



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 115

**An Act to amend the Highway Safety
Code and the Act respecting the
Ministère du Revenu**

Introduction

**Introduced by
Mr Serge Ménard
Minister of Transport**

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EXPLANATORY NOTES

This bill amending the Highway Safety Code and the Act respecting the Ministère du Revenu enables implementation of the International Registration Plan. To that end, the bill authorizes the Minister of Revenue to verify the operational records of fleets of road vehicles and permits the necessary exchanges of information.

In another connection, the bill amends the Highway Safety Code to allow drivers and cyclists to make a right turn on a red light at an intersection where right turns are not prohibited by a sign or signal, after stopping and yielding the right of way to pedestrians, vehicles and cyclists crossing the intersection and to vehicles and cyclists approaching so closely that to proceed would constitute a hazard.

The bill allows the Minister of Transport to designate all or part of the territory of a municipality as an area where making a right turn on a red light is prohibited.

As well, the bill allows the person responsible for the maintenance of a public highway to identify certain intersections, by means of appropriate signs or signals, as intersections where making a right turn on a red light is prohibited. In the case of a municipality, such power is to be exercised by by-law or, if the law so permits, by ordinance.

In addition, the bill reintroduces, as grounds for the seizure of a vehicle, the driving of a vehicle while under a 30 or 90-day driving prohibition that arises from a refusal to provide a breath sample at the request of a peace officer.

LEGISLATION AMENDED BY THIS BILL :

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

Bill 115

AN ACT TO AMEND THE HIGHWAY SAFETY CODE AND THE ACT RESPECTING THE MINISTÈRE DU REVENU

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Highway Safety Code (R.S.Q., chapter C-24.2) is amended by inserting the following section after section 13 :

“13.1. The Minister of Revenue may, at the request of the Société, verify the operational records of the fleets of road vehicles registered under apportioned registration pursuant to a regulation under section 631.

Sections 37.7, 38 and 42 of the Act respecting the Ministère du Revenu (chapter M-31) apply to such verification with the necessary modifications.”

2. Section 209.2 of the said Code, amended by section 16 of chapter 29 of the statutes of 2001 and by section 30 of chapter 29 of the statutes of 2002, is again amended by replacing “and 202.4” by “, 202.4 and 202.5”.

3. Section 250.3 of the said Code, enacted by section 38 of chapter 29 of the statutes of 2002, is amended by replacing “except on the authorization of the Société” in the English text by “except by means of a device installed by the manufacturer of the vehicle before its sale to the first user. The Société may, on the conditions it determines and for reasons of safety, exempt a person from that prohibition”.

4. Section 359.1 of the said Code is replaced by the following section :

“359.1. Notwithstanding section 359 and unless otherwise directed by a sign or signal, the driver of a road vehicle or a cyclist facing a red light may make a right turn, after stopping before the pedestrian crosswalk or the stop-line or, if none, at the near side of the roadway the driver or cyclist is about to enter and yielding the right of way to pedestrians, drivers and cyclists crossing the intersection and to road vehicles and cyclists approaching so closely that to proceed would constitute a hazard.

The Minister of Transport may, by an order published in the *Gazette officielle du Québec*, designate all or any part of the territory of a municipality as an area where making a right turn on a red light is prohibited.”

5. The said Code is amended by inserting the following section after section 359.1 :

“359.2. The person responsible for the maintenance of a public highway may, by means of proper signs or signals, determine certain intersections as intersections where making a right turn on a red light is prohibited. In the case of a municipality, that power is exercised by by-law or, where the law so permits, by ordinance.”

6. The said Code is amended by inserting the following sections after section 610:

“610.1. The Société may, without the consent of the person concerned, transmit to the Minister of Revenue information necessary for the application of section 13.1.

The Société may also, without the consent of the person concerned, transmit to a jurisdiction having joined the International Registration Plan, to the mandatory or designated agent of such a jurisdiction and to any person responsible for the implementation of the Plan information necessary for the administration of the Plan.

“610.2. The Minister of Revenue may, without the consent of the person concerned, transmit to the Société information necessary for the administration of the International Registration Plan.

The Minister of Revenue may also, without the consent of the person concerned, transmit information provided for in section 610.1 to a jurisdiction and a person referred to in that section and for the purposes provided therein.”

7. Section 69.0.0.7 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), enacted by section 7 of chapter 5 of the statutes of 2002, is amended by adding the following subparagraph after subparagraph iii of subparagraph *b* of the first paragraph:

“iv. section 13.1 of the Highway Safety Code (chapter C-24.2);”.

8. Section 69.0.1 of the said Act, amended by section 8 of chapter 5 of the statutes of 2002, is again amended by inserting the following paragraph after paragraph *a*:

“(a.0.1) for the administration of the International Registration Plan, be communicated to a jurisdiction having joined the Plan, to the mandatory or designated agent of such a jurisdiction and to any person responsible for the implementation of the Plan;”.

9. Section 69.1 of the said Act, amended by section 136 of chapter 9 and section 30 of chapter 44 of the statutes of 2001 and by section 12 of chapter 5 and section 73 of chapter 23 of the statutes of 2002, is again amended by adding the following subparagraph after subparagraph *s* of the second paragraph:

“(t) the Société de l’assurance automobile du Québec, solely to the extent that the information is required for the administration of the International Registration Plan.”

10. The said Act is amended by inserting the following section after section 69.5 :

“**69.5.1.** The Société de l’assurance automobile du Québec may communicate, without the consent of the person concerned, to a jurisdiction having joined the International Registration Plan, to the mandatary or designated agent of such a jurisdiction and to any person responsible for the implementation of the Plan, for the administration of the Plan, information obtained from the Minister under subparagraph *t* of the second paragraph of section 69.1.”

11. A regulation made before 1 April 2003 under paragraph 5 of section 620 of the Highway Safety Code is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

12. The provisions of this Act come into force on (*insert here the date of assent to this Act*), except those of section 2, which come into force on 23 February 2003 and those of section 4, which come into force on the date to be fixed by the Government.