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Summary

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Regulations and other acts

M.O., 2008

Order number 2008-06 of the Minister of Transport dated June 11, 2008

Highway Safety Code
(R.S.Q., c. C-24.2)

CONCERNING the pilot project on use of three-wheeled motorcycles

THE MINISTER OF TRANSPORT,

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (R.S.Q., c. C-24.2) providing that the Minister of Transport may, subject to the conditions in the first paragraph of this section, authorize pilot projects to test the use of vehicles or to study, improve or develop traffic rules or standards applicable to safety equipment. The Minister may prescribe rules relating to the use of a vehicle on a public highway as part of a pilot project. The Minister may also authorize any person or body to use a vehicle in compliance with standards and rules prescribed by the Minister that are different from those provided in this Code and its regulations;

CONSIDERING the third paragraph of section 633.1 of the Highway Safety Code, providing that pilot projects are conducted for a period of up to three years and providing that the Minister may determine the provisions of an order made under this section, the violation of which is an offence, and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$30 or more than \$360.

CONSIDERING the first paragraph of this section providing that the order of the Minister is published in the *Gazette officielle du Québec* in accordance with the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING sections 12 and 18 of the Regulations Act, providing that a regulation may be made without having been published as a proposed regulation and may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it, provided the reason for the urgency is published;

CONSIDERING the urgency of the situation due to the following circumstances justifying the failure of prior publication and such coming into force:

— the regulatory justification allowing use of three-wheeled motorcycles as part of a pilot project must come into force on June 11, 2008, to coincide with the start of the 2008 summer season;

ORDERS AS FOLLOWS:

1. The Société de l'assurance automobile du Québec is authorized to implement the pilot project on use of three-wheeled motorcycles on the basis of the following:

(a) the introduction of new technologies that comply with road safety;

(b) testing of the use of three-wheeled motorcycles;

(c) gathering information about the operation of three-wheeled motorcycles to determine the aptitudes necessary and learning methods, to develop proficiency examinations linked to the issue of licences and to assess the introduction of these vehicles into automobile traffic and their impact on the highway system;

(d) the partial delegation of authority to other persons for the purpose of implementing this pilot project is authorized provided their expertise is necessary and the agreement of this delegation of authority is published on the Société's Web site.

2. Sections 3 to 21 regulate the use of three-wheeled motorcycles by individuals who are registered in the pilot project. These sections are revoked on October 31, 2010.

3. To register in this pilot project, a person must:

(1) own a particular model of three-wheeled motorcycle that is registered;

(2) hold a class 5 driver's licence;

(3) have never had a class 5 driver's licence authorizing the person to drive a three-wheeled motorcycle revoked;

(4) have never had an authorization to drive a three-wheeled motorcycle revoked;

(5) not hold a class 5 driver's licence authorizing the person to drive another model of three-wheeled motorcycle;

(6) not be an administrator of the manufacturer of this model, a member of its staff or an immediate family member of an administrator or staff member, more specifically the spouse, father, mother, brother, sister, son or daughter;

(7) provide an email address to receive the link to access the assessment questionnaires of the Société or its representative;

(8) provide his or her telephone numbers.

4. Section 65 of the Highway Safety Code (R.S.Q., c. C-24.2) does not apply to driving a three-wheeled motorcycle.

5. To drive a particular model of three-wheeled motorcycle, a person must hold a class 5 driver's licence authorizing operation of this model of three-wheeled motorcycle.

A person who contravenes the first paragraph commits an offence and is liable to a \$300 to \$360 fine.

6. A restricted licence does not authorize operation of a three-wheeled motorcycle if a probationary licence or class 5 driver's licence has been revoked.

If, upon receipt by the Société of an order to issue a restricted licence under section 118 of the Highway Safety Code, the first paragraph applies to the person named in this order or if, between the date determined for the filing of an application and the date of issue of a restricted licence, the right of this person to obtain a licence is the object of a suspension that is in effect or that has been imposed but is not yet in effect, the Société must notify the judge who issued the order of the situation. The judge may then amend the order by allowing the applicant to submit comments.

7. To drive a three-wheeled motorcycle within 90 days of settling in Québec without obtaining a driver's licence, a new resident must hold a valid driver's licence authorizing operation of a motorcycle issued by another administering authority.

8. A class 6R learner's licence does not authorize the holder to drive a three-wheeled motorcycle.

9. To obtain a class 5 driver's licence authorizing the holder to drive a particular model of three-wheeled motorcycle, a person must:

(1) be registered in the pilot project and meet the conditions prescribed in subparagraphs 1 to 8 of section 3;

(2) submit a declaration from the manufacturer stating that the person has successfully passed a driving course, approved by the Société, to drive this model.

The requirement of a proficiency examination set forth in sections 67 and 81 of the Highway Safety Code does not apply to obtain this licence.

The maximum number of licences that can be issued authorizing operation of a particular model, in accordance with the first paragraph, is 100. There must be at least 5 licence holders of each sex per group of 50 licences issued.

10. If a class 5 driver's licence authorizes the holder to drive a particular model of three-wheeled motorcycle, the authorization to drive this model of three-wheeled motorcycle is valid from the date the licence is issued until October 31, 2010 or until the expiry date of the licence, whichever comes first.

11. A class 5 driver's licence authorizing the holder to drive a particular model of three-wheeled motorcycle consists of two parts produced on two documents, one of which contains the information determined in section 5 of the Regulation respecting licences made by Order in Council 1421-91 on October 16, 1991, and the other of which contains the following information:

(1) the licence holder's file number;

(2) the licence holder's surname and first name;

(3) a note that the Société authorizes the holder to drive a particular model of three-wheeled motorcycle indicating the name of the model, the manufacturer, brand name if it exists, as well as the date the authorization comes into force and the date it expires;

(4) a note indicating that the holder is registered in the pilot project;

(5) a note that payment is due each year on the holder's birth date.

12. The Société issues a class 5 driver's licence authorizing the holder to drive a particular model of three-wheeled motorcycle for purposes of a driving course provided by the manufacturer, to a person who meets the conditions set forth in subparagraphs 1 to 8 of section 3, in subparagraph 1 of section 9 and who is registered in the driving course provided by the manufacturer of this model.

13. The holder of a class 5 driver's licence authorized to drive a particular model of three-wheeled motorcycle is required, upon request by the Société or its representative, to fill out their online assessment questionnaires.

14. For purposes of enforcing section 100 of the Highway Safety Code, a holder of a class 5 driver's licence who is authorized to drive a particular model of three-wheeled motorcycle cannot serve as an accompanying rider for the holder of a learner's licence to drive a motorcycle.

A person who contravenes the first paragraph is liable to a \$30 to \$60 fine.

15. The owner, lessee or person who has control of a three-wheeled motorcycle cannot allow this vehicle to be driven by a person who does not hold a licence required to drive a motorcycle.

A person who contravenes the first paragraph commits an offence and is liable to a \$300 to \$360 fine.

16. The Société revokes authorization to drive a particular model of three-wheeled motorcycle if the licence holder:

(1) following a request from the Société or its representative, fails to fill out the online assessment questionnaires within the period specified by the Société or its representative;

(2) is found guilty of an offence under section 15.

17. A person whose authorization to drive a particular model of three-wheeled motorcycle has been revoked must, at the request of the Société, return to the Société the part of the licence authorizing the holder to drive a particular model of three-wheeled motorcycle, by the date the revocation comes into force or at a later date determined by the Société.

The Société can ask a peace officer to confiscate the part of the licence authorizing the holder to drive a particular model of three-wheeled motorcycle if the holder refuses or fails to comply with this requirement. At the request of a peace officer, who shall give the reasons therefor, the person must submit this part of the licence to the peace officer.

A person who contravenes the first or second paragraph commits an offence and is liable to a \$300 to \$360 fine.

18. With respect to preauthorized payment for a driver's licence, if an authorization to drive a particular model of three-wheeled motorcycle is revoked, preauthorized payments shall continue unless the holder notifies the Société that such payments have been stopped, in which case the balance owing shall be due and payable.

19. If an authorization to drive a particular model of three-wheeled motorcycle is cancelled or revoked, the licence holder is not entitled to reimbursement of any licence fees.

20. Section 209.1 of the Highway Safety Code does not apply to operation of a three-wheeled motorcycle.

21. A peace officer who has reasonable and probable cause to believe that a person driving a three-wheeled motorcycle does not hold the licence prescribed in section 5 can immediately, at the expense of the owner and on behalf of the Société, seize and impound the vehicle for 30 days.

Sections 209.3 to 209.26 of the Highway Safety Code apply to the seizure practised in accordance with the first paragraph with such modifications as the circumstances require.

22. The order of the Minister comes into force on the date of its publication in the *Gazette officielle du Québec*. It is revoked on June 17, 2011.

JULIE BOULET,
Minister of Transport

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

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