



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 48

**An Act to amend mainly the Highway
Safety Code to introduce provisions
relating to detection systems and
other highway safety-related
provisions**

Introduction

**Introduced by
Madam Geneviève Guilbault
Minister of Transport and Sustainable Mobility**

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EXPLANATORY NOTES

This bill amends mainly the Highway Safety Code to introduce various provisions concerning highway safety.

Certain provisions of the Code dealing with detection systems are amended and new provisions are introduced in order to, among other things, empower the Government to determine which provisions of the Code or its regulations may be monitored by such a system and the locations where such a system may be installed.

The bill introduces a system of monetary administrative penalties and empowers the Government to prescribe, by regulation, provisions of the Code or its regulations for which a failure to comply, observed by means of a detection system, may result in such penalties being imposed. The Société de l'assurance automobile du Québec is empowered to impose such penalties on road vehicle owners and to process applications for the review of the decisions to impose them. The bill also determines the rules applicable when imposing such penalties, in particular those concerning the notification of a notice of claim.

The bill provides for the rules relating to the contestation of a decision imposing a monetary administrative penalty and specifies that such a contestation is to be made, as applicable, before a contestation body that the Government establishes by regulation or before a contestation body established by a municipality authorized to put in place a system of monetary administrative penalties in municipal matters. It also provides for the rules relating to the collection and recovery of sums owing.

The Government is empowered to determine, among other things, the amounts of monetary administrative penalties and other amounts payable. The amounts collected are to be credited, to the extent determined by the bill, to the highway safety fund, the Access to Justice Fund and the fund dedicated to assistance for persons who are victims of criminal offences.

The bill prescribes various rules of proof applicable in respect of an offence under or a failure to comply with a provision of the Highway Safety Code or its regulations where the offence or failure to comply was observed by means of a detection system. The bill allows for an agreement with a municipality to be made to pay the

municipality a portion of the sums collected and prescribes the purposes for which the sums must be allocated, in particular for financing the costs associated with the management and operation of such systems.

Other highway safety measures are proposed as well as rules regarding access to the road network. In particular, the bill sets the speed limit applicable in a school zone at 30 km/h, unless otherwise directed by signs or signals, and increases the fines for certain offences resulting from unsafe behaviour towards more vulnerable users, including failure to yield to those users.

The bill revises certain rules concerning the access to driving a motorcycle, the training required to drive a vehicle and the access by certain road vehicles to reserved traffic lanes.

The Act respecting off-highway vehicles is amended to revise certain rules concerning the operation of off-highway vehicles, more specifically by requiring a municipality that intends to authorize the operation of such vehicles on public highways under its responsibility to hold a public meeting and file a report establishing that operating those vehicles on those highways is safe.

Lastly, the bill makes consequential amendments to various Acts and contains transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Highway Safety Code (chapter C-24.2);
- Code of Penal Procedure (chapter C-25.1);
- Act respecting the Ministère de la Justice (chapter M-19);
- Act respecting the Ministère des Transports (chapter M-28);
- Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1);
- Act respecting off-highway vehicles (chapter V-1.3);
- Act to modify the rules governing the use of photo radar devices and red light camera systems and amend other legislative provisions (2012, chapter 15);

- Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (2018, chapter 18).

REGULATION ENACTED BY THIS BILL:

- Regulation respecting the application of various legislative provisions concerning detection systems (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Regulation respecting various legislative provisions concerning detection systems*).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting licences (chapter C-24.2, r. 34).

REGULATION REPEALED BY THIS BILL:

- Ministerial Order concerning the fine to which a person who contravenes paragraph 9 of section 386 of the Highway Safety Code is liable (chapter C-24.2, r. 1.1).

Bill 48

AN ACT TO AMEND MAINLY THE HIGHWAY SAFETY CODE TO INTRODUCE PROVISIONS RELATING TO DETECTION SYSTEMS AND OTHER HIGHWAY SAFETY-RELATED PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PROVISIONS RESPECTING DETECTION SYSTEMS

HIGHWAY SAFETY CODE

1. Section 3 of the Highway Safety Code (chapter C-24.2) is amended by inserting “, or any failure to comply observed by means of a detection system,” after “offence”.

2. Section 4 of the Code is amended by inserting the following definition in alphabetical order:

“**“detection system”** means any camera detection system for measuring or calculating speed or monitoring road behaviour, including photo radar devices and red light camera systems;”.

3. Section 251 of the Code is amended, in paragraph 2,

(1) by replacing “photo radar device or a red light camera system” by “detection system”;

(2) by replacing “radar device or camera system” by “system”.

4. Section 294.1 of the Code is replaced by the following section:

“294.1. The person responsible for the maintenance of a public highway must erect proper signs or signals to mark every place where a detection system is used to monitor compliance with highway safety rules.”

5. Section 312.1 of the Code is replaced by the following section:

“312.1. No person may modify all or part of a detection system without the authorization of the owner of the system.

No person may, except with the authorization of the person responsible for the maintenance of a public highway or a member of a police force having jurisdiction over the territory where the system is situated, remove or move all or part of the system.”

6. Section 312.2 of the Code is replaced by the following section:

“312.2. No person may damage a detection system or interfere in any way with the operation of such a system or with the recording by the camera of the elements affixed to or visible in one or more of the photographs taken by the system.”

7. Section 312.3 of the Code is amended by replacing subparagraphs *a* and *b* of the first paragraph by the following subparagraphs:

“(1) in any way with the operation of a detection system; or

“(2) with the recording by the camera of the elements affixed to or visible in one or more of the photographs taken by the system.”

8. Section 332 of the Code is repealed.

9. Section 333 of the Code is amended by replacing “photo radar device or of a red light camera system” by “detection system”.

10. Section 334.1 of the Code is amended by replacing “photo radar device or of a red light camera system” in the first paragraph by “detection system”.

11. Section 359.3 of the Code is repealed.

12. The Code is amended by inserting the following title after section 519.78:

“TITLE VIII.3

“MONITORING COMPLIANCE WITH CERTAIN PROVISIONS BY MEANS OF A DETECTION SYSTEM

“519.79. A detection system may be used to monitor compliance with a provision of this Code or its regulations determined by government regulation.

The detection system is approved by the Minister of Transport and the Minister of Public Security by an order published in the *Gazette officielle du Québec*.

“519.80. A detection system may be used

(1) in a school zone;

(2) in a place where, in accordance with section 303.1, signs or signals indicate, for the duration of work for the construction or maintenance of a public highway, a speed limit to be respected other than the prescribed speed limit; and

(3) on a public highway or part of a public highway designated by the Minister of Transport.

Such a designation is made according to the criteria determined by government regulation. The list of public highways or parts of public highways so designated is published on the website of the Ministère des Transports. The date of such designation and publication as well as the designated public highway and the documents attesting it shall be registered by the Minister and recorded electronically.

The Minister shall determine the conditions and procedures of an application made by a municipality for the purposes of the designation of a public highway the maintenance of which is under the responsibility of the municipality.

“519.81. The Minister may make an agreement with a municipality under which the Minister is to pay to the municipality a part of the amount of the fines or of the amount of the monetary administrative penalties collected, respectively, for offences or failures to comply observed by means of a photograph or series of photographs taken by a detection system on a public highway the maintenance of which is under the responsibility of the municipality. These sums shall be allocated first to financing the costs associated with the management and operation of such a system and, for any sums remaining, to financing highway safety measures or programs that have been authorized by the Minister.

For the purposes of the first paragraph, the amount paid to a municipality is determined taking into account its responsibilities under section 573.7.

“519.82. The Minister of Transport and the Minister of Public Security shall determine, by regulation, the conditions and procedures for the use of detection systems.

The regulation determines the information that must be contained in a register kept by the Sûreté du Québec or, if applicable, by any other person in charge designated in the regulation, and the persons authorized to make entries in the register.”

13. The heading of Chapter I of Title X of the Code is replaced by the following heading:

“GENERAL PROVISIONS RESPECTING
ADMINISTRATIVE MATTERS”.

14. The heading of Division I before section 547 of the Code is replaced by the following heading:

“PROCEDURE AND PROOF RESPECTING
ADMINISTRATIVE MATTERS”.

15. The Code is amended by inserting the following section before section 547:

“**546.9.** This Chapter applies to monetary administrative penalties, subject to the special provisions applicable to them under Chapter I.1.”

16. The Code is amended by inserting the following chapter after section 573.1:

“CHAPTER I.1

“SPECIAL PROVISIONS RESPECTING MONETARY ADMINISTRATIVE PENALTIES

“DIVISION I

“FAILURE TO COMPLY

“**573.2.** A monetary administrative penalty may be imposed on the owner of a road vehicle for which a failure to comply with a provision of this Code or its regulations, determined by government regulation, was observed by means of a detection system.

“**573.3.** No statement of offence may be served for non-compliance with a provision of this Code or its regulations giving rise to the imposition of a monetary administrative penalty under section 573.2.

“**573.4.** No accumulation of monetary administrative penalties may be imposed on the same person for the same failure to comply if the failure occurs on the same day and is based on the same facts.

“**573.5.** The Minister develops and publishes on the website of the Ministère des Transports a general framework for applying monetary administrative penalties in which the Minister specifies, in particular,

(1) the purposes of the penalties, which include encouraging road users to comply with highway safety rules and deterring them from repeatedly failing to comply with those rules;

(2) the categories of offices held by the persons designated within the Société to review a decision to impose penalties;

(3) the criteria to be considered when reviewing such a decision; and

(4) the other procedures connected with such penalties.

“DIVISION II

“IMPOSITION OF A MONETARY ADMINISTRATIVE PENALTY AND NOTICE OF CLAIM

“573.6. The Société is responsible for imposing monetary administrative penalties under section 573.2 and processing applications for review of such penalties in accordance with the general framework for applying monetary administrative penalties developed by the Minister under section 573.5.

“573.7. A monetary administrative penalty is imposed by notifying a notice of claim to the vehicle owner.

The Société notifies the notice of claim to the owner within 45 days of the failure to comply by remitting it to the owner or sending it, by any means of transmission providing proof of receipt, to the most recent address entered in the records of the Société or in a register kept outside Québec by an administrative authority responsible for registering the vehicle involved.

Where a person has agreed to a notice of claim being notified to him by the Société by means of information technologies at the location designated by the Société, the document is deemed to be received once the Société has filed it at that location and a notice informing the person concerned of the filing has been notified by the technological means last preferred by that person on the date of the transmission, as it appears in the Société’s records.

The notice of claim may also be notified by a municipality, with respect to public highways it is responsible for maintaining, if it has been authorized by the Minister to do so or has been entrusted with that responsibility by the Minister by an order published in the *Gazette officielle du Québec*. The Société and the municipality must enter into an agreement to establish the procedures connected with the sharing of information necessary for the purposes of this section.

“573.8. The notice of claim includes the following particulars:

- (1) the failure to comply observed;
- (2) the amount claimed and the other sums payable, the reasons why they are payable and the time from which they bear interest;
- (3) the photograph or series of photographs of the failure to comply that was taken by a detection system;
- (4) the right, under section 573.10, to obtain a review of the decision to impose the monetary administrative penalty and the time limit for exercising that right;

(5) the right, under section 573.15, to contest the review decision before the body responsible for hearing the contestation and the time limit to exercise that right; and

(6) information on the procedures for recovery of the amount claimed.

One or more of the photographs sent must indicate or show the elements affixed to or visible in them without making it possible to identify the occupants of the vehicle.

“573.9. The imposition of a monetary administrative penalty for a failure to comply referred to in section 573.2 is prescribed by one year from the date on which the failure to comply was observed. Notification of a notice of claim interrupts the prescription.

“DIVISION III

“REVIEW

“573.10. Within 30 days of the notification of the notice of claim, the person concerned by the notice may apply, in writing, for a review of the decision by the Société.

The application for review is sent to the Société or, where applicable, to the municipality that notified the notice of claim.

The person concerned by the notice of claim must, when filing an application for review, present observations and produce any relevant documents.

“573.11. The person responsible for reviewing decisions to impose monetary administrative penalties must belong to an administrative unit that is separate from the unit responsible for imposing the penalties.

“573.12. Applications for review must be processed promptly.

The person responsible for reviewing a decision renders a decision on the basis of the record unless the person considers it necessary to proceed in some other manner. The person may confirm, quash or amend the decision under review.

“573.13. The review decision must be written in clear, concise terms, with reasons given. It must be notified to the applicant by the Société or, if applicable, by the municipality that notified the notice of claim and state that the applicant has the right to contest the decision within 30 days of the notification.

“573.14. If the review decision is not rendered within 30 days of receipt of the application or, if applicable, of the time granted to the applicant to finalize observations or produce additional documents, the interest provided for in section 573.32 on the amount owing ceases to accrue until the decision is rendered.

“DIVISION IV

“CONTESTATION

“573.15. A review decision confirming or amending the decision to impose a monetary administrative penalty may, within 30 days after notification of the decision, be contested by the person concerned by the decision before

(1) the contestation body established by government regulation, where the notice of claim was notified to the person by the Société; or

(2) the contestation body established by a municipality authorized to establish a system of monetary administrative penalties, where the notice of claim was notified to the person by the municipality or by another municipality so authorized having come to an agreement with the latter for the contestation of such penalties. The contestation body may also, if the Government so prescribes by regulation, hear the contestation of the review decision where the notice of claim was notified by the Société.

“573.16. The Government establishes, by regulation, the body responsible for hearing contestations of monetary administrative penalties where the notice of claim was notified by the Société.

“§1.—Rules applicable to the contestation body established by government regulation

“573.17. The regulation referred to in section 573.16 prescribes the operating rules and framework of the body, including those relating to its administrative and physical organization and financing as well as the fees it may charge to process the applications submitted to it.

It may also prescribe any measure relating to the execution of the functions of the persons responsible for hearing contestations and of the head decision maker.

The Government may designate a head decision maker from among the persons responsible for hearing contestations.

“573.18. The Government appoints the persons responsible for hearing contestations from among persons declared qualified according to the recruiting and selection procedure established by government regulation, which may, in particular,

- (1) determine the publicity to be made for recruitment purposes and its content;
- (2) determine the application procedure to be followed by candidates;
- (3) authorize the establishment of selection committees to assess the qualifications of candidates and formulate an opinion concerning them;
- (4) determine the composition of the committees and the mode of appointment of committee members;
- (5) determine the selection criteria to be taken into account by a committee; and
- (6) determine the information a committee may require from a candidate and the consultations it may hold.

The names of the persons declared qualified are recorded in a register kept at the Ministère du Conseil exécutif. A declaration of qualification is valid for a period of 18 months or for any other period determined by government regulation.

Members of a selection committee are not remunerated, except in the cases and on the conditions that may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions determined by the Government.

“573.19. The term of office of a person responsible for hearing contestations is five years.

However, the Government may determine a shorter term of a fixed duration, indicated in the person’s instrument of appointment, if the candidate so requests for serious reasons or if special circumstances stated in the instrument of appointment require it.

“573.20. The Government establishes, by regulation, the mode, standards and scales of remuneration, employee benefits and other conditions of employment of the persons responsible for hearing contestations. The provisions may vary according to whether they apply to a full-time or part-time term of office or whether they apply to the exercise of an administrative office within the body.

The Government fixes, in accordance with the regulation, the remuneration, employee benefits and other conditions of employment of those persons.

Once fixed, the remuneration may not be reduced, except to take into account any retirement pension from the Québec public sector that is paid to the person. However, additional remuneration attaching to an administrative office ceases on termination of the office.

The pension plan of persons exercising a full-time term of office is determined pursuant to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

“573.21. The term of office of a person responsible for hearing contestations is renewed for five years

(1) unless the person is notified otherwise by the person authorized for that purpose by the Government at least three months before the expiry of the person’s term of office; or

(2) unless the person requests otherwise and so notifies the Government at least three months before the expiry of the person’s term of office.

A variation of the term is valid only for a fixed period of less than five years determined in the instrument of renewal and, unless it is requested by the person for serious reasons, only if special circumstances stated in the instrument of renewal require it.

“573.22. The renewal of a term is examined according to the procedure established by government regulation. The regulation may, in particular,

(1) authorize the establishment of examination committees;

(2) determine the composition of the examination committees and the mode of appointment of committee members, who must not belong to the Administration within the meaning of the Public Administration Act (chapter A-6.01) or represent it;

(3) determine the criteria to be taken into account by an examination committee; and

(4) determine the information an examination committee may require from a person responsible for hearing contestations and the consultations it may hold.

An examination committee may not make a recommendation against the renewal of a person’s term without first informing the person of its intention to do so and its reasons for doing so, and without giving the person an opportunity to present observations.

No judicial proceedings may be brought against members of an examination committee for acts performed in good faith in the exercise of their functions.

“573.23. The members of an examination committee receive no remuneration except in the cases and on the conditions that may be determined by the Government.

They are, however, entitled to the reimbursement of any expenses incurred in the exercise of their functions on the conditions determined by the Government.

“573.24. The term of a person responsible for hearing contestations may terminate prematurely only if the person retires or resigns, or if the person is dismissed or otherwise removed from office in the circumstances referred to in section 573.27.

“573.25. The Conseil de la justice administrative establishes, by regulation, a code of ethics applicable to the persons responsible for hearing contestations. The code is submitted to the Government for approval.

The code of ethics sets out the rules of conduct of the persons responsible for hearing contestations and their duties toward the public, the parties, the parties’ witnesses and the persons representing the parties; it defines, in particular, conduct that is derogatory to the honour, dignity or integrity of the persons. It may also determine the activities or situations that are incompatible with their office, their obligations concerning the disclosure of their interests, and the functions they may exercise free of charge.

“573.26. Any person may lodge a complaint with the Conseil de la justice administrative against a person responsible for hearing the contestation for a breach of the code of ethics, of a duty imposed by this division or of the requirements relating to conflicts of interest or incompatible functions.

The complaint must be in writing and must briefly state the reasons on which it is based. It is transmitted to the seat of the Conseil de la justice administrative.

“573.27. When examining a complaint against a person responsible for hearing contestations, the Conseil de la justice administrative acts in accordance with sections 184 to 192 of the Act respecting administrative justice (chapter J-3), with the necessary modifications.

The Government may dismiss a person responsible for hearing contestations if the council so recommends, after an investigation conducted following the lodging of a complaint pursuant to section 573.26. Similarly, the Government may suspend the person with or without remuneration for the period recommended by the Conseil or reprimand the person.

The Government may also dismiss a person responsible for hearing contestations because of the loss of a qualification required by law to exercise the functions of office or because of a permanent disability which, in its opinion, prevents the person from performing the duties of office satisfactorily. Permanent disability is ascertained by the Conseil after an investigation is conducted at the request of the Minister of Transport. The Conseil acts in accordance with sections 193 to 197 of the Act respecting administrative justice, with the necessary modifications.

“§2.—Rules of proof and of procedure

“573.28. To ensure a fair process, in keeping with the duty to act impartially and the right to be heard, a government regulation may provide for any rules of procedure. Such regulation may, in particular, prescribe

(1) that the application for contestation of the review decision does not suspend the execution of that decision;

(2) the rules that apply where a party who has been summoned does not appear at the time fixed for the hearing without having provided a valid excuse for his absence, or appears at the hearing but refuses to be heard; and

(3) the rules governing hearings and decisions.

A government regulation may authorize a municipality to provide for any rule of procedure applicable before a contestation body established by the municipality.

Subject to the regulation made under the first paragraph, the provisions of Chapter II of Title I and Divisions I to IX of Chapter VI of Title II of the Act respecting administrative justice (chapter J-3) apply, with the necessary modifications, to the decision-making process of a contestation body established pursuant to section 573.16.

“573.29. The notified notice of claim is proof of its content, except on proof to the contrary.

The same applies to a copy of the notice certified by a person authorized to do so by the Société.

“DIVISION V

**“AMOUNT OF A MONETARY ADMINISTRATIVE PENALTY AND
OTHER SUMS PAYABLE**

“573.30. The amount of a monetary administrative penalty is fixed by government regulation.

The costs relating to the application of the system of monetary administrative penalties determined by government regulation are added to that amount.

“573.31. The following amounts are added to the amount of the monetary administrative penalty and to the amount of the costs relating to the application of the system of monetary administrative penalties:

- (1) \$26 if the amount of the penalty does not exceed \$100;
- (2) \$30 if the amount of the penalty exceeds \$100 without exceeding \$300; and
- (3) \$53 if the amount of the penalty exceeds \$300.

Out of each amount collected under the first paragraph, the first amount referred to in each of the following subparagraphs is credited to the fund dedicated to assistance for persons who are victims of criminal offences that is established under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1), whereas the second amount is credited to the Access to Justice Fund established under the Act respecting the Ministère de la Justice (chapter M-19):

- (1) \$15 and \$9 if the amount collected is \$26;
- (2) \$17 and \$11 if the amount collected is \$30; and
- (3) \$24 and \$16 if the amount collected is \$53.

“DIVISION VI

“RECOVERY

“573.32. From the 31st day after notification of the notice of claim,

- (1) the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002); and
- (2) the person concerned by the notice of claim is required to pay recovery charges determined by government regulation.

“573.33. The Société or municipality notifying the notice of claim, as the case may be, may enter into an agreement with the debtor for the payment of the monetary administrative penalty and the other sums claimed in the notice of claim.

Such an agreement and the payment of the amount owing do not constitute, for the purposes of any penal proceeding or any other administrative penalty under this Code or its regulations, an acknowledgement of the facts giving rise to it.

For the purposes of this division, a debtor is a road vehicle owner required to pay a monetary administrative penalty and, where applicable, each of the owner's directors and officers who are solidarily liable with the owner for payment of the penalty.

“573.34. The government may, by regulation and after consulting with the Société,

(1) prescribe any conditions, terms or rules relating to the collection and recovery of the amounts owing; and

(2) determine in what cases and on what conditions the Société imposes penalties on the debtor, as part of its recovery measures, with respect to authorizations it issues, the administrative consequences of non-compliance with the penalties imposed and the applicable rules of this Code.

The regulation may also prescribe, among the regulatory provisions determining penalties with respect to authorizations issued by the Société, those whose contravention constitutes an offence and renders the offender liable to a fine, the amount of which is set by the regulation.”

17. The heading of Chapter II of Title X of the Code is replaced by the following heading:

“GENERAL PROVISIONS RESPECTING PENAL MATTERS”.

18. Section 592 of the Code is amended by replacing “evidenced by a photograph or series of photographs taken by a photo radar device or a red light camera system” in the third paragraph by “observed by means of a photograph or series of photographs taken by a detection system”.

19. Sections 592.0.0.1, 592.1, 592.1.1, 592.2, 592.2.1, 592.4, 592.4.1 and 592.4.2 of the Code are repealed.

20. Section 595.1 of the Code is amended by adding the following paragraph at the end:

“The cameras referred to in the first paragraph do not constitute a detection system despite the definition of that expression in section 4.”

21. Section 597.1 of the Code is amended

(1) by replacing “evidenced by a photograph or series of photographs taken by a photo radar device or a red light camera” in the first paragraph by “observed by means of a photograph or series of photographs taken by a detection”;

(2) by striking out the second paragraph.

22. The Code is amended by inserting the following chapter after section 602:

“CHAPTER II.1

“PROVISIONS CONCERNING DETECTION SYSTEMS

“602.1. The provisions of this chapter supplement those of Chapters I.1 and II of Title X where an offence or failure to comply has been observed by means of a detection system.

“602.2. A photograph or series of photographs of a road vehicle taken by a detection system is admissible as evidence

(1) in any penal proceedings for an offence under a provision determined under the first paragraph of section 519.79; and

(2) in any proceedings that could lead to the imposition of a monetary administrative penalty for a failure to comply with a provision determined under section 573.2.

The photograph or series of photographs is proof, in the absence of any evidence to the contrary, of the accuracy of the elements affixed to or visible in one or more of the photographs taken by means of that system.

The Government may, by regulation, prescribe the elements referred to in the second paragraph. The Government may also, by regulation, determine other rules of proof applicable in respect of an offence or a failure to comply observed by means of a detection system.

“602.3. Where the prosecutor or the Société alleges that a public highway was designated by the Minister, the prosecutor or the Société is not obliged to prove it unless the defendant requires it and notifies the prosecutor or the Société accordingly at least 30 days before the appointed date for the trial or the hearing before the contestation body, as the case may be. The prosecutor and the Société may waive such notice.

“602.4. In the case of an offence observed by means of a photograph or series of photographs taken by a detection system, the statement of offence and the photograph or photographs from the series must be sent to the owner within 45 days after the date of commission of the offence at the most recent address entered in the records of the Société or, as the case may be, in a register kept outside Québec by an administrative authority responsible for registering the vehicle involved.

One or more of the photographs sent must indicate or show the elements that are affixed to or visible in one or more of the photographs taken by the system, without making it possible to identify the occupants of the vehicle.

“602.5. Despite sections 592 and 602.4, no owner of any of the following road vehicles may be convicted of an offence observed by means of a photograph or series of photographs taken by a detection system:

- (1) a police force vehicle;
- (2) an ambulance service vehicle;
- (3) a fire safety vehicle;
- (4) an emergency vehicle registered in the name of the Société;
- (5) an emergency vehicle used mainly in emergency situations to bring medical personnel or medical equipment to a location where a person requires immediate medical care; or
- (6) an emergency vehicle used mainly in emergency situations to bring a technician or rescue equipment to a location where rapid intervention is required in order to provide immediate medical care.

In addition, despite sections 573.2 and 573.7, no monetary administrative penalty may be imposed on any owner of a road vehicle referred to in the first paragraph.

“602.6. An offence observed by means of a photograph or series of photographs taken by a detection system does not entail the issue of demerit points unless the driver was intercepted and was served with a statement of offence for the offence so observed.

“602.7. In the case of an offence or failure to comply observed by means of a photograph or series of photographs taken by a detection system, the prosecutor or the Société, as the case may be, is not required to prove the presence of road signs or signals marking the place where a detection system is used in accordance with section 519.79.

No proceedings may be dismissed, no defendant may be acquitted and no procedure that could lead to the imposition of a monetary administrative penalty may be stopped on the grounds that road signs or signals described in the first paragraph were inadequate or absent.

“602.8. In the case of an offence observed by means of a photograph or series of photographs taken by a detection system, a peace officer, the supplier of such a system, its manufacturer or any person authorized to carry out maintenance on the system is not required to give oral testimony at trial unless a summons authorized by a judge requiring the person to attend to testify is issued in accordance with the Code of Penal Procedure (chapter C-25.1). In such a case, article 63 of that Code does not apply.

The judge shall authorize a summons referred to in the first paragraph only if satisfied that the testimony of that person is useful to allow the prosecutor to prove the commission of an offence, to afford the defendant the benefit of a full and complete defence or to allow the judge to rule on a question submitted to him, as applicable.

In the case of a failure to comply observed by means of a photograph or series of photographs taken by a detection system, a peace officer, the supplier of such a system, its manufacturer or any person authorized to carry out maintenance on the system is not required to make representations, unless compelled to do so by the decision-making authority, which may impose it only if satisfied that the representations of that person are useful to prove the failure to comply, to enable the defendant to submit observations and afford him the benefit of a full and complete defence, or to allow the authority to rule on a question submitted to it, as applicable.”

23. The Code is amended by inserting the following section after section 620:

“620.1. The Government may, by regulation,

(1) determine the provisions of this Code or its regulations compliance with which may be monitored by means of a detection system;

(2) determine the criteria according to which a public highway or part of a public highway may be designated by the Minister;

(3) prescribe the elements affixed to or visible in one or more of the photographs that are proof, in the absence of any evidence to the contrary, of their accuracy;

(4) prescribe other rules of proof applicable in respect of an offence or a failure to comply observed by means of a detection system;

(5) prescribe the failures to comply with a provision of this Code or its regulations observed by means of a detection system that give rise to the imposition of a monetary administrative penalty;

(6) establish the body responsible for hearing contestations of monetary administrative penalties where the notice of claim has been notified by the Société or entrust that responsibility to a contestation body established by a municipality authorized to establish a system of monetary administrative penalties;

(7) prescribe the operating rules and framework of the contestation body referred to in section 573.16, including those relating to its administrative and physical organization and financing, as well as the fees it may charge to process the applications submitted to it, and prescribe any measure relating to the execution of the functions of the persons responsible for hearing contestations and of the head decision maker;

(8) establish the recruiting and selection procedure for persons responsible for hearing contestations;

(9) determine the cases in which and the conditions on which the members of a selection committee or of an examination committee may receive remuneration or are entitled to reimbursement of expenses incurred in the exercise of their functions;

(10) establish the mode, standards and scales of remuneration of the persons responsible for hearing contestations as well as their employee benefits and other conditions of employment;

(11) establish the procedure for renewing the term of office of a person responsible for hearing contestations;

(12) provide for any rule of procedure applicable to the body responsible for hearing contestations of monetary administrative penalties;

(13) fix the amount of a monetary administrative penalty or determine the methods for calculating it, which may vary according to the seriousness of the failure or depending on whether the person in default is a natural person or a legal person;

(14) determine the costs relating to the application of the system of monetary administrative penalties and the recovery fees;

(15) prescribe all the terms, conditions or rules relating to the collection and recovery of the sums owing; and

(16) determine in what cases and on what conditions the Société imposes penalties on the debtor, as part of its recovery measures, with respect to authorizations it issues, the administrative consequences of non-compliance with the penalties imposed as well as the applicable rules of this Code, and prescribe the penalties whose violation constitutes an offence and renders the offender liable to a fine, the amount of which is set by the Government.”

24. Section 621 of the Code is amended by inserting the following subparagraph after subparagraph 21 of the first paragraph:

“(21.1) determine the conditions and procedures according to which the person responsible for the maintenance of a public highway must, in respect of an illuminated variable or non-variable message sign, record and electronically log any speed limit posted on such a sign as well as any information that the recording and logging must include;”.

25. Sections 634.3 and 634.4 of the Code are repealed.

CODE OF PENAL PROCEDURE

26. Article 146 of the Code of Penal Procedure (chapter C-25.1) is amended by striking out “or, if applicable, to send a declaration referred to in section 592.1 or 592.1.1 of the Highway Safety Code (chapter C-24.2) within the time prescribed by section 592.1 of that Code” in the second paragraph.

27. Article 157.2 of the Code is amended by replacing “evidenced by a photograph or series of photographs taken by a photo radar device or a red light camera system” in paragraph 2 by “observed by means of a photograph or series of photographs taken by a detection system within the meaning of section 4 of the Highway Safety Code (chapter C-24.2)”.

28. Article 163 of the Code is amended

(1) by striking out “or, if applicable, send the declaration referred to in section 592.1 or 592.1.1 of the Highway Safety Code (chapter C-24.2)” in the introductory clause of the second paragraph;

(2) by striking out the third paragraph.

29. Article 218.4 of the Code is amended, in the second paragraph,

(1) by replacing “592.1 or 592.5” in subparagraph 6 by “592.5 or 602.4”;

(2) by striking out subparagraph 7;

(3) by striking out “or, if applicable, send, within the time prescribed in section 592.1 of the Highway Safety Code, the declaration referred to in that section or in section 592.1.1 of that Code” in subparagraph 8.

30. Article 218.5 of the Code is amended

(1) by replacing “in subparagraphs 4 to 7” in the first paragraph by “in subparagraphs 4 to 6”;

(2) by striking out “and, if applicable, that the defendant did not send within the time prescribed in section 592.1 of the Highway Safety Code (chapter C-24.2) a declaration referred to in that section or in section 592.1.1 of that Code” in the second paragraph.

31. Article 228.1 of the Code is amended by replacing “592.1 or 592.5” in the second paragraph by “592.5 or 602.4”.

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

32. Section 32.0.3 of the Act respecting the Ministère de la Justice (chapter M-19) is amended by inserting the following paragraph after paragraph 1:

“(1.1) the sums collected under section 573.31 of the Highway Safety Code (chapter C-24.2), to the extent determined in that section;”.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

33. Section 12.39.1 of the Act respecting the Ministère des Transports (chapter M-28) is amended

(1) by replacing “evidenced by a photograph or series of photographs taken by a photo radar device or a red light camera system” in paragraph 1.1 by “observed by means of a photograph or series of photographs taken by a detection system within the meaning of section 4 of the Code”;

(2) by inserting the following paragraphs after paragraph 1.2:

“(1.2.1) amounts collected from monetary administrative penalties imposed under section 573.2 of the Code;

“(1.2.2) administrative fees collected for the application of the system of monetary administrative penalties under the second paragraph of section 573.30 of the Code;”;

(3) by replacing “photo radar device or red light camera system” in paragraph 1.3 by “detection system”.

34. The Act is amended by inserting the following section after section 12.39.2:

“12.39.3. The Minister of Transport and the Société de l’assurance automobile du Québec enter into an agreement for the purpose of reimbursing the expenses incurred for the purposes of the system of monetary administrative penalties provided for in Chapter I.1 of Title X of the Highway Safety Code (chapter C-24.2) out of the sums credited to the Fund.”

ACT TO ASSIST PERSONS WHO ARE VICTIMS OF CRIMINAL OFFENCES AND TO FACILITATE THEIR RECOVERY

35. Section 12 of the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1) is amended by inserting the following paragraph after paragraph 3:

“(3.1) the sums collected under of section 573.31 of the Highway Safety Code (chapter C-24.2), to the extent determined in that section;”.

ACT TO MODIFY THE RULES GOVERNING THE USE OF PHOTO
RADAR DEVICES AND RED LIGHT CAMERA SYSTEMS AND
AMEND OTHER LEGISLATIVE PROVISIONS

36. Section 21 of the Act to modify the rules governing the use of photo radar devices and red light camera systems and amend other legislative provisions (2012, chapter 15) is amended by striking out paragraphs 3 and 5.

REGULATION RESPECTING THE APPLICATION OF VARIOUS
PROVISIONS CONCERNING DETECTION SYSTEMS

37. The Regulation respecting the application of various provisions concerning detection systems, the text of which appears below, is enacted.

“REGULATION RESPECTING THE APPLICATION OF VARIOUS
PROVISIONS CONCERNING DETECTION SYSTEMS

“CHAPTER I

“PROVISIONS OF THE HIGHWAY SAFETY CODE WITH WHICH
COMPLIANCE MAY BE MONITORED BY MEANS OF A
DETECTION SYSTEM

“1. Compliance with the following provisions may be monitored by means of a detection system:

(1) with respect to compliance with speed limits: the second paragraph of section 299, sections 303.2 and 328, the third paragraph of section 329 and sections 496.4 and 496.7 of the Highway Safety Code (chapter C-24.2); and

(2) with respect to compliance with stops at red lights: section 359 of the Code.

“CHAPTER II

“FAILURES TO COMPLY GIVING RISE TO THE IMPOSITION OF
A MONETARY ADMINISTRATIVE PENALTY

“2. In the case of a failure to comply with the second paragraph of section 299, section 328, the third paragraph of section 329 or sections 496.4 and 496.7 of the Highway Safety Code observed by means of a detection system, a monetary administrative penalty may be imposed on the owner of the road vehicle with which the failure to comply was committed, in the amount of \$30, plus

(1) if the speed exceeds the speed limit by 1 to 20 km/h, \$10 for each 5 km/h by which the speed exceeds the speed limit;

(2) if the speed exceeds the speed limit by 21 to 30 km/h, \$15 for each 5 km/h by which the speed exceeds the speed limit;

(3) if the speed exceeds the speed limit by 31 to 45 km/h, \$20 for each 5 km/h by which the speed exceeds the speed limit; or

(4) if the speed exceeds the speed limit by 46 to 59 km/h, \$25 for each 5 km/h by which the speed exceeds the speed limit.

No monetary administrative penalty may be imposed in the case of a failure to comply with the provisions set out in the first paragraph in the following cases:

(1) in a zone where the maximum authorized speed limit is 60 km/h or less, if the speed of the road vehicle measured by means of a detection system is 40 km/h or more over the posted speed limit;

(2) in a zone where the maximum authorized speed limit is over 60 km/h but not over 90 km/h, if the speed of the road vehicle measured by means of a detection system is 50 km/h or more over the posted speed limit;

(3) in a zone where the maximum authorized speed limit is over 90 km/h, if the speed of the road vehicle measured by means of a detection system is 60 km/h or more over the posted speed limit;

(4) in a school zone, during the school period within the meaning of the Regulation to govern the establishment of school zones and define the school period (chapter C-24.2, r. 24.01); or

(5) in a place where, in accordance with section 303.1, signs or signals indicate, for the duration of work for the construction or maintenance of a public highway, a speed limit to be respected other than the prescribed speed limit.

“CHAPTER III

“ELEMENTS OF A PHOTOGRAPH OR SERIES OF PHOTOGRAPHS THAT ARE PROOF OF THEIR ACCURACY

“3. The photograph or series of photographs taken by a detection system is proof of the accuracy of the following elements that are affixed to or visible in one or more of the photographs:

(1) the place where the photograph or series of photographs was taken, with reference to an identifier or otherwise;

(2) the date and time on which the photograph was taken;

(3) the road vehicle; and

(4) the registration plate number of the road vehicle.

“4. The photograph or series of photographs taken by a detection system is also proof of the accuracy of the following elements that are affixed to or visible in one or more of the photographs:

(1) if the detection system is used to measure or calculate speed,

(a) the authorized speed limit, except the speed limit set under any of sections 299, 303.1 and 329, and

(b) the speed of the road vehicle recorded by the detection system; and

(2) if the detection system is used to monitor traffic at red lights, the traffic light involved.”

CHAPTER II

OTHER HIGHWAY SAFETY-RELATED PROVISIONS

HIGHWAY SAFETY CODE

38. Section 62 of the Highway Safety Code (chapter C-24.2) is repealed.

39. Section 65 of the Code is amended by replacing “particulars” by “endorsements”.

40. Section 66.1 of the Code is replaced by the following section:

“66.1. Persons applying for a driver’s licence must, in the cases and on the conditions prescribed by regulation, successfully complete the Société’s training program for driving a road vehicle or any other training determined by regulation to obtain the class of licence applied for or to have an endorsement indicated on their licence.

The Government may, by regulation, set the maximum and minimum amounts payable to undergo the training to drive a passenger vehicle.”

41. The Code is amended by inserting the following section after section 66.1:

“66.2. The Société establishes the training program for driving a road vehicle and sets the parameters of the program. The Société may, on the conditions it determines, recognize an educational institution, a driving school, an enterprise or any body to provide that program.

In addition, the Société may delegate its power of recognition to any body. However, only the Société may suspend or revoke the recognition granted for non-compliance with the conditions determined.

The Société also establishes, on the conditions it determines and for each class of licence, including for any related endorsement, the training that the persons called upon to provide the training program for driving must undergo. The Société may provide that training or it may authorize, on the conditions it determines, an educational institution, a driving school, an enterprise or any body to provide it.”

42. Sections 90 and 91 of the Code are amended by adding the following sentence at the end of the third paragraph: “The Société may also require that the person undergo the training referred to in section 66.1 to obtain such a licence.”

43. Section 99 of the Code is amended by replacing “particulars” in the second paragraph by “endorsements”.

44. The Code is amended by inserting the following section after section 99:

“99.1. Holders of a learner’s licence and holders of a probationary licence of the appropriate class for driving a motorcycle are prohibited from driving a motorcycle appearing on the list of the makes and models or piston displacements contained in a regulation under section 151.1 of the Automobile Insurance Act (chapter A-25).

That prohibition also applies to holders of a driver’s licence to which is added the appropriate class for driving a motorcycle during the 24 months following the addition of that class to the holders’ driver’s licence.

When computing the period set out in the second paragraph, any time during which the licence was suspended or the person was prohibited from driving a road vehicle under the first paragraph of section 93.1 must be disregarded.”

45. Section 140.1 of the Code is amended by inserting “, section 99.1” after “the fifth paragraph of section 99”.

46. The Code is amended by inserting the following section after section 202.2.0.1, enacted by section 26 of chapter 13 of the statutes of 2022:

“202.2.0.2. No holder of a driver’s licence to which is added the appropriate class for driving a motorcycle, other than the class 6E, may drive or have the care or control of such a vehicle if any alcohol is present in his body, during the 24 months following the addition of that class to the holder’s driver’s licence.

When computing the period set out in the first paragraph, any time during which the licence was suspended or the person was prohibited from driving a road vehicle under the first paragraph of section 93.1 must be disregarded.”

The first paragraph does not apply to a person referred to in section 202.2.”

47. Section 202.2.1.2 of the Code is amended by replacing “4,500 kg or more” in subparagraph 3 of the second paragraph by “less than 4,500 kg”.

48. Section 202.3 of the Code, amended by section 43 of chapter 19 of the statutes of 2018 and by section 28 of chapter 13 of the statutes of 2022, is again amended by inserting “202.2.0.2,” after “202.2.0.1,” in the first paragraph.

49. Section 202.4 of the Code, amended by section 29 of chapter 13 of the statutes of 2022, is again amended

(1) by inserting “or 202.2.0.2” after “under section 202.2.0.1” in subparagraph 2.1 of the first paragraph;

(2) by inserting “202.2.0.2,” after “sections 202.2.0.1,” in the last paragraph.

50. Section 202.8 of the Code, amended by section 52 of chapter 19 of the statutes of 2018 and by section 31 of chapter 13 of the statutes of 2022, is again amended by replacing “section 202.2 or section 202.2.0.1” in the first paragraph by “any of sections 202.2, 202.2.0.1 and 202.2.0.2”.

51. Section 226.2 of the Code, replaced by section 39 of chapter 13 of the statutes of 2022, is amended by adding the following sentence at the end of the second paragraph: “In addition, the driver of a tow truck may, on the same conditions, use a traffic lane reserved for certain classes of road vehicles or a traffic lane reserved for the exclusive use of road vehicles carrying the number of passengers indicated by proper signs or signals.”

52. Section 294.0.1 of the Code is amended by adding the following paragraph at the end:

“In addition, the person responsible for the maintenance of a public highway is required to safely lay out the school zone, in particular by taking into account the application guide developed by the Minister of Transport on the subject.”

53. The Code is amended by inserting the following section after section 300:

“300.1 The person responsible for the maintenance of a public highway must record and electronically log any speed limit posted on an illuminated variable or non-variable message sign, in accordance with the terms and conditions prescribed by regulation.

The recording and electronic logging must also include any information required by regulation.”

54. The Code is amended by inserting the following section after section 326.1:

“326.2. The driver of any of the following road vehicles may use a traffic lane reserved for certain classes of road vehicles or a traffic lane reserved for the exclusive use of road vehicles carrying the number of passengers indicated by proper signs or signals:

- (1) a police force vehicle;
- (2) an ambulance service vehicle;
- (3) a fire safety vehicle;
- (4) an emergency vehicle registered in the name of the Société; and
- (5) a road vehicle used for snow removal or road maintenance if the driver is removing snow or maintaining those lanes.”

55. Section 328 of the Code is amended by inserting the following subparagraph after subparagraph 4 of the first paragraph:

“(4.1) in excess of 30 km/h in a school zone;”.

56. Section 329 of the Code is amended

- (1) by replacing “4” by “4.1” in the first paragraph;
- (2) by striking out the fourth paragraph.

57. Section 329.1 of the Code is replaced by the following section:

“329.1. In a school zone, the person responsible for the maintenance of a public highway must erect signs or signals to indicate the speed limit provided for in subparagraph 4.1 of the first paragraph of section 328.

The person responsible for the maintenance of a public highway may, in compliance with the conditions prescribed by government regulation, establish a different speed limit than the one provided for in subparagraph 4.1 of the first paragraph of section 328.”

58. The Code is amended by inserting the following section after section 359:

“359.0.1. The driver of a road vehicle or a cyclist must stop his vehicle not less than 5 metres from an automated flagger assistance device when facing its red light, and may proceed only when the flashing amber light is activated and the arm is raised. He must travel at a safe, reasonable speed.

Such a device is controlled remotely by a flag person in charge of directing traffic around or about work sites or during exceptional events or sports events or competitions.”

59. Section 388.1 of the Code is amended by inserting “and the billing cycle is underway” at the end of the first paragraph.

60. Section 506 of the Code is amended by replacing “, 381 to 385” by “and 381 to 385, paragraph 9 of section 386”.

61. Section 509 of the Code is amended

(1) by striking out “335,”;

(2) by replacing “, 372 to 376, 386, 388.1, 391 and 407, any of sections” by “and 372 to 376, any of paragraphs 1 to 8 of section 386 or any of sections 388.1, 391, 407,”;

(3) by replacing “349, 350, 358.1, 359, 359.1, 360, 361, 362 to 364, 367 to 371, 402, 404, 405, 408 to” by “361,”;

(4) by replacing “, 479 and 496.6” by “and 479”.

62. The Code is amended by inserting the following section after section 509.3:

“509.4. Every driver of a road vehicle who contravenes section 359.0.1 is guilty of an offence and is liable to a fine of \$200 to \$400.”

63. Section 510 of the Code is amended by replacing “346, 406 and 460” in the first paragraph by “335, 346, 349, 350, 358.1, 359, 359.1, 360, 362 to 364, 367 to 371, 402, 404 to 406, 408 to 410, 460 and 496.6”.

64. Section 516 of the Code is amended by replacing “\$15” in the introductory clause of the first paragraph by “\$30”.

65. Section 519.70 of the Code is amended

(1) by striking out the last sentence of the first paragraph;

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

“The highway controller may require the vehicle to be driven to a location that he considers safe to inspect the vehicle, provided it is not over 15 kilometres from the place of interception.

The highway controller may also require any information relating to the enforcement of this Code, demand that any related document be produced, and examine any such documents.”;

(3) by replacing “the first paragraph” in the second paragraph by “this section”.

66. Section 519.77 of the Code is amended by replacing “second paragraph of section 519.70” by “fourth paragraph of section 519.70”.

67. Section 619 of the Code, amended by section 29 of chapter 18 of the statutes of 2018, is again amended by inserting the following paragraphs after paragraph 6.3:

“(6.3.1) prescribe the cases in which and the conditions on which a person applying for a driver’s licence must successfully complete training to drive a vehicle corresponding to the class of licence applied for or to have an endorsement indicated on his licence;

“(6.3.2) determine the training that a person applying for a driver’s licence must undergo to obtain the class of licence applied for or to have an endorsement indicated on his driver’s licence, the theoretical and practical parts the training must contain, the deadline for the successful completion of each part of the training and the cases in which a person may be exempted from the training;

“(6.3.3) set the maximum time limit for a person applying for a driver’s licence to comply with the requirements to obtain the class of licence applied for or the requirements to have an endorsement indicated on his licence;

“(6.3.4) prescribe the cases and conditions relating to access to driving that are applicable to a person applying for a driver’s licence where, within the maximum time limit prescribed, the requirements to obtain the class of licence applied for or the requirements to have an endorsement indicated on his licence have not been met;”.

68. Section 626 of the Code is amended

(1) by striking out subparagraph 14 of the first paragraph;

(2) by striking out the third paragraph.

69. The Code is amended by inserting the following section after section 626:

“626.1. A municipality may, by by-law or, where the law so authorizes, by ordinance, permit off-highway vehicles or certain types of off-highway vehicles to be operated on the roadway of a public highway it maintains, for a distance longer than that provided for in subparagraphs 1 and 4 of the second paragraph of section 73 of the Act respecting off-highway vehicles (chapter V-1.3), and for any of the purposes set out in those subparagraphs.

In exercising that power, the municipality must take safety issues into account. The operation of off-highway vehicles so permitted must be limited to the most direct access from a trail of an off-highway vehicle club to another trail of an off-highway vehicle club or to any of the areas referred to in subparagraph 4 of the second paragraph of section 73 of that Act. The by-law must indicate the beginning and the end of the highway or of the portion of it, as well as its length, and identify the trail of the off-highway vehicle club or the area that can be reached using the highway or portion of the highway.

Before enacting a by-law under the first paragraph, the municipality must hold a public meeting on the draft by-law convened by the mayor or another council member designated by the mayor. The council shall fix the date, time and place of the meeting; it may delegate all or part of that power to the clerk or the clerk-treasurer of the municipality. Not later than the 15th day before the meeting, the clerk or the clerk-treasurer of the municipality must publish, in accordance with the Act governing the municipality, a public notice of the date, time, place and purpose of the meeting.

Any by-law or ordinance passed under the first paragraph must, within 15 days after it is passed, be sent to the Minister of Transport, along with a report of the municipality establishing that the operation of off-highway vehicles under the prescribed conditions is safe. The Minister determines the form and content of such a report by publishing a template on the Minister's department's website.

The Minister may disallow all or part of the by-law or ordinance at any time. In such a case, the by-law or ordinance or the part of the by-law or ordinance that has been disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister notifies the municipality of the decision as soon as possible."

70. Section 633.1 of the Code is amended by replacing "\$200 or more than \$3,000" in the fourth paragraph by "\$100 or more than \$3,000. In the case of pilot projects relating to autonomous vehicles, the amount may not be less than \$200 or more than \$3,000".

71. Section 660 of the Code is repealed.

ACT RESPECTING OFF-HIGHWAY VEHICLES

72. The Act respecting off-highway vehicles (chapter V-1.3) is amended by inserting the following section after section 69:

"69.1. The person responsible for the maintenance of a public highway may authorize an off-highway vehicle club to lay out and operate a trail, for the period and on the conditions determined by that person, on a part of that public highway off the roadway, the shoulder and ditch area.

Such authorization gives the club the right to collect access fees for the trail in accordance with this Act.”

73. Section 73 of the Act is amended

(1) in the second paragraph,

(a) by replacing “on the conditions fixed by government regulation” in subparagraph 3 by “where authorized by signs or signals that conform to regulatory standards”;

(b) by replacing subparagraph 4 by the following subparagraph:

“(4) be operated on the roadway, where authorized by a road sign or signal, for a maximum distance of one kilometre, to travel from a trail of an off-highway vehicle club to another trail of an off-highway vehicle club or to a service station, an establishment providing restaurant services or an accommodation establishment, sanitary facilities or a parking area, if the layout of the right of way does not allow operation off the roadway and ditch area and the most direct access to those locations is obstructed;”;

(c) by replacing subparagraph 6 by the following subparagraph:

“(6) where authorized by a municipal by-law enacted under section 626.1 of the Highway Safety Code (chapter C-24.2), be operated on the roadway of a public highway maintained by the municipality; and”;

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

“A government regulation may prescribe any other condition useful for the operation of an off-highway vehicle authorized under subparagraph 3 of the second paragraph.”

ACT TO IMPROVE THE PERFORMANCE OF THE SOCIÉTÉ
DE L'ASSURANCE AUTOMOBILE DU QUÉBEC, TO BETTER
REGULATE THE DIGITAL ECONOMY AS REGARDS
E-COMMERCE, REMUNERATED PASSENGER TRANSPORTATION
AND TOURIST ACCOMMODATION AND TO AMEND VARIOUS
LEGISLATIVE PROVISIONS

74. Section 50 of the Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (2018, chapter 18) is amended

(1) in the first paragraph,

(a) by replacing “corresponds to the greater of” in the introductory clause by “is \$13.20.”;

- (b) by striking out subparagraphs 1 and 2;
- (2) by striking out “daily” in the second paragraph;
- (3) by adding the following paragraph at the end:

“The fees fixed in the first paragraph are indexed in accordance with Chapter VIII.1 of the Financial Administration Act (chapter A-6.001), despite section 83.11 of that Act.”

REGULATION RESPECTING LICENCES

75. The Regulation respecting licences (chapter C-24.2, r. 34) is amended by replacing all occurrences of “driving school recognized under section 62 of the Highway Safety Code (chapter C-24.2)” and “driving school recognized under section 62 of the Highway Safety Code” by “recognized driving school”.

MINISTERIAL ORDER CONCERNING THE FINE TO WHICH A PERSON WHO CONTRAVENES PARAGRAPH 9 OF SECTION 386 OF THE HIGHWAY SAFETY CODE IS LIABLE

76. The Ministerial Order concerning the fine to which a person who contravenes paragraph 9 of section 386 of the Highway Safety Code is liable (chapter C-24.2, r. 1.1) is repealed.

CHAPTER III

TRANSITIONAL PROVISIONS

77. Until the coming into force of section 16, the provisions introduced by section 22 apply only to the offences referred to in that section.

78. Section 592.0.0.1, the second and third paragraphs of section 592.1 and sections 592.1.1 and 592.2 of the Highway Safety Code (chapter C-24.2) continue to apply if a statement of offence was sent before the date of coming into force of section 19 of this Act.

The same applies to articles 146, 163, 218.4, 218.5 and 228.1 of the Code of Penal Procedure (chapter C-25.1), as amended, respectively, by sections 26 and 28 to 31 of this Act.

79. Unless the context indicates otherwise or this Act provides otherwise, in any regulation or other document, “photo radar device” and “red light camera system” are replaced by “detection system”, with the necessary modifications.

80. Until the coming into force of section 66.1 of the Highway Safety Code, enacted by section 40 of this Act,

(1) section 66.1 of the Code is to be read as if “driving school recognized in accordance with section 62” were replaced by “recognized driving school”;

(2) a driving course required under section 66.1 of the Code to obtain a first driver’s licence of the appropriate class for driving a motorcycle, a moped or another passenger vehicle is deemed to be a training program of the Société de l’assurance automobile du Québec given by a driving school recognized by the Société.

81. A driving school recognized by the Société de l’assurance automobile du Québec before (*insert the date of assent to this Act*) is deemed to be recognized on the same conditions under section 66.2 of the Highway Safety Code, enacted by section 41 of this Act, except where the recognition was revoked by the Société.

82. Section 99.1 of the Highway Safety Code, enacted by section 44 of this Act, does not apply to a person who obtained their learner’s licence of the appropriate class for driving a motorcycle before the date of coming into force of that section.

83. Until the coming into force of paragraph 1 of section 50 of chapter 19 of the statutes of 2018, section 202.6.6 of the Highway Safety Code, amended by section 116 of chapter 13 of the statutes of 2022, is to be read as if “section 202.2 or 202.2.0.1” in subparagraph 1 of the first paragraph were replaced by “any of sections 202.2, 202.2.0.1 and 202.2.0.2”.

CHAPTER IV

FINAL PROVISIONS

84. Photo radar devices and red light camera systems approved by the Ministerial Order concerning the Approval of photo radar devices and red light camera systems (chapter C-24.2, r. 5.1) are deemed to have been approved under section 519.79 of the Highway Safety Code (chapter C-24.2), enacted by section 12 of this Act.

85. Any public highway determined by the Ministerial Order concerning Public highways where photo radar devices and red light camera systems may be used (chapter C-24.2, r. 6.01) is deemed to have been designated by the Minister of Transport under section 519.80 of the Highway Safety Code, enacted by section 12 of this Act, and to have been entered in the register kept by the Minister in accordance with that section 519.80.

86. The Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems (chapter C-24.2, r. 9), enacted under section 634.4 of the Highway Safety Code, is deemed to have been enacted under section 519.82 of the Code, enacted by section 12 of this Act.

87. This Act comes into force on (*insert the date of assent to this Act*), except

(1) sections 2 to 11, section 12 insofar as it enacts sections 519.79, 519.80 and 519.82 of the Highway Safety Code, sections 18 to 20, paragraph 1 of section 21, sections 22, 23 and 25 to 31, paragraphs 1 and 3 of section 33, section 37 insofar as it concerns Chapters I and III of the regulation it enacts, and sections 84 to 86, which come into force on (*insert the date that is 60 days after the date of assent to this Act*);

(2) section 37 insofar as it concerns Chapter II of the regulation it enacts, which comes into force on the date of coming into force of section 16 of this Act;

(3) sections 58 to 66 and section 76, which come into force on (*insert the date that is 30 days after the date of assent to this Act*);

(4) sections 68 and 69, and subparagraph *c* of paragraph 1 of section 73, which come into force on (*insert the date that is 180 days after the date of assent to this Act*);

(5) section 55, paragraph 1 of section 56 and section 57, which come into force on the date of coming into force of the first regulation made under the second paragraph of section 329.1 of the Highway Safety Code, enacted by section 57 of this Act; and

(6) section 1, section 12 insofar as it enacts section 519.81 of the Highway Safety Code, sections 15 and 16, paragraph 2 of section 21, section 32, paragraph 2 of section 33 and sections 35, 40, 42, 44 to 46, 48 to 50, 52, 82 and 83, which come into force on the date or dates to be determined by the Government.