



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 17

**An Act to amend the Highway Safety
Code and the Code of Penal Procedure
as regards photographic speed-
measuring devices**

Introduction

**Introduced by
Mr Guy Chevrette
Minister of Transport**

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EXPLANATORY NOTES

This bill amends the Highway Safety Code to authorize the use of photographic speed-measuring devices in locations determined by the Minister of Public Security. Each such location will have to be identified by means of a road sign or signal. Only the police forces designated by the Minister of Public Security will be authorized to use photographic speed-measuring devices.

It is provided under the bill that the owner of the road vehicle will be held liable for any speeding offence detected through the use of a photographic speed-measuring device, unless the owner establishes that he or she had not consented to the vehicle being used by another person.

The bill also amends the Code of Penal Procedure to provide that imprisonment will not be imposed for sums due in connection with an offence detected through the use of a photographic speed-measuring device.

Bill 17

AN ACT TO AMEND THE HIGHWAY SAFETY CODE AND THE CODE OF PENAL PROCEDURE AS REGARDS PHOTOGRAPHIC SPEED-MEASURING DEVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 209.6 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing “radar warning device” by “speed-measuring warning device”.

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

“251. No person may

(1) install, cause to be installed or in any way introduce a speed-measuring warning device in a road vehicle ;

(2) place or apply or cause to be placed or applied on a road vehicle any object or material capable of interfering in any way with the normal operation of a speed-measuring device or the recording of the information on the registration plate by the camera of a photographic speed-measuring device.”

3. Section 252 of the said Code is amended

(1) by replacing “radar warning device” in the first paragraph by “speed-measuring warning device”;

(2) by replacing “radar warning device” in the second paragraph by “speed-measuring warning device”.

4. Section 253 of the said Code is amended

(1) by replacing “radar warning device” and “radar speed measuring equipment” by “speed-measuring warning device” and “a speed-measuring device”, respectively ;

(2) by replacing “radar equipment” by “speed-measuring device or the camera of a photographic speed-measuring device”.

5. Section 333 of the said Code is amended by replacing “radar warning device within the meaning of section 253” by “speed-measuring warning device within the meaning of section 253 or on which any object or material capable of interfering in any way with the normal operation of a speed-measuring device or the recording of the information on the registration plate by the camera of a photographic speed-measuring device has been placed or applied”.

6. Section 334 of the said Code is amended by replacing “radar warning device” wherever it appears by “speed-measuring warning device”.

7. The said Code is amended by inserting the following section after section 334:

“334.1. A peace officer is authorized to remove or caused to be removed at the expense of the owner of the road vehicle any object or material capable of interfering in any way with the normal operation of a speed-measuring device or the recording of the information on the registration plate by the camera of a photographic speed-measuring device.

The peace officer shall give a receipt to the person in possession of the vehicle and deliver any object removed to the Société.”

8. The said Code is amended by inserting the following section after section 592:

“592.1. In the case of an offence detected through the use of a photographic speed-measuring device, the owner of the road vehicle is, notwithstanding the provisions of the second paragraph of section 592 responsible for the offence, unless the owner establishes that the vehicle was being used by another person without the owner’s consent.

The photograph showing the registration plate of a road vehicle and indicating the vehicle’s speed and the date and time the photograph was taken is proof of that information in the absence of evidence to the contrary.

A statement of offence and the photograph showing only the registration plate of a road vehicle and the vehicle’s speed and the date and time the photograph was taken must be transmitted to the owner of the vehicle within 15 days following the date on which the offence was committed, at the last address listed in the records of the Société de l’assurance automobile du Québec.

No demerit points shall be incurred for the offence.”

9. Section 596.5 of the said Code is amended by inserting “, a copy of any photograph taken by a photographic speed-measuring device and the information appearing on the photograph,” after “certificate of mechanical inspection” in the third line of the first paragraph.

10. The said Code is amended by inserting the following section after section 634.2:

“634.3. Photographic speed-measuring devices may be used only in the locations determined by the Minister of Public Security and only by the police forces designated by that Minister. The use of such devices is subject to such conditions and procedures as the Minister may specify.

A location in which a photographic speed-measuring device may be used must be identified by means of a road sign or signal prescribed for that purpose by the Minister of Transport.

Every order made pursuant to this section shall be published in the *Gazette officielle du Québec*.”

11. Article 347 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by adding the following paragraph at the end:

“However, no imprisonment may be ordered if the sums are due solely in connection with an offence relating to the speed of a vehicle detected through the use of a photographic speed-measuring device.”

12. This Act comes into force on the date or dates to be fixed by the Government.