

ASSEMBLÉE NATIONALE DU QUÉBEC

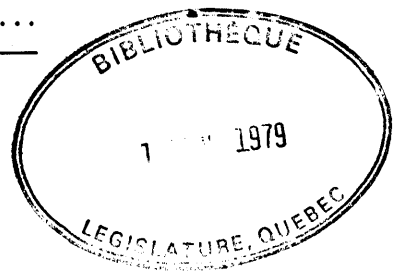
Bill 127

An Act to amend the Highway Victims Indemnity Act

First reading

Second reading

Third reading



M. LUCIEN LESSARD

Ministre des transports

EXPLANATORY NOTES

This bill amends the Highway Victims Indemnity Act to enable a person who has been found guilty of an offence under the sections contemplated in section 22 of that act and whose driver's permit has been suspended for that reason, to obtain a restricted permit by order of the trial judge, if he needs his automobile for his work.

In addition, the bill provides that a person who has omitted to apply for the issue of an order at the time of the declaration finding him guilty or of the sentence will be able, for a reasonable ground, the proof of which is incumbent on him, to make that application later.

Finally, this option, according to the bill, may be exercised in pending cases.

Bill 127

An Act to amend the Highway Victims Indemnity Act

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

1. Section 22 of the Highway Victims Indemnity Act (Revised Statutes, 1964, chapter 232), amended by section 27 of chapter 35 of the statutes of 1976 and replaced by section 205 of chapter 68 of the statutes of 1977, is amended by replacing the second and third paragraphs by the following paragraphs:

“However, that person, immediately after the declaration finding him guilty or after the sentence, may obtain from the judge who rendered it, an order to the director to issue to him a restricted permit if he establishes, to the satisfaction of the judge, that he must drive an automobile in order to carry on his principal means of livelihood.

If that person has not, for a reasonable ground, the proof of which is incumbent on him, made his application at the time provided for in the second paragraph, he may still do so by applying, by way of a motion, to the same judge or to a judge of the same court; if that court does not sit in the district where the person intends to file his motion, it may then be filed with a judge of a civil court, except a municipal court.

The decision is final and without appeal.

The director, on receipt of the order, shall issue the restricted permit; the suspension provided for in the first paragraph is then extended to six months.

The restricted permit is issued or maintained only so far as the driver's permit is not cancelled, suspended or not renewed for another cause.”

2. Section 1 also applies to an offence committed before the date of its coming into force if, on that date, there has been no ruling on an application for a recommendation to issue a restricted permit made in conformity with the second paragraph of section 22 of the Highway Victims Indemnity Act as enacted by section 205 of chapter 68 of the statutes of 1977.

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