



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 74

An Act to again amend the Highway Safety Code

Introduction

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

**Québec Official Publisher
2001**

EXPLANATORY NOTES

This bill amends the Highway Safety Code to prohibit the installation, 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 rebuilding of the module of an air bag that has deployed.

The bill contains amendments designed to better identify different situations where a driver's licence is suspended for driving under the influence of alcohol, in particular where the licence holder has not yet completed driver training, where the driver's blood alcohol concentration exceeds 80 milligrammes of alcohol in 100 millilitres of blood and where the driver's licence is suspended only in respect of heavy vehicles, emergency vehicles and taxis.

The bill provides for an exemption from the rule prohibiting the operation of an emergency vehicle where 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, although the driver remains subject to the legal limit of 80 milligrammes of alcohol in 100 millilitres of blood.

Lastly, the bill contains consequential amendments.

Bill 74

AN ACT TO AGAIN AMEND THE HIGHWAY SAFETY CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 202.2 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 12 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.”

2. 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, provided the operator has not also contravened subparagraph 2 of the first paragraph of this section.” ;

(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.”

3. 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.

4. 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”.

5. 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.

6. 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”.

7. 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 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.”

8. 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.”

9. The provisions of this Act come into force on (*insert here the date of assent to this Act*), except the provisions of sections 1 to 6, which come into force on the date or dates to be fixed by the Government.