

SIXTH SESSION

THIRTY-FIRST LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

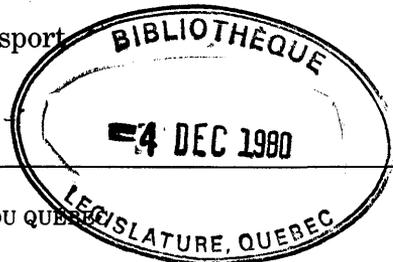
Bill 18

An Act respecting the amalgamation of the Bureau des véhicules automobiles with the Régie de l'assurance automobile du Québec

First reading
Second reading
Third reading

M. DENIS DE BELLEVAL

Minister of Transport



L'ÉDITEUR OFFICIEL DU QUÉBEC

1980

EXPLANATORY NOTES

The object of this bill is to integrate the Bureau des véhicules automobiles with the Régie de l'assurance automobile. The Bureau, as constituted by the existing law, is attached to the Ministère des transports under the Highway Code.

The Régie will henceforth have all the powers of the Bureau des véhicules automobiles and of the director of the Bureau regarding motor vehicle registration and the issue of licences and permits.

This bill proposes the concordant amendments to the Automobile Insurance Act, the Highway Code and the Act respecting the Régie de l'assurance automobile du Québec.

Bill 18

An Act respecting the amalgamation of the Bureau des véhicules automobiles with the Régie de l'assurance automobile du Québec

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

1. Section 1 of the Automobile Insurance Act (R.S.Q., c. A-25) is amended by replacing paragraph 19 by the following paragraph:

“(19) “Minister” means the Minister of Transport;”.

2. Section 1 of the Highway Code (R.S.Q., c. C-24), amended by section 1 of chapter 75 of the statutes of 1978, is again amended

(1) by replacing paragraph 22 by the following paragraph:

“(22) The expression “the Régie” means the Régie de l'assurance automobile du Québec established by the Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., c. R-4);”;

(2) by striking out paragraph 26.

3. Sections 2, 3, 4 and 5 of the said code are repealed.

4. Section 111 of the said code is replaced by the following section:

111. The Régie shall every year, with the approval of the Government, fix the sums necessary for the purposes of the administration of this code and of paragraph *d* of subsection 1 of section 2 of the Act respecting the Régie de l'assurance automobile du Québec.

The sums are taken out of the fees collected by the Régie that are exigible pursuant to a regulation of the Government; the bal-

ance of the fees is paid into the consolidated revenue fund of Québec within such time and according to such terms and conditions as may be fixed by the Minister of Finance.”

5. Section 2 of the Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., c.R-4), replaced by section 234 of chapter 68 of the statutes of 1977, is amended

(1) by adding, after paragraph *b* of subsection 1, the following paragraphs:

“(c) to apply the Highway Code (R.S.Q., c. C-24) with respect to the registration of motor vehicles and the issue of permits and licences;

“(d) to promote highway safety as regards the conduct of highway users as well as the safety standards respecting the vehicles used.”;

(2) by adding, after paragraph *f* of subsection 2, 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 permit.”;

(3) by striking out the second paragraph of subsection 2.

6. Section 4 of the said act is replaced by the following section:

“**4.** The Régie is a corporation within the meaning of the Civil Code and has the general powers of such a corporation and the special powers conferred upon it by this act, the Automobile Insurance Act and the Highway Code.”

7. Sections 7 to 11 of the said act are replaced by the following sections:

“**7.** The Régie is administered by a board of seven directors, including a chairman and a vice-chairman, all appointed by the Government.

The Government shall, in addition, appoint such number of vice-chairmen to the Régie as it may fix.

“**8.** The chairman is appointed for not more than ten years, the other members of the board for not more than three years and the vice-chairmen of the Régie for not more than five years.

On the expiry of their terms of office, they remain in office until they are replaced or reappointed.

If the chairman is absent or unable to act, he is replaced by the vice-chairman of the board.

“9. The Government shall fix the salary and, where necessary, the additional salary, fees and allowances of each member of the board of directors and of the vice-chairmen of the Régie and the indemnities to which they are entitled.

“10. The chairman and the vice-chairmen of the Régie hold office on a full-time basis.

“11. No member of the board of directors or vice-chairman of the Régie may, under pain of forfeiture of office, have any direct or indirect interest in an undertaking putting his personal interest in conflict with that of the Régie.

However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided that he renounces or disposes of it with dispatch.”

8. Section 14 of the said act is amended by replacing the second paragraph by the following paragraph:

“In the case of a tie-vote, the chairman has a casting vote.”

9. Section 15 of the said act is amended by adding, after the first paragraph, the following paragraphs:

“No deed, document or writing binds the Régie or may be attributed to the Régie unless it is signed by the chairman, one of the vice-chairmen of the Régie or an officer of the Régie and only, in the last case, to the extent determined by regulation.

Such a regulation may also, on the conditions fixed therein, allow the signature of the chairman, a vice-chairman or an officer to be affixed by means of an automatic device to such documents as may be determined in the regulation.

Such a regulation may also allow a facsimile of the signature of the chairman, a vice-chairman or an officer to be engraved, lithographed or printed on such documents as may be determined in the regulation; in that case, the facsimile has the same value as the signature itself.”

10. Section 16 of the said act is replaced by the following section:

“16. The members of the board of directors, the vice-chairmen of the Régie and officers of the Régie cannot be sued by reason of official acts done in good faith in the exercise of their functions.”

11. Section 17 of the said act is amended by adding the following paragraph:

“The Régie may also enter into any agreement and sign any service contract with a department or agency of the Gouvernement du Québec for the application of this act, of the Automobile Insurance Act or of the Highway Code.”

12. The said act is amended by adding, after section 17, the following section:

“**17.1** The Régie may, by regulation, delegate generally or specially to the general manager or to the person it designates the powers vested in the Régie by this act and the Highway Code.”

13. Section 19 of the said act is replaced by the following section:

“**19.** Not later than 31 May each year, the Régie shall submit to the Minister a report of its activities for the preceding fiscal year; such report shall also contain all the information that the Minister may require.

The Minister shall table the report of the Régie before the National Assembly if he receives it during session; if not, or if he receives it after an adjournment, he shall table it within thirty days after the opening of the next session or after resumption.

The Régie shall give to the Minister any other information he may require on its operations.”

14. The said act is amended by adding, after section 22, the following section:

“**22.1** The Régie may in no case, without the authorization of the Conseil du trésor, enter into a contract binding it for over five years or enter into a contract respecting property where the consideration is more than \$100 000.”

15. Section 25 of the said act is replaced by the following section:

“**25.** The Minister of Transport is responsible for the carrying out of this act.”

16. Officers at the Ministère des transports assigned to the Bureau des véhicules automobiles become officers at the Régie de l'assurance automobile du Québec; however, the Conseil du trésor may fix the extent and the terms and conditions of the transfer of the officers.

17. In sections 18 and 62 of the Highway Code, in subsection 3 of section 96 of the code, and in sections 108, 114, 115, 128 and 129 of the code, the words “the Minister” and “the Department” are replaced, *mutatis mutandis*, by the words “the Régie”.

In subsections 5 and 6 of section 96 of the said code, the words “of the Department” are replaced by the words “of the Department or of the Régie”.

In section 126 of the said code, the words “at Québec” and “or acting director” are struck out.

In section 130 of the said code, the words “Minister or” are struck out.

18. In the Highway Code, and in every regulation, by-law, order, order in council, decree or proclamation made or passed under the authority of the code, and in every contract or document signed under the authority of the code, the expressions “the Bureau des véhicules automobiles”, “the Director of the Bureau des véhicules automobiles”, “the director” and “the Bureau” are replaced, *mutatis mutandis*, by the expression “the Régie”.

In every other act, regulation, by-law, proclamation, order, order in council or decree, and in every contract or document, the expressions “the Bureau des véhicules automobiles”, “the Director of the Bureau des véhicules automobiles”, “the Bureau” and “the director” are replaced, *mutatis mutandis*, by the words “the Régie de l’assurance automobile du Québec”.

19. The records and other documents of the Bureau des véhicules automobiles are and always have been the records and documents of the Régie de l’assurance automobile du Québec.

20. The licences, permits, registration certificates and registration markers issued before (*insert here the date of the coming into force of this act*) are and always have been issued by the Régie de l’assurance automobile du Québec in accordance with the Highway Code.

21. Matters pending at the Bureau des véhicules automobiles (*insert here the date of the coming into force of this act*) are continued and decided by the Régie de l’assurance automobile du Québec.

22. The Régie de l’assurance automobile du Québec is authorized to use any document or means of identification formerly prepared in the name of the Bureau des véhicules automobiles or in the name of the Director of the Bureau des véhicules automobiles until the Régie replaces them with documents and means of identi-

fication prepared in the name of the Régie de l'assurance automobile du Québec.

23. The Régie de l'assurance automobile du Québec is authorized, on such terms and conditions as may be determined by the Government, to occupy the premises and use the property used by the Bureau des véhicules automobiles until the Régie replaces them.

24. The Régie de l'assurance automobile du Québec acquires the rights and assumes the obligations of the Minister of Transport in respect of the Bureau des véhicules automobiles.

25. The persons appointed to effect the registration of motor vehicles on behalf of the Bureau des véhicules automobiles become mandataries of the Régie de l'assurance automobile du Québec.

26. This act comes into force on the day of its sanction.