



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 57

**An Act to modify the rules governing the
use of photo radar devices and red light
camera systems and amend other
legislative provisions**

Introduction

**Introduced by
Mr. Pierre Moreau
Minister of Transport**

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EXPLANATORY NOTES

This bill proposes various amendments mainly with respect to the use of photo radar devices and red light camera systems.

New provisions are added to the Highway Safety Code to allow such devices and systems to be used particularly in school zones and in road construction and maintenance work zones. Persons responsible for the maintenance of a public highway will be required to erect road signs or signals to mark places where such devices or systems are used to monitor compliance with highway safety rules. However, in the case of certain offences, the prosecutor will not be required to prove the presence of signs or signals, and no proceedings will be dismissed nor any defendant acquitted on the grounds that signs or signals were inadequate or absent.

Under an amendment to the Code, only certain vehicle owners having received a statement of offence although they were not driving the vehicle when the offence was recorded by a photo radar device or red light camera system will now have the possibility of identifying the driver in order for a new statement of offence to be served on that person.

Owners and drivers of a police force vehicle, an ambulance service vehicle or a fire safety vehicle cannot be convicted of an offence recorded by such a device or system.

The devices and systems cannot be removed or modified without the authorization of the Minister of Transport, and it is prohibited to interfere with their operation or with the recording of information by their camera.

The Act respecting the Ministère des Transports is amended to provide that the panel responsible for advising the Minister on the use of sums credited to the highway safety fund is to be composed of seven members chosen from among the members of the Table québécoise de la sécurité routière. All sums received as compensation for damage caused to a photo radar device or red light camera system are to be credited to that fund.

The provision specifying that, as of 30 June 2012, an exclusive pedestrian phase constitutes a sign or signal authorizing pedestrians to cross the roadway diagonally is struck out.

Lastly, various consequential amendments and transitional measures are contained in the bill.

LEGISLATION AMENDED BY THIS BILL:

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Act respecting the Ministère des Transports (R.S.Q., chapter M-28);
- Act to amend the Highway Safety Code and the Regulation respecting demerit points (2007, chapter 40).

Bill 57

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

HIGHWAY SAFETY CODE

- 1.** Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing “fire department road vehicle” in the definition of “emergency vehicle” by “fire safety vehicle”.
- 2.** Section 52 of the Code is repealed.
- 3.** Section 251 of the Code is amended by striking out “normal” in paragraph 2.
- 4.** The Code is amended by inserting the following section after section 294:

“294.1. The person responsible for the maintenance of a public highway must erect proper signs or signals to mark every place where a photo radar device or red light camera system is used to monitor compliance with highway safety rules.”
- 5.** Section 312.1 of the Code is amended
 - (1) by replacing “of the person responsible for the maintenance of the highway” by “of the Minister of Transport”;
 - (2) by striking out “erected on a public highway”.
- 6.** Section 312.2 of the Code is amended by replacing “, or interfere with or prevent the operation of, a photo radar device or a red light camera system erected on a public highway” by “a photo radar device or a red light camera system, or interfere in any way with the operation of such a device or system or the recording of the information described in the second paragraph of section 332 or the second paragraph of section 359.3 by the camera of such a device or system”.
- 7.** The Code is amended by inserting the following section after section 312.2:

“312.3. The person responsible for the maintenance of a public highway may send the owner of a tree or any other property situated on land contiguous to the right of way of that highway a written notice requiring the owner to carry out remedial work within the prescribed time if the tree or other property could interfere

(a) in any way with the operation of a fixed photo radar device or a red light camera system; or

(b) with the recording, by the camera of a device or system referred to in paragraph *a*, of the information described in the second paragraph of section 332 or the second paragraph of section 359.3.

If the owner fails to do the work, the person responsible for the maintenance of the public highway may do the work or have it done.”

8. The Code is amended by striking out “normal” in section 333 and the first paragraph of section 334.1.

9. Section 359.3 of the Code is amended by inserting “the traffic light involved and” after “concerning” in the second paragraph.

10. Section 451 of the Code, replaced by section 66 of chapter 34 of the statutes of 2010, is amended by striking out the second paragraph.

11. Section 592 of the Code is amended by adding the following paragraph at the end:

“The second paragraph does not apply in the case of an offence evidenced by a photograph taken by a photo radar device or a red light camera system.”

12. Section 592.1 of the Code is amended

(1) by striking out the first paragraph;

(2) by replacing “The statement” in the second paragraph by “In the case of an offence evidenced by a photograph taken by a photo radar device or a red light camera system, the statement”;

(3) by inserting “of a road vehicle listed in the fourth paragraph” after “If the owner” in the third paragraph;

(4) by replacing “10” in the third paragraph by “15”;

(5) by adding the following paragraph at the end:

“The second paragraph refers to the following road vehicles registered in Québec:

(1) a heavy vehicle whose owner is registered in the Registre des propriétaires et des exploitants de véhicules lourds established under the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3);

(2) a taxi;

(3) a road vehicle belonging to an employer, if the vehicle is driven by an employee of that employer in the performance of delivery duties; and

(4) a courtesy vehicle loaned by a garage operator.”

13. Section 592.2 of the Code is amended by replacing “592.1” by “592”.

14. The Code is amended by inserting the following section after section 592.2:

“592.2.1. Despite sections 592 and 592.1, the owner and the driver of the following road vehicles cannot be convicted of an offence evidenced by a photograph taken by a photo radar device or a red light camera system:

(1) a police force vehicle;

(2) an ambulance service vehicle;

(3) a fire safety vehicle.”

15. Section 592.3 of the Code is repealed.

16. The Code is amended by inserting the following section after section 592.4:

“592.4.1. In the case of an offence under the second paragraph of section 299, section 303.2 or 328, the third paragraph of section 329 or section 359, the prosecutor is not required to prove the presence of road signs or signals marking the place where a photo radar device or red light camera system is used to monitor compliance with highway safety rules.

No proceedings may be dismissed nor may any defendant be acquitted on the grounds that road signs or signals described in the first paragraph were inadequate or absent.”

17. Section 597.1 of the Code is amended by striking out the second paragraph.

18. Section 634.3 of the Code is amended

(1) by striking out “and at the places” in the first paragraph;

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

“They may only be used to monitor compliance with highway safety rules

(1) on a road or land situated in a school zone, as defined by regulation of the Minister of Transport;

(2) on a public highway for which the maximum authorized speed limit is indicated by road signs or signals erected under section 303.1; and

(3) on any other public highway determined by the Minister of Transport and the Minister of Public Security.”;

(3) by striking out the third paragraph;

(4) by inserting “or second” after “first” in the fourth paragraph.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

19. Section 12.32 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28), amended by section 237 of chapter 18 of the statutes of 2011, is again amended by replacing “a civil suit” in paragraph 2.4 by “proceedings”.

20. Section 12.39.1 of the Act, amended by section 240 of chapter 18 of the statutes of 2011, is again amended

(1) by replacing paragraph 1.1 by the following paragraph:

“(1.1) fines collected under sections 509, 516 and 516.1 of the Highway Safety Code in the case of an offence evidenced by a photograph taken by a photo radar device or a red light camera system;”;

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

“(1.3) sums received for damage caused to a photo radar device or red light camera system, its accessories or the related signs or signals, including damages of any kind, paid following proceedings instituted for such damage;”.

21. Section 12.39.2 of the Act, amended by section 241 of chapter 18 of the statutes of 2011, is again amended by replacing “five members of the Table québécoise de la sécurité routière chosen from among the members designated by the chair” by “seven members chosen from among the members of the Table québécoise de la sécurité routière”.

ACT TO AMEND THE HIGHWAY SAFETY CODE AND THE REGULATION RESPECTING DEMERIT POINTS

22. Section 106 of the Act to amend the Highway Safety Code and the Regulation respecting demerit points (2007, chapter 40) is amended by striking out the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

23. The first regulation under subparagraph 1 of the second paragraph of section 634.3 of the Highway Safety Code (R.S.Q., chapter C-24.2), enacted by paragraph 2 of section 18, is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

24. The public highways situated in a place determined by a provision of a ministerial order under the first paragraph of section 634.3, as it read before being amended by section 18, are deemed to be public highways determined by a provision of a ministerial order under subparagraph 3 of the second paragraph of section 634.3, as amended by section 18, until the Minister of Transport and the Minister of Public Security decide otherwise.

25. The provisions of this Act come into force on *(insert the date of assent to this Act)*, except

(1) section 10, which comes into force on 30 June 2012;

(2) paragraphs 3, 4 and 5 of section 12, which come into force on 1 October 2012.

