



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 694

**An Act to amend the Highway Safety
Code to more effectively fight
drinking and driving**

Introduction

**Introduced by
Mr. Monsef Derraji
Member for Nelligan**

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EXPLANATORY NOTES

This bill amends the Highway Safety Code to prohibit licence holders from driving road vehicles when their blood alcohol concentration level is between 50 mg and 80 mg of alcohol in 100 ml of blood.

The bill provides for the immediate suspension of the licence for three days in the case of the first suspension, for seven days in the case of a second suspension and for a minimum of 90 days in the case of a subsequent suspension.

The bill also proposes that, in the case of a subsequent suspension, the issue of a new licence be subject to the holder passing certain assessments, taking part in a program to raise awareness about alcohol- and drug-related problems and, in certain cases, driving a vehicle equipped with an alcohol ignition interlock device.

LEGISLATION AMENDED BY THIS BILL:

- Highway Safety Code (chapter C-24.2).

Bill 694

AN ACT TO AMEND THE HIGHWAY SAFETY CODE TO MORE EFFECTIVELY FIGHT DRINKING AND DRIVING

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

HIGHWAY SAFETY CODE

1. Section 76.1.2 of the Highway Safety Code (chapter C-24.2) is amended by inserting “à” after “échoue” in the second paragraph in the French text.

2. The Code is amended by inserting the following section after section 76.1.2:

“76.1.2.1. A person who has incurred a suspension under subparagraph 3 of the second paragraph of section 202.4.0.1 must, to obtain a new licence, establish by means of a summary assessment that his or her relationship with alcohol or drugs does not compromise the safe operation of a road vehicle corresponding to the class of licence applied for.

A person who fails a summary assessment must meet the requirement set out in the first paragraph by means of a comprehensive assessment.

A person who passes a summary assessment must, after paying the Société the related fees, successfully complete the program described in the third paragraph of section 76.1.2.”

3. Section 76.1.3 of the Code is amended by inserting “or 76.1.2.1” after “76.1.2”.

4. Section 76.1.8 of the Code is amended

(1) by inserting “à” after “échoue” in the French text;

(2) by inserting “76.1.2.1,” after “76.1.2,”.

5. Section 76.1.9 of the Code is amended by inserting “76.1.2.1,” after “76.1.2,”.

6. Section 76.1.11 of the Code is amended by inserting “or suspended” after “cancelled”.

7. Section 81 of the Code is amended by inserting “76.1.2.1,” after “76.1.2,” in paragraphs 1, 2 and 3.

8. Section 83 of the Code is amended by inserting “76.1.2.1,” after “76.1.2,” in paragraph 2.

9. Section 143 of the Code is amended by inserting “202.4.0.1,” after “202.4,”.

10. Section 143.1 of the Code is amended by replacing “191.2 and subparagraph 2 of the first paragraph of section 202.4” by “191.2, in subparagraph 2 of the first paragraph of section 202.4 and in section 202.4.0.1”.

11. Section 190 of the Code is amended by inserting “76.1.2.1,” after “76.1.2,” in paragraphs 1, 2 and 3.

12. Section 191 of the Code is amended by inserting “76.1.2.1,” after “76.1.2,”.

13. Section 202.2.1.2 of the Code is replaced by the following section:

“202.2.1.2. No person may drive or have the care or control of a road vehicle if the person’s blood alcohol concentration level is equal to or in excess of 50 mg of alcohol in 100 ml of blood.”

14. Section 202.4 of the Code is amended

(1) by striking out subparagraph 4 of the first paragraph;

(2) by striking out “or 202.2.1.2” in the third paragraph.

15. The Code is amended by inserting the following section after section 202.4:

“202.4.0.1. On behalf of the Société, a peace officer shall immediately suspend the licence of any person not described in subparagraph 1 of the first paragraph of section 202.4 who is subject to the prohibition under section 202.2.1.2 and is driving or has the care or control of a vehicle

(1) if, during a screening test conducted in accordance with section 202.3 or in accordance with the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), the screening device shows a blood alcohol concentration level equal to or in excess of 50 mg of alcohol in 100 ml of blood; or

(2) if the person’s blood alcohol concentration level is shown, following an analysis of a sample of the person’s breath made by means of an approved instrument in accordance with the Criminal Code, to be equal to or in excess of 50 mg of alcohol in 100 ml of blood.

The permit is suspended for

- (1) three days, in the case of a first suspension under this section;
- (2) seven days, in the case of a second suspension under this section within five years of the first suspension; or
- (3) a minimum of 90 days, in the case of any additional suspension under this section within five years of the first suspension. In such a case, the lifting of the suspension is subject to the licence holder meeting the requirements set out in section 76.1.2.1.

If the person holds a licence issued by another administrative authority, the peace officer shall instead prohibit that person from driving a road vehicle for a period of 30 days. The peace officer shall then inform the Société so that it may immediately suspend the person's right to obtain a learner's licence, a probationary licence or a driver's licence."

16. Section 202.6 of the Code is amended by inserting "202.4.0.1," after "202.4,".

17. Section 209.2 of the Code is amended by inserting "202.4.0.1," after "202.4,".

18. Section 552 of the Code is amended by inserting "76.1.2.1," after "76.1.2," in the first paragraph.

FINAL PROVISION

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

