

1982, chapter 59

AN ACT TO AMEND THE AUTOMOBILE INSURANCE ACT AND OTHER LEGISLATION

Bill No. 104

Introduced by Mr Michel Clair, Minister of Transport

First reading: 30 November 1982

Second reading: 6 December 1982

Third reading: 16 December 1982

Assented to: 16 December 1982

Coming into force: by proclamation of the Government, except section 65, which comes into force on 16 December 1982

- 1 January 1983: ss. 1 to 4, 5 (par. 1 and 3), 12, 15, 19, 20, 24, 27 to 30, 48, 49, 54, 59 to 61, 63 to 66, 70 to 73
G.O., 1983, Part 2, p. 127
- 1 March 1983: ss. 31 to 35, 62, 67 to 69
G.O., 1983, Part 2, p. 1133

Acts amended:

Automobile Insurance Act (R.S.Q., chapter A-25)

Highway Safety Code (R.S.Q., chapter C-24.1)

Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., chapter R-4)

Fuel Tax Act (R.S.Q., chapter T-1)



CHAPTER 59

An Act to amend the Automobile Insurance Act
and other legislation

[Assented to 16 December 1982]

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

R.S.Q., c.
A-25, s. 1,
am.

1. Section 1 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing paragraph 10 by the following paragraph:

“damage
caused by
an auto-
mobile”;

“(10) “damage caused by an automobile” means any damage caused by or by the use of an automobile or by the load of an automobile, including damage caused by a trailer used with an automobile, but excluding damage caused by the autonomous act of an animal that is part of the load;”.

R.S.Q., c.
A-25, s.
11.1,
added.

2. The said Act is amended by adding, after section 11, the following section:

Tutor *ex
officio*.

“**11.1** The father or mother or the person acting in their stead may for the purposes of this Act, act *ex officio* as tutor to a minor child who does not already have a tutor, and in so acting has all the obligations of a tutor.”

R.S.Q., c.
A-25, s.
13.1,
added.

3. The said Act is amended by adding, after section 13, the following section:

Periodic or
single
payment.

“**13.1** The Régie, at the request of the victim and if of opinion that it is in his interest, may replace the pension contemplated in section 32 by a periodic payment or by a lump sum representing the value of the indemnity.”

R.S.Q., c.
A-25, s.
16, am.

4. Section 16 of the said Act is amended by adding the following paragraph:

Interrup-
tion.

“Any application for benefit under this Act filed in accordance with section 53 interrupts the prescription provided for in the Civil Code until the date that the Régie or, as the case may be, the Commission des affaires sociales renders its decision on the application.”

R.S.Q., c.
A-25, s.
17, am.

5. Section 17 of the said Act is amended

(1) by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) if the accident occurred in a place other than a public highway and it was caused by the following vehicles: a snowmobile, a farm tractor, a farm trailer, a specialized vehicle, drawn machinery, or a vehicle intended for use off a public highway; the preceding provisions do not apply if an automobile other than the vehicles mentioned in this subparagraph is involved in the accident;”;

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

Responsi-
bility.

“Responsibility is determined according to the ordinary rules of law to the extent that sections 108 to 114, *mutatis mutandis*, do not derogate therefrom”;

(3) by repealing the third paragraph.

R.S.Q., c.
A-25, s.
18, am.

6. Section 18 of the said Act is amended by replacing the first paragraph by the following paragraph:

May claim
excess
only.

“**18.** Where, by reason of bodily injury caused by an automobile, a person is entitled to both an indemnity under this title and to a compensation or pecuniary benefit under the Workmen’s Compensation Act or any other Act relating to compensation of certain persons who are victims of a work accident, in force in or outside Québec, that person shall claim the compensation or pecuniary benefit provided for under the said Act or such other Act and shall not avail himself of the indemnity provided for in this title except for the excess, if any.”

R.S.Q., c.
A-25, s.
20, am.

7. Section 20 of the said Act is amended by striking out the words “Subject to sections 21 and 22,” in the first line of the first paragraph.

R.S.Q., c.
A-25, s.
21, re-
placed. ss.
21.1-21.3,
added.
Student.

8. Section 21 of the said Act is replaced by the following sections:

“**21.** The victim who, at the time of the accident, was at least 16 years of age and attending an educational institution of secondary or post-secondary level on a full-time basis is entitled to an income replacement indemnity according to the following terms and conditions:

(a) if he shows that, at the time of the accident, he also held genuinely remunerative employment or that he would have held such employment had it not been for the accident, and if by reason of the accident he becomes unable to hold such employment, he is entitled to an income replacement indemnity computed on the basis of the gross income earned from the employment for as long as it would have been available and which he is unable to hold by reason of the accident;

(b) if the victim is not contemplated in subparagraph *a* or if he ceases to be, he is entitled to the minimum indemnity contemplated in the second paragraph of section 26 if, by reason of the accident, he becomes unable to pursue his studies;

(c) if the victim contemplated in subparagraph *a* or *b* is delayed in his entry on the labour market by reason of the accident, he is entitled to an income replacement indemnity determined on the basis of a gross income equivalent to an annual amount equal to a yearly average computed on the basis of the average weekly earnings of the industrial composite in Québec as established by Statistics Canada for each of the twelve months preceding 1 July of the year preceding the year in which the victim becomes unable to pursue his studies if he was studying at a post-secondary level, and to seventy-five per cent of the gross income described above if he was studying at the secondary level.

Indemnity. Notwithstanding section 11, the indemnity contemplated in subparagraph *a* of the first paragraph shall be paid to the victim.

Guaranteed employment. A victim who declares that he would have held genuinely remunerative employment had it not been for the accident must show that the employment was guaranteed to him by contract.

Indemnity. “**21.1** Notwithstanding section 35, the indemnity contemplated in subparagraph *c* of the first paragraph of section 21 shall be paid at the end of the missed term and shall be reduced by the income replacement indemnities already received by the victim under subparagraphs *a* and *b* of section 21.

Computation. “**21.2** The fourth and fifth paragraphs of section 50 apply, *mutatis mutandis*, in computing the indemnity contemplated in subparagraphs *a* and *b* of section 21.

Income replacement indemnity. “**21.3** A victim contemplated in section 21 who resumes his studies but is unable, by reason of the accident, to hold employment after having finished or ended his studies is entitled to an income replacement indemnity from the end of his studies.

Gross income. The gross income of the victim is deemed equivalent to an annual amount equal to a yearly average computed on the basis of the

average weekly earnings of the industrial composite in Québec as established by Statistics Canada for each of the twelve months preceding 1 July of the year preceding the year in which the victim becomes unable to pursue his studies, if he was studying at a post-secondary level, and to seventy-five per cent of the annual amount if he was studying at the secondary level.

Computation.

The fourth and fifth paragraphs of section 50 apply, *mutatis mutandis*, in computing the indemnity contemplated in the second paragraph.”

R.S.Q., c.
A-25, s.
22, am.

9. Section 22 of the said Act is amended

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

Under 16
years of
age.

“**22.** The victim who, at the time of the accident, was under 16 years of age, is entitled to an income replacement indemnity if, due to the accident, he becomes unable to engage in the ordinary occupations of his age group.”;

(2) by replacing the words “year preceding the beginning of the financial year of the Régie during which” in the seventh and eighth lines of the third paragraph by the words “year in which”.

R.S.Q., c.
A-25, s.
26, am.

10. Section 26 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Adjustment.

“While the disability lasts, the net income of the victim must be readjusted in the prescribed manner, as the number of dependants varies.

Minimum
and
maximum.

Subject to sections 29 and 30, the income replacement indemnity must not at any time amount to less than the sum of \$117.31 per week plus \$14.67 per week per dependant, up to a total sum of \$205.33 per week.”

R.S.Q., c.
A-25, s.
26.1,
added.

11. The said Act is amended by inserting, after section 26, the following section:

Dependant.

“**26.1** A person, on prescribed conditions, may become a dependant of the victim after the accident.

Dependant.

Dependants are considered dependant for as long as prescribed.”

R.S.Q., c.
A-25, s.
27,
replaced.

12. Section 27 of the said Act is replaced by the following section:

Computation of net income.

“**27.** The net income of the victim is established as follows: from the gross income of the victim up to a maximum amount of \$26 000 excluding any income not derived from employment, there

is subtracted an amount equivalent to the income taxes computed in accordance with the tables established under the Taxation Act (R.S.Q., chapter I-3) and the Act respecting income taxes (R.S.C., 1970, chapter I-5), the employee's premium payable under the Unemployment Insurance Act, 1971 (S.C., 1970-71-72, chapter 48) and the contributions applicable under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9).

Deductions. For the purposes of computing the net income of a victim, the deductions to be made are those that were provided by the said Acts on 31 December of the year preceding the year of the accident."

R.S.Q., c. A-25, s. 29, replaced. **13.** Section 29 of the said Act is replaced by the following section:

Reductions. **"29.** The income replacement indemnity is reduced, as the case may be, by the amount of the disability pension and the pension paid by reason of the accident to the child of a disabled contributor under the Québec Pension Plan or an equivalent plan of another jurisdiction."

R.S.Q., c. A-25, s. 31, replaced. **14.** Section 31 of the said Act is replaced by the following section:

Cessation. **"31.** If the victim obtains or returns to an employment, the income replacement indemnity ceases to be paid.

Reduction. Nevertheless, if, by reason of the injury sustained, the victim earns from such employment a gross income that is less than that used in computing his income replacement indemnity, at the time of the accident, he is entitled to the income replacement indemnity reduced by an amount equivalent to fifty per cent of the net income earned from such other employment not exceeding \$5 000 or, if such income exceeds \$5 000, fifty per cent of the first \$5 000 and seventy-five per cent of the remainder. Only the part of the gross income over \$1 000 is taken into consideration.

Computation. However, if the victim contemplated in section 22 has become of full age or becomes so subsequently, the gross income established in the third paragraph of section 22 is used in making the computation.

Provisions not applicable. The provisions of the second paragraph of section 26 concerning the minimum indemnity do not apply to the second paragraph."

R.S.Q., c. A-25, s. 32, replaced. **15.** Section 32 of the said Act is replaced by the following section:

Continuation of indemnity. **"32.** The victim contemplated in section 19, 20, 21 or 22 who remains unable to hold any employment is entitled, from the sixth

year following the accident, to a continuation of the income replacement indemnity.

Income
replace-
ment
indemnity.

If the victim contemplated in section 19, 20, 21 or 22 is able to hold an employment from which, by reason of the injury sustained, he can earn only a gross income that is less than that used in computing his income replacement indemnity at the time of the accident, such victim is entitled, from the sixth year following the accident, to an income replacement indemnity equivalent annually to the difference between his net income used in computing his income replacement indemnity at the time of the accident, and the net income he earns or that he could earn from such employment.

Computa-
tion.

However, if the victim contemplated in section 22 has become of full age or becomes so subsequently, the gross income established in the third paragraph of section 22 is used in making the computation.

Provisions
not
applicable.

The provisions of the second paragraph of section 26 concerning the minimum indemnity do not apply to the second paragraph."

R.S.Q., c.
A-25, s.
33,
replaced.
Relapse.

16. Section 33 of the said Act is replaced by the following section:

"33. Where, due to a relapse resulting from the accident, a victim contemplated in section 19, 20, 21 or 22 is suffering from a disability entitling him to an indemnity contemplated in those sections, he shall receive an income replacement indemnity based on the gross income used in computing his income replacement indemnity, at the time of the accident, and which is revalorized according to the rules of section 48. However, if at the time of the relapse, the victim contemplated in section 22 has become of full age or becomes so subsequently, he shall receive an income replacement indemnity based on the gross income established in the third paragraph of section 22 and revalorized according to the rules of section 48.

Computa-
tion.

Notwithstanding the first paragraph, the victim shall receive an income replacement indemnity based on the gross income actually earned at the time of the relapse, if such indemnity is greater than the indemnity mentioned in the first paragraph."

R.S.Q., c.
A-25, s.
34,
replaced.
Indexation.

17. Section 34 of the said Act is replaced by the following section:

"34. The gross income contemplated in sections 22, 31 and 32 and the net income contemplated in section 32 must be revalorized in accordance with the rules of section 48, *mutatis mutandis*."

R.S.Q., c.
A-25, s.
37,
replaced.

18. Section 37 of the said Act is replaced by the following section:

Entitled
survivors.

“37. (1) The death of a victim entitles the surviving spouse, for life, or, failing such a person, his dependants, to equal shares of an indemnity equivalent annually to a percentage of the income replacement indemnity to which the victim would have been entitled had he survived and been rendered unable to hold any employment by reason of the accident.

Percentage.

(2) The percentage referred to in subsection 1 is established at fifty-five per cent for one dependant, sixty-five per cent for two dependants, and, for more than two dependants, at sixty-five per cent plus five per cent per dependant counting from the third, up to ninety per cent.

Minimum.

(3) Subject to section 41, the indemnity shall in no case be less than the sum of \$117.31 per week for a sole dependant, plus \$14.67 per week per dependant counting from the second dependant up to a total sum of \$205.33 per week.

Pension.

(4) The indemnity shall be paid in the form of a pension.

Depen-
dants.

(5) The dependants other than the spouse are deemed dependants for as long as, in the manner prescribed, such persons could have been considered the victim's dependants had the victim lived.

Spouse.

(6) Notwithstanding subsection 1, the spouse under thirty-five years of age, childless and not disabled is no longer deemed a dependant five years after the death of the victim or upon the death of the spouse, whichever comes first.

Depen-
dants.

(7) Where the victim was unemployed at the time of the accident, the persons who would have been his dependants had he held an employment are deemed his dependants for the purposes of this section.”

R.S.Q., c.
A-25, s.
38,
replaced.
Family
enterprise.

19. Section 38 of the said Act is replaced by the following section:

“38. Where a victim having no spouse or dependants dies, and his contribution of work ensured the viability of a family enterprise whose principal owner was related to him by blood or adoption, and his remuneration was less than it would have been had he worked for a non-family enterprise, that owner and every other owner of the enterprise similarly related to the victim are entitled to a death benefit equivalent to the minimum indemnity contemplated in subsection 3 of section 37 for a dependant.

Shares.

The Régie shall distribute the benefit among the owners in proportion to the interest of each in the enterprise. Each owner is entitled to his share of the benefit for a maximum period of five years, or till death.”

R.S.Q., c.
A-25, s.
39,
replaced.

Indemnity
to parents.

20. Section 39 of the said Act is replaced by the following section:

“39. Except where a death benefit is payable under section 38, the death of a person having no spouse nor dependants entitles his father and mother, in equal shares, to a lump sum indemnity of \$6 000.

Person *in
loco
parentis*.

Where, at the time of the accident, a person acted *in loco parentis* towards the victim, that person is entitled to the share of the parent he was replacing.

Single
parent.

Subject to the second paragraph, the share of the dead parent or of the parent deprived of parental authority accrues to the other parent.

Estate.

Where no person mentioned in this section is entitled to the lump sum indemnity, the estate of the victim if not declared vacant, is then entitled to a lump sum indemnity of \$3 000.”

R.S.Q., c.
A-25, s.
41,
replaced.

Reduc-
tions.

21. Section 41 of the said Act is replaced by the following section:

“41. The death benefit paid in the form of a pension shall be reduced where such is the case by the amount of the surviving spouse’s pension and orphan’s pension payable by reason of the accident under the Québec Pension Plan or an equivalent plan of another jurisdiction.”

R.S.Q., c.
A-25, s.
44,
replaced.

Loss of
physical
integrity.

22. Section 44 of the said Act is replaced by the following section:

“44. The victim who sustains a loss of physical integrity or disfigurement in an accident is entitled to a lump sum indemnity for the suffering or loss of enjoyment of life therefrom, in the prescribed amount and on the prescribed terms and conditions; the sum must in no case exceed the maximum amounts in relation to the age of the victim as provided in Schedule A.

Suffering
or disfi-
gurement.

Where no lump sum indemnity is prescribed for the suffering or loss of enjoyment of life resulting from a loss of physical integrity or disfigurement, the Régie shall establish it, using as guidelines, if necessary, the lump sum indemnity prescribed pursuant to the first paragraph.”

R.S.Q., c.
A-25, s.
45,
replaced.

Reimburs-
able
expenses.

23. Section 45 of the said Act is replaced by the following section:

“45. The victim is entitled, in every case, without limit of time and to the extent that they are not already covered by a social security

scheme, to the reimbursement of reasonable expenses incurred by reason of an accident for medical and paramedical care, transportation by ambulance or other means for the purpose of receiving such care, the purchase of prostheses or orthopedic devices and the replacement of clothing. The victim is also entitled to the reimbursement of such other expenses of a similar nature as may be authorized by the Régie.

Reimbursable expenses.

No social security scheme may exclude from its coverage of expenses, the expenses incurred by a victim.

Payment to suppliers.

The expenses referred to in the first paragraph may, at the request of the victim, be paid directly to the suppliers.”

R.S.Q., c. A-25, s. 47, replaced.

24. Section 47 of the said Act is replaced by the following section:

Funeral expenses.

“**47.** The death of a victim entitles his estate to a lump sum indemnity of \$2 000 for funeral expenses.”

R.S.Q., c. A-25, s. 49, replaced.

25. Section 49 of the said Act is replaced by the following section:

Indexation.

“**49.** The indemnities contemplated in sections 23, 38, 39, 44 and 47 and the minimum indemnities contemplated in the second paragraph of section 26 and in subsection 3 of section 37 shall be revalorized at the time referred to in section 48 so that the revalorized indemnity is equal to the product obtained by multiplying the amount to be revalorized by the ratio that the last annual Pension Index bears to the preceding annual Pension Index, as established under the Québec Pension Plan.”

R.S.Q., c. A-25, s. 50, am.

26. Section 50 of the said Act is amended by replacing the second paragraph by the following paragraph:

Indexation.

“At the time referred to in section 48, the maximum rate of annual income is equal to one hundred and fifty per cent of a yearly average computed on the basis of the average weekly earnings of the industrial composite in Québec as established by Statistics Canada for each of the twelve months preceding 1 July of the year preceding the year for which the maximum rate of annual income is computed.”

R.S.Q., c. A-25, s. 58, replaced.

27. Section 58 of the said Act is replaced by the following section:

Sums not recoverable.

“**58.** If the Régie or the Commission des affaires sociales makes a decision having the effect of cancelling an indemnity or reducing its amount, the sums already paid are not recoverable unless they were obtained through fraud.

Recover-
able sums.

However, in the case referred to in the first paragraph, the sums already paid may be recovered where the application for a review or the appeal refers to a decision rendered under section 75.”

R.S.Q., c.
A-25, s.
68.1,
added.

28. The said Act is amended by adding, after section 68, the following section:

Erroneous
decision.

“**68.1** Where the Régie renders a decision containing a manifest error of law or of fact, it may, as long as the decision containing the error has not been inscribed for review or appeal, render a new decision to replace it.

Sums not
recover-
able.

In the case referred to in the first paragraph, the sums already paid are not recoverable unless they were obtained through fraud.”

R.S.Q., c.
A-25, ss.
75-79,
replaced.

29. Sections 75 to 79 of the said Act are replaced by the following sections:

Reimburse-
ment of
over-
payment.

“**75.** Subject to sections 54, 58 and 68.1, whoever receives or has received an indemnity to which he is not entitled or for an amount exceeding that to which he is entitled, must immediately reimburse the amount of the indemnity or the overpayment.

Recovery.

The amount of the indemnity or the overpayment is recoverable by the Régie within three years.

Decision.

The Régie shall then render a decision ordering the repayment by the debtor and stating the reasons for which, in the opinion of the Régie, the amount indicated therein is exigible.

Deduction.

“**76.** Notwithstanding any inconsistent provision of any general law or special Act, the amount of the debt contemplated in section 75 may, in the prescribed manner, be deducted from any sum due to the debtor by the Régie.

Cancellation.

The Régie may cancel the debt, if it considers that the amount thereof cannot be recovered due to the circumstances.

Deduction.

The deduction contemplated in the first paragraph may be made by the Régie, notwithstanding an application for review or an appeal by the debtor.

Certificate.

“**77.** Where an amount exigible under section 75 has not been recovered or cancelled, the Régie may issue a certificate

(a) attesting, if necessary, the failure of the debtor to appeal from the decision rendered under section 75 or, if such is the case, confirming the decision of the Commission des affaires sociales maintaining the decision and

(b) attesting the exigibility of the debt and the amount due.

Proof of
exigibility.

The certificate is proof of the exigibility of the debt and may be issued by the Régie at any time after the end of the time for review or appeal provided for by this Act or on the expiry of fifteen days after the decision of the Commission des affaires sociales.

Filing of
certificate.

“78. The filing at the office of the court having jurisdiction of the certificate referred to in section 77 gives the certificate the same authority and effect as if it were a judgment from a court having jurisdiction; the certificate is then executory as such a judgment, without appeal.

Interest.

“79. Where the Régie or the Commission des affaires sociales renders a decision recognizing a claimant’s right that was formerly denied it may, if the claimant proves that he has been the victim of flagrant injustice, order that the indemnity so granted bear interest at the legal rate increased by a percentage equal to the excess of the legal rate of interest fixed in accordance with section 53 of the Act respecting the Ministère du revenu (R.S.Q., chapter M-31) over the legal rate of interest.”

R.S.Q., c.
A-25, ss.
80-83,
repealed.
R.S.Q., c.
A-25, s.
150,
replaced.

30. Sections 80 to 83 of the said Act are repealed.

31. Section 150 of the said Act is replaced by the following section:

“150. The moneys required for the administration of this Act and those necessary to promote highway safety shall be taken out of the amount collected by the Régie in accordance with sections 13 and 72 of the Highway Safety Code.

Funds of
the Régie.

The funds of the Régie are also maintained by the amounts which it recovers where subrogation or an action against the person who caused an accident is authorized by this Act, so far as it is applicable.”

R.S.Q., c.
A-25, s.
152, am.

32. The first paragraph of section 152 of the said Act is replaced by the following paragraph:

Payment
of indem-
nities.

“152. The sums fixed each year by the Régie under section 151 and the sums allocated, where such is the case, by the Government in accordance with section 564 of the Highway Safety Code must be sufficient to allow the payment of all the indemnities to which are entitled the victims of accidents that have occurred during the financial year for which such amounts are fixed or appropriated, the payment of the cost of highway safety promotion, the payment of the liabilities of the Régie under Title IV of this Act and the payment of the administration expenses of the Régie.”

R.S.Q., c.
A-25, ss.
122-141,
201,
repealed.

33. Sections 122 to 141 and 201 of the said Act are repealed.

R.S.Q., c.
A-25, s.
186, am.

34. Section 186 of the said Act is amended by adding, after the second paragraph, the following paragraph:

Burden of
proof.

“In any proceedings instituted under this section, the burden is on the defendant or accused to prove that he has contracted the compulsory liability insurance.”

R.S.Q., c.
A-25, s.
187, am.

35. Section 187 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Burden of
proof.

“In any proceedings instituted under this section, the burden is on the defendant or accused to prove that liability insurance had been contracted for the automobile he was driving.”

R.S.Q., c.
A-25, s.
195, am.

36. Section 195 of the said Act is amended

(1) by adding, after paragraph *f*, the following paragraphs:

“(f.1) to define, for the purposes of section 44, the following words: “loss of physical integrity” and “disfigurement”;

“(f.2) to establish, in view of computing the lump sum indemnity provided for in section 44, a table of losses of physical integrity and disfigurements, and to determine criteria and modalities of application of the table;”;

(2) by replacing paragraph *h* by the following paragraph:

“(h) to specify the criteria according to which a student may be considered to attend an educational institution of secondary or post-secondary level on a full-time basis, for the purposes of section 21;”.

R.S.Q., c.
A-25,
Sched. A,
added.

37. The said Act is amended by adding, after section 204, the following schedule:

“SCHEDULE A

<i>Age</i>	<i>Amount</i>	<i>Age</i>	<i>Amount</i>	<i>Age</i>	<i>Amount</i>
0	\$ 40 000	15	\$ 36 500	30	\$ 33 100
1	\$ 39 800	16	\$ 36 300	31	\$ 32 800
2	\$ 39 500	17	\$ 36 100	32	\$ 32 600
3	\$ 39 300	18	\$ 35 800	33	\$ 32 400
4	\$ 39 100	19	\$ 35 600	34	\$ 32 200
5	\$ 38 800	20	\$ 35 400	35	\$ 31 900
6	\$ 38 600	21	\$ 35 200	36	\$ 31 700
7	\$ 38 400	22	\$ 34 900	37	\$ 31 500
8	\$ 38 200	23	\$ 34 700	38	\$ 31 200
9	\$ 37 900	24	\$ 34 500	39	\$ 31 000

10	\$ 37 700	25	\$ 34 200	40	\$ 30 800
11	\$ 37 500	26	\$ 34 000	41	\$ 30 500
12	\$ 37 200	27	\$ 33 800	42	\$ 30 300
13	\$ 37 000	28	\$ 33 500	43	\$ 30 100
14	\$ 36 800	29	\$ 33 300	44	\$ 29 800
				45	\$ 29 600
				46	\$ 29 400."
				and	
				over	

R.S.Q., c.
C-24.1, s.
13,
replaced.
Registra-
tion.

38. Section 13 of the Highway Safety Code (R.S.Q., chapter C-24.1) is replaced by the following section:

"13. To obtain the registration or the renewal of registration of a road vehicle, the owner must furnish to the Régie a statement in accordance with section 96 of the Automobile Insurance Act for the road vehicle concerned and pay to the Régie the amount fixed under section 151 of the said Act and the duties fixed by the regulations of the Government and of the Régie."

R.S.Q., c.
C-24.1, s.
58, am.

39. Section 58 of the said Code is amended by striking out paragraph 5.

R.S.Q., c.
C-24.1, s.
72,
replaced.

40. Section 72 of the said Code is replaced by the following section:

Duties.

"72. The Régie shall issue a driver's licence or a learner's licence to the applicant if he has paid to it the amount fixed under section 151 of the Automobile Insurance Act and the duties fixed by the regulations of the Government and of the Régie."

R.S.Q., c.
C-24.1, s.
83, am.

41. Section 83 of the said Code is amended by replacing the words "a learner's licence" in the first line by the words "learner's licence, restricted licence or certificate of competence".

R.S.Q., c.
C-24.1, s.
95,
replaced.

42. Section 95 of the said Code is replaced by the following section:

Offences
against the
Criminal
Code.

"95. When the Régie has been notified that a person has been found guilty of an offence under subsection 1, 2 or 4 of section 233, section 234, subsection 2 of section 235 or section 236 of the Criminal Code or, if the offence was committed with a road vehicle, under section 203, 204 or 219 of that code; it must

- (1) revoke his driver's licence or learner's licence; or
- (2) if he is not a licence holder, suspend his right to obtain a licence."

R.S.Q., c.
C-24.1, s.
99, am.

43. Section 99 of the said Act is amended by replacing the words “section 95 or in a decision rendered under section” in the first paragraph by the words “a decision rendered under section 95 or”.

R.S.Q., c.
C-24.1, s.
104,
repealed.
R.S.Q., c.
C-24.1, s.
105, am.

44. Section 104 of the said Code is repealed.

45. Section 105 of the said Code is amended

(1) by replacing the words “whose driver’s licence has been revoked under section” in the first paragraph by the words “who is subject to a notice of revocation under section 95 or”;

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

Other
juris-
dictions.

“If no judge of the Provincial Court is sitting in the district in which the person intends to present his motion, the motion may then be addressed to a judge of any other court of civil, penal or criminal jurisdiction except a judge of a municipal court.”

R.S.Q., c.
C-24.1, s.
107,
replaced.

46. Section 107 of the said Code is replaced by the following section:

Conditions
of issue.

“**107.** No order to issue a restricted licence may be given nor any restricted license issued if,

(1) within the two years preceding the motion, the applicant’s driver’s licence has been revoked;

(2) the applicant is subject to a notice of revocation at the time of his application; or

(3) the applicant’s driver’s licence is suspended, or was suspended before being revoked.”

R.S.Q., c.
C-24.1, s.
109, am.

47. Section 109 of the said Code is amended by replacing the words “, by a motion served on the person contemplated in the order, request the judge who gave the order to review it”, in the first paragraph, by the words “give notice in writing to the person contemplated in the order of the grounds justifying his refusal”.

R.S.Q., c.
C-24.1, s.
114, am.

48. Section 114 of the said Code is amended by striking out the words “by certified mail”.

R.S.Q., c.
C-24.1, s.
132,
replaced.

49. Section 132 of the said Code is replaced by the following section:

New
residents.

“**132.** A person holding a valid driver’s licence issued by an administrative authority other than the Régie, who settles in Québec, shall, to drive a road vehicle in Québec, obtain a driver’s licence issued by the Régie.

New
residents.

He may, however, within ninety days of settling in Québec, drive a passenger vehicle without obtaining a driver's licence issued by the Régie, if he holds a licence issued by another administrative authority."

R.S.Q., c.
C-24.1, s.
133, am.

50. Section 133 of the said Code is amended by replacing the first paragraph by the following paragraph:

Exchange
of licences.

"133. A person holding a valid driver's licence issued by another Canadian government may, if he settles in Québec, exchange that licence, without examination, for a driver's licence issued by the Régie, on payment of the duties prescribed by the regulations of the Government and of the Régie and of the amount fixed under section 151 of the Automobile Insurance Act."

R.S.Q., c.
C-24.1, s.
143, am.

51. Section 143 of the said Code is amended

(1) by replacing paragraphs 2, 3 and 4 by the following paragraphs:

"(2) determine the conditions for obtaining a driver's licence to drive off the public highways and the conditions attached thereto, and prescribe the duties payable for the licence;

"(3) determine the categories and classes of driver's licences and the classes of learner's licences, and fix the other conditions for obtaining and renewing such licences and the other conditions attached thereto, and prescribe the duties payable for those licences;

"(4) establish the conditions for obtaining or renewing a certificate of competence and any conditions attached thereto, fix the duties payable for the certificate and designate the person or body empowered to issue it;"

(2) by striking out paragraphs 7 and 11.

R.S.Q., c.
C-24.1, s.
163, am.

52. Section 163 of the said Code is amended by adding, after paragraph 8, the following paragraphs:

"(9) fix the duties payable for the issue of the registration plate or certificate or for their renewal, for the issue of a duplicate of a certificate or a duplicate metal plate and for the replacement of a damaged, lost or stolen registration plate or sticker;

"(10) fix the duties payable for the issue, renewal and exchange of a driver's licence or learner's licence or a certificate of competence;

"(11) prescribe the duties payable for the issue of a duplicate of a driver's licence or learner's licence;

“(12) determine the duties payable for admission to the proficiency examination set by the Régie.”

R.S.Q., c.
C-24.1, s.
169, am.

53. Section 169 of the said Code is amended

(1) by inserting the words “of the first paragraph of section 109” after the figure “98” in the first paragraph;

(2) by adding the words “, except where it has been handed to him in person” at the end of the second paragraph.

R.S.Q., c.
C-24.1, s.
170, am.

54. Section 170 of the said Code is amended by adding the words “, except suspensions imposed under subparagraph 3 of section 43” at the end.

R.S.Q., c.
C-24.1, s.
180, am.

55. Section 180 of the said Code is amended by inserting the words “, of the first paragraph of section 109” after the figure “98”.

R.S.Q., c.
C-24.1, s.
184, am.

56. Section 184 of the said Code is amended by adding, after the first paragraph, the following paragraph:

Execution.

“In no case, however, may the court order the Régie to suspend the execution of a decision rendered under the first paragraph of section 109.”

R.S.Q., c.
C-24.1, s.
248,
replaced.

57. Section 248 of the said Code is replaced by the following section:

Identifica-
tion
number.

“248. Every road vehicle or bicycle must be provided with an identification number inscribed or affixed by the manufacturer or by the Régie, and in the latter case, on the conditions and on payment of the duties prescribed by regulation of the Régie. The manufacturer must communicate the components of the number to the Régie.”

R.S.Q., c.
C-24.1, s.
273, am.

58. Section 273 of the said Code is amended by replacing paragraph 12 by the following paragraph:

“(12) prescribe the conditions of issue of identification numbers;”.

R.S.Q., c.
C-24.1, s.
473, am.

59. Section 473 of the said Code is amended by inserting the words “which must be” after the word “fine”.

R.S.Q., c.
C-24.1, s.
547, am.

60. Section 547 of the said Code is amended by replacing the figure “202” by the figure “201”.

R.S.Q., c.
C-24.1, s.
564,
replaced.

61. Section 564 of the said Code is replaced by the following section:

Consolidated
revenue
fund.

“564. The sums collected under this Code are paid into the consolidated revenue fund, within the time limits and according to the modalities fixed by the Minister of Finance, except

(1) the sums collected by a municipality for an infraction against any of sections 373 to 375;

(2) the sums placed at the disposal of the Régie in accordance with section 151 of the Automobile Insurance Act and section 23 of the Act respecting the Régie de l'assurance automobile du Québec and the duties prescribed by regulation of the Régie under this Code; and

(3) the part of the fines allocated by the Government to the Régie.”

R.S.Q., c.
R-4, s. 2,
replaced.

62. Section 2 of the Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., chapter R-4) is replaced by the following section:

Functions.

“2. (1) The functions of the Régie are

(a) to administrer the compensation plan for victims of bodily injuries provided for by the Automobile Insurance Act (R.S.Q., chapter A-25);

(b) to administer the compensation plan for property damage prescribed in Title IV of the Automobile Insurance Act;

(c) to administer the Highway Safety Code (R.S.Q., chapter C-24.1) with respect to the registration of motor vehicles and the issue of licences; and

(d) to promote highway safety as regards the conduct of highway users as well as the safety standards respecting the vehicles used.

Powers.

(2) For the purposes of subsection 1, the Régie may

(a) conduct studies on the means to promote rehabilitation;

(b) pay, to the extent provided for in the Automobile Insurance Act, for the applications for indemnity that may be filed with it under the said Act;

(c) recover the indemnities it is called upon to pay, where the Automobile Insurance Act or the Civil Code so authorizes;

(d) intervene in any action resulting from an accident caused by an automobile;

(e) transact or effect compromises;

(f) itself or through a person it designates, inquire into any matter within its jurisdiction; for such purposes, the Régie and any person it designates have the powers and immunities of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment;

(g) collect the fees and insurance contributions exigible at the time of the registration of a vehicle and of the issue of a licence.

Impleading. (3) The Régie must be impleaded in any action where the fact that bodily injuries have been caused by an automobile is at issue."

R.S.Q., c.
R-4, s.
22.1,
replaced.
Authori-
zation. **63.** Section 22.1 of the said Act is replaced by the following section:

"**22.1** In no case may the Régie, without the authorization of the Conseil du trésor, enter into a contract respecting property where the consideration is more than \$1 000 000."

R.S.Q., c.
R-4, s.
23.1, repealed. **64.** Section 23.1 of the said Act is repealed.

R.S.Q., c.
T-1, s. 55,
repealed. **65.** Section 55.1 of the Fuel Tax Act (R.S.Q., chapter T-1) is repealed.

R.S.Q., c.
T-12, s.
80, am. **66.** Section 80 of the Transport Act (R.S.Q., chapter T-12), amended by section 29 of chapter 8 of the statutes of 1981, is again amended by replacing the word "receptacle" in the second line of paragraph *a* by the word "container".

TRANSITIONAL AND FINAL PROVISIONS

Substitu-
tion. **67.** The Régie is substituted for the Fonds d'indemnisation des victimes d'un dommage matériel causé par une automobile established by the Automobile Insurance Act (R.S.Q., chapter A-25).

Rights and
obligations. **68.** The Régie acquires the rights and assumes the obligations of the Fonds d'indemnisation.

Pending
cases. Matters pending before the Fonds d'indemnisation on 1 March 1983 shall be continued and decided by the Régie.

Party to
proceed-
ings. From 1 March 1983 the Régie becomes, without continuance of suit, a party to any proceeding to which the Fonds d'indemnisation was a party.

Expres-
sions
replaced. **69.** In any Act, regulation, by-law, proclamation, order or order in council, and in any contract, the expressions "Fonds

d'indemnisation automobile du Québec", "Fonds d'indemnisation" or "Fonds", wherever they refer to the Fonds d'indemnisation established pursuant to section 122 of the Automobile Insurance Act, are replaced by the expressions "Régie de l'assurance automobile du Québec" or "the Régie", as the case may be.

Validity of
tickets,
notices and
proceed-
ings.

70. No infraction ticket or preliminary or summary notice issued before the coming into force of this section in respect of an offence contemplated in section 473 of the Highway Safety Code (R.S.Q., chapter C-24.1) or proceedings based on such a ticket or notice may be invalidated on the sole ground that the amount of the minimum fine entered on the ticket or notice is \$20 as provided in the said section, increased, where such is the case, by another amount provided for in the said section.

Indexation.

71. If sections 10, 12, 18 and 22 come into force after 1 January 1983, the revalorization provided for under section 49 or, as the case may be, section 50 of the Automobile Insurance Act will apply from the coming into force of the said sections to minimum indemnities contemplated in the second paragraph of section 26 and in subsection 3 of section 37 of the said Act, to the maximum amount of income contemplated in section 27 of the said Act and to the maximum amounts contemplated in Schedule A to the said Act.

Exception.

72. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming in-
to force.

73. This Act comes into force on the date fixed by proclamation of the Government, except the provisions excluded by the proclamation, which will come into force, in whole or in part, on any later date that may be fixed by proclamation of the Government, and except section 65, which comes into force on the day of its sanction and applies from 1 March 1982.