

FOURTH SESSION  
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

---

---

**DRAFT BILL**

**Highway Code**

M. LUCIEN LESSARD  
Ministre des transports



---

L'ÉDITEUR OFFICIEL DU QUÉBEC

1979



# DRAFT BILL

## Highway Code

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

### CHAPTER I

#### DEFINITIONS

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

(1) “shoulder” means the strip adjacent to and outside the roadway; the shoulder may be low or raised, paved or gravelled;

(2) “farmer” means a person who is the owner or the tenant of a farm and whose principal occupation is agriculture, as well as a person who is a member of an association certified under the Farm Producers Act (1972, chapter 37);

(3) “bus” means a motor vehicle designed principally for carrying more than ten persons at a time;

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

(5) “autoroute” means a limited access highway classified as such by the Ministre des transports and identified by special traffic-control devices, except an autoroute within the meaning of the Autoroutes Act (Revised Statutes, 1964, chapter 134);

(6) “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, chapter 26);

(7) “roadway” means that part of the public highway contained between the shoulders, curbs, sidewalks, median strips or

a combination thereof, comprising one or more lanes designed for road vehicle traffic;

(8) "limited access highway" means a public highway limited to rapid transit of road vehicles and accessible only at points specially laid out and regulated by the Ministre des transports or the local authority;

(9) "public highway" means the total area of land or of a structure, the maintenance of which is entrusted to a municipality, a government or a government body, over which lies a roadway open to the public for road vehicle traffic; this does not include highways owned or maintained by the Ministère des richesses naturelles, the Ministère de l'agriculture or the Ministère des terres et forêts, and includes highways under construction or repair only with respect to vehicles used for the purposes of that construction or repair;

(10) "moped" means a road vehicle having a mass not in excess of fifty-five kilograms, provided with a motor having a piston displacement of less than fifty cubic centimetres, with an automatic transmission and with pedals to be used as crank gear and operable at all times to assist the motor;

(11) "combination of road vehicles" means a combination of not more than three vehicles consisting of a motor vehicle drawing a trailer, a semi-trailer or a detachable axle;

(12) "fund" means the Fonds d'indemnisation established by section 122 of the Automobile Insurance Act (1977, chapter 68);

(13) "garage" means an establishment where road vehicles are maintained, repaired or altered for a consideration;

(14) "dealer" means a dealer in road vehicles other than non-motorized vehicles, except mopeds;

(15) "motorcycle" means a road vehicle equipped with a motor having a piston displacement of more than one hundred and twenty-five cubic centimetres;

(16) "night" means the period comprised between one half hour after sunset and one half hour before sunrise;

(17) "person" means an individual or an association;

(18) "light trailer or semi-trailer leased on a short-term basis" means a trailer or semi-trailer having an unloaded mass of not more than nine hundred kilograms and leased for a period of not more than twelve months;

(19) "registration plate" means the plate or the plate and sticker issued by the Bureau des véhicules automobiles for the purpose of identifying the owner of a road vehicle;

(20) "unauthorized registration plate" means a registration plate that was not furnished and issued by the Bureau des véhicules automobiles or that is affixed to a road vehicle other than the one for which it was issued;

(21) "prosecuting party" means the Attorney General or a municipal corporation, and any person generally or specially designated by one of them;

(22) "this code" means this act and the regulations made thereunder by the Government;

(23) "owner" means a person who has acquired a road vehicle and possesses it under an absolute title or a conditional title giving him the right to become the owner thereof or to use it as the owner thereof charged to deliver over, or a person who leases a road vehicle for a period of one year or more;

(24) "auto salvager" means a person who carries on the business of salvaging and selling parts of wrecked road vehicles, purchasing wrecked road vehicles and reselling them as scrap, or returning to operation road vehicles that he rebuilds from parts or wrecks which he has acquired;

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

(26) "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;

(27) "private commercial vehicle" means a motor vehicle principally used for the transportation of things that does not require a permit from the Commission des transports du Québec;

(28) "public commercial vehicle" means a motor vehicle principally used for the transportation of things that requires a permit from the Commission des transports du Québec;

(29) "specialized vehicle" means a motor vehicle provided with a load space, used for the transportation of permanently attached equipment or machinery used for handling the load;

(30) "farm vehicle" means a motor vehicle in the possession, as owner, of a farmer, a cooperative agricultural association established under the Cooperative Agricultural Associations Act (Revised Statutes, 1964, chapter 124), the Cooperative Associations Act (Revised Statutes, 1964, chapter 292) or the Cooperative Syndicates Act (Revised Statutes, 1964, chapter 294) and principally used for the transportation of farm produce or material required in the production thereof;

(31) "car pool vehicle" means a passenger vehicle used by its owner-driver and by other passengers who share his operating expenses, as a means of transportation to and from their place of employment, having a seating capacity determined by regulation of the Government;

(32) "passenger vehicle" means a motor vehicle, including a motorcycle and a light motorcycle, equipped 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;

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

(34) "snow vehicle" means a self-propelled road vehicle, usually mounted on caterpillar tracks and primarily designed for use on snow;

(35) "emergency vehicle" means a motor vehicle authorized for use as a police vehicle by the Commission de police du Québec, as an ambulance by the Ministère des affaires sociales or as a fire department vehicle by the Commissariat aux incendies du Québec;

(36) "non-motorized vehicle" means a road vehicle propelled by muscular force alone, including a moped;

(37) "special mobile equipment" means a road vehicle that is not designed for transportation on public highways, that is self-propelled and that is primarily designed to carry out work independently and, for that purpose, is provided with permanently attached equipment;

(38) "road vehicle" means a vehicle by which a person or property may be transported or drawn upon a highway, except a vehicle running exclusively on rails; it includes, in particular, motor vehicles, light motorcycles, special mobile equipment, non-motorized vehicles, snow vehicles and any other road vehicles not defined in this code that may be used on a public highway, including trailers, semi-trailers and detachable axles;

(39) "taxi" means a motor vehicle used for the transportation of persons for a consideration, for which a permit is required from the Commission des transports du Québec, having a seating capacity determined by regulation of the Government made under the Transport Act (1972, chapter 55);

(40) "light motorcycle" means a road vehicle that is provided with a motor having a piston displacement of not more than one hundred and twenty-five cubic centimetres and that is not a moped;

(41) "lane" means a roadway surface, marked off or not, of sufficient width to allow road vehicle traffic.

When a semi-trailer is supported by a detachable axle, the latter vehicle is not taken into account in computing the number of vehicles making up a combination of road vehicles.

## CHAPTER II

### ADMINISTRATION

#### DIVISION I

##### THE BUREAU DES VÉHICULES AUTOMOBILES

**2.** A service known as the "Bureau des véhicules automobiles" is established in the Ministère des transports.

The Bureau is responsible for supervising the competence of drivers of road vehicles, highway safety in relation to the behaviour of highway users, and safety standards for the vehicles used, particularly by the issue of licences and the registration of road vehicles.

**3.** The Bureau shall consist of a director general and the personnel necessary for the application of this code.

**4.** The director general shall administer and manage the Bureau under the authority of the Ministre des transports, and under the supervision of the Ministre du revenu as regards the collection of the duties payable.

**5.** The director general may prescribe the forms to be used for the registration of road vehicles or the issue or withdrawal of a licence or permit prescribed by this code, or any other form necessary for the carrying out of this code or of an act or a regulation thereunder which is under the administration of the Bureau.

**6.** The director general shall adopt a seal approved by the Government for the use of the Bureau; this seal makes *prima facie* proof of the origin of a document and of its authenticity before the courts.

The director general shall keep the seal under lock and key, and no person may use it except with his special authorization.

**7.** The director general's signature may validly be affixed in the form of an engraved, lithographed or printed facsimile, to

every deed, document or writing setting forth the granting of a right or a privilege or the imposing of an obligation that is issued under this code or under an act or a regulation thereunder which is under the administration of the Bureau.

**8.** The director general's signature may validly be affixed by the use of an automatic device to a notice of withdrawal, suspension or revocation of a licence, to a document or writing setting forth the withdrawal of an approval, a right or a privilege or the imposing of an obligation that is issued under this code or under an act or a regulation thereunder, which is under the administration of the Bureau.

This device, or the part of it used to affix the signature, must be kept under lock and key by the director general, and its use requires his general or special authorization.

**9.** The director general's signature may also be validly affixed in the manner prescribed in section 7 to a notice of suspension where this code obliges him to impose a suspension.

**10.** The sums derived from the payment of the duties collected by the Bureau shall be paid into the consolidated revenue fund.

Notwithstanding the first paragraph, every amount collected by the Bureau under subparagraph *b* of the third paragraph of section 25 and under section 69 shall be paid to the Régie de l'assurance automobile du Québec, after deducting the reimbursements and taking into account the adjustments arising out of agreements and the collection costs determined by the Government.

**11.** The director general may, by regulation,

(a) prescribe the safety standards that a road vehicle must meet in order to be authorized to be driven;

(b) prescribe the minimum knowledge, verified by examination, that a person must have to be authorized to drive a road vehicle;

(c) establish, after consultation with the medical advisory committee, a medical guide for the issue of drivers' licences, learner's licences and taxi driver's licences.

The regulations made by the director general under the first paragraph come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.

**12.** No information regarding a matter within the competence of the Bureau may be communicated in any form whatever without the approval of the director general.

No such information may be communicated unless the applicant proves to the satisfaction of the director general that he has a legitimate interest in obtaining it. However, no information so obtained may be sold, handed on or divulged without the express authorization of the director general.

Except where information is supplied to a public police force for purposes of public safety or to another department for government purposes, the director general shall collect the duties prescribed by regulation of the Government.

**13.** The director general may, in writing, generally or specially delegate the exercise of the powers vested in him by this code to such person as he may designate.

## DIVISION II

### MEDICAL ADVISORY COMMITTEE

**14.** The Government may establish a medical advisory committee composed of members of the Corporation professionnelle des médecins du Québec.

The number of members on the committee shall be fixed by the Government.

**15.** The members of the committee are entitled to an attendance allowance and to the reimbursement of their justifiable expenses entailed in the discharge of their duties, according to the terms and conditions and in the amount fixed by regulation of the Government.

**16.** The duties of the committee are

(a) to make recommendations to the director general following the examination of the medical reports, files and other documents transmitted to it concerning the state of health and physical fitness of the holder of or an applicant for a driver's licence, learner's licence or taxi-driver's licence,

(b) at the request of the director general, to give its opinion on the state of health and physical condition of the holder of or an applicant for a driver's licence, learner's licence or taxi-driver's licence, and

(c) to advise the director general on medical matters.

**17.** The members of the medical advisory committee shall meet when convoked by the director general.

**18.** The secretary of the medical advisory committee shall be designated by the director general, and represent him at each meeting of the committee; when the secretary is absent or unable to act, the director general shall designate a replacement from among the members of the committee.

### DIVISION III

#### MEDICAL REPORTS

**19.** A physician or an optometrist must inform the director general of the name, address, date of birth and, in the case of a physician, the clinical diagnosis of every patient sixteen years of age or over who is suffering from a condition contemplated in the medical guide or, in any case, where he has serious medical reasons to believe that this patient may represent a risk when driving a road vehicle.

**20.** The director general, on receiving a report contemplated in section 19, may suspend, revoke or refuse to issue or to renew a person's driver's licence, learner's licence or taxi-driver's licence, place restrictions on it or require that person to undergo another medical examination by such physician as he may indicate or another test of vision, and produce the report thereof to the Bureau without delay.

**21.** No recourse in damages may be brought against a physician or an optometrist for having complied with section 19.

**22.** The report contemplated in section 19 shall be reserved for the information of the director general, the medical advisory committee or the civil servant designated by the director general to represent him on the medical advisory committee, and must not be made public; it cannot be used as evidence in any suit or judicial proceedings, except in the application of section 20.

### DIVISION IV

#### OFFENCES AND PENALTIES

**23.** Every person who contravenes section 19 commits an offence and is liable, in addition to costs, to a fine of not under one hundred dollars nor over five hundred dollars.

## CHAPTER III

## REGISTRATION

**24.** The owner of a road vehicle possessed or used in Quebec must register it for the period contemplated in section 26, unless he is exempted from so doing by this code.

## DIVISION I

## APPLICATION

**25.** The registration of a road vehicle and the renewal thereof is applied for by the owner or his mandatary, by following the formalities prescribed by the director general, and by paying the duties exigible.

The owner of a road vehicle subject to registration shall inform the director general immediately of any change of address that has occurred since the last application for registration.

Registration of a road vehicle shall not be effected unless the person applying for it

(a) furnishes to the Bureau a statement of insurance in accordance with section 96 of the Automobile Insurance Act (1977, chapter 68) for the road vehicle concerned or furnishes the certificates required by the said act, and

(b) pays to the Bureau, in addition to the duties exigible, the amount fixed under section 151 of the said act.

**26.** Unless otherwise prescribed in a regulation of the Government, registration is valid for the whole or a part of one year and begins and expires on the day prescribed by regulation of the Government.

**27.** A corporation may apply for the registration of a road vehicle in its name, provided that the application is accompanied with a statement giving all the information required by regulation of the Government.

A corporation may file a single application for the registration of several vehicles which it owns.

**28.** No registration may be made in the name of a partnership; however, a road vehicle belonging to a partnership may be registered in the name of one of the partners.

**29.** Registration may be applied for by a minor if the person having parental authority consents in writing to the application.

If there is no person having parental authority or if the person having that authority is unable to express his consent, that writing may be filed by a person who can satisfactorily prove that he is the *de facto* guardian of that minor.

In the case of an emancipated minor or a minor engaged in trade, the registration may be made in his name, provided that the minor proves his status.

**30.** A person who establishes his residence in Québec must, within thirty days of so doing, register his road vehicle in Québec.

**31.** The director general shall refuse registration of a road vehicle if the person making the application is unable to prove that he is the owner of the vehicle or that the person for whom he is making the application is the owner of the vehicle.

**32.** The registration is certified either by the registration certificate and plate, or either of them, issued by the director general, or by a temporary registration certificate issued in accordance with section 40.

## DIVISION II

### EXEMPTIONS

**33.** Farm machinery in the possession of a farmer and non-motorized vehicles, except mopeds, are exempt from registration.

**34.** Unless they are used on a public highway, the following road vehicles are exempt from registration:

- (a) a road vehicle stored by the manufacturer;
- (b) a road vehicle being delivered by truck transport to a dealer;
- (c) a road vehicle in the possession of the holder of a dealer's permit and stored for purposes of sale;
- (d) a road vehicle in the possession of the public curator;
- (e) a road vehicle impounded, confiscated or seized by a peace officer;
- (f) a discarded road vehicle the ownership of which has been transferred at the Bureau, and the registration certificate and serial number of which have been surrendered to the Bureau;
- (g) a snow vehicle specially exempted by government regulation;
- (h) a farm tractor in the possession of a farmer.

**35.** A light trailer or semi-trailer leased on a short-term basis, belonging to a person who does not hold a leasing permit from the Commission des transports du Québec, is exempt from registration if the leasing contract for the light trailer or semi-trailer is entered into outside Québec and this vehicle is in the possession of the lessee.

In the case described in the first paragraph, the lessee must be in possession of a contract giving the place where the vehicle was leased and the final destination point.

**36.** A road vehicle which is not used in any way and from which the tires, skis, skates or caterpillar tracks have been removed is exempt from registration.

**37.** Every passenger vehicle in Québec in the possession of a non-resident is exempt from registration in Québec for a period of three months.

The exemption provided for in the first paragraph exists only:

(a) if the passenger vehicle is registered as required by the law of the place of residence or the place of business of its owner, and if the person driving it is authorized to do so by the law of that place,

(b) if the passenger vehicle carries the registration plates of that place for the valid period of that place, and

(c) if that person furnishes, at the request of the director general or of a peace officer entrusted with the enforcement of this code, proof of that registration and authorization.

### DIVISION III

#### REGISTRATION CERTIFICATE AND PLATE

**38.** Every registration certificate issued by the director general shall contain the information he prescribes.

Such a certificate shall bear the signatures of the holder and of the director general.

The owner named on the certificate is presumed to be the owner of the road vehicle.

**39.** Every road vehicle registered in Québec must, during the whole year, be provided with a valid registration plate issued by the director general.

**40.** The director general may issue a temporary registration certificate or a removable registration plate, or both, in all such cases and on such conditions as may be prescribed by government regulation.

**41.** The registration plate must be solidly attached to the rear of the road vehicle, except where the director general decides it must be attached elsewhere. Where a regulation of the Government prescribes the issue of two registration plates, one must be attached to the front of the road vehicle and the other to the rear.

The director general may, with regard to one or other of the categories of plates established under section 46, determine a special manner of attaching a plate. The registration plate must be sufficiently lighted, and free of any object or matter that could impair its legibility.

**42.** A temporary registration certificate must be stuck to the upper right hand part of the rear window of the road vehicle.

**43.** A peace officer or an officer of the Department entrusted with the carrying out of this code may at any time require the driver of a road vehicle to clean the registration plate of his vehicle immediately.

**44.** The registration plate must bear the inscriptions determined by the director general as well as the registration number assigned by the Bureau to the road vehicle concerned.

No other plate that may in any manner whatever be confused with a registration plate may be attached to the front or to the rear of a road vehicle; nevertheless, this section does not apply where a registration plate may be required under another act in force in Québec.

**45.** The director general remains the owner of the registration plate and may recover possession of it when the registration of the road vehicle concerned expires or is suspended or cancelled.

**46.** For the application of the provisions regarding registration, the director general may establish categories of registration plates based on the categories or sub-categories of road vehicles, on their use or, in certain cases, on the territory in which they are used.

The director general shall give notice thereof in the *Gazette officielle du Québec*.

## DIVISION IV

## TRANSFER OF A ROAD VEHICLE

**47.** No delay is allowable where a transfer of registration is required.

**48.** Until the registration is transferred, the owner listed in the director general's file remains liable for any offence imputable to the owner under this code.

**49.** In the case of the transfer of the right of ownership of a road vehicle, excepting a non-motorized vehicle but not excepting a moped, the owner of the vehicle shall transfer the registration according to one of the following procedures:

(1) Between two parties neither of whom holds a dealer's licence, where only one vehicle is involved and the transferor does not acquire a new vehicle,

(a) the transferor removes the registration plate and returns it to the Bureau, accompanied with the corresponding certificate;

(b) the new purchaser registers the vehicle in his name.

(2) Between two parties neither of whom holds a dealer's licence, where two vehicles are involved, each owner of a transferred vehicle retains his registration plate and applies to the director general for a new certificate corresponding to the newly acquired vehicle.

This paragraph applies only in the case of the transfer of road vehicles whose registration plates fall within the same category; otherwise, the transfer of registration is governed by paragraph 1.

(3) Between two parties one of whom is the holder of a dealer's licence,

(a) in the case of a transfer made by the dealer, the purchaser procures the registration in accordance with this code;

(b) in the case of a transfer to a dealer with no purchase of another vehicle by the transferor, the transferor gives the certificate to the dealer after endorsing it and returns the registration plate to the Bureau;

(c) in the case of a transfer made to a dealer, accompanied with a purchase by the transferor, the latter retains the registration plate and returns the certificate to the dealer after endorsing it.

(4) Between two parties each of whom holds a dealer's licence, each party obtains from the director general a certificate

establishing the transfer of registration and, where applicable, pays the duties prescribed by regulation of the Government.

(5) Among three parties or more, where three or more vehicles are involved, the transfer of registration is carried out in accordance with the applicable provisions of this section, *mutatis mutandis*.

(6) Following a death, a gift, a partition, a bankruptcy, the exercise of a right of repossession, the complete transfer of a business or a judicial sale, the new owner, on production of proof of his title of ownership, returns the certificate to the Bureau and obtains a new certificate on payment of the exigible duties prescribed by government regulation.

**50.** Every owner who discards a road vehicle shall return the certificate, the registration plate and the serial number of the vehicle to the director general.

**51.** Every person who returns a discarded road vehicle to highway operation shall submit the vehicle to a mechanical inspection and obtain a new serial number from the director general on payment of the duties prescribed by government regulation; on production of the certificate of mechanical fitness, the director general may issue a new registration certificate and a new registration plate.

**52.** Subject to any contrary provision of a government regulation, the owner of a road vehicle for which the registration authorizing it to be driven on a public highway has not been renewed during the last two years shall, to register it, submit the vehicle to a mechanical inspection; upon production by the owner of the certificate of mechanical fitness and proof of his right of ownership, the director general may issue a certificate and a registration plate.

**53.** Subject to any contrary provision of a government regulation, upon the transfer of the right of ownership of a road vehicle, that vehicle shall not be registered unless a certificate of mechanical fitness of the vehicle, issued in accordance with the conditions prescribed by government regulation, is filed.

**54.** No person may issue a certificate of mechanical fitness unless he holds a permit prescribed for that purpose by government regulation.

## DIVISION V

## CARRYING OF CERTIFICATES

**55.** Every person driving a road vehicle on a public highway must have with him:

(a) the registration certificate of the vehicle and the certificate of insurance or of financial responsibility provided for in sections 97 and 102 of the Automobile Insurance Act (1977, chapter 68), and

(b) the contract of lease, where the road vehicle is under lease, or

(c) a document evidencing the duration of the loan, where the vehicle is loaned by a dealer.

**56.** A person driving a road vehicle on a public highway must remit the documents contemplated in section 55 at the request of an officer authorized by the director general and provided with an identification certificate signed by the director general establishing that he is entrusted with the carrying out of this code, at the request of a peace officer or, when the road vehicle concerned is involved in an accident, at the request of an interested person, so that such person, peace officer or officer may examine those documents.

Subject to the other provisions of this code, those documents must be returned to their holder as soon as they have been examined.

## DIVISION VI

## OFFENCES AND PENALTIES

**57.** The owner of a road vehicle who does not comply with section 39, 41, 42, 44 or 55 is guilty of an offence and is liable, in addition to costs, to a fine of not under twenty-five dollars nor over fifty dollars.

**58.** Every person who contravenes the second paragraph of section 25 is guilty of an offence and is liable, in addition to costs, to a fine of not under fifty dollars.

**59.** Every person who contravenes section 47 is guilty of an offence and is liable, in addition to costs, to a fine of not under fifty dollars nor over one hundred dollars.

**60.** Every person who contravenes section 24, 30, 49, 54 or 56 is guilty of an offence and is liable, in addition to costs, to a

fine of not under one hundred dollars nor over two hundred dollars.

**61.** Every person who uses a road vehicle for a purpose for which a category of registration plates has been established by the director general while the vehicle is not provided with a plate of that category, is guilty of an offence and is liable, in addition to costs, to a fine of not under fifty dollars nor over five hundred dollars.

**62.** Every person who, in making an application for the registration of a road vehicle, knowingly gives false or misleading information is guilty of an offence and is liable, in addition to costs, to a fine of not under two hundred dollars nor over five hundred dollars.

**63.** Every person who

(a) drives on a public highway a road vehicle provided with a registration plate that has been altered,

(b) drives on a public highway a road vehicle provided with an unauthorized plate,

(c) so alters a registration plate as to prevent the identification of a road vehicle, or

(d) makes or instals an unauthorized plate on a road vehicle is guilty of an offence and is liable, in addition to costs, to a fine of not under two hundred dollars nor over five hundred dollars.

## CHAPTER IV

### DRIVER'S LICENCES

**64.** For the purposes of the application of this chapter, the words "road vehicle" do not include non-motorized vehicles.

#### DIVISION I

##### CLASSES OF LICENCES

**65.** No person may drive a road vehicle on a public highway unless he holds

(a) a driver's licence of the appropriate category and class determined by regulation of the Government, or

(b) a learner's licence of the appropriate class determined by government regulation.

## DIVISION II

## ISSUE

**66.** To obtain a driver's licence authorizing him to drive on a public highway, a person must, in addition to the other conditions prescribed by government regulation,

(a) be at least sixteen years of age, have passed a driving course approved by the director general and have passed the examinations of competence set by the Bureau, or

(b) be at least eighteen years of age, have held a learner's licence for a period of five months and have passed the examinations of competence set by the Bureau.

**67.** To obtain a learner's licence, a person must be at least sixteen years of age and meet the other conditions prescribed by government regulation.

No such licence may be issued to drive a motorcycle except to persons enrolled in a motorcycle driving course approved by the director general.

**68.** No driver's licence or learner's licence may be issued to a minor unless the person having parental authority consents to the issuing of such licence in a writing filed with the Bureau.

If there is no person having parental authority or if the person having parental authority is unable to express his consent, that writing may be filed by a person who can furnish satisfactory proof that he is the *de facto* guardian of that minor.

**69.** No driver's licence or learner's licence may be issued or renewed unless the person applying therefor has paid to the Bureau, in addition to the duties exigible, the amount fixed under section 151 of the Automobile Insurance Act (1977, chapter 68).

**70.** The holder of a learner's licence must, when driving a road vehicle other than a motorcycle, be accompanied by a person holding a driver's licence of the appropriate category and class determined by government regulation.

**71.** The holder of a driver's licence who assists a learner must be seated 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.

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

**73.** No person may drive a public commercial vehicle, a taxi or a bus unless he is at least eighteen and not over seventy years of age.

**74.** No person may drive a taxi for hire unless he holds a driver's licence of the appropriate category and class and a taxi-driver's licence prescribed by regulation of the Government.

No person may drive a taxi for hire unless, as soon as he becomes employed, he informs the director general of the name of the holder of the taxi-owner's permit for whom he will be providing service and the registration number of the vehicle owned by that licence holder in which he will ordinarily be providing service.

When the holder of a taxi-driver's licence no longer provides service on a regular basis for the holder of a taxi-owner's permit, he must immediately give notice thereof in writing to the director general.

A taxi-driver's licence lapses if its holder fails to give notice in writing to the director general within the five days following that on which he actually begins to provide service, of the name of the holder of the taxi-owner's permit for whom he is providing service and the registration number of the vehicle owned by that permit holder in which he ordinarily provides service.

A taxi-driver's licence lapses if its holder fails to give notice in writing to the director general within the five days following the cessation of his employment that he is no longer actually providing service for the holder of a taxi-owner's permit.

**75.** No person may drive a moped on a public highway unless

(a) he is at least eighteen years of age, or

(b) he is at least fourteen years of age, although less than eighteen years of age, and carries a document signed by the person who is the driver's guardian, certifying the driver's age and that he has been authorized to drive a moped on a public highway.

**76.** Driver's licences, learner's licences and taxi-driver's licences are issued following the formalities and on the conditions prescribed by government regulation.

Licences issued by the director general must contain such information as he determines.

**77.** The holder of a driver's licence, learner's licence or taxi-driver's licence shall immediately inform the director general

of any change of address having occurred since his licence was last issued.

On proof that a driver's licence, learner's licence or taxi-driver's licence has been lost, stolen or destroyed or become unusable, and on payment of the duties prescribed by regulation, the director general shall issue a duplicate.

### DIVISION III

#### DRIVER'S LICENCES OF NON-RESIDENTS

**78.** A non-resident may drive a road vehicle in Québec for a period of not longer than three consecutive months without holding a driver's licence issued by the director general, provided that

(a) the non-resident holds a valid driver's licence issued by another province or state,

(b) the other province or state grants the same privilege to residents of Québec who drive road vehicles on its public highways,

(c) the driver's licence issued by the other province or state authorizes its holder to drive the road vehicle he is driving in Québec and

(d) the non-resident, while driving a road vehicle in Québec, respects all the restrictive clauses that may be contained in the licence which he holds.

**79.** A foreign student, *coopérant* or trainee who resides in Québec to study or to follow a training programme in an educational institution is exempt from the obligation of obtaining a Québec driver's licence to drive a passenger vehicle during the period of his studies or training period, provided that

(a) that student, *coopérant* or trainee holds a valid driver's licence issued by another province or another state,

(b) that other province or state grants the same privilege to a student, *coopérant* or trainee from Québec who drives a passenger vehicle on its public highways,

(c) the licence issued by that other province or state authorizes its holder to drive the category of motor vehicle he is driving in Québec and

(d) that student, *coopérant* or trainee, while driving a passenger vehicle in Québec, respects all the restrictive clauses that may be contained in the licence which he holds.

**80.** A non-resident who, as part of his employment as a driver, drives a road vehicle in Québec, is exempt from the obli-

gation of obtaining a driver's licence from the director general if he holds a valid driver's licence issued by another province or another state, authorizing him to drive the road vehicle that he is driving in Québec.

Notwithstanding the first paragraph, a non-resident who, as part of his employment as a driver, drives a road vehicle registered only in Québec, must hold a driver's licence issued by the director general.

**81.** 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 highways of Québec.

Only the director general is empowered to issue International Driver's Permits in Québec, in accordance with the standards prescribed by government regulation, to persons residing there.

**82.** A person who is the holder of a valid driver's licence issued by an administrative authority other than the director general and who establishes his residence in Québec shall, to drive a road vehicle in Québec, obtain a Québec driver's licence within thirty days of his arrival.

**83.** A person who is the holder of a valid driver's licence issued by another province may, if he becomes a resident of Québec, exchange that licence, without examination, for a Québec driver's licence on payment of the duties prescribed by government regulation. This privilege does not extend, however, to a licence authorizing a person to drive a public commercial vehicle, a private commercial vehicle, a taxi or a bus, unless there is a specific agreement to that effect between that other province and Québec.

A person who is the holder of a valid driver's licence issued by a jurisdiction other than that contemplated in the first paragraph must, to obtain a Québec licence, pass an examination of competence 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.

**84.** Each of the following persons, 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, may obtain a Québec driver's licence without examination, valid for the entire duration of his assignment in Québec:

(a) 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;

(b) the president or a member of the secretariat of the International Civil Aviation Organization;

(c) a full-time representative or deputy representative of a country or state that is a member of the International Civil Aviation Organization.

#### DIVISION IV

#### EXAMINATIONS

**85.** The director general shall establish the formalities, the terms and conditions and the content of the proficiency examination that must be undergone by an applicant for a driver's licence, learner's licence or taxi-driver's licence.

The director general may also require a medical examination or require that a certificate of visual or auditory capacity be furnished to him.

**86.** The director general may recall, to undergo an examination contemplated in section 85, the holder of a driver's licence, learner's licence or taxi-driver's licence issued by the Bureau, if he

(a) was driving a road vehicle when it was involved in an accident,

(b) is seventy years of age or over,

(c) has had his driver's licence, learner's licence or taxi-driver's licence suspended,

(d) wishes to have a change in the class of his driver's licence or learner's licence or in a restriction appearing thereon,

(e) has not undergone an examination for three years, or

(f) has given the director general reason to believe that his ability to drive should be checked, because of his behaviour on the public highway or his state of health.

The director general shall, every ten years, recall every holder of a driver's licence issued by the Bureau, to undergo an examination.

**87.** A person who has not renewed his Québec driver's licence during the three years immediately preceding his application for a driver's licence must undergo the examination contemplated in section 85, established by the director general.

## DIVISION V

## CARRYING OF LICENCES

**88.** Every person driving a road vehicle on a public highway must have with him, in addition to the documents contemplated in section 55, his driver's licence, learner's licence or taxi-driver's licence, whichever is applicable.

**89.** A person assisting a learner in driving a road vehicle on a public highway must have his driver's licence with him.

**90.** The persons contemplated in section 88 or 89 must produce his driver's licence, learner's licence or taxi-driver's licence at the request of a peace officer or an officer of the Department, or, when the road vehicle concerned is involved in an accident, at the request of any interested person so that such person, peace officer or officer may examine that document.

Subject to the other provisions of this code, the licence must be returned to its holder as soon as it has been examined.

**91.** A driver's licence, learner's licence or taxi-driver's licence must bear the signature of the director general and of the holder.

No person may hold more than one valid driver's licence, learner's licence or taxi-driver's licence of the same class issued by the director general; a person holding a valid duplicate of a driver's licence, learner's licence or taxi-driver's licence must return it to the director general on regaining possession of the original.

## DIVISION VI

## OFFENCES AND PENALTIES

**92.** Every person who contravenes section 75, 88 or 89 is guilty of an offence and is liable, in addition to costs, to a fine of not under twenty-five dollars nor over fifty dollars.

**93.** Every person who contravenes the first paragraph of section 77 is guilty of an offence and is liable, in addition to costs, to a fine of not under fifty dollars.

**94.** Every person who contravenes section 65, 70, 73, the first paragraph of section 74, section 90 or the second paragraph of section 91 is guilty of an offence and is liable, in addition to

costs, to a fine of not under one hundred dollars nor over two hundred dollars.

**95.** Every person who, upon application for a driver's licence, knowingly gives false or misleading information, is guilty of an offence and is liable, in addition to costs, to a fine of not under two hundred dollars nor over five hundred dollars.

## CHAPTER V

### GARAGE, DEALER'S' AND AUTO SALVAGER'S LICENCES

#### DIVISION I

##### GENERAL PROVISIONS

**96.** For the purposes of the application of this chapter, the words "road vehicle" do not include non-motorized vehicles, except mopeds.

**97.** No person may operate a garage, deal in road vehicles or act as an auto salvager unless he holds the appropriate licence.

No person may obtain or hold a garage licence, dealer's licence or auto salvager's licence unless he has a place of business that conforms to the conditions prescribed by government regulation.

The director general may, on request, issue a duplicate of a dealer's licence, garage licence or auto salvager's licence for each branch of a business.

**98.** A person wishing to obtain a garage licence, dealer's licence or auto salvager's licence must apply to the director general and include the duties prescribed by regulation of the Government.

**99.** A person may, at one and the same time, hold a garage licence, dealer's licence and auto salvager's licence; in such a case, the security contemplated in section 102, furnished for the exercise of one of those activities, applies to the others.

**100.** When the holder of a garage licence, dealer's licence or auto salvager's licence ceases operations, he must notify the director general thereof within one month following the cessation of operations, and return the licence to him.

**101.** The rights conferred by a garage licence, dealer's licence or auto salvager's licence are personal rights and cannot be validly transferred to another person except on the death or bankruptcy of the holder of the licence.

In the case of a partnership or corporation, a garage licence, dealer's licence or auto salvager's licence can only be issued in a personal capacity to the duly mandated representative of the corporation and, for the purposes of this chapter, he is deemed the owner.

**102.** A person applying for a dealer's or auto salvager's licence must furnish security in the amount prescribed by regulation of the Government and make the undertaking contemplated in the fourth paragraph.

A person applying for a garage licence must furnish security in the amount prescribed by regulation of the Government, make the undertaking contemplated in the fourth paragraph and submit a certificate of liability insurance, for himself and for the persons under his authority, with respect to property damage caused by the automobiles entrusted to him by reason of his duties or ordinary activities.

The insurance prescribed in this section must cover, in the manner prescribed in section 106 of the Automobile Insurance Act (1977, chapter 68), the liability arising from their personal deeds.

The surety shall bind himself in writing to maintain the security in force for the period prescribed by government regulation, unless written notice of its cancellation is given to the director general at least three months before that cancellation.

**103.** The director general must immediately revoke the licence of any dealer, garagist or auto salvager when his security ceases to be in force or is cancelled.

**104.** The director general may suspend, revoke or refuse to issue a garage licence, a dealer's licence or an auto salvager's licence.

**105.** A garage licence, dealer's licence or auto salvager's licence must be signed by the director general and contain such information as he determines; on proof that such a licence has been destroyed or lost, the director general shall issue a duplicate on payment of the duties prescribed by regulation of the Government.

**106.** The holder of a garage licence, dealer's licence or auto salvager's licence shall post it up in a conspicuous place in his garage or place of business.

The holder of a dealer's licence or auto salvager's licence must enter the number and the date of expiry of his licence on every sales contract or purchase contract that he enters into during the time that licence remains in force.

**107.** Except in the context of a judicial sale or of a sale by trustee, no person may offer for sale or sell a road vehicle at a fair or market or at auction unless he holds a permit and has furnished security, the nature, object, duration, amount and terms and conditions of which are prescribed by regulation of the Government.

**108.** A dealer in road vehicles must make a monthly report to, and in the form prescribed by, the director general of all sales, purchases and exchanges of new or used road vehicles effected during the month.

**109.** An officer of the Department, or a peace officer entrusted with the carrying out of this code, is authorized to visit a garage during business hours and examine any road vehicle found there.

**110.** An auto salvager who salvages a road vehicle still provided with its serial number or registration plate must immediately return the number or plate to the director general.

**111.** The holder of an auto salvager's licence must keep a register in the manner determined by the director general, indicating

(a) each used road vehicle, used part, accessory, scrapped vehicle, chassis or engine of any road vehicle received or acquired by him, its description and identification number, the date on which he received or acquired it, and the name and address of the person from whom he acquired or received it;

(b) each road vehicle, scrapped vehicle, chassis, engine or transmission which he has disposed of, its description and identification number, the date on which it was disposed of and the name and address of the person who acquired the ownership of it;

(c) each road vehicle destroyed or dismantled by him, and the date of its destruction or dismantling.

The holder of an auto salvager's licence must keep the register contemplated in the first paragraph at his place of business at all times.

An officer of the Department or a peace officer entrusted with the carrying out of this code may visit the establishment of

the holder of an auto salvager's licence, inspect his inventory, consult the register contemplated in the first paragraph and confiscate it if necessary.

## DIVISION II

### OFFENCES AND PENALTIES

**112.** Every person who contravenes the first paragraph of section 106, or section 108, is guilty of an offence and is liable, in addition to costs, to a fine of not under fifty dollars nor over one hundred dollars.

**113.** Every person who contravenes section 97, 100 or 111 or the second paragraph of section 106 is guilty of an offence and is liable, in addition to costs, to a fine of not under one hundred dollars nor over two hundred dollars.

**114.** Every person who contravenes section 107 or 110 is guilty of an offence and is liable, in addition to costs, to a fine of not under two hundred dollars nor over five hundred dollars.

## CHAPTER VI

### INSTRUCTION IN DRIVING ROAD VEHICLES

#### DIVISION I

##### GENERAL PROVISIONS

**115.** No person may, for remuneration, give or offer to give courses or other instruction in the driving of road vehicles, operate or claim to operate a driving school, or act in such a manner as to lead others to believe he operates such a school unless he holds the licence prescribed for that purpose by regulation of the Government, nor if his licence has been suspended or revoked by the director general.

**116.** Neither a civil servant employed by the Ministère des transports, his spouse nor his minor child may, under pain of dismissal, have any direct or indirect interest in a driving school causing his personal interest to conflict with his official duties.

However, there is no cause for dismissal if such an interest devolves to him by succession, legacy or gift, provided he renounces or disposes of it with all possible dispatch.

Unless he has received written permission from the *Ministre des transports*, a civil servant of the *Ministère des transports* shall not, under pain of disciplinary measures, collaborate in the instruction given in a driving school which provides one or more training programmes related to driving road vehicles.

**117.** An expert invited as a speaker by the holder of a driving school licence to discuss a subject included in the teaching programme is exempt from the obligation of holding the licence contemplated in section 115.

**118.** A person wishing to obtain or renew a licence contemplated in section 115 must apply in writing to the director general, observing the formalities and conditions prescribed by government regulation.

**119.** A licence issued under this chapter remains the property of the *Ministre des transports*.

**120.** A driving school licence shall not be transferred except with the prior authorization of the director general, nor unless the transferee fulfils the conditions of obtention prescribed by regulation of the Government.

**121.** Every sale or merger of a driving school, and every transaction or contract that can produce a change in the control or management of a driving school, requires the prior approval of the director general, and the person who acquires the control or management thereof must fulfil the conditions of obtention prescribed by government regulation.

**122.** The director general may

(a) determine the content of the teaching programmes and qualification examinations;

(b) prescribe the forms and registers to be used in operating permits contemplated in this chapter, and

(c) determine the particulars that must appear on the licences.

**123.** The director general may refuse to issue, or suspend the privilege of obtaining, a driving school licence, an instructor's licence or an instruction licence. He may revoke or suspend a driving school licence or an instructor's licence.

**124.** A person whose instructor's licence has been suspended or revoked may, with the authorization of the director general, sit for a qualifying examination.

**125.** The director general may also recall, to undergo the qualifying examination, any holder of an instructor's licence

- (a) who is seventy years of age or over;
- (b) who has not undergone a qualifying examination for four years.

**126.** A person who has failed the qualifying examination may sit for a supplemental examination provided there is a period of ninety days between the original and the supplemental examinations and provided he has paid the duties prescribed by regulation of the Government.

**127.** The director general may require any holder of an instructor's licence who fails the qualifying examination to repeat a vocational training programme in the driving of road vehicles of the appropriate category and class.

## DIVISION II

### OFFENCES AND PENALTIES

**128.** Every person who contravenes section 115 is guilty of an offence and is liable, in addition to the costs, to a fine of not under two hundred dollars nor over five hundred dollars.

## CHAPTER VII

### SUSPENSION AND REVOCATION

#### DIVISION I

##### GENERAL PROVISIONS

**129.** For the purposes of this chapter, the words "road vehicle" do not include non-motorized vehicles, except mopeds.

**130.** The director general may refuse to register or to renew the registration of a road vehicle, may place restrictions on a registration or suspend the privilege of obtaining a registration, and may revoke or suspend a registration and require the return of the registration certificate and plate.

The director general is not bound to reinstate a registration.

**131.** The director general shall withdraw or cause to be withdrawn the registration plate and certificate when the person holding them does not fulfil the obligations imposed by section 84

of the Automobile Insurance Act (1977, chapter 68) respecting liability insurance.

**132.** The director general may refuse to issue or to renew a driver's licence, learner's licence or taxi-driver's licence, may place restrictions on it or suspend the privilege of obtaining such a licence, and may revoke or suspend a driver's licence, learner's licence or taxi-driver's licence and require the return of the licence and of any other driver's licence issued by another administrative authority.

The director general is not bound to reinstate a driver's licence, learner's licence or taxi-driver's licence.

**133.** The director general shall suspend a taxi-driver's licence when its holder is found guilty of an offence against the regulations respecting transport by taxicab made by the Government under the Transport Act (1972, chapter 55), or no longer fulfils the conditions for obtaining or holding a licence prescribed by regulation of the Government.

When a taxi-driver's licence is suspended because of an offence against the regulations respecting transport by taxicab, the director general may replace that licence by another driver's licence as long as the person in question fulfils the conditions for obtaining such a licence prescribed by regulation of the Government.

**134.** The director general may reconsider his decision to suspend, revoke or issue a driver's licence, learner's licence or taxi-driver's licence.

**135.** The director general, when he refuses to issue, revokes, suspends or places restrictions on a licence contemplated in this code, a registration or the privilege of obtaining such a licence or registration, shall give written notice to the person concerned, setting out the reasons on which his decision is based and the recourses, if any, available to the person.

**136.** The suspension of a driver's licence, learner's licence or taxi-driver's licence is not limited to the valid period of the licence.

**137.** The clerk of a court of penal, criminal or municipal jurisdiction, or another person under his authority, must notify the director general of any conviction for an offence under the sections of the Criminal Code referred to in this division, under sections 186, 187, 191 and 192 of the Automobile Insurance Act (1977, chapter 68), under this code, under the Autoroutes Act

(Revised Statutes, 1964, chapter 134) or a regulation made under it or under a by-law of a local authority, but, in the last two cases, only for offences of a type comparable to an offence contemplated in this code.

The notice contemplated in the first paragraph must be given within thirty days of the conviction and must be accompanied with all the information required by the director general.

The clerk may affix his signature, or have it affixed, to the notice contemplated in the first paragraph, by means of an automatic device or in the form of an engraved, lithographed or printed facsimile.

**138.** The director general, on receiving the notice contemplated in section 137, shall immediately suspend, for a period of three months, the driver's licence or learner's licence, or the privilege of obtaining such a licence, of the person convicted of an offence under subsection 233(1), 233(2), 233(4), section 234, subsection 235(2) 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.

**139.** However, in the case of a first offence, the convicted person, immediately following the conviction or sentence, may obtain from the judge pronouncing judgment an order to the director general to issue a restricted licence to that person, if the person establishes to the satisfaction of the judge that he must drive a road vehicle in order to carry on his principal means of livelihood.

If, for a valid reason, which it is his burden to prove, the person has not produced his request at the time prescribed by the first paragraph, he may still do so by addressing a motion to the same judge or to a judge of the same court; if that court is not sitting in the district where the person intends to present his motion, the motion may then be addressed to a judge of a civil court, except a municipal court.

The decision is final and there is no appeal.

**140.** The director general, on receiving the order contemplated in section 139, shall issue the restricted licence; the suspension contemplated in section 138 is then increased to six months.

If the director general receives the order when the suspension contemplated in section 138 has already begun to run, the prolonged suspension period shall be double the number of days left to run of the suspension already imposed.

**141.** The restricted licence is issued or maintained provided that the driver's licence or learner's licence or the privilege of obtaining such a licence has not been revoked, suspended or not renewed for another reason.

**142.** If a person is convicted of an offence under sections 234 and 235 or 234 and 236 of the Criminal Code, committed at the time of the same incident, a single suspension of three months is imposed.

**143.** The suspensions contemplated in this code take effect fifteen days from the date of the notice of suspension given by the director general. The notice is presumed to have been received when it has been sent to the last address received by the Bureau.

**144.** When, as the result of an automobile accident within the meaning of the Automobile Insurance Act (1977, chapter 68), except where liability insurance is not required under that act, damage apparently amounting to over two hundred and fifty dollars is caused, the director general, on receiving the notice contemplated in section 433, shall suspend

(a) 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,

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

(c) the driver's licence or learner's licence or the privilege of obtaining such a licence of every registered 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.

This section does not apply in the cases contemplated in sections 145 and 146.

Neither does this section apply when the only property damage is that sustained by a single road vehicle involved in an accident or by the moveable effects it contains.

**145.** If it is proved to the satisfaction of the director general that, 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 driver's licence, learner's licence or registration or the privilege of obtaining such a licence or registration shall not be suspended; if a

suspension has already been imposed, it shall immediately be cancelled.

**146.** If the owner or the driver of a road vehicle involved in an accident furnishes to the director general a certificate of insurance or of financial responsibility required by the Automobile Insurance Act (1977, chapter 68) that is valid at the time of the accident, the director general 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.

**147.** When the director general suspends a licence or registration or the privilege of obtaining a licence or registration under section 144, he shall not revoke that suspension so long as the holder has not furnished to his satisfaction

(a) security to satisfy any judgment arising from the accident, in an amount not exceeding thirty-five thousand dollars, in addition to interest and costs, after deducting two hundred dollars from 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 (1977, chapter 68), or

(b) evidence of exoneration or acquittal of any claim arising from the accident, up to the amount applicable.

**148.** Unless otherwise obligated, a person contemplated in section 147 no longer has to furnish security when

(a) prescription has been acquired,

(b) he has furnished proof of payment of the damage caused by the accident, or

(c) he has been freed by final judgment from all responsibility for the damage resulting from the accident.

**149.** If a debtor has not, within the delay for execution, satisfied a final judgment handed down in Canada for damages of not less than one hundred dollars resulting from injuries or death as a consequence of a road vehicle accident that occurred after 30 September 1961, or for third party property damage in excess of two hundred dollars resulting from such an accident or, if the accident occurred on or after 1 March 1978, for third party property damage in excess of two hundred and fifty dollars resulting from such an accident, the director general shall suspend the driver's licence or learner's licence, and the road vehicle registration, or the privilege of obtaining such a licence or registration, of that debtor.

The suspension remains in force, for accidents occurring after 30 September 1961, as long as the debtor has not satisfied the judgment, up to an amount of thirty-five thousand dollars, in addition to interest and costs, after deducting two hundred dollars from third party property damage or, from 1 March 1978, for accidents occurring from that date, up to the amount prescribed in section 87 of the Automobile Insurance Act or, in either case, as long as he has not reached an agreement with his creditor, to the satisfaction of the director general, to effect payment in regular instalments.

The director general shall reinstate the suspension of a licence or registration on receiving notice from the creditor that payment in instalments by the debtor has been interrupted.

**150.** When the fund 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, so long as he has not reimbursed to the fund the total amount paid, with interest, or has not come to an agreement with the fund to pay by instalments.

The director general shall reinstate the suspension of a licence or registration on receiving notice from the fund that payment in instalments by the debtor has been interrupted.

**151.** No person may drive a road vehicle or a taxi for hire while his driver's licence, learner's licence or taxi-driver's licence, or his privilege of obtaining such a licence, is suspended or revoked.

**152.** When a person has been convicted or has pleaded guilty to having driven a road vehicle or a taxi for hire while his driver's licence, learner's licence or taxi-driver's licence, or his privilege of obtaining such a licence was suspended, the director general shall suspend the licence of that person for an additional period of three months.

**153.** No person may permit a road vehicle to be driven, or a taxi to be driven for hire, by another person if he knows that that other person's driver's licence, learner's licence or taxi-driver's licence or his privilege of obtaining such a licence is suspended or revoked.

**154.** A peace officer or an officer of the Department entrusted with the carrying out of this code may, on a written demand signed by the director general, confiscate the registration certificate and the registration plate, and the driver's licence,

learner's licence or taxi-driver's licence, of a person whose licence or registration has been suspended or revoked.

## DIVISION II

### DEMERIT POINTS

**155.** In this section, the words "person convicted" apply to a person convicted of an offence contemplated in a regulation of the Government or who has paid the fine for such an offence.

**156.** A person convicted is given the number of demerit points prescribed by regulation of the Government for that offence.

**157.** The director general shall keep a file on every person contemplated in section 156 and, on being informed that a person has been convicted, he shall enter in the file the number of points prescribed for each offence of which that person is convicted.

**158.** The director general is informed that a person has been convicted when he 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 Bureau juridique du Code de la route at the Ministère de la justice or from the chief of a police force, or if he is in possession of copies of reports of advocates or Attorney General's substitutes stating that a person has been convicted.

**159.** As soon as the number of points entered pursuant to section 157 in a person's file attains six, seven or eight, the director general shall send a notice to that person, at the last address received by the Bureau, informing him of the number of points entered in his file. However, the failure of the director general to give such a notice does not nullify a similar notice given subsequently, nor any subsequent action that the director general may or must take under this division.

**160.** As soon as the total number of points entered pursuant to section 157 in a person's file attains nine, ten or eleven, the director general shall send a notice to the person concerned, at the last address received by the Bureau, informing him of the number of points entered in his file and reminding him of the director general's powers of suspension.

In the case contemplated in the first paragraph, the director general may also summon the person concerned to appear before the civil servant designated by him for that purpose, to show cause for which his licence or his privilege of obtaining a licence

should not be suspended, or for which the suspension already imposed under this chapter should not be prolonged.

The failure of the director general to give the notice contemplated in the first paragraph does not nullify a similar notice given subsequently nor any subsequent action that the director general may or must take under this division.

The notice of summons contemplated in the first paragraph is presumed to have been received when it has been sent to the last address furnished to the Bureau.

**161.** After hearing the person summoned under section 160, the civil servant shall make his recommendations to the director general, who may, in writing and giving the reasons therefor,

(a) not suspend that person's licence or his privilege of obtaining a licence if he considers the reason submitted to him sufficient to make such a recommendation;

(b) summon that person to take a driving examination;

(c) require that person to follow a driving course in a school that he recognizes for that purpose;

(d) require that person to attend sessions in highway safety education;

(e) restrict that person's driver's licence or learner's licence;

(f) suspend that person's licence or his privilege of obtaining a licence for a period of not over thirty days if he considers this suitable, taking into account the representations made to him;

(g) in the case of a suspension, issue a special licence authorizing that person to drive a specific road vehicle or a specific type of road vehicle to carry on his principal means of livelihood.

**162.** The civil servant may recommend to the director general the suspension, for a period of not over thirty days, of the driver's licence or learner's licence or the privilege of obtaining such a licence of the person summoned, where that person fails to appear before the civil servant in accordance with the summons sent to him or fails to comply with the decision of the director general under section 161.

**163.** Each time the director general summons a person to appear under section 160, the delay fixed by him to appear must be at least fifteen clear days from the day of the summons.

**164.** As soon as the number of points entered pursuant to section 157 in a person's file attains twelve or more, the director general shall suspend that person's driver's licence or learner's

licence, or his privilege of obtaining such a licence, for a period of three months.

**165.** When the director general must, pursuant to section 138 or 164, suspend a person's driver's licence or learner's licence, or his privilege of obtaining such a licence, for a second time within a period of two years from the date on which he previously ordered a suspension under one of those sections, he shall suspend that person's driver's licence or learner's licence, or his privilege of obtaining such a licence, for a period of six months.

**166.** If, pursuant to section 138 or 164, the director general must suspend a person's driver's licence or learner's licence for a third time within a period of two years from the date on which he previously ordered a suspension under one of those sections, he shall suspend that person's driver's licence or learner's licence for a period of twelve months.

**167.** In the case of a person who does not hold a driver's licence or learner's licence and where the number of points entered in that person's file under section 157 would render him liable to suspension of his licence if he held a licence, the director general shall suspend his privilege of obtaining a licence for the period during which that person's licence would be suspended if he held a licence.

**168.** Any suspension of, or refusal to issue, a driver's licence or learner's licence or the privilege of obtaining such a licence pursuant to this division must be substantiated in writing and sent to the interested person over the signature of the director general.

**169.** Demerit points entered by the director general in a person's file become void two years from the date of conviction or payment.

**170.** Each time the director general suspends a driver's licence or learner's licence or the privilege of obtaining such a licence under this division, except in pursuance of section 161 or 162, twelve demerit points become void in the file of the person concerned; however, any points in excess of twelve remain for a period of two years from the date they took effect.

## DIVISION III

## OFFENCES AND PENALTIES

**171.** Every person who contravenes section 151 or 153 is guilty of an offence and is liable, in addition to costs, to a fine of not under two hundred dollars nor over five hundred dollars.

**172.** Every person who refuses or neglects to return to the Bureau, at the request of the director general, a driver's licence, learner's licence, taxi-driver's licence, registration certificate or registration plate issued in his name and suspended pursuant to the act or a judgment, is guilty of an offence and is liable, in addition to costs, to a fine of not under two hundred dollars nor over one thousand dollars.

## CHAPTER VIII

## ACCESSORIES, EQUIPMENT AND CONSTRUCTION STANDARDS

## DIVISION I

## LIGHTS AND REFLECTORS

**173.** A motor vehicle standing or moving on a public highway must carry at least

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

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

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

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

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

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

**174.** The lights prescribed in section 173 may be independent or integrated; in the case of a combination of road vehicles, the lights prescribed in paragraphs *b*, *d* and *f* must be attached to the rear of the last vehicle.

**175.** In addition to the lights prescribed in section 173, a motor vehicle other than a passenger vehicle and any combination of road vehicles measuring at any point more than two metres in width, must carry,

(a) on the front, two amber clearance lights, at the same height and not more than one hundred and fifty millimetres from the upper right and left extremities of the vehicle;

(b) at the rear, two red clearance lights, not more than one hundred and fifty millimetres from the upper right and left extremities of the vehicle;

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

(d) 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 one hundred and fifty nor more than three hundred millimetres apart;

(e) 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 one hundred and fifty nor more than three hundred millimetres apart.

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 semi-trailer as its permanent structure permits.

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 one hundred and fifty millimetres from the right and left extremities of the vehicle.

**176.** In addition to the lights and reflectors prescribed in sections 173 and 175, a motor vehicle other than a passenger vehicle, and any combination of road vehicles measuring more than six metres in length must carry

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

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

In addition to the lights prescribed in the first paragraph, a closed truck, a trailer or a semi-trailer must carry

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

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

**177.** A motorcycle or light motorcycle standing or moving on a public highway must carry at least

(a) one white headlight;

(b) one red tail-light;

(c) two red or amber turning-signal lights at the rear;

(d) one red stop light at the rear.

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

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

The headlight must be kept turned on at all times when driving on a public highway.

Subparagraph *c* of the first paragraph of this section applies from the third year following the date on which this section comes into force.

**178.** A moped standing or moving on a public highway must carry at least

(a) one white headlight;

(b) one red tail-light;

(c) one red stop light at the rear.

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

The headlight must be kept turned on at all times when driving on a public highway.

Subparagraph *c* of the first paragraph of this section applies from the third year following the date on which this section comes into force.

**179.** A bicycle or tricycle standing or moving at night on a public highway must carry, on the front, a white headlight and, at the rear, a red tail-light or a red reflector.

**180.** The white headlights prescribed in this division must be adjustable and firmly fixed in such a manner as not to oscillate when the road vehicle is moving.

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 one hundred and fifty metres.

In the case of a moped, the lighted distance contemplated in the preceding paragraph must be ninety metres.

**181.** A motor vehicle may carry fog lights that conform to the standards prescribed by regulation of the Government.

Such lights must be on the front of the vehicle and at the same height as, but not higher than, the white headlights.

When a motor vehicle carries such lights, it must be equipped with a dimmer switch to control them independently of the white headlights.

**182.** 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.

**183.** 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.

**184.** A police emergency vehicle may carry red and blue lights, red lights or blue lights; other emergency vehicles must carry red lights only; these may be fixed, flashing or rotating lights.

Service vehicles and vehicles used for snow removal or for road maintenance must carry at least one fixed, flashing or rotating amber light.

**185.** No person may instal, or cause to be installed, a fixed, flashing or rotating light on or in a road vehicle other than a vehicle contemplated in section 184.

A peace officer or an officer of the Department entrusted with the carrying out of this code may confiscate a fixed, flashing or rotating light installed in contravention of this code, and subsequently remit it to the Minister, after giving a receipt therefor to the person in possession of the vehicle.

**186.** The lights and reflectors prescribed in this division must be visible at a distance of not less than one hundred and fifty metres.

They must at all times be kept in good working order and free of obstructing matter.

**187.** A peace officer or an officer of the Department entrusted with the carrying out of this code may, at any time, require a driver to repair or clean a light or reflector carried by his vehicle.

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

## DIVISION II

### WHEELS

**189.** Each wheel of a road vehicle, except vehicles mounted on caterpillar tracks, standing or moving on a public highway must be fitted with a tire that conforms to the standards prescribed by government regulation.

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

## DIVISION III

### WARNING SOUNDERS

**191.** (1) A motor vehicle or a moped standing or moving on a public highway must be equipped with a warning sounder, which must be kept in good working order.

(2) No person may use the device prescribed in subsection 1 except in cases of necessity.

(3) Only emergency vehicles may be equipped with a siren or a device producing a similar sound and its use is restricted to emergencies.

(4) A peace officer or an officer of the Department entrusted with the carrying out of this code may confiscate a siren or a similar device installed in contravention of this code and subsequently remit it to the Minister, after giving a receipt therefor to the person in possession of the vehicle.

(5) Subsection 4 does not apply to a burglar alarm installed in a road vehicle in accordance with the standards prescribed by government regulation.

**192.** No person may instal or have installed in a road vehicle a radar warning device and no person may drive on a public highway a road vehicle equipped with such a device.

For the purposes of this section, the words "radar warning device" mean 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 radar speed measuring equipment.

A peace officer or an officer of the Department entrusted with the carrying out of this code who has serious reason 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 Minister, after giving a receipt therefor to the person in possession of the vehicle.

#### DIVISION IV

##### BRAKES AND MUFFLERS

**193.** (1) A motor vehicle or a combination of motor vehicles except a motorcycle or a light motorcycle, standing or moving on a public highway, 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 need and to hold it when it is standing.

A trailer or semi-trailer that is part of a combination of road vehicles and that has a mass in excess of one thousand three hundred kilograms, including the load, must be equipped with an independent brake system.

In a combination of road vehicles, a trailer or semi-trailer that has a mass that is fifty per cent or more greater than the mass of the tractor vehicle must be equipped with an independent brake system.

(2) A motorcycle or a light motorcycle 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 motorcycle or light motorcycle quickly in case of need and to hold it when it is standing.

(3) A bicycle or moped must be equipped with at least one brake system operating on the rear wheel; such system must be in good working order and be sufficiently powerful to stop the bicycle or moped quickly in case of need.

(4) The Ministre des transports may, if he deems it advisable and on such conditions as he may determine, issue special permits to exempt certain vehicles used for agricultural or industrial purposes from the obligation of being equipped with brakes in accordance with this section.

(5) No person may drive a motor vehicle, a light motorcycle, a moped or a 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.

**194.** A road vehicle, other than a vehicle specifically mentioned in this division or a horse-drawn vehicle, must, when moving on a public highway, be equipped with at least one brake system in good working order.

**195.** A peace officer or an officer of the Department entrusted with the carrying out of this code may inspect or have inspected the brake system or systems of a road vehicle or combination of road vehicles, and require the driver to proceed to the nearest garage for immediate repairs, if he has reason to believe that the brakes are defective or non-existent and that the vehicle constitutes a possible danger.

**196.** A motor vehicle or a moped standing or moving on a public highway must be equipped with a muffler and an exhaust system in good working order.

No motor vehicle or moped may be equipped with an exhaust system equipped with a muffler cut-out, resonator or other similar device.

A peace officer or an officer of the Department entrusted with the enforcement of this code may inspect the exhaust system or muffler of a motor vehicle or moped, or cause it to be inspected, and require the driver to have the system or muffler repaired or adjusted, if he has reason to believe that the system or muffler is defective or does not conform to the standards prescribed by government regulation.

**197.** No person may sell, offer for sale or replace, for use on a public highway, a muffler that does not conform to the standards prescribed by government regulation.

## DIVISION V

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

**198.** A motor vehicle equipped with a windshield, except a motorcycle or a light motorcycle, must be equipped, in front, with a mechanized windshield wiper and washer system in good working order.

**199.** A motor vehicle, except a motorcycle or light motorcycle, must be equipped with at least two rear-view mirrors, one solidly attached to the interior of the vehicle at the centre 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.

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

**200.** A motor vehicle, except a motorcycle or light motorcycle, must be equipped in the doors, windows, windshield and safety partitions with transparent glass so designed, manufactured or treated as to substantially reduce its friability and the danger of its shattering.

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

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

## DIVISION VI

## IDENTIFICATION NUMBERS

**203.** A road vehicle, except a horse-drawn vehicle, must be identified by a serial number inscribed or affixed by the manufacturer or by the director general, on the conditions and on payment of the duties prescribed by government regulation.

**204.** Except in the cases contemplated in this code or unless the director general gives specific authorization, no person may alter, deface, make illegible, replace or remove the serial number that identifies a road vehicle.

## DIVISION VII

## MUDGUARDS

**205.** A motor vehicle or a combination of road vehicles, with the exception of farm tractors, standing or moving on a public highway, if not fitted with permanent mudguards, must be equipped, at the rear, with detachable mudguards of rubber, leather or other resistant material. Their lower ends must not be more than three hundred and fifty millimetres from the ground, measured when the vehicle is not loaded. They must project at least fifty millimetres on each side of the tires.

Every motor vehicle fitted with tires wider than the permanent mudguards must be equipped with detachable mudguards that conform to the first paragraph.

## DIVISION VIII

## SEAT BELTS

**206.** For the purposes of this division, the words "passenger vehicle" mean a motor vehicle used principally for the transportation of not more than ten persons at a time, for personal purposes and not for pecuniary consideration, and include a car pool vehicle, a taxi and a leased passenger vehicle, when used for the same purposes as a passenger vehicle.

**207.** 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 motor vehicle are required to be equipped under the Motor Vehicle Safety Act.

**208.** No person may drive a passenger vehicle on a public highway if the seat belt provided for the driver of such vehicle in accordance with the Motor Vehicle Safety Act has been removed, altered or put out of service, unless it has been replaced by another seat belt that conforms to the said act.

**209.** No person may drive a passenger vehicle if the seat belt provided in accordance with the Motor Vehicle Safety Act 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 seat belt that conforms to the said act.

**210.** Every person driving a passenger vehicle equipped with a seat belt on a public highway shall wear such seat belt properly fastened.

**211.** Every passenger over five years of age occupying a position in the front seat of a passenger vehicle driven on a public highway shall wear, properly fastened, the seat belt provided in accordance with the Motor Vehicle Safety Act for the seating position he occupies.

**212.** Section 210 does not apply when the vehicle is being driven in reverse.

**213.** Sections 210 and 211 do not apply to a person who holds a medical certificate issued by a practising physician attesting that, for the space of time indicated therein, such person is unable on medical grounds to wear a seat belt, or that his physical characteristics prevent his wearing a seat belt.

A certified true copy of a certificate issued in accordance with the first paragraph must be sent forthwith to the director general by its holder.

A person holding a certificate issued in accordance with the first paragraph shall carry it with him and produce it for examination at the request of a peace officer. The peace officer shall return the certificate to the holder as soon as he has examined it.

The first paragraph does not apply to a person who is unable to produce his certificate in accordance with the third paragraph.

**214.** No passenger over five years of age but under sixteen years of age may be prosecuted for an offence against section 211.

**215.** No person may, on a public highway, drive a passenger vehicle in which a passenger not described in the first paragraph of section 213, being over five years of age but under sixteen years of age, is seated in front, and in which the position occupied by such passenger is equipped with a seat belt, unless that passenger is wearing such seat belt properly fastened.

**216.** No person may, on a public highway, drive a passenger vehicle in which a position is occupied by a passenger under five years of age unless such passenger is secured by a safety device prescribed by a regulation of the Government or prescribed by an act or a regulation in force in Québec.

**217.** This division does not apply to a passenger vehicle at the service of the members of a public police force that may be used to transport persons under arrest.

**218.** In the case of a passenger vehicle of a model year earlier than 1975, sections 207, 208, 210, 211 and 215 do not apply to that part of the seat belt called the "upper torso restraint".

**219.** (1) A driver or a passenger who is seated in a passenger vehicle and who is subject to this division shall, when the vehicle is standing following an order from a peace officer or an officer entrusted with the carrying out of this code, keep his seat belt properly fastened.

(2) In the absence of proof to the contrary, a driver or a passenger 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.

## DIVISION IX

### ALTERATIONS TO MOTOR VEHICLES

**220.** No person may, except with prior authorization from the director general, make to the chassis, body or mechanism of a motor vehicle any alteration likely to affect its stability on a public highway or any other alteration that would change the type of the motor vehicle.

A motor vehicle altered in such a manner must, before being driven on a public highway, be submitted to a mechanical inspection in accordance with the regulation of the Government; the certificate issued must certify that the vehicle can be safely driven on a public highway.

**221.** No person may replace the parts of a motor vehicle or a moped except with other parts having the same specifications and at least the same guarantees of safety.

**222.** A person is obliged, at the request of an officer of the Department or a peace officer entrusted with the carrying out of this code who has good reason to believe that a vehicle has been altered, to submit the road vehicle of which he is the owner or which he is driving to an inspection, to ensure that the brakes, steering mechanism and other parts and accessories used to prevent accidents are in good condition and that the vehicle conforms to this code.

That road vehicle must not be driven again unless it is proved to the satisfaction of an officer of the Department or a peace officer entrusted with the carrying out of this code that the vehicle conforms to the prescriptions of this code.

**223.** A peace officer or an officer of the Department entrusted with the carrying out of this code who has reason to believe that the load of a road vehicle represents a public danger may detain that vehicle until the situation has been corrected.

## DIVISION X

### OTHER BUILDING STANDARDS

**224.** 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 referred to in the first paragraph must be kept in good working order at all times.

**225.** A road vehicle designed and manufactured in Québec must conform to the construction standards enacted by regulation of the Government.

## DIVISION XI

### OFFENCES AND PENALTIES

**226.** An owner whose vehicle does not conform to the requirements of section 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 186, 188, 191(1), 198, 199, 200, 201, 205 or 224 or any person who contravenes section 187, 191(2), 210, 211, 215, 216 or 225 is guilty of an offence and is liable, in addition to costs, to a fine of not under twenty-five dollars nor over fifty dollars.

**227.** An owner whose vehicle does not conform to the requirements of section 189, 191(3), 193(1), 193(2), 193(3), 194, 195, 202 or 203 or any person who contravenes section 194, 217 or 218 is guilty of an offence and is liable, in addition to costs, to a fine of not under fifty dollars nor over one hundred dollars.

**228.** Every person who contravenes section 190, 193(5), 197, 220, 221 or 222 is guilty of an offence and is liable, in addition to costs, to a fine of not under one hundred dollars nor over two hundred dollars.

**229.** Every person who contravenes section 192 or 204 is guilty of an offence and is liable, in addition to costs, to a fine of not under two hundred dollars nor over five hundred dollars.

## CHAPTER IX

## RULES OF THE ROAD

## DIVISION I

## GENERAL PROVISIONS

**230.** (1) Every person shall

(a) comply with the traffic control devices installed by the Ministre des transports, the local authority, a person contemplated in section 297 or the owner of a private road in accordance with section 236;

(b) obey any order or signal of a peace officer who has been vested by the Ministre des transports or the local authority with the power to direct traffic.

(2) The Ministre des transports or the local authority shall instal adequate traffic control devices at every intersection, on at least one roadway.

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

**232.** (1) No person, except the Ministre des transports or the local authority, may instal, or cause to be installed, traffic control devices on a public highway.

(2) Traffic control devices installed by the Ministre des transports or the local authority must comply with the standards prescribed by government regulation.

(3) The Ministre des transports shall keep a register of the public highways he designates as autoroutes and which are identified as such by traffic control devices proving that such public highways are autoroutes.

(4) The Ministre des transports may remove or cause to be removed, without notice and at the expense of the owner, any sign, signal, marking or device installed on a public highway contrary to the prescriptions of this division.

(5) The local authority is vested with the same powers in respect of the public highways under its maintenance.

**233.** (1) The Ministre des transports or the local authority may, by means of traffic control devices, reserve on a public highway under its maintenance, traffic lanes for the exclusive use of certain classes of road vehicles.

(2) Where the Ministre des transports or the local authority has laid out traffic lanes in accordance with subsection 1, no road vehicle except those specifically authorized may be driven thereon.

**234.** The Ministre des transports or the local authority may prohibit U-turns on the public highways under its maintenance, or determine where they may be executed.

**235.** (1) 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.

(2) The owner shall remove or cause to be removed from his property any object that hides from view or can be mistaken for a traffic control device on a public highway.

(3) If the owner fails to remove the object, the Ministre des transports or the local authority may remove it or cause it to be removed at the expense of the contravener.

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

**237.** On a two-way roadway, every road vehicle must be driven in the right-hand lane of the roadway, except

(a) to pass another vehicle travelling in the same direction;

(b) where the lane is obstructed or closed to traffic; in such a case, the driver shall yield the right of way to the vehicle moving in the opposite direction in the lane of the roadway which is not obstructed.

**238.** On a one-way roadway with two lanes or over, a road vehicle must be driven within a single lane and its driver shall not enter another lane before ascertaining that he can do so in safety and signalling his intention.

On a one-way roadway with two lanes or over, road vehicles moving faster in one lane than in another lane are not considered to be passing.

**239.** 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.

**240.** The driver of a road vehicle moving at a slower speed than the normal traffic shall, on a one-way roadway with several traffic lanes, drive in the lane nearest the right-hand side of the roadway, unless he is about to turn left and has signalled his intention.

**241.** On a two-way roadway, the driver of a road vehicle intending to pass another vehicle moving in the same direction shall signal his intention by means of his turning signal lights and may also, at night, signal by flashing his headlights.

No person may pass

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

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

(c) 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 with ease and in safety.

**242.** The driver of a road vehicle may pass a moped or bicycle within a single traffic lane.

**243.** On a two-way roadway, the driver of a road vehicle passing another vehicle shall 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.

**244.** 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.

**245.** No person may execute lane jumping with a road vehicle.

The driver of a road vehicle who, by means of two or more consecutive moves from one lane to another on a one-way roadway with two or more traffic lanes, passes two or more road vehicles moving in the same direction in different traffic lanes, is considered to be lane jumping within the meaning of this section.

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

(a) when approaching the crest or at the crest of a grade or on a curve where the driver's view is obstructed within such a distance as to prevent him from seeing vehicles that might approach from the opposite direction;

(b) upon, or when approaching and within thirty metres of an intersection or level-crossing;

(c) in or upon, or when approaching and within thirty metres of a viaduct or tunnel.

The Ministre des transports or the local authority may, by means of appropriate signals, impose the restrictions provided for in the first paragraph on the public highways under his or its maintenance in a city, town or village.

**247.** On a two-way roadway, the driver of a road vehicle may pass another vehicle to the right, after giving warning of his intention and ascertaining that he can do so in safety, where the vehicle being passed is turning left or about to turn left; in no event may he drive off the road completely.

**248.** Where lanes are marked off by a solid double or single line, no driver may cross it to pass, except to pass farm machinery or a non-motorized vehicle after ascertaining that he can do so in safety.

**249.** Where lanes are marked off by a double line consisting of a solid line and a broken line, the driver of a road vehicle shall not cross it to pass unless the broken line is on the same side as the lane he is driving in.

**250.** Where lanes are marked off by a broken line, the driver of a road vehicle shall not cross it except to pass or to change lanes in accordance with the prescriptions of this code.

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

**252.** On a two-way roadway outside a city, town or village, a road vehicle that has a mass declared on the registration certificate of five thousand five hundred kilograms or over, and is following a similar vehicle on a public highway shall, when conditions permit, leave not less than ninety metres between them.

**253.** 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.

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

No person may drive in reverse on a controlled-access highway.

**255.** No person may drive on the shoulder of a public highway except in case of necessity or to pass in accordance with section 247.

**256.** 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.

**257.** (1) A person shall not enter a controlled-access public highway or leave it except at the points of access or exit determined by the Ministre des transports or the local authority.

(2) No person may drive a non-motorized vehicle on a controlled-access highway.

(3) The Ministre des transports or the local authority may, by means of traffic control devices, prohibit pedestrian traffic on controlled access highways under his or its maintenance.

**258.** The Ministre des transports or the local authority may, by means of appropriate traffic control devices, regulate or prohibit traffic by certain classes of road vehicles on controlled-access highways under his or its maintenance.

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

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

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

(a) a stop or decrease in speed, by extending his forearm downwards outside;

(b) a right turn, by extending his forearm upwards outside;

(c) a left turn, by extending his forearm horizontally outside.

**262.** The signals prescribed in sections 260 and 261 must be given continuously for a sufficient distance to ensure the safety of the other users of the public highway.

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

**264.** 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 shall, after signalling his intention and ascertaining that he can do so in safety, move to the extreme left of the roadway.

**265.** 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 shall, 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 other road on the right.

**266.** On a one-way roadway, a driver of a road vehicle who is about to turn left at the intersection of a two-way public highway shall, after signalling his intention and ascertaining that he can do so in safety, move to the extreme left of the road 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.

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 shall, 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.

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, shall, 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, approach 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.

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 shall, 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 to the near side of the roadway he wishes to enter and, if the way is clear, make a sharp turn to the left.

**267.** 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 shall, 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.

**268.** A driver of a road vehicle who wishes to turn right at an intersection shall, after signalling his intention and ascertaining that he can do so in safety, make a sharp turn and not encroach on the left or the centre of the road he is entering.

**269.** At intersections or crossings that are not regulated by traffic control devices, a driver of a vehicle shall yield the right of way to a vehicle approaching on his right.

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

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

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

A driver of a road vehicle who is leaving or entering a private entrance or road, shall yield the right of way to a pedestrian walking on a public highway that crosses the private entrance or road.

**273.** (1) A bus-driver, when taking on or discharging passengers, shall stop his vehicle on the extreme right of the roadway or in the zone specifically laid out in accordance with subsection 2.

(2) The Ministre des transports or the local authority may fix bus stop zones that he or it must clearly identify by means of appropriate traffic control devices.

**274.** In a city or town, where there are no lanes exclusively reserved for bus traffic, a driver of a road vehicle shall yield the

right of way to a bus stopped in a bus stop zone if the bus driver is operating his turning-signal lights in view of reentering the lane in which he was driving before the stop.

The bus driver shall not operate his turning-signal lights except at the time when he is about to re-enter the lane and when he can do so in safety.

The obligation under this section to yield the right of way exists only for drivers of road vehicles moving in the lane that the bus must re-enter.

**275.** The driver of a motorcycle, light motorcycle, moped or bicycle shall, while driving, remain seated in the seat and shall keep at least one hand on the handlebars at all times.

**276.** 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, and unless each of these passengers is seated so that his left foot is on the foot-rest situated on the left side and his right foot on the foot-rest situated on the right side.

No driver of a bicycle may take a passenger unless his vehicle is equipped with an additional fixed seat.

**277.** Drivers of motorcycles or light motorcycles driving in groups of two or more in one traffic lane shall drive in single file.

**278.** Drivers of bicycles or light motorcycles driving in groups of two or more shall drive in single file on the extreme right of the roadway, in the same direction as the general traffic.

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

**280.** No person may drive a bicycle on a public highway on which the maximum speed allowed is over fifty kilometres per hour, unless he is twelve years of age or over.

This section does not apply in the case of an excursion organized and conducted by a person of full age.

The first paragraph does not apply where the roadway includes cycle lanes specially laid out by the Ministre des transports or the local authority.

**281.** Where the road includes cycle lanes, bicycle drivers shall use them.

**282.** On a public highway, every person, including a passenger riding on a motorcycle or light motorcycle or in a sidecar, shall wear a protective helmet that complies with the norms prescribed by government regulation.

The driver and, as the case may be, the passengers shall allow a peace officer or an officer of the Department entrusted with the carrying out of this code to examine their protective helmets.

**283.** Where traffic-lights are in operation, the driver of a road vehicle shall observe the following rules:

(1) When facing a red light, he shall stop his vehicle before the pedestrian crossing 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.

Unless prohibited by a traffic control device, or unless a pedestrian light grants the right of way to pedestrians, a driver may turn right after stopping his vehicle and ascertaining that he can do so in complete safety; in such a case, he shall yield the right of way to a pedestrian already crossing the intersection and to a vehicle moving in the lane he wishes to enter that is so close that it constitutes a hazard.

(2) When facing a flashing red light, he shall come to a full stop and comply with section 271.

(3) When facing an amber light, he shall stop at the near side of the intersection, 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.

(4) When facing a flashing amber light, he shall reduce the speed of his vehicle and proceed after ascertaining that he can do so in safety.

(5) When facing a green light, he shall proceed straight ahead or turn right or left, unless otherwise directed by a traffic control device installed by the Ministre des transports or the local authority; he shall nevertheless yield the right of way to a road vehicle already in the intersection and to a pedestrian already crossing it.

However, a driver of a road vehicle who is about to turn left shall yield the right of way to a road vehicle approaching from the opposite direction.

(6) When facing a green flashing light, he shall proceed straight ahead or turn left or right, unless otherwise directed by a traffic control device installed by the Ministre des transports or the local authority.

He shall, however, yield the right of way to a road vehicle already in the intersection and to a pedestrian already crossing it.

(7) When facing a green arrow, he shall drive only in the direction indicated by the arrow; he shall nevertheless yield the right of way to a road vehicle already in the intersection and to a pedestrian already crossing it.

**284.** Where lane traffic lights are installed above one or several traffic lanes, a road vehicle shall move only in a lane above which a green light is illuminated.

**285.** Where traffic lights installed at an intersection are defective, section 269 applies, unless they have been replaced by appropriate traffic control devices.

**286.** 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 shall stop his vehicle at the near side of the intersection.

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.

**287.** No person may drive a road vehicle on which one or several tires are equipped with non-skid studs or with any other device that may damage the public highway.

Notwithstanding the first paragraph, the Ministre des transports may authorize, under the conditions he determines, the use of certain types of non-skid devices.

**288.** No person may transport or drive on a public highway a road vehicle, building or object likely to damage the highway, except with the prior authorization of the Ministre des transports, given on the conditions fixed by him.

If the transport is wholly or partly in the territory of a local authority, its authorization also is required.

**289.** The Ministre des transports may, for reasons of safety, prohibit or restrict, for such time as he specifies, all or certain classes of road vehicle traffic on a public highway or part thereof.

A sign, barrier or other device prohibiting or restricting road vehicle traffic placed by an employee or on the instructions of an officer or employee of the Department at the entrance to a public highway or to part thereof is proof of the prohibition or restriction ordered by the Ministre des transports.

**290.** During the time a prohibition ordered under section 289 is in effect, no person may drive a road vehicle that is not specifically authorized on a public highway or part of a public highway where traffic is prohibited.

A local authority may exercise the power provided in section 289 with regard to the public highways under its maintenance.

**291.** Any peace officer or officer of the Department entrusted with the carrying out of this code may prohibit the access of a road vehicle to a public highway or part thereof in case of emergency.

**292.** No person, unless authorized by the Ministre des transports or the local authority, may place an obstruction to traffic on a public highway.

Any peace officer or officer of the Department entrusted with the carrying out of this code may remove or order the removal of any obstruction contemplated in the first paragraph, at the expense of the owner.

**293.** No person may, by means of a barrier or other 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 or officer of the Department entrusted with the carrying out of this code is authorized to remove or cause the removal, at the owner's expense, of an obstacle contemplated in the first paragraph.

**294.** No person may drive or authorize another person to drive a road vehicle on a public highway, if the load is not solidly attached or sufficiently covered or held.

The load of a road vehicle must be so fixed, held or covered

(a) as not to reduce the field of vision of the driver or make the vehicle unstable or unsafe to drive, and

(b) as not to conceal the lights or headlights prescribed by this code.

**295.** Dangerous substances that require special safety measures must be transported in accordance with the norms prescribed by regulation of the Government or in accordance with any other act or regulation in force in Québec.

**296.** No object being transported may exceed the length of the road vehicle or combination of road vehicles by over one metre in front and two metres at the rear; in case of a load

exceeding such limits, a special permit must be obtained in accordance with the regulation of the Government.

If an object extends one metre or over to the rear of a road vehicle or combination of road vehicles, a reflecting red flag not less than three hundred millimetres square shall be fixed at the end of the object.

No object may exceed the width of the road vehicle or combination of road vehicles at its widest part, or of its compulsory accessories; in case of a load exceeding such limits, a special permit must be obtained in accordance with the regulation of the Government.

**297.** Notwithstanding the first paragraph of section 233, a person who, on his own behalf or on behalf of a contractor, carries out construction or maintenance works on a public highway, shall 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.

The traffic control devices installed by the persons contemplated in the preceding paragraph must comply with the norms prescribed by regulation of the Government.

**298.** No person may drive on a public highway with white lights turned on at the rear of the vehicle.

**299.** A driver of a road vehicle, except the driver of a horse-drawn vehicle, driving on a public highway, shall turn his white headlights on at night or where atmospheric conditions so require.

The first paragraph applies to the white light that a bicycle must carry.

**300.** A driver of a road vehicle shall dim the headlights of his vehicle, when driving on a public highway,

(a) on coming within one hundred and fifty metres or so of an oncoming vehicle;

(b) while following within less than one hundred and fifty metres behind another vehicle;

(c) where the highway is sufficiently lighted.

**301.** Fog lights shall not be turned on except where atmospheric conditions require them and where the headlights of the vehicle are dimmed.

**302.** Hazard lights shall not be used except for reasons of safety.

**303.** No person may, in using his road vehicle, make his tires squeal except where necessary.

**304.** 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.

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

Every person who throws out, deposits or throws any object, snow or ice or allows it to be thrown out, deposited or thrown on or onto a public highway, shall remove it or cause it to be removed.

**305.** Every person who is moving or towing a damaged vehicle on a public highway, shall remove any object fallen therefrom.

**306.** No person may cause or allow farm animals to move on or cross a public highway unless

(a) they are escorted by two persons, each of them carrying and holding a red flag conspicuously as a warning signal; or

(b) traffic control devices complying with the norms enacted by regulation of the Government are installed, where animals are crossing; such devices shall be removed as soon as the animals no longer constitute a hazard for drivers of road vehicles.

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

No person may cause or allow farm animals to move on or cross a controlled access highway or an autoroute.

**307.** No person may use a toy vehicle, particularly a skate board, skates or skis, on the roadway.

A peace officer or an officer of the Department entrusted with the carrying out of this code may confiscate an object used in committing an infraction, and subsequently remit it to the Department, after giving a receipt therefor to the person in possession of the toy vehicle.

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

A peace officer or an officer of the Department entrusted with the carrying out of this code may remove, or cause to be removed and impounded, at the expense of the owner, a vehicle abandoned as described in the first paragraph.

The person who impounds the vehicle shall make reasonable inquiries to trace the owner of the abandoned vehicle.

At the expiry of sixty days from the date of the impounding of the vehicle, if no person has claimed the vehicle, its ownership is transferred to the public curator, and he may freely dispose of it; in such a case, the costs incurred for the impounding cannot exceed the market value of the vehicle.

This section also applies to a road vehicle abandoned on private land, at the request of the owner of the land.

**309.** No person may use a snow-blower on a public highway in a city, town or village, without the presence of a signalman in front.

**310.** No person may drink alcoholic beverages in a road vehicle in motion or standing on a public highway or drink them anywhere on a public highway.

A peace officer may, without a warrant, arrest a person contravening the first paragraph who cannot identify himself satisfactorily.

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

**311.** 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.

No person driving a road vehicle on a public highway may be equipped with earphones in operation.

**312.** The driver of a road vehicle involved in an accident shall remain at the site or return thereto immediately in order to give any help required and give, in writing, to a person who has been injured or has sustained damage, or to a peace officer, his name and address and the name and address of the registered owner with the number of his driver's or learner's licence, and the registration number of the road vehicle.

Notwithstanding the first paragraph, the driver of a road vehicle involved in an accident between the vehicle he is driving and an inanimate object or the vehicle he is driving and an un-

occupied road vehicle shall, if the owner of the damaged property or a person representing him cannot be contacted at the site of the accident or nearby, shall go to the closest police station to report the accident and identify himself.

## DIVISION II

### PARKING ON A PUBLIC HIGHWAY

**313.** No person may park a road vehicle on a public highway in a manner that hinders access to a private property or impedes traffic.

**314.** Unless otherwise ordered by the Ministre des transports or the local authority, a driver parking his vehicle on a roadway shall face it in the same direction as the traffic, placing the wheels close to the shoulder or sidewalk.

Where a road vehicle is parked on a slope or hill, its front wheels shall be turned towards the shoulder or sidewalk.

**315.** Except where necessary, no person may park a road vehicle on an autoroute.

**316.** Where a road vehicle is stopped at night on a road out of necessity, the driver shall 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 one hundred and fifty metres and used pursuant to the standards prescribed by regulation of the Government.

**317.** In addition to the prohibition provided in section 313, and except where necessary, no person may park a road vehicle:

- (a) on a sidewalk;
- (b) in double file;
- (c) less than five metres from a fire-hydrant;
- (d) less than five metres from the entrance to a fire-station or police station where parking is allowed on the same side as the entrance, or less than eight metres on the opposite side;
- (e) less than five metres from a stop signal;
- (f) on a clearly identified pedestrian crossing, or less than five metres therefrom;
- (g) in unloading zones or in zones reserved exclusively for stops of public transit road vehicles duly identified as such;

(*h*) at the intersection of roadways or less than five metres therefrom;

(*i*) at an entrance to or exit from a limited access highway;

(*j*) at a place where the parked road vehicle would render a traffic control device ineffective;

(*k*) on a bridge, an elevated lane or a viaduct, or in a tunnel;

(*l*) on a level crossing or less than six metres therefrom;

(*m*) on a median strip;

(*n*) on an access road.

Notwithstanding the preceding paragraph, a road vehicle used to transport handicapped persons and identified with the unrestricted access symbol may be stopped at prohibited places to take on or discharge such a person.

**318.** Except in case of necessity, no person may park a road vehicle on a public highway to put fuel into it.

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

**320.** A peace officer or officer of the Department entrusted with the carrying out of this code may, at the expense of the owner, remove or order the removal of a road vehicle parked contrary to this division.

**321.** The Ministre des transports or the local authority may prohibit, restrict or otherwise regulate the parking of road vehicles on the public highways under his or its maintenance.

### DIVISION III

#### LEVEL CROSSINGS

**322.** When approaching a level crossing, a driver of a road vehicle shall stop it not less than six metres from the railway

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

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

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

**323.** A driver of a bus or of a road vehicle equipped for the transport of dangerous substances shall always stop his vehicle not less than six metres from a level crossing; after ascertaining that he may cross it in safety, he may set his vehicle in motion again and must keep it in first gear until it has crossed the level crossing.

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.

#### DIVISION IV

##### SCHOOL BUSES

**324.** In this division, unless the context indicates otherwise, the expression "school bus" means

(a) a bus reserved exclusively for the transportation of school children, used under a contract entered into with a school board established pursuant to the Education Act (Revised Statutes, 1964, chapter 235) or a special act, a private institution declared of public interest or recognized for purposes of grants pursuant to the Private Education Act (Revised Statutes, 1964, chapter 67), or a college established pursuant to the General and Vocational Colleges Act (1966/1967, chapter 71);

(b) a bus on which the only passengers are school children 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.

**325.** The driver of a school bus shall not allow more school children to get on the bus than there are places available for them to sit.

The driver shall ascertain that every school child is seated before setting his vehicle in motion.

**326.** Every school bus must carry

(a) 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 government regulations respecting the transportation of school children; and

(b) flashing lights, on the front and at the rear of the vehicle, complying with the regulations contemplated in paragraph a.

**327.** The signs provided for in section 326 shall be removed or covered when the bus is in use otherwise than as a school bus.

**328.** A driver of a school bus shall, when stopping to take on or discharge school children, give warning by operating the flashing lights provided for in section 326 for the whole time that the school children are not in safety.

**329.** A driver of a road vehicle approaching a school bus whose flashing lights provided for in section 326 are operating shall not pass the bus in either direction.

The driver shall stop his vehicle six metres from the bus and shall not pass it until the flashing lights are no longer operating and ascertaining that he can pass in safety.

The preceding paragraphs do 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.

**330.** For the purposes of the application of section 328, where two or more school buses are stopped in single file and one or more of them are taking on or discharging school children, the drivers of the buses following the bus or buses taking on or discharging school children shall operate their flashing lights.

## DIVISION V

### PEDESTRIANS AND PASSENGERS

**331.** Outside a city, town or village, a pedestrian who is crossing a public highway shall yield the right of way to road vehicles moving on it.

**332.** In a city, town or village, a pedestrian shall not cross a public highway except at an intersection or a duly indicated pedestrian crossing.

**333.** Subject to section 335, at an intersection regulated by traffic-lights, a pedestrian facing a green light may cross the road with priority over a vehicle moving on the public highway.

**334.** At an intersection not regulated by traffic-lights, a pedestrian may cross the roadway only after yielding the right of way to vehicles moving on the public highway and ascertaining that he may cross in safety, unless there is a pedestrian crossing, in which case section 336 applies.

**335.** At an intersection where there are pedestrian lights, pedestrians shall comply therewith.

**336.** (1) At a clearly indicated pedestrian crossing not situated at an intersection, a pedestrian shall not start to cross before signalling his intention to the driver of a road vehicle by raising his arm, and ascertaining that he can do so in safety.

(2) Where a pedestrian signals his intention to cross at a pedestrian crossing pursuant to subsection 1, a driver of a road vehicle shall stop his vehicle to allow him to cross.

**337.** The Ministre des transports or the local authority may, on public highways under his or its maintenance, delimit pedestrian crossings at such places as he considers appropriate; he must clearly identify them by means of appropriate traffic control devices.

**338.** Where pedestrian lights are installed by the Ministre des transports or the local authority, a pedestrian may cross the roadway when facing the white signal; the white signal flashing with the amber signal means that a person having started across the roadway may proceed quickly to the sidewalk or safety zone. When facing the amber signal no pedestrian may start across the roadway.

**339.** Where there are no pedestrian lights installed by the Ministre des transports or the local authority, pedestrians shall comply with the traffic lights.

**340.** Where there is no sidewalk for pedestrians, they must walk facing the vehicular traffic, except on a one-way roadway or on a highway with two roadways separated by a median strip or by any other physical separation.

**341.** (1) A person awaiting the bus or a road vehicle or soliciting a ride from the driver of a road vehicle shall stand on the sidewalk or on the shoulder of the public highway and remain there until the road vehicle has stopped.

(2) Notwithstanding subsection 1, no driver of a road vehicle may stop his vehicle to take on a passenger at a place where passing is specifically prohibited by this code.

(3) No pedestrian may solicit a ride at a place where passing is specifically prohibited by this code.

**342.** No person may cross diagonally at an intersection unless he is so authorized by a traffic control device.

**343.** No person may stand on the road to solicit or deal with the occupant of a road vehicle.

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

The first paragraph does not apply to a person who, in order to perform his duties, stands on any outer part of a vehicle which has been specifically equipped for such use.

**345.** On a public highway, no person may grip or cling on to a road vehicle in motion or tolerate such practice.

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

**347.** No passenger may take up a position that would obstruct the view of the driver or hinder the operation of the vehicle and no driver may tolerate such practice.

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

**349.** No person may drive a road vehicle if the front seat is occupied by more than three persons, including the driver.

However, the number of passengers allowed is two where the front seating of the vehicle consists of two individual seats.

**350.** No person may occupy a trailer or semi-trailer in motion on a public highway or tolerate such practice.

## DIVISION VI

### MASS AND DIMENSION NORMS

**351.** In this division, 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, resulting from the distribution on such wheels of the mass of a road vehicle or combination of road vehicles, including accessories, equipment and load;

(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 oversized vehicle;

(5) "outsized vehicle" means a road vehicle or a combination of road vehicles the axle load, the total loaded mass, or one dimension of which does not comply with the norms established by government regulation.

**352.** The Ministre des transports may fix, at the places he indicates, the thawing and rainy periods.

**353.** On public highways under its maintenance, every local authority may exercise the power provided in paragraph *e* of section 410.

**354.** No person may drive an outsized vehicle on a public highway unless he holds a special permit issued for such purpose.

No person may, as owner, mandatary of the owner, or lessee of an outsized vehicle, authorize it to be driven on a public highway unless he has previously obtained a special permit issued for such purpose.

**355.** No person may drive an escort vehicle on a public highway unless he holds an escort permit issued for such purpose.

No person may, as owner, mandatary of the owner, or lessee of an escort vehicle, authorize it to be driven on a public highway unless he has previously obtained an escort permit issued for such purpose.

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

**357.** The owner of an outsized vehicle to whom a special permit has been issued is responsible for all damage caused to the public highways owing to transport under the permit.

**358.** If an officer of the department or a peace officer entrusted with the enforcement of this code has reason to believe that a road vehicle or a combination of road vehicles is outsized, 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.

**359.** The axle load, combined axle load and the total loaded mass of a road vehicle or combination of road vehicles are determined by means of weigh scales.

Any device that may be used in trade by a trader under the Act respecting weights and measures (S.C. 1971, chapter 36) and any other device or weigh scales approved by the Minister may be used, in the manner determined by the Minister, as weigh scales for the purposes of the application of this division.

**360.** Where an officer of the Department or 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 an appropriate place and held until it complies with the norms of this code, unless the driver, the owner or his mandatary, or the lessee obtains a special permit in the meantime, if he meets the conditions required for the issue of such permit.

**361.** The part of the load removed to make a road vehicle or combination of road vehicles comply 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.

**362.** When required to do so by an officer of the department or a peace officer, or by a traffic control device or any other sign provided for such purpose, the driver of a road vehicle or combination of road vehicles must drive it to a weighing station and facilitate its weighing or measurement or any other inspection that may be required under this code.

## DIVISION VII

### RATE OF SPEED

**363.** No person may drive a road vehicle at a speed

(a) of less than sixty kilometres per hour or more than one hundred kilometres per hour on autoroutes, except interurban buses for which the maximum speed allowed is one hundred and ten kilometres per hour;

(b) in excess of ninety kilometres per hour on numbered public highways surfaced with concrete, asphalt or a similar material outside cities, towns and villages;

(c) in excess of eighty kilometres per hour on other public highways surfaced with concrete, asphalt or a similar material outside cities, towns and villages;

(d) in excess of seventy kilometres per hour on gravel public highways outside cities, towns and villages;

(e) in excess of sixty kilometres per hour on earth public highways outside cities, towns and villages;

(f) in excess of fifty kilometres per hour in cities, towns and villages, except on autoroutes and on public highways or parts of public highways on which the competent authority has erected traffic control devices in accordance with section 364;

(g) in excess of fifty kilometres per hour in school zones at times when pupils enter or leave school.

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.

**364.** (1) The Ministre des transports may reduce or increase the speed limits provided in the first paragraph of section 363 for road vehicles or for certain classes thereof.

(2) 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 Ministre des transports.

(3) Notwithstanding the first paragraph of section 363, no person may drive at a speed not complying with the limits indicated on the traffic control devices installed under subsection 2 of this section.

(4) The exercise of the power provided in subsection 1 renders inoperative every contrary or inconsistent provision of a by-law made by a local authority.

**365.** In the cases contemplated in paragraph 1 of section 364, the local authority shall, on notice from the Ministre des transports and within the time indicated by him, have the traffic control devices erected by it removed, failing which he may have them removed at its expense.

**366.** Where a local authority stipulates a speed limit lower or higher than that in section 363, it shall take the necessary steps to have the speed limit clearly indicated in public view on traffic control devices, failing which section 363 applies.

A local authority that has not availed itself of the preceding paragraph shall, at the approaches to a concentration of buildings 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 fifty kilometres per hour.

## DIVISION VIII

### EMERGENCY VEHICLES

**367.** Notwithstanding any contrary provision of this code, a driver of an emergency vehicle may, in the exercise of his functions and where the situation so requires,

(a) omit to stop at a stop signal or at traffic lights, provided that he previously ensures that he may cross the intersection without risk;

(b) exceed the speed limits allowed but without endangering the lives or safety of other users of the highway;

(c) park his vehicle at any place;

(d) carry out, with his vehicle, a manoeuvre necessary for the performance of his duties.

**368.** (1) No person may drive an emergency vehicle in the manner permitted by section 367, unless the vehicle is equipped with appropriate light or sound signals and unless they are in operation.

(2) The driver of an emergency vehicle shall not operate the sound or light signals with which his vehicle is equipped except in the exercise of his functions and where the situation requires it.

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

**370.** The preceding sections do not exempt the driver of an emergency vehicle from observing the normal rules of safety.

## DIVISION IX

### OFFENCES AND PENALTIES

**371.** Every person who contravenes any of sections 273, 274, 275, 276, 277, 278, 281, 282, 302, 303 or 311, is guilty of an offence and is liable, in addition to costs, to a fine of not under twenty-five dollars nor over fifty dollars.

**372.** Every person who contravenes any section of Division II or V is guilty of an offence and is liable, in addition to costs, to a fine of not under twenty-five dollars nor over fifty dollars.

**373.** Every person who contravenes any of sections 230(1), 231, 233(2), 237, 238, 239, 240, 241, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257(1), 257(2), 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 279, 280, 283, 284, 285, 286, 287, 288, 290, 292, 293, 294, 296, 297, 298, 299, 300, 301, 304, 305, 306, 307, 308, 322, 363, 364(3), 368(1), or 369, is guilty of an offence and is liable, in addition to costs, to a fine of not under fifty dollars nor over one hundred dollars.

**374.** Every person who contravenes any of sections 232(1), 235(1), 309, 310, 323, 355 or 368(2) is guilty of an offence and is liable, in addition to costs, to a fine of not under one hundred dollars nor over two hundred dollars.

**375.** Every person who contravenes any section of Division IV is guilty of an offence and is liable, in addition to costs, to a fine of not under one hundred dollars nor over two hundred dollars.

**376.** Every person who contravenes section 312 is guilty of an offence and is liable, in addition to costs, to a fine of not under two hundred dollars nor over five hundred dollars.

**377.** Every person who drives a road vehicle on a public highway without the caution and care required, or without consideration for the other users of the highway, or in a manner that endangers the safety, life or property of any third person, is guilty of an offence and is liable, in addition to costs, to a fine of not under two hundred dollars nor over five hundred dollars.

**378.** Every person who contravenes section 354 is guilty of an offence and is liable, in addition to costs, to a fine of not under

(1) one hundred dollars, 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 one dollar multiplied by the factor of estimation; however, it is not under one hundred dollars;

(b) where the factor of estimation of the fine is from one hundred and fifty to two hundred, the fine is one hundred and fifty dollars, plus the product of two dollars 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 two hundred and fifty dollars, plus the product of three dollars 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 four hundred dollars, plus the product of four dollars 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 six hundred dollars, plus the product of five dollars 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.

Every 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 fees he should have paid, to a fine of one hundred dollars to five hundred dollars for the first offence, to a fine of three hundred dollars to six hundred dollars for the second offence, and to a fine of five hundred dollars to one thousand dollars for any subsequent offence.

**379.** In the case where a road vehicle or combination of road vehicles is outsized in respect of several norms provided for in this code, the driver, the owner or his mandatary, or the lessee cannot be condemned for contravening more than one of such norms.

## CHAPTER X

### PROCEDURE AND PROOF

#### DIVISION I

##### INFRACTION TICKET AND PRELIMINARY NOTICE

**380.** Where a person is guilty of an offence against this code, the peace officer shall deliver to him an infraction ticket,

indicating thereon the nature of the alleged offence, the amount of the minimum fine and, where that is the case, the number of demerit points entailed by conviction.

The fine is payable without costs within the ten following days.

**381.** If the fine is not paid within the time prescribed in section 380, the prosecutor shall send a preliminary notice by mail to the contravener's last known address. The notice indicates the nature of the offence, the minimum fine payable, the amount of the costs fixed by government regulation 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 delivered in accordance with section 380 does not prevent the prosecutor from sending a preliminary notice to the contravener.

**382.** If the fine is not paid within the time prescribed in section 381, a summons is served on the contravener, who may plead guilty at any time before appearance by paying to the clerk the minimum amount of the fine and costs.

**383.** Any payment made under section 380, 381 or 382 is presumed to have been made by the person to whom the ticket or notice 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.

**384.** Failure to give a preliminary notice cannot be invoked against the prosecutor. 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 that he would have had to pay pursuant to a notice.

## DIVISION II

### SUMMARY NOTICE

**385.** If a peace officer has serious reason to believe that the driver of a road vehicle who is guilty of an offence against this code may abscond, he may deliver a summary notice to him.

A summary notice may also be delivered to any person assisting a learner.

**386.** A summary notice is made in the form provided by regulation and indicates

(a) the surname, given name, address and driver's licence number of the contravener;

(b) the nature, date, time and place of the offence;

(c) the amount of the minimum fine and, as the case may be, the number of demerit points provided for that offence, and, where applicable,

(d) the amount of the security furnished by the contravener, and

(e) the make, model and serial number of the vehicle.

The notice orders the contravener to appear before the competent court at the time and place indicated.

**387.** Where a peace officer delivers a summary notice, he shall require security in the amount fixed by regulation.

**388.** If the driver refuses to furnish the security, the peace officer may order the road-vehicle impounded until a judge or the court authorizes its release, with or without security.

**389.** A summary notice constitutes a summons duly authorized and served, and returnable on the date fixed therein.

**390.** 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

**391.** Proceedings under this code are instituted pursuant to the Summary Convictions Act (Revised Statutes, 1964, chapter 35) by the Attorney General or by any person generally or specially authorized by him for that purpose.

**392.** Proceedings for the recovery of licence or registration fees owing to the Crown are taken by the Ministère des transports.

**393.** The owner of a road vehicle is responsible for every offence against this code or any municipal by-law adopted under this code committed with the vehicle, unless he proves that, at the time of the offence, the vehicle was in the possession of a third person without his consent.

In the case of an offence against any of sections 151, 210, 215, 216, 239, 240, 241, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257(1), 257(2), 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273(1), 274, 275, 276, 277, 278, 279, 282, 283, 284, 286, 298, 299, 300, 301, 302, 303, 304, 305, 310, 312, 322, 323, 325, 328, 329, 330, 336(2), 341(2), 344, 345, 346, 347, 348, 349, 350, 363, 364(3), 369 or 377, or against any provision of a 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 offence or was in the vehicle then driven by his agent. In the latter case, the court may condemn either or both of them.

**394.** A person authorized by the Attorney General pursuant to section 391 may sign a document required for the application of this chapter and certify true a copy or extract of 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 or extract of 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.

**395.** A person authorized pursuant to section 391 may furnish information to the court regarding the application of this code by means of a report made over his signature, without its being necessary for him to appear.

However, the defendant may require the person's presence 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.

**396.** Where this code prescribes the obligation to hold a licence or a registration certificate, the burden of proof is on the defendant that he is the holder of such a licence or certificate.

#### DIVISION IV

##### PROCEEDINGS BY A LOCAL AUTHORITY

**397.** Proceedings for an offence against this code committed in the territory of a local authority may be instituted by that local authority in its own name.

**398.** If proceedings are instituted in the name of 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 offence against sections 363 and 364, the fine imposed belongs in whole to the local authority, which is not bound to make the report provided for in the first paragraph.

**399.** Where the territory of a local authority is subject to the jurisdiction of a municipal court, proceedings for an offence against sections 363 and 364 may be instituted before that court.

In a case under this section, no advocate's fee may be included in the costs.

**400.** Notwithstanding any contrary or incompatible provision of any general law or special act or of any regulation or by-law thereunder, sections 380 to 390 apply, *mutatis mutandis*, to proceedings instituted under the Autoroutes Act (Revised Statutes, 1964, chapter 134) or under a by-law made by a local authority in accordance with the powers conferred on it by this code.

**401.** In default of payment, within the prescribed time, of a fine imposed pursuant to this code, the judge or the court may order

- (a) suspension of the driver's licence of the defendant until payment of the fine and costs; or
- (b) seizure of the moveable property of the defendant; or
- (c) imprisonment of the defendant for not over three months.

Division IX of the Summary Convictions Act applies, *mutatis mutandis*, to an order rendered in accordance with the first paragraph.

## CHAPTER XI

### POWERS

#### DIVISION I

##### POWERS OF THE GOVERNMENT

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

- (a) notwithstanding section 1, order that the words "road vehicle" include any other means of transport it indicates and

prescribe which sections of this code apply or do not apply thereto;

(b) notwithstanding section 1, define other classes or subclasses of road vehicles;

(c) restrict the use of certain classes or subclasses of road vehicles;

(d) notwithstanding Chapter IX, regulate road vehicle traffic on any or certain public highways or prohibit access thereto for certain classes or subclasses of road vehicles;

(e) fix the amount of the duties payable to obtain information or documents in the custody of the director general;

(f) prescribe the standards and maximum cost of mechanical inspection of road vehicles;

(g) establish the form, content, conditions and issuance fee of a certificate indicating the mechanical condition of a road vehicle;

(h) fix the conditions for obtaining and holding a permit to carry out mechanical inspections and fix the duties exigible for obtaining such a permit;

(i) fix the maximum seating capacity of car pool vehicles.

**403.** In addition to its powers under section 402, the Government may, by regulation, for the application of the provisions respecting registration,

(a) prescribe the valid period of registration and fix another valid period for certain classes or subclasses of road vehicles;

(b) fix registration duties exigible according to classes or subclasses of road vehicles, to their use or, in certain cases, to the territory in which they are used, and prescribe that such duties may be payable otherwise than annually;

(c) totally or partially exempt the owners of certain classes or subclasses of road vehicles from the payment of registration duties;

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

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

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

(g) determine the information to be furnished in applications for registration;

(h) exempt snowmobiles from registration, according to the use made of them or the territory in which they are used;

(i) prescribe the cases in which two registration plates must be issued;

(j) exempt certain classes or subclasses of road vehicles from the application of sections 52 and 53.

**404.** In addition to its powers under section 402, the Government may, by regulation, for the application of the provisions respecting driver's licences,

(a) notwithstanding section 65, prescribe, for certain classes or subclasses of road vehicles, the obligation of holding a driver's licence to drive off the public highway and prescribe the conditions of obtaining and holding such licences and the duties exigible for their issue and renewal;

(b) prescribe the categories and classes of driver's licences and the classes of learner's licences, and fix the conditions of obtaining, renewing and holding such licences and the duties payable for their issue and renewal;

(c) fix the duties payable for the issue of duplicates of driver's licences, learner's licences or taxi-driver's licences;

(d) prescribe the terms and conditions for obtaining and holding international driver's permits and adopt any other norm respecting such permits;

(e) fix special requirements for obtaining, holding and renewing taxi-driver's licences, prescribe the characteristics and categories of such licences, fix their minimum and maximum numbers or establish norms by which these numbers may be determined and create and delimit territorial divisions for that purpose, and fix the duties payable for their issue and renewal;

(f) fix the valid period of driver's licences and taxi-driver's licences;

(g) fix the duties payable for taking the competence examination.

**405.** In addition to its powers under section 402, the Government may, by regulation, for the application of the provisions respecting garage licences, dealer's licences, auto salvager's licences and public sale permits,

(a) prescribe the conditions of obtaining, holding and issuing garage licences, dealer's licences, auto salvager's licences and public sale licences;

(b) fix the valid period of such licences and the conditions of their renewal;

(c) fix the duties payable for the issue, renewal and transfer of such licences, and for the issue of duplicates;

(d) prescribe the nature, object, duration, amount, and terms and conditions of the security required for the issue or renewal of such licences;

(e) prescribe categories of auto salvagers and fix the related classes of licences;

(f) prescribe the conditions on which a place of business may be established and recognized.

**406.** In addition to its powers under section 402, the Government may, by regulation, for the carrying out of the provisions respecting instruction in driving road vehicles,

(a) prescribe the categories and classes of instruction licences, instructor's licences and driving school licences, and fix the conditions for obtaining, holding and renewing them, and their valid period;

(b) establish the cost of the 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;

(c) establish the duties payable for taking qualifying and supplemental examinations;

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

(e) prescribe the standards applicable to premises used for the operation of such licences;

(f) prescribe the forms of advertising that must be used for the operation of such licences and prohibit certain kinds of advertising.

**407.** In addition to its powers under section 402, the Government may, by regulation, for the carrying out of the provisions respecting demerit points, establish a table of points.

**408.** In addition to its powers under section 402, the Government may, by regulation, for the carrying out of the provisions respecting standards of construction,

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

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

(c) fix, for any class or subclass of road vehicles, the minimum number of portable flares, lamps, reflectors or lanterns a road vehicle must be equipped with;

(d) prescribe that classes of road vehicles, other than those contemplated in section 184, must or may be equipped with fixed, flashing or revolving lights and prescribe the colour thereof;

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

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

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

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

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

(j) prescribe the conditions of issue of serial numbers and fix the duties exigible for their issue;

(k) provide additional cases in which the wearing of a seat belt is not compulsory;

(l) prescribe the installation and use in a passenger car of a safety device for children under five years of age, and the standards of its installation and use;

(m) prohibit the removal, alteration and putting out of service of the seat belts of road vehicles other than motor vehicles;

(n) require passengers sitting in the back seat of a passenger car to wear seat belts;

(o) require drivers of and passengers in road vehicles other than passenger cars to wear seat belts;

(p) prescribe the standards of construction of road vehicles designed and manufactured in Québec;

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

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

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

(t) require road vehicles or certain classes or subclasses thereof to be equipped with governors, and regulate their use;

(u) regulate the colour and intensity of headlights, lights and reflectors;

(v) require, for certain classes or subclasses of road vehicles, an auxiliary braking system capable of being operated separately from the main braking system and regulate its use;

(w) require, for certain classes or subclasses of road vehicles, a braking device independent of the main braking system, and regulate its use;

(x) require road vehicles to be equipped with accessories or devices other than those provided for in this code.

**409.** In addition to its powers under section 402, the Government may, by regulation, for the carrying out of the provisions respecting traffic,

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

(b) prescribe the traffic rules applicable on a roadway that includes a cycle lane or a lane reserved for the exclusive use of a class of road vehicles; such rules may derogate from the rules provided for in Chapter IX;

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

(d) prescribe the standards and prohibitions respecting the transport of dangerous substances;

(e) authorize, on certain conditions and for specific purposes, the equipping of certain classes or subclasses of road vehicles with white lights at the rear, and regulate the use thereof;

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

(g) govern the outside use of a loudspeaker with which a road vehicle is equipped;

(h) prescribe standards respecting the consumption of energy by road vehicles.

**410.** In addition to its powers under section 402, the Government may, by regulation, for the carrying out of the provisions respecting mass and dimension norms,

(a) establish classes of road vehicles and combinations of road vehicles according to load, number and type of axles, config-

uration in respect of axle arrangement, tire specifications, suspension specifications or any other mechanical or physical specification;

(b) establish classes of axles;

(c) establish for classes of public highways, according to the classes of road vehicles and combinations of road vehicles, and the classes of axles, the norms of

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

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

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

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

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

(f) 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;

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

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

**411.** The Government may, by regulation, for the carrying out of the provisions respecting procedure and proof,

(a) establish the tariff of fees that may be granted to advocates representing the Attorney General, witnesses, and any other person entrusted with the carrying out of this code, respecting proceedings brought under this code;

(b) fix the amount of security contemplated in section 397 and the manner in which the contravener may furnish it;

(c) prescribe the form and tenor of infraction tickets, preliminary notices, summons, and summary notices;

(d) prescribe the amount of the costs contemplated in section 381.

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

**413.** The Government may require the mechanical inspection of certain classes or subclasses of road vehicles of the same make, model, series and year that it may fix, that are registered or possessed in Québec.

**414.** The regulations made by the Government under this code come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.

## DIVISION II

### BY-LAWS OF THE LOCAL AUTHORITY

**415.** A local authority may, by by-law,

(a) require the holding of a licence to drive a non-motorized vehicle, except a moped, prescribe the standards of issue and the conditions of obtaining and holding such a licence, and fix the duties exigible;

(b) require the registration, on payment of the duties required, of non-motorized vehicles, except a moped;

(c) provide for the issue of certificates of registration or authorization effected under paragraph *a* or *b* and require certificate holders to carry them;

(d) 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 Ministre des transports or on which he has placed traffic control devices in accordance with section 364;

(e) prohibit all road vehicle traffic, with or without exception, on certain streets it indicates, provided that the by-law 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;

(f) fix the location of taxi stands and bus-stops;

(g) establish safety zones for pedestrians, and prescribe and govern their use;

(h) prescribe rules respecting the direction, crossing, passing and stopping of road vehicles on the public highways under

its maintenance, provided that such rules are not incompatible with the provisions of this code in those matters.

**416.** Any provision of a by-law adopted by a local authority respecting a matter contemplated in this code is void unless adopted under this code.

**417.** A by-law or part of a by-law adopted by a local authority and in force at the coming into force of this code, respecting matters within the purview of this code, remains in force for two years from the coming into force of this code, and then becomes void, unless it has then been approved by the *Ministre des transports*.

**418.** Notwithstanding any contrary or incompatible provision of any general law or special act, a by-law adopted after the coming into force of this code by a local authority, respecting matters within the purview of this code, requires the approval of the *Ministre des transports* to come into force.

The *Ministre des transports* may approve, in whole or in part, a by-law 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 or part thereof disapproved becomes void from the fixed in a notice of withdrawal of such approval published in the *Gazette officielle du Québec*.

**419.** The fine to which a person is liable for an offence against a by-law adopted under paragraph *d*, *e* or *h* of section 415 cannot be higher or lower than the fine imposed under this code for the same offence.

**420.** A local authority, by agreement with the Attorney General, approved by the Government, may waive, in favour of the Attorney General, the prosecution of offences in its territory against the acts and regulations respecting traffic and parking, and agree on the apportionment of the fines.

On publication in the *Gazette officielle du Québec* of an agreement contemplated in the first paragraph, the Attorney General has authority to prosecute the offences contemplated therein, and sections 380 to 390 apply; the *Ministre des finances* may then pay, to the local authority concerned, its share of the proceeds of the fines out of the consolidated revenue fund, to the extent they have been paid into it.

## CHAPTER XII

## MISCELLANEOUS PROVISIONS

**421.** This code applies to the Government and to government agencies.

**422.** The Ministre des transports may grant subsidies to promote the application of this code.

**423.** The Ministre des transports, with government authorization, may enter with any government or body into agreements according to law respecting the registration of road vehicles, driver's licences, any other licences prescribed by this code, or any other matter respecting traffic or road safety.

An agreement under this section may partially exempt a non-resident from the application of this code.

**424.** The Ministre des transports may appoint dealers from among the holders of dealer's licences as mandataries of the Bureau and prescribe the conditions of their mandate, which must be gratuitous and respect only the registration of road vehicles and related operations.

**425.** The Ministre des transports may classify public highways for the purposes of the carrying out of this code.

**426.** The Ministre des transports may, in writing, generally or specially delegate the exercise of the powers conferred upon him by this code to such person as he may designate.

**427.** If a peace officer or an officer of the Department entrusted with the carrying out of this code determines in the course of his duties that the driver of a road vehicle is not in condition to drive without endangering the safety, life or property of a third person, he may, without a warrant, take possession of the vehicle, drive it and impound it.

The driver may resume possession of his vehicle only if it is proved to the satisfaction of the peace officer or the officer of the department entrusted with the carrying out of this code that he is in condition to drive a road vehicle, and after payment of the costs of impounding.

**428.** Every owner of a road vehicle stolen in Québec shall, without delay, give notice of the theft of the road vehicle and, as the case may be, of its recovery, to the director general in such form as he may establish.

The owner of a road vehicle completely destroyed in Québec shall give notice thereof without delay to the director general in such form as he may establish.

**429.** Any sum becoming due to the Crown under this code constitutes a privileged debt on the road vehicle, ranking immediately after law costs.

**430.** All sums collected or received in the carrying out of this code form part of the consolidated revenue fund.

**431.** Where a road vehicle is involved in an accident, the following persons shall make a report of it to the director general within eight days of its occurrence if they have first-hand knowledge of it, or otherwise, within eight days of becoming aware of it:

- (a) the peace officer having first-hand knowledge of the accident or having been informed of it;
- (b) the insurer having received notice of the accident;
- (c) the railway company in the case of a collision with a rail vehicle;
- (d) the coroner before whom an inquest is held into the death of a person caused by the accident.

The owner and the driver of the road vehicle shall make a report of the accident where a person contemplated in subparagraph *a* or *b* has not become aware of it immediately.

**432.** An insurer or any other person who pays damages as the result of an accident caused by a road vehicle shall make a report of it to the director general within thirty days of such payment, giving the name and address of the owner and of the driver of the vehicle and its registration number, and the date and a brief description of the accident.

He shall also furnish to the director general any other information and any proof he may require.

—**433.** The prothonotary of the Superior Court or the clerk of the Provincial Court shall, within ten days of the report of an action for damages against the owner, possessor or driver of a road vehicle involved in an accident, give notice of the action to the director general, giving the number of the case, the names and addresses of the parties, the date and place of the alleged accident, the alleged fault and, if they appear in the declaration, the registration number of the vehicle concerned and the name

and address of its owner and of the person who was driving it at the time of the accident.

Within ten days of the production of a defence alleging the fault or negligence of the owner or driver of another road vehicle involved in the accident, the prothonotary or clerk shall give the director general a similar notice in respect of the facts alleged in the defence.

**434.** Sections 432 and 433 do not apply where personal and property damage caused by an accident do not exceed two hundred and fifty dollars.

**435.** The peace officer or the officer of the department who has confiscated an object in carrying out the provisions of this code shall immediately inform the director general 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 director general, who may then, on such conditions as he may determine, authorize its restoration.

**436.** Every person who is bound under this chapter to make a report, give a notice or furnish information to the director general and refuses or neglects to do so within the prescribed time is guilty of an offence and is liable to a fine of not under one hundred dollars nor over two hundred dollars, in addition to costs in each case.

**437.** Every person who contravenes any provision of a regulation made by the Government or 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 not under fifty dollars nor over one hundred dollars.

## CHAPTER XIII

### TRANSITIONAL AND FINAL PROVISIONS

**438.** This code replaces the Highway Code (Revised Statutes, 1964, chapter 231) as well as paragraphs 2, 8, 9 and 10 of section 2 and sections 22, 24 to 31 and 42 of the Highway Victims Indemnity Act (Revised Statutes, 1964, chapter 232).

However, subdivision 2 of Division VIII of the Highway Code remains in force until it is replaced by Division VI of Chapter IX of this code.

**439.** Permits and licences issued under the Highway Code (Revised Statutes, 1964, chapter 231) remain valid until their date of expiry and may be renewed, from the date of the coming into force of this code, in accordance with this code.

Restricted permits issued under the Highway Victims Indemnity Act (Revised Statutes 1964, chapter 232) and special permits issued under section 188 of the Automobile Insurance Act (1977, chapter 68) remain valid until their date of expiry.

**440.** Registrations made under the Highway Code (Revised Statutes, 1964, chapter 231) remain in force until their date of expiry and may be renewed, from the date of the coming into force of this code, in accordance with this code.

**441.** Every suspension, revocation or cancellation of a permit or licence made by the director of the Bureau des véhicules automobiles under the Highway Code (Revised Statutes, 1964, chapter 231) or under the Highway Victims Indemnity Act (Revised Statutes, 1964, chapter 232) is deemed to have been made pursuant to this code.

**442.** Every traffic control device installed on a public highway by the Ministre des transports or by a local authority under the Highway Code (Revised Statutes, 1964, chapter 231) or under a municipal by-law is deemed to have been installed under this code.

**443.** Mandataries appointed under the Highway Code (Revised Statutes, 1964, chapter 231) to effect the registration of motor vehicles and all related operations on behalf of the Bureau des véhicules automobiles are deemed to have been appointed under this code.

**444.** Every regulation made under the Highway Code (Revised Statutes, 1964, chapter 231) and under the Highway Victims Indemnity Act (Revised Statutes, 1964, chapter 232) remains in force until it is repealed, replaced or amended by government regulation made under this code, provided it is not inconsistent with this code.

**445.** In any act, regulation, by-law, proclamation, order, order in council, contract or document, any reference to a provision of the Highway Code (Revised Statutes, 1964, chapter 231) is a reference to the corresponding provision of this code.

**446.** In any act, regulation, by-law, proclamation, order, order in council, contract or document, the expression "Bureau des véhicules automobiles" designates the Bureau des véhicules automobiles instituted under this code and the expression "director" or "director of the Bureau des véhicules automobiles" designates the director general or the director general of the Bureau des véhicules automobiles instituted under this code. The records and all other documents of the Bureau des véhicules automobiles are and have always been, since (*insert here the date of the coming into force of this code*), the records and documents of the Bureau des véhicules automobiles instituted under this code.

**447.** The director and the other civil servants of the Bureau des véhicules automobiles become, without other formality, the director general and civil servants of the Bureau des véhicules automobiles instituted under this code.

**448.** Every agreement entered into with another government respecting the registration of motor vehicles, the licences of persons driving them or modifications to the restrictions established in section 12 of the Highway Code (Revised Statutes, 1964, chapter 231) remains in force until it is repealed, amended or replaced by an agreement entered into under this code.

**449.** Section 31 of the Transport Act (1972, chapter 55), amended by section 6 of chapter 61 of the statutes of 1974 and by section 14 of chapter 45 of the statutes of 1975, is again amended by adding, after the second paragraph, the following paragraph:

"The first paragraph does not apply to the owner-driver of a motor vehicle used as a car-pool vehicle as defined in subparagraph 31 of the first paragraph of section 1 of the Highway Code."

**450.** The Ministre des transports is responsible for the carrying out of this code.

**451.** This act comes into force on the day of its sanction, except Division VI of Chapter IX, which will come into force on the date to be fixed by government proclamation.