

NATIONAL ASSEMBLY
Thirty-third Legislature, second session

1988, chapter 68
**AN ACT TO AMEND THE
HIGHWAY SAFETY CODE**

Bill 77

Introduced by Mr Marc-Yvan Côté, Minister of Transport

Introduced 15 November 1988

Passage in principle 6 December 1988

Passage 23 December 1988

Assented to 23 December 1988

Coming into force: 23 December 1988

Act amended:

Highway Safety Code (R.S.Q., chapter C-24.2)



CHAPTER 68

An Act to amend the Highway Safety Code

[Assented to 23 December 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-24.2,
s. 69.1,
added

1. The Highway Safety Code (R.S.Q., chapter C-24.2) is amended by inserting, after section 69, the following section:

Driver's
licence
renewal

“69.1 The Régie may, with the approval of the Minister of Transport, appoint, subject to the conditions it establishes, persons who will be authorized to effect the renewal of driver's licences and carry out any related operation, on behalf of the Régie, and determine the amount and mode of remuneration of such persons.”

c. C-24.2,
s. 74,
repealed

2. Section 74 of the said Code is repealed.

c. C-24.2,
s. 76, am.

3. Section 76 of the said Code, enacted by chapter 91 of the statutes of 1986, is amended by replacing the third paragraph by the following paragraph:

Prohibition
under Crim-
inal Code

“Notwithstanding the foregoing, the period shall not be less than that imposed by an order of prohibition to operate a motor vehicle made under subsection (1) or (2) of section 259 of the Criminal Code (R.S.C., 1985, chapter C-46).”

c. C-24.2,
s. 83, am.

4. Section 83 of the said Code is amended by replacing paragraph 5 by the following paragraph:

“(5) does not meet the requirement set out in the second paragraph of section 67.”

c. C-24.2,
s. 92, am.

5. Section 92 of the said Code is amended

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

“(1) any member of a diplomatic mission or consular corps, other than service personnel members;”;

(2) by replacing paragraph 3 by the following paragraph:

“(3) any employee of the International Civil Aviation Organization and any member of a representation of a State which is a member of the Organization, other than service personnel members;”;

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

“(4) an employee of the “Institut de l’Énergie des pays ayant en commun l’usage du français”;”;

(4) by adding, at the end, the following paragraphs:

“(5) an employee of a non-governmental international organization recognized by the Gouvernement du Québec;

“(6) the spouse of a person referred to in paragraphs 1 to 5 and any dependent child 18 years of age or over residing with such a person.”

c. C-24.2,
s. 140, am.

6. Section 140 of the said Code is amended by striking out the figure “74,” in the first line.

c. C-24.2,
s. 180, am.

7. Section 180 of the said Code, enacted by chapter 91 of the statutes of 1986, is amended by replacing the first paragraph by the following paragraph:

Cancellation,
confiscation
of licence

“180. Where a person is convicted of an offence under paragraph *a*) of subsection (1), or subsection (3) or (4) of section 249, subsection (1) of section 252, section 253, subsection (5) of section 254, subsection (2) or (3) of section 255 of the Criminal Code or where a person is convicted of an offence under section 220, 221 or 236 of the said Code if the offence was committed with a road vehicle, his licence is cancelled and the judge making the conviction shall order the licence confiscated and handed over to the Régie.”

c. C-24.2,
s. 181, am.

8. Section 181 of the said Code, enacted by chapter 91 of the statutes of 1986, is amended by replacing the second paragraph by the following paragraph:

Exception

“Notwithstanding the first paragraph, a conviction for more than one offence under section 253, subsection (5) of section 254 or subsection (2) or (3) of section 255 of the Criminal Code shall entail only one licence cancellation or only one suspension of the right to obtain a licence where the offences are related to the same event.”

c. C-24.2,
heading
replaced

9. The heading of Division III of Chapter I of Title V of the said Code is replaced by the following:

“OTHER CANCELLATION”.

c. C-24.2,
s. 187,
repealed

10. Section 187 of the said Code is repealed.

c. C-24.2,
s. 251,
replaced

11. Section 251 of the said Code is replaced by the following section:

Radar warn-
ing device

“251. No person may instal, cause to be installed or in any way introduce a radar warning device in a road vehicle.”

c. C-24.2,
s. 252,
replaced

12. Section 252 of the said Code is replaced by the following section:

Prohibition

“252. No person may sell or lease to, or place at the disposal of any person, in exchange for consideration, or in any way offer to sell or lease to, or to place at the disposal of any person, in exchange for consideration, a radar warning device.

Confiscation

Any contravention of this section entails, upon conviction, the confiscation of the radar warning device in favour of the Régie.”

c. C-24.2,
s. 519.11,
am.

13. Section 519.11 of the said Code, enacted by section 70 of chapter 94 of the statutes of 1987, is amended by adding, at the end, the words “or the number of hours of driving or hours of service specified in an authorization granted by the Régie under section 519.30.1, or in violation of the standards, conditions and procedures specified in the authorization.”

c. C-24.2,
s. 519.14.1,
added

14. The said Code is amended by inserting, after section 519.14, enacted by section 70 of chapter 94 of the statutes of 1987, the following section:

Power of
peace officer

“519.14.1 Every peace officer, in the performance of the duties conferred on him by this Code may take, for the period corresponding to the number of hours of rest prescribed by regulation, the driver’s licence from a driver who has exceeded the number of hours of driving or hours of service prescribed by regulation or authorized by the Régie, take possession of his vehicle and drive it to an appropriate place. The driver must comply with the requests of the peace officer.”

c. C-24.2,
s. 519.23,
am.

15. Section 519.23 of the said Code, enacted by section 70 of chapter 94 of the statutes of 1987, is amended by adding, at the end, the words “, or the number of hours of driving or hours of service specified in an authorization granted by the Régie under section

519.30.1, or in violation of the standards, conditions and procedures specified in the authorization.”

c. C-24.2,
s. 519.30.1,
added

16. The said Code is amended by inserting, after section 519.30, enacted by section 70 of chapter 94 of the statutes of 1987, the following section:

Number
of hours
increased

“519.30.1 The Régie may, in the cases and on the conditions prescribed by regulation, grant to a carrier who applies therefor, the authorization to increase the number of hours of driving or hours of service of drivers to a number that is greater than the number prescribed by regulation, and establish therein standards, conditions and procedures other than those prescribed by regulation.

Restriction

The Régie shall grant such an authorization with respect to a specified number of hours only.”

c. C-24.2,
s. 519.39,
am.

17. Section 519.39 of the said Code, enacted by section 70 of chapter 94 of the statutes of 1987, is amended by replacing the words “or the first paragraph of section 519.14” in the first and second lines by the words “, the first paragraph of section 519.14, or section 519.14.1”.

c. C-24.2,
s. 621, am.

18. Section 621 of the said Code, amended by section 93 of chapter 94 of the statutes of 1987, is again amended

(1) by inserting the words “, prescribe the number of hours of rest that are applicable to the driver”, after the word “vehicle” in the fourth line of paragraph 12;

(2) by inserting, after paragraph 12, the following paragraphs:

“(12.01) define the expressions “hours of driving”, “hours of service” and “hours of rest”;

“(12.02) determine in what cases and on what conditions the Régie may grant a carrier subject to Title VIII.1 an authorization to increase the number of hours of driving or hours of service of drivers to a number that is greater than the number prescribed by regulation;”.

c. C-24.2,
s. 639, am.

19. Section 639 of the said Code, enacted by chapter 91 of the statutes of 1986, is amended by inserting the words “, except in the case contemplated in the second paragraph of section 252,” after the word “it” in the first line.

c. C-24.2,
s. 645.2,
added

20. The said Code is amended by inserting, after section 645.1, enacted by section 100 of chapter 94 of the statutes of 1987, the following section:

Offences and
penalty

“645.2 Every person who contravenes any provision of the Regulation respecting snowmobiles (R.R.Q., 1981, c. C-24, r. 21) adopted under the Highway Code (R.S.Q., chapter C-24) and maintained in force by virtue of section 672 of this Code is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200.”

c. C-24.2,
s. 660,
replaced

21. Section 660 of the said Code is replaced by the following section:

Driving
school
licences

“660. No new driving school licences shall be issued for a period of two years commencing 1 January 1989, except in the case of the renewal of a licence in force on that date. The Government may order, however, that the moratorium will be lifted before 31 December 1990.

Insufficient
number

Notwithstanding the first paragraph, the Government may, during that period, authorize the issue of a driving school licence under Chapter IV of Title II if it is of the opinion that the number of driving school licences that have been issued in the territory of the urban or regional community or regional county municipality in respect of which the licence is applied for is insufficient or if it deems it advisable in view of the circumstances.”

Presumption

22. Any suspension of registration, any suspension or revocation of a driver's licence or of a class thereof, or of a learner's licence, or any suspension of the right to obtain a registration, a driver's licence or a learner's licence imposed under any of sections 44, 96, 96.1, 98, 99, 99.1, 101, 155 and 159 of the Highway Safety Code (R.S.Q., chapter C-24.1) is deemed to have been imposed under section 196, 194, 190, 76, 79, 192, 197 or 201 of this Code.

Court pro-
ceedings

The first paragraph does not apply to proceedings instituted before a court on the date of coming into force of this Act.

Orders of
prohibition
to drive

23. The third paragraph of section 76 of the Highway Safety Code (1986, chapter 91) continues to apply to orders of prohibition to operate a motor vehicle made under subsection (1) or (2) of section 242 of the Criminal Code (R.S.C., 1970, chapter C-34).

Convictions

Sections 180 and 181 of the Highway Safety Code (1986, chapter 91) continue to apply to convictions under those provisions of the Criminal Code (R.S.C., 1970, chapter C-34) that are referred to in the said sections.

Coming into
force

24. This Act comes into force on 23 December 1988.

Effect

Section 22 has effect from 1 December 1987.

Effect

Sections 3, 7, 8, 18 and 23 have effect from 12 December 1988.