.

The order is within the jurisdiction of a judge in chambers and may be obtained by motion to the court of the domicile or establishment of the applicant. The clerk and the clerk’s staff must assist the person to draft the motion if he so requests.

If no judge of the Provincial Court is sitting in the district where the person intends to file his motion, it may be addressed to a judge of another court, of civil, penal or criminal jurisdiction, except to a judge of a Municipal Court.

**“106.** The judge shall indicate in the order rendered by him under section 104 or 105 that the Régie must refuse to issue a restricted permit to the person contemplated therein if, at the time that the person applies therefor to the judge, the person is in one of the following situations:

(1) within the two years preceding the date of revocation of the applicant’s driver’s licence, he has been subject to revocation of his licence or suspension of the right to obtain a licence, under section 95.2 or 97, or has been subject to a decision rendered under section 97 that has not yet taken effect;

(2) the applicant’s driver’s licence is suspended;

(3) the restricted licence would authorize driving a road vehicle that the applicant’s driver’s licence did not authorize him to drive;

(4) the applicant is subject, in addition to a revocation of his driver's licence, to suspension of the right to obtain a licence, under section 95.2 or 97;

(5) the grounds invoked for obtaining a restricted licence are related to the operation of a transportation by taxi service and the applicant is subject to a decision rendered under section 95.1;

(6) the applicant is forbidden to drive a road vehicle including a vehicle he drives in carrying on his principal means of livelihood.

**"107.** A restricted licence shall be issued for a period ten days longer than the period of revocation of the driver's licence, but shall not bear an earlier date than the date when it is actually issued.

**"107.1** No restricted licence may be issued unless the duties fixed by regulation have been paid.

**"108.** A decision rendered under section 104 or 105 is final and without appeal."

**57.** Section 109 of the said Code, amended by section 47 of chapter 59 of the statutes of 1982, is replaced by the following sections:

**"109.** The Régie, on receipt of an order to issue a restricted licence, shall comply therewith. If the person contemplated in the order is in a situation contemplated in section 106, the Régie shall inform him in writing of the grounds justifying its refusal to issue him a restricted licence.

**"109.1** The Régie shall revoke the restricted licence of a person if, after the date on which it was issued,

(1) the person's right to obtain a driver's licence has been suspended;

(2) the person has been forbidden to drive a road vehicle, including a vehicle he drives in carrying on his principal means of livelihood."

**58.** Section 114 of the said Code is amended by replacing the words "reminding him on its powers of revocation", in the last line, by the words: "the tenor of section 97".

**59.** Section 117 of the said Code is amended by replacing the second paragraph by the following paragraph:

"Each time the Régie makes a decision under section 97, it shall void a number of points equal to the number that were the reason for the revocation in the file of the person concerned; however, the points

most recently entered that are in excess of the number prescribed remain in the file.”

**60.** Sections 118 and 119 of the said Code are replaced by the following sections:

**“118.** A person must hold a driving school licence to operate a driving school for giving instruction in the driving of passenger vehicles or motorcycles for remuneration.

To obtain or renew a driving school licence, the applicant must be a natural person acting on his own behalf or for a corporation or partnership; he must also fulfil the conditions of obtention prescribed by regulation of the Government.

**“119.** A person must hold an instructor’s licence to give instruction, for remuneration, in driving passenger vehicles or motorcycles. He must also be employed by a driving school and be under the supervision, authority and responsibility of the school.

A person must have passed the proficiency examinations for which the formalities, modalities and content are established by the Régie and fulfil the other conditions prescribed by regulation of the Government, to obtain or renew an instructor’s licence.”

**61.** Section 124 of the said Code is replaced by the following sections:

**“124.** The Régie must refuse to issue or renew an instructor’s licence if

(1) according to a medical or optometric report, the applicant suffers from an illness or a deficiency or is in a situation that, according to the medical and optometric guide prescribed by regulation of the Régie, is inconsistent with obtaining such a licence, unless it is proved, in the manner prescribed in section 173.1 but only where expressly permitted by the guide, that the person concerned may safely drive a road vehicle corresponding to the licence applied for;

(2) the applicant is strictly forbidden to drive.

**“124.1** The Régie may refuse to issue or renew an instructor’s permit if the person applying therefor

(1) fails to comply with a decision made under section 73;

(2) according to a medical or optometric report, suffers from an illness or deficiency or is in a situation which, in the opinion of the medical and optometric advisory committee, is inconsistent with obtaining the licence applied for;

- (3) refuses to submit to a proficiency examination or has failed it;
- (4) fails to comply with a decision made under section 103.1 or 115;
- (5) is the debtor of the Régie regarding an application for or the renewal of registration or a licence.

**“124.2** The Régie must suspend the instructor’s licence of a person if according to a medical or optometric report, the applicant suffers from an illness or a deficiency or is in a situation that, according to the medical and optometric guide prescribed by regulation of the Régie, is inconsistent with obtaining such a licence, unless it is proved, in the manner prescribed in section 173.1, but only where expressly permitted by the guide, that the person concerned may safely drive a road vehicle corresponding to the licence which he holds.

**“124.3** The Régie may suspend the instructor’s licence of a person or his right to obtain a licence if he has none, if

- (1) he fails to comply with a decision made under section 73;
- (2) according to a medical or optometric report, he suffers from an illness or deficiency or is in a situation which, in the opinion of the medical and optometric advisory committee, is inconsistent with the granting of the licence he holds;
- (3) he refuses to submit to a proficiency examination or has failed it;
- (4) he fails to comply with a decision made under section 103.1 or 115;
- (5) he has obtained it under false representations.

**“124.4** The Régie may suspend a driving school licence or an instructor’s licence

- (1) if the holder no longer fulfils the conditions of obtention;
- (2) if the holder neglects or refuses to comply with a request made under this Code by the Régie or by a person it designates;
- (3) for three months, if the holder, within a period of two years of committing an offence under sections 142 to 142.3, commits another offence under one of those sections;
- (4) for six months, if the holder, within a period of two years of committing an offence under sections 142 to 142.3, commits two more offences under those sections;



(5) for twelve months, if the holder, within a period of two years of committing an offence under sections 142 to 142.3, commits more than two offences under those sections.

**“124.5** The Régie may suspend a driving school licence or an instructor’s licence for an additional period of 3, 6 or 12 months if the holder of such a licence continues to operate a driving school or give instruction in driving passenger vehicles or motorcycles while under suspension under paragraph 3, 4 or 5 of section 124.4.”

**62.** The said Code is amended by inserting, after Division III of Chapter III, the following division:

“DIVISION III.1

“LICENCES AND PERMITS

**“124.6** In order to deal in road vehicles, a person must hold a dealer’s licence issued by the Régie on payment of the duties and for the term prescribed by regulation of the Régie.

**“124.7** No dealer’s licence may be issued before the person applying therefor has furnished security to the Régie.

The security guarantees to the owner of a stolen road vehicle sold by the dealer, the reimbursement of the price which such owner has paid to any buyer of such road vehicle, in order to recover possession of it by way of revendication as stolen property. In such a case, the owner may claim in his own name, from the dealer and from his surety, the price which he has paid to the buyer.

The security must also guarantee the 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) between a consumer and the holder of a licence.

**“124.8** In order to act as a garagist, a person must hold a garagist’s licence issued by the Régie on payment of the duties and for the term prescribed by regulation of the Régie.

**“124.9** No garagist’s licence may be issued before the person applying therefor has furnished to the Régie proof that he meets the requirement of section 106 of the Automobile Insurance Act.

**“124.10** In order to act as an auto salvager, a person must hold an auto salvager’s licence issued by the Régie on payment of the duties and for the term prescribed by regulation of the Régie.

**“124.11** No auto salvager’s licence may be issued before the person applying therefor has furnished security to the Régie.

The security guarantees to the owner of a stolen road vehicle sold by the auto salvager, the reimbursement of the price that such owner has paid to any buyer of the road vehicle, in order to recover possession of it by way of revendication as stolen property. In such a case, the owner may claim in his own name, from the auto salvager and from his surety, the price which he has paid to the buyer.

The security must also guarantee the execution of a judgment or of a transaction terminating a civil suit instituted under the Consumer Protection Act between a consumer and the holder of a licence.

The security must also guarantee to the owner of a stolen vehicle that has been dismantled or sold in separate parts by an auto salvager, the reimbursement of the estimated price of the vehicle at the time of the theft, upon a court claim.

**“124.12** No person may offer for sale or sell a road vehicle in a fair or market, or at auction or at a public sale other than that effected according to law, unless such person has

(1) furnished the Régie with security for the purpose of guaranteeing to the buyer that he is the owner of the road vehicle, and guaranteeing to the owner of a stolen vehicle, sold by such person, the reimbursement of the price which such owner has paid to any buyer of the road vehicle, in order to recover possession of it by way of revendication as stolen property. In such a case, the owner may claim in his own name, from the dealer and from his surety, the price which he has paid to the buyer;

(2) obtained from the Régie a permit for the public sale of the road vehicle on payment of the duties and for the term prescribed by regulation of the Régie.

At the time of sale of the road vehicle, the person shall remit the permit to the purchaser.

**“124.13** The amount of the security contemplated in sections 124.7, 124.11 and 124.12 is established by the Minister of Transport.

The security furnished must be of the kind, in the form, according to the modalities and on the conditions of obtention determined by regulation of the Régie, and is terminated on the conditions determined by the Régie.

**“124.14** The Régie may refuse to issue a licence or permit or may revoke it if the dealer, garagist, or auto salvager, or the person contemplated in section 124.12 does not respect his obligations under this division or under the Consumer Protection Act.

The holder of a revoked licence or permit shall return it to the Régie.

When the holder refuses or neglects to return his licence or permit, the Régie may request a peace officer to confiscate the licence or permit and the holder shall immediately remit his licence or permit to the peace officer who requests him to do so.

The Régie shall consult the Office de la protection du consommateur in the case of an offence under the Consumer Protection Act.

**“124.15** The Régie may suspend a licence

(1) if the holder no longer fulfils the conditions for obtaining the licence;

(2) for three months, if the holder, within a period of two years of committing an offence under section 142.4 commits another offence under that section;

(3) for six months, if the holder, within a period of two years of committing an offence under section 142.4 commits two more offences under that section;

(4) for twelve months, if the holder, within a period of two years of committing an offence under section 142.4 commits more than two offences under that section.

**“124.16** The Régie may suspend a licence for an additional period of 3, 6 or 12 months if the holder of the licence continues to operate his business while under suspension under paragraph 2, 3 or 4 of section 124.15.”

**63.** The heading of Division IV of Chapter III of the said Code is replaced by the following heading:

“RIGHTS AND OBLIGATIONS OF PERSONS WHOSE MAIN PLACE OF RESIDENCE  
IS OUTSIDE QUÉBEC”.

**64.** Section 125 of the said Code is amended by replacing the first line by the following line:

**“125.** A person whose main place of residence is outside Québec may drive a road vehicle for a period of not”.

**65.** Section 126 of the said Code is replaced by the following section:

**“126.** A student, *coopérant* or trainee whose main place of residence is outside Québec and who resides in Québec may drive a passenger vehicle, motorcycle, light motorcycle or moped during the period of his studies or training period without holding a driver’s licence issued by the Régie if he fulfils the conditions prescribed in section 127.”

**66.** Section 127 of the said Code is amended

(1) by replacing what precedes paragraph 1 by the following:

“**127.** A person contemplated in section 125 or 126 may drive a road vehicle or a passenger vehicle, a motorcycle, light motorcycle or moped, as the case may be, if”;

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

“(2) that other government grants the same right to a person, student, *coopérant* or trainee whose main place of residence is in Québec;”.

**67.** Section 128 of the said Code is replaced by the following section:

“**128.** A person whose main place of residence is outside Québec, whose main occupation is driving a road vehicle and who drives a road vehicle in Québec is exempt from the obligation of obtaining a driver’s licence from the Régie if he holds a valid driver’s licence issued by another government authorizing him to drive the road vehicle that he is driving in Québec.

Notwithstanding the first paragraph, the person must hold a driver’s licence issued by the Régie if he drives a road vehicle registered only in Québec.”

**68.** Section 129 of the said Code is replaced the following section:

“**129.** A person whose main place of residence is outside Québec and who is the holder of an International Driver’s Permit issued by his country of origin may drive a road vehicle on the public highway.”

**69.** Sections 130 and 131 of the said Code are repealed.

**70.** Section 132 of the said Code is amended by replacing the second paragraph by the following paragraph:

“He may, however, for a period of ninety days after settling in Québec, drive a passenger vehicle, motorcycle, light motorcycle or moped without obtaining a driver’s licence issued by the Régie, if he holds a licence issued by another administrative authority.”

**71.** Section 138 of the said Code is replaced by the following section:

“**138.** Every person who contravenes section 90 or 101 is guilty of an offence and is liable, in addition to costs, to a fine of \$50 to \$100.”

**72.** Section 139 of the said Code is amended by striking out the number “65” in the first line.

**73.** Sections 140, 141 and 142 of the said Code are replaced by the following sections:

**“140.** Every person who contravenes section 65 or 100 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500.

Notwithstanding the foregoing, if at the time a contravention under section 65 was committed, the offender had never held a driver’s licence or learner’s licence or had not held such a licence for a continuous period of not over three months, he is liable, in addition to costs, to a fine of \$100 to \$200.

**“141.** Every person who contravenes section 103 or the first paragraph of section 119 or 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 \$200 to \$500.

**“142.** Every person who contravenes the first paragraph of section 118 is guilty of an offence and is liable, in addition to costs, to a fine of \$500 to \$2 000.

**“142.1** Every person who employs a person who has no instructor’s licence to give instruction in driving passenger vehicles or motorcycles, is guilty of an offence and is liable, in addition to costs, to a fine of \$500 to \$2 000.

**“142.2** Every person who contravenes a prescription of the regulations determined under paragraph 22 of section 143 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500 if he holds an instructor’s licence and of \$500 to \$2 000 if he holds a driving school licence.

**“142.3** 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 \$500 to \$2 000.

**“142.4** Every person who contravenes section 124.6, 124.8, 124.10, 124.12 or 124.14 is guilty of an offence and is liable, in addition to costs, to a fine of \$500 to \$2 000.”

**74.** Section 143 of the said Code, amended by section 3.3 of chapter *(insert here the chapter number of Bill 76 of 1984)* of the statutes of 1984, is again amended

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

“(4) establish the conditions for obtaining or renewing a certificate of competence and any conditions attached thereto and fix the duties payable for its issue or renewal;”;

(2) by repealing paragraphs 6 and 8;

(3) by striking out the words “and certificates” in the first line of paragraph 9 after the word “permit”;

(4) by adding, after paragraph 18, the following paragraphs:

“(19) determine other cases where driving classes may be required;

(20) establish, on conditions determined by it, exemptions from the requirement to take driving courses;

(21) determine the maximum number of students per class-room used by a driving school and establish the minimum ratio between students, instructors and vehicles for driving classes;

(22) determine the prescriptions of a regulation concerning the instruction given in driving passenger vehicles or motorcycles the violation of which constitutes an offence.”

**75.** Section 146 of the said Code is amended by inserting the words “, an animal weighing over 25 kg” after the expression “inanimate object” in the second line.

**76.** Section 148 of the said Code is amended by inserting, after the first paragraph, the following paragraph:

“Where the insurer and, as the case may be, the railway company know that a peace officer has made a report of the accident to the Régie, they are exempt from the requirement to make a report themselves.”

**77.** Section 150 of the said Code is replaced by the following section:

**“150.** Every insurer and every other person who pays damages as the result of an accident, a theft or any other event involving a road vehicle shall make a report of it to the Régie.”

**78.** Section 152 of the said Code is replaced by the following section:

**“152.** Where the Régie is informed that damage amounting to over \$250 has been caused by an accident and it is not established 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 by the Automobile Insurance Act for that road vehicle, except where

liability insurance is not required under that Act, it shall suspend the driver's licence or learner's licence or the right to obtain such a licence of both the owner and the driver of the road vehicle as well as the registration of every road vehicle registered in the name of either person and their right to obtain registration.

No penalty prescribed in the first paragraph may be imposed or such a penalty must be cancelled where it is established to the satisfaction of the Régie that, at the time of the accident, the uninsured road 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 impounding, repair or transportation, or where only the road vehicle or the movable effects it contained have sustained damage in the accident.

As regards the driver, no penalty prescribed in the first paragraph may be imposed or such a penalty must be cancelled where it is established to the satisfaction of the Régie that, at the time of the accident, the driver was the owner of a road vehicle for which he held a liability insurance contract as required by the Automobile Insurance Act."

**79.** Sections 153 and 154 of the said Code are repealed.

**80.** Sections 155 and 156 of the said Code are replaced by the following sections:

**"155.** The Régie must not cancel a suspension imposed under section 152 unless the person concerned furnishes to it security in accordance with section 156 to satisfy any judgment that may arise from the accident or proof of exoneration, acquittal or agreement to pay by regular instalments that is deemed to be satisfactory in respect of any claim arising or that may arise from the accident, up to the amount applicable.

Upon receipt from the creditor of an agreement referred to in the first paragraph, of notice that the payments have been interrupted, the Régie shall again enforce every suspension it had cancelled following the agreement.

**"156.** The security to satisfy any judgment arising from the accident must be in an amount deemed to be sufficient to satisfy every claim arising or that may arise from the accident but not exceeding \$35 000, in addition to interest and costs, after deducting \$200 for third party property damage, or, from 1 March 1978, for accidents occurring from that date, in an amount not exceeding the amount contemplated in section 87 of the Automobile Insurance Act.

For the purposes of application of this section, the Régie may, at any time, require a report on the appraisal of the damage arising from the accident and determine in what form security may be furnished to it.”

**81.** Section 157 of the said Code is amended by replacing the word “holder” in the first line by the word “person”.

**82.** Section 158 of the said Code is amended by replacing the words and figures “the report provided for in section 148, 149 or 150” in the first and second lines by the words “notice to that effect from the creditor concerned”.

**83.** Sections 159 and 160 of the said Code are amended respectively by striking out the words “of the licence or registration” in the last line of the second paragraph of the former section and the words “of a licence or registration” in the first line of the second paragraph of the latter section.

**84.** Section 163 of the said Code, amended by section 52 of chapter 59 of the statutes of 1982, is again amended

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

“(1) prescribe the formalities of application for listing and the formalities of application for registration, a licence, or renewal thereof;”;

(2) by replacing paragraph 5 by the following paragraph:

“(5) establish the cases in which and the criteria on which a condition is attached to a licence;”;

(3) by replacing paragraphs 8 to 12 by the following paragraphs:

“(8) prescribe a medical and optometric guide for obtaining driver’s licences, learner’s licences, certificates of competence or instructor’s licences;

(9) fix the duties payable for the issue of a listing certificate, for the issue or renewal of a registration certificate and registration plate, for the replacement of a certificate, duplicate registration plate, registration plate or a damaged, lost or stolen registration plate or sticker, and provide, on conditions determined by it, for the reduction of such duties;

(10) fix the duties payable for the issue, renewal, exchange or replacement of a licence;

(11) fix the duties payable for admission to the proficiency examination set by the Régie;



- (12) determine where a sticker issued by the Régie must be affixed;
- (13) prescribe the terms and conditions of payment of the duties fixed by regulation of the Régie;
- (14) fix the conditions and duties payable for the issue and renewal of dealer's licences, garagist's licences or auto salvager's licences or licences contemplated in section 124.12;
- (15) fix the valid term of dealer's licences, garagist's licences or auto salvager's licences and determine the terms and conditions of their renewal;
- (16) determine the type, form, modalities and conditions of obtaining security and the conditions on which it may be terminated;
- (17) fix the duties payable for the issue or renewal of driving school licences and instructor's licences according to their classes and categories, the operating duties for each class-room used and the amount, nature, object, duration and the terms and conditions of the security that may be required;
- (18) prescribe the information that must be kept by a dealer, garagist, auto salvager and any person holding a licence contemplated in section 124.12 during the period determined by the Régie;
- (19) establish criteria and conditions on which it shall authorize a road vehicle to carry fixed, flashing or rotating amber lights;
- (20) determine cases where an insurer or any other person who pays for damage as a result of an accident, a theft or any other event involving a road vehicle must make a report of it to the Régie, the form and content of the report and the time in which it must be transmitted to the Régie."

**85.** Section 169 of the said Code, amended by section 53 of chapter 59 of the statutes of 1982, is replaced by the following section:

**"169.** Every decision of the Régie rendered under paragraph 4 of section 20, paragraph 3 of section 43, paragraph 1 of section 81, paragraph 1, 2 or 4 of section 81.1, section 98, paragraph 1, 2, 4 or 5 of section 98.1 or section 103.1, 109, 109.1, 115, 120, 124.4 or 124.5 and every decision referred to in paragraph 2 of section 180 must set forth the reasons on which it is based and be rendered in writing.

The Régie shall send a copy of the decision to the person concerned by registered or certified mail or by any other means of transmitting documents that ensures delivery."

**86.** Section 170 of the said Code is replaced by the following section:

**“170.** A suspension or revocation becomes effective fifteen days after the sending of the notice of suspension or revocation.

Notwithstanding the foregoing, the suspension of a registration certificate pursuant to subparagraph 3 of section 43 is effective immediately.”

**87.** The said Code is amended by inserting, after section 173, the following division:

“DIVISION II.1

“SPECIAL PROVISION

**“173.1** Every person applying for or holding a licence shall, in order to prove that he is able to safely drive a road vehicle corresponding to the licence he is applying for or that he holds, establish to the satisfaction of the Régie, the following facts:

(1) that he has sufficient experience in driving a road vehicle corresponding to the licence he is applying for;

(2) that he is assiduously taking any form of medical or paramedical treatment that has been prescribed for him by a physician or an optometrist;

(3) according to a detailed report of an optometrist, a physician specialized in any field determined by the Régie or an optometrist or physician whom the Régie has designated by name, he is able to safely drive a road vehicle corresponding to the permit he is applying for or that he holds;

(4) he drives carefully on the public highways.”

**88.** Section 178 of the said Code is replaced by the following section:

**“178.** The Régie may review its decision refusing to issue or renew, suspending, or suspending the right to obtain, a licence, a permit, a listing or a registration.”

**89.** Section 180 of the said Code, amended by section 55 of chapter 59 of the statutes of 1982, is amended by replacing paragraph 1 by the following paragraph:

“(1) from a decision of the Régie rendered under paragraph 4 of section 20, paragraph 3 of section 43, paragraph 1 of section 81, paragraph 1, 2 or 4 of section 81.1, section 98, paragraph 1, 2, 4 or 5 of section 98.1 or section 103.1, 109, 109.1, 115, 120, 124.4 or 124.5;”.

**90.** Section 184 of the said Code is amended by replacing the second paragraph by the following paragraph:

“In no case, however, may the court order the Régie to suspend the execution of a decision rendered under section 109 or 109.1.”

**91.** Section 195 of the said Code is amended

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

“(4) two amber or white parking lights, one on each side at the same height on the front;”;

(2) by adding, after paragraph 6, the following paragraphs:

“(7) two red side parking lights, one on each side at the same height at the rear, and two amber side parking lights, one on each side at the same height at the front;

(8) a registration plate light where the registration plate is affixed at the rear.”

**92.** Section 206 of the said Code is replaced by the following sections:

**“206.** Only service vehicles, equipment vehicles, vehicles used for snow removal or for road maintenance, vehicles referred to in section 206.1 and vehicles meeting the criteria fixed by regulation of the Régie may carry fixed, flashing or rotating amber lights.

**“206.1** Where a road vehicle must carry a fixed, flashing or rotating light to meet the conditions of issue of a special road licence, the road vehicle may carry such a light for the whole duration of the special road licence. The light must be used in accordance with the conditions indicated on the licence.”

**93.** Section 213 of the said Code is amended by replacing paragraphs 4 and 5 by the following paragraph:

“(4) one amber reflector attached to the spokes of the front wheel and one red reflector attached to the spokes of the back wheel, which may be replaced by tires with reflecting sidewalls.”

**94.** Sections 217, 218 and 219 of the said Code are replaced by the following sections:

**“217.** The lights and reflectors contemplated in this division must conform to the standards prescribed by regulation of the Government, be visible at a distance of not less than 150 m and be kept in good working order at all times.

On a public highway, the lights and reflectors referred to in this division must be free from snow, ice, mud or any other obstructing matter of a similar nature.

A peace officer may require the driver of a road vehicle to clean the lights and reflectors where the dirt or obstructing matter referred to in the second paragraph reduces their effectiveness. The driver shall comply with the requirement.

**“218.** No vehicle other than the vehicles referred to in sections 205, 206 and 206.1 may carry fixed, flashing or rotating lights.

**“219.** A peace officer is authorized to confiscate, at the expense of the owner of the road vehicle, a fixed, flashing or rotating light installed in contravention of this Code, and subsequently remit it to the Régie.

Where the peace officer confiscates such a light, he must give a receipt therefor to the person in possession of the vehicle.”

**95.** Section 223 of the said Code is replaced by the following section:

**“223.** Only emergency vehicles may be equipped with a siren or a device producing a similar sound.”

**96.** Section 225 of the said Code is amended by replacing the first paragraph by the following paragraphs:

**“225.** A peace officer is authorized to confiscate, at the expense of the owner of a road vehicle, a siren or a similar device installed in contravention of this Code and subsequently remit it to the Régie.

Where the peace officer confiscates a siren or such a device, he must give a receipt therefor to the person in possession of the vehicle.”

**97.** Section 227 of the said Code is amended by inserting the words “, at the expense of the owner of the road vehicle,” in the third line, after the word “confiscate”.

**98.** Sections 229, 230 and 231 of the said Code are replaced by the following sections:

**“229.** On a public highway, a motor vehicle or a combination of road vehicles must be equipped at all times with at least one service brake system allowing the application to each running wheel sufficient braking force to stop the vehicle quickly in case of emergency and one parking brake system able to hold the vehicle stationary when loaded.

**“230.** A trailer or semi-trailer that is part of a combination of road vehicles and that has a mass in excess of 1 300 kg, including the load, must be equipped with an independent brake system allowing the application of braking force to each running wheel.

However, in a combination of road vehicles, a trailer or semi-trailer 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 the application of braking force to each running wheel.

**“230.1** Every trailer or semi-trailer, other than those referred to in section 230, driven on a public highway that is not equipped with an independent brake system that can stop the vehicle in case the trailer or semi-trailer is separated from the tractor vehicle, must be equipped with chains, cables or any other safety device sufficiently solid and fitted so that the trailer or semi-trailer and the tractor vehicle, should the fastening devices or one of their component parts break, remain attached.

**“231.** A motorcycle, light motorcycle or moped must be equipped with at least two brake systems, one acting on the front wheel, the other on the rear wheel and that may be operated independently. The system acting on the rear wheel may also act on the front wheel. These systems must be in good working order and sufficiently powerful to stop the vehicle quickly in case of emergency and to hold it when it is standing.”

**99.** The French text of section 233 of the said Code is amended by replacing the word “conforme” in the fourth line by the word “conformes”.

**100.** Section 243 of the said Code is amended by inserting the words “on each side” in the second line before the words “with a rear-view mirror”.

**101.** Section 250 of the said Code is amended by replacing the first paragraph by the following paragraph:

**“250.** On a public highway, a motor vehicle or a combination of road vehicles, with the exception of farm machinery that was not originally equipped with mudguards by the manufacturer and farm tractors, if not fitted with permanent mudguards, must be equipped

with detachable mudguards of rubber, leather or other resistant material."

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

**"251.** The lower end of the detachable mudguards must not be more than 350 mm from the ground, measured when the vehicle is not loaded; the width of the mudguards must be not less than the width of the tire-treads."

**103.** Section 252 of the said Code, amended by section 98 of chapter 46 of the statutes of 1983, is replaced by the following section:

**"252.** For the purposes of this division, a passenger vehicle is a motor vehicle used mainly for the transportation of not more than ten persons at a time and not for pecuniary consideration, and includes a leased passenger vehicle as well as a taxi.

A private commercial vehicle, a public commercial vehicle or a specialized vehicle that is not of a bus or truck type is also considered a passenger vehicle when it is used for personal purposes.

A police vehicle is not considered a passenger vehicle."

**104.** Sections 261 to 264 of the said Code are replaced by the following sections:

**"261.** A person who issues a mechanical standards certificate or a mechanical inspection report must transmit a copy of it to the Régie immediately.

**"262.** A person who issues a mechanical inspection report attesting that a road vehicle does not conform to this Code, must specify whether the vehicle requires any major or minor repairs. He must notify the owner immediately.

**"263.** Where the mechanical inspection report specifies that the road vehicle requires minor repairs, the owner or the driver of the vehicle may put it back into operation for not more than forty-eight hours from the issue of the mechanical inspection report, to make the repairs noted in the report. On the expiry of the forty-eight hours, the owner or the driver of the road vehicle shall not put it back into operation unless it is proved to the satisfaction of the Régie or a peace officer that it conforms to this Code.

Where the mechanical inspection report specifies that the road vehicle requires major repairs, the owner or the driver of the vehicle

shall not put it back into operation unless it is proved to the satisfaction of the Régie or a peace officer that the vehicle conforms to this Code.

A peace officer is authorized to impound a vehicle or cause it to be impounded at the expense of the owner if the vehicle was put back into operation in contravention of the first paragraph or second paragraph until it is proved to the satisfaction of the Régie or a peace officer that the vehicle conforms to this Code.

**“264.** The Régie shall issue a mechanical standards certificate or a mechanical inspection report after a road vehicle has undergone a mechanical inspection.

The Régie may, on such conditions as it may determine, appoint persons authorized to issue on its behalf mechanical standards certificates and mechanical inspection reports for one or several categories or sub-categories of road vehicles prescribed by regulation of the Government.

Mechanics who possess the qualifications and meet the conditions prescribed by regulation of the Government may issue mechanical standards certificates and mechanical inspection reports for the categories or sub-categories of road vehicles not prescribed in the second paragraph.

**“264.1** A person designated by the Régie may enter at any reasonable time the establishment of a person who issues mechanical standards certificates and mechanical inspection reports pursuant to section 264.

The person designated by the Régie then has access to all books, registers and records respecting the mechanical inspection of road vehicles and the issue of mechanical standards certificates and mechanical inspection reports. The person having custody, possession or control of them shall make them available to him and facilitate his examination of them.

The person designated by the Régie may test the equipment and make photographs of the premises where the mechanical inspections of road vehicles and the issue of mechanical standards certificates and mechanical inspection reports take place.

**“264.2** Where a person designated by the Régie discovers that a person who issues mechanical standards certificates and mechanical inspection reports pursuant to section 264 no longer meets one of the conditions for issuing such certificates or reports, neglects or fails to comply to section 261 the Régie may issue a notice of correction ordering the person to comply, within the time prescribed by the Régie, to the

conditions determined by the Régie or by regulation of the Government, or to section 261.

**“264.3** The Régie may suspend the power to issue mechanical standards certificates and mechanical inspection reports of a person to whom a notice of correction has been issued under section 264.2.

The Régie may revoke the power of a person to issue mechanical standards certificates and mechanical inspection reports if the person no longer meets the conditions determined by the Régie or by regulation of the Government for the issue of those documents where that person fails to comply within the prescribed time with the notice of correction provided for in section 264.2.

**“264.4** Any decision of the Régie rendered in respect of a mechanic contemplated in the third paragraph of section 264 must be substantiated and in writing.

The Régie shall forward a copy of the decision to the mechanic by registered or certified mail or by any other mode of transmission of documents that ensures delivery.

Notwithstanding section 170, a suspension or revocation imposed under section 264.3 takes effect immediately.

The Régie may review a decision rendered pursuant to the first paragraph.”

**105.** Section 265 of the said Code is amended by replacing the words “certificate of mechanical inspection” in the first line by the words “mechanical standards certificate or mechanical inspection report”.

**106.** Section 267 of the said Code is amended by adding the following paragraph:

“The driver of a motor vehicle who contravenes the second or third paragraph of section 217 or the first, fourth or fifth paragraph of section 245 is guilty of an offence and is liable, in addition to costs, to a fine of \$10 to \$25.”

**107.** Sections 268 to 271 of the said Code are replaced by the following sections:

**“268.** Every owner whose vehicle does not conform to the requirements of one or other of sections 195 to 201, 208, 209, 211, 215, 216, the first paragraph of section 217 or to sections 234, 241 to 244, 247, 250 and 251, is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$50.



**“269.** Every owner whose vehicle does not conform to the requirements of section 202, 233, 246 or 254, the first paragraph of section 203, or every person who contravenes section 204 or 224 is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$50.

**“270.** Every owner whose vehicle does not conform to the requirements of sections 218, 220, 223, 229 to 231, 236, 248, or every person who contravenes section 239 or 253 is guilty of an offence and liable, in addition to costs, to a fine of \$50 to \$100.

**“271.** Every person who contravenes one or other of sections 221, 234, 235, 237, 255, 256, 258, 260 and 262, or the first paragraph of section 226 or the owner of a motor vehicle who contravenes the second or third paragraph of section 245 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.”

**108.** Section 273 of the said Code, amended by section 58 of chapter 59 of the statutes of 1982 and by section 101 of chapter 46 of the statutes of 1983, is again amended

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

“(4) prescribe that certain categories of road vehicles must be equipped with a warning sign and prescribe standards of manufacture and of installation of the sign;”;

(2) by replacing paragraphs 20 and 21 by the following paragraphs:

“(20) determine the form, content, conditions, modalities and issue charge of or for a mechanical standards certificate and mechanical inspection report of a road vehicle;

“(21) determine the categories or sub-categories of road vehicles for which the Régie may appoint persons to issue, on its behalf, mechanical standards certificates and mechanical inspection reports;”;

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

“(23) determine the qualifications and conditions a mechanic must comply with to carry out the mechanical inspection of a road vehicle;

“(24) determine the minor and major repairs the need of which may affect a road vehicle;

“(25) provide, on such conditions as it may determine, exceptions to the application of certain provisions of this chapter to a road vehicle.”

**109.** Section 277 of the said Code is amended by replacing the words “a passenger who is more than five and less than sixteen years

of age” in the second and third lines by the words “a passenger who is five years of age or over but under sixteen years of age”.

**110.** The said Code is amended by inserting, after section 279, the following section:

**“279.1** On a two-way roadway with two lanes or over, a road vehicle must be driven in the lane nearest the right-hand side of the roadway.

Notwithstanding the foregoing, a road vehicle may be driven in another lane in the same direction in which it is moving to pass another vehicle, to turn left or when the lane nearest the right-hand side of the roadway is obstructed or closed to traffic.

If all the lanes in the same direction in which the vehicle is being driven are obstructed or closed to traffic, the road vehicle may be driven in the nearest lane going in the opposite direction which is not obstructed or closed to traffic and in such case, the driver must yield the right of way to any vehicle in that lane approaching from the opposite direction.”

**111.** Section 305 of the said Code is replaced by the following section:

**“305.** No person may wear a receiver or player equipped with headphones while driving a road vehicle or riding a bicycle on a public highway.

No person may wear earphones used for individual listening to sound while he is driving a road vehicle or riding a bicycle on a public highway unless he is able to prove that the earphones do not prevent him from hearing the sounds of surrounding traffic.”

**112.** Section 315 of the said Code is amended by adding the following paragraph:

“The person responsible for maintenance may remove any traffic control device installed in contravention of this section.”

**113.** Section 317 of the said Code is replaced by the following section:

**“317.** Any traffic control device installed on a highway must conform to the standards prescribed by the Minister of Transport. The Minister may also prescribe how it should be installed.

The Minister may remove any traffic control device which does not conform to the standards prescribed.

The prescriptions of the Minister shall be published in the *Gazette officielle du Québec*.”

**114.** Sections 321 to 323 of the said Code are replaced by the following sections:

“**321.** No person may install a signal, sign, marking or device on a public highway without the authorization of the person responsible for the maintenance of the public highway. The latter person may remove the objects at the offender’s expense and without his authorization.

“**322.** No person may place, maintain or display on private property, any signal, sign, marking or device encroaching upon a public highway or that is likely to create confusion or obstruct a traffic control device installed on a public highway.

The person responsible for maintenance of the public highway, after the expiry of a forty-eight hour notice ordering the owner to remove any signal, sign, marking or device placed, maintained or displayed in contravention of the first paragraph, may enter the property and remove the objects at the offender’s expense.

“**323.** Traffic control devices installed on a private road open to public traffic of road vehicles must conform to the standards prescribed for public highways by the Minister of Transport.

On the expiry of a period of forty-eight hours indicated in a notice to that effect, the offender shall remove an authorized traffic control device or cause it to be removed. If he fails to do so, the Minister or the municipality may remove it or cause it to be removed at the offender’s expense.”

**115.** Section 326 of the said Code is amended by replacing the word “and” in the third line by the word “or”.

**116.** Section 339 of the said Code is amended by inserting after the word “dangerous” in the second line by the words “or which transports such substances”.

**117.** Section 349 of the said Code is replaced by the following section:

“**349.** The driver of a road vehicle may cross a line contemplated in section 348 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, a pedestrian, or a road vehicle equipped with a warning sign prescribed by regulation of the Government.”

**118.** The said Code is amended by inserting, after section 364, the following section:

**“364.1** No person may stop or park a road vehicle on a public highway determined by regulation of the Government.”

**119.** Section 369 of the said Code is amended by replacing subparagraph 15 by the following paragraph:

“(15) at places where passing is prohibited where the vehicle prevents another vehicle from moving normally in a traffic lane in the same direction as it is headed in;”.

**120.** Section 372 of the said Code is amended by adding the following paragraph:

“The person responsible for the maintenance of a public highway may reserve parking space on the highway for handicapped persons.”

**121.** The said Code is amended by inserting, after section 372, the following section:

**“372.1** No person may stop or park a vehicle in a parking space reserved for handicapped persons unless he holds a parking permit issued under section 512.4 or unless he is driving a vehicle occupied by a holder of such a permit and the permit is attached to the sun visor on the driver’s side which is lowered to allow the permit to be read easily from the outside.”

**122.** Section 373 of the said Code is amended by replacing the first paragraph by the following paragraph:

**“373.** Any rate of speed or any action that is unsafe or that endangers life or property is prohibited on all highways.”

**123.** Section 402 of the said Code is replaced by the following section:

**“402.** Subject to sections 403 and 404, the driver of an emergency vehicle is exempt from the obligations imposed by sections 325 to 328, 333, 334, 337, 345, 347, 348, 364 to 366, 369, 370 and by the second paragraph of section 373.”

**124.** The said Code is amended by inserting, after section 404, the following:

§ 3.1.— *Vehicles that may carry fixed, flashing or rotating amber lights*

**“404.1** The driver of a road vehicle that may carry fixed, flashing or rotating amber lights must not operate the light signals except in the exercise of his functions and where the situation requires it.”

**125.** Section 405 of the said Code is amended

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

“(2) “axle load” means the mass measured under the wheels of an axle or of the axles included in one category established by regulation of the Government, resulting from the distribution on such wheels of the mass of a road vehicle or combination of road vehicles, including accessories, equipment and load; this mass may be expressed as the aggregate of the units of mass measured under one of the wheels on each side of an axle or of the axles included in one category;”;

(2) by repealing paragraph 4.

**126.** Section 406 of the said Code is replaced by the following section:

**“406.** The Minister of Transport may, by order, fix the thawing and rainy periods and the places affected by the order.”

**127.** Section 408 of the said Code is amended by replacing the words “authorize it to be driven” in the first and second lines by the words “let it be driven”.

**128.** Sections 409 and 410 of the said Code are repealed.

**129.** Section 411 of the said Code is amended by striking out the words “or an escort permit” in the first line.

**130.** Section 422 of the said Code is replaced by the following section:

**“422.** No person may drive or allow another to drive a road vehicle or a combination of road vehicles fitted with equipment or carrying a load that exceeds the length of the vehicle or the combination of vehicles by more than one metre at the front or two metres at the rear, unless he holds or is in possession of a special permit issued for that purpose.”

**131.** Section 423 of the said Code is amended by inserting, after the words “of a load” in the first line, the words “or equipment”.

**132.** Section 429 of the said Code is amended by replacing the second paragraph by the following paragraph:

“The Government, by regulation, may provide for conditions enabling any person to cause or allow farm animals to cross a public highway without having to comply with the first paragraph.”

**133.** Section 433 of the said Code is amended by replacing the second paragraph by the following paragraph:

“However, 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 certain categories or sub-categories of road vehicles.”

**134.** The said Code is amended by inserting, after section 436, the following section:

“**436.1** The Minister of Transport, for the whole or part of a highway he maintains and by means of appropriate traffic control devices, may prohibit traffic by road vehicles having a mass or dimensions that exceed the mass or dimensions he specifies.

No person may drive on the highway or part of the highway referred to in the first paragraph if the mass or dimensions of his vehicle exceed the mass or dimensions specified.”

**135.** Section 449 of the said Code is replaced by the following section:

“**449.** The person responsible for the maintenance of a limited access highway may prohibit, by means of an appropriate traffic control device, pedestrian traffic on a road or at any of its access or exit ramps.”

**136.** Section 454 of the said Code is amended by adding the following paragraphs:

“Every person holding the medical certificate referred to in the first paragraph shall immediately send a copy thereof to the Régie.

The medical certificate must be prepared in the manner and have the tenor determined by the Régie.”

**137.** Section 458 of the said Code is amended by replacing the first paragraph by the following paragraph:

“**458.** No person on a public highway may drink alcoholic beverages inside a road vehicle.”

**138.** Section 469 of the said Code is amended by inserting after the figure “369” in the third line the figure “, 372.1”.

**139.** Sections 470 and 471 of the said Code are replaced by the following sections:

**“470.** Every person who contravenes any of sections 275, 279, 283, 287, 289 to 291, 293, 297, 299, 325 to 334, 337, 344, 345, 374, 378, 403, 404, 426, 430, 431, 436, the first paragraph of any of sections 321, 322, 433, 437 and 438 or the second paragraph of section 436.1, is guilty of an offence and is liable, in addition to costs, to a fine of \$50 to \$100.

**“471.** Every person who contravenes any of sections 302, 306 to 308, 339, 341, 342, 346 to 348, 387, 418, 419, 421 to 423 or the first paragraph of section 458 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.”

**140.** Section 477 of the said Code is amended by replacing paragraph 1 by the following paragraph:

“(1) determine the public highways or any part thereof on which it is prohibited to stop or park a road vehicle;”.

**141.** Section 478 of the said Code is amended

(1) by striking out paragraph 1;

(2) by replacing paragraphs 3 and 4 by the following paragraphs:

“(3) establish, according to the categories of road vehicles and combination of road vehicles, and the categories of axles, the norms of

(a) axle load of road vehicles and combinations of road vehicles,

(b) total loaded mass of road vehicles and combinations of road vehicles, and

(c) dimensions, in length, width and height, of road vehicles and combinations of road vehicles, with or without load;

“(3.1) determine, for the public highways he specifies, norms other than the norms established under paragraph 3;

“(4) determine, during thawing or rainy periods, norms other than the norms established under paragraphs 3 and 3.1 and reduce the speed limit;”;

(3) by replacing the word “permit” in the first line of paragraph 7 by the words “special permit”;

(4) by repealing paragraph 8;

(5) by replacing the word “permit” in the first line of paragraph 9 by the words “special permit”.

**142.** The said Code is amended by inserting, after section 478, the following section:

**“478.1** The Minister of Transport, if he considers that the circumstances so justify and after consultation with the Régie, may issue a special permit to authorize the movement of a road vehicle or a combination of road vehicles even if the requirements of a regulation made under paragraph 7 or 9 of section 478 cannot be met by the applicant.

If the Minister grants the permit, he shall fix the conditions pertaining thereto, the duties exigible, the amount and form of the security guaranteeing the payment of any damage that the use of the vehicle or combination of vehicles may cause to a public highway.”

**143.** Section 482 of the said Code is replaced by the following section:

**“482.** Where a person is guilty of an infraction against section 32, 87 or 89, the peace officer 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 infraction was observed.

The peace officer may issue a notice to the holder of a document contemplated in the second paragraph of section 87 enjoining him to replace the document required if it is illegible or if part of it is missing and to furnish proof to him within forty-eight hours that he has replaced it as required.

On the failure of the contravener to furnish the proof to a peace officer within the prescribed time, the notice becomes an infraction ticket under the appropriate section.”

**144.** Section 483 of the said Code is amended by replacing the first three lines by the following:

**“483.** Where a person is guilty of an infraction under section 27 to 29, 31, 53, 195 to 203, 206, 208, 209, 211, 213 to 217, 220, 222, 229, 231 to 233, 236, 241 to 248, 250, 251 or 254, the peace officer may issue a notice to him”.

**145.** The said Code is amended by inserting, after section 483, the following section:



**“483.1** The peace officer may issue a notice indicating the place where and the time within which the owner or the driver of a road vehicle must submit the vehicle for a mechanical inspection contemplated in the first paragraph of section 260. If the owner or driver fails to comply within the prescribed time, the notice becomes an infraction ticket.”

**146.** Section 486 of the said Code is amended by adding, at the end, the following paragraph:

“Payment is considered to have been made once the prosecuting party, or any other person acting on its behalf, has received the appropriate amount of money in cash or by any other mode of payment.”

**147.** Section 489 of the said Code is amended by adding, at the end, the following sentence: “The notice shall be made in the manner and have the tenor determined by the Régie.”

**148.** Section 490 of the said Code is replaced by the following section:

**“490.** Every document emanating from the Régie attesting to a payment by or funding against a person is proof of its content, except on proof to the contrary.”

**149.** Section 491 of the said Code is amended by adding the following paragraph:

“Failure to indicate the number of demerit points entailed on conviction, on an infraction ticket or prior notice, or any error in making such indication does not prevent the Régie from entering the actual number of demerit points on the record of the person concerned. A delay in the transmission of a notice provided for in section 487 or 488 does not prevent the Régie from rendering the appropriate decisions.”

**150.** Section 501 of the said Code is replaced by the following section:

**“501.** Where this Code prescribes the obligation to hold a certificate, permit or licence, the burden of proof is on the defendant that he is the holder of such a document.”

**151.** Section 504 of the said Code is repealed.

**152.** Section 512 of the said Code, amended by section 98 of chapter 46 of the statutes of 1983, is again amended by adding, after paragraph 11, the following paragraph:

“(12) prescribe the conditions for obtaining, renewing or cancelling a parking permit for handicapped persons.”

**153.** The said Code is amended by inserting, after section 512, the following sections:

**“512.1** A handicapped person may obtain the parking permit contemplated in paragraph 12 of section 512 whether or not he is the owner of a motor vehicle.

**“512.2** A parking permit for handicapped persons authorizes its holder or the driver of the vehicle occupied by the holder to park the vehicle in any parking space reserved for handicapped persons situated in Québec, and outside Québec under the terms of an agreement entered into in accordance with section 554.

**“512.3** A parking permit for handicapped persons must indicate the name of the municipality and the period for which it is issued.

The permit must also contain a number, the inscription “permit for handicapped persons” and the international symbol of special access.

**“512.4** Parking permits for handicapped persons are issued by municipalities.

Notwithstanding the first paragraph, a municipality may, by by-law, enter into an agreement with any person or body to authorize it or him to issue parking permit on its behalf.

The person or body with whom or which the municipality enters into an agreement and the employees thereof are deemed to be officers or employees of the municipality for that purpose.”

**154.** Section 517 of the said Code is amended by striking out the words “driver’s licence or learner’s” in the third line of the second paragraph.

**155.** Sections 521 and 522 of the said Code are replaced by the following section:

**“521.** The Régie shall designate a secretary to represent it in the Comité consultatif médical et optométrique; should the secretary be absent or unable to act, the Régie shall designate his substitute.

The committee shall meet when convened by the secretary or his substitute, who shall convene such member or members as he may determine.”

**156.** Section 523 of the said Code is amended by replacing the word “sixteen” in the third line of the first paragraph by the figure “14”.

**157.** Section 524 of the said Code is amended by replacing paragraph *a* by the following paragraph:

“(a) suspend or refuse to issue or to renew the person’s driver’s licence, learner’s licence or certificate of competence, or change its conditions, or”.

**158.** Section 526 of the said Code is amended by replacing the word “officer” in the third line by the words “secretary or his substitute”.

**159.** Section 554 of the said Code is amended

(1) by replacing the word “non-resident” in the first and second lines of the second paragraph by the words “any person whose main place of residence is outside Québec”;

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

“The regulation is not subject to the requirements of section 563.”

**160.** The said Code is amended by adding, after section 556, the following section:

“**556.1** A peace officer is authorized to confiscate and remit to the Régie any fictitious plate or fictitious licence.

For the purposes of the first paragraph, a fictitious plate is the plate defined in the second paragraph of section 57 and a fictitious licence is a licence which has not been issued by the Régie or which has been issued to another person than the person who uses it to drive a road vehicle.”

**161.** Section 557 of the said Code is amended by adding the following paragraph:

“The Régie shall dispose of the confiscated objects by means of a public sale or destruction after the expiration of 30 days from the date of the confiscation unless a written revendication is made to the Régie under the second paragraph. In that case, the Régie shall dispose of the confiscated object at any time after its decision to refuse the restoration of the confiscated object.”

**162.** Section 560 of the said Code is replaced by the following section:

**“560.** Every person who is bound under this Code to make a report, give a notice or furnish information to the Régie and refuses or neglects to do so within the prescribed time is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200, unless another penalty is prescribed in this Code.”

**163.** The said Code is amended by inserting, after section 560, the following section:

**“560.1** 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 \$200 to \$500.”

**164.** Section 567 of the said Code is replaced by the following section:

**“567.** This Code replaces the Highway Code (R.S.Q., chapter C-24).”

**165.** Section 1 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing paragraph 16 by the following paragraph:

**“(16) “garagist”** means the holder of a garage licence issued under the Highway Safety Code (R.S.Q., chapter C-24.1);”.

**166.** Section 195 of the said Act, amended by section 36 of chapter 59 of the statutes of 1982, is again amended by adding, after paragraph *t*, the following paragraph:

**“(u)** prescribe the terms of payment of the amount fixed under section 151.”

**167.** 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 mechanical standards certificate issued under the Highway Safety Code (R.S.Q., chapter C-24.1) will be given to the purchaser upon the signing of the contract;”.

**168.** 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;”.

**169.** 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 by the Highway Safety Code, a consumer may apply to have the contract annulled.”

**170.** Section 2 of the Act respecting the Régie de l’assurance automobile du Québec (R.S.Q., chapter R-4), amended by section 62 of chapter 59 of the statutes of 1982, is again amended by replacing paragraph *c* by the following paragraph:

“(c) to apply the Highway Safety Code (R.S.Q., chapter C-24.1) with respect to the listing and registration of motor vehicles and the issue of licences;”.

**171.** The said Act is amended by inserting, after section 15, the following section:

**“15.1** In any proceedings, the court may accept the report in lieu of the testimony of the officer, public servant or employee of the Régie who signed it, to obtain information respecting any Act that is wholly or partly under the administration of the Régie.

Notwithstanding the foregoing, any party to the case may require the presence of the officer, public servant or employee at the hearing and the court, if of opinion that the mere filing of the report would have sufficed, may condemn that party to pay such additional costs as it may fix.”

**172.** Section 45.6 of the Fuel Tax Act (R.S.Q., chapter T-1) is replaced by the following section:

**“45.6** If, in proceedings under this Act, proof that a person is the listed or registered owner of a motor vehicle is required, a copy of the listing certificate or registration certificate of that vehicle or an extract duly certified is admissible as evidence.”

**173.** Sections 42 to 46 of the Act to amend the Automobile Insurance Act and other legislation (1982, chapter 59) are repealed.

**174.** 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 of the statutes of 1968, 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 paragraph 2 by the following subparagraph:

“(f) To regulate the parking of the vehicles used by handicapped persons who are holders of a parking permit issued under section 512.4 of the Highway Safety Code (R.S.Q., chapter C-24.1).”

**175.** Section 545 of the Charter of the City of Québec (1929, chapter 95), amended by section 17 of chapter 97 of the statutes of 1974, by section 85 of chapter 7 of the statutes of 1978 and by section 40 of chapter 42 of the statutes of 1980 is again amended by replacing the third paragraph by the following paragraph:

“It may regulate the parking of vehicles used by handicapped persons who are holders of a parking permit issued under section 512.4 of the Highway Safety Code (R.S.Q., chapter C-24.1).”

**176.** A by-law made pursuant to a provision replaced by section 174 or 175 remains in force until (*insert here the date occurring one year after the date of coming into force of sections 174 and 175*) unless it is replaced by a regulation made under a provision enacted by this Act.

**177.** For purposes of implementation of the provisions of this Act relating to listing, the Government, by regulation, may determine, according to the identity of the owner and the category of the motor vehicle, the time within which the owner of a vehicle possessed in Québec is required to list it; during that time, until his vehicle is listed, the owner is subject to the provisions of the Highway Safety Code relating to registration as in force on (*enter here the date preceding the date of coming into force of this section*).

**178.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

**179.** This Act comes into force on the date fixed by proclamation of the Government, except the sections excluded by the proclamation, which come into force, in whole or in part, on any later dates fixed by proclamation of the Government.