

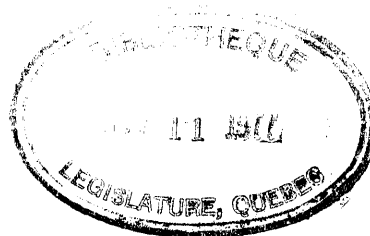
SECOND SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 75

An Act to amend the Highway Code

First reading



M. LUCIEN LESSARD
Ministre des transports

Bill 75

An Act to amend the Highway Code

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

1. Section 1 of the Highway Code (Revised Statutes, 1964, chapter 231), amended by section 29 of chapter 65 of the statutes of 1969 and by section 82 of chapter 55 of the statutes of 1972, is again amended:

(a) by replacing paragraph 3 by the following:

“(3) The “farm vehicle” is in the possession, as the owner or lessee, of a farmer or of an agricultural cooperative established under the Cooperative Agricultural Association 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 it is principally used for the transportation of farm products or the material required for their production;”;

(b) by adding after paragraph 3, the following paragraph:

“(3a) The word “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);”;

(c) by replacing paragraph 5 by the following:

“(5) The “commercial vehicle” is in the possession, as the owner or lessee, of a person who draws his principal subsistence from a commercial activity, and it is used for the transportation of merchandise without any pecuniary consideration, but it does not come within the conditions required to be considered as a farm vehicle;”.

2. Section 15a of the said Code, enacted by section 1 of chapter 60 of the statutes of 1974 and replaced by section 2 of

EXPLANATORY NOTES

Section 1 of this bill redefines the expressions "farm vehicle" and "commercial vehicle", and defines the word "farmer".

Sections 2, 4, 5, 6 and 7 convert the speed limits set out in the Highway Code to metric units.

Section 5 reduces the maximum speed on autoroutes to 100 kilometres per hour.

Section 3 makes the necessary legislative adjustments to accommodate new policies in motor vehicle registration.

Section 8 empowers the Government to designate persons to carry out the operations relating to motor vehicle registration on behalf of the Bureau des véhicules automobiles.

chapter 35 of the statutes of 1976, is amended by replacing paragraph *b* of subsection 1 by the following:

(*b*) which has sufficient power to attain, on the level, a speed greater than forty-five kilometres per hour when driven by a person weighing one hundred and thirty pounds.”

3. Section 28 of the said Code is replaced by the following:

“28. (1) Every motor vehicle registered in Québec must, during the whole registration year, be provided with one valid registration marker issued by the director.

The Lieutenant-Governor in Council may, by regulation, prescribe that a motor vehicle be provided with two registration markers.

The registration marker must be affixed to the rear of the motor vehicle. Where two registration markers are issued, in conformity with the regulation, one marker must be affixed to the front and the other to the rear of the motor vehicle.

Such markers must be solidly affixed by means of rivets, screws and nuts, or a frame, in such a way that they cannot be easily removed and will not swing when the motor vehicle is in motion. The director may determine another mode of affixing the markers of one or other of the categories established under subsection 5.

Every registration marker must be sufficiently lighted and free of any object or matter that could impair its legibility.

Every peace officer or officer of the department entrusted with the carrying out of this Code may, at any time, require the driver of a motor vehicle to immediately clean the registration markers with which his motor vehicle is provided.

A registration marker must be affixed to the rear of every trailer or semi-trailer making up part of a combination of vehicles.

(2) Every registration marker must bear the inscriptions determined by the director and the registration number assigned by the Bureau to the motor vehicle concerned.

(3) No other marker that may be confused in any manner whatsoever with a registration marker may be affixed to the front or to the rear of a motor vehicle; nevertheless, this subsection does not apply where a marker may be required under another law applicable in Québec.

(4) The Bureau remains the owner of every registration marker and may recover possession thereof when the registration of the motor vehicle concerned expires or is suspended or cancelled.

(5) For the application of the provisions regarding registration, the director may establish categories of registration markers based on the types of motor vehicles, on their use, or, in certain cases, on the territory in which they are used.”

4. Section 40*c* of the said Code, enacted by section 8 of chapter 60 of the statutes of 1974, is replaced by the following:

“**40*c*.** No person may drive a bicycle on a public highway on which the speed limit is more than fifty kilometres per hour unless he is at least twelve years of age; this section does not apply in the case of a race or an organized tour.”

5. Section 50 of the said Code, amended by section 1 of chapter 53 of the statutes of 1970 and replaced by section 13 of chapter 35 of the statutes of 1976, is again amended by replacing subsection 3 by the following:

“(3) Without restricting the scope of subsection 2, no person shall drive at a speed:

(a) of less than sixty kilometres per hour or more than one hundred kilometres per hour on an autoroute;

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

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

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

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

(f) in excess of fifty kilometres per hour in cities, towns and villages, except on autoroutes and on roads or parts of roads on which the provincial authority has erected official traffic signs in accordance with section 50*a*;

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

6. Section 66 of the said Code, amended by section 2 of chapter 53 of the statutes of 1970, is again amended by replacing paragraph 4 by the following:

“(4) contravenes any provision of section 50 shall be liable:

(a) for the first offence, to a fine of twenty to fifty dollars and costs and, in default of payment of such fine and costs, to

imprisonment for eight days; however, if the speed exceeds by more than twenty-five kilometres per hour but less than fifty kilometres per hour that permitted by law, the court may also confiscate the driver's permit for a period not exceeding three months, and if the speed exceeds by fifty kilometres per hour or more the speed permitted by law, or if the vehicle is involved in a highway accident, the court may condemn the driver, in addition to the said fine, costs and imprisonment, to imprisonment for not more than eight days, and confiscate such driver's permit for a period not exceeding three months;

(b) for a second offence within the ensuing twelve months, to a fine of fifty to one hundred dollars and costs and, in default of payment of such fine and costs, to imprisonment for fifteen days; the court may also confiscate the driver's permit for a period not exceeding three months if the speed exceeds by more than twenty-five kilometres per hour but less than fifty kilometres per hour that permitted by law, and if the speed exceeds by fifty kilometres or more that permitted by law or if the vehicle is involved in a highway accident, the court may condemn the driver, in addition to the said fine, costs and imprisonment, to imprisonment for not more than fifteen days and it shall confiscate such driver's permit for a period not exceeding three months;

(c) for a third offence within twelve months after the first, to a fine of one hundred to two hundred dollars and costs and, in default of payment of such fine and costs, to imprisonment for thirty days; the court shall also confiscate the driver's permit for a period of at least three months, and of at least six months if the speed exceeds by more than twenty-five kilometres per hour but less than fifty kilometres per hour that permitted by law; if the speed exceeds by fifty kilometres per hour or more that permitted by law or if the vehicle is involved in a highway accident, the court shall condemn the driver, in addition to the said fine, costs and imprisonment, to imprisonment for not more than thirty days, and it shall confiscate such driver's permit for a period of at least six months;"

7. Section 76*a* of the said Code, enacted by section 21 of chapter 35 of the statutes of 1976, is replaced by the following:

"76*a*. Where a municipal council has not availed itself of paragraph 6 of section 76, it shall, at the approaches to a concentration of buildings in the municipality on any highway or section of highway the maintenance of which is at the expense of the municipality, have traffic signs installed indicating that the speed limit is fifty kilometres per hour."

8. Section 82 of the said Code, amended by section 92 of chapter 55 of the statutes of 1972, section 11 of chapter 60 of the

statutes of 1974 and by section 23 of chapter 35 of the statutes of 1976, is again amended by adding after paragraph *g* of subsection 3 the following paragraph:

“(*h*) appoint mandataries on such conditions as he may determine to effect the registration of motor vehicles and all related operations on behalf of the Bureau, and fix their remuneration.”

9. This act shall come into force on the day of its sanction.