

SIXTH SESSION

THIRTY-FIRST LEGISLATURE

# NATIONAL ASSEMBLY OF QUÉBEC

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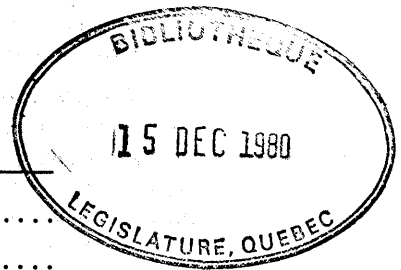
## Bill 4

Highway Safety Code

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First reading .....  
Second reading .....  
Third reading .....

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M. DENIS DE BELLEVAL

Minister of Transport

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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## EXPLANATORY NOTES

*The object of this bill is to reform the body of rules governing users of the highways, in view of their safety, and so, to replace the Highway Code.*

*First, it establishes the mechanisms for control and supervision of the ownership and use of road vehicles on the public highways of Québec. It sets down the rights and obligations of owners and of drivers, and details the powers of the Régie de l'assurance automobile du Québec in respect of the qualifications and competence of drivers, and of the mechanical condition of their vehicles. An appeal will lie to the Provincial Court from any decision of the Régie.*

*To alert drivers to the fact that an essential qualification of a driver is an attitude of common courtesy at all times, the bill would revoke a licence for unacceptable conduct rather than merely suspend it, as now. However, if a person had to drive to carry on his main employment, he would be able to obtain a restricted licence for that purpose until he requalified for a regular licence.*

*Regarding the rules of the road, the bill sets down the conduct required of motorists, pedestrians and cyclists. It pointedly acknowledges the right of way of the pedestrian wherever that is consistent with his safety. It legalizes certain common safety practices that have gradually developed in parallel to the Highway Code. Lastly, it restates, in a standardized form, the basic rules of the road that do not need to be revised.*

*Finally, the bill updates the various penalties for infractions committed by highway users, and simplifies the collection of fines.*

*As for its consequences on other legislation, the bill, besides replacing the Highway Code, replaces the Highway Victims Indemnity Act and amends the Act respecting the Régie de l'assurance automobile du Québec, the Automobile Insurance Act, the Transport Act and the Courts of Justice Act.*

## Bill 4

### Highway Safety Code

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

#### CHAPTER I

##### INTERPRETATION AND SCOPE

1. In this code, unless the context indicates otherwise,

“autoroute” means a limited access highway classified as an autoroute by the Minister of Transport and identified by special traffic control devices, or an autoroute within the meaning of the Autoroutes Act (R.S.Q., c. A-34);

“bus” means a motor vehicle, other than a minibus, designed for carrying more than ten persons at a time and used mainly for that purpose;

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

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

“emergency vehicle” means a vehicle used as a police car in accordance with the Police Act (R.S.Q., c. P-13), a vehicle used as an ambulance in accordance with the Public Health Protection Act (R.S.Q., c. P-35), a fire department vehicle, or any other vehicle recognized as an emergency vehicle by the Régie;

“farmer” means a natural person who is the owner or the tenant of a farm and whose principal occupation is agriculture, or an artificial person who is a member of an association certified under the Farm Producers Act (R.S.Q., c. P-28);

“farm vehicle” means a motor vehicle owned by a farmer and used for the transportation of farm produce or material required in the production of farm produce;

“light motorcycle” means a road vehicle other than a moped that has two or three wheels and is provided with a motor having a piston displacement of not over 125 cm<sup>3</sup>;

“limited access highway” means a public highway access to or exit from which is possible only at the points specially provided therefor;

“local authority” means an urban or regional community, or a municipal corporation by whatever law governed;

“minibus” means a motor vehicle of the small van type designed for carrying more than seven persons at a time or for carrying handicapped persons, and mainly used for that purpose;

“moped” means a road vehicle having two or three wheels and a mass not in excess of 55 kg, provided with a motor having a piston displacement of not over 50 cm<sup>3</sup>, with an automatic transmission and with pedals to be used as crank gear and operable at all times to assist the motor;

“motorcycle” means a road vehicle that has two or three wheels and is equipped with a motor having a piston displacement of more than 125 cm<sup>3</sup>;

“motor vehicle” means a road vehicle propelled by a force other than muscular force and primarily designed, equipped and adapted for the transportation of persons or things on a public highway;

“night” means the period comprised between one half hour after sunset and one half hour before sunrise;

“passenger vehicle” means a motor vehicle, other than a 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 a motorcycle, light motorcycle or moped;

“person” means a natural person, an artificial person, or a partnership;

“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;

“public commercial vehicle” means a motor vehicle mainly used for the transportation of things that requires a permit from the Commission des transport du Québec;

“public highway” means the total surface of land or of a structure, the maintenance of which is entrusted to a local authority, a

government or a government body, over part of which one or more roadways open to the public for road vehicle traffic are laid out, except

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

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

"the Régie" means the Régie de l'assurance automobile du Québec;

"registration plate" means the plate or the plate and sticker issued by the Régie for the purpose of identifying the owner of a road vehicle;

"road vehicle" means a motor vehicle, other than a vehicle that runs only on rails, by which a person may be transported or a thing may be drawn on a highway, as well as a trailer, semi-trailer or detachable axle, or any motor vehicle not defined in this code that can be driven on a highway;

"roadway" means that part of a public highway contained between the shoulders, curbs, sidewalks, median strips, or a combination thereof, and consisting of lanes designed for public road vehicle traffic;

"seat belt" means the device designed to secure a person in his seat and prescribed by the Motor Vehicle Safety Act (R.S.C., 1970, 1st supplement, c. 26);

"service vehicle" means a specialized vehicle equipped to refuel, repair or tow road vehicles;

"snow vehicle" means a road vehicle designed for use mainly on snow;

"special mobile equipment" means a road vehicle primarily designed to carry out work and, for that purpose, provided with permanently attached equipment;

"specialized vehicle" means a motor vehicle used for the transportation of permanently attached equipment and provided with a load space;

"traffic control device" means a signal light, sound signal, sign, marking or device contemplated in a government regulation, specially designed to prohibit, regulate or control pedestrian and road vehicle traffic;

"taxi" means a motor vehicle used for the transportation of persons for which a permit is required from the Commission des

transports du Québec, having a maximum seating capacity determined by regulation of the Government made under the Transport Act (R.S.Q., c. T-12).

This code includes the regulations made by the Government.

**2.** For the purposes of this code, the owner of a road vehicle is the person who acquires a road vehicle or possesses it under a title of ownership, under a title involving a condition or a term giving him the right to become owner thereof, or under a title giving him the right to use it as owner thereof charged to deliver over.

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

**3.** The Government may, by regulation, define categories or sub-categories of road vehicles in addition to those defined in section 1.

## CHAPTER II

### REGISTRATION

#### DIVISION I

##### GENERAL PROVISIONS

##### § 1.—*Application*

**4.** The owner of a road vehicle who uses or has possession of it in Québec must register it, unless he is exempted from so doing by this code.

**5.** The owner of a road vehicle who establishes residence in Québec must comply with section 4 within thirty days.

##### § 2.—*Exemptions*

**6.** Non-motorized vehicles and farm machinery owned by a farmer and determined by regulation of the Government are exempt from registration.

**7.** Unless used on a public highway, a road vehicle stocked by the manufacturer or delivered by him to a dealer, as well as a road vehicle entrusted to the management of the public curator, or in the possession of a dealer holding it in stock for sale, is exempt from registration. The same rule applies to a road vehicle impounded, confiscated or seized by a peace officer as well as to a

discarded road vehicle the registration certificate and identification number of which have been remitted to the Régie.

**8.** A snow vehicle in the case provided by regulation of the Government and a farm tractor owned by a farmer are also exempt from registration unless used on a public highway.

**9.** A road vehicle which is not in use and from which all the tires, skis or caterpillar tracks have been removed is exempt from registration.

**10.** A trailer or semi-trailer leased for a period not exceeding twelve months is exempt from registration in Québec if

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

**11.** The passenger vehicle of a non-resident is exempt from registration in Québec for a period of six consecutive months from his arrival in Québec, if

- (1) the passenger vehicle is registered as required by the law of the place of residence or the place of business of its owner,
- (2) the passenger vehicle carries valid registration plates of that place, and
- (3) the non-resident furnishes, at the request of the Régie or of a peace officer, proof of that registration.

## DIVISION II

### ISSUANCE AND RENEWAL

**12.** The owner of a road vehicle may apply for the registration or the renewal of registration of the vehicle in accordance with the formalities determined by regulation of the Régie. The application must be accompanied with payment of the duties prescribed by regulation of the Government.

**13.** 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 for the road vehicle concerned, pay to the Régie the amount fixed

under section 151 of the said act and the registration duties fixed by regulation of the Government.

**14.** Every corporation applying for the registration of a road vehicle must inclose with the application a statement containing all the information required by regulation of the Government.

**15.** The registration of a road vehicle owned by a partnership is made to the name of the partner making the application.

**16.** A minor may apply for the registration of a road vehicle with the written consent of the person having parental authority or, failing such a person, the consent of the guardian of the minor.

**17.** A minor, if emancipated or a dealer, may apply for the registration of a road vehicle, provided that he proves his status.

**18.** The Régie may issue a temporary registration certificate or a removable registration plate, or both, in such cases and on such conditions as may be prescribed by regulation of the Government.

**19.** The Régie may refuse to register a road vehicle or to renew the registration thereof if

(1) the person making the application does not meet the conditions prescribed in section 12, 13, 16 or 17 as well as those prescribed by regulation of the Government;

(2) the person making the application is already the debtor of the Régie as regards an application for registration or the renewal thereof;

(3) the person making the application does not furnish a certificate of mechanical inspection where a regulation of the Government prescribes the obligation to furnish such a certificate; or

(4) a certificate of mechanical inspection states that the vehicle constitutes a hazard.

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

(1) the person making the application is unable to prove that he is the owner of the vehicle or, in the case of section 15, to prove that the vehicle is the property of the partnership of which he is a member;

(2) the registration of the road vehicle of the person making the application, or his privilege of obtaining one, is under a suspension provided for by section 152, 158 or 160;



(3) the person making the application does not comply with section 84 of the Automobile Insurance Act; or

(4) in a case provided for by section 35 of the Transport Act, the person making the application has not obtained the prior authorization of the Commission des transports du Québec.

**21.** Registration is valid for the period determined by regulation of the Government.

**22.** Registration is evidenced by the registration certificate and the registration plate, or by either of them, in the cases provided by regulation of the Government, or by a temporary registration certificate issued in accordance with section 18.

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

The certificate must bear the signature of its holder and the identifying inscription of the Régie or the signature of the person authorized by the Régie.

**24.** The registration plate must bear the inscriptions and the registration number assigned by the Régie.

### DIVISION III

#### CONDITIONS ATTACHED TO REGISTRATION

**25.** The person in whose name a road vehicle is registered in Québec must inform the Régie within thirty days of any change of address having occurred since his last application for registration or his last registration renewal.

**26.** A temporary registration certificate must be stuck to the upper left hand part of the rear window of the road vehicle, except in the cases where the Régie determines by regulation that the certificate must be placed elsewhere.

**27.** The owner of a road vehicle must attach to the vehicle the registration plate issued to him by the Régie.

**28.** The registration plate must be solidly attached to the rear of the road vehicle or to any other place determined by regulation of the Régie.

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

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

**30.** A peace officer may require the driver of a road vehicle to clean the registration plate of his vehicle if the plate is so dirty that it is difficult to read.

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

**31.** No other plate that may be confused with a registration plate may be attached to the front or to the rear of a road vehicle except in the case of a plate required under another act in force in Québec.

**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 registration certificate of the vehicle and the certificate of insurance or of financial responsibility provided for by the Automobile Insurance Act.

If the road vehicle is leased for less than one year or if it is loaned by a dealer, the person driving it on a public highway must also have with him the contract of lease or a copy thereof, or a document evidencing the duration of the loan.

**33.** Every person driving a road vehicle on a public highway must remit to a peace officer, at his request, the documents contemplated in section 32.

Subject to the other provisions of this code, the peace officer must return the documents to their holder as soon as he has examined them.

#### DIVISION IV

##### TRANSFER OF A ROAD VEHICLE

**34.** Where the right of ownership of a road vehicle subject to registration is transferred, the owner entered on the registration certificate of that vehicle must immediately apply to the Régie for a transfer of registration in conformity with sections 35 to 37.

**35.** Where a road vehicle is transferred between two parties neither of whom is a dealer, the transferor must remit to the Régie the registration plate accompanied with the corresponding certificate, endorsed, and the new purchaser must apply for a new registration in accordance with this code.

Where two road vehicles are exchanged between parties neither of whom is a dealer, each owner must remit to the Régie the registration plate accompanied with the corresponding certificate, endorsed, and apply for a new registration in conformity with this code.

**36.** Where a road vehicle is transferred to a dealer, the transferor who is not purchasing a new vehicle must remit the certificate to the dealer after endorsing it and return the registration plate to the Régie.

**37.** Where a road vehicle is transferred to a dealer, the transferor who is purchasing a new vehicle must retain the registration plate, remit the registration certificate to the dealer after endorsing it and apply to the Régie for a certificate corresponding to the new vehicle.

**38.** A person who becomes the owner of a road vehicle as a result of a death, a gift, a partition, a winding-up, a bankruptcy, the exercise of a right of repossession, the complete transfer of a business or a judicial sale must return the registration certificate to the Régie and apply for a new certificate on payment of the duties prescribed by regulation of the Government.

**39.** Until the registration is transferred, the owner entered on the registration certificate of the road vehicle remains liable for any offence imputable to the owner under this code.

**40.** Every auto salvager must keep a register in which he must enter the description and identification number of every road vehicle he acquires, the date it is received or acquired and the name and address of the person from whom he acquired or received it.

For the purposes of this section, an auto salvager is a person who carries on the business of salvaging and selling parts of discarded road vehicles, purchasing discarded road vehicles and reselling them as scrap, or returning to operation road vehicles that he rebuilds from parts or vehicles which he has acquired.

**41.** Every dealer must keep a register in which he must enter the description and identification number of every road vehicle he acquires, exchanges or sells, the date on which such transactions are made and the name and address of the persons with whom the transactions are made.

Furthermore, the dealer must indicate on the contract and on the bill of sale concerning the purchase, exchange or sale of a road vehicle the number of kilometres or miles showing on the odometer of the vehicle, and the number of kilometres or miles actually covered if this number differs from that showing on the odometer.

The dealer must keep the contract and bill of sale for a period of two years.

**42.** Every owner who discards a road vehicle must immediately return the certificate, registration plate and identification number of the vehicle to the Régie.

## DIVISION V

### SUSPENSION

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

(1) the owner does not meet the conditions set forth in section 12, 13, 16 or 17;

(2) the registration was obtained under false representations;  
or

(3) a certificate of mechanical inspection states that the road vehicle constitutes a hazard.

In such cases, the Régie may order the withdrawal of the registration certificate and registration plate issued in respect of the vehicle.

**44.** The Régie must suspend the registration of a road vehicle in the case of an accident contemplated in section 152, 158 or 160 and in the cases provided for in section 35 of the Transport Act.

**45.** Where the owner of a road vehicle does not meet the requirement imposed by section 84 of the Automobile Insurance Act concerning liability insurance, the Régie shall withdraw the registration certificate and registration plate corresponding to that vehicle, or cause them to be withdrawn until that person has complied with that section.

**46.** The Régie may, in writing, require the owner of a road vehicle whose registration is suspended to return to the Régie the registration certificate and registration plate corresponding to the vehicle.

If the owner refuses to comply with the requirement, the Régie may commission a peace officer to confiscate the certificate and the registration plate.

## DIVISION VI

### OFFENCES AND PENALTIES

**47.** Every person who contravenes section 29, the second paragraph of section 30, or section 31, is guilty of an offence and is liable, in addition to costs, to a fine of \$10 to \$25.

**48.** The owner of a road vehicle who does not comply with section 26, 27, 28 or 42 is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$50.

**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 road vehicle is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$50.

**50.** Every person who contravenes section 32 is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$50.

However, the court may impose only the payment of the costs on a person found guilty of an offence under this section.

**51.** The owner of a road vehicle who contravenes section 25 is guilty of an infraction and is liable, in addition to costs, to a fine of \$50 to \$100.

**52.** Every person who contravenes section 33 is guilty of an offence and is liable, in addition to costs, to a fine of \$50 to \$100.

**53.** Every person who uses a road vehicle not provided with a registration plate of the category established by regulation of the Régie and corresponding to that vehicle is guilty of an offence and is liable, in addition to costs, to a fine of \$50 to \$500.

**54.** Every person who contravenes any of sections 4, 5, 40 and 41 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

**55.** Every person who in making an application for the registration of a road vehicle knowingly gives false or misleading information or contravenes section 46, is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500.

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

**57.** Every person who makes or installs an unauthorized plate on a road vehicle or drives on a public highway a road vehicle provided with such a plate is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500.

For the purposes of this section, an unauthorized plate is a registration plate that was not issued by the Régie or that is attached to a road vehicle other than that for which it was issued.

## DIVISION VII

### POWERS OF THE GOVERNMENT

**58.** The Government may, by regulation,

(1) prescribe the valid period of registration according to the categories or sub-categories of road vehicles;

(2) fix registration duties exigible according to the categories or sub-categories of road vehicles, to their use or to the territory in which they are used, and prescribe that such duties may be payable otherwise than annually;

(3) provide, on such conditions as it may determine, cases of exemption from or reduction of registration duties;

(4) prescribe the other conditions of issue of temporary registration certificates and removable registration plates, and the cases in which they may be issued;

(5) fix the duties payable for the issue of registration plates and certificates or their renewal, duplicates of certificates and metal duplicates, and the replacement of unusable, lost or stolen registration plates;

(6) prescribe the cases in which registration duties may be reimbursed, and the terms and conditions of reimbursement;

(7) determine the information to be furnished in applications for registration or renewal and fix the form and content of the registration certificate;

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

(9) prescribe the cases in which two duplicates of the registration plate must be issued.

(10) prescribe the procedure to be followed for the issue or renewal of a registration.

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

## CHAPTER III

## LICENCES

## DIVISION I

## CATEGORIES OF LICENCES

**60.** A driver's licence or learner's licence authorizes the holder to drive a road vehicle on a public highway.

**61.** A restricted licence authorizes the holder to drive a road vehicle on a public highway in carrying on his work while his driver's licence is revoked.

**62.** A certificate of competence authorizes the holder to drive a moped on a public highway.

**63.** A driving school licence authorizes the operation, for remuneration, of a driving school where instruction is given in driving road vehicles.

**64.** An instructor's licence authorizes the holder to give, for remuneration, instruction in driving road vehicles in a driving school.

## DIVISION II

## DRIVER'S LICENCE, LEARNER'S LICENCE, RESTRICTED LICENCE

§ 1.—*General provisions*

**65.** To drive a road vehicle on a public highway, a person must hold a driver's licence of the category and class appropriate to the driving of that vehicle, a learner's licence of the class appropriate to the driving of that vehicle or a restricted licence. The classes and categories are determined by regulation of the Government.

**66.** To drive a public commercial vehicle, taxi, bus or mini-bus, a person must be at least eighteen and not over seventy years of age.

**67.** To drive a moped on a public highway, a person must be at least fourteen years of age and hold a driver's licence or a certificate of competence. Such a certificate is issued by a person or body authorized by regulation of the Government, according to the conditions prescribed therein.

**68.** No person may hold more than one valid driver's licence or more than one valid learner's licence of the same class, issued by the Régie.

§ 2.—*Issue and renewal of licences*

**69.** To obtain a driver's licence, a person must be at least sixteen years of age, have passed a driving course corresponding to the class of licence applied for and approved by the Régie, have passed the proficiency examinations of the Régie and have fulfilled the other conditions prescribed by regulation of the Government.

**70.** To obtain a learner's licence, a person must be at least sixteen years of age and meet the other conditions prescribed by regulation of the Government. No such licence may be issued to drive a motorcycle or light motorcycle.

**71.** A minor may obtain a driver's licence or learner's licence with the written consent of the person having parental authority or, failing such a person, the consent of the guardian of the minor.

**72.** The Régie shall issue a driver's licence or a learner's licence to the applicant if he has paid to it the amount fixed under section 151 of the Automobile Insurance Act and the duties fixed by regulation of the Government for the issue or renewal of licences.

**73.** The Régie may also require that an applicant for a licence undergo a medical examination or an eye examination and that a report of the examination be submitted to it as soon as possible.

**74.** A driver's licence is valid for the period determined by regulation of the Government.

**75.** A learner's licence is valid for a period of six months and may be renewed, on request, until its holder fulfils the conditions for obtaining a driver's licence.

**76.** Licences issued by the Régie must contain the information determined by regulation of the Government.

**77.** A licence must bear the signature of the holder and the identifying inscription of the Régie or the signature of a person authorized by the Régie.

**78.** The Régie must refuse to issue a learner's licence to a person



(1) who does not fulfil the conditions prescribed in sections 70, 71, 72 or 99;

(2) whose licence or privilege of obtaining a licence has been suspended under section 101, 152, 158 or 160.

**79.** The Régie must refuse to issue a driver's licence to a person

(1) who does not fulfil the conditions prescribed in section 69 or 71 when first applying for a licence;

(2) who is under eighteen or over seventy years of age, in the cases contemplated in section 66;

(3) whose driver's licence or privilege of obtaining one is suspended;

(4) who does not fulfil the conditions contemplated in section 72, 73 or 99;

(5) who has not undergone the proficiency examination contemplated in section 91 or, in the cases contemplated in sections 93 and 94, who has failed it.

**80.** The Régie must refuse to renew a learner's licence or driver's licence issued to a person

(1) who does not fulfil the conditions prescribed in section 72 or in the first paragraph of section 99;

(2) whose driver's licence or learner's licence is suspended or revoked;

(3) who, in the case contemplated in section 66, is over seventy years of age.

**81.** The Régie may refuse to issue or to renew a driver's licence or a learner's licence where

(1) the applicant refuses to undergo a medical examination;

(2) according to a medical report, the applicant suffers from an illness or deficiency that is contemplated in the medical guide or that, in the opinion of the medical and optometric advisory committee, could be considered a safety risk; or

(3) the applicant refuses to submit to a proficiency examination or has failed it.

### § 3.—*Conditions attached to licences*

**82.** The Régie may attach conditions to a licence in the cases and on the criteria established by regulation.

**83.** The holder of a driver's licence or learner's licence must inform the Régie, within thirty days, of any change of address having occurred since his licence was last issued or renewed.

**84.** No person may permit another person to use his driver's licence, learner's licence or certificate of competence to drive a road vehicle or a moped.

**85.** No person, to drive a road vehicle or a moped, may use a driver's licence, learner's licence or certificate of competence issued to another person.

**86.** On proof that a driver's licence or learner's licence has been damaged, destroyed, lost or stolen, and on payment of the dues prescribed by regulation, the Régie shall issue a duplicate.

**87.** Every person driving a road vehicle or a moped on a public highway must have with him, in addition to the documents contemplated in section 32, his driver's licence, learner's licence, certificate of competence or restricted licence.

**88.** The holder of a learner's licence must, when driving a road vehicle, be assisted by a person holding a driver's licence of the category and class appropriate to the driving of the vehicle.

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

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

**90.** A person contemplated in section 87 or 89 must, at the request of a peace officer, submit for examination his driver's licence, learner's licence, certificate of competence or restricted licence.

Subject to the other provisions of this code, the officer shall return the licence to its holder as soon as he has examined it.

#### § 4.—*Examinations*

**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 or learner's licence.

**92.** The Régie may require the holder of a driver's licence or learner's licence to undergo an examination contemplated in section 73 or 91 if he

- (1) is seventy years of age or over,
- (2) has had his driver's licence or learner's licence suspended,
- (3) has not undergone an examination for ten years,
- (4) is employed to drive a public commercial vehicle, taxi, bus or minibus, or
- (5) has given the Régie reason to believe his ability to drive should be checked, because of his behaviour on the public highway or his state of health.

**93.** The Régie must require the holder of a driver's licence or a learner's licence to undergo an examination contemplated in section 91 if he wishes to have a change made to the class of his licence or to a condition appearing thereon.

The Régie may also require the holder to undergo an examination contemplated in section 73.

**94.** A person whose driver's licence has been expired for three years or more must, to obtain a new licence, undergo the proficiency examination contemplated in section 91.

#### § 5.—*Suspension and Revocation*

##### A. GENERAL PROVISIONS

**95.** When a person has been found guilty of an offence under subsection 1, 2 or 4 of section 233, section 234, subsection 2 of section 235 or section 236 of the Criminal Code, or if the offence was committed with a road vehicle, under section 203, 204 or 219 of that code, his driver's licence or learner's licence is revoked and the judge who pronounces the verdict of guilty shall order the licence to be confiscated and handed over to the Régie.

If the person does not hold a licence, his privilege of obtaining a licence is suspended until he fulfils the special conditions and formalities established by regulation of the Government under paragraph 17 of section 143.

**96.** The Régie must suspend the driver's licence or learner's licence of a person contemplated in section 152, 158 or 160.

The Régie must suspend the privilege of obtaining a driver's licence or learner's licence of a person contemplated in section 152, 158 or 160 who does not hold such a licence.

**97.** If the number of demerit points entered in a person's file is equal to or greater than the number provided for by regulation of the Government, the Régie must

- (1) revoke the person's driver's licence or learner's licence or,

(2) if the person is not a licence holder, suspend his privilege of becoming a licence holder.

**98.** The Régie may suspend a person's driver's licence or learner's licence if

(1) he refuses to undergo a medical examination;

(2) according to a medical report, he suffers from an illness or deficiency that is contemplated in the medical guide or that, in the opinion of the comité consultatif médical et optométrique, could be considered a safety risk;

(3) he refuses to undergo a proficiency examination or fails it;

(4) he fails to comply with a decision taken under section 115.

**99.** A person contemplated in section 95 or in a decision rendered under section 97 must, to obtain another driver's licence or learner's licence, comply with the special conditions and formalities for obtaining a licence prescribed by regulation of the Government under paragraph 17 of section 143.

Except in the case of a first revocation or unless two years have elapsed since a prior revocation, no application for a driver's licence or learner's licence may be made until six months have elapsed since the notice of revocation, or twelve months in the case of any subsequent revocation.

The suspension of a driver's licence or learner's licence is not limited to the valid period of the licence.

**100.** No person may drive a road vehicle while his driver's licence or learner's licence or his privilege of obtaining such a licence is suspended or revoked. However, the holder of a restricted licence may drive a road vehicle to carry on his principal means of livelihood.

**101.** When a person has been convicted of or has pleaded guilty to an offence against section 100, the Régie must suspend his licence or his privilege of obtaining a licence for an additional period of three months.

Where a person's privilege of obtaining a licence or learner's licence has been suspended for a period of six months or twelve months, the suspension of the privilege is extended a further six months or twelve months, as the case may be, from the date on which the person was convicted or pleaded guilty to the offence referred to in the first paragraph.

**102.** No owner or lessee may permit a road vehicle to be driven by a person whose driver's licence or learner's licence is

suspended or revoked, except if the person holds a restricted licence and the driving is done under the conditions of that licence.

**103.** The Régie may require a person whose driver's licence or learner's licence is suspended or revoked to return that document to it.

The Régie may commission a peace officer to confiscate the driver's licence or learner's licence of a person who refuses to comply with the demand contemplated in the first paragraph.

The Régie may also demand that any other driver's licence issued by another administrative authority be remitted to it.

#### B. RESTRICTED LICENCE

**104.** The judge who sentences the holder of a driver's licence for an offence contemplated in the first paragraph of section 95 may, on a motion of the holder of the licence made immediately after pronouncement of the verdict of guilty or after sentencing, order the Régie to issue to him, for such period as he may determine, but not over three months, a restricted licence 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 by 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 declaration of guilt 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, for such period as he may determine but not over three months, a restricted licence to a person whose driver's licence has been revoked under section 97, if that person has demonstrated that he drives a road vehicle to carry on his principal means of livelihood.

This 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.

The judge seized of the motion orders the confiscation of the licence and its handing over to the Régie.

**106.** The order to issue a restricted licence may be renewed if the holder of the licence demonstrates that the delay in the issue of a driver's licence is not imputable to him.

**107.** No order to issue a restricted licence may be given nor any restricted licence issued if, within the two years preceding the motion, the applicant's driver's licence has been revoked.

**108.** An order made under sections 104 to 107 is final; there is no appeal.

**109.** The Régie, on receipt of the order, shall issue the restricted licence unless, pursuant to section 107, no restricted licence may be issued; in the latter case, it shall, by a motion served on the person contemplated in the order, request the judge who gave the order to review it.

The Régie may also, by a motion served on the holder of a restricted licence, request the judge who has given the order under which the licence was issued to revise it if, after the date it was given, the person's privilege of obtaining a licence was suspended.

**110.** The holder of a restricted licence who drives a road vehicle other than to carry on his principal means of livelihood, is driving while his licence is revoked within the meaning of section 100.

#### C. DEMERIT POINTS

**111.** In this subdivision, a "person convicted" is a person found guilty of an offence for which a regulation of the Government prescribes demerit points or a person who has committed an offence for which the fine has been paid, even if he has not been prosecuted.

**112.** The Régie shall keep a file on every person convicted and, on being informed of a conviction in accordance with section 113, shall enter the number of demerit points which, according to the regulation of the Government, corresponds to the offence for which the person has been convicted.

**113.** The Régie shall consider a person convicted when it receives a notice to that effect from the clerk of any court of penal or criminal jurisdiction, from the clerk or secretary-treasurer of any local authority, from the Attorney General or the director of a police force, or when it is in possession of the judgment or the proof of payment.

**114.** As soon as the total number of demerit points entered pursuant to section 112 in a person's file attains the number prescribed by regulation of the Government, the Régie shall send a

notice by certified mail to the person concerned, at the last address received by the Régie, informing him of the number of points entered in his file and reminding him of its powers of revocation.

**115.** In the case contemplated in section 114, the Régie may summon the person concerned to appear before an officer designated by it for that purpose. The Régie may also require the person concerned to register for and follow a course in defensive driving at a school it recognizes for that purpose, if the officer so recommends.

**116.** The failure of the Régie to give the notice contemplated in section 114 does not nullify a notice given subsequently nor any subsequent power or duty exercised by the Régie under this subdivision.

**117.** Demerit points entered by the Régie in a person's file become void two years from the date of conviction or payment in respect of the offence in question.

Each time the Régie revokes a licence 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.

### DIVISION III

#### DRIVING SCHOOL LICENCE AND INSTRUCTOR'S LICENCE

**118.** A person must hold a driving school licence to operate a driving school for remuneration.

To obtain a driving school licence or an instructor's licence, or its renewal, the applicant must be a natural person acting on his own behalf or for a corporation or partnership and must 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 road vehicles. He must also be employed by a driving school and be under the supervision, authority and responsibility of such a school.

**120.** A driving school licence or instructor's licence is issued or renewed according to the formalities and on payment of the duties prescribed by regulation of the Government.

**121.** A driving school licence or instructor's licence issued by the Régie must contain the information determined by regulation of the Government; it is valid for the period determined by regulation of the Government.

**122.** The holder of a driving school licence or his representative must, during the hours the school is open, allow a person designated by the Régie to

- (1) visit any premises used under his permit,
- (2) examine the registers, files and contracts respecting the school's activities,
- (3) obtain a copy of any document respecting the operation of the school, and
- (4) attend driving classes.

**123.** With the prior approval of the Régie, a driving school licence may be transferred in those cases provided for by regulation of the Government.

**124.** The Régie may suspend a driving school licence or instructor's licence if the holder no longer fulfils the conditions of obtention or does not comply or refuses to comply with a request made under this code by the Régie or by a person it designates.

The Régie may also, in accordance with a regulation of the Government, suspend a licence that has been transferred without prior approval of the Régie.

## DIVISION IV

### DUTIES AND OBLIGATIONS OF NON-RESIDENTS

**125.** A non-resident may drive a road vehicle for a period of not over six consecutive months without holding a driver's licence issued by the Régie if he fulfils the conditions prescribed in section 127.

**126.** A foreign student, *coopérant* or trainee who resides in Québec may drive a passenger vehicle 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.

**127.** A person contemplated in section 125 or 126 may drive, as the case may be, a passenger vehicle or a road vehicle if

- (1) he holds a valid driver's licence issued by another government,



(2) that other government grants the same privilege to a resident, student, *coopérant* or trainee from Québec,

(3) the licence issued by that other government authorizes its holder to drive the category of vehicle he is driving in Québec, and

(4) the person respects all the conditions that are attached to the licence which he holds.

**128.** A non-resident whose main occupation is driving a road vehicle and who drives a road vehicle in Québec is exempt from the obligation of obtaining a 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.

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

**129.** A non-resident who is the holder of a valid International Driver's Permit issued by his country of origin is authorized to drive a road vehicle on the public highway.

**130.** The Régie is empowered to issue International Driver's Permits, in accordance with the standards prescribed by regulation of the Government, to persons residing in Québec.

**131.** The Government may, on the conditions it determines, appoint the persons responsible for issuing International Driver's Permits on behalf of the Régie and determining the amount and the method of their remuneration.

**132.** A person holding a valid driver's licence issued by an administrative authority other than the Régie, who settles in Québec shall, to drive a road vehicle in Québec, obtain a driver's licence issued by the Régie.

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

However, the holder may not exchange without examination a licence authorizing him to drive a public commercial vehicle, private commercial vehicle, taxi, bus or minibus, unless there is a specific agreement to that effect between that other government and the Régie.

**134.** A person holding a valid driver's licence issued by a government other than that contemplated in section 133 must, to

obtain a licence from the Régie, pass a proficiency examination and pay the duties prescribed by regulation of the Government. However, such a person is not obliged to follow a driving course nor to hold a learner's licence.

**135.** On proof that he holds a valid driver's licence issued by his country of origin or a country where he previously held a posting, and on payment of the duties prescribed by regulation of the Government and the amount fixed under section 151 of the Automobile Insurance Act, a consul, a vice-consul or a person having the rank of consul or vice-consul, a country's commercial attaché or his assistant, and the spouse and any child, eighteen years of age or over, of such a person may obtain a driver's licence from the Régie, without examination, valid for the entire duration of his assignment in Québec.

The first paragraph also applies to the president or a member of the secretariat of the International Civil Aviation Organization and to a full-time representative or deputy representative of a country or state that is a member of that Organization.

## DIVISION V

### OFFENCES AND PENALTIES

**136.** Every person who contravenes section 67 or 87 or the second paragraph of section 89 is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$50.

The court may, however, limit the fine of a person found guilty of an offence against section 87 or the second paragraph of section 89 to the payment of costs.

**137.** Every person who contravenes section 83 is guilty of an offence and is liable, in addition to costs, to a fine of \$50 to \$100.

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

**139.** Every person who contravenes section 65, 66, 68, 84, 85, 88, the first paragraph of section 89, section 102, 122 or 132 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

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

**141.** Every person who, upon application for a driver's licence or a learner's licence, knowingly gives false or misleading information, or contravenes section 103, is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500.

**142.** Every person who contravenes section 118 or the first paragraph of section 119 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500.

## DIVISION VI

### POWERS OF THE GOVERNMENT

**143.** The government may, by regulation,

(1) notwithstanding section 65, prescribe, for certain categories or sub-categories of road vehicles, the obligation of holding a driver's licence to drive off the public highway;

(2) determine the conditions for obtaining a driver's licence to drive off the public highways and the conditions attached thereto and prescribe the duties exigible for its issue and renewal;

(3) determine the categories and classes of driver's licences and the classes of learner's licences, and fix the other conditions for obtaining and renewing such licences and the other conditions attached thereto, and prescribe the duties payable for their issue and renewal;

(4) establish the conditions for obtaining or renewing a certificate of competence and any conditions attached thereto, fix the duties payable for its issue or renewal and designate the person or body empowered to issue it;

(5) determine the categories and classes of driving school licences and instructor's licences and fix the conditions for obtaining and renewing such licences, any conditions attached thereto and their valid period;

(6) establish the conditions for obtaining International Driver's Permits and any conditions attached thereto and adopt any other norms respecting such permits;

(7) prescribe the duties payable for the issue of duplicates of driver's licences and learner's licences;

(8) prescribe the duties payable for the issue of driving school licences and instructor's licences and of their renewal according to their classes and categories, and the amount, nature, object, duration and the terms and conditions of the security that may be required;

(9) fix the form and content of the licences and certificates issued under this chapter and determine the formalities of their issue;

(10) determine the valid period of a driver's licence or a certificate of competence;

(11) determine the duties payable for undergoing the proficiency examination established by the Régie;

(12) fix the standards for road vehicles used in the operation of driving school licences and instructor's licences, and the equipment and signs with which such vehicles must be equipped;

(13) determine the standards applicable to premises used for the operation of driving school licences and instructor's licences;

(14) establish standards respecting advertising by holders of driving school licences and prohibit certain kinds of advertising;

(15) determine the content of the programs of instruction of a driving school;

(16) establish a system of demerit points according to which the Régie revokes or suspends licences or the privilege of obtaining a licence;

(17) establish the special conditions and formalities for obtaining a licence as well as the conditions attached thereto in the cases where a licence has been revoked or the privilege of obtaining a licence has been suspended;

(18) determine the cases where a driving school licence may be transferred.

## CHAPTER IV

### AUTOMOBILE ACCIDENTS

#### DIVISION I

##### GENERAL PROVISIONS

**144.** For the purposes of this chapter, an accident is an event during which damage is caused by a road vehicle.

**145.** The driver of a road vehicle involved in an accident must remain at or immediately return to the scene of the accident and render the necessary assistance to any person who has sustained injury or loss. If a person is injured during an accident, the driver of the road vehicle must call for a peace officer.

He must also give in writing to the peace officer or to the person having sustained loss, his name and address, the number of his driver's licence, learner's licence or certificate of competence, the name and address of the owner entered on the registration certificate of the vehicle, and the registration number of the vehicle.

**146.** Notwithstanding section 145, the driver of a road vehicle who is involved in an accident with an inanimate object or an unattended road vehicle must, if the owner of the damaged property or a person representing him cannot be found at the scene of the accident or nearby, communicate immediately with the nearest police station to report the accident and furnish the information provided for in section 145.

**147.** The owner of a road vehicle that has been totally destroyed as the result of an accident must immediately notify the Régie that it has been destroyed.

**148.** Where a road vehicle is involved in an accident, the peace officer, the insurer who received a notice to that effect, the coroner, if such is the case, and, where applicable, the railway company must, within eight days of knowledge of the accident, make a report to the Régie.

**149.** If an accident is not immediately brought to the attention of a peace officer or of an insurer, the owner or the driver of the road vehicle must make a report of the accident to the Régie without delay.

**150.** An insurer and any other person who pays damages following an accident must make a report of it to the Régie within thirty days of the date of payment. He must also furnish to the Régie any other information or evidence that may be required by the Régie.

The report contemplated in the first paragraph contains the name and address of the owner and of the driver of the vehicle, the number of the registration plate of the vehicle, the date and a brief description of the accident.

**151.** Sections 148, 149 and 150 do not apply where the amount of property damage caused is less than \$250.

## DIVISION II

### SUSPENSION

**152.** Where, as the result of an accident, damage amounting to over \$250 is caused, except where liability insurance is not

required under the Automobile Insurance Act, the Régie on receiving the notice contemplated in section 148, 149 or 150, shall suspend

(1) the driver's licence or learner's licence or the privilege of obtaining such a licence, of every person who was driving a road vehicle involved in the accident,

(2) the registration or the privilege of obtaining the registration of every road vehicle registered in the name of that driver, and

(3) the driver's licence or learner's licence or the privilege of obtaining such a licence of every owner of a road vehicle involved in the accident, and the registration or the privilege of obtaining the registration of every road vehicle registered in the name of that owner.

The first paragraph does not apply in the cases contemplated in sections 153 and 154, nor where the only property damage is that sustained by a single road vehicle involved in an accident or by the moveable effects it contained.

**153.** If at the time of the accident, a 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, the suspension of the driver's licence, learner's licence or registration or the privilege of obtaining such a licence or registration shall not take place. If a suspension has already been imposed, it shall immediately be cancelled.

**154.** If the owner or the driver of a road vehicle involved in an accident furnishes to the Régie a certificate of insurance or of financial responsibility required by the Automobile Insurance Act that is valid at the time of the accident, the Régie shall not suspend the driver's licence, learner's licence or registration or the privilege of obtaining such a licence or registration. If a suspension has already been imposed, it shall immediately be cancelled.

**155.** Where the Régie suspends a licence or registration or the privilege of obtaining a licence or registration under section 152, it shall not revoke the suspension until the holder furnishes to it a security in accordance with section 156 to satisfy any judgment arising from the accident or proof of exoneration or acquittal of any claim arising from the accident, up to the amount applicable.

**156.** The security to satisfy any judgment arising from the accident must be in an amount 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.

**157.** Except where an act provides the contrary, the holder contemplated in section 155 no longer has to furnish security when

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

**158.** Upon receiving the notice provided for in section 148, 149 or 150, the Régie shall suspend the driver's licence, learner's licence, registration of a road vehicle or the privilege of obtaining them of a debtor who has not, within the time prescribed for execution, satisfied a final judgment handed down in Canada

- (1) for damage of not less than \$200 resulting from injuries or death as a consequence of an accident that occurred after 30 September 1961,
- (2) for third party damage in excess of \$200 resulting from the accident, or
- (3) if the accident occurred on or after 1 March 1978, for third party property damage in excess of \$250 resulting from the accident.

**159.** The suspension remains in force

- (1) for accidents occurring after 30 September 1961, as long as the debtor has not satisfied the judgment, up to an amount of \$35 000 in addition to interest and costs, after deducting up to \$200 for third party property damage,
- (2) for accidents occurring from 1 March 1978, up to the amount prescribed in section 87 of the Automobile Insurance Act, or
- (3) for accidents contemplated in paragraphs 1 and 2, as long as he has not reached an agreement with his creditor to the satisfaction of the Régie, to effect payment in regular instalments.

On receiving a notice from the creditor that payment in instalments by the debtor has been interrupted, the Régie shall reinstate the suspension of the licence or registration.

**160.** When the Fonds d'indemnisation established under section 122 of the Automobile Insurance Act has effected a payment in satisfaction of a judgment, no driver's licence, learner's licence or

registration may be granted to the debtor or reinstated by the Régie, so long as he has not reimbursed to the Fonds d'indemnisation the total amount paid, with interest, or has not come to an agreement with the Fonds d'indemnisation to pay in instalments.

The Régie shall reinstate the suspension of a licence or registration on receiving notice from the Fonds d'indemnisation that payment in instalments by the debtor has been interrupted.

### DIVISION III

#### OFFENCES AND PENALTIES

**161.** Every person required to make a report, give a notice or furnish information to the Régie who 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.

**162.** Every person who contravenes section 145 or 146 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500.

### CHAPTER V

#### REGULATIONS OF THE RÉGIE

**163.** The Régie may, by regulation,

(1) prescribe the formalities of an application for registration, a licence, or renewal thereof;

(2) prescribe the forms to be used for the application of this code;

(3) determine the manner in which any particular category of registration plates are to be attached to motor vehicles;

(4) determine the other places where a temporary registration certificate or a registration plate must be attached;

(5) establish the cases in which and the criteria on which conditions may be attached to a licence;

(6) determine the content of the registers that must be kept to operate a driving school permit;

(7) establish the criteria on which it may recognize a road vehicle as an emergency vehicle;

(8) prescribe a medical guide for the issuance of driver's licences or learner's licences.



**164.** The Régie may, by regulation, establish categories of registration plates according to the categories or sub-categories of road vehicles, their use, or the area where they are used.

The Régie shall give notice of the classification under this section in the *Gazette officielle du Québec*.

**165.** The Régie may, by regulation, allow, on such conditions as it may establish, the identifying inscription of the Régie to be engraved, lithographed or printed on such documents as it may determine, instead of the signature of the person designated under section 17.1 of the Act respecting the Régie de l'assurance automobile du Québec. The document is then proof of the decision rendered by the Régie.

The first paragraph does not apply to writings contemplated in section 169.

## CHAPTER VI

### PROCEDURE AND PROOF IN ADMINISTRATIVE MATTERS

#### DIVISION I

##### GENERAL PROVISIONS

**166.** For purposes of the application of this code, the Régie may accept any relevant evidence that may serve the interests of justice.

**167.** The Régie may, where provisions applicable to a particular case are lacking, supply any procedure compatible with this code.

**168.** A document filed in the record of the Régie makes proof of its content, except on proof to the contrary.

**169.** Every decision of the Régie rendered under paragraph 4 of section 19, paragraph 3 of section 43, paragraph 2 of section 81, paragraph 5 of section 92, paragraph 2 or 4 of section 98, or section 115, 120 or 124 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 immediately by certified mail to the person concerned.

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

**171.** In communicating its decision, the Régie must inform the person concerned of the consequences of the decision and of his right of appeal under section 180.

**172.** No recourse provided in articles 834 to 850 of the Code of Civil Procedure may be exercised nor any injunction granted against the Régie, one of its members or a person designated under section 17.1 of the Act respecting the Régie de l'assurance automobile du Québec, acting in their official capacity.

**173.** A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to section 172.

## DIVISION II

### DISCLOSURE OF INFORMATION

**174.** Subject to section 526, the holder of a licence or registration may obtain information concerning him from the Régie. The Régie must transmit the information with dispatch.

**175.** In cases other than those contemplated in section 174, the Régie shall communicate information only where the person requesting it establishes to the satisfaction of the Régie that he has an interest in obtaining it, particularly for the purposes of this code or the Automobile Insurance Act, or for purposes of public safety.

**176.** Except where information is supplied to a public police force, to the person contemplated in section 174, or to another department or agency of the Government, the Régie must collect the duties prescribed by regulation of the Government.

**177.** The Government shall, by regulation, fix the amount of the duties payable to obtain information or documents in the keeping of the Régie.

## DIVISION III

### REVIEW AND APPEAL

**178.** The Régie may review its decision refusing to issue or renew, suspending, or suspending the privilege of obtaining, a licence or a registration.

**179.** The Régie may correct a decision in the case of an error in writing or calculation, or any other clerical error.

**180.** An appeal lies to the Provincial Court

(1) from a decision of the Régie rendered under paragraph 4 of section 19, paragraph 3 of section 43, paragraph 2 of section 81, paragraph 5 of section 92, paragraph 2 or 4 of section 98, or section 115, 120 or 124;

(2) from a decision of the Régie refusing to review a decision contemplated in paragraph 1, or upholding it.

**181.** An appeal is brought by filing a petition in the office of the Provincial Court nearest to the place where the petitioner is domiciled or has his establishment; the petition is served on the Régie within thirty days of the date of receipt of the decision appealed from.

The petition may be served by certified mail.

**182.** The clerk and the personnel of the court office must assist a person in drawing up a petition if the person requests it.

**183.** Upon service of a petition, the Régie transmits the record of the case to the Provincial Court, together with all the related documents.

The court must render its decision on the record transmitted to it, after allowing the parties to be heard.

**184.** An appeal does not suspend execution of the decision appealed from unless the court decides otherwise.

**185.** The court must notify the parties, in the manner it considers appropriate, of the date, time and place of the hearing.

**186.** If, at the time fixed for the hearing, one of the parties does not appear or refuses to be heard, the court may proceed *ex parte*, make the appropriate orders or even declare the appeal abandoned.

**187.** The court may, on a motion, authorize the presentation of additional proof.

**188.** Each of the parties may examine and cross-examine the witnesses called.

**189.** A witness has the same privileges and immunity as a witness before the Superior Court and articles 307 to 310 of the Code of Civil Procedure apply to him, *mutatis mutandis*.

**190.** The court may uphold, revise or quash the decision submitted to it or send the record back for a new decision according to its instructions.

**191.** An appeal is heard and decided by preference.

**192.** No appeal lies from the decision of the court. The decision becomes executory immediately upon being rendered.

The judgment must be in writing and contain, in addition to the conclusions, a statement of the reasons on which it is based.

**193.** The clerk shall immediately send a certified true copy of the judgment to each of the parties by certified mail.

## CHAPTER VII

### ACCESSORIES, EQUIPMENT AND CONSTRUCTION STANDARDS

#### DIVISION I

##### LIGHTS AND REFLECTORS

**194.** For the purposes of this division, the words “motor vehicle” do not include a motorcycle, light motorcycle or moped.

**195.** On a public highway, a motor vehicle must carry at least

(1) two single or double white headlights, one on each side on the front;

(2) two red or amber tail-lights, one on each side and at the same height;

(3) two red stop lights, one on each side at the rear, at the same height and as far apart as possible;

(4) two parking lights, one on each side at the same height on the front, and two parking lights similarly placed at the rear;

(5) two amber or white turning-signal lights, one on each side on the front and at the same height;

(6) two red or amber turning-signal lights, one on each side at the rear and at the same height.

**196.** The lights prescribed in section 195 may be independent or integrated; in the case of a combination of road vehicles, the lights prescribed in paragraphs 2, 3 and 6 must be attached to the rear of the last vehicle.

**197.** In addition to the lights prescribed in section 195, a motor vehicle other than a passenger vehicle or a taxi, or any combination of road vehicles measuring at any point more than two metres in width, must carry,

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

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

(3) at the rear, two red reflectors, one on each side;

(4) on the front, three amber identification lights, placed horizontally at the centre and as near as possible to the top of the vehicle, and spaced not less than 150 mm nor more than 300 mm apart;

(5) at the rear, three red identification lights, placed horizontally in the centre and as near as possible to the top of the vehicle, and spaced not less than 150 mm nor more than 300 mm apart.

**198.** In the case of a combination of road vehicles, the amber identification lights must be as near the top of the tractor vehicle as its permanent structure permits, and the red identification lights as near the top of the trailer or of the semi-trailer as its permanent structure permits.

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

**200.** In addition to the lights and reflectors prescribed in sections 195 and 197, a motor vehicle, other than a passenger vehicle or a taxi, and any combination of road vehicles measuring more than six metres in length must carry

(1) two amber lights, one on each side of the platform and as near as possible to the front;

(2) two red lights, one on each side of the platform and as near as possible to the rear.

**201.** In addition to the lights and reflectors prescribed in sections 195, 197 and 200, a closed truck, trailer or semi-trailer must carry

(1) two amber lights, one on each side on the front and as near as possible to the top of the vehicle,

(2) two red lights, one on each side at the rear and as near as possible to the top of the vehicle.

**202.** Fog lights must conform to the standards prescribed by regulation of the Government and must be on the front of the vehicle and at the same height as, but not higher than, the white headlights.

**203.** No motor vehicle may carry, at the rear, more than two back-up lights. Such lights must remain extinguished when the vehicle is moving forward.

However, the Minister of Transport may authorize, on such conditions and for such purposes as may be prescribed by regulation of the Government, the installation and use of white lights at the rear of certain categories or sub-categories of road vehicles.

**204.** A road vehicle over two metres in width, operated outside a city or town, must contain the portable flares, lamps, reflectors or lanterns prescribed by regulation of the Government.

**205.** Only emergency vehicles may carry red fixed, flashing or rotating lights.

Only a police vehicle may carry blue fixed, flashing or rotating lights.

**206.** Service vehicles, equipment vehicles, escort vehicles within the meaning of paragraph 4 of section 405, and vehicles used for snow removal or for road maintenance may carry fixed, flashing or rotating amber lights.

**207.** Every school bus within the meaning of section 386 must carry

(1) two signs bearing the inscription "school bus", one on the front of the vehicle, the other at the rear; their dimensions and inscription must comply with the regulations of the Government made under the Transport Act; and

(2) flashing lights, on the front and at the rear of the vehicle, in conformity with the regulations of the Government contemplated in paragraph 1 of the first paragraph.

The signs must be removed or covered when the bus is in use otherwise than as a school bus.

**208.** On a public highway, a motorcycle or light motorcycle must carry at least

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

The lights prescribed for the rear of the vehicle may be independent or integrated.

**209.** When a motorcycle or light motorcycle is equipped of a sidecar, the sidecar must carry a red tail-light, which must be as near as possible to the extreme right of the sidecar.

**210.** Paragraph 3 of the first paragraph of section 208 applies from 1 January 1983 or to vehicles built after (*insert here the date of the coming into force of this section*).

**211.** On a public highway, a moped must carry at least

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

The lights prescribed for the rear of the vehicle may be independent or integrated.

**212.** Paragraphs 3 and 4 of the first paragraph of section 211 apply from 1 January 1983 or to vehicles built after (*insert here the date of the coming into force of this section*).

**213.** On a public highway, a bicycle must carry at least

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

**214.** At night on a public highway, a bicycle must also carry, at least one white headlight and one red tail-light.

**215.** The white headlights prescribed in this division must be adjustable and firmly fixed to the vehicle.

They must be placed symmetrically at the same height and be so adjusted as to produce, in normal weather conditions and on a level road, light enabling the driver to discern a person or an object at a distance of 150 m.

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

**216.** A road vehicle, other than a vehicle specifically mentioned in this division, must, when operated on a public highway, carry two white headlights and two red tail-lights.

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

**218.** No person may instal, or cause to be installed, a fixed, flashing or rotating light on a road vehicle other than a vehicle contemplated in sections 205 and 206.

**219.** A peace officer is authorized to confiscate a fixed, flashing or rotating light installed in contravention of this code, and subsequently remit it to the Régie, after giving a receipt therefor to the person in possession of the vehicle.

## DIVISION II

### TIRES

**220.** On a public highway, a road vehicle must be fitted with tires that conform to the standards prescribed by regulation of the Government.

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



## DIVISION III

## WARNING SOUNDERS

**222.** On a public highway, a motor vehicle must be equipped with a warning sounder in good working order.

**223.** Only emergency vehicles may be equipped with a siren or a device producing a similar sound; its use is restricted to emergencies.

**224.** No person may use a warning sounder, apart from a back-up warning sounder, except in case of necessity.

**225.** A peace officer is authorized to confiscate a siren or a similar device installed in contravention of this code and subsequently remit it to the Régie, after giving a receipt therefor to the person in possession of the vehicle.

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

## DIVISION IV

## RADAR WARNING DEVICE

**226.** No person may instal or have installed in a road vehicle a radar warning device.

For the purposes of this section, a “radar warning device” is any device or combination of devices used to warn the driver of a road vehicle of the presence of radar speed measuring equipment or used to interfere with the normal working of such radar equipment.

**227.** A peace officer who has reasonable ground to believe that a road vehicle is equipped with a radar warning device may stop the vehicle, inspect it and confiscate a radar warning device found in the vehicle, and subsequently remit it to the Régie, after giving a receipt therefor to the person in possession of the vehicle.

## DIVISION V

## BRAKES AND MUFFLERS

**228.** For the purposes of this division, the words “motor vehicle” do not include a motorcycle, light motorcycle or moped.

**229.** On a public highway, a motor vehicle or a combination of road vehicles must be equipped at all times with at least two brake systems in good working order and sufficiently powerful to stop the vehicle quickly in case of emergency and to hold it when it is standing.

**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.

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.

**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, with independent controls for each system. 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.

**232.** A bicycle must be equipped with at least one brake system operating on the rear wheel; the system must be in good working order and be sufficiently powerful to quickly block the rotation of the wheel on a paved, dry and level roadway.

**233.** On a public highway, a motor vehicle, motorcycle, light motorcycle or moped must be equipped with a muffler and an exhaust system in good working order and in conformity with any regulation applicable in Québec in respect of noise level.

**234.** No person may sell or offer for sale for use on a public highway a muffler that does not conform to the standards prescribed by regulation of the Government.

**235.** No person may equip a motor vehicle, motorcycle, light motorcycle or moped with an exhaust system fitted with a muffler cut-out, resonator or other similar device.

**236.** On a public highway, a road vehicle other than a vehicle specifically mentioned in this division must be equipped with at least one brake system in good working order.

**237.** No person may drive a motor vehicle, motorcycle, light motorcycle, moped, bicycle or combination of road vehicles having a brake system that has been modified or altered in such a way as to reduce its performance and effectiveness.

**238.** A peace officer who has reasonable ground to believe that the brake system of a road vehicle or combination of road vehicles is defective or out of order is authorized to have the vehicle impounded or towed to the nearest practicable place at the expense of the owner.

**239.** The owner or the driver of the road vehicle or combination of road vehicles shall not put it back into operation unless it is proved to the satisfaction of the peace officer that it conforms to this code.

## DIVISION VI

### WINDSHIELD WIPER, MIRROR, SAFETY GLASS, BUMPER AND ODOMETER

**240.** For the purposes of this division, the words "motor vehicle" do not include a motorcycle, light motorcycle or moped.

**241.** A motor vehicle equipped with a windshield must be equipped, in front, with a windshield wiper and, if fitted as original equipment by the manufacturer, a mechanized windshield washer system in good working order.

**242.** A motor vehicle must be equipped with at least two rear-view mirrors, one solidly attached to the interior of the vehicle at the centre of the upper part of the windshield, and the other, to the exterior of the vehicle on the left side.

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

**243.** A motorcycle, light motorcycle or moped must be equipped with a rear-view mirror solidly attached to the vehicle.

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

**245.** No person may cover the transparent glass with a material or substance having the effect of impairing or preventing the required visibility inside or outside the vehicle.

**246.** A motor vehicle or a motorcycle standing or moving on a public highway must be equipped with an odometer and a speedometer in good working order.

**247.** Where a road vehicle is equipped with bumpers as original equipment by the manufacturer, they must be solidly attached to the body.

## DIVISION VII

### IDENTIFICATION NUMBER

**248.** Every road vehicle or bicycle must be provided with an identification number inscribed or affixed by the manufacturer, or by the Régie, and in the latter case, on the conditions and on payment of the duties prescribed by regulation of the Government. The manufacturer must communicate the components of the number to the Régie.

**249.** Except in the cases provided in this code, or unless specifically authorized by the Régie, no person may alter, deface, make illegible, replace or remove the identification number of a road vehicle or bicycle.

## DIVISION VIII

### MUDGUARDS

**250.** On a public highway, a motor vehicle or a combination of road vehicles, with the exception of farm tractors, if not fitted with permanent mudguards, must be equipped, at the rear, with detachable mudguards of rubber, leather or other resistant material.

Every motor vehicle fitted with tires wider than the permanent mudguards must be equipped with detachable mudguards of a width equivalent to that of the tires.

**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; they must project at least 50 mm on each side of the tire.

## DIVISION IX

### SEAT BELTS

**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, for personal purposes and not for pecuniary consideration, including a leased passenger vehicle and a police vehicle as well as a taxi.

**253.** No person may either effect or cause the complete or partial removal, alteration or putting out of service of a seat belt wherewith the chair seats or bench seats of a passenger vehicle are required to be equipped.

## DIVISION X

### OTHER CONSTRUCTION STANDARDS

**254.** In addition to the accessories and equipment prescribed in this chapter, a motor vehicle used in Québec must be equipped at all times with all the other accessories and equipment required to be installed by the manufacturer under an act or a regulation in force in Québec. The accessories and equipment must be kept in good working order at all times.

**255.** Except with prior authorization from the Régie, no person may make, to a road vehicle intended to be driven on a public highway,

- (1) alterations to the chassis,
- (2) alterations to the body or to a mechanism that are likely to affect its stability or braking, or
- (3) any other alteration that would change the type of the motor vehicle.

**256.** Every altered vehicle must be submitted to a mechanical inspection by an inspector in the employ of the Régie, in conformity with the regulations of the Government.

The certificate of inspection and a description of the alterations must be transmitted to the Régie. Where the certificate attests that the vehicle may be driven in safety, the Régie shall authorize the vehicle to be driven on a public highway.

Where the certificate of mechanical inspection shows that the vehicle is likely to constitute a hazard, the Régie may refuse to register it or, if the vehicle is already registered, order the withdrawal of the registration certificate and registration plate.

## DIVISION XI

### MECHANICAL INSPECTION

**257.** The Minister of Transport may, by decree, order the mandatory mechanical inspection of road vehicles registered in Québec of such brand, make, series and year as he may determine.

**258.** The owner of a road vehicle contemplated in an order of the Minister made in accordance with section 257 or in a regulation of the Government must submit his vehicle to a mechanical inspection in accordance with the terms and conditions prescribed by regulation of the Government.

**259.** A peace officer who has reasonable ground to believe that a road vehicle has been altered or is in a condition that constitutes a hazard may require that the vehicle be submitted to a mechanical inspection.

**260.** The owner or the driver of a road vehicle contemplated in section 259 must, at the request of a peace officer, submit the vehicle to a mechanical inspection in accordance with the terms and conditions prescribed by regulation of the Government.

The peace officer is authorized to impound the vehicle or to have it impounded at the expense of the owner in order to submit it to a mechanical inspection.

**261.** Where a person issues a certificate of mechanical inspection attesting that a road vehicle conforms to this code, he must transmit a copy of it to the Régie immediately.

**262.** Where a person issues a certificate of mechanical inspection attesting that a road vehicle does not conform to this code, he must immediately notify the owner and a peace officer of the nearest police station, and communicate to that peace officer the registration number of the vehicle and his findings as regards the condition of the vehicle.

**263.** The owner or the driver of a road vehicle contemplated in section 262 shall not put it back into operation unless it is proved to the satisfaction of 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 is put back into operation in contravention of the first paragraph, until that proof is made.

**264.** No person may issue a certificate of mechanical inspection unless he is authorized for that purpose by the Régie in conformity with the regulations of the Government.

**265.** No person may issue a certificate of mechanical inspection containing false or inaccurate information on the condition of an inspected vehicle.

**266.** An inspector in the employ of the Régie may exercise the powers conferred on a peace officer under this division.

## DIVISION XII

## OFFENCES AND PENALTIES

**267.** Every owner whose vehicle does not conform to the requirements of one or other of sections 213, 214, 222, 232 or, in the case of a light motorcycle or moped, of section 233, is guilty of an offence and is liable, in addition to costs, to a fine of \$10 to \$25.

**268.** Every owner whose vehicle does not conform to the requirements of one or other of sections 195, 196, 197, 198, 199, 200, 201, 208, 209, 211, 215, 216, 217, 234, 241, 242, 243, 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 one or other of sections 202, 233, 246 and 254 of the first paragraph of section 203, and every who person contravenes any of sections 204, 206, 224 and 261 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 one or other of sections 205, 218, 220, 223, 229, 230, 236 and 248, and every person who contravenes section 239 or 253, is guilty of an offence and is liable, in addition to costs, to a fine of \$50 to \$100.

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

**272.** Every owner whose vehicle does not conform to the requirements of section 207, and every person who contravenes section 249, 263, 264 or 265, is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500.

## DIVISION XIII

## POWERS OF THE GOVERNMENT

**273.** The Government may, by regulation,

(1) prescribe standards of construction, use and sale of fog lights;

(2) prescribe standards of construction, use and sale of portable flares, lamps, reflectors or lanterns;

(3) fix, for any category or sub-category of road vehicles, the minimum number of portable flares, lamps, reflectors or lanterns a road vehicle must be equipped with;

(4) prescribe that categories of road vehicles, other than those contemplated in sections 205 and 206, must or may be equipped with fixed, flashing or revolving lights and prescribe the colour thereof;

(5) prohibit the installation and use of headlights, lights or reflectors, other than those prescribed in this chapter, on a road vehicle;

(6) regulate the colour, intensity, shape and dimensions of headlights, lights and reflectors;

(7) establish standards respecting the use of devices to prevent headlight glare;

(8) prescribe the standards of manufacture, sale and use of tires;

(9) establish standards for the retreading of road vehicle tires, and establish the conditions of sale, use and inspection of retreaded tires;

(10) prescribe standards of manufacture, installation, use and sale of mufflers;

(11) prescribe standards of use of anti-theft devices for road vehicles;

(12) prescribe the conditions of issue of identification numbers and fix the duties exigible for their issue;

(13) establish standards respecting the sale and use of brake fluid;

(14) prescribe, in the case of a road vehicle or combination of road vehicles, the quantity of gasoline that may be carried by the vehicle or combination of road vehicles and the manner of securing the loads;

(15) determine the conditions of use and installation of white lights at the rear of certain categories or sub-categories of road vehicles;

(16) prescribe the installation and use of safety accessories for buses, minibuses, and school buses or minibuses, and the standards of their installation and use;

(17) regulate the outside use of a loudspeaker with which a road vehicle is equipped;

(18) determine the safety standards that must be met by a road vehicle to be authorized to be driven;



(19) prescribe the standards applicable to the mechanical inspection of road vehicles, determine the maximum cost thereof and the cases where it may be required;

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

(21) determine the conditions on which a person may be authorized to effect the mechanical inspection of a road vehicle and fix the duties exigible for authorization.

## CHAPTER VIII

### RULES OF THE ROAD

#### DIVISION I

##### RULES APPLICABLE TO DRIVERS

##### §—1. *General Provisions*

**274.** For the purposes of this division, a “passenger vehicle” is a vehicle contemplated in section 252.

**275.** No person may drive a passenger vehicle on a public highway if the seat belt provided for the driver of such vehicle or for a position occupied by a passenger in the front seat of the vehicle has been removed, altered or put out of service, unless it has been replaced by another regulation seat belt.

**276.** Every person not contemplated in section 454 who is driving a passenger vehicle, other than a taxi, equipped with a seat belt on a public highway must wear such seat belt properly fastened except when driving in reverse.

**277.** No person may, on a public highway, drive a passenger vehicle in which a passenger who is more than five and less than sixteen years of age and is not contemplated in section 454, is seated in front, unless that passenger is wearing the seat belt with which the position is equipped, properly fastened.

**278.** No person may, on a public highway, drive a passenger vehicle in which a child less than five years of age is seated in front unless the child is secured by a seat belt or a safety device prescribed by regulation of the Government or prescribed by an act or a regulation in force in Québec.

**279.** A driver of a passenger vehicle must, when the vehicle is standing following an order from a peace officer, keep his seat belt properly fastened.

A driver who fails to comply with the first paragraph is presumed to have driven or to have been seated in that vehicle without wearing his seat belt properly fastened while the vehicle was moving forward.

**280.** On a two-way roadway, every road vehicle must be driven in the right-hand lane of the roadway, except to pass another vehicle or where the lane is obstructed or closed to traffic; in such a case, the driver must yield the right of way to the vehicle moving in the opposite direction in the lane of the roadway which is not obstructed.

**281.** On a one-way roadway with two lanes or over, a road vehicle must be driven in the lane nearest the right-hand side of the roadway, except to pass another vehicle, to turn left, to enter an exit ramp from a limited access highway or when the lane is obstructed or closed to traffic.

**282.** Notwithstanding section 281, within a city or town or where the speed limit is less than 80 km/h and on a one-way roadway with two lanes or over, a road vehicle may be driven in any of the lanes. In such a case, road vehicles moving faster in one lane than in another are not considered to be passing.

**283.** Notwithstanding section 282, the driver of a road vehicle moving at a lower speed than the normal traffic must, on a one-way roadway with two lanes or over, drive in the lane nearest the right-hand side of the roadway, unless he is about to turn left, to park or to stop on the left-hand side and has signalled his intention.

**284.** On a two-way roadway divided into three traffic lanes, a road vehicle must be driven in the right-hand lane of the roadway; the centre lane must be used only for passing or for left turns.

**285.** The driver of a road vehicle following another vehicle must do so at a prudent and reasonable distance, taking account of speed, traffic density, weather conditions and the condition of the roadway.

**286.** On a two-way roadway outside a city, town or village, a road vehicle that has a mass declared on the registration certificate of 5 500 kg or over and is following a similar vehicle on a public highway must, when conditions permit, leave not less than ninety metres between them.

**287.** No person may drive in reverse unless he can do so in safety and without impeding traffic.

**288.** No person may drive in reverse on a limited access highway or on an access or exit ramp.

**289.** No person, except a pedestrian or a bicyclist, may move on the shoulder of a public highway except in case of necessity.

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

**291.** No person may enter a limited access highway or leave it except at the points of access or exit determined by the person responsible for its maintenance.

**292.** No person may drive a moped or a non-motorized vehicle on a limited access highway or on an access or exit ramp.

**293.** No driver of a road vehicle may brake suddenly, unless compelled to do so for safety.

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

**295.** At an intersection regulated by stop signs for all directions, a driver of a road vehicle must yield the right of way to pedestrians crossing the roadway he is about to cross or to enter.

**296.** A driver of a road vehicle who is moving on a roadway on which vehicles have priority and who is turning at an intersection must yield the right of way to pedestrians crossing the roadway he is about to enter.

**297.** A driver of a road vehicle who is about to leave private property to cross or enter a public highway must yield the right of way to a road vehicle moving on the public highway.

**298.** A driver of a road vehicle who is leaving or entering private property must yield the right of way to a pedestrian or cyclist moving on a public highway bordering the private property.

**299.** Every driver of a road vehicle must make way for an emergency vehicle whose light or sound signals are in operation.

**300.** No person may drive a road vehicle on a public highway for a wager, a stake or a race with another vehicle.

**301.** No person may, in using a road vehicle, make his tires squeal, except in case of necessity.

**302.** No person may use a snow-blower on a public highway in any built-up area without the presence of a signal-man in front.

**303.** No driver of a road vehicle in motion or standing on a public highway may drink alcoholic beverages inside the vehicle.

**304.** No person may drive, on a public highway, a road vehicle in which a television set is placed so that the driver can, directly or indirectly, see the image broadcast on the screen.

**305.** No person driving a road vehicle on a public highway may wear earphones.

**306.** No person may drive, on a public highway, a road vehicle equipped with a radar warning device within the meaning of section 226.

**307.** No person may drive or allow another to drive, for more than ten hours out of twenty-four, a bus, a minibus, a school bus within the meaning of section 386, a public commercial vehicle or a private commercial vehicle.

**308.** Except where necessary, no person may abandon a road vehicle on a public highway or on government property.

**309.** A peace officer may, at the expense of the owner, cause a road vehicle abandoned on a public highway or on government property to be removed and impounded in the nearest suitable place.

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

**310.** If the owner of an abandoned vehicle has not been found at the expiry of thirty days from the date the vehicle was impounded, the vehicle is entrusted to the public curator, who may dispose of it at will; in such a case, the curator is responsible for ordinary costs of impoundment.

**311.** Sections 309 and 310 also apply to a road vehicle abandoned on private land, if the impoundment is carried out by a peace officer following a requisition made by the owner of the land.

## § 2.—*Traffic Control Devices*

### A. GENERAL PROVISIONS

**312.** The person responsible for the maintenance of a public highway must instal adequate traffic control devices at every intersection.

**313.** Every person must comply with the traffic control devices installed on a highway in conformity with this code.

However, when a peace officer or school crossing guard is directing traffic, every person must obey his orders or signals.

**314.** No person may drive on private property in order to avoid complying with a traffic control device.

**315.** No person, except the person responsible for the maintenance of the public highway, may instal, or cause to be installed, traffic control devices on a public highway.

**316.** Notwithstanding section 315, a person carrying out construction or maintenance works on a public highway must instal traffic control devices to indicate a temporary danger to be avoided, a temporary direction to be followed or a speed limit other than the prescribed limit to be respected.

**317.** The traffic control devices installed must comply with the standards prescribed by regulation of the Government.

**318.** The person responsible for the maintenance of a public highway may, by means of traffic control devices, reserve on that highway traffic lanes for the exclusive use of bicycles or certain categories of road vehicles or for the exclusive performance of certain manoeuvres; no other road vehicle may be driven there and no other manoeuvre may be performed there.

**319.** The person responsible for the maintenance of a limited access highway may control or prohibit traffic of certain categories of road vehicles by means of adequate traffic control devices.

**320.** The Minister of Transport must keep a register of the public highways he designates as autoroutes and which are identified as such by traffic control devices.

**321.** On the expiry of a period of forty-eight hours indicated in a notice to that effect, the Minister of Transport may, at the owner's expense, remove or cause the removal of any sign, signal, marking or device installed on a public highway contrary to this division.

The local authority is vested with the same powers in respect of the public highways for the maintenance of which it is responsible.

**322.** No person may place, maintain or display on private property any sign, signal, marking or device that might be mistaken for or hide from view the traffic control devices on a public highway.

On the expiry of a period of forty-eight hours indicated in a notice to that effect, the contravener must remove the objects or cause them to be removed; if he fails to do so, the Minister of Transport or the local authority may remove them or cause them to be removed at the contravener's expense.

**323.** Where a private road is open to public traffic of road vehicles, the traffic control devices installed must comply with the standards prescribed by regulation of the Government.

**324.** The person responsible for the maintenance of a public highway may, by means of adequate traffic control devices, prohibit U-turns at the places on that highway that he determines.

**325.** A driver of a road vehicle who is facing a "yield" sign must yield the right of way to a vehicle that is moving in the lane he wishes to enter and that is so close that it constitutes a hazard.

**326.** A driver of a road vehicle who is facing a "stop" sign must stop his vehicle and yield the right of way to a vehicle approaching on another roadway that is entering the intersection, and is so close that it constitutes a hazard.

#### B. TRAFFIC LIGHTS

**327.** Unless otherwise directed by a traffic control device, when facing a red light, the driver of a road vehicle must stop his vehicle before the pedestrian crosswalk or the stop-line or, if none, at the near side of the intersection, and proceed only when a signal shows permitting him to drive ahead.

**328.** Unless otherwise directed by a traffic control device, the driver of a road vehicle, when facing a flashing red light, must come to a full stop and comply with section 326.

**329.** Unless otherwise directed by a traffic control device, when facing an amber light, the driver of a road vehicle must stop his vehicle before the pedestrian crosswalk or the stop-line or, if none, at the near side of the intersection he is about to cross,

unless he has entered it or is so close to it that he could not stop in safety; he may proceed only when a signal shows permitting him to drive ahead.

**330.** Unless otherwise directed by a traffic control device, when facing a flashing amber light, the driver of a road vehicle must reduce the speed of his vehicle and, after yielding the right of way to road vehicles already crossing the intersection and to pedestrians, proceed straight ahead, turn right or turn left.

**331.** Unless otherwise directed by a traffic control device, when facing a green light, the driver of a road vehicle, after yielding the right of way to pedestrians and to road vehicles already in the intersection, must proceed straight ahead, turn right or turn left.

**332.** Unless otherwise directed by a traffic control device, when facing a green flashing light, the driver of a road vehicle must proceed straight ahead or turn left or right; he must, however, yield the right of way to pedestrians and to road vehicles already in the intersection.

**333.** Unless otherwise directed by a traffic control device, when facing a green arrow, the driver of a road vehicle must move only in the direction indicated by the arrow; he shall, however, yield the right of way to pedestrians and road vehicles already in the intersection.

**334.** Where lane traffic lights are installed above one or several traffic lanes, the driver of a road vehicle must move only in a lane above which a green light is lit.

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

**336.** Even if the traffic lights permit entry into a level crossing, no driver of a road vehicle may enter it if there is not sufficient space ahead of the vehicle to proceed without blocking the crossing.

**337.** Where traffic lights installed at an intersection are defective or are not in operation, the driver must bring his vehicle to a stop and yield the right of way to a road vehicle approaching on his right which has reached the intersection before him, except where an adequate traffic control device replaces the traffic light.

The same rule applies to an intersection or crossroads regulated by "stop" signs for all directions.

#### C. LEVEL CROSSINGS

**338.** When approaching a level crossing, a driver of a road vehicle must stop it not less than five metres from the railway

(1) if an electric or mechanical signal indicates an approaching rail vehicle,

(2) if a gate is lowered or a railway employee signals an approaching rail vehicle, or

(3) if the driver sees a rail vehicle approaching the level crossing.

**339.** A driver of a bus, minibus or a road vehicle equipped for the transport of dangerous substances must always stop his vehicle not less than five metres from a level crossing; after ascertaining that he may cross it in safety, he may set his vehicle in motion again.

The Government may, for all level crossings on an autoroute in which the roadways are separated by a median strip or by any other raised physical separation, or for certain of such crossings specifically identified, exempt the driver of a road vehicle contemplated in the first paragraph from the requirements of that paragraph.

#### § 3.—*Passing*

**340.** The driver of a road vehicle intending to pass another vehicle moving in the same direction must signal his intention by means of his turning-signal lights and may also, at night, signal by flashing his headlights.

**341.** No person may pass

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

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

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

**342.** The driver of a road vehicle may pass a bicycle within a single traffic lane only if there is sufficient space to allow him to do so in safety.



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

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

**345.** No person may execute lane-hopping with a road vehicle.

The driver of a road vehicle who, following a zigzag pattern, successively passes two or more road vehicles on a one-way roadway having two or more traffic lanes is considered to be lane-hopping within the meaning of this section.

**346.** No person may, to pass, use the lane reserved for traffic going in the opposite direction

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

(2) in or upon, or when approaching an intersection, a level crossing, a viaduct, a tunnel or a properly identified pedestrian crossing.

**347.** No driver of a road vehicle may pass another vehicle to the right, except where the vehicle being passed is turning left, is about to turn left or is moving toward an exit ramp on a limited access highway; in no event may he drive off the roadway.

**348.** Where lanes are marked off by a solid double line, a solid single line or a double line consisting of a solid line and a broken line, and the solid line is situated on the side of the lane he is driving in, no driver of a road vehicle may cross the line to pass.

**349.** Notwithstanding section 348, the driver of a road vehicle may cross a solid line providing that he can do so in safety, if the lane is obstructed or closed to traffic, or to pass farm machinery, a farm tractor, a horse-drawn vehicle, a bicycle or a pedestrian.

**350.** Where lanes are marked off by a broken line, the driver of a road vehicle may cross it to pass or to change lanes in accordance with this code.

**351.** Outside a city, town or village, the drivers of road vehicles moving in convoy shall leave sufficient space between them to

allow vehicles passing them to occupy the intervening spaces in safety.

§ 4.—*Turning and Changing Direction*

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

**353.** The driver of a road vehicle that is not required by this code to carry turning-signal lights, or on which they are defective, must signal his intention by manual signals.

He shall,

(1) to stop or decrease speed, extend his forearm vertically downwards outside;

(2) to make a right turn, extend his forearm vertically upwards outside;

(3) to make a left turn, extend his forearm horizontally outside.

**354.** The driver of a road vehicle must signal his intention continuously for a sufficient distance to ensure the safety of the other users of the public highway.

**355.** A driver of a road vehicle who is about to turn left must yield the right of way to a road vehicle approaching from the opposite direction that is so close as to make the turn hazardous.

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

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

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

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

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

**361.** On a one-way roadway, a driver of a road vehicle who is about to turn left at the intersection of a one-way roadway must, after signalling his intention and ascertaining that he can do so in safety, approach the extreme left of the roadway on which he is driving, proceed to the near side of the roadway he wishes to enter and, if the way is clear, make a sharp turn to the left.

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

**363.** A driver of a road vehicle who wishes to turn right at an intersection must, after signalling his intention and ascertaining that he can do so in safety, move to the extreme right of the roadway or into the space reserved for that purpose by means of an adequate traffic control device, make a sharp turn and not encroach on the left or the centre of the road he is entering.

§ 5.—*Parking and Stopping*

**364.** No person may stop or park a road vehicle on a public highway to put fuel into it, or in a manner that hinders access to private property or impedes traffic.

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

Where a road vehicle is parked on a slope, its front wheels must be turned toward the near edge of the roadway.

**366.** Outside cities, towns and villages, no vehicle may be parked on the roadway.

**367.** Except where necessary, no person may stop or park a road vehicle on an autoroute, except at places specially provided for that purpose.

**368.** Where a road vehicle is stopped at night on a roadway out of necessity, the driver must keep his parking lights or hazard lights on, or signal the presence of his vehicle by lanterns or any other luminous devices visible from not less than 150 metres and used pursuant to the standards prescribed by regulation of the Government.

**369.** In addition to the prohibition provided in section 364, and except where necessary or in cases where another provision of this code requires it, no person may stop or park a road vehicle

- (1) on a sidewalk;
- (2) less than five metres from a fire hydrant;
- (3) less than five metres from a fire station or a police station, or less than eight metres from such a building and on the opposite side of the street;
- (4) less than five metres from a “stop” sign;
- (5) in a pedestrian crosswalk clearly identified as such or less than five metres from such a crosswalk;
- (6) in a traffic lane reserved for the exclusive use of certain categories of road vehicles;
- (7) in a loading and unloading zone or a zone reserved exclusively for road vehicles assigned to a public transportation service and clearly identified as such;

- (8) at an intersection or less than five metres therefrom;
- (9) at an entrance to or exit from a limited access highway;
- (10) on a bridge, an elevated lane or a viaduct, or in a tunnel;
- (11) on a level crossing or less than five metres therefrom;
- (12) on a median strip;
- (13) on an access road;
- (14) in front of a sidewalk ramp specially built for handicapped persons;
- (15) at places where passing is prohibited;
- (16) at a place where a parked or stopped road vehicle would render a traffic control device ineffective.

However, notwithstanding the prohibitions enacted in the first paragraph, the driver of a road vehicle being used to transport a handicapped person may stop anywhere to take on or discharge the person, if it can be done in safety.

**370.** No person may leave a road vehicle that is in his custody unattended on a public highway without previously stopping the engine, removing the key and locking the doors.

**371.** A peace officer may, at the expense of the owner, remove or order the removal of a road vehicle stopped or parked contrary to this division.

**372.** The person responsible for the maintenance of a public highway may prohibit, restrict or otherwise regulate the stopping or parking of road vehicles on that highway.

## § 6.—*Rate of Speed*

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

Without restricting the scope of the first paragraph, no person may drive a road vehicle at a speed

- (1) of less than 60 km/h or more than 100 km/h on autoroutes;
- (2) in excess of 90 km/h on numbered public highways surfaced with concrete, asphalt or a similar material outside cities, towns and villages;

(3) in excess of 80 km/h on other highways surfaced with concrete, asphalt or a similar material outside cities, towns and villages;

(4) in excess of 70 km/h on gravel highways outside cities, towns and villages;

(5) in excess of 60 km/h on earth highways outside cities, towns and villages;

(6) in excess of 50 km/h in cities, towns and villages, except on autoroutes and on highways or parts of highways on which the person responsible for maintenance of the highway has erected traffic control devices;

(7) in excess of 50 km/h in school zones when school-children are entering or leaving school.

**374.** No person may drive a road vehicle at a low speed likely to impede or obstruct normal traffic, except where safety or necessity requires it.

**375.** The Minister of Transport may change the speed limits provided in the second paragraph of section 373 for road vehicles or for certain categories thereof.

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

No person may drive at a speed in excess of the limits indicated on the traffic control devices installed under the second paragraph of this section.

**376.** The decision of the Minister of Transport takes precedence over any by-law made by a local authority.

In the case contemplated in the first paragraph of section 375, the local authority shall, on notice from the Minister and within the time indicated by him, have the traffic control devices erected by it removed, failing which the Minister may have them removed at its expense, at the expiry of the period of forty-eight hours given for that purpose.

**377.** Where a local authority fixes by by-law a speed limit different from that prescribed in section 373, it must clearly indicate the different limit on traffic control devices, failing which section 373 applies.

A local authority that has not availed itself of the first paragraph shall, at the approaches to a built up area in its territory, on a public highway or part of a public highway under its maintenance, have traffic control devices installed, indicating that the speed limit is 50 km/h.

### § 7.—*Use of Lights*

**378.** No person may, on a public highway, drive a vehicle equipped with white lights that throw a light beam toward the rear and that are turned on.

**379.** The driver of a road vehicle moving on a public highway must, at night or whenever weather conditions require it, keep the headlights and integrated lights of his vehicle turned on.

The first paragraph also applies to the driver of a bicycle with respect to the lights with which his vehicle must be equipped.

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

**381.** No person may use a road vehicle's flashing emergency lights except for reasons of safety.

## DIVISION II

### RULES OF THE ROAD APPLICABLE TO CERTAIN VEHICLES

#### § 1.—*Buses and Minibuses*

##### A. GENERAL PROVISIONS

**382.** The driver of a bus or minibus, when taking on or discharging passengers, must stop his vehicle on the extreme right-hand side of the roadway or in the specifically laid out bus stop zones.

**383.** The person responsible for the maintenance of a public highway may determine the location of bus stop zones along that highway and must clearly identify them by means of adequate traffic control devices.

**384.** Within a city or a town, the driver of a road vehicle must yield the right of way to a stopped bus when the driver of the

bus is flashing his turning-signal lights with a view to re-entering the lane in which he was moving before he stopped.

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

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

#### B. SCHOOL BUSES

**386.** In this division, unless the context indicates otherwise, “schoolbus” means

(1) a bus or minibus on which the only passengers are schoolchildren and the persons supervising them, used under a contract entered into with a school board, a regional school board, a general and vocational college within the meaning of section 1 of the General and Vocational Colleges Act (R.S.Q., c. C-29) or a private educational institution that provides transportation for its schoolchildren;

(2) a bus or minibus on which the only passengers are schoolchildren and the persons supervising them, whom it is transporting after the morning class period or before the afternoon class period, on a particular route or on the extension to a regular route; or

(3) a bus or minibus on which the only passengers are schoolchildren and the persons supervising them, whom it is transporting for sports or cultural activities outside regular classroom hours;

“schoolchild” means a child who attends a school contemplated in the Education Act (R.S.Q., c. I-14) or a child who attends a day care centre.

**387.** A driver of a school bus shall not allow more schoolchildren to get on the bus than there are places available for them to sit. The driver shall ascertain that every schoolchild is seated before setting his vehicle in motion.

**388.** A driver of a school bus must, when stopping to take on or discharge schoolchildren, give warning by operating the flashing lights provided for in section 207 for the whole time that the schoolchildren are not in safety.



**389.** For the purposes of the application of section 388, where two or more school buses are stopped in single file and one or more of them are taking on or discharging schoolchildren, the drivers of the buses following the bus or buses taking on or discharging schoolchildren also must operate their flashing lights.

**390.** A driver of a road vehicle approaching a school bus whose flashing lights provided for in section 207 are operating must stop his vehicle more than five metres from the bus and shall not pass it in either direction until the flashing lights are no longer operating and he ascertains that he can pass in safety.

The first paragraph does not apply to a road vehicle passing a school bus on an adjacent roadway separated by a median strip or by any other raised physical separation.

## § 2.—*Bicycles and Motorcycles*

**391.** A driver of a motorcycle, light motorcycle or moped must, while driving, remain seated in the seat and keep hold of the handlebars at all times.

**392.** A driver of a bicycle must, while driving, remain seated astride his vehicle and keep hold of the handlebars at all times.

**393.** No driver of a motorcycle, light motorcycle or moped may carry any other person on the vehicle unless it is equipped with permanently fixed seats for that purpose and with foot-rests fixed on each side of the vehicle; when the vehicle is moving, a passenger must be seated facing the handlebars and with both feet on the foot-rests.

**394.** No driver of a bicycle may take a passenger unless his vehicle is equipped with a fixed seat for that purpose.

**395.** A driver of a motorcycle, light motorcycle or moped must keep the white headlight of his vehicle on at all times.

**396.** Drivers of motorcycles, light motorcycles or mopeds driving in groups of two or more in one traffic lane must drive in zigzag formation.

**397.** Drivers of bicycles must drive on the extreme right-hand side of the roadway, in the same direction as the general traffic, except where that space is obstructed or if they are using a cycle path or cycle lane or are about to turn left.

Drivers of bicycles must comply with “stop” signs and traffic lights.

When driving in a group, bicyclists must keep in single file.

**398.** No person may drive a motorcycle, a light motorcycle, a moped or a bicycle between two lines of vehicles standing or in motion in adjacent traffic lanes.

**399.** No person may drive a bicycle on a public highway on which the maximum speed allowed is over 50 km/h unless

(1) the roadway includes cycle paths or cycle lanes specially laid out by the person responsible for the maintenance of the highway;

(2) he is twelve years of age or over; or

(3) he is a member of an excursion organized and conducted by a person of full age.

**400.** Where the roadway includes a cycle path or a cycle lane, bicycle drivers must use it.

**401.** On a public highway, every person riding on a motorcycle, light motorcycle or moped, or in a sidecar, must wear a protective helmet that complies with the norms prescribed by regulation of the Government.

Such persons must allow a peace officer to examine their protective helmets when the latter so requests.

### § 3.—*Emergency Vehicles*

**402.** A driver of an emergency vehicle is exempt, in the exercise of his functions, from the obligations imposed by sections 325, 326, 327, 328, 333, 334, 337, 364, 365, 366, 369 and 373, whenever the situation requires it.

**403.** No emergency vehicle may be driven under the exemption contemplated in section 402 unless the vehicle is equipped with appropriate light or sound signals and unless they are in operation.

**404.** A driver of an emergency vehicle must not operate the sound or light signals except in the exercise of his functions and where the situation requires it.

§ 4.—*Outsized Vehicles*

## A. MASS AND DIMENSIONS

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

(1) “load” means everything conveyed by a road vehicle or combination of road vehicles;

(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 each wheel of an axle or of the axles included in one category;

(3) “total loaded mass” means the mass of a vehicle or combination of road vehicles, including accessories, equipment and load; such mass may be expressed as the aggregate of the axle loads;

(4) “escort vehicle” means any motor vehicle used for escorting an outsized vehicle;

(5) “outsized vehicle” means

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

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

**406.** The Minister of Transport may, by order, fix the thawing periods.

**407.** No person may drive an outsized vehicle on a public highway unless he holds a special permit issued for such purpose in accordance with a regulation of the Government.

**408.** No owner or lessee of an outsized vehicle may authorize it to be driven on a public highway unless he holds a special permit issued for such purpose in accordance with a regulation of the Government.

**409.** No person may drive an escort vehicle on a public highway unless he holds an escort permit issued for such purpose in accordance with a regulation of the Government.

**410.** No owner or lessee of an escort vehicle may authorize it to be driven on a public highway unless he holds an escort permit issued for such purpose in accordance with a regulation of the Government.

**411.** A special permit or an escort permit is deemed never to have been issued where the conditions included therein are not respected.

**412.** The holder of a special permit is responsible for all damage caused to the public highways as a result of the use of the vehicle.

**413.** If a peace officer has reasonable ground to believe that a road vehicle or a combination of road vehicles is an outsized vehicle, he may stop the vehicle or combination of vehicles and require the driver to allow it to be weighed or, as the case may be, to facilitate its measurement. Furthermore, he may require the vehicle or combination of vehicles to be driven to weigh scales, provided they are not over fifteen kilometres from the place of interception.

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

Proof that weigh scales or another measuring device has been approved by the Minister of Transport and used in the manner he has determined is proof that the weigh scales or other device has determined exactly the mass under a wheel, the axle load or the total loaded mass at the time the alleged infraction was committed.

**415.** Where a peace officer has established that a road vehicle or combination of road vehicles is an outsized vehicle, he may require it to be driven to a suitable place and held until it complies with the norms of this code, or until the driver obtains a special permit.

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

**416.** The part of the load removed to bring a road vehicle or combination of road vehicles into conformity with the norms of this code remains entirely the responsibility of the carrier or the owner of the load, according to the agreements between them.

**417.** When required to do so by a peace officer or by a traffic control device, the driver of a road vehicle or combination of road vehicles must drive it to a weighing station and facilitate its weigh-

ing or measurement or any other inspection that may be required under this code.

#### B. OVERSIZED LOAD

**418.** No person may drive or authorize another to drive, on a public highway, a road vehicle carrying a load unless that load is solidly attached or secured, or adequately covered.

**419.** The load of a road vehicle must be arranged, secured or covered so that it does not reduce the driver's field of vision, does not interfere with the stability or handling of the vehicle and does not hide the lights prescribed by this code.

**420.** If a peace officer has reasonable ground to believe that the load of a road vehicle or combination of road vehicles may be dangerous, he may detain the vehicle until the situation has been corrected.

**421.** No person may drive or allow another to drive a road vehicle or a combination of road vehicles carrying a load in excess of the width of the road vehicle or combination of vehicles at its widest point or that of its required accessories, unless he holds or is in possession of a special permit issued for that purpose in accordance with a regulation of the Government.

**422.** No person may drive or allow another to drive a road vehicle or a combination of road vehicles 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 in accordance with a regulation of the Government.

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

#### § 5.—*Transport of dangerous substances*

**424.** A peace officer who has reasonable ground to believe that a road vehicle or a combination of road vehicles is used for the transport of a dangerous substance is authorized to inspect that vehicle.

**425.** Where a peace officer becomes aware of an offence to a regulation respecting the transport of dangerous substances, he may require that the road vehicle or combination of road vehicles transporting a dangerous substance be driven to a suitable place until the person responsible for the vehicle or for its load complies with the regulation.

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

### DIVISION III

#### OBSTRUCTION TO TRAFFIC

**426.** No person may throw out, deposit or throw any object, or allow it to be thrown out, deposited or thrown on or onto a public highway.

**427.** No person may deposit snow or ice or allow it to be deposited on a public highway.

**428.** No person may move or tow a damaged vehicle on a public highway without removing any object fallen therefrom.

**429.** No person may cause or allow farm animals to move on or cross a public highway unless they are escorted by two persons, each of them carrying and holding a red flag conspicuously as a warning signal.

The first paragraph does not apply if a traffic control device is installed in accordance with the regulations of the Government; the device must be removed as soon as the animals no longer constitute a hazard.

**430.** No person may cause or allow farm animals to move on or cross a public highway at night.

**431.** No person may cause or allow farm animals to move on or cross a limited access highway.

**432.** No person may use skates, skis or a toy vehicle such as a skate board or a tricycle on the roadway.

## DIVISION IV

## PROTECTION AND CLOSING OF A PUBLIC HIGHWAY

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

However, the Minister of Transport may, by an order published in the *Gazette Officielle du Québec*, authorize, under the conditions he determines, the use of certain types of non-skid devices for certain categories or sub-categories of road vehicles.

**434.** The person responsible for the maintenance of a public highway may, for reasons of safety, prohibit or restrict for such time as he specifies, all or certain categories of road vehicle traffic on that highway or part thereof.

Any sign, barrier or other device prohibiting traffic placed at the entrance of a public highway or part thereof is proof of the prohibition.

**435.** A peace officer may prohibit access to a public highway or part thereof to all or certain categories of road vehicles if justified by an emergency.

**436.** During the time of prohibition ordered under section 434 or 435, no vehicle, except those specifically authorized, may be driven on the highway or part of the highway where traffic is prohibited or restricted.

**437.** No person, unless authorized by the person responsible for the maintenance of a public highway, may place an obstruction to traffic on that public highway.

A peace officer is authorized to remove or order the removal of the obstruction at the expense of the owner.

**438.** No person may, by means of an obstacle, obstruct the entrance to and the movement of traffic on a road being used as a detour, even on private property.

A peace officer is authorized to remove or cause the removal of the obstacle at the expense of the owner.

## DIVISION V

## PEDESTRIANS

**439.** The driver of a road vehicle must adopt a courteous attitude with respect to pedestrians by yielding the right of way where circumstances permit.

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

A pedestrian facing a white signal may cross the roadway.

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

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

The driver of a road vehicle must yield the right of way to a pedestrian who has started across facing a white signal or a flashing signal.

**441.** Notwithstanding section 440, at an intersection regulated by traffic-lights, the driver of a road vehicle must yield the right of way to a pedestrian facing a green light, whether or not there is a pedestrian crosswalk.

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

Where a pedestrian enters a pedestrian crosswalk, the driver of a road vehicle must stop his vehicle to allow the pedestrian to cross the roadway.

Where a pedestrian crosswalk is regulated by traffic-lights or pedestrian lights, the rules provided in sections 440 and 441 apply.

**443.** Outside a built up area or in a built up area where there are no duly identified intersections or pedestrian crosswalks in the immediate area, a pedestrian crossing a public highway must yield the right of way to the road vehicles moving on it.

**444.** No pedestrian may solicit transportation on the roadway where passing is specifically prohibited by this code.

**445.** No pedestrian may stand on the roadway to deal with the occupant of a road vehicle.

**446.** If there is an intersection or a pedestrian crosswalk nearby, a pedestrian may cross a public highway only at that place.



**447.** No pedestrian may cross diagonally at an intersection unless he is authorized by a traffic control device or by a peace officer.

**448.** The person responsible for the maintenance of a public highway may lay out pedestrian crosswalks thereon; he must clearly identify them by means of appropriate traffic control devices.

**449.** The person responsible for the maintenance of a limited access highway may prohibit pedestrian traffic thereon by means of an appropriate traffic control device.

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

**451.** Where there is a sidewalk bordering the roadway, pedestrians must use it.

## DIVISION VI

### PASSENGERS

**452.** For the purposes of this division, a "passenger vehicle" is the vehicle contemplated in section 252.

**453.** A passenger not contemplated in section 454 who is seated in the front of a passenger vehicle moving on a public highway must wear and properly fasten the seat belt provided for his place, unless he is secured by a safety device.

**454.** A person holding a medical certificate issued by a practising physician attesting that, for the period indicated therein, that person is unable on medical grounds to wear a seat belt or that his physical characteristics prevent his wearing a seat belt is not required, notwithstanding sections 276 and 453, to wear a seat belt.

**455.** The holder of a medical certificate issued in accordance with section 454 must carry it with him and produce it for examination at the request of a peace officer. The peace officer must return the certificate to the holder as soon as he has examined it.

A person who is unable to produce his certificate may in no case avail himself of the exemption provided in section 454.

**456.** A passenger who is seated in a passenger vehicle must, when the vehicle is standing following an order from a peace officer keep his seat belt properly fastened.

A passenger who fails to comply with the first paragraph is presumed to have driven or to have been seated in the vehicle without wearing his seat belt properly fastened while the vehicle was moving forward.

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

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

**458.** On a public highway, no person may grip or cling on to a road vehicle in motion.

**459.** No passenger of a road vehicle standing or in motion on the roadway or on the shoulder of a public highway may drink alcoholic beverages inside the vehicle.

However, the Government may authorize, under certain conditions, the consumption of alcoholic beverages in certain categories of road vehicles it shall fix.

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

**461.** No person may drive a road vehicle if a passenger or an animal is in a position that would obstruct the view of the driver or hinder the operation of the vehicle.

**462.** No person may open the door of a road vehicle until the vehicle is stopped and it can be done in complete safety; the door shall be closed as soon as the person gets in or out of the vehicle.

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

**464.** No person may occupy a trailer or semi-trailer in motion on a public highway or tolerate such practice, unless the trailer or semi-trailer is specially designed and equipped for transporting persons.

## DIVISION VII

## OFFENCES AND PENALTIES

**465.** Every person who contravenes any of sections 370, 392, 394, 397, 399, 400, 427 and 432 is guilty of an offence and is liable, in addition to costs, to a fine of \$10 to \$25.

**466.** Every pedestrian who contravenes any of sections 440, 442 to 447, 450 and 451 is guilty of an offence and is liable, in addition to costs, to a fine of \$10 to \$25.

**467.** The driver of a road vehicle who contravenes any of sections 439, 440, 441 and 442 is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$50.

**468.** Every persons who contravenes any of section 453, 457, 458 and 460 to 464 is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$50.

**469.** Every person who contravenes any of sections 276 to 278, 281, 283, 285 to 287, 289, 292, 294 to 296, 298, 301, 304, 305, 313, 314, 318, 335, 336, 338, 340, 343, 351 to 369, 379 to 382, 384, 385, 391, 393, 395, 396, 398, 401, 428 and 429 is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$50.

**470.** Every person who contravenes any of sections 275, 280, 284, 288, 290, 291, 293, 297, 299, 315, 325 to 330, 332 to 334, 337, 344, 345, 374, 378, 403, 404, 426, 430, 431 and 436, or to the first paragraph of section 433, of section 437, or of section 438, 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, 303, 306, 307, 308, 339, 341, 342, 346 to 348, 387, 390, 409, 410, 418, 419, 421 to 423 or the first paragraph of section 459 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.

**472.** Every person who contravenes any of sections 300, 388, 389 and 417, the first paragraph of section 373 or the second paragraph of section 415, is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500.

**473.** Every person who contravenes the second paragraph of section 373 or the third paragraph of section 375 is guilty of an offence and is liable, in addition to costs, to a fine of \$20, plus

(1) if the speed exceeds the speed limit by 1 to 30 km/h, \$5 for each 5 km/h by which the speed exceeds the speed limit;

(2) if the speed exceeds the speed limit by 31 to 60 km/h, \$10 for each 5 km/h by which the speed exceeds the speed limit;

(3) if the speed exceeds the speed limit by 61 km/h or over, \$15 for each 5 km/h by which the speed exceeds the speed limit.

**474.** Every person who contravenes section 407 or 408 is guilty of an offence and is liable, in addition to costs, to a fine of not under

(1) \$100, or,

(2) where the road vehicle or combination of road vehicles is outsized in respect of the total loaded mass, to a minimum fine established in the following manner:

(a) where the factor of estimation of the fine is less than one hundred and fifty, the fine is \$1 multiplied by the factor of estimation; however, it is not under \$100;

(b) where the factor of estimation of the fine is from one hundred and fifty to two hundred, the fine is \$150, plus the product of \$2 multiplied by the difference between the factor of estimation and one hundred and fifty;

(c) where the factor of estimation of the fine is from two hundred to two hundred and fifty, the fine is \$250, plus the product of \$3 multiplied by the difference between the factor of estimation and two hundred;

(d) where the factor of estimation of the fine is from two hundred and fifty to three hundred, the fine is \$400, plus the product of \$4 multiplied by the difference between the factor of estimation and two hundred and fifty;

(e) where the factor of estimation of the fine is three hundred or over, the fine is \$600, plus the product of \$5 multiplied by the difference between the factor of estimation and three hundred.

The factor of estimation of the fine is equal to the number of kilograms exceeding the total loaded mass standard fixed, divided by the product obtained by multiplying by ten the number of axles whose wheels are in contact with the public highway at the time of the offence.

**475.** The owner of a road vehicle moving on a public highway whose mass or total loaded mass, as the case may be, exceeds that declared in the registration application form of such vehicle is guilty of an offence and is liable, in addition to costs and to the difference in the duties he should have paid, to a fine of \$100 to \$500 for the first offence, to a fine of \$300 to \$600 for the second offence, and to a fine of \$500 to \$1 000 for any subsequent offence.

**476.** In the case where a road vehicle or combination of road vehicles for which no special permit has been issued is outsized in respect of more than one norm provided for in this code, the driver, the owner or the lessee cannot be condemned for contravening more than one of such norms.

## DIVISION VIII

### POWERS OF THE GOVERNMENT

**477.** The Government may, by regulation,

(1) prescribe standards of manufacture, use and sale of traffic control devices;

(2) prescribe the traffic rules applicable on a roadway that includes a cycle lane or path or a lane reserved for the exclusive use of a category of vehicles; such rules may derogate from the rules provided for in this chapter;

(3) prescribe the standards of manufacture, use and sale of protective helmets;

(4) restrict the use of certain categories or sub-categories of road vehicles;

(5) notwithstanding Chapter VIII, regulate the traffic of road vehicles on a public highway or part thereof or prohibit access thereto to certain categories or sub-categories of road vehicles;

(6) provide for cases where the wearing of a seat belt is not mandatory;

(7) prescribe the installation and use of a safety device for children in a passenger vehicle and determine standards for the installation and use thereof;

**478.** The Government may, by regulation,

(1) establish categories of road vehicles and combinations of road vehicles according to load, number and type of axles, configuration in respect of axle arrangement, tire specifications, suspension specifications or any other mechanical or physical specification;

(2) establish categories of axles;

(3) establish for classes of public highways, according to the categories of road vehicles and combinations 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;

(4) modify, during thawing periods, the norms established under paragraph 3 and reduce the speed limit, during such periods, of road vehicles or combinations of road vehicles authorized to move on the public highways;

(5) establish rules respecting the presence and movement of road convoys on the public highways;

(6) take the necessary measures to control the dimensions and mass of road vehicles or combinations of road vehicles moving on the public highways, load included;

(7) prescribe the cases in which a permit authorizing the movement of an outsized vehicle may be issued, the conditions of the issue and holding of such a permit, its scope, the related conditions, the form and content of the permit, the duties exigible, and the amount and form of the security; designate a person qualified to issue it;

(8) determine the conditions of issue and holding of an escort permit and the related conditions, fix the duties exigible and prescribe the standards of motor vehicles used for such purpose;

(9) prescribe the cases in which a permit authorizing the movement on the highway of a road vehicle or combination of road vehicles used for the transportation of a load exceeding its length or its width may be issued, the conditions of the issue and holding of such a permit, its scope, the related conditions, the form and content of the permit, the duties exigible; designate a person qualified to issue it.

**479.** The Government may, by regulation, respecting the transport of dangerous substances on a public highway

(1) establish categories of road vehicles or combinations of road vehicles according to load or mechanical or physical specifications;

(2) establish classes and categories of dangerous substances;

(3) designate any substance as a dangerous substance;

(4) prescribe, for classes of public highways, norms, conditions and modalities for the construction, use, custody and maintenance of any road vehicle, combination of road vehicles and any container it may indicate where that vehicle or that container is used for the transport of a dangerous substance;

(5) prescribe, for classes of public highways, according to categories of vehicles and classes and categories of dangerous substances the norms and prohibitions respecting

(a) the movement of road vehicles and combinations of road vehicles assigned to the transport of a dangerous substance;

(b) the presence on a public highway of a road vehicle or combination of road vehicles assigned to the transport of a dangerous substance;

(c) the operations of loading, unloading, placing into containers and packing dangerous substances transported, or to be transported, on a public highway;

(d) the packing of dangerous substances transported, or to be transported, on a public highway;

(6) prescribe, for classes of public highways, according to categories of vehicles and classes and categories of dangerous substances transported, or to be transported on a public highway,

(a) the indication of danger and other information which must be affixed on dangerous substances and on their packing as well as on the containers, road vehicles and combinations of road vehicles in which they are found;

(b) the documents that must accompany dangerous substances that are being transported on public highways and the minimum information that these documents must contain.

## CHAPTER IX

### PROCEDURE AND PROOF IN PENAL MATTERS

#### DIVISION I

##### INFRACTION TICKET AND PRELIMINARY NOTICE

**480.** Where a person is guilty of an infraction against this code, the peace officer shall remit an infraction ticket to him or place it conspicuously on the vehicle; the ticket must indicate the nature of the alleged infraction.

In the case of an infraction contemplated in an order of the Attorney General under section 509, the ticket must also indicate the amount of the minimum fine and, where applicable, the number of demerit points entailed on conviction, and indicate that the fine is payable to the prosecuting party without costs within the ten following days.

**481.** 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 of the infraction. On his failure to furnish the proof within that time, the notice becomes an infraction ticket under the appropriate section.

**482.** Where a person is guilty of an infraction under section 28, 29, 31, 195, 196, 197, 200, 201, 202, 203, 208, 209, 211, 213, 214, 215, 216, 217, 222, 231, 241, 242, 243, 244, 245, 246, 247, 250 or 251, the peace officer may issue a notice to him enjoining him to carry out the necessary repairs, or cause them to be carried out, within forty-eight hours. On his failure to have them carried out within that time, the notice becomes an infraction ticket under the appropriate section. The contravener has the burden of proof that the repairs have been carried out.

**483.** Where a fine is not paid within the time prescribed in section 480 or is not payable under that section, the prosecuting party shall send a preliminary notice by mail to the contravener's last known address. The notice indicates the nature of the offence, the fine payable, which is the minimum fine, the amount of the costs fixed by regulation of the Government and, where that is the case, the number of demerit points entailed by conviction.

The fine is payable within the ten following days.

The fact that an infraction ticket is not issued does not prevent the prosecuting party from sending a preliminary notice to the contravener.

**484.** If the fine is not paid within the time prescribed in section 483, a summons is served on the contravener, who may plead guilty at any time before appearance by paying to the clerk of the court before which he was summoned to appear, the amount of the fine and the amount of the costs fixed by regulation of the Government.

If, on the day fixed for appearance, no payment has been received, the judge or the clerk authorized by order of the Minister of Justice may, if the contravener fails to appear or pleads guilty, convict him for the infraction described in the infraction ticket or the summons without any requirement to prove the infraction, the signature of the peace officer or of the justice of the peace, or their appointment. The clerk may refer to the judge any matter submitted to him, if he considers that the interests of justice require it.

**485.** Any payment made under section 480, 483 or 484 and any payment accepted by the prosecuting party is presumed to



have been made by the person to whom the ticket, notice or summons had been sent.

After payment, the contravener is considered to have been found guilty of the offence. Any further proceedings respecting the offence are null.

Payment may in no case be invoked as an admission of civil liability.

**486.** The person who accepts a payment for an infraction conviction for which entails, under this code, an entry of demerit points, or the suspension or revocation of a licence, must inform the Régie.

**487.** The clerk of a court of justice or a person under his authority must notify the Régie of every conviction that entails, under this code, the entry of demerit points or the suspension or revocation of a licence, and of every conviction for an offence under section 186, 187, 191 or 192 of the Automobile Insurance Act.

**488.** The notice provided for in sections 486 and 487 must be given within thirty days of the acceptance of payment or of conviction and be accompanied with all the information required by the Régie.

**489.** A person required to furnish a notice by section 486 or 487 may affix his signature to it or cause it to be affixed by means of an automatic device or in the form of an engraved, lithographed or printed facsimile.

**490.** Failure to give a preliminary notice may in no case be invoked against the prosecuting party. However, if a defendant, on appearance, pleads guilty and then proves that the notice was not given to him, he cannot be condemned to pay a higher amount than he would have had to pay pursuant to a notice.

## DIVISION II

### SUMMARY NOTICE

**491.** If a peace officer has reasonable ground to believe that the driver of a road vehicle who is guilty of an offence against this code may abscond, he may issue a summary notice to him.

A summary notice may also be issued to the person assisting a learner.

**492.** A summary notice is made according to the form prescribed by regulation of the Government and indicates

(1) the surname, given name, address and driver's or learner's licence number of the contravener;

(2) the make, model and identification number of the vehicle;

(3) the nature, date, time and place of the offence;

(4) the amount of the minimum fine and, as the case may be, the number of demerit points entailed by conviction, and,

(5) where that is the case, the amount of the security furnished by the contravener.

The notice orders the contravener to appear before the competent court at the time and place indicated.

**493.** Where a peace officer delivers a summary notice, he shall require security in the amount fixed by regulation of the Government.

**494.** If the contravener refuses or is unable to furnish the security, the peace officer may order the road vehicle impounded until a judge or the court on the motion of the contravener or the peace officer authorizes its release, with or without security. This motion is heard and decided by preference.

**495.** A summary notice constitutes a summons duly authorized and served, and returnable on the date fixed therein.

**496.** Copy of the summary notice and, as the case may be, the security shall be transmitted to the clerk of the court within forty-eight hours following the issue of the notice.

### DIVISION III

#### PROCEEDINGS AND RULES OF PROOF

**497.** Proceedings under this code are instituted pursuant to the Summary Convictions Act (R.S.Q., c. P-15) by the Attorney General, by a local authority, or by any person generally or specially authorized by one of them.

**498.** Proceedings for the recovery of fees, duties, contributions or costs provided for by this code are taken by the Régie.

**499.** The owner of a road vehicle entered on the registration certificate is responsible for every offence against this code or any municipal traffic by-law committed with the vehicle, unless he proves that, at the time of the offence, the vehicle was in the possession of a third person without his consent.

In the case of an infraction against any of sections 32, 33, 65, 66, 67, 84, 85, 87, 88, 100, 102, 110, 132, 145, 146, 239, 275 to 278, 280, 281, 283 to 301, 303 to 307, 313, 314, 325 to 364, 373 to 375, 378 to 382, 384, 385, 387 to 401, 404, 407, 409, 418, 419, 421 to 423, 428, 433, 436, 439, the fifth paragraph of section 440, section 441, the second paragraph of section 442, sections 457 and 460 to 464, or against any municipal by-law to the same effect, the owner is responsible only if it is shown that he was the driver of the vehicle at the time of the infraction or was in the vehicle then driven by his agent. In the latter case, the court may condemn either or both of them.

**500.** Where this code prescribes the obligation to hold a licence, a certificate of competence or a registration certificate, the burden of proof is on the defendant that he is the holder of such a document.

**501.** A person authorized by the Attorney General pursuant to section 497 may sign a document required for the application of this chapter and certify true a copy of or extract from the document.

The person may affix his signature or cause it to be affixed by means of an automatic device or in the form of an engraved, lithographed or printed facsimile.

A copy of or extract from the document is proof of its contents, if it is certified true under this section, without its being necessary to prove the signature and authority of the person.

**502.** In proceedings for a contravention of this code, the court may accept, in lieu of the testimony of the peace officer who reported the infraction, a written report signed by the peace officer, in the form approved by the Government. If the original of the written report is in the hands of the Attorney General, it may be substituted for by a true copy certified by a person designated by the Attorney General or by a person acting under the authority of the designated person.

However, the defendant may require the presence of the peace officer at the hearing, and the court, if it finds the contravener guilty, may condemn him to additional costs in such amount as it may fix if, in its opinion, the mere filing of the report would have sufficed.

**503.** Sections 480 to 502 apply, *mutatis mutandis*, to proceedings instituted under the Autoroutes Act.

## DIVISION IV

## PROCEEDINGS BY A LOCAL AUTHORITY

**504.** Proceedings for an infraction against this code committed in the territory of a local authority may be instituted by that local authority or by a person generally or specially authorized by it for that purpose.

**505.** If proceedings are instituted by a local authority, the clerk shall make a report to the Attorney General within fifteen days after sentence and remit the amount of the fine to him within thirty days of payment.

However, in proceedings for an infraction against section 373, 374 or 375, the fine imposed belongs in whole to the local authority, which is not bound to make the report provided for in the first paragraph.

**506.** Where the territory of a local authority is subject to the jurisdiction of a municipal court, proceedings for an infraction against section 373, 374 or 375 may be instituted before that court.

In a case under this section, no advocate's fee may be included in the costs.

**507.** A local authority may, by agreement with the Attorney General, approved by the Government, waive in favour of the Attorney General the prosecution of infractions committed in its territory against the acts, regulations and by-laws regarding traffic and parking, and agree on the sharing of the fines.

On publication in the *Gazette officielle du Québec* of an agreement contemplated in the first paragraph, the Attorney General has the necessary authority to prosecute infractions there referred to; the Minister of Finance may then pay to the local authority concerned its share of the proceeds of the fines out of the consolidated revenue fund, to such extent as they have been paid into it.

**508.** Sections 480 to 496 do not apply to proceedings instituted by the municipalities of Québec and Montréal.

## DIVISION V

## POWERS OF THE GOVERNMENT

**509.** The Attorney General shall determine by order infractions for which fines are payable on the issue of an infraction ticket. The order shall be published in the *Gazette officielle du Québec*.

**510.** The Government may, by regulation,

- (1) fix the amount of the security contemplated in section 493 and the manner in which the contravener may furnish it;
- (2) prescribe the form and tenor of an infraction ticket, a prior notice, a summons and a summary notice;
- (3) prescribe the amount of the costs referred to in sections 483 and 484.

## CHAPTER X

### POWERS OF THE LOCAL AUTHORITY

**511.** A local authority may, by by-law, resolution or order,

- (1) require the registration, on payment of the duties required, of non-motorized vehicles;
- (2) provide for the issue of certificates of registration or authorization effected under paragraph 1 and require certificate holders to carry them;
- (3) prescribe the speed limits for road vehicles in its territory, except on the public highways or parts thereof that are under the maintenance of the Minister or the public highways or parts thereof on which he has placed traffic control devices in accordance with section 375;
- (4) prohibit all road vehicle traffic, with or without exception, on certain streets it indicates, provided that it allows road vehicles the use of streets permitting them to drive across the municipality, and provided that the prohibition, the use of those streets and the route to be followed are indicated by traffic control devices or traffic officers;
- (5) fix the location of taxi stands, stops for buses and minibuses and stops for school buses and minibuses;
- (6) establish safety zones for pedestrians, and prescribe and regulate their use;
- (7) prescribe rules respecting the direction, crossing, passing and stopping of road vehicles on the public highways under its maintenance, provided that such rules are compatible with the provisions of this code in those matters;
- (8) establish rules concerning the presence and movement of road convoys on the public highways under its maintenance.

**512.** Any provision of a by-law, resolution or order adopted by a local authority not governed by a charter and not contem-

plated in section 1 of the Cities and Towns Act (R.S.Q., c. C-19) respecting a matter contemplated in this code is void unless adopted under this code.

**513.** A by-law, resolution or order or part of a by-law, resolution or order adopted by a local authority and in force at the coming into force of this code, respecting matters contemplated in this code, remains in force for two years from the coming into force of this code, and then becomes void, unless it has before that date been approved by the Minister of Transport.

**514.** Notwithstanding any contrary or incompatible provision of any general law or special act, a by-law, resolution or order adopted after the coming into force of this chapter by a local authority, respecting matters contemplated in this code, requires the approval of the Minister of Transport to come into force.

The Minister may approve, in whole or in part, a by-law, resolution or order contemplated in this section. He may also withdraw, in whole or in part, approval given under this section; in such a case, the by-law, resolution or order or part thereof disapproved becomes void from the date determined in a notice of withdrawal of such approval published in the *Gazette officielle du Québec*.

**515.** The fine to which a person is liable for an infraction against a by-law, resolution or order passed under paragraph 3, 4 or 7 of section 511 must be equal to the fine imposed under this code for the same matter.

## CHAPTER XI

### COMITÉ CONSULTATIF MÉDICAL ET OPTOMÉTRIQUE

#### DIVISION I

##### ESTABLISHMENT OF THE COMMITTEE

**516.** A committee called the "Comité consultatif médical et optométrique" is hereby established.

**517.** The committee is responsible for giving advice and making recommendations to the Régie, according to the specialization of each of its members, on the state of health and condition of vision required to drive a road vehicle.

The committee also has the duty to give, at the request of the Régie, its advice on the state of health and physical fitness of the holder of or applicant for a driver's licence or learner's licence and

establish criteria for determining the cases where a medical and optometrical examination is required.

**518.** The committee is composed of members of the Corporation professionnelle des médecins du Québec and of the Corporation professionnelle des optométristes du Québec appointed by the Government.

**519.** The Government shall determine the number of members of the committee and their term of office.

**520.** The members of the committee are entitled to an attendance allowance and to the reimbursement of their justifiable expenses incurred in the discharge of their duties, according to the terms and conditions and in the amount fixed by regulation of the Government.

The Government may, by regulation, fix the amount of the attendance allowance of the members of the committee and the terms and conditions of reimbursement of expenses.

**521.** The members of the committee shall meet when convoked by the Régie.

**522.** The secretary of the committee is designated by the Régie, and shall represent it at each meeting of the committee; when the secretary is absent or unable to act, the Régie shall designate a substitute from among the members of the committee.

## DIVISION II

### MEDICAL AND OPTOMETRICAL REPORTS

**523.** Notwithstanding section 9 of the Charter of human rights and freedoms (R.S.Q., c. C-12), a physician must report to the Régie the name and address of any patient sixteen years of age or older that he considers unable on medical grounds to drive a road vehicle. The physician shall make his decision taking into account the guide contemplated in paragraph 8 of section 163.

The obligation provided for in the first paragraph also applies to an optometrist in the exercise of his profession.

**524.** The Régie may, in respect of a person who is the subject of a report contemplated in section 523,

(a) suspend or refuse to issue or to renew the person's driver's licence or learner's licence, or change its conditions, or

(b) require the person to undergo another medical examination by such physician as the Régie may indicate or another test of vision by a physician or by an optometrist and produce the report thereof to the Régie without delay.

**525.** No action in damages may be brought against a physician or an optometrist for having complied with section 523.

**526.** The report contemplated in section 523 is reserved for the information of the Régie, the Comité consultatif médical et optométrique or the officer designated by the Régie to represent it on that committee, and must not be made public; in no case may it be used as evidence in any suit or judicial proceedings, except in the application of section 524.

## CHAPTER XII

### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**527.** Permits and licences issued under the Highway Code (R.S.Q., c. C-24) remain valid until their date of expiry and may be renewed in accordance with this code.

Permits issued under the Highway Victims Indemnity Act (R.S.Q. c. I-5) and permits issued under section 188 of the Automobile Insurance Act (R.S.Q. c. A-25) remain valid until their date of expiry.

**528.** Registrations made under the Highway Code remain in force until their date of expiry and may be renewed, in accordance with this code.

**529.** This code applies in respect of a permit, registration certificate or registration marker issued before (*insert here the date of the coming into force of this section*) as if it were a licence, a permit, a registration certificate or a registration plate issued by the Régie under this code.

**530.** The Highway Code and the Highway Victims Indemnity Act continue to apply to the suspension and revocation of permits imposed (*insert here the date of the coming into force of sections 95 to 117*).

The said acts continue to apply to offences committed before (*insert here the date of the coming into force of this code*).



**531.** Demerit points attributable to an offence committed before (*insert here the date of the coming into force of this section*) in a sufficient number to entail the suspension of a permit or licence under a regulation made pursuant to the Highway Victims Indemnity Act become on (*insert here the date of the coming into force of this section*) demerit points within the meaning of this code.

**532.** Matters pending before the Régie under the Highway Code on (*insert here the date of the coming into force of this section*) are continued and decided by the Régie in accordance with this code.

**533.** Every traffic control device validly installed under the Highway Code or under a by-law of a local authority by a person responsible for the maintenance of a public highway is deemed to have been installed under this code.

**534.** The mandataries of the Régie who effect the registration of motor vehicles and any other related operation under the Highway Code become the mandataries of the Régie under this code.

**535.** Every regulation made under the Highway Code or under the Highway Victims Indemnity Act remains in force until it is repealed, replaced or amended by government regulation made under this code and it shall be construed in accordance with the code or the act under which it was made.

**536.** In any act, regulation, by-law, proclamation, order, order in council, decree, contract or document, any reference to a provision of the Highway Code or to a provision of the Highway Victims Indemnity Act is a reference to the corresponding provision of this code or of the Automobile Insurance Act.

**537.** The register kept by the Minister of Transport under subsection 2 of section 57 of the Highway Code is and always has been kept under this code.

**538.** Every agreement entered into with another government respecting the registration of motor vehicles, the driver's licences or modifications to the restrictions provided in section 10 of the Highway Code remains in force until it is repealed, amended or replaced by an agreement entered into under this code.

**539.** In the case of a passenger vehicle manufactured or imported in Québec before 1 January 1974, sections 253, 275 to 278 and 453 do not apply to that part of the seat belt known as the "shoulder harness".

**540.** Section 1 of the Automobile Insurance Act (R.S.Q. c. A-25) is amended by striking out paragraphs 4, 9 and 23.

**541.** The said act is amended by adding, after section 1, the following section:

**“1.1** For the application of this act, the owner of a road vehicle is the person who acquires a road vehicle or possesses it under a title of ownership, under a title involving a condition or a term giving him the right to become owner thereof, or under a title giving him the right to use it as owner thereof charged to deliver over.

A person who leases a road vehicle for a period of not less than one year is also considered an owner.”

**542.** The said act is amended by inserting, after section 97, the following section:

**“97.1** An authorized insurer may also issue a certificate of insurance to a person who is not resident in Québec provided that the policy issued by him outside Québec meets the requirements of Division II.

An unauthorized insurer may be authorized by the Régie to issue such a certificate to such a person if he authorizes the Régie to receive service of any proceeding instituted against him by reason of an accident that occurred in Québec.

In both cases, the insurer must, furthermore, undertake, in a written document remitted to the Régie, to satisfy any judgment as if the insurance policy and the certificate had been issued in Québec.

The Régie shall revoke the authorization of every insurer who fails to carry out his undertakings; from then on, the certificates issued by that insurer are void.”

**543.** The said act is amended by adding, after Chapter II of Title IV, the following chapter and sections:

### “CHAPTER III

#### “ACCIDENTS HAVING OCCURRED BEFORE 1 MARCH 1978

**“149.1** The Fonds d'indemnisation is bound to satisfy the unsatisfied claims of victims of accidents having occurred between 30 September 1961 and 1 March 1978 in the manner and to the extent provided under this chapter.

**“149.2** The owner of an automobile is responsible for all damage caused by such automobile or by the use thereof, unless he proves:

(1) that the damage is not imputable to any fault on his part or on the part of a person in the automobile or of the driver thereof, or

(2) that at the time of the accident the automobile was being driven by a third person who obtained possession thereof by theft, or

(3) that at the time of an accident that occurred elsewhere than on a public highway the automobile was in possession of a third party for storage, repair or transportation.

The driver of an automobile is responsible in like manner unless he proves that the damage is not imputable to any fault on his part.

Damage caused, when the automobile is not in motion on a public highway, by apparatus incorporated therein that can be operated independently or by the use of such apparatus is not contemplated by this section.

**"149.3** Any creditor under a final judgment rendered in Québec awarding damages of \$100 or more resulting from bodily injuries or death and arising out of an automobile accident that occurred in Québec after 30 September 1961, or for damage to the property of another in excess of \$200 and arising out of such an accident, may apply to the Fonds d'indemnisation within a delay of one year to satisfy such judgment.

**"149.4** The creditor shall apply to the Fonds d'indemnisation by a sworn declaration

(1) establishing that the judgment has in no way been satisfied or indicating, if need be, the amount paid, the value of the thing given in payment or of the services rendered in partial indemnification;

(2) establishing that no insurer will benefit by the amount claimed; and

(3) disclosing any other possible claim arising out of the same accident.

**"149.5** Within seven days of receipt of the application accompanied by an authentic copy of the judgment, the Fonds d'indemnisation shall satisfy the judgment, up to \$35 000 in addition to interest and costs, but deducting from such amount any sum or value received by the creditor and deducting from any amount due for damage to property the sum of \$200.

If, however, there is a possibility of claims exceeding the whole of the prescribed amount, the Fonds d'indemnisation may defer payment to the extent deemed necessary until the other claims are liquidated.

**“149.6** The application to the Fonds d'indemnisation transfers to it all the creditor's rights without restriction.

Such conveyance shall be notified to the prothonotary or clerk of the court which rendered the judgment by the filing of a certificate from the Fonds d'indemnisation establishing that it is subrogated in the rights of the creditor and the Fonds d'indemnisation shall then be entitled to execute in its own name.

**“149.7** The following persons cannot make application to the Fonds d'indemnisation:

(1) an insurer to whom a recourse contemplated by section 149.2, 149.3 or 158 of the Highway Safety Code (1981, c. *(insert here the chapter number of Bill 4)*) has been assigned or who is subrogated in such recourse;

(2) a person entitled to compensation under the Workmen's Compensation Act (R.S.Q. c. A-3);

(3) the child or the spouse of the debtor;

(4) for articles which were being transported in the debtor's automobile at the time of the accident, the owner of such articles;

(5) any person, including Her Majesty, subrogated in the rights of the persons mentioned above or to whom the same have been assigned;

(6) any person domiciled in a state, province or territory where residents of Québec do not enjoy rights equivalent to those granted by this chapter.

**“149.8** No application can be made to the Fonds d'indemnisation in respect of a judgment rendered by default to appear or to plead, on confession of judgment, by consent, or in the absence of the defendant or his attorney, unless thirty days' notice of the plaintiff's intention so to proceed has been given to the Fonds d'indemnisation. The Fonds d'indemnisation may then intervene in the case and set up any ground of defence that the defendant might have set up without regard to any consent or confession of judgment.

**“149.9** Any person having a claim that could be the basis of an application to the Fonds d'indemnisation who cannot ascertain

the identity of the driver or owner of the automobile that caused the accident may give the Fonds d'indemnisation a detailed notice thereof.

Failing settlement within sixty days, such person may take action against the Fonds d'indemnisation and the Fonds d'indemnisation must satisfy the judgment to the same extent as if it had been rendered against the author of the accident.

**"149.10** For the purposes of this chapter, the Fonds d'indemnisation has the following powers:

- (1) to pay, to the extent prescribed, the unsatisfied judgments awarding damages arising out of accidents or the claims susceptible of giving rise to such judgments;
- (2) to obtain subrogation in the rights of any person indemnified;
- (3) to intervene in any action resulting from an accident;
- (4) to indemnify the victims of accidents when the author thereof is unknown;
- (5) to transact or compromise with claimants.

The moneys necessary to indemnify the victims contemplated in this chapter are taken out of the moneys of the Fonds d'indemnisation."

**544.** Section 150 of the said act is replaced by the following section:

**"150.** The moneys required for the carrying out of this act are taken from the sums paid by the Minister of Revenue under section 59a of the Fuel Tax Act (R.S.Q., c. T-1), enacted by section 242 of chapter 68 of the statutes of 1977 and the amount collected by the Régie under sections 13 and 72 of the Highway Safety Code (1981, c. *insert here the chapter number of Bill 4*).

The Régie and the Fonds d'indemnisation are also maintained out of the amounts recovered by them where subrogation or action against the person who caused the accident is authorized by this act, as well as out of the sums corresponding to the share of the fines allocated to it by the Government in accordance with section 564 of the Highway Safety Code."

**545.** Section 152 of the said act is amended by replacing the first paragraph by the following paragraph:

**“152.** The sums fixed each year by the Régie under section 151 and those it receives from the Minister of Revenue in accordance with section 59 *a* of the Fuel Tax Act (R.S.Q., c. T-1), enacted by section 242 of chapter 68 of the statutes of 1977 and the sums allocated, if such is the case, by the Government under section 564 of the Highway Safety Code must be sufficient to enable the payment of all the indemnities to which are entitled the victims of accidents that have occurred during the financial year in view of which such sums are fixed or allocated, the payment of the obligations of the Fonds d'indemnisation, and the payment of the administrative expenses of the Régie and of the Fonds d'indemnisation.”

**546.** Section 188 of the said act is amended

(1) by replacing the word “for” in the third line of the second paragraph by the word “in”;

(2) by replacing the words “for the purposes of” in the fifth line by the word “in”.

**547.** Section 202 of the said act is amended by striking out the second and third paragraphs.

**548.** Section 2 of the Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., c. R-4), amended by section 5 of the Act respecting the amalgamation of the Bureau des véhicules automobiles with the Régie de l'assurance automobile du Québec (1980, c. *insert here the chapter number of Bill 18*), is again amended:

(1) by replacing paragraph *c* of subsection 1, by the following paragraph:

“(c) to apply the Highway Safety Code (1981, c. *insert here the chapter number of Bill 4*) with respect to the registration of motor vehicles and the issue of licences;” and

(2) by replacing paragraph *g* of subsection 2 by the following paragraph:

“(g) collect the fees and insurance contributions exigible at the time of the registration of a vehicle and of the issue of a licence, or of the renewal of either.”

**549.** Section 23 of the said act, replaced by section 239 of chapter 68 of the statutes of 1977, is replaced by the following section:

**“23.** The moneys paid to the Régie and those obtained under sections 21 and 22 must be used exclusively for the administration of the Régie and this act.”

**550.** The said act is amended by adding, after section 23, the following section:

**“23.1** The Régie, with the approval of the Government, shall fix each year the sums required for the administration of the Highway Safety Code (1981, c. *insert here the chapter number of Bill 4*) and of paragraph *d* of subsection 1 of section 2 of the Act respecting the Régie de l’assurance automobile du Québec.

Such sums are taken out of the fees it receives that are payable under a regulation of the Government; the balance of the fees is paid into the consolidated revenue fund within the time and in accordance with the terms and conditions fixed by the Minister of Finance.”

**551.** Sections 51 to 72 of the Transport Act (R.S.Q., c. T-12) are repealed.

**552.** Section 133 of the Courts of Justice Act (R.S.Q., c. T-16), amended by section 27 of chapter 19 of the statutes of 1978, is again amended:

(1) by striking out, in the third line of the second paragraph, the words “Transport Tribunal or”; and

(2) by striking out, in the seventh and eighth lines of the second paragraph, the words “the chairman of the Transport Tribunal and”.

**553.** The judge of the Provincial Court who occupied the position of chairman of the Transport Tribunal on (*insert here the date of the coming into force of this section*) continues to receive, until his salary as judge of the Provincial Court is equal to the amount of the salary and the additional remuneration which he was receiving because of his status of chief judge at the time he ceased to exercise such function, the difference between the latter amount and the salary which is paid to him as judge of the Provincial Court.

In addition, he retains, for himself or for his widow, the rights attached to the pension of a chief judge.

**554.** The Minister of Transport may enter with any government or body into agreements according to law respecting the registration of road vehicles, driver’s licences, any other licences or permits prescribed by this code, or any other matter respecting traffic or highway safety.

An agreement under this section may partially exempt a non-resident from the application of this code.

The Régie is responsible for the implementation of such an agreement.

**555.** The Minister of Transport may classify public highways for the purposes of the carrying out of this code.

**556.** Any peace officer may, without the owner's permission, in the exercise of the functions conferred on him under this code, take possession of a vehicle, drive it and impound it.

**557.** The peace officer who has confiscated an object in carrying out the provisions of this code shall immediately inform the Régie of such confiscation, giving the name and address of the person who was in possession of the object at the time it was confiscated.

If the confiscated object was in the possession of a person other than the owner, the owner may, within thirty days of the confiscation, make a written revendication of the object to the Régie, who may then, on such conditions as it may determine, authorize its restoration.

**558.** The officers of the Ministère des transports responsible for the carrying out of the Transport Act are also peace officers responsible for carrying out this code with respect to buses, combinations of road vehicles, minibuses, private commercial vehicles, public commercial vehicles, specialized vehicles, service vehicles, special mobile equipment and taxis.

**559.** Every owner of a stolen road vehicle shall, without delay, give notice of the theft of the road vehicle and, as the case may be, of its recovery, to the Régie.

**560.** Every person who is bound under this chapter 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 \$25 to \$100.

**561.** Every person who contravenes any provision of this code for which no penalty is provided is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$100.

**562.** The regulations made by the Régie under this code must be published in the *Gazette officielle du Québec* with a notice that they will be submitted to government approval at the expiry of the thirty days following the notice.



The regulations approved by the government come into force on the date of publication in the *Gazette officielle du Québec* of a notice that they have received government approval or, if amended on approval, of their final text, or on any later date fixed in the notice or in the regulation.

**563.** No regulation may be made by the Government under this code unless a notice thereof of thirty days has been published in the *Gazette officielle du Québec*. The notice must be accompanied with the text of the proposed regulation.

The regulations adopted by the Government come into force on the date of publication in the *Gazette officielle du Québec* of a notice that they have been adopted or, if amended, of their final text, or on any later date fixed in the notice or in the regulation.

**564.** The sums collected under this code are paid into the consolidated revenue fund, except

(1) the sums collected by a local authority under sections 373 to 375;

(2) the sums placed at the disposal of the Régie in accordance with section 151 of the Automobile Insurance Act and sections 23 and 23.1 of the Act respecting the Régie de l'assurance automobile; and

(3) the part of the fines allocated by the Government to the Régie.

**565.** The Minister of Transport is responsible for the carrying out of this code, except the provisions respecting traffic supervision and proceedings for infractions that come under the jurisdiction of the Attorney General.

**566.** The Highway Victims Indemnity Act (R.S.Q., c. I-5) is replaced by sections 149.1 to 149.10 of the Automobile Insurance Act enacted by section 543 of this code.

**567.** This code replaces the Highway Code, except

(1) the title of the said code;

(2) the part of section 1 preceding paragraph 1;

(3) paragraphs 13 and 14 of section 1;

(4) sections 21 to 23 and 80; and

(5) sections 25 and 26 concerning garagists and dealers.

The said sections of the Highway Code remain in force until 1 April 1983.

Every person who contravenes section 21, 22, 23 or 26 of the Highway Code is guilty of an offence and is liable, in addition to the costs, to a fine of \$50 to \$100.

**568.** This code will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by such proclamation, which will come into force, in whole or in part, on any later date that may be fixed by proclamation of the Government.

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