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**Summary**

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**PROVINCE OF QUÉBEC**

2nd SESSION

36th LEGISLATURE

QUÉBEC, 25 JULY 2002

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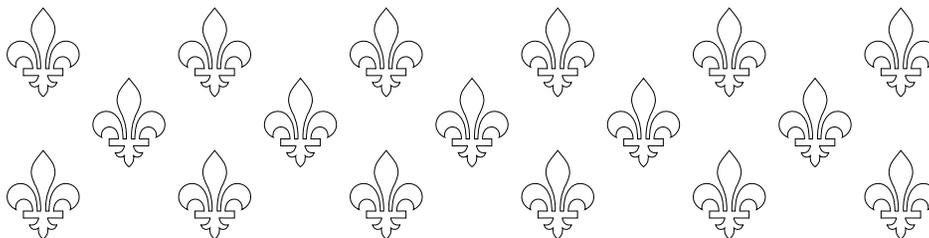
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 25 July 2002*

This day, at four minutes past nine o'clock in the evening, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

- 114 An Act to ensure the continued provision of emergency medical services

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 67  
(2002, chapter 29)

## **An Act to amend the Highway Safety Code and other legislative provisions**

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**Introduced 7 December 2001**  
**Passage in principle 30 May 2002**  
**Passage 14 June 2002**  
**Assented to 14 June 2002**

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**Québec Official Publisher**  
**2002**

## EXPLANATORY NOTES

*This bill amends the Highway Safety Code to prohibit the installation, sale, lease or placing at the disposal of a person for valuable consideration of an air bag module other than a new module.*

*The bill introduces new rules dealing with how persons settling in Québec may obtain a driver's licence, in particular persons from a country with which there is no reciprocal agreement, and revises the rules that apply to parking stickers for handicapped persons.*

*The bill introduces new criteria to require the use of a child restraint system suitable for the size of the child. It requires children riding in a taxi to use the seat belt unless the child has been exempted. In addition, any adult passenger accompanying a person under the age of 16 in a taxi must ensure that the person is wearing the seat belt correctly.*

*This bill authorizes the use, on certain conditions, of power-assisted bicycles on public roads and reinforces the safety rules that apply to non-motorized scooters.*

*The bill provides for an exemption from the rule prohibiting the operation of an emergency vehicle if alcohol is present in the body of the driver if the driver is called on to intervene while not on duty or while driving an unmarked vehicle.*

*The bill authorizes the annual indexing beginning in 2003 of a portion of the towing charges for vehicles seized where a person was operating the vehicle without a licence or the person's licence was under a sanction.*

*As concerns the transportation of dangerous substances, the bill authorizes peace officers to stop and inspect a road vehicle and to retain the vehicle until the driver complies with the regulatory requirements.*

*Lastly, the bill contains transitional provisions and consequential amendments.*

**LEGISLATION AMENDED BY THIS BILL :**

- Automobile Insurance Act (R.S.Q., chapter A-25);
- Highway Safety Code (R.S.Q., chapter C-24.2).



## Bill 67

### AN ACT TO AMEND THE HIGHWAY SAFETY CODE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by inserting the following definition after the definition of “pound” :

““power-assisted bicycle” means a bicycle that has an electric motor;”;

(2) by inserting “, other than a power-assisted bicycle,” after “passenger vehicle” in the definition of “motorcycle”;

(3) by inserting “, a power-assisted bicycle” after “rails” in the second line of the definition of “road vehicle”.

**2.** Section 5.1 of the said Code is amended by replacing “202.2, 202.4” in the first line by “98.1, 202.2, 202.2.1, 202.4, 202.6.6, 519.67.1”.

**3.** The said Code is amended by inserting the following section after section 11 :

**11.1.** The holder of an identification sticker must inform the Société of any change of address or of the destruction, loss or theft of the sticker or certificate of issue within 30 days.

The holder of an identification sticker must return the sticker and the certificate of issue to the Société if they are no longer required or if the holder no longer meets the eligibility requirements.”

**4.** Section 14 of the said Code, amended by section 1 of chapter 21 of the statutes of 2001, is again amended by replacing “farm machinery” in paragraph 1 by “a farm machine”.

**5.** Section 35 of the said Code is amended by inserting “, except for the ten days following registration,” after “vehicle” in the second line of the first paragraph.

**6.** Section 51 of the said Code is amended by inserting “11.1,” after “sections” in the second line.

**7.** Section 76 of the said Code, amended by section 3 of chapter 29 of the statutes of 2001, is again amended by inserting “visée” after “infraction” in the third line of the French text of the first paragraph.

**8.** Section 76.1 of the said Code, amended by section 4 of chapter 29 of the statutes of 2001, is again amended

(1) by replacing “a waiting period of one, three or five years was imposed on the person under the first paragraph of section 76” in the third and fourth lines of the first paragraph by “, in the ten years preceding the cancellation or suspension, the person incurred no cancellation or suspension, one cancellation or suspension or more than one cancellation or suspension under subparagraph 4 of the first paragraph of section 180”;

(2) by striking out “probationary” in the third line of the fifth paragraph.

**9.** Section 81 of the said Code is amended by replacing “in the opinion of a member of the Comité consultatif sur la santé des conducteurs” in paragraph 3 by “in the opinion of a health care professional or such other professional as the Société may designate by name”.

**10.** Section 90.1 of the said Code is repealed.

**11.** Section 91 of the said Code is replaced by the following sections :

**“91.** Any person holding a driver’s licence issued outside Canada who settles in Québec may on request, provided the particulars and validity of the holder’s title can be verified directly with the administrative authority concerned through the use of information technology, exchange that licence, without undergoing a proficiency examination, for an equivalent driver’s licence issued by the Société.

However, the person must pass the proficiency examinations referred to in section 67 to obtain a licence to drive a bus, a minibus, a motorcycle, a taxi or a commercial vehicle or to operate an emergency vehicle.

**“91.1.** Any person holding a valid driver’s licence for the operation of a passenger vehicle issued outside Canada who settles in Québec may on request, if the administrative authority concerned has entered into a licence exchange agreement pursuant to section 629, exchange that licence, without undergoing a proficiency examination, for an equivalent driver’s licence issued by the Société.

However, the person must pass the proficiency examinations referred to in section 67 to obtain a licence to drive a motorcycle.

The Société may exempt a person from surrendering to the Société the licence issued in his or her country of origin.

**“91.2.** A regulation of the Government shall determine the time within which a licence exchange under section 91 or 91.1 must be applied for. The applicant must pay the duties and fees prescribed by regulation and the amount fixed under section 151 of the Automobile Insurance Act.

**“91.3.** A person who has held a driver’s licence for at least one year who settles in Québec after living in a country in respect of which sections 90, 91 and 91.1 do not apply and who therefore is not eligible for a licence exchange under those sections is exempted from having to hold a learner’s licence before obtaining a driver’s licence for the operation of a passenger vehicle, except as regards the operation of a motorcycle.

A regulation of the Government shall determine the time within which a licence must be applied for and the number of times a person may retake the proficiency examinations referred to in section 67 before losing the exemption and shall prescribe any special conditions for obtaining a licence.

**“91.4.** A person holding a valid driver’s licence or a licence expired for less than three years that was issued outside Canada who once held a driver’s licence issued in Québec for the operation of the same categories of road vehicles as the licence applied for is exempted from the proficiency examinations referred to in section 67.”

**12.** Section 92.0.1 of the said Code is amended by replacing “to 92” in the first line by “, 91, 91.1 and 92”.

**13.** Section 95.1 of the said Code, enacted by section 7 of chapter 29 of the statutes of 2001, is amended

(1) by replacing “is suspended” by “has been modified, suspended or cancelled”;

(2) by adding “in the manner prescribed by regulation” at the end.

**14.** Section 189 of the said Code, amended by section 132 of chapter 15 of the statutes of 2001, is again amended by adding the following subparagraph after subparagraph 4 of the first paragraph :

“(5) the vehicle is damaged and has been identified to the Société as unrebuildable by the owner of the vehicle, the insurer who compensated the owner, another administrative authority or a third person.”

**15.** Section 190 of the said Code is amended by replacing “in the opinion of a member of the Comité consultatif sur la santé des conducteurs” in paragraph 3 by “in the opinion of a health care professional or such other professional as the Société may designate by name”.

**16.** Section 195.2 of the said Code, enacted by section 11 of chapter 29 of the statutes of 2001, is amended by adding the following paragraph :

“The same applies with respect to the licence of a person referred to in the fifth paragraph of section 73 or the fourth paragraph of section 76.1 if the person drives or has the care or control of a vehicle without complying with the conditions set out in those sections.”

**17.** Section 202.2 of the said Code, amended by section 12 of chapter 29 of the statutes of 2001, is again amended

- (1) by striking out subparagraph 4 of the first paragraph ;
- (2) by striking out the third paragraph.

**18.** The said Code is amended by inserting the following section after section 202.2:

**“202.2.1.** As regards any person other than a person subject to section 202.2, operating or having the care or control of a heavy vehicle, emergency vehicle or taxi with alcohol present in the person’s body is prohibited.

That prohibition does not apply with regard to

- (1) an unmarked emergency vehicle ;
- (2) a combination of road vehicles having a net mass in excess of 3,000 kg made up of a passenger vehicle drawing a travel trailer or a tent trailer ;
- (3) a motor home ; or
- (4) a heavy vehicle having a net mass of 3,000 kg or less on which it is not mandatory to affix an indication of danger plate in compliance with a regulation made pursuant to section 622.

Neither does the prohibition apply to persons who use an emergency vehicle to intervene while not on duty, or to volunteer firefighters.”

**19.** Section 202.3 of the said Code is amended by inserting “or 202.2.1” after “202.2” in the first paragraph.

**20.** Section 202.4 of the said Code, amended by section 13 of chapter 29 of the statutes of 2001, is replaced by the following section :

**“202.4.** A peace officer shall immediately suspend on behalf of the Société, for a period of 30 days, the licence of

- (1) a person subject to the prohibition set out in section 202.2 or 202.2.1 who is driving or has the care or control of a road vehicle if a screening test under section 202.3 reveals the presence of alcohol in the person’s body ;

(2) a person driving or having the care or control of a road vehicle, if a sample taken by means of an approved instrument in accordance with the provisions of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) reveals a concentration of alcohol in the person's blood that exceeds 80 milligrammes of alcohol in 100 millilitres of blood.

A licence suspension imposed on a person who is subject to the prohibition set out in section 202.2.1 has effect only with respect to the vehicles to which the prohibition applies, provided that the person does not also contravene subparagraph 2 of the first paragraph.

If the person is not the holder of a licence or is the holder of a licence issued by another administrative authority, the peace officer shall immediately suspend on behalf of the Société, for a period of 30 days, the person's right to obtain a learner's licence, a probationary licence, a driver's licence or, in the cases referred to in the second paragraph, a licence to drive any of the vehicles concerned.

In the case of a person who, during the ten years preceding the suspension, would have incurred a suspension under this section or a suspension or cancellation under section 180, the duration of the suspension is increased to 90 days. However, a suspension under this section that is related to an offence referred to in section 180 for which a person has not been convicted shall not be taken into account for the purposes of this paragraph."

**21.** Section 202.6.1 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended

(1) by replacing "or prohibiting a person from driving a road vehicle" in the first paragraph by "or the right to obtain a licence";

(2) by replacing "has been suspended or who has been prohibited from driving a road vehicle" in the second paragraph by "or right to obtain a licence has been suspended" and by striking out "or prohibition" in that paragraph.

**22.** Section 202.6.2 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended by striking out "or who is prohibited from driving a road vehicle for 90 days".

**23.** Section 202.6.4 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended by replacing "of analysis" by "of a qualified technician".

**24.** Section 202.6.5 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended by replacing "analysis under" in paragraph 3 by "a qualified technician referred to in".

**25.** Section 202.6.6 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended

(1) by replacing “, the suspension of the right to obtain a licence or the prohibition from driving” in the text preceding subparagraph 1 of the first paragraph by “or of the right to obtain a licence”;

(2) by inserting “or 202.2.1” after “202.2” in subparagraph 1 of the first paragraph;

(3) by striking out “or a driving prohibition” in the second paragraph.

**26.** Section 202.6.7 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended by replacing “analysis under” in the second paragraph by “a qualified technician referred to in”.

**27.** Section 202.6.10 of the said Code, enacted by section 15 of chapter 29 of the statutes of 2001, is amended by replacing “, the suspension of the right to obtain a licence or the prohibition from driving a road vehicle” by “or of the right to obtain a licence”.

**28.** The said Code is amended by inserting the following section after section 202.6.11, enacted by section 15 of chapter 29 of the statutes of 2001 :

**“202.6.12.** Where the Administrative Tribunal of Québec lifts the suspension of the licence or of the right to obtain a licence, the Société shall reimburse the review fees paid to the Société.”

**29.** Section 202.8 of the said Code is amended by inserting “or 202.2.1” after “202.2”.

**30.** Section 209.2 of the said Code, amended by section 16 of chapter 29 of the statutes of 2001, is again amended by replacing “, 202.4 and 202.5” by “, 195.2 and 202.4”.

**31.** Section 209.9 of the said Code is amended by adding the following paragraphs at the end:

“From the year 2003, 20% of the towing charges shall be indexed annually, according to the rate of variation of the average diesel fuel price computed according to the weekly data of the Régie de l'énergie du Québec for the preceding calendar year in relation to the previous year. That indexation applies in respect of towing carried out elsewhere than on the public roads specified in a regulation made under section 12.1.1 of the Act respecting the Ministère des Transports (chapter M-28).

If there are more than two decimals in an annual average or the rate computed under the third paragraph or the indexed amount of charges, only the first two decimals shall be retained and the second shall be increased by one unit if the third is equal to or greater than 5.

The Société shall publish the amount of the adjusted charges resulting from the indexation in the *Gazette officielle du Québec*. The adjusted charges come into force on 1 March of the year of publication.”

**32.** Section 209.20 of the said Code, enacted by section 7 of chapter 66 of the statutes of 1999, is amended

(1) by replacing “1%” in the second paragraph by “2%”;

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

“However, the cost of the repairs to be made to the vehicle, if any, must be deducted from the wholesale price referred to in the first paragraph or from the amount obtained pursuant to the second paragraph.”

**33.** Section 211.1 of the said Code is amended by adding the following paragraph at the end :

“The same prohibition applies with respect to a new power-assisted bicycle, unless the bicycle bears the label prescribed by that Act.”

**34.** Section 214.1 of the said Code is repealed.

**35.** The said Code is amended by inserting the following section after section 233.1 :

“**233.2.** No dealer shall sell, offer for sale, rent or offer for rent a non-motorized scooter unless it carries at least

(1) one white reflector or white reflective material at the front ;

(2) one red reflector or red reflective material at the rear ;

(3) one red reflector or red reflective material on each side, as far to the rear as practicable.”

**36.** The said Code is amended by inserting the following sections after section 240.1 :

“**240.2.** Subject to section 240.3, this chapter does not apply to a self-propelled farm machine or to a combination of road vehicles consisting of a farm tractor or farm vehicle drawing a farm machine or a trailer used for farm purposes, provided it belongs to a farmer within the meaning of section 16 and

(1) the warning sign referred to in section 274 is attached to the rear of the farm machine or combination of road vehicles ; and

(2) the farm machine or combination of road vehicles travels at a rate of speed of less than 40 km/h and is equipped with two red reflectors at the rear, one on each side of the vertical centreline and as far apart as practicable.

**“240.3.** Every farm tractor or other self-propelled farm machine must carry two white headlights at the front and two red lights at the rear.

A farm tractor, other farm machine or trailer used for farm purposes belonging to a farmer within the meaning of section 16, to the extent that its width exceeds 2.6 metres, is subject to the safety standards and traffic rules prescribed by regulation.”

**37.** Section 247 of the said Code is amended by inserting “and non-motorized scooter” before “must be equipped” in the first line.

**38.** The said Code is amended by inserting the following sections after section 250.1:

**“250.2.** No person may install in a road vehicle or, for the purposes of such installations, sell, lease or place at the disposal of a person for valuable consideration, an air bag module, a seat belt with a pretensioner, or an air bag and seat belt electronic control module unless the equipment is new equipment originating from the manufacturer of the road vehicle and intended for such a vehicle. However, the equipment may be reinstalled in the same vehicle after being removed for the sole purpose of vehicle repairs or maintenance, provided it is in good working order.

No person may repair a module after the air bag has deployed, or a seat belt with a pretensioner that has been activated or an air bag and seat belt electronic control module.

The same prohibitions apply to offering to perform any of the acts referred to in the first or second paragraph.

**“250.3.** No person may render inoperative an air bag module installed in a road vehicle, except on the authorization of the Société.

**“250.4.** No person may install, sell, lease or place at the disposal of a person for valuable consideration, a device the purpose of which is to simulate the presence or proper functioning of air bags or seat belts with pretensioners.”

**39.** Section 272 of the said Code is amended by replacing “equipment” in the first line by “machines”.

**40.** The said Code is amended by inserting the following section after section 274.1:

**“274.2.** No person may sell, lease or place at the disposal of a person or offer in any way to sell, lease or place at the disposal of a person, for valuable consideration, an electric motor to transform a bicycle into a power-assisted bicycle, unless the motor

(1) meets the standards prescribed by a regulation made pursuant to the Motor Vehicle Safety Act concerning the electric motor of a power-assisted bicycle where the motor is installed in accordance with the manufacturer’s standards for installation on a bicycle ;

(2) has an enabling mechanism to turn the electric motor on and off that is separate from the accelerator controller and fitted in such a manner that it is operable by the driver, or a mechanism that prevents the motor from being engaged before the bicycle attains a speed of 3 km/h ; and

(3) bears a label that indicates its continuous power output rating and the maximum number of revolutions per minute, as measured at the shaft of the motor.”

**41.** The said Code is amended by inserting the following section after section 276 :

**“276.1.** The owner of a non-motorized scooter that does not meet the requirements of section 247 is guilty of an offence and is liable to a fine of \$15 to \$30.”

**42.** Section 282 of the said Code is amended by replacing “214.1” by “215” and by inserting “240.3,” after “240.1,” in the second line.

**43.** Section 284 of the said Code is amended by inserting “233.2,” after “233.1,” in the first line of the first paragraph and by replacing “or 251” by “, 251 or 274.2”.

**44.** The said Code is amended by inserting the following section after section 287.1 :

**“287.2.** Every person who contravenes section 250.2 or 250.4 is guilty of an offence and is liable to a fine of \$3,000 to \$9,000.

Every person who contravenes section 250.3 is guilty of an offence and is liable to a fine of \$300 to \$600.”

**45.** Section 344 of the said Code, amended by section 2 of chapter 31 of the statutes of 2000, is again amended by replacing “farm machinery, a farm tractor, a horse-drawn vehicle, a bicycle or a road vehicle carrying a slow-moving vehicle sign” in the second, third and fourth lines by “a farm tractor or other farm machine, a road vehicle carrying a slow-moving vehicle sign, a horse-drawn vehicle or a bicycle”.

**46.** Section 388 of the said Code is amended

(1) by adding the following at the end of subparagraph 1 of the first paragraph: “in the name of the driver, of a person accompanying the driver, or of the institution on whose behalf the person is acting; the sticker must be hung from the rear-view mirror inside the road vehicle in such a manner that the sticker is visible from the outside”;

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

“Where the vehicle bears a sticker issued pursuant to subparagraph 1 of the first paragraph, the driver or passenger must, on request, hand over to a peace officer, for examination, the certificate of the Société attesting the issue of the sticker.”

**47.** Section 396 of the said Code is amended by replacing “5 years of age or over” in the first line of the first paragraph by “, except a child referred to in section 397,”.

**48.** Section 397 of the said Code is amended by replacing the first paragraph by the following paragraphs:

“**397.** In a moving road vehicle, every child whose sitting height is less than 63 cm, measured from the seat to the top of the head, must be restrained by a restraint system or booster cushion that complies with the regulations under the Motor Vehicle Safety Act. The restraint system or booster cushion must, in accordance with the manufacturer’s instructions affixed thereon, be suitable for the child’s height and weight and be securely attached to the vehicle.

However, the use of a restraint system or booster cushion is not mandatory

(1) for a child occupying a designated seating position, within the meaning of the regulations under the Motor Vehicle Safety Act, not equipped with a seat belt by the vehicle manufacturer, provided no place equipped with a seat belt is available; or

(2) for a child exempted from using a restraint system or seat belt by the Société pursuant to section 398.

In a moving taxi, if the first paragraph cannot be complied with, the child must be restrained by the seat belt with which the seat is equipped, unless

(1) the child is clearly unable to maintain an upright position; or

(2) the child is exempted from wearing a seat belt by the Société pursuant to section 398.”

**49.** Section 398 of the said Code is replaced by the following section:

**398.** The Société may, on the written recommendation of a medical specialist that the Société may designate by name, issue a certificate exempting a person from wearing a seat belt or using a restraint system, where justified by exceptional medical reasons. The medical specialist shall make the recommendation after examining the person requesting the exemption.”

**50.** Section 399 of the said Code is amended

(1) by replacing “certificate exempting a person from wearing a seat belt” in the first line of the first paragraph by “exemption certificate”;

(2) by striking out the second paragraph.

**51.** Section 400 of the said Code is amended by replacing “from wearing a seat belt, the holder of a medical certificate” in the first and second lines by “under a medical exemption certificate, the holder”.

**52.** Section 401 of the said Code is amended by adding the following paragraph at the end:

“The first paragraph does not apply to a taxi driver. However, an adult passenger accompanying a passenger under 16 years of age in a taxi must ensure that the latter is transported in compliance with the conditions set out in this division.”

**53.** Section 434 of the said Code is amended by replacing “hold on or hang on to a road vehicle” in the first paragraph by “hold or hang on to a road vehicle or a power-assisted bicycle”.

**54.** Section 470.1 of the said Code is amended by adding the following paragraph after the first paragraph:

“The first paragraph does not apply to the driver of an emergency vehicle used during a disaster within the meaning of paragraph *d* of section 1 of the Act respecting the protection of persons and property in the event of disaster (chapter P-38.1) or to the driver of a vehicle used to return to the starting point.”

**55.** The said Code is amended by inserting the following sections after section 474:

**474.1.** Where a peace officer has reasonable grounds to believe that a road vehicle is used for the transportation of a dangerous substance, the peace officer may stop the vehicle and inspect it.

The driver of the vehicle must, at the peace officer’s request, surrender for examination the documents prescribed by regulation concerning the vehicle’s load and the documents establishing the driver’s qualifications for the transportation of dangerous substances.

The peace officer shall return the documents prescribed by regulation to the driver of the road vehicle after examination.

**“474.2.** Where a peace officer ascertains that an offence against a regulation respecting the transportation of dangerous substances has been committed, the peace officer may order that the road vehicle transporting a dangerous substance be driven to a suitable place and impounded at the owner’s expense until the person responsible for the vehicle or for its load complies with the regulation.

The driver must comply with the peace officer’s order without delay.

The vehicle and its load remain the responsibility of their owner.”

**56.** Section 492 of the said Code is amended by replacing “cyclists must use it” by “persons riding a bicycle other than a power-assisted bicycle must use the cycle lane”.

**57.** The said Code is amended by inserting the following sections after section 492.1:

**“492.2.** A person may not ride a power-assisted bicycle on a public highway unless

(1) the person is 18 years of age or over or, if not, the person holds a licence to drive a moped and complies with the conditions and restrictions attached to the licence;

(2) the person wears a protective helmet that is in conformity with the standards established by regulation;

(3) the bicycle bears the manufacturer’s label required by the regulations made pursuant to the Motor Vehicle Safety Act in the case of a bicycle sold to its first user as a power-assisted bicycle, or the bicycle motor bears the label required under section 274.2 in the case of a bicycle converted into a power-assisted bicycle;

(4) the bicycle is in conformity with the standards, other than the standard referred to in paragraph 3, applicable to power-assisted bicycles provided for in this Code and in the regulations made pursuant to the Motor Vehicle Safety Act.

**“492.3.** No person may ride a non-motorized scooter on a public highway at night unless the scooter is equipped with at least one white reflector or white reflective material at the front, one red reflector or red reflective material at the rear and one red reflector or red reflective material on each side, as close to the rear as practicable.

A person riding a non-motorized scooter is exempted from the application of the first paragraph if the person wears clothing or an accessory having reflective material visible to other road users.”

**58.** The said Code is amended by inserting the following section after section 504:

“**504.1.** Every person riding a non-motorized scooter who contravenes section 492.3 is guilty of an offence and is liable to a fine of \$25 to \$50.”

**59.** Section 509 of the said Code is amended

(1) by inserting “, 492.2” after “483” in the third line;

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

“However, a person whose identification sticker has expired and who contravenes section 388 is guilty of an offence and is liable to a fine of \$25 to \$50.”

**60.** Section 510 of the said Code is amended by replacing “or 497” in the third line of the first paragraph by “, the second paragraph of section 474.1 or section 497”.

**61.** Section 521 of the said Code, amended by section 128 of chapter 40 of the statutes of 1998 and section 24 of chapter 64 of the statutes of 2000, is again amended by striking out subparagraph 4 of the first paragraph and by replacing “farm machinery” in subparagraph 5 of that paragraph by “farm machines”.

**62.** The said Code is amended by inserting the following section after section 543.1:

“**543.1.1.** The owner of a road vehicle powered by natural gas or propane shall not operate the vehicle or allow it to be operated if the vehicle is not carrying the fuel supply system inspection sticker required by the regulations under section 621.”

**63.** Section 546 of the said Code is amended by replacing “or 539” in the second line of the first paragraph by “, 539 or 543.1.1”.

**64.** Section 550 of the said Code, amended by section 26 of chapter 64 of the statutes of 2000, is again amended by replacing the fourth paragraph by the following paragraph:

“The Société shall transmit the decision referred to in this section or the prior notice referred to in section 553 to the person concerned, by giving it to the person or sending it, by any means of transmission providing proof of receipt, to the last address listed for the person in the records of the Société.”

**65.** Section 550.1 of the said Code is amended by replacing “to him, in particular, by registered or certified mail sent” in the third line by “, by any means of transmission providing proof of receipt.”

**66.** Title XII of the said Code, comprising sections 612 to 617, is repealed.

**67.** Section 618 of the said Code is amended

(1) by replacing “the farm machinery that is exempt” in the first line of paragraph 6 by “the farm machines that are exempt”;

(2) by replacing “the identification sticker provided for in section 11 and fix its period of validity” in paragraph 20 by “the certificate and the identification sticker provided for in section 11, determine the information that must appear on them and fix their periods of validity”.

**68.** Section 619 of the said Code, amended by section 9 of chapter 31 of the statutes of 2000, is again amended by replacing “to 92.0.1” in the second line of paragraph 6.4 by “, 91, 91.1, 92 and 92.0.1”.

**69.** Section 621 of the said Code is amended by replacing paragraph 20.4 by the following paragraph:

“(20.4) prescribe the traffic rules relating to farm machines;”.

**70.** Section 622 of the said Code is amended

(1) by replacing “The Government may, with respect to the transportation of dangerous substances on a public highway, by regulation” in the first paragraph by “The Government may, by regulation, prescribe standards with respect to the transportation of dangerous substances on a public highway, a private road open to public vehicular traffic, land occupied by shopping centres and other roads where public traffic is allowed. The regulation may, in particular;”;

(2) by replacing “public highway” in the first line of subparagraph *b* of subparagraph 5 of the first paragraph by “highway, a road or land referred to in this section”;

(3) by inserting “, handling” after “loading” in the first line of subparagraph *c* of subparagraph 5 of the first paragraph;

(4) by striking out “, on a public highway”, “on a public highway” and “on public highways” wherever they appear in subparagraphs 5 and 6 of the first paragraph;

(5) by replacing “person” in the second line of subparagraph 7 of the first paragraph by “shipper”;

(6) by replacing “all public highways or of certain specifically designated public highways” in the second and third lines of the second paragraph by “all or certain highways, roads and land referred to in this section”.

**71.** Section 624 of the said Code, amended by section 17 of chapter 29 of the statutes of 2001, is again amended by striking out “or to prohibit the driving of a road vehicle” in subparagraph 21 of the first paragraph.

**72.** Section 634.1 of the said Code is replaced by the following section :

**“634.1.** The Police Force and each of its members have exclusive jurisdiction to enforce the rules of this Code on an autoroute, subject to the jurisdiction assigned

(1) by the Minister of Public Security to a municipal police force serving a municipality traversed by an autoroute ;

(2) to members of a municipal police force providing services to a municipality traversed by an autoroute where the members use the autoroute to travel in the exercise of their functions ;

(3) to highway controllers pursuant to section 519.67.”

**73.** Section 634.2 of the said Code is replaced by the following section :

**“634.2.** The only peace officers who may be authorized by the prosecutor to issue a statement of offence in relation to an offence under the rules of this Code committed on an autoroute are those referred to in section 634.1.”

**74.** Section 637 of the said Code is amended

(1) by replacing “or unauthorized inspection sticker” in the third and fourth lines of the first paragraph by “, unauthorized inspection sticker or unauthorized identification sticker” ;

(2) by adding the following subparagraph at the end of the second paragraph :

“(5) an unauthorized identification sticker is a sticker that may be confused with an identification sticker issued by the Société pursuant to section 11 or by any other competent administrative authority.”

**75.** The said Code is amended by inserting the following section after section 638:

**“638.1.** No person may hinder a peace officer in the performance of the officer’s duties under this Code, mislead the peace officer by concealment or false declarations, refuse to provide the peace officer with any information or document the peace officer is entitled to require or examine, or conceal or destroy any document or property relevant to an inspection.”

**76.** Section 643.2 of the said Code is amended by replacing “section 636” in the first lines of the first and second paragraphs by “section 636 or 638.1”.

**77.** Section 151.1 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by adding the following paragraph at the end:

“The list of the makes and models or piston displacements of the road vehicles contained in a regulation under the first paragraph is not subject to the publication requirement and date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1). The regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed in the regulation.”

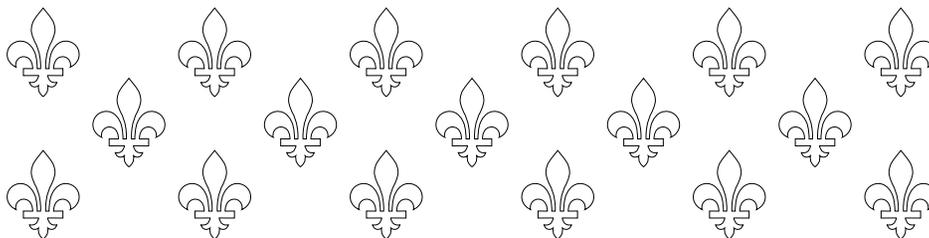
**78.** Section 186 of the said Act is amended by replacing “a carrier” in the first line of subparagraph 2 of the first paragraph by “an owner or operator to which Title VIII.1 of the Highway Safety Code applies”.

**79.** Licence exchange applications being processed on the date of coming into force of the new provisions of sections 91 to 91.4 of the Highway Safety Code, enacted by section 11, remain governed by the former provisions of section 91 of that Code.

**80.** For the purposes of section 91.1 of the Highway Safety Code, enacted by section 11, an administrative authority outside Canada which applies conditions for the issue of licences that are similar to those applied by Québec and are recognized as such by the Société de l'assurance automobile du Québec before the date of coming into force of section 11 shall be considered to be an administrative authority that is party to a licence exchange agreement entered into under section 629 of that Code.

This section shall cease to have effect three years after the date of coming into force of section 11.

**81.** The provisions of this Act come into force on the date or dates to be fixed by the Government, except the provisions of sections 38 and 44, which come into force on 1 August 2002.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 114  
(2002, chapter 39)

## **An Act to ensure the continued provision of emergency medical services**

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**Introduced 25 July 2002**  
**Passage in principle 25 July 2002**  
**Passage 25 July 2002**  
**Assented to 25 July 2002**

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**Québec Official Publisher**  
**2002**

## EXPLANATORY NOTES

*This bill provides that at the request of the Minister of Health and Social Services, the president and executive director of a regional board must, where an institution's emergency services are interrupted or their maintenance is threatened and the Minister is of the opinion that the situation is or is likely to be prejudicial to the medical services to which every person is entitled, confer on the head of the regional department of general medicine of the regional board the responsibility of establishing in particular a list of on-duty physicians who are to provide medical services in the emergency services facility of the institution.*

*The bill orders the physicians designated on an on-duty list to report to the emergency services facilities of the institutions to which they are assigned and to participate in the periods of on-duty specified on the list. The bill also orders physicians to refrain, while providing services, from reducing, slowing down or modifying their professional activities in a manner that would interrupt or limit the medical services.*

*The bill contains certain prohibitions. A physician may not participate in concerted action that would result in the physician reducing, slowing down or modifying his or her professional activity or in becoming a professional who has withdrawn or a non-participating professional within the meaning of the Health Insurance Act. Similarly, the Association des spécialistes en médecine d'urgence du Québec, the Fédération des médecins omnipraticiens du Québec and the Fédération des médecins spécialistes du Québec may not undertake or continue concerted action that involves a contravention on the part of physicians of certain obligations or prohibitions imposed by the Act.*

*The bill empowers the Conseil des services essentiels to inquire into concerted action, apprehended or in progress, that affects the provision of medical services.*

*The bill also enacts various measures of an administrative, civil and penal nature for the purposes of the application of the Act.*

## **Bill 114**

### **AN ACT TO ENSURE THE CONTINUED PROVISION OF EMERGENCY MEDICAL SERVICES**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **DIVISION I**

##### **INTERPRETATION**

**1.** In this Act, unless the context indicates otherwise,

“Association” means the Association des spécialistes en médecine d’urgence du Québec constituted under the Professional Syndicates Act (R.S.Q., chapter S-40);

“Board” means the Régie de l’assurance maladie du Québec;

“Federations” means the Fédération des médecins omnipraticiens du Québec and the Fédération des médecins spécialistes du Québec, both Federations constituted under the Professional Syndicates Act;

“institution” means an institution to which the Act respecting health services and social services (R.S.Q., chapter S-4.2) applies that, on 1 June 2002, was dispensing emergency services;

“physician” means a general practitioner who is a member of a regional board’s regional department of general medicine or a physician who holds an emergency medicine specialist’s certificate.

#### **DIVISION II**

##### **MAINTENANCE OF EMERGENCY MEDICAL SERVICES**

**2.** At the request of the Minister of Health and Social Services, the president and executive director of a regional board must, where an institution’s emergency services are interrupted or their maintenance is threatened and the Minister is of the opinion that the situation is or is likely to be prejudicial to the medical services to which every person is entitled, confer the following responsibilities on the head of the regional board’s regional department of general medicine :

(1) establishing, with priority consideration given to the physicians in the territory of the regional board concerned, a list of on-duty physicians who are to provide medical services in the emergency services facility of the institution until the Minister has indicated to the president and executive director of the regional board that such a list is no longer necessary ;

(2) informing each of the physicians whose names appear on the on-duty list established pursuant to subparagraph 1 of the time and place at which the physician is to provide medical services, enabling the physician to present observations in that respect and, if he or she considers it necessary, modifying the list accordingly ; and

(3) seeing to it that the on-duty list established pursuant to subparagraph 1 is complied with and overseeing the participation of the physicians on the list.

In establishing the on-duty list referred to in subparagraph 1 of the first paragraph, the head of the regional department of general medicine of the regional board concerned, or the person responsible pursuant to section 3, must take into account the abilities necessary for the provision by a physician of emergency medical services. In addition, he or she must have particular regard to the location of the physician in relation to the institution in which the physician will be required to provide medical services, the frequency at which the physician will be required to provide the services and the provision of the medical services otherwise provided by the physician, particularly in the emergency services facility of an institution in the region.

**3.** If the head of the regional department of general medicine is unable or fails to establish the on-duty list referred to in subparagraph 1 of the first paragraph of section 2, the president and executive director of the regional board must confer the responsibilities referred to in that section on one of the members of the supervisory committee of the regional department of general medicine or, where that is not possible, the president and executive director must assume those responsibilities.

**4.** Except in the presence of exceptional circumstances the existence of which must be demonstrated to the satisfaction of the head of the regional department of general medicine of the regional board concerned or, as the case may be, the person responsible pursuant to section 3, every physician whose name appears on the on-duty list established pursuant to subparagraph 1 of the first paragraph of section 2 is required to report to the emergency services facility of the institution to which he or she is assigned and to participate in the periods of duty as provided on the list. No physician shall, in providing services, reduce, slow down or modify his or her professional activity in a manner that would interrupt or limit the medical services.

Such a physician is deemed to have sufficient status and the privileges necessary for the provision of medical services in the emergency services facility of the institution to which he or she is assigned.

**5.** No physician practising in the territory of the regional board concerned shall participate in concerted action that would result in the physician reducing, slowing down or modifying his or her professional activity or in becoming a professional who has withdrawn or a non-participating professional within the meaning of the Health Insurance Act (R.S.Q., chapter A-29).

Every notice of withdrawal or non-participation concerning such a physician that is transmitted to the Board between 1 July 2002 and 25 July 2002 is null unless the physician establishes that the notice was not transmitted as part of concerted action.

**6.** The Association and the Federations are prohibited from undertaking or continuing concerted action that involves a contravention of section 4 or 5 by physicians, whether or not the physicians are members of the Association or one of the Federations.

**7.** The Association and the Federations must take the appropriate means to induce their members to comply with sections 4 and 5.

**8.** No person may, by omission or otherwise, prevent or impede the provision of medical services, in particular medical services dispensed in an institution's emergency services facility.

**9.** No person may help or, by encouragement, advice, consent, authorization or order, induce a physician, the Association, either of the Federations or any other person to contravene any provision of this division.

**10.** The Conseil des services essentiels may, on its own initiative or at the request of an institution within the meaning of the Act respecting health services and social services, a regional board or the Minister of Health and Social Services, inquire into concerted action, apprehended or in progress, involving the Association, either of the Federations, or physicians practising in the territory of a regional board and that affects the provision of medical services.

**11.** The Conseil des services essentiels may, if it considers that the concerted action is or is likely to be prejudicial to the medical services to which every person is entitled, exercise the powers set out in sections 111.17 to 111.20 of the Labour Code (R.S.Q., chapter C-27).

### **DIVISION III**

#### **ADMINISTRATIVE AND CIVIL MEASURES**

##### **§1. — *Deductions***

**12.** From the time the Minister of Health and Social Services informs the Board in writing that the Minister has ascertained that the Association or either of the Federations has engaged in an act referred to in section 6 or has

failed to take the means referred to in section 7, the Board shall cease to deduct, for a period of one year, every union assessment, special assessment or other amount in lieu thereof required to be withheld by the Board pursuant to an agreement that binds the Board under section 19 of the Health Insurance Act and to which that of the Federations concerned is a party.

§2. — *Reduction of remuneration*

**13.** Notwithstanding any inconsistent provision of an Act, regulation or agreement, where the head of the regional department of general medicine or, as the case may be, the person responsible pursuant to section 3, informs the Board that a physician has contravened the first paragraph of section 4, no remuneration may be paid by the Board to the physician for medical services provided elsewhere than in the emergency services facility of the institution on the day on which the contravention took place.

If a payment has been made despite the provisions of the first paragraph, the Board shall recover the amount of the payment by set-off or otherwise.

In addition, after a period of contravention, the remuneration of a physician bound by an agreement under section 19 of the Health Insurance Act normally payable for medical services provided by the physician shall be reduced, for each day or part of a day during which the physician contravened the first paragraph of section 4, by an amount equal to twice the average remuneration paid to a physician by the Board for a day on which a physician completes an on-duty period in the institution's emergency services facility.

**14.** To establish the average remuneration referred to in the third paragraph of section 13, the Board shall consider the billing particulars of the medical practice of the physicians who completed an on-duty period in the emergency services facility of the institution concerned in the three months preceding the month in which the contravention took place.

**15.** The Board shall withhold the amounts recovered pursuant to the second and third paragraphs of section 13 and inform each physician concerned of the amounts withheld. Amounts are withheld up to 20% of the remuneration payable to the physician per billing period.

**16.** The Board shall remit the sums referred to in the third paragraph of section 13 to a registered charity within the meaning of the Taxation Act (R.S.Q., chapter I-3) designated by order of the Government.

**17.** Any disagreement as to the application of section 13 must be referred to arbitration as if it were a dispute resulting from the application of an agreement within the meaning of section 54 of the Health Insurance Act.

In the case of a disagreement as to the application of the first paragraph of section 13, a physician bound by an agreement under section 19 of the Health Insurance Act is entitled to the reimbursement of the amount withheld only if

the physician establishes that he or she complied with the first paragraph of section 4 or was prevented from complying therewith despite having taken all reasonable means to do so and that the non-compliance with that paragraph was not part of concerted action.

§3. — *Civil liability*

**18.** The Association and the Federations are liable for any damage caused during a contravention of section 4 or 5 by their members, unless they prove that the damage is not a result of the contravention, that the contravention is not part of concerted action or that the appropriate means to prevent the contravention were taken by the Association or by that of the Federations concerned.

**19.** Any person who suffers damage by reason of an act performed in contravention of section 4 or 5 may apply to the competent court to obtain compensation.

Notwithstanding article 1003 of the Code of Civil Procedure (R.S.Q., chapter C-25), where a person referred to in the first paragraph brings a class action under Book IX of that Code by way of a motion in accordance with the second paragraph of article 1002 of that Code, the court shall authorize the bringing of the class action if it is of the opinion that the person to whom the court intends to ascribe the status of representative is in a position to adequately represent the members of the group described in the motion.

## **DIVISION IV**

### **PENAL MEASURES**

**20.** Every person who contravenes the first paragraph of section 4, the first paragraph of section 5 or a provision of sections 6 to 9 is guilty of an offence and is liable, for each day or part of a day during which the offence continues, to a fine of

(1) \$100 to \$500 in the case of a person other than a person referred to in paragraphs 2 to 4;

(2) \$1,000 to \$5,000 in the case of a physician;

(3) \$7,000 to \$35,000 in the case of an executive, employee or representative of the Association or one of the Federations;

(4) \$25,000 to \$125,000 in the case of the Association or one of the Federations.

**21.** In penal proceedings under this Act, the status of member of the Ordre des médecins du Québec may be proved by the deposit of a copy of the roll of the Order or of an extract therefrom, certified true by the secretary of the

Order or by any other person it designates for that purpose. In addition, the status of a physician receiving remuneration from the Board under an agreement under section 19 of the Health Insurance Act may be proved by the deposit of the physician's registration card kept by the Board and certified true by the secretary of the Board or by any other person designated for that purpose by the president of the Board.

**22.** The Board may disclose to the Attorney General any information obtained for the enforcement of the Health Insurance Act or the Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., chapter R-5) if such information is required for the purposes of penal proceedings under this Act.

## **DIVISION V**

### **FINAL PROVISIONS**

**23.** In order to enable the head of the regional department of general medicine or the person responsible pursuant to section 3 to establish the list referred to in subparagraph 1 of the first paragraph of section 2, the Board shall, on request, communicate to the head or the person responsible the names and professional addresses of the physicians who, in the four years preceding the coming into force of this Act, submitted a claim for payment for medical services provided in an institution's emergency services facility.

For the purposes of this section, "institution" means an institution within the meaning of the Act respecting health services and social services.

**24.** This Act prevails over any inconsistent provision of the Act respecting health services and social services and the Health Insurance Act as well as over the regulations thereunder.

**25.** Where the president and executive director of a regional board, appointed by the Government, takes office on a date that is later than the date of coming into force of this Act, the responsibilities provided for in sections 2 to 4 shall be exercised by the executive director of the regional board until the time at which the president and executive director takes office.

**26.** Division II and section 23 of this Act cease to have effect on 31 December 2002 or on any later date to be determined by the Government.

**27.** The Minister of Health and Social Services is responsible for the administration of this Act.

**28.** This Act comes into force on 25 July 2002.

## Regulations and other acts

### M.O., 2002

#### **Minister's Order respecting the Rules for the awarding of certain contracts required by a municipal body or school board to implement, operate or use a broadband telecommunications network, dated 26 July 2002**

An Act to amend various legislative provisions concerning municipal affairs (2002, c. 37)

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL AND THE MINISTER OF EDUCATION,

CONSIDERING the first paragraph of section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, c. 37), which provides that any municipal body or school board may be party to an agreement having as its object the implementation, operation or use of a broadband telecommunications network and that persons other than a municipal body or school board, in particular the operator of a telecommunications enterprise, may also be parties to such an agreement;

CONSIDERING the fourth paragraph of that section, which provides that the parties to such an agreement may give one of the parties a mandate to make contracts for the purpose of carrying out the agreement;

CONSIDERING the fifth paragraph of that section, which allows the Minister of Municipal Affairs and Greater Montréal and the Minister of Education to jointly prescribe rules relating to the selection

(1) by a municipal body or school board, of any person, other than a public body or institution accredited for purposes of grants under the Act respecting private education (R.S.Q., c. E-9.1), who or which is to become a party to the agreement;

(2) of a contracting party, other than a public body or institution referred to in paragraph 1 or a party selected according to the rules established pursuant to the power referred to in that paragraph, in the case of a contract entered into for the purpose of carrying out the agreement or any other contract entered into by a municipal body or school board for the execution of work preliminary to the negotiation or making of the agreement;

CONSIDERING that it is expedient to prescribe those rules;

ORDER :

THAT the Rules for the awarding of certain contracts required by a municipal body or school board to implement, operate or use a broadband telecommunications network, attached to this Order, be made.

Québec, 8 July 2002

ANDRÉ BOISCLAIR, SYLVAIN SIMARD,  
*Minister of Municipal Affairs and Greater Montréal* *Minister of Education*

#### **Rules for the awarding of certain contracts required by a municipal body or school board to implement, operate or use a broadband telecommunications network**

An Act to amend various legislative provisions concerning municipal affairs (2002, c. 37, s. 282)

#### **CHAPTER I OBJECT**

**I.** This document introduces the Rules prescribed by the Minister of Municipal Affairs and Greater Montréal and the Minister of Education relating to the selection

(1) by a municipal body or school board, of any person, other than a public body or institution accredited for purposes of grants under the Act respecting private education (R.S.Q., c. E-9.1), who or which is to become a party to an agreement provided for in section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, c. 37); and

(2) of any contracting party, other than a public body, an institution referred to in paragraph 1 or a party selected according to the rules provided for in Chapter II, in the case of a contract provided for in the fourth paragraph of the said section 282 or any other contract entered into for the execution of work preliminary to the negotiation or making of the agreement provided for in this section.

## CHAPTER II SELECTION OF PARTIES TO THE AGREEMENT

**2.** The selection referred to in paragraph 1 of section 1 may be made by mutual agreement if the prospective party to the agreement is a non-profit organization.

In all other cases, the selection shall be made after a call for public proposals has been published by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to any municipal body or school board that is a party to the agreement. The call for public proposals must also be published in a newspaper circulated in the territory of any municipal body or school board that is a party to the agreement or, if it is not circulated therein, in a publication specialized in the field and sold mainly in Québec.

The call for public proposals may stipulate that more than one proposal may be selected. It may also stipulate that only proposals meeting one of the following conditions will be considered :

(1) the proposals are submitted by contractors or suppliers, in addition to contractors or suppliers having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to any municipal body or school board that is a party to the agreement ; or

(2) the goods concerned are produced in a territory that includes Québec and any other province or territory referred to in subparagraph 1.

The second paragraph of subsection 2 and subsections 3 to 6 and 8 of section 573, section 573.1.0.1 and section 573.1.0.1.1 of the Cities and Towns Act (R.S.Q., c. C-19) apply, adapted as required, in particular :

(1) one of the systems of bid weighting and evaluating must be selected ; and

(2) where the call for proposals provides for the selection of a number of proposals, only the number provided for may be selected and only the proposals with the highest scores may be considered.

## CHAPTER III SELECTION OF CONTRACTING PARTIES

**3.** The selection referred to in paragraph 2 of section 1 shall be made in accordance with the rules referred to in sections 573 to 573.3.0.3, 573.3.2 and 573.3.3 of the Cities and Towns Act or in the regulation made under section 573.3.0.1 of that Act, adapted as required, in particular :

(1) the call for public tenders must be published both

(a) in an electronic tendering system accessible to contractors and suppliers, in addition to those having an establishment in Québec, who have an establishment in any other province or territory covered by an intergovernmental trade liberalization agreement applicable to any municipal body or school board that is a party to the agreement ; and

(b) in a newspaper that is circulated in the territory of any municipal body or school board that is a party to the agreement or, if it is not circulated therein, in a publication specialized in the field and sold mainly in Québec ;

(2) the following is substituted for subsection 2.1 of section 573 of that Act :

“2.1. A call for public tenders may stipulate that only tenders meeting one of the following conditions will be considered :

(1) the tenders are submitted by contractors or suppliers, in addition to those having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the municipal body or school board that is a party to the agreement ; or

(2) the goods concerned are produced in a territory that includes Québec and any other province or territory referred to in subparagraph 1.” ; and

(3) the authorization referred to in subsection 7 of section 573 of that Act shall be given jointly by the Minister of Municipal Affairs and Greater Montréal and the Minister of Education. The authorization may be given by the Minister of Municipal Affairs and Greater Montréal alone if the contract that is the object of the authorization application concerns only a municipal body or by the Minister of Education alone if the contract which is the object of the authorization application concerns only a school board.

#### **CHAPTER IV**

##### **TRANSITORY AND FINAL**

**4.** Until 31 October 2002, the person making the selection referred to in paragraph 1 of section 1 following a call for proposals shall use the system of bid weighting and evaluating referred to in section 573.1.0.1 of the Cities and Towns Act.

However, this system may then provide for a minimum interim score.

**5.** These Rules come into force on the day of their publication in the *Gazette officielle du Québec*.



## Index Statutory Instruments

Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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