

NATIONAL ASSEMBLY

SECOND SESSION

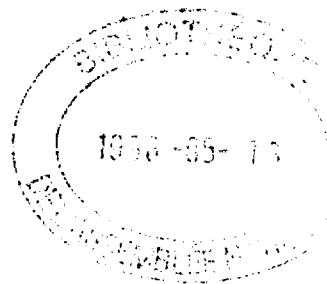
THIRTY-FIFTH LEGISLATURE

Bill 12

**An Act to amend the Highway
Safety Code and other legislative
provisions**

Introduction

Introduced by
Mr Jacques Brassard
Minister of Transport



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EXPLANATORY NOTES

In an effort to more efficiently safeguard the public using the highways, this bill amends the Highway Safety Code to introduce new rules in three areas: gradual access to full authorization to drive road vehicles, driving while impaired, and driving without a licence or while disqualified.

Under the new rules concerning gradual access to full authorization to drive road vehicles, a person holding a learner's licence will be required, at all times while driving, to be assisted by a person who has held a valid driver's licence for at least two years and who is in a condition to drive. On the other hand, the mandatory 24-month probationary licence period will apply only to young drivers under 25 years of age. The bill also repeals the provisions that pertain to compulsory driving school courses, but provides that the time required to hold a learner's licence will be reduced for persons who on their own initiative take lessons from a certified driving school.

As regards driving while impaired, the bill provides that the holder of a learner's licence or probationary licence will have his licence immediately suspended, as an administrative measure, if alcohol is found to be present in his body while driving. For other drivers, the suspension will be imposed if the concentration of alcohol in the driver's blood is found to exceed 80 mg per 100 ml. The suspension will be for 15 or 30 days, depending on whether the driver is a first offender or a repeat offender. The bill further provides that a person convicted of the criminal offence of driving while impaired will be entitled to apply for a restricted licence when half of the licence cancellation period has elapsed. The restricted licence will authorize its holder to drive a road vehicle equipped with a device designed to detect alcohol in the driver's blood and that prevents the car from starting if alcohol is detected.

Driving without a licence and driving while disqualified are dealt with in the bill by the introduction of new measures that enable any road vehicle driven to be seized, whether or not the driver is the owner, and held for 30 days.

The bill contains a provision authorizing the Société de l'assurance automobile du Québec to communicate information on request concerning the validity of a person's driver's licence.

The bill also provides for the implementation of a preventive maintenance program that may replace the current mandatory mechanical inspection program for road vehicles, and does away with 48-hour notices in certain circumstances.

Among the other measures proposed, the bill precludes proceedings against the person standing as surety for a road vehicle dealer by the transferee of a sales contract that contains a reserve of ownership. It also eliminates the current \$500 threshold amount above which an accident report must be made, and replaces it with other highway safety considerations determined by regulation.

Lastly, the bill contains transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Automobile Insurance Act (R.S.Q., chapter A-25);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Transport Act (R.S.Q., chapter T-12);
- Act to amend the Highway Safety Code and other legislative provisions (1990, chapter 83).

Bill 12

An Act to amend the Highway Safety Code and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing the first paragraph by the following paragraph:

“1. This Code governs the use of vehicles on public highways and, in specified cases, on certain private roads and lands, and pedestrian traffic on public highways.”

2. Section 4 of the said Code is amended

(1) by replacing the definition of “dealer” by the following definition:

“ “dealer” means a person who acquires road vehicles for resale purposes;”;

(2) by striking out the words “and a net mass not in excess of 60 kg” in the first and second lines of the definition of “moped”;

(3) by inserting, after the definition of “passenger vehicle”, the following definition:

“ “pound” means a place determined by a municipality or by the Société as a place to which road vehicles seized pursuant to sections 209.1 and 209.2 are taken;”;

(4) by inserting, after the definition of “emergency vehicle”, the following definition:

“health care professional” means a person holding a permit or licence issued by one of the following professional orders, and who is entered on the roll of that order:

- (1) Ordre professionnel des médecins du Québec;
- (2) Ordre professionnel des optométristes du Québec;
- (3) Ordre professionnel des psychologues du Québec;
- (4) Ordre professionnel des ergothérapeutes du Québec;”.

3. Section 14 of the said Code is amended by adding, after paragraph 4, the following paragraph:

“(5) a single-axle towing dolly.”

4. Section 21 of the said Code is amended

(1) by inserting the words “on a public highway, a private road open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed” after the word “operation” in the second line of the first paragraph;

(2) by replacing the words “either of sections 69 and 93.1” in the fifth and sixth lines of the second paragraph by the words “in section 69, 93.1 or 209.20”.

5. Section 35 of the said Code is amended by adding, after the second paragraph, the following paragraph:

“This section applies on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed, as well as on public highways.”

6. Section 55 of the said Code is amended by replacing the words “any of sections 6, 7 and 8” in the first and second lines by the words “section 7 or section 8”.

7. Section 58 of the said Code is amended by replacing the words “section 39” in the first line by the words “section 6 or section 39”.

8. The said Code is amended by inserting, after the heading of Chapter I of Title II, the following section:

“60.1 The requirements relating to learner’s licences, probationary licences, driver’s licences and restricted licences are intended to ensure that authorization to drive is granted only to persons possessing the proficiency and attitudes of care necessary for the safety of the public.”

9. Section 62 of the said Code is replaced by the following section:

“62. The Société may, on the conditions and for the purposes it determines, authorize the organizations it designates to certify driving schools.”

10. Section 65 of the said Code is amended by inserting the words “on a public highway, on a private road open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed” after the word “vehicle” in the first line.

11. Section 65.1 of the said Code is repealed.

12. Section 66 of the said Code is replaced by the following section:

“66. A person applying for a licence to drive a road vehicle, except a licence of a class determined by regulation, must have held a learner’s licence for the period fixed by regulation. The period may vary according to the class of licence.

In addition, every person applying for a driver’s licence who is under 25 years of age, except a person applying for a licence to drive a moped, must have held a probationary licence for the period fixed by regulation.”

13. Sections 71 and 72 of the said Code are repealed.

14. Section 73 of the said Code is amended

(1) by replacing the words “a medical examination or an optometric examination and to submit to it a report of the examination within a period of not more than 90 days” in the third, fourth and fifth lines of the first paragraph by the words “an examination by a health care professional designated by name by the Société or practising the medical specialty it specifies”;

(2) by replacing the second paragraph by the following paragraphs:

“In addition, the Société may require the applicant to submit to an examination by a health care professional or to an assessment by a social worker working in a rehabilitation centre for persons suffering from alcoholism or drug addiction within the meaning of section 86 of the Act respecting health services and social services (chapter S-4.2). The assessment must establish to the satisfaction of the Société that the person’s behaviour as regards the consumption of alcohol is compatible with the safe driving of a road vehicle of the class applied for.

The Société may require that the person referred to in the first and second paragraphs submit to it a report of the examination or assessment within a period that shall not exceed 90 days.”

15. Section 76 of the said Code is replaced by the following section:

“76. Where a person’s licence has been cancelled or right to obtain a licence has been suspended as a result of a conviction for an offence referred to in section 180, no licence may be issued to that person,

(1) in the case of a conviction for an offence referred to in subparagraphs 1 to 3 of the first paragraph of section 180, until one, two or three years have elapsed since the cancellation or suspension, according to whether, during the five years preceding the cancellation or suspension, the person incurred no cancellation or suspension, one cancellation or suspension, or more than one cancellation or suspension under that section;

(2) in the case of a conviction for an offence referred to in subparagraph 4 of the first paragraph of section 180,

(a) where, during the five years preceding the cancellation or suspension, the person incurred no cancellation or suspension under the said subparagraph 4,

i. until successful completion of an instructional program accredited by the Minister of Public Security and designed to educate drivers on the problems associated with the consumption of alcohol;

ii. subject to subparagraph iii, until one year has elapsed since the cancellation or suspension;

iii. until six months have elapsed since the cancellation and the person has applied for and obtained a restricted licence that authorizes the driving only of a road vehicle equipped with a device, approved by the Société, that is designed to ascertain the presence of alcohol in the driver's blood and to prevent the vehicle from being started when alcohol is detected;

iv. until the person has furnished, at the request of the Société, any data recorded by the device;

(b) where, during the five years preceding the cancellation or suspension, the person incurred only one cancellation or suspension under the said subparagraph 4,

i. subject to subparagraph ii, until two years have elapsed since the cancellation or suspension;

ii. until 12 months have elapsed since the cancellation and the person has applied for and obtained a restricted licence that authorizes the driving only of a road vehicle equipped with a device, approved by the Société, that is designed to ascertain the presence of alcohol in the driver's blood and to prevent the vehicle from being started when alcohol is detected;

iii. until the person has furnished, at the request of the Société, any data recorded by the device;

iv. until 20 months have elapsed since the cancellation or suspension and the person has submitted to an assessment establishing to the satisfaction of the Société that his behaviour as regards the consumption of alcohol is compatible with the safe driving of a road vehicle of the class applied for. The assessment must be made by a social worker or by a health care professional working in a rehabilitation centre for persons suffering from alcoholism or drug addiction within the meaning of section 86 of the Act respecting health services and social services;

(c) where, during the five years preceding the cancellation or suspension, the person incurred more than one cancellation or suspension under the said subparagraph 4,

i. subject to subparagraph ii, until three years have elapsed since the cancellation or suspension;

ii. until 18 months have elapsed since the cancellation and the person has applied for and obtained a restricted licence that authorizes the driving only of a road vehicle equipped with a device, approved by the Société, that is designed to ascertain the presence of alcohol in the driver's blood and to prevent the vehicle from being started when alcohol is detected;

iii. until the person has furnished, at the request of the Société, any data recorded by the device;

iv. until 32 months have elapsed since the cancellation or suspension and the person has submitted to an assessment establishing to the satisfaction of the Société that his behaviour as regards the consumption of alcohol is compatible with the safe driving of a road vehicle of the class applied for. The assessment must be made by a social worker or by a health care professional working in a rehabilitation centre for persons suffering from alcoholism or drug addiction within the meaning of section 86 of the Act respecting health services and social services.

The Société shall establish the conditions on which the device described in this section may be used. It must cancel a restricted licence if the holder fails to comply with such conditions.

The time periods prescribed for obtaining a restricted licence and the time periods of one, two and three years prescribed for obtaining a new licence may not be lesser than the period set out in an order of prohibition from driving made under subsection 1 or 2 of section 259 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)."

16. The said Code is amended by adding, after section 76, the following sections:

"76.1 A restricted licence issued under section 76 is valid from the date of issue until the date on which the waiting period referred to in that section expires.

"76.2 The holder of a restricted licence issued under section 76 who drives a road vehicle that is not equipped with the device referred to in that section or who does not comply with the conditions on which the device is to be used is deemed to drive while disqualified within the meaning of section 106.1.

"76.3 No restricted licence may be issued under section 76 if the licence cancelled is a learner's licence."

17. Section 91 of the said Code is amended by adding, after the second paragraph, the following paragraphs:

“A person holding a valid driver’s licence or a licence that expired less than three years previously, or who previously held a driver’s licence issued in Québec, is exempted from the proficiency examination.

Furthermore, the Société may, on the conditions it determines, exempt a person holding a valid driver’s licence from the proficiency examination if the licence was issued by an administrative authority outside Canada that applies standards for the issue of licences that are similar to those applied in Québec.”

18. Section 99 of the said Code is replaced by the following section:

“**99.** The holder of a learner’s licence must, when driving a road vehicle other than a moped or a motorcycle, be assisted by a person who has held, for at least two years, a valid driver’s licence authorizing the driving of the vehicle. The person must be seated beside the holder of the learner’s licence, and be at all times in a fit condition for driving.

The person assisting the holder of the learner’s licence must carry his driver’s licence with him.”

19. Section 100 of the said Code is replaced by the following section:

“**100.** The holder of a learner’s licence must, when driving a motorcycle, be accompanied by a person on a separate motorcycle, who has held, for at least two years, a valid driver’s licence authorizing the driving of a motorcycle and who is able to provide assistance and advice.

The holder of the learner’s licence may not carry any passengers.”

20. Section 101 of the said Code is repealed.

21. Section 105 of the said Code is amended by inserting the words “a valid driver’s licence issued by another administrative authority or” after the word “holds” in the first line of the first paragraph.

22. Section 106 of the said Code is amended

(1) by replacing the word “another” in the second line of the first paragraph by the words “a person who does not hold a driver’s licence of the appropriate class for the vehicle or a”;

(2) by inserting the words “a valid driver’s licence issued by another administrative authority or the holder of” after the word “of” in the third line of the first paragraph.

23. The said Code is amended by replacing the heading of Chapter III of Title II after section 117 by the following heading:

“RESTRICTED LICENCE AUTHORIZING THE DRIVING OF A ROAD VEHICLE TO CARRY ON A PRINCIPAL MEANS OF LIVELIHOOD”.

24. Chapter IV of Title II of the said Code, comprising sections 127 to 136, is repealed.

25. Section 137 of the said Code is amended by striking out the words “, the second paragraph of section 100,” in the first and second lines.

26. The said Code is amended by inserting, after section 137, the following section:

“**137.1** Every person who assists the holder of a learner’s licence and who contravenes section 99 or section 100 is guilty of an offence and is liable to a fine of \$30 to \$60.”

27. Section 140 of the said Code, amended by section 10 of chapter 6 of the statutes of 1995, is again amended by replacing the words “either of sections 96 and 99, the first paragraph of section 100 or either of sections 101 and 133” in the first and second lines by the words “section 96”.

28. The said Code is amended by inserting, after section 140, the following section:

“**140.1** Every holder of a learner’s licence who contravenes section 99 or section 100 is guilty of an offence and is liable to a fine of \$200 to \$300.”

29. Section 141 of the said Code, amended by section 11 of chapter 6 of the statutes of 1995, is again amended by striking out the words “and 129”.

30. Section 143 of the said Code is amended by replacing the words “section 180” in the fourth line by the words “section 180, 185 or 191.2”.

31. The said Code is amended by inserting, after section 143, the following section:

“143.1 Every person who contravenes the first paragraph of section 105 is guilty of an offence and is liable to a fine of \$600 to \$2,000, if his licence or right to obtain a licence is cancelled or suspended on any of the grounds set out in sections 185 and 191.2.”

32. Section 144 of the said Code is amended by replacing the words “\$600 to \$2 000” in the second line by the words “\$1,500 to \$3,000”.

33. Section 145 of the said Code is replaced by the following section:

“145. Every person who contravenes section 106 is guilty of an offence and is liable to a fine of \$300 to \$600 if the driver of the vehicle is liable to the fine prescribed by section 143, \$600 to \$2,000 if the driver of the vehicle is liable to the fine prescribed by section 143.1, and \$1,500 to \$3,000 if the driver of the vehicle is liable to the fine prescribed by section 144.”

34. Sections 146.2 to 150 of the said Code are repealed.

35. Section 151 of the said Code is amended by replacing the words “No person may deal in road vehicles” in the first line by the words “No person may acquire road vehicles for resale purposes”.

36. Section 152 of the said Code is amended

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

“Such security guarantees, in the case of the sale by a dealer of the property of a third person, reimbursement of the amount paid to the purchaser by the true owner as a condition for revendication of his road vehicle. The dealer and the surety are solidarily liable for the reimbursement of the amount paid by the true owner.”;

(2) by adding, after the third paragraph, the following paragraph:

“The following persons have no remedy against the surety in respect of a road vehicle that has been sold:

(1) the transferee of a contract of sale of a road vehicle where the contract has a reserve of ownership;

(2) a road vehicle dealer who has reserved the ownership of a road vehicle that he has sold.”

37. Section 153 of the said Code is amended by replacing the words “No person may deal in disused road vehicles, parts taken from disused vehicles or vehicle carcasses” in the first and second lines by the words “No person may acquire disused road vehicles, parts taken from such vehicles or vehicle carcasses for resale purposes”.

38. Section 155 of the said Code is amended

(1) by replacing that part preceding subparagraph 1 of the first paragraph by the following:

“155. Every recycler must keep a register the form and period of retention of which are prescribed by regulation and in which the following information is entered:”;

(2) by inserting the word “road” after the word “the” in the second line of subparagraph 2 of the first paragraph;

(3) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) the date of sale of every road vehicle and major component sold and the name and address of the purchaser.”;

(4) by replacing the second paragraph by the following paragraph:

“For the purposes of this section, “major component” means a major component determined by regulation.”

39. Section 158 of the said Code is repealed.

40. Section 159 of the said Code is amended by striking out the words “and the permit” in the first line.

41. Section 161 of the said Code is amended

- (1) by striking out the words “or permit” in the first line;
- (2) by striking out the words “or permit” in the second line.

42. Section 162 of the said Code is replaced by the following section:

“162. The Société must refuse to issue a licence if the dealer or recycler does not meet the conditions subject to which a licence may be issued.”

43. Section 165 of the said Code is replaced by the following section:

“165. A recycler who fails to keep the register required by section 155 or who fails to enter the information required under that section, or who contravenes section 156, is guilty of an offence and is liable to a fine of \$600 to \$2,000.”

44. Section 166 of the said Code is amended by striking out the figure “158,” in the first line.

45. Section 176 of the said Code is replaced by the following section:

“176. Except in the cases provided for by regulation, a peace officer or an insurer is not required to make a report to the Société in respect of an accident that caused property damage only and did not give rise to a failure to stop at the scene of an accident.”

46. Section 180 of the said Code is replaced by the following section:

“180. Where a person is convicted under the Criminal Code of an offence committed with a road vehicle, that person’s learner’s licence, probationary licence or driver’s licence shall be cancelled if the offence is an offence under

- (1) section 220, 221 or 236;
- (2) paragraph *a* of subsection 1 or subsection 3 or 4 of section 249;
- (3) subsection 1 of section 252 or subsection 5 of section 254;
- (4) section 253 or subsection 2 or 3 of section 255.

Upon convicting the person, the judge shall order the confiscation of the licence referred to in the first paragraph so that it may be returned to the Société.

If the person does not hold a learner's licence, probationary licence or driver's licence, his right to obtain such a licence is suspended."

47. Section 188 of the said Code is amended

(1) by replacing the words "and 93.1" in the second line of paragraph 4 by the words ", 93.1 and 209.20";

(2) by adding, after paragraph 5, the following paragraph:

"(6) the transferor neglects or refuses, upon the transfer of a road vehicle, to pay to the Société the sales tax that is payable."

48. Section 190 of the said Code is amended by replacing the words "and 93.1" in the second line of paragraph 7 by the words ", 93.1 and 209.20".

49. Sections 192 and 193 of the said Code are repealed.

50. Section 195.1 of the said Code is amended by inserting the words "issued under section 76 or section 118" after the word "licence" in the second line.

51. The said Code is amended by inserting, after section 202, the following division:

"DIVISION 1.1

"DRIVING A ROAD VEHICLE WITH ALCOHOL PRESENT IN THE BODY

"202.1 The suspension of a learner's licence, probationary licence, driver's licence or restricted licence under this division is intended to safeguard the licence holder and the public.

"202.2 The following persons may not drive a road vehicle if any alcohol is present in their bodies:

(1) the holder of a learner's licence or probationary licence who has never held a driver's licence other than a licence authorizing the driving only of a moped;

(2) the holder of a driver's licence authorizing the driving only of a moped who is under 25 years of age and has held that licence for less than five years;

(3) the holder of a restricted licence issued under section 76 or section 118, if the licence was issued as a result of the suspension of a probationary licence.

“202.3 A peace officer may, by demand made to a person subject to the obligation set out in section 202.2, require the person to provide forthwith such a sample of breath as in the opinion of the peace officer is necessary to enable a proper analysis of the breath to be made by means of a screening device approved by the Minister of Public Security and that is designed to ascertain the presence of alcohol in the blood of a person. The device must be maintained and used in accordance with the standards prescribed by regulation by persons who have received the training prescribed by regulation.

For the purpose of enabling the sample to be taken, the peace officer may, by demand made to the person, require the person to accompany him.

“202.4 The peace officer shall immediately suspend, for a period of 15 days, the licence of

(1) a driver of a road vehicle referred to in section 202.2 if a sampling carried out under section 202.3 reveals the presence of alcohol in the person's body;

(2) a driver of a road vehicle if a sampling by an approved instrument carried out in accordance with the provisions of the Criminal Code reveals a concentration of alcohol in the person's blood that exceeds 80 milligrammes of alcohol in 100 millilitres of blood.

In the case of a driver who, during the five years preceding the suspension, incurred a suspension under this section or a suspension or cancellation under section 180, the period of suspension is doubled.

“202.5 A peace officer may also impose the suspension under section 202.4 on the driver of a road vehicle who fails to comply with a demand made to him by the peace officer under section 202.3 or section 254 of the Criminal Code.

“202.6 Every licence suspended pursuant to section 202.4 or section 202.5 must be remitted to the peace officer who effected the suspension.

“202.7 Where the period of validity of a licence expires before the end of the period of suspension of the licence, the right to obtain a licence shall be suspended for the duration of the unexpired portion of the period of suspension.

“202.8 The peace officer must advise the Société of every suspension imposed under this division within the time and in the manner determined by the Société.

“202.9 Every person who contravenes section 202.2 or who fails to comply with a demand made to him by a peace officer under section 202.3 is guilty of an offence and is liable to a fine of \$300 to \$600.”

52. Division II of Chapter II of Title V of the said Code, comprising sections 203 to 206, is repealed.

53. Section 207 of the said Code is replaced by the following section:

“207. The Société may suspend the licence of a dealer or recycler

(1) if the holder of the licence no longer fulfils the conditions attached to the licence;

(2) on the recommendation of the president of the Office de la protection du consommateur, if the holder of the licence has been convicted of an offence under the Consumer Protection Act, unless a pardon was obtained. The terms and conditions as well as the duration of the suspension shall be fixed after consultation with the president of the Office;

(3) if the holder of the licence has been convicted of an offence under section 164.1, unless a pardon was obtained. The first suspension shall be for a period of three months; any subsequent suspension shall be for a period of six months;

(4) if the holder of the licence has been convicted of an offence under section 165 for a contravention of section 155 in relation to the keeping of a register, unless a pardon was obtained. The first suspension shall be for a period of three months; any subsequent suspension shall be for a period of six months;

(5) on the recommendation of a local municipality, a regional county municipality or an urban community, if the holder of the

licence has been convicted of an offence against a zoning by-law or interim control by-law prohibiting the carrying on of business as a dealer or recycler in the places mentioned therein;

(6) if the holder of the licence provides false or misleading information, falsifies registration documents or fails to declare information relating to a declaration of “total loss” of an imported road vehicle. The holder must satisfy himself that the vehicle has not previously been declared a “total loss” by another administration. The first suspension shall be for a period of three months; any subsequent suspension shall be for a period of six months.”

54. Section 208 of the said Code is repealed.

55. The said Code is amended by inserting, after section 209, the following chapter:

“CHAPTER III

“DRIVING WITHOUT A LICENCE OR WHILE DISQUALIFIED

“DIVISION I

“GENERAL PROVISIONS

“209.1 A peace officer who has reasonable cause to believe that a person is driving a road vehicle without being the holder of a licence prescribed by section 65 may, at the owner’s expense and on behalf of the Société, immediately seize the vehicle and impound it for a period of 30 days.

“209.2 A peace officer who has reasonable cause to believe that the driver of a road vehicle of the particular class of road vehicle being driven is disqualified from driving under section 106.1 may, at the owner’s expense and on behalf of the Société, immediately seize and impound the vehicle for a period of 30 days if the disqualification was imposed under section 180 or section 185, paragraph 2 or 3 of section 190, or under section 191, 191.2, 202.4 or 202.5.

The same applies in the case of a disqualification imposed under section 183 or 184, any of paragraphs 1 or 4 to 6 of section 190 or section 194, if the driver, during the five preceding years, was convicted of an offence under section 105 as a result of a disqualification imposed under any of sections 180 or 183 to 185, any of paragraphs 1 to 6 of section 190 or under section 191, 191.2, 194, 202.4 or 202.5.

“209.3 After the road vehicle has been impounded, the peace officer shall prepare a minute of the seizure in the form and tenor determined by the Société.

A copy of the minute of the seizure must be provided to the driver of the vehicle, to the owner if he is present, to the custodian of the impounded vehicle and to the Société where it so requests.

“209.4 The driver, if he is not the owner of the road vehicle, shall advise the owner of the vehicle of the seizure, without delay, and provide him with a copy of the minute of the seizure.

“209.5 The peace officer shall advise the Société of every seizure effected under this chapter within the time and in the manner determined by the Société.

If the owner was not present at the time of the seizure, the Société shall advise him of the seizure in the manner set out in the fourth paragraph of section 550.

“209.6 The owner or driver of a road vehicle seized may recover any personal property present in the vehicle except a radar warning device or personal property attached to or incorporated into the vehicle or used in connection with the operation of the vehicle.

“209.7 The shipper, carrier or owner of the merchandise transported in a road vehicle that is seized may recover the merchandise as well as any trailer, semi-trailer, detachable axle or single-axle towing dolly forming part of a combination of road vehicles that is seized.

“209.8 The owner of a road vehicle seized may not transfer the ownership of the vehicle before the Société has authorized the recovery of the vehicle by its owner pursuant to section 209.14.

“209.9 The custodian is entitled to retain the road vehicle until all towing and impounding charges have been paid.

Towing charges and daily impounding charges are fixed by regulation.

“209.10 The person to whom custody of the impounded road vehicle has been entrusted shall act with care and prudence and in a manner that ensures the preservation of the vehicle. He may surrender possession of the vehicle only if the conditions set out in section 209.14 are satisfied or after the expiry of the period provided for in section 209.15, but in the latter case, only with the permission of the Public Curator.

"DIVISION II

"RELEASE FROM SEIZURE

"209.11 A road vehicle seized may, on the authorization of a judge of the Court of Québec sitting in civil matters, be returned to its owner before the expiry of the period of seizure, on presentation to the custodian of the document issued by the Société under section 209.14,

(1) if, being the driver of the vehicle, the owner was unaware that he was disqualified; or

(2) if, not being the driver of the vehicle, the owner

(a) was unaware that the driver to whom he had entrusted the driving of his vehicle was disqualified or was not the holder of the licence of the class required to drive the vehicle; or

(b) had not consented to the driver being in possession of the vehicle seized.

The motion for release must be served on the Société with a copy of the minute of the seizure at least two clear days before presentation to the court of the place of the seizure. The motion is heard and decided by preference.

"209.12 Where a motion is served on it, the Société may plead, before the date fixed for the presentation of the motion, any ground of law or fact which shows that the conclusions of the motion cannot be granted in whole or in part.

"209.13 The minute prepared by the peace officer may stand in lieu of his testimony if the peace officer attests that he himself ascertained the facts set forth therein. The same applies to the copy of the minute certified true by an authorized person.

"209.14 At the end of the period of seizure, whether it occurs as a result of a release order or by the mere lapse of time, the owner may recover his road vehicle only on presentation of an authorization furnished by the Société which may be issued only on proof of payment of the towing and impounding costs incurred by the custodian.

The custodian shall release the road vehicle to the bearer of the authorization furnished by the Société.

“209.15 If, at the end of five days after the date set for the end of the seizure, the owner of the road vehicle has not furnished to the Société proof that would have enabled it to authorize the owner to recover his vehicle, the Société shall place the vehicle under the administration of the Public Curator.

“DIVISION III

“DISPOSAL OF THE ROAD VEHICLE BY THE PUBLIC CURATOR

“209.16 The Public Curator shall exercise the powers provided for in sections 24 and following of the Public Curator Act (chapter C-81), subject to the provisions that derogate therefrom contained in this division.

“209.17 The Public Curator shall cause to be published, within seven days of the beginning of his administration, a notice in a newspaper circulated in the locality where the owner of the road vehicle resides or, in the case of a legal person, in the locality where the legal person's establishment is situated.

The notice shall indicate that the road vehicle has been placed under the administration of the Public Curator, that the vehicle may be recovered by its owner on payment of the fees of and expenses incurred by the Public Curator for the administration of the vehicle and that, from the eleventh day after the date of publication of the notice, the Public Curator will be authorized to sell the vehicle.

The notice shall also indicate the name of the owner of the road vehicle as well as the year, make and model of the vehicle.

“209.18 The Public Curator shall pay the towing and impounding costs incurred by the custodian.

“209.19 Where neither the owner nor any other person entitled to claim the road vehicle exercises his right within 10 days from the publication of the notice, the Public Curator may sell the vehicle.

The proceeds of the sale shall be remitted to the person who was the owner of the vehicle at the time it was seized, after deduction of the fees of and expenses incurred by the Public Curator. If the owner cannot be located, the Public Curator shall assume the provisional administration of those sums.

“209.20 Where the fees of the Public Curator together with the towing and impounding costs and other expenses incurred by the Public Curator during a quarter in respect of road vehicles exceed the proceeds from the sale of the vehicles during that quarter, the Société shall in the following quarter pay into the general fund of the Public Curator, according to the terms fixed by agreement, an amount equal to the amount by which the fees and expenses exceed the proceeds of the sale.

The person who owned a road vehicle that has been seized shall be indebted to the Société for the amount paid to the Société by the Public Curator.

“DIVISION IV

“INDEMNIFICATION BY THE SOCIÉTÉ

“209.21 The Société shall be liable for any damage resulting from any wrongful seizure.

“DIVISION V

“PENAL PROVISIONS

“209.22 Every person who contravenes section 209.10 is guilty of an offence and is liable to a fine of \$600 to \$2,000.

“209.23 Every person who requires the payment of charges greater than those established by a regulatory provision under paragraph 50 of section 621 is guilty of an offence and is liable to a fine of \$600 to \$2,000.

“209.24 Every person who drives a road vehicle that has been impounded under section 209.1 or 209.2 is guilty of an offence and is liable to a fine of \$600 to \$2,000.”

56. Section 210 of the said Code is amended by inserting the words “, except trailers and semi-trailers whose net mass does not exceed 900 kg,” after the word “vehicles” in the first line of the first paragraph.

57. Section 214.1 of the said Code is amended

(1) by adding, at the end of the first paragraph, the words “or by another farm vehicle if the warning sign referred to in section 274 is attached at the rear of the combination of road vehicles”;

(2) by adding, after the second paragraph, the following paragraph:

“To the extent that their width exceeds 2.6 metres, the trailers, semi-trailers or other farm machinery referred to in this section are subject to the equipment standards and other traffic rules prescribed by regulation that apply to farm machinery.”

58. Section 220 of the said Code is amended by inserting the words “, unless it carries reflective side and rear stripe markers in accordance with the Motor Vehicle Safety Act,” after the word “semi-trailer” in the second line of the first paragraph.

59. Section 225 of the said Code is replaced by the following section:

“225. A road vehicle over 2 metres in width, operated on a public highway, must carry portable lamps, reflectors and flares, the standards of use of which are prescribed by regulation.”

60. The said Code is amended by inserting, after section 228, the following section:

“228.1 No vehicle that carries a sign or signal or similar device in lieu thereof required to obtain a special permit shall be used otherwise than in connection with the special permit, unless the sign, signal or device has been removed or covered.”

61. The said Code is amended by inserting, after section 233, the following section:

“233.1 No bicycle dealer shall sell, offer for sale, rent or offer for rent a bicycle unless the bicycle carries the reflectors prescribed by section 232.”

62. Section 244 of the said Code is amended by adding, at the end of the third paragraph, the words “or by another farm vehicle if the warning sign referred to in section 274 is attached at the rear of the combination of road vehicles”.

63. The said Code is amended by inserting, after section 250, the following section:

“250.1 No person may, in the carrying on of a business, sell, offer for sale, rent or offer for rent a protective helmet for motorcyclists, moped operators or their passengers unless it meets the standards established by regulation.”

64. Section 266 of the said Code is replaced by the following section:

“266. No person may coat the windshield or the front side windows of a road vehicle or cause them to be coated with a material that does not meet the standards prescribed under section 265.”

65. Section 272 of the said Code is amended by replacing the words “at least as wide as the tread of the tires” in the fourth line by the words “or if fitted with permanent mudguards that are narrower than the tread of the tires or the bottom edge of the rear portion of which is 350 mm or more from the ground when the vehicle is not loaded”.

66. Section 276 of the said Code is amended by inserting the words “, or a bicycle dealer who contravenes section 233.1,” after the figure “247” in the third line.

67. The said Code is amended by inserting, after section 281.1, the following section:

“281.2 Every person who drives a road vehicle whose windshield or front side windows are coated with a material that does not meet the standards prescribed under section 265 is guilty of an offence and is liable to a fine of \$100 to \$200.”

68. The said Code is amended by inserting, after section 283, the following section:

“283.0.1 Every person who contravenes section 228.1 is guilty of an offence and is liable to a fine of \$100 to \$200.”

69. Section 284 of the said Code is amended by replacing the words “either of sections 250 or 251” in the first line by the words “section 250, 250.1 or 251”.

70. Section 292 of the said Code, amended by section 2 of chapter 25 of the statutes of 1995, is replaced by the following section:

“292. Any sign or signal erected under section 291 may provide exceptions for local deliveries, applicable to road vehicles travelling to a place that can be reached only by that highway, in order to collect or deliver goods, provide a service, perform work, cause a mechanical repair to be made or, where the place is the place where the vehicle is generally parked for storage or maintenance purposes, to store or maintain the vehicle.”

71. Section 328 of the said Code, amended by section 140 of chapter 83 of the statutes of 1990, is again amended

(1) by replacing paragraph 4 by the following paragraph:

“(4) in excess of 50 km/h in a built-up area, except on limited-access highways;”;

(2) by adding, at the end, the following paragraph:

“On access roads leading to a built-up area, subparagraph 4 of the first paragraph applies when the driver reaches the sign or signal indicating the 50 km/h speed limit.”

72. Section 329 of the said Code is amended

(1) by inserting the words “of the decision” after the word “date” in the second line of the second paragraph;

(2) by striking out the words “, or of their removal, if such is the case,” in the second and third lines of the second paragraph.

73. Section 397 of the said Code is replaced by the following section:

“397. Every child under five years of age who occupies, in a road vehicle other than a taxi or emergency vehicle, a seat that is required to be equipped with a seat belt, must be secured by another restraining device commensurate with the child’s weight and height, installed and used in conformity with the standards established by regulation.”

74. Section 417 of the said Code is amended by adding, at the end, the following paragraph:

“This section applies on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed, as well as on public highways.”

75. Section 421.1 of the said Code is amended by inserting the words “exempted from registration or from” after the word “vehicle” in the first line of the first paragraph.

76. Section 433 of the said Code is amended by replacing the first paragraph by the following paragraph:

“433. No person may ride on the running board or on any outer part of a vehicle in motion, or ride in the box or dump body of a vehicle in motion, or tolerate such a practice.”

77. Section 439 of the said Code is amended

(1) by replacing the word “cathode” in the second line by the word “display”;

(2) by replacing the words “in the performance of his duties” in the fourth and fifth lines by the words “or the driver of a road vehicle used as an ambulance, in accordance with the Public Health Protection Act, in the performance of their duties”.

78. Section 451 of the said Code is amended by inserting the words “or school crossing guard” after the word “officer” in the second line.

79. Section 468 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Every driver must comply with the peace officer’s requirement.”

80. Section 472 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Every driver must comply with the peace officer’s requirement.”

81. Section 474 of the said Code is amended by adding, at the end, the following paragraph:

“The devices required under the first paragraph may be replaced by an amber light that meets the standards prescribed by regulation.”

82. Section 476 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Every driver of a motor vehicle or of a combination of road vehicles must comply with the peace officer’s requirement.”

83. Section 491 of the said Code is amended by replacing paragraph 1 by the following paragraph:

“(1) he uses a cycle lane separated from the roadway and specially laid out to prevent vehicles from crossing over from the roadway to the cycle lane or vice-versa, or having that effect;”.

84. Section 498 of the said Code is replaced by the following section:

“**498.** No person may dispose of, deposit or throw snow, ice or any other substance upon a public highway or allow any other person to do so or, when driving a vehicle, allow snow, ice or any other substance to fall from the vehicle onto a public highway.”

85. Section 506 of the said Code is amended by striking out the figure “335,” in the second line of the first paragraph, and by replacing the words “either of sections 387 and 388” in the third line of the first paragraph by the words “section 387”.

86. Section 509 of the said Code is amended

(1) by inserting the figure “335,” after the figure “331,” in the first line;

(2) by inserting the words “section 388 or” after the figure “386,” in the second line.

87. Chapter V of Title VIII.1 of the said Code, comprising sections 519.54 to 519.62, is repealed.

88. Section 519.65 of the said Code is amended by inserting, after paragraph 2, the following paragraph:

“(2.1) Forest Act (chapter F-4.1);”.

89. Section 519.67 of the said Code is amended by replacing the words “is, throughout Québec, a peace officer” in the second and third lines by the words “and every public servant who supervises the work of such a person directly are, throughout Québec, peace officer”.

90. Section 519.69 of the said Code is amended by inserting the words “and appoint any person” after the word “personnel” in the first line of the first paragraph.

91. The said Code is amended by replacing the heading of Title IX, after section 519.77, by the following heading:

**“MECHANICAL INSPECTION OF VEHICLES AND
PREVENTIVE MAINTENANCE PROGRAM”.**

92. Section 521 of the said Code is amended

(1) by inserting the words “, subject to section 543.2,” after the word “vehicles” in the first line;

(2) by replacing paragraphs 5 and 6 by the following paragraph:

“(5) vehicles used mainly for the transportation of property and having a net mass of more than 3,000 kg, except motor homes, house trailers, construction trailers and farm trailers;”.

93. Section 533 of the said Code is amended by striking out the words “and a peace officer” in the third line.

94. The said Code is amended by inserting, after section 543.1, the following chapter:

“CHAPTER I.1

“PREVENTIVE MAINTENANCE PROGRAM

“543.2 The owner of a road vehicle subject to mechanical inspection pursuant to section 521 may apply to the Société for certification of his preventive maintenance program to stand in place of mechanical inspection, if the program meets the minimum standards prescribed by regulation.

“543.3 To obtain certification, the owner must provide the information and documents prescribed by regulation and pay to the Société the fees prescribed by regulation.

“543.4 Where the Société considers that the owner’s program meets the minimum standards, it shall issue a certificate to the owner, containing the information prescribed by regulation.

“543.5 The owner must affix a sticker to every road vehicle covered by the program, the form, content, period of validity and cost of which shall be prescribed by regulation.

“543.6 No person, except a person holding a certificate issued by the Société, may affix such a sticker to a road vehicle.

“543.7 The owner must keep preventive maintenance records, the form, content and period of retention of which shall be prescribed by regulation.

“543.8 The owner must adhere to the minimum standards prescribed by regulation.

He must maintain the road vehicles covered by the program in safe operating order.

The owner must also adhere to the other standards contained in the program.

“543.9 Work under the preventive maintenance program may be performed by a third person on the conditions prescribed by regulation. However, the owner remains bound by the obligations set out in section 543.8.

“543.10 The Société may, in the cases and on the conditions determined by regulation, cancel a certification.

“543.11 Any owner whose certification has been cancelled may submit a new application to the Société provided he complies with the requirements under section 543.3.

“543.12 Where a certificate of mechanical inspection indicates that a road vehicle to which this chapter applies has a minor defect and that a 48-hour notice has been issued under section 531 by a mechanical inspection controller, the proof of conformity referred to in the second paragraph of that section may be made to the vehicle's owner by a mechanic assigned to preventive maintenance.

“543.13 The Société may designate any member of its personnel to act as a mechanical inspection controller to ensure that sections 519.6, 519.15 and 539, the provisions of this chapter and the regulatory provisions made under paragraphs 32.1 to 32.7 of section 621 are complied with.

“543.14 In the performance of his duties, a mechanical inspection controller may, in particular,

(1) enter, at any reasonable time, the establishment of an owner or of a third person referred to in this chapter or any place where a road vehicle to which the preventive maintenance program applies is located;

(2) inspect, within such places, the premises or equipment where records that must be kept pursuant to this chapter are found;

(3) inspect any vehicle subject to the provisions of this chapter and, for such purpose, order the immobilization of the vehicle if necessary, enter it, examine the records referred to in subparagraph 2 and open or cause to be opened any container or recipient;

(4) require any information relating to the application of this chapter, require any document relating thereto and examine and make copies of books, accounts, records and other documents which contain such information.

Any person having custody, possession or control of such books, accounts, records and other documents must, on request, make them available to the person carrying out the inspection and facilitate their examination.

“543.15 On request, a mechanical inspection controller must identify himself and show a certificate of his capacity issued by the Société.

“543.16 No person may hinder a mechanical inspection controller in the performance of his duties, mislead him by concealment or false declarations, refuse to provide him with any information or document he is entitled to require or examine, or conceal or destroy any document or property relevant to the inspection.”

95. The said Code is amended by inserting, after section 546, the following sections:

“546.0.1 Every owner to whom Chapter I.1 applies who contravenes a regulatory provision determined under paragraph 32.8 of section 621 is guilty of an offence and is liable to a fine of \$100 to \$200 or of \$300 to \$600, or to a fine of \$300 to \$600 or of \$600 to \$2,000 if the owner is a carrier within the meaning of section 519.2 of this Code, according to the offence to which the minimum and maximum amounts of the fine fixed in the regulation correspond.

“546.0.2 Every owner to whom Chapter I.1 applies who contravenes the second paragraph of section 543.8 is guilty of an offence and is liable to a fine of \$100 to \$200 or to a fine of \$300 to \$600 if the owner is a carrier within the meaning of section 519.2.

“546.0.3 Every person who contravenes section 543.6 is guilty of an offence and is liable to a fine of \$300 to \$600.

“546.0.4 Every person who contravenes the second paragraph of section 543.14 or section 543.16 is guilty of an offence and is liable to a fine of \$600 to \$2,000.”

96. Section 546.1 of the said Code is amended by adding, at the end of the second paragraph, the following sentence: “The persons so appointed must pay the fees prescribed by regulation.”

97. Section 546.2 of the said Code is amended

(1) by replacing the word “acquires” in the first line of the first paragraph by the words “compensates the owner of”;

(2) by inserting, after the first paragraph, the following paragraph:

“In addition, every owner of a road vehicle exempted by section 101 or section 102 of the Automobile Insurance Act from the obligation of contracting liability insurance guaranteeing compensation for property damage caused by his vehicle must advise the Société if the vehicle is declared to be a total loss and indicate whether or not the vehicle may be rebuilt.”

98. Section 546.5 of the said Code is amended

(1) by replacing the words “The person authorized to make technical appraisals for the Société” in the first line by the words “The Société or the person it authorizes to make a technical appraisal”;

(2) by adding, after the first paragraph, the following paragraph:

“Following the technical appraisal, the person shall advise the owner or the driver of the results of the appraisal.”

99. The said Code is amended by inserting, after section 546.5, the following section:

“546.5.1 The person authorized to make the technical appraisal for the Société shall without delay forward to it a copy of the certificate of technical compliance or the results of the appraisal.”

100. Section 546.6 of the said Code is amended by replacing the words “damaged vehicle” in the first line of the first paragraph by the words “vehicle that has been seriously damaged and”.

101. The said Code is amended by inserting, after section 546.6, the following section:

“546.6.1 Every insurer or owner of a vehicle exempted by section 101 or section 102 of the Automobile Insurance Act who contravenes section 546.2 and every person who contravenes section 546.5.1 is guilty of an offence and is liable to a fine of \$30 to \$60.”

102. The said Code is amended by inserting, after section 546.7, the following section:

“546.8 Every person who issues a certificate of technical compliance in contravention of the conditions set out in section 546.5 or who forwards technical appraisal results containing false or inaccurate information as to the condition of the vehicle is liable to the fine prescribed by section 546.7.”

103. Section 550 of the said Code is amended

(1) by striking out the words “the first paragraph of section 128, the second paragraph of section 130,” in the third line of the first paragraph, and by replacing the words “203 to 205, 207, 208” in the sixth line of that paragraph by the figure “207”;

(2) by replacing the fourth paragraph by the following paragraph:

“The Société shall send the decision referred to in this section to the person concerned, at the last address furnished to the Société. The decision shall be sent by registered, certified or priority mail.”

104. Section 552 of the said Code is amended by replacing the words “physician or optometrist, as the case may be” in the fourth and fifth lines of the first paragraph by the words “health care professional designated by name by the Société or practising the medical specialty it specifies”.

105. Section 577 of the said Code is repealed.

106. Section 578 of the said Code is repealed.

107. Section 587 of the said Code is amended by striking out the words “of a driving school licence or instructor’s licence or” in the third and fourth lines of the first paragraph.

108. The said Code is amended by inserting, after section 587, the following section:

“587.1 A collector of fines, the clerk of a court, the clerk, secretary or secretary-treasurer of a municipality, the Attorney General or the director of a police service, as the case may be, shall advise the Société of every conviction of a carrier or driver relating to the use of a bus or commercial vehicle having a net mass of more than 3,000 kg.”

109. The said Code is amended by inserting, after section 596.4, the following section:

“596.5 The accident report, the notice enjoining the owner or driver of a road vehicle to submit the vehicle to mechanical inspection or to have the necessary repairs made, the certificate of mechanical inspection and the document evidencing a juridical fact or a juridical act relating to the registration of a vehicle or to a licence authorizing the driving of a road vehicle shall, to be produced as evidence in their electronic or hard copy form, conform to the security standards for electronic data and documentation in penal matters established by regulation under paragraph 1.1 of article 367 of the Code of Penal Procedure.

A prosecutor or defendant who produces, as evidence, the documents referred to in the first paragraph is not required to prove the integrity and accuracy of the document unless the opposite party shows, by preponderance of evidence, that the document has been altered since being stored in electronic form or was altered when the hard copy was produced.”

110. Section 603 of the said Code is amended

(1) by replacing the word “physician” in the first line of the first paragraph by the words “health care professional” and by inserting the words “, in particular,” after the word “account” in the third line of the first paragraph;

(2) by replacing the second and third paragraphs by the following paragraphs:

“The first paragraph also applies to a social worker working in a rehabilitation centre for persons suffering from alcoholism or drug addiction within the meaning of section 86 of the Act respecting health services and social services.

For the purposes of this section, health care professionals and social workers referred to in the second paragraph are authorized to disclose to the Société information communicated to them in the practice of their profession.”

111. Section 604 of the said Code is amended by replacing the words “the physician or optometrist” in the first line by the words “a health care professional or social worker”.

112. Section 605 of the said Code is amended by replacing the words “physician or an optometrist” in the first and second lines by the words “health care professional or social worker”.

113. Section 609 of the said Code is amended by adding, after the first paragraph, the following paragraph:

“The Société may also transmit to the persons, departments and agencies referred to in the first paragraph any information it holds concerning a carrier or a driver working for the carrier under their authority.”

114. The said Code is amended by inserting, after section 611, the following section:

“611.1 The Société may communicate to any person who provides it with the file number appearing on another person’s licence and, at the request of the Société, the reference number of the licence, the information concerning the validity of the person’s licence, on payment of the fees determined by regulation.

However, no communication may disclose the person's name or address, or the reasons for which the licence is not valid."

115. Section 619 of the said Code is amended

(1) by inserting, after paragraph 7, the following paragraph:

"(7.1) prescribe standards for the maintenance and use of a screening device approved by the Minister of Public Security and that is designed to ascertain the presence of alcohol in the blood of a person and prescribe the training that the person who maintains and uses the device must be given;"

(2) by striking out paragraphs 10 to 22.

116. Section 620 of the said Code is amended

(1) by striking out the words "or permit" in paragraphs 1, 2 and 4;

(2) by inserting, after paragraph 4, the following paragraphs:

"(4.1) establish the form and retention rules applicable to the register to be kept by a recycler under Title III;

"(4.2) determine the major components of a vehicle for the purposes of section 155;"

(3) by inserting, after paragraph 5, the following paragraph:

"(5.1) determine the cases in which a peace officer and an insurer are required to make a report to the Société in respect of an accident that causes property damage only and does not give rise to a failure to stop at the scene of an accident;"

117. Section 621 of the said Code is amended

(1) by striking out paragraph 4;

(2) by inserting, after paragraph 8, the following paragraph:

"(8.1) prescribe the characteristics of the amber signal light for loads or equipment that extend beyond the rear of a road vehicle or combination of road vehicles, and the standards for its installation and use;"

(3) by inserting the words “and from the obligation of keeping the register in his possession when driving his motor vehicle” after the word “service” in the third line of paragraph 12.2;

(4) by inserting, after paragraph 31.2, the following paragraph:

“(31.3) prescribe classes of damaged road vehicles that are wholly or partially exempted from the application of Title IX.1;”;

(5) by adding, after paragraph 32, the following paragraphs:

“(32.1) determine the minimum standards to be met by a preventive maintenance program intended to stand in place of mandatory mechanical inspection, with regard to

(a) the requirements relating to the mechanical components to be inspected at each maintenance;

(b) the frequency of maintenance;

(c) the place where maintenance is carried out;

(d) the qualification of the mechanics assigned to maintenance;

“(32.2) determine the information and documents that must be provided by an owner on application for the certification of a preventive maintenance program;

“(32.3) determine the information that must appear on a certificate evidencing certification;

“(32.4) establish the form, content and period of validity of a preventive maintenance program sticker;

“(32.5) establish the form, content and period of retention applicable to preventive maintenance records;

“(32.6) prescribe the conditions on which an owner may allow work under a preventive maintenance program to be performed by a third person;

“(32.7) determine the cases and circumstances giving rise to cancellation by the Société of a preventive maintenance program;

“(32.8) determine, among the provisions of a regulation under paragraphs 32.1 to 32.7, those the violation of which constitutes an offence and indicate, for each offence, the minimum and maximum fines to which the offender is liable, namely \$100 to \$200, \$300 to \$600, or \$600 to \$2,000, according to the seriousness of the offence and the identity of the offender;

“(32.9) prescribe the progressive implementation of Chapter I.1 of Title IX according to the number and type of vehicles covered by the program;”;

(6) by striking out paragraph 41;

(7) by striking out the words “registered in Québec or in the place of origin of the program” in the fourth line of paragraph 49;

(8) by adding, after paragraph 49, the following paragraph:

“(50) fix the towing and daily impounding charges for a road vehicle seized under section 209.1 or section 209.2.”

118. Section 624 of the said Code is amended

(1) by striking out paragraph 6;

(2) by inserting, after paragraph 10, the following paragraphs:

“(10.1) determine the amount of the fee exigible for the examination of an application to participate in a preventive maintenance program;

“(10.2) determine the amount of the fee exigible for the preventive maintenance program sticker;

“(10.3) determine the amount of the fee exigible for the communication of information to any person who applies therefor;”;

(3) by inserting, after paragraph 16, the following paragraph:

“(16.1) fix the amount of the fee exigible from persons appointed to make the technical appraisal of road vehicles under section 546.1;”.

119. Section 629 of the said Code is amended by inserting the words “or the Société” after the word “Transport” in the first line of the first paragraph.

120. Section 633 of the said Code is amended by adding, after the second paragraph, the following paragraph:

“The Minister of Transport may delegate to a public servant or employee of the Ministère des Transports, or to any other person he designates, the exercise of a power under this section.”

121. Section 636.2 of the said Code is amended by inserting the words “or under section 186 of the Automobile Insurance Act” after the word “Code” in the third line.

122. Section 637.1 of the said Code is replaced by the following section :

“637.1 A peace officer is authorized to seize and destroy any permit or licence where the permit, class thereof or the licence is suspended or cancelled.”

123. Section 151 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing the words “sections 180, 185, 191.2 and 192” in the second and third lines of paragraph 5 by the words “section 180, 185 or 191.2”.

124. The Transport Act (R.S.Q., chapter T-12) is amended by inserting, after section 48.16, the following section:

“48.17 A person authorized to issue certificates of competence may issue a temporary attestation to any person having paid the costs of a training course referred to in section 48.13, produced a contract of employment conditional on the successful completion of the course, and paid the cost of issuance of the temporary attestation.

A temporary attestation shall stand in lieu of the certificate referred to in section 48.12 for a period of six months from its date of issue. It may not be renewed.”

125. The Act to amend the Highway Safety Code and other legislative provisions (1990, chapter 83) is amended by striking out paragraph 4 of section 140.

126. Section 257 of the said Act is repealed.

127. Every person holding a learner’s licence on (*insert here the date of coming into force of section 11 of this Act*) must, in order to obtain a probationary licence authorizing the driving of a motor

vehicle other than a moped, provide proof of the successful completion of an appropriate driving course for the driving of that vehicle, approved by the Société, and show that at the time the application is made, the person has held, or has previously held, a learner's licence for at least three months.

128. Every person who is 25 years of age or over and who holds a learner's licence on (*insert here the date of coming into force of section 11 of this Act*) must, in order to obtain a driver's licence authorizing the driving of a motor vehicle other than a moped, provide proof of the successful completion of an appropriate driving course for the driving of that vehicle and show that at the time the application is made, the person has held, or has previously held, a learner's licence for at least three months.

129. In the case of a person holding a learner's licence or probationary licence on (*insert here the date of coming into force of section 11 of this Act*) who has, up to that time, accumulated demerit points under sections 110 to 117 of the Highway Safety Code,

(1) those demerit points shall remain in the person's record in accordance with section 116 of the said Code;

(2) the Société shall, if the person has up to that time accumulated between three and nine demerit points, inclusively, suspend the person's licence, or, if the person no longer holds a licence, suspend the person's right to obtain a licence upon being informed in accordance with section 587 of the said Code of a conviction entailing the entering of demerit points under section 113 of the said Code.

130. The provisions of this Act come into force on the date or dates to be fixed by the Government.