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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 67

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

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**Introduction**

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

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## **EXPLANATORY NOTES**

*This bill amends the Highway Safety Code to prohibit the sale, lease or placing at the disposal of a person for valuable consideration of an air bag module other than a new module. It also prohibits the repair of such a module after the air bag has deployed, and the installation of an undeployed air bag module.*

*The bill introduces new rules dealing with how persons settling in Québec may obtain a driver's licence, in particular persons from a country with which there is no reciprocal agreement.*

*The bill introduces new criteria to require the use of a child restraint system suitable for the size of the child. It requires children riding in a taxi to use the seat belt unless the child has been exempted. In addition, any adult passenger accompanying a person under the age of 16 in a taxi must ensure that the person is wearing the seat belt correctly.*

*The bill provides for an exemption from the rule prohibiting the operation of an emergency vehicle if alcohol is present in the body of the driver if the driver is called on to intervene while not on duty or while driving an unmarked vehicle.*

*The bill authorizes the annual indexing beginning in 2002 of towing charges for vehicles seized where a person was operating the vehicle without a licence or the person's licence was under a sanction.*

*As concerns the transportation of dangerous substances, the bill authorizes peace officers to stop and inspect a road vehicle and to retain the vehicle until the driver complies with the regulatory requirements.*

*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).



## Bill 67

### AN ACT TO AMEND THE HIGHWAY SAFETY CODE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 5.1 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by inserting “, 98.1” after “97” and “, 202.6.6, 519.67.1” after “202.4” in the first line.

**2.** The said Code is amended by inserting the following section after section 11:

**“11.1.** The holder of an identification sticker must inform the Société of any change of address or of the destruction, loss or theft of the sticker or certificate of issue within 30 days.

The holder of an identification sticker must return the sticker and the certificate of issue to the Société if they are no longer required or if the holder no longer meets the eligibility requirements.”

**3.** Section 14 of the said Code, amended by section 1 of chapter 21 of the statutes of 2001, is again amended by replacing “farm machinery” in paragraph 1 by “a farm machine”.

**4.** Section 35 of the said Code is amended by inserting “, except for the ten days following registration,” after “vehicle” in the second line of the first paragraph.

**5.** Section 51 of the said Code is amended by inserting “11.1,” after “sections” in the second line.

**6.** Section 76 of the said Code, amended by section 3 of chapter 29 of the statutes of 2001, is again amended by inserting “visée” after “infraction” in the third line of the French text of the first paragraph.

**7.** Section 76.1 of the said Code, amended by section 4 of chapter 29 of the statutes of 2001, is again amended

(1) by replacing “a waiting period of one, three or five years was imposed on the person under the first paragraph of section 76” in the third and fourth lines of the first paragraph by “, in the ten 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 subparagraph 4 of the first paragraph of section 180”;

(2) by striking out “probationary” in the third line of the fifth paragraph.

**8.** Section 90.1 of the said Code is repealed.

**9.** Section 91 of the said Code is replaced by the following sections :

**“91.** Any person holding a driver’s licence issued outside Canada who settles in Québec may on request, provided the particulars and validity of the holder’s title can be verified directly with the administrative authority concerned through the use of information technology, exchange that licence, without undergoing a proficiency examination, for an equivalent driver’s licence issued by the Société.

However, the person must pass the proficiency examinations referred to in section 67 to obtain a licence to drive a bus, a minibus, a motorcycle, a taxi or a commercial vehicle or to operate an emergency vehicle.

**“91.1.** Any person holding a valid driver’s licence for the operation of a passenger vehicle issued outside Canada who settles in Québec may on request, if the administrative authority concerned has entered into a licence exchange agreement pursuant to section 629, exchange that licence, without undergoing a proficiency examination, for an equivalent driver’s licence issued by the Société.

However, the person must pass the proficiency examinations referred to in section 67 to obtain a licence to drive a motorcycle.

The Société may exempt a person from surrendering to the Société the licence issued in his or her country of origin.

**“91.2.** A regulation of the Government shall determine the time within which a licence exchange under section 91 or 91.1 must be applied for. The applicant must pay the duties and fees prescribed by regulation and the amount fixed under section 151 of the Automobile Insurance Act.

**“91.3.** A person 25 years of age or older who settles in Québec after living in a country in respect of which sections 90, 91 and 91.1 do not apply and who therefore is not eligible for a licence exchange under those sections is exempted from having to hold a learner’s licence before obtaining a driver’s licence for the operation of a passenger vehicle, except as regards the operation of a motorcycle.

A regulation of the Government shall determine the time within which a licence must be applied for and the number of times a person may retake the proficiency examinations referred to in section 67 before losing the exemption.

**“91.4.** A person holding a valid driver’s licence or a licence expired for less than three years that was issued outside Canada who once held a driver’s licence issued in Québec for the operation of the same categories of road vehicles as the licence applied for is exempted from the proficiency examinations referred to in section 67.”

**10.** Section 92.0.1 of the said Code is amended by replacing “to 92” in the first line by “, 91, 91.1 and 92”.

**11.** Section 195.2 of the said Code, enacted by section 11 of chapter 29 of the statutes of 2001, is amended by adding the following paragraph:

“The same applies with respect to the licence of a person referred to in the fifth paragraph of section 73 or the fourth paragraph of section 76.1 if the person drives or has the care or control of a vehicle without complying with the conditions set out in those sections.”

**12.** Section 202.2 of the said Code, amended by section 13 of chapter 29 of the statutes of 2001, is again amended

(1) by adding “to whom neither subparagraphs 1 to 3 nor the second paragraph apply” at the end of subparagraph 4 of the first paragraph;

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

“Subparagraph 4 of the first paragraph does not apply to the driver of an emergency vehicle, where the driver

(1) is driving an unmarked vehicle;

(2) is acting as a volunteer fireman; or

(3) is called upon to intervene while not on duty.”

**13.** Section 202.4 of the said Code, amended by section 13 of chapter 29 of the statutes of 2001, is again amended

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

**“202.4.** A peace officer shall immediately suspend on behalf of the Société, for a period of 30 days, the licence of”;

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

“A licence suspension incurred by the operator of a heavy vehicle, an emergency vehicle or a taxi for a contravention of subparagraph 4 of the first paragraph of section 202.2 applies only in respect of those vehicles.”;

(3) by replacing the second, third and fourth paragraphs by the following paragraphs :

“If the person is not the holder of a licence or is the holder of a licence issued by another administrative authority, the peace officer shall immediately suspend on behalf of the Société, for a period of 30 days, the person’s right to obtain a learner’s licence, a probationary licence, a driver’s licence or, in the cases described in the second paragraph, a licence to operate the vehicles concerned.

In the case of a person who, during the ten years preceding the suspension, would have incurred a suspension under this section or a suspension or cancellation under section 180, the duration of the suspension is increased to 90 days.”

**14.** Section 202.6.1 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended

(1) by replacing “or prohibiting a person from driving a road vehicle” in the first paragraph by “or the right to obtain a licence” ;

(2) by replacing “has been suspended or who has been prohibited from driving a road vehicle” in the second paragraph by “or right to obtain a licence has been suspended” and by striking out “or prohibition” in that paragraph.

**15.** Section 202.6.2 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended by striking out “or who is prohibited from driving a road vehicle for 90 days”.

**16.** Section 202.6.5 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended by replacing “analysis under” in paragraph 3 by “a qualified technician referred to in”.

**17.** Section 202.6.6 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended

(1) by replacing “, the suspension of the right to obtain a licence or the prohibition from driving” in the text preceding subparagraph 1 of the first paragraph by “or of the right to obtain a licence” ;

(2) by striking out “or a driving prohibition” in the second paragraph.

**18.** Section 202.6.7 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended by replacing “analysis under” in the second paragraph by “a qualified technician referred to in”.

**19.** Section 202.6.10 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended by replacing “, the suspension of the right to obtain a licence or the prohibition from driving a road vehicle” by “or of the right to obtain a licence”.

**20.** Section 209.2 of the said Code, amended by section 16 of chapter 29 of the statutes of 2001, is again amended by replacing “, 202.4 and 202.5” by “, 195.2 and 202.4”.

**21.** Section 209.9 of the said Code is amended by adding the following paragraphs at the end:

“From the year 2002, 20% of the towing charges shall be indexed annually on 1 January, according to the rate of variation of the average diesel fuel price computed according to the weekly data of the Régie de l’énergie for the preceding calendar year in relation to the previous year.

If there are more than two decimals in an annual average or the rate computed under the third paragraph or the indexed amount of charges, only the first two decimals shall be retained and the second shall be increased by one if the third is equal to or greater than 5.

The Société shall publish the amount of the adjusted charges resulting from the indexation in the *Gazette officielle du Québec*.”

**22.** Section 209.20 of the said Code, enacted by section 7 of chapter 66 of the statutes of 1999, is amended

(1) by replacing “1%” in the second paragraph by “1.5%”;

(2) by inserting the following paragraph after the second paragraph:

“However, the cost of the repairs to be made to the vehicle, if any, must be deducted from the wholesale price referred to in the first paragraph or from the amount obtained pursuant to the second paragraph.”

**23.** Section 214.1 of the said Code is repealed.

**24.** The said Code is amended by inserting the following sections after section 240.1:

**“240.2.** Subject to section 240.3, this chapter does not apply to a self-propelled farm machine or to a combination of road vehicles consisting of a farm tractor or farm vehicle drawing a farm machine or a trailer used for farm purposes, provided it belongs to a farmer within the meaning of section 16 and

(1) the warning sign referred to in section 274 is attached to the rear of the farm machine or combination of road vehicles; and

(2) the farm machine or combination of road vehicles travels at a rate of speed of less than 40 km/h and is equipped with two red reflectors at the rear, one on each side of the vertical centreline and as far apart as practicable.

**“240.3.** Every farm tractor or other self-propelled farm machine must carry two white headlights at the front and two red lights at the rear.

A farm tractor, other farm machine or trailer used for farm purposes belonging to a farmer within the meaning of section 16, to the extent that its width exceeds 2.6 metres, is subject to the safety standards and traffic rules prescribed by regulation.”

**25.** The said Code is amended by inserting the following section after section 250.1 :

**“250.2.** No person may install in a road vehicle or, for the purposes of such installation, sell, lease or place at the disposal of a person for valuable consideration, an air bag module other than a new air bag module originating from a road vehicle manufacturer. However, a module whose air bag has never deployed may be reinstalled in the same vehicle after being removed for the sole purpose of repairs to the vehicle.

No person may repair a module after the air bag has deployed.

The same prohibitions apply to offering to perform any of the acts referred to in the first or second paragraph.”

**26.** Section 272 of the said Code is amended by replacing “equipment” in the first line by “machines”.

**27.** Section 282 of the said Code is amended by replacing “214.1” by “215” and by inserting “240.3,” after “240.1,” in the second line.

**28.** The said Code is amended by inserting the following section after section 287.1 :

**“287.2.** Every person who contravenes section 250.2 is guilty of an offence and is liable to a fine of \$3,000 to \$9,000.”

**29.** Section 344 of the said Code, amended by section 2 of chapter 31 of the statutes of 2000, is again amended by replacing “farm machinery, a farm tractor, a horse-drawn vehicle, a bicycle or a road vehicle carrying a slow-moving vehicle sign” in the second, third and fourth lines by “a farm tractor or other farm machine, a road vehicle carrying a slow-moving vehicle sign, a horse-drawn vehicle or a bicycle”.

**30.** Section 378 of the said Code is amended by replacing “and 386” in the third line of the second paragraph by “, 386 and 470.1”.

**31.** Section 388 of the said Code is amended by inserting the following paragraph after the first paragraph :

“In addition, in the case of a sticker issued by the Société, a person who stops a road vehicle in such a parking space must carry the certificate of the Société attesting the issue of the sticker in the person’s name or in the name of the institution that owns the vehicle. The person must also hang the sticker from the rear-view mirror inside the road vehicle in such a manner that the sticker is visible from the outside.”

**32.** Section 396 of the said Code is amended by replacing “5 years of age or over” in the first line of the first paragraph by “, except a child referred to in section 397,”.

**33.** Section 397 of the said Code is amended by replacing the first paragraph by the following paragraphs:

**“397.** In a moving road vehicle, every child whose sitting height is less than 63 cm, measured from the seat to the top of the head, must be restrained by a restraint system or booster cushion that complies with the regulations under the Motor Vehicle Safety Act. The restraint system or booster cushion must, in accordance with the manufacturer’s instructions affixed thereon, be suitable for the child’s height and weight and be securely attached to the vehicle.

However, the use of a restraint system or booster cushion is not mandatory

(1) for a child occupying a designated seating position, within the meaning of the regulations under the Motor Vehicle Safety Act, not equipped with a seat belt by the vehicle manufacturer, provided no place equipped with a seat belt is available; or

(2) for a child exempted from using a restraint system or seat belt by the Société pursuant to section 398.

In a moving taxi, if the first paragraph cannot be complied with, the child must be restrained by the seat belt with which the seat is equipped, unless

(1) the child is clearly unable to maintain an upright position; or

(2) the child is exempted from wearing a seat belt by the Société pursuant to section 398.”

**34.** Section 398 of the said Code is amended by inserting “or using a restraint system” after “belt” in the second and fifth lines.

**35.** Section 399 of the said Code is amended

(1) by replacing “certificate exempting a person from wearing a seat belt” in the first line of the first paragraph by “exemption certificate”;

(2) by striking out the second paragraph.

**36.** Section 400 of the said Code is amended by replacing “from wearing a seat belt, the holder of a medical certificate” in the first and second lines by “under a medical exemption certificate, the holder”.

**37.** Section 401 of the said Code is amended by adding the following paragraph at the end:

“The first paragraph does not apply to a taxi driver. However, an adult passenger accompanying a passenger under 16 years of age in a taxi must ensure that the latter is transported in compliance with the conditions set out in this division.”

**38.** The said Code is amended by inserting the following sections after section 474:

**“474.1.** Where a peace officer has reasonable grounds to believe that a road vehicle is used for the transportation of a dangerous substance, the peace officer may stop the vehicle and inspect it.

The driver of the vehicle must, at the peace officer’s request, surrender for examination the documents prescribed by regulation concerning the vehicle’s load and the documents establishing the driver’s qualifications for the transportation of dangerous substances.

The peace officer shall return the documents prescribed by regulation to the driver of the road vehicle after examination.

**“474.2.** Where a peace officer ascertains that an offence against a regulation respecting the transportation of dangerous substances has been committed, the peace officer may order that the road vehicle transporting a dangerous substance be driven to a suitable place and impounded at the owner’s expense until the person responsible for the vehicle or for its load complies with the regulation.

The driver must comply with the peace officer’s order without delay.

The vehicle and its load remain the responsibility of their owner.”

**39.** Section 510 of the said Code is amended by replacing “or 497” in the third line of the first paragraph by “, the second paragraph of section 474.1 or section 497”.

**40.** Section 521 of the said Code, amended by section 128 of chapter 40 of the statutes of 1998 and section 24 of chapter 64 of the statutes of 2000, is again amended by striking out subparagraph 4 of the first paragraph.

**41.** The said Code is amended by inserting the following section after section 543.1:

**“543.1.1.** The owner of a road vehicle powered by natural gas or propane shall not operate the vehicle or allow it to be operated if the vehicle is not carrying the fuel supply system inspection sticker required by the regulations under section 621.”

**42.** Section 546 of the said Code is amended by replacing “or 539” in the second line of the first paragraph by “, 539 or 543.1.1”.

**43.** Section 550 of the said Code, amended by section 26 of chapter 64 of the statutes of 2000, is again amended by replacing the fourth paragraph by the following paragraph :

“The Société shall transmit the decision referred to in this section or the prior notice referred to in section 553 to the person concerned, by giving it to the person or sending it, by any means of transmission providing proof of receipt, to the last address listed for the person in the records of the Société.”

**44.** Section 550.1 of the said Code is amended by replacing “to him, in particular, by registered or certified mail sent” in the third line by “, by any means of transmission providing proof of receipt.”

**45.** Section 618 of the said Code is amended by replacing “the farm machinery that is exempt” in the first line of paragraph 6 by “the farm machines that are exempt”.

**46.** Section 619 of the said Code, amended by section 9 of chapter 31 of the statutes of 2000, is again amended by replacing “to 92.0.1” in the second line of paragraph 6.4 by “, 91, 91.1, 92 and 92.0.1”.

**47.** Section 621 of the said Code is amended by replacing paragraph 20.4 by the following paragraph :

“(20.4) prescribe the traffic rules relating to farm machines ;”.

**48.** Section 622 of the said Code is amended

(1) by replacing “The Government may, with respect to the transportation of dangerous substances on a public highway, by regulation” in the first paragraph by “The Government may, by regulation, prescribe standards with respect to the transportation of dangerous substances on a public highway, a private road open to public vehicular traffic, land occupied by shopping centres and other roads where public traffic is allowed. The regulation may, in particular,” ;

(2) by replacing “public highway” in the first line of subparagraph *b* of subparagraph 5 of the first paragraph by “highway, a road or land referred to in this section” ;

(3) by inserting “, handling” after “loading” in the first line of subparagraph *c* of subparagraph 5 of the first paragraph ;

(4) by striking out “, on a public highway”, “on a public highway” and “on public highways” wherever they appear in subparagraphs 5 and 6 of the first paragraph ;

(5) by replacing “person” in the second line of subparagraph 7 of the first paragraph by “shipper” ;

(6) by replacing “all public highways or of certain specifically designated public highways” in the second and third lines of the second paragraph by “all or certain highways, roads and land referred to in this section”.

**49.** Section 624 of the said Code, amended by section 17 of chapter 29 of the statutes of 2001, is again amended by striking out “or to prohibit the driving of a road vehicle” in subparagraph 21 of the first paragraph.

**50.** Section 637 of the said Code is amended

(1) by replacing “or unauthorized inspection sticker” in the third and fourth lines of the first paragraph by “, unauthorized inspection sticker or unauthorized identification sticker” ;

(2) by adding the following subparagraph at the end of the second paragraph :

“(5) an unauthorized identification sticker is a sticker that may be confused with an identification sticker issued by the Société pursuant to section 11 or by any other competent administrative authority.”

**51.** The said Code is amended by inserting the following section after section 638 :

**“638.1.** No person may hinder a peace officer in the performance of the officer’s duties under this Code, mislead the peace officer by concealment or false declarations, refuse to provide the peace officer with any information or document the peace officer is entitled to require or examine, or conceal or destroy any document or property relevant to an inspection.”

**52.** Section 643.2 of the said Code is amended by replacing “section 636” in the first lines of the first and second paragraphs by “section 636 or 638.1”.

**53.** Section 151.1 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by adding the following paragraph at the end :

“The list of the makes and models or piston displacements of the road vehicles contained in a regulation under the first paragraph is not subject to the publication requirement and date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1). The regulation comes into

force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed in the regulation.”

**54.** Section 186 of the said Act is amended by replacing “a carrier” in the first line of subparagraph 2 of the first paragraph by “an owner or operator to which Title VIII.1 of the Highway Safety Code applies”.

**55.** Licence exchange applications being processed on the date of coming into force of the new provisions of sections 91 to 91.4 of the Highway Safety Code, enacted by section 9, remain governed by the former provisions of section 91 of that Code.

**56.** For the purposes of section 91.1 of the Highway Safety Code, enacted by section 9, an administrative authority outside Canada which applies conditions for the issue of licences that are similar to those applied by Québec and are recognized as such by the Société before the date of coming into force of section 9 shall be considered to be an administrative authority that is party to a licence exchange agreement entered into under section 629 of that Code.

This section shall cease to have effect three years after the date of coming into force of section 9.

**57.** The provisions of this Act come into force on (*insert here the date of assent to this Act*), except the provisions of section 22, which come into force on 1 January 2002, and the provisions of sections 1 to 20, 23, 24, 26, 27, 29 to 37, 40 to 44, 46, 49 to 52, 54 to 56, which come into force on the date or dates to be fixed by the Government.