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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 12  
(1996, chapter 56)

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

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**Introduced 8 May 1996  
Passage in principle 13 June 1996  
Passage 20 December 1996  
Assented to 23 December 1996**

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**Québec Official Publisher  
1996**

## 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 position to give assistance and advice to the driver. 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 the period during which the person is prohibited from driving a road vehicle is expired. 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 prevent the vehicle 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 trading 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;
- (5) Ordre professionnel des infirmières et infirmiers du Québec;”.

**3.** The said Code is amended by inserting, after section 5, the following section:

**“5.1** For the purposes of sections 35, 36, 97, 202.2, 202.4 and 636.1, a person is deemed to have the care or control of a road vehicle when that person occupies the seat or position ordinarily occupied by the driver in circumstances in which it may be believed that there is a risk of the person setting the vehicle in motion.”

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

“(5) a single-axle towing dolly.”

**5.** 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 “section 69, 93.1 or 209.22”.

**6.** Section 35 of the said Code is amended

(1) by inserting the words “or having the care or control of” after the word “driving” in the first line of the first paragraph;

(2) by replacing the words “the person driving it” in the second line of the second paragraph by the words “the person”;

(3) 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.”

**7.** Section 36 of the said Code is amended by inserting the words “or having the care or control of” after the word “driving” in the first line of the first paragraph.

**8.** 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”.

**9.** 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”.

**10.** 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.”

**11.** 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.”

**12.** 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 or on land occupied by shopping centres or other land where public traffic is allowed” after the word “vehicle” in the first line.

**13.** Section 65.1 of the said Code is repealed.

**14.** 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.”

**15.** Sections 71 and 72 of the said Code are repealed.

**16.** Section 73 of the said Code is amended by replacing the first two paragraphs by the following paragraphs:

**“73.** The Société may require a person applying for a licence or for the renewal of a licence, to have the class of his licence changed or to have another class added to it, or to have a condition appearing on his licence removed, to undergo a medical examination or health assessment by such medical specialist or other health professional as the Société may designate by name. The person must, where so required by the Société, submit to it a report of the examination or assessment within the time it indicates, which may in no case exceed 90 days.

In addition, the Société may require that the examination or assessment be carried out in a hospital centre or in a rehabilitation centre it designates by name or that belongs to the class it specifies among the classes established by section 86 of the Act respecting health services and social services (R.S.Q., chapter S-4.2).”

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

**“76.** No licence may be issued to a person whose licence has been cancelled or whose right to obtain a licence has been suspended following a conviction for an offence referred to in section 180, until one, two or three years have elapsed since the date of the cancellation or suspension, according to whether, in 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.

Where a conviction is followed by an order prohibiting the driving of a road vehicle made under subsection 1 or 2 of section 259 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)



for a period that exceeds the period applicable under the first paragraph, the applicable period shall be the period established in the order.

If the offence giving rise to the cancellation or suspension is an offence referred to in subparagraph 4 of the first paragraph of section 180, the following additional conditions apply to the issue of a new licence :

(1) where, during the five years preceding the cancellation or suspension, the person incurred no cancellation or suspension under subparagraph 4 of the first paragraph of section 180, the person must have successfully completed an educational program accredited by the Minister of Public Security, that is designed to promote drivers' awareness of the problems related to alcohol or drug consumption;

(2) where, during the five years preceding the cancellation or suspension, the person incurred one or more cancellation or suspension under subparagraph 4 of the first paragraph of section 180, the person must have undergone an assessment establishing, to the satisfaction of the Société, that the person's behaviour in relation to alcohol or drug consumption is compatible with the safe operation of a road vehicle of the class applied for. The assessment must have been carried out by a duly authorized person working in a rehabilitation centre for persons suffering from alcoholism or drug addiction or in a hospital centre having a rehabilitation service for such persons. The person must submit the report of the assessment to the Société during the three months preceding the issue of the licence.

A person whose licence has been cancelled or whose right to obtain a licence has been suspended following a conviction for an offence referred to in subparagraph 4 of the first paragraph of section 180 may, once no longer subject to an order of prohibition from driving made under subsection 1 or 2 of section 259 of the Criminal Code, be authorized to drive a road vehicle under a restricted licence if the vehicle is equipped with a device, approved by the Société, that is designed to ascertain the presence of alcohol in the driver's body and to prevent the vehicle from being started.

The holder of a restricted licence must, where so required by the Société, submit the data collected by the device. The Société shall establish the conditions for the use of the device; it must cancel the licence of a person who fails to comply with the conditions of use."

**18.** 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.

**“76.4** Sections 69, 93, 95 to 98 and 102 to 104, adapted as required, apply to the restricted licence referred to in section 76.”

**19.** Section 81 of the said Code is amended

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

“(1) refuses to undergo a medical examination or health assessment under section 73 or 76 or fails to submit the report of such an examination or assessment to it;”;

(2) by replacing the words “medical or optometric report” in the first line of paragraph 2 by the words “report of an examination or assessment carried out under section 73 or 76 or a report referred to in section 603” and by replacing the words “and optometric” in the second line of paragraph 2 by the words “or health”;

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

“(3) according to the report of an examination or assessment carried out under section 73 or 76 or a report referred to in section 603, suffers from an illness or deficiency or is in a condition not covered by the medical or health standards prescribed by regulation but which, in the opinion of a member of the Comité consultatif sur la santé des conducteurs, is incompatible with the driving of a road vehicle corresponding to the class of licence applied for;”.

**20.** Section 82 of the said Code is amended

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

“(1) refuses to undergo a medical examination or health or behaviour assessment under section 73 or fails to submit the report of such an examination or assessment to it;”;

(2) by replacing the words “medical or optometric report” in the first line of paragraph 2 by the words “report of an examination or assessment carried out under section 73”.

**21.** Section 83 of the said Code, amended by section 5 of chapter 6 of the statutes of 1995, is again amended by replacing the words “medical or optometric report” in the first line of paragraph 2 by the words “report of an examination or assessment carried out under section 73 or 76 or a report referred to in section 603” and by replacing the words “and optometric” in the second line of paragraph 2 by the words “or health”.

**22.** 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.”

**23.** Section 92.0.1 of the said Code is amended by inserting the words “is under 25 years of age and” after the word “applicant” in the second line.

**24.** Section 97 of the said Code is replaced by the following section:

**“97.** The person driving a road vehicle or having the care or control of a road vehicle must carry a licence.

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.”

**25.** 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 in a position to give him assistance and advice.

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

**26.** 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.”

**27.** Section 101 of the said Code is repealed.

**28.** 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.

**29.** Section 106 of the said Code is amended by replacing the first paragraph by the following paragraph:

**“106.** The owner or lessee of a road vehicle or the person having the control of a road vehicle may not allow the vehicle to be driven by a person who is not the holder of a licence of the appropriate class for driving the vehicle or by a person under a sanction, even if the latter is the holder of a valid driver’s licence issued by another administrative authority or of an International Driver’s Permit.”

**30.** Section 109 of the said Code, amended by section 9 of chapter 6 of the statutes of 1995, is again amended by inserting the words “or assessment” after the word “examination” in the second line.

**31.** 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”.

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

**33.** 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.

**34.** 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.”

**35.** 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”.

**36.** 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.”

**37.** 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”.

**38.** 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”.

**39.** 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.”

**40.** 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”.

**41.** 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.”

**42.** Sections 146.2 to 150 of the said Code are repealed.

**43.** 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 trading purposes”.

**44.** 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.”

**45.** Section 153 of the said Code is replaced by the following section:

“**153.** Every person whose activity consists in dismantling or selling disused road vehicles, vehicle carcasses, or parts taken from road vehicles that have been dismantled or are destined for dismantling or destruction or for sale for parts only, must be the holder of a recycler’s licence issued by the Société and must pay the fees and comply with the conditions and formalities established by regulation.”

**46.** 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.”

**47.** Section 158 of the said Code is repealed.

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

**49.** 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.

**50.** 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.”

**51.** 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.”

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

**53.** 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.”

**54.** 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;

(4) section 253, subsection 5 of section 254 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."

**55.** 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 omits, upon the transfer of a road vehicle, to pay the sales tax as calculated under the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1)."

**56.** Section 190 of the said Code is amended

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

"(1) the licence holder refuses to undergo a medical examination or health assessment under section 73 or 76 or fails to submit the report of such an examination or assessment to it;";

(2) by replacing the words "medical or optometric report" in the first line of paragraph 2 by the words "report of an examination or assessment carried out under section 73 or 76 or a report referred to in section 603" and by replacing the words "and optometric" in the second and third lines of paragraph 2 by the words "or health";

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

"(3) according to a report of an examination or assessment carried out under section 73 or 76 or a report referred to in section 603, the licence holder suffers from an illness or deficiency or is in a condition not covered by the health and behaviour standards prescribed by regulation but which, in the opinion of a member of the Comité consultatif sur la santé des conducteurs, is incompatible with the driving of a road vehicle corresponding to the class of licence applied for;";

(4) by replacing the words "and 93.1" in the second line of paragraph 7 by the words ", 93.1 and 209.20".

**57.** Section 191 of the said Code is amended by replacing the words “medical or optometric report” in the third line by the words “report of an examination or assessment carried out under section 73 or 76 or a report referred to in section 603” and by replacing the words “and optometric” in the fourth line by the words “or health”.

**58.** Section 191.2 of the said Code is replaced by the following section:

**“191.2** From the time the number of demerit points entered in the record of a person who has never held a driver’s licence or of a person subject to the prohibition set out in section 202.2 equals or exceeds the limit prescribed by a regulation made under paragraph 9.3 of section 619, the Société must suspend, for a period of three months, that person’s learner’s licence, probationary licence or licence authorizing the driving only of a moped, and suspend the person’s right to obtain such a licence for the same period.”

**59.** Sections 192 and 193 of the said Code are repealed.

**60.** Section 195.1 of the said Code is amended by replacing the first sentence by the following sentence: “The Société must suspend a restricted licence issued to a person under section 76 or 118 if, after the date on which it was issued, the person’s right to obtain a licence is under a suspension which is in effect or imposed but has yet to take effect.”

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

“DIVISION I.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 or have the care or control of 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 or authorizing the driving only of a farm tractor;

(2) the holder of a driver's licence authorizing the driving only of a moped or authorizing the driving only of a farm tractor 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.

The prohibition set out in the first paragraph also applies to a person who, without ever having held a driver's licence other than a licence authorizing the driving only of a moped or authorizing the driving only of a farm tractor, drives or has the care or control of a road vehicle.

**“202.3** A peace officer who reasonably suspects the presence of alcohol in the body of a person subject to the prohibition set out in section 202.2 may order that person to provide forthwith such 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 person subject to the prohibition set out in section 202.2 who is driving or has the care or control of a road vehicle if a sampling carried out under section 202.3 reveals the presence of alcohol in the person's body;

(2) a person driving or having the care or control 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 person 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 a person 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** 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.

**“202.7** 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.

**“202.8** Every person who contravenes section 202.2 or who, without reasonable excuse, 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.”

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

**63.** 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.”

**64.** Section 208 of the said Code is repealed.

**65.** 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 believes on reasonable grounds that the driver of a road vehicle is under a sanction within the meaning of section 106.1 that relates to the driving of a vehicle of the particular class being driven 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 sanction was imposed under any of sections 180 or 183 to 185, any of paragraphs 1 to 4 of section 190 or any of sections 191, 191.2, 194, 202.4 and 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 209.15.

**“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. He may surrender possession of the vehicle only if the conditions set out in section 209.15 are satisfied or after the expiry of the period provided for in section 209.16, but, in the latter case, only with the permission of the Public Curator.

## “DIVISION II

## “RELEASE FROM SEIZURE

“**209.11** The owner of a road vehicle seized may, on the authorization of a judge of the Court of Québec acting in chambers in civil matters, recover his vehicle on the conditions set out in section 209.15,

(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 its presentation to the judge. 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** The provisions of sections 209.11 to 209.13 shall not be construed as preventing the Société or a person designated by it from authorizing the recovery of a vehicle, on payment of the towing and impounding costs incurred by the custodian, if the owner establishes to the satisfaction of the Société or the designated person that subparagraph 1 or 2 of the first paragraph of section 209.11 applies in his case.

**“209.15** At the end of the period of seizure, the owner may not recover his road vehicle except on payment of the towing and impounding costs incurred by the custodian and on presentation of the authorization furnished by the Société or a person it designates.

**“209.16** 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 provisional administration of the Public Curator.

### “DIVISION III

#### “DISPOSAL OF THE ROAD VEHICLE BY THE PUBLIC CURATOR

**“209.17** 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.

**“209.18** 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, identification number, make and model of the vehicle.

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

**“209.20** Where the owner or any other person entitled to claim the road vehicle exercises his right before the sale of the vehicle by the Public Curator, the vehicle shall be released on payment of the fees of and expenses incurred by the Public Curator.



**“209.21** 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.

Upon application, the proceeds of the sale shall be remitted to the person who was the owner of the vehicle at the time it was seized or to any other person entitled to claim the road vehicle at the time it was seized, after deduction of the fees of and expenses incurred by the Public Curator. If the owner or the person entitled to claim the vehicle fails to claim the proceeds of the sale, the Public Curator shall continue his provisional administration.

The proceeds of the sale of the vehicle shall become the property of the State 10 years after the date on which the Public Curator's provisional administration begins.

**“209.22** 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 Public Curator by the Société in connection with the vehicle.

#### “DIVISION IV

##### “INDEMNIFICATION BY THE SOCIÉTÉ

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

#### “DIVISION V

##### “PENAL PROVISIONS

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

**“209.25** 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.

**“209.26** 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.”

**66.** 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.

**67.** The said Code is amended by inserting, after section 211, the following section:

**“211.1** No person may sell, lease or place at the disposal of a person for valuable consideration, or offer in any way to sell, lease or place at the disposal of a person for valuable consideration, a new road vehicle of a category subject to the Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16), unless the vehicle bears a national safety mark within the meaning of that Act or the compliance label prescribed by that Act.”

**68.** 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.”

**69.** The said Code is amended by inserting, after section 220.1, the following section:

**“220.2** A trailer or semi-trailer may be equipped with reflective stripe markers in accordance with the Motor Vehicle Safety Act instead of the reflectors prescribed by this chapter.”

**70.** 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.”

**71.** 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.”

**72.** 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.”

**73.** 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”.

**74.** 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.”

**75.** Section 266 of the said Code is amended by inserting the words “front side” before the word “windows” in the first line.

**76.** 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”.

**77.** 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.”

**78.** 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.”

**79.** Section 284 of the said Code is amended by replacing the words “either of sections” in the first line by the words “any of sections 233.1.”

**80.** Section 286 of the said Code is amended by replacing the words “either of section 210 or 211” in the first line of the first paragraph by the words “any of sections 210, 211 and 211.1”.

**81.** Section 292 of the said Code, replaced by section 2 of chapter 25 of the statutes of 1995 and amended by section 212 of chapter 2 of the statutes of 1996, is replaced by the following section:

**“292.** A sign or signal erected under section 291 may provide exceptions for vehicles that must travel to a particular place in order to collect or deliver property, provide services, carry out work, be repaired or return to their base, and that cannot do so without entering a zone to which access is prohibited.”

**82.** Section 328 of the said Code, amended by section 140 of chapter 83 of the statutes of 1990 and by section 213 of chapter 2 of the statutes of 1996, 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.”

**83.** 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.

**84.** 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.”

**85.** Section 398 of the said Code is amended by replacing the words “Conseil consultatif médical et optométrique” in the first and second lines by the words “Conseil consultatif sur la santé des conducteurs”.

**86.** 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.”

**87.** 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.

**88.** 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.”

**89.** 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”.

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

**91.** 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.”

**92.** 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.”

**93.** 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.”

**94.** 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.”

**95.** 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;”.

**96.** 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.”

**97.** 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”.

**98.** 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.

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

**100.** 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);”.

**101.** 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 officers”.

**102.** 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.

**103.** 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”.

**104.** 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 having a net mass of more than 3,000 kg, except motor homes, house trailers, construction trailers and farm trailers;”.

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

**106.** 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 and with the other conditions determined by the Société, where applicable.

**“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 having the required qualifications 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.”

**107.** 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.”

**108.** 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.”

**109.** 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.”

**110.** 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 Société or authorized person shall advise the owner or the driver of the results of the appraisal.”

**111.** 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.”

**112.** 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”.

**113.** 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 \$100 to \$200.”

**114.** 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.”

**115.** 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.”

**116.** Section 552 of the said Code, amended by section 23 of chapter 23 of the statutes of 1994, is again amended

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

**“552.** Where a person suffers from an illness or deficiency or is in a situation described in paragraph 2 or 3 of section 81, paragraph 2 of section 82, paragraph 2 of section 83, paragraph 2 or 3 of section 190 or section 191, the Société may, before rendering a decision, request, by notice, the person to furnish, within the time fixed by the Société which may in no case exceed 90 days, a complementary report on the examination or assessment referred to in section 73, 76 or 603.”;

(2) by replacing the words “The report may be accompanied with” in the first line of the second paragraph by the words “In addition, the Société may request the person to furnish”;

(3) by replacing the word “detailed” in the first line of the third paragraph by the word “complementary”, and by replacing the words “a sixty-day period” in the second line of the third paragraph by the words “the period fixed”.

**117.** Section 553 of the said Code is amended by striking out the words “a driving school licence, an instructor’s licence or” in the first line of subparagraph 2 of the second paragraph.

**118.** Section 577 of the said Code is repealed.

**119.** Section 578 of the said Code is repealed.

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

**121.** 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.”

**122.** 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.

A document referred to in the first paragraph is proof of its contents, in the absence of any evidence to the contrary, if it is otherwise admissible in evidence.”

**123.** Section 603 of the said Code is replaced by the following section:

**“603.** A health professional may, according to his field of practice, report to the Société the name, address and state of health of a person 14 years of age or older whom he considers unfit to drive a road vehicle having regard, in particular, to the illnesses, deficiencies and situations incompatible with the driving of a road vehicle established by regulation.

For the purposes of this section, health professionals are authorized to disclose to the Société any information revealed to them in the practice of their profession.”

**124.** 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”.

**125.** 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”.

**126.** Section 607.1 of the said Code is repealed.

**127.** 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.”

**128.** 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.”

**129.** The heading of Title XII of the said Code is replaced by the following heading:

“COMITÉ CONSULTATIF SUR LA SANTÉ DES CONDUCTEURS”.

**130.** Section 612 of the said Code is amended by replacing the words “médical or optométrique” in the first line by the words “sur la santé des conducteurs”.

**131.** Section 613 of the said Code is replaced by the following section:

“**613.** The committee is composed of members of the following orders, in the number determined by the Government:

- (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;
- (5) Ordre professionnel des infirmières et infirmiers du Québec.”

**132.** Section 616 of the said Code is amended

(1) by replacing the words “vision standards and state of health” in the third line of the first paragraph by the words “health standards”, and by replacing the words “a medical or optometrical examination” in the fourth and fifth lines of the first paragraph by the words “an examination or assessment”;

(2) by striking out the words “visual condition,” in the fourth line of the second paragraph.

**133.** Section 619 of the said Code, amended by section 12 of chapter 6 of the statutes of 1995 and by section 214 of chapter 2 of the statutes of 1996, is again 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 replacing the words “medical and optometrical” in the first line of paragraph 8 by the word “health”;

(3) by striking out the words “the sending of a notice,” in the second line of paragraph 9.3;

(4) by striking out paragraphs 10 to 22.

**134.** Section 619.2 of the said Code is amended by replacing the words “or driver’s licence” in the second line by the words “, driver’s licence or restricted licence issued under section 76,”.

**135.** Section 619.3 of the said Code is amended by replacing the words “or driver’s licence” in the second line of the part of subparagraph 2 of the first paragraph preceding subparagraph *a* by the words “, driver’s licence or restricted licence issued under section 76,”.

**136.** Section 620 of the said Code is amended

(1) by striking out the words “or permit” in the first line of paragraph 1 and in the first and second lines of paragraph 4;

(2) by replacing the words “or permit referred to in Title III, and prescribe the form and term of validity of such a licence or permit” in the first, second and third lines of paragraph 2 by the words “referred to in Title III and prescribe its form and term of validity”;

(3) 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;”;

(4) 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;”.

**137.** Section 621 of the said Code, amended by section 9 of chapter 25 of the statutes of 1995, is again 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.”

**138.** Section 624 of the said Code, amended by section 13 of chapter 6 of the statutes of 1995, is again 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;”.

**139.** 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.

**140.** 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 or body he designates, the exercise of a power under this section.”

**141.** Section 636.1 of the said Code is replaced by the following section:

**“636.1** Where a peace officer reasonably suspects the presence of alcohol in the body of a person driving or having the care or control of a road vehicle, he may require him to undergo forthwith any reasonable physical coordination tests he indicates to him to ascertain whether there is cause for requiring him to undergo the tests provided for in section 254 of the Criminal Code. The person must comply with this requirement without delay.

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.”

**142.** Section 636.2 of the said Code is amended

(1) by inserting the words “, the Automobile Insurance Act or the Criminal Code,” after the word “Code,” in the second line;

(2) by inserting the words “, under section 186 of the Automobile Insurance Act or under a provision of the Criminal Code referred to in section 180 of this Code” after the word “Code” in the third line.

**143.** Section 637.1 of the said Code is amended by replacing the first paragraph by the following paragraph:

**“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.”

**144.** The said Code is amended by replacing the words “Motor Vehicle Safety Act (Revised Statutes of Canada, 1985, chapter M-10)” in sections 214, 250, 519.22 and 543.1, enacted by section 77 of chapter 94 of the statutes of 1987, by the words “Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16)”.

**145.** Section 151 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended

(1) by inserting the words “, restricted licence issued under section 76 of the Highway Safety Code (chapter C-24.2)” after the words “probationary licence” in the second and third lines;

(2) by replacing the words “, 191.2 and 192” in the second and third lines of paragraph 5 by the words “and 191.2”.

**146.** Section 151.2 of the said Act is amended by inserting the words “, restricted licence issued under section 76 of the Highway Safety Code” after the words “probationary licence” in the second line of subparagraph 1 of the first paragraph.

**147.** Section 151.3 of the said Act is amended by inserting the words “, restricted licence issued under section 76 of the Highway Safety Code” after the words “probationary licence” in the second line of paragraph 1.

**148.** 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.”

**149.** 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.

**150.** Section 257 of the said Act is repealed.

**151.** A person applying for a probationary licence of a class authorizing the driving of a road vehicle other than a motorcycle who, on 30 June 1997 holds a learner's licence, must have held that licence for at least 12 months at the time the application is made. The 12-month requirement is reduced to three months if the applicant has successfully completed an appropriate driving course for the driving of that vehicle, dispensed by a school recognized by the Société.

**152.** A person applying for a probationary licence of a class authorizing the driving of a motorcycle who, on 30 June 1997 holds a learner's licence, must have held that licence for at least 12 months at the time the application is made. The 12-month requirement is reduced to one month if the applicant has successfully completed a motorcycle driving course dispensed by a school recognized by the Société.

**153.** A person applying for a driver's licence of a class authorizing the driving of a road vehicle other than a motorcycle who, on 30 June 1997 holds a learner's licence and is 25 years of age or over, must have held that licence for at least 12 months at the time the application is made. The 12-month requirement is reduced to three months if the applicant has successfully completed an appropriate driving course for the driving of that vehicle, dispensed by a school recognized by the Société.

**154.** A person applying for a driver's licence of a class authorizing the driving of a motorcycle who, on 30 June 1997 holds a learner's licence and is 25 years of age or over, must have held that licence for at least 12 months at the time the application is made. The 12-month requirement is reduced to one month if the applicant has successfully completed a motorcycle driving course dispensed by a school recognized by the Société.

**155.** In the case of a person holding a learner's licence or probationary licence on 30 June 1997 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.

**156.** All sanctions imposed on a person pursuant to section 192 of the Highway Safety Code, whether in effect on 1 December 1997 or yet to have effect on that date shall, on that date, be combined and reduced to the duration of the longest among them, provided that that duration in no case exceeds three years.

**157.** A person applying for a probationary licence or a driver's licence who resides within the territories of the municipalities of Aguanish, Baie-Johan-Beetz or Natashquan, on the Natashquan Indian reserve, or on the Category I lands of Chisasibi, Wemindji or Némiscau within the meaning of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1), may be exempted by the Minister of Transport from the driving course required by section 65.1 of the Highway Safety Code and from the requirement of holding a learner's licence.

This section ceases to have effect on 30 June 1997.

**158.** This Act comes into force on 23 December 1996, with the exception of

(1) sections 10, 11, 13 to 15, 22, 23, 25 to 27, 32 to 39, 42 and 58, section 61 as regards sections 202.2, 202.3 and 202.8, section 62, paragraph 1 of section 115 as regards the reference to sections 203 to 205, sections 117 and 120, paragraphs 1, 3 and 4 of section 133, paragraph 1 of section 138, and sections 151 to 155, which come into force on 30 June 1997;

(2) paragraphs 3 and 4 of section 2, paragraph 2 of section 5, sections 16 to 21, 30, 31, 38 to 41 and 54, paragraph 1 of section 55, sections 56, 57, 59 and 60, section 61 as regards sections 202.1 and 202.4 to 202.7, sections 65, 85, 116, 123 to 125 and 128 to 132, paragraph 2 of section 133, and sections 134, 135 and 145 to 147 which come into force on 1 December 1997;

(3) sections 46, 51, 53, 82, 84, 93, 99 and 103, paragraph 1 of section 104, sections 106 to 108, 118, 119 and 121, paragraph 6 of section 137, and sections 149, 150 and 156, which come into force on the date or dates to be fixed by the Government.