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Laws and Regulations

Volume 152

Summary

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CQLR, c. C-8.1.1, r. 1

Regulation respecting the *Gazette officielle du Québec*, section 4

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- (2) proclamations and Orders in Council for the coming into force of Acts;
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Regulations and other Acts

M.O. 2020

Order number 2020-14 of the Minister of Transport dated 3 August 2020

Highway Safety Code
(chapter C-24.2)

Suspension, on certain conditions, of several provisions of the Highway Safety Code to allow the use of a motorized mobility aid on public highways and its cohabitation with other road users

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport may, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of the Code or the regulations for the period specified by the Minister, if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that section 633.2 of the Code also provides that the Minister may prescribe any rule, applicable when using the exemption, that ensures an equivalent level of safety in the Minister's opinion;

CONSIDERING that section 633.2 of the Code provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under that section 633.2;

CONSIDERING section 18 of the Regulations Act, which provides that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and 15 days after that date where the authority that is making it is of the opinion that the urgency of the situation requires it and the reason justifying such coming into force must be published with the regulation;

CONSIDERING that it is appropriate to suspend, for owners, users and, where applicable, passengers under 5 years of age of motorized mobility aids and with respect to those vehicles, several provisions of the Highway Safety Code that apply to pedestrians and to owners, drivers or passengers of motorcycles, passenger vehicles, motor vehicles or road vehicles and those that apply to any of those vehicles, and to suspend certain requirements

provided for in the Code for pedestrians accompanying users of motorized mobility aids and for drivers of other types of road vehicles;

CONSIDERING that the Minister considers that the suspension of those provisions provided for in the Highway Safety Code, in compliance with the conditions imposed, is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that the Minister considers that the rules that the Minister prescribes to use the exemption ensure an equivalent level of safety;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted on the suspension;

CONSIDERING that the Minister of Transport is of the opinion that the urgency to temporarily suspend several provisions of the Highway Safety Code for owners and users or, where applicable, passengers under 5 years of age of motorized mobility aids and with respect to those vehicles and to suspend certain requirements provided for in the Code for pedestrians accompanying users of motorized mobility aids and for drivers of other types of road vehicles is due in particular to the following circumstances and justifies a coming into force on the day following the date of its publication in the *Gazette officielle du Québec*:

— the Pilot project concerning motorized mobility aids (chapter C-24.2, r. 39.1.1) was revoked on 1 June 2020;

— since that date, owners, users and passengers of motorized mobility aids must comply with the rules set out in the Highway Safety Code, which are not adapted to the reality of the use of those vehicles;

— a number of users of such vehicles are mobility impaired persons;

— it is important to allow those persons to travel as safely as possible on public highways by adapting the rules that apply to them to the reality of their vehicle and making the rules public and mandatory so that all road users know where they will travel and how they will interact on public highways;

ORDERS AS FOLLOWS:

CHAPTER I**DEFINITION AND SCOPE**

1. In this Order, unless the context indicates otherwise,

“motorized mobility aid” means

- (1) a wheelchair propelled by an electric motor; or
- (2) any other vehicle designed to make up for an inability to walk that has the following features:
 - (a) it is designed for only 1 person;
 - (b) it is equipped with a seat, which cannot be straddled, and backrest as well as footrests and armrests;
 - (c) it is not equipped with brake, accelerator or clutch pedals or pedals to convey the force of the user’s foot to the vehicle’s transmission system;
 - (d) it is propelled by an electric motor;
 - (e) it moves on 3 or 4 wheels;
 - (f) it has a maximum width of 75 cm, including equipment, except if its use is prescribed to the user by a health professional;
 - (g) it is not equipped with a closed cabin or sides closed using a rigid or soft, transparent or opaque, material;

“health professional” means a person who holds a permit issued by one of the following orders and who is entered on the roll of the order concerned:

- (1) Ordre professionnel des chiropraticiens du Québec;
- (2) Ordre professionnel des ergothérapeutes;
- (3) Ordre professionnel des médecins du Québec.

Despite the first paragraph, the following vehicles are not motorized mobility aids:

- (1) a vehicle made by hand;
- (2) a vehicle that, before being altered, did not have all the characteristics of a motorized mobility aid.

2. This Order applies on public highways, on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed.

CHAPTER II**SUSPENSION OF CERTAIN PROVISIONS OF THE HIGHWAY SAFETY CODE AND RULES OF INTERPRETATION**

3. The following provisions of the Highway Safety Code (chapter C-24.2) applicable to the owner or driver of a motorcycle, passenger vehicle, motor vehicle or road vehicle and those applicable to any of those vehicles are suspended for the owner and the user of a motorized mobility aid and with respect to that vehicle:

- (1) the provisions of Titles I to V and VIII.2 to IX.1;
- (2) the provisions of Title XI, except those of sections 607, 608 and 611.

4. Where all the rules set out in Chapter 3 are complied with, the following provisions of the Highway Safety Code (chapter C-24.2) applicable to a pedestrian, the owner, the driver or the passenger of a motorcycle, passenger vehicle, motor vehicle or road vehicle and those applicable to any of those vehicles are also suspended for the owner, the user and, where applicable, the passenger under 5 years of age of a motorized mobility aid and with respect to that vehicle:

- (1) the provisions of Title VI, except those of sections 226.1, 226.2, 238, 248, 249, 251, 255, 256 and 267 and those of Chapter V;
- (2) the provisions of Title VIII, except those of the first paragraph of section 319, sections 327, 333, 334, 334.1 and 345, the first paragraph of section 348, sections 359.2, 380, 381, 381.1, 382, 384, 388.1, 390, 391, 392, 393, 394, 412, 417.1, 417.2, 420, 421, 423, 428, 443, 443.6, 496.1, 498, 498.1, 500, 502 and 503 and Chapter VII.

5. The provisions of Title VII of the Highway Safety Code (chapter C-24.2) and the regulations made under the Code must be interpreted by taking into consideration the provisions of this Order on traffic rules which provide that the user of a motorized mobility aid behaves as a pedestrian or a cyclist, as the case may be.

6. Road users must behave with users of motorized mobility aids as if the latter were pedestrians or cyclists, as the case may be.

CHAPTER III**RULES TO COMPLY WITH TO BENEFIT FROM
THE SUSPENSION OF CERTAIN PROVISIONS
OF THE HIGHWAY SAFETY CODE****DIVISION I****MOTORIZED MOBILITY AIDS
AND THEIR EQUIPMENT**

7. In addition to the equipment provided for in this Division, a motorized mobility aid must have the equipment installed by the manufacturer and that is necessary for the operation of the vehicle or the safety of users.

8. A motorized mobility aid must not have undergone alterations, including to the chassis, the body, a system or a mechanism, which may reduce its stability or braking capacity. Its equipment must not have undergone such alterations.

9. The equipment covered by this Order must constantly be kept in good working order.

*§1. Provisions respecting lighting devices
and warning lights*

10. A motorized mobility aid must carry

- (1) a white or yellow reflector on the front;
- (2) a red reflector at the rear; and
- (3) a white, yellow or red reflective strip or reflector installed as high as possible on each side of the vehicle.

Despite the first paragraph, a wheelchair propelled by an electric motor may carry reflective strips in lieu of the reflectors prescribed in this section.

11. A motorized mobility aid must, when travelling on a road where the maximum authorized speed limit is 50 km/h, be equipped with a triangular orange flag at least 300 cm² in size whose higher end, in a vertical position, is at least 150 cm from the ground.

12. Except for a wheelchair propelled by an electric motor, a motorized mobility aid must also carry 1 or 2 white headlights or lights and 1 or 2 red tail-lights, all of which may be flashing when travelling

- (1) at night; or
- (2) on a public highway where the maximum authorized speed limit is over 50 km/h.

The white headlights or lights must be firmly attached to the vehicle and be so adjusted as to produce, under normal atmospheric conditions and on a level road, sufficient light to enable the user of the vehicle to discern a person or object within a distance of 10 m.

This section does not prevent a wheelchair propelled by an electric motor from carrying the headlights or lights provided for in the first paragraph.

13. The headlights, lights and reflectors prescribed in this Division must be visible at a distance of not less than 150 m.

They must be kept free of any obstructing matter that reduces their effectiveness.

If equipment installed on a vehicle blocks the vehicle's headlights, lights or reflectors, the vehicle or equipment must carry equivalent headlights, lights or reflectors in places where they are visible.

14. The lights and reflectors prescribed by this subdivision may be combined on the condition that they meet the requirements of this Division.

§2. Provisions respecting brakes and brake systems

15. A motorized mobility aid must be equipped with at least one brake system. The system must be sufficiently powerful to stop the vehicle quickly in case of emergency and hold the vehicle stationary.

16. No person may use a motorized mobility aid having a brake system that has been modified or altered in such a way as to reduce its effectiveness.

§3. Provisions respecting a roof or a windshield

17. A motorized mobility aid may be equipped with a roof or a windshield to the extent that the roof or windshield

- (1) does not have the effect of reducing or preventing good visibility from inside or outside the vehicle;
- (2) is solidly attached to the vehicle; and
- (3) is designed specifically for that vehicle and is not made by hand.

18. The windshield of a motorized mobility aid must be

(1) transparent and manufactured or treated as to substantially reduce friability and the likelihood of shattering; and

(2) free of any material that might reduce visibility for the user.

It must not

(1) have sharp edges or be incorrectly fixed; or

(2) be tarnished, cloudy or broken in a way that reduces the user's vision of the road or road signs.

19. No mirror-like material must be affixed to or sprayed on the windshield of a motorized mobility aid.

DIVISION II RULES OF THE ROAD

§1. *General*

20. To use a motorized mobility aid whose width, including equipment, exceeds 75 cm, the user must have in his or her possession a prescription of a health professional, written in compliance with the model in Schedule I, prescribing the use of a motorized mobility aid whose width exceeds 75 cm.

The user must remit the prescription for examination to a peace officer, at the peace officer's request.

The peace officer must return the prescription to the user as soon as the peace officer has examined it.

This section does not apply to the user of a wheelchair propelled by an electric motor.

21. The user of a motorized mobility aid must remain seated on the seat.

Despite the first paragraph, the user of a wheelchair propelled by an electric motor may travel standing up where the model so allows and the user has in his or her possession a prescription of a health professional, written in compliance with the model in Schedule I, prescribing the use of a wheelchair propelled by an electric motor and that is operated standing up.

The user referred to in the second paragraph must remit the prescription for examination to a peace officer, at the peace officer's request.

The peace officer must return the prescription to the user as soon as the peace officer has examined it.

22. No user of a motorized mobility aid may carry passengers.

Despite the first paragraph, the user may carry only 1 child under 5 years of age provided that

(1) the user uses a restraint system;

(2) the child is placed so as not to obstruct the user's view or interfere with the proper handling of the vehicle;

(3) the user travels at a safe and reasonable speed;

(4) the user does not compromise or is not likely to compromise his or her safety or the safety of the child and other road users.

23. The user of a motorized mobility aid may not use it to tow or push a trailer or any other object.

The prohibition provided for in the first paragraph does not apply to the user of a wheelchair propelled by an electric motor pushing a stroller specifically designed for that vehicle.

24. The user of a motorized mobility aid must, at night or when travelling on a public road where the maximum authorized speed limit is over 50 km/h, turn on the headlights or lights installed on the vehicle.

§2. *Areas of use*

25. Unless otherwise provided, the user of a motorized mobility aid may travel on the roadway or the shoulder and, to the extent that doing so is not likely to compromise the safety of pedestrians and other users, on a sidewalk or in a cycle lane. The user must however favour using the motorized mobility aid in the cycle lane when it is possible to do so.

26. Subject to section 453.1 of the Highway Safety Code (chapter C-24.2) applicable under subparagraph 1 of the second paragraph of section 33, the user of a motorized mobility aid must travel on a sidewalk, in a cycle lane or on the shoulder whose width is at least 1 m and whose surface is flat, to the extent that they are in good condition and doing so is not likely to compromise the user's safety and that of other users when travelling

(1) on a public highway where the maximum authorized speed limit is over 50 km/h; or

(2) in a traffic circle.

Where the user is unable to travel on a sidewalk, in a cycle lane or on the shoulder, the user may travel on the roadway of

- (1) the public highway referred to subparagraph 1 of the first paragraph over a short distance or to go to a location that is accessible only by using that public highway; or
- (2) the traffic circle.

27. The user of a motorized mobility aid must travel on the sidewalk where the sign or signal prescribes that requirement for cyclists.

28. Subject to sections 26 and 27, no user of a motorized mobility aid may travel on the sidewalk where the vehicle is not equipped with a brake that is activated automatically when the accelerator is released.

The user must, at the request of a peace officer who has reasonable grounds to believe that the vehicle's brake does not activate automatically when the accelerator is released, allow the peace officer to verify the brake system of the vehicle.

This section does not apply to the user of a wheelchair propelled by an electric motor.

29. Where there is no sidewalk or cycle lane or where the sidewalk or cycle lane does not make it possible for the user of a motorized mobility aid to travel on it, the user may, despite the first and second paragraphs of section 487 of the Highway Safety Code (chapter C-24.2) applicable under subparagraph 2 of the first paragraph of section 33, travel on the roadway or the shoulder in the direction opposite to that of vehicular traffic to avoid crossing the roadway more than once over a short distance or to travel on the lighted side of the public highway or the side where the shoulder is wider, after making sure it can be done safely.

§3. *Special traffic rules*

30. No user of a motorized mobility aid travelling in a cycle lane, on a roadway or the shoulder may turn left or cross the roadway diagonally. The user must cross the roadway perpendicularly to its axis. The user may do so when facing a green light, a white silhouette of a pedestrian light or, in the absence of traffic lights, after making sure it can be done safely.

Despite the first paragraph, the user of a motorized mobility aid may cross an intersection diagonally if authorized to do so by a peace officer or a school guard, or by a sign or signal applicable to pedestrians.

31. No motorized mobility aid may travel

- (1) between 2 rows of vehicles moving in contiguous lanes; or
- (2) between a vehicle travelling in the same lane and a vehicle parked to the right or left of that lane.

32. The user of a motorized mobility aid

(1) must travel on a sidewalk at a safe and reasonable speed, that cannot exceed 10 km/h and that takes into account pedestrian traffic on the sidewalk, the environment and infrastructure, and, where applicable, adjust the speed to that of other users; and

(2) must not travel in a cycle lane, on a roadway or the shoulder at a speed exceeding 32 km/h and, where applicable, in a manner that compromises or is likely to compromise the safety of pedestrians.

§4. *Application of certain traffic rules applicable to cyclists and pedestrians*

33. Except the provisions of sections 347, 350, 424, 437.1, 448, 449, 452, 453, 477, 478, 479 and 485, the third paragraph of section 487 and sections 489, 490, 491, 492.1 and 492.2 of the Highway Safety Code (chapter C-24.2), the user of a motorized mobility aid must, with the necessary modifications, comply with the requirements and prohibitions provided for in the provisions of Title VIII of the Code

(1) applicable to a pedestrian when travelling on a sidewalk, in an intersection when the pedestrian was travelling on the sidewalk just before crossing the intersection or on a shared street; and

(2) applicable to a cyclist, specifically or by a provision covering all vehicle drivers, when travelling in a cycle lane, on a roadway, the shoulder or a bicycle boulevard, except in the cases already referred to in subparagraph 1.

Despite the first paragraph, the user of a motorized mobility aid must, regardless of the area of use and with the necessary modifications, comply with the requirements and prohibitions

(1) applicable to pedestrians that are provided for in sections 453.1 and 453.2 of the Code; and

(2) applicable to cyclists that are provided for in sections 404, 405, 424, 434.0.1, 442, 443.1, 443.2 and 443.7 of the Code.

§§1. *Distractions while driving*

34. Despite subparagraph 2 of the second paragraph of section 33, the prohibitions provided for in sections 443.1 and 443.2 of the Highway Safety Code (chapter C-24.2) that apply to cyclists do not apply to the user of a wheelchair propelled by an electric motor.

35. Despite the first paragraph of section 443.2 of the Highway Safety Code (chapter C-24.2) applicable under subparagraph 2 of the second paragraph of section 33, the user of a motorized mobility aid may wear an earphone in only one ear when it is technical guidance assistance or necessary to ensure the user's safety.

36. In addition to what is provided for in section 443.7 of the Highway Safety Code (chapter C-24.2) applicable under subparagraph 2 of the second paragraph of section 33, the user of a motorized mobility aid is not required to comply with sections 443.1 and 443.2 of the Code if the user's vehicle is stopped on a sidewalk or in a cycle lane in such a way that does not obstruct traffic.

CHAPTER IV
RULES OF THE ROAD APPLICABLE
TO PEDESTRIANS

37. The requirement provided for in the first paragraph of section 453 of the Highway Safety Code (chapter C-24.2) for any pedestrian accompanying the user of a motorized mobility aid and travelling in the same direction as traffic is suspended.

CHAPTER V
RULES OF THE ROAD APPLICABLE
TO ROAD VEHICLES

38. The first paragraph of section 326.1 of the Highway Safety Code (chapter C-24.2) is suspended with respect to the driver of a road vehicle to the extent that the crossing of the roadway lines referred to in that paragraph may be carried out safely to pass a motorized mobility aid.

39. The requirement for the driver of a road vehicle to comply with the reasonable distance prescribed by section 341 of the Highway Safety Code (chapter C-24.2) is suspended if there is sufficient space to allow the driver to safely pass or meet the user of a motorized mobility aid, a cyclist or a pedestrian.

CHAPTER VI
FINAL

40. This Order may be cited under the title "Order respecting motorized mobility aids".

41. This Order comes into force on the day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on 1 June 2025.

SCHEDULE I*(Sections 20 and 21)***PRESCRIPTION FOR THE USE OF A MOTORIZED MOBILITY AID WHOSE WIDTH EXCEEDS 75 CM OR A WHEELCHAIR PROPELLED BY AN ELECTRIC MOTOR AND THAT IS OPERATED STANDING UP**

I, _____, _____, member of
(first and last names of the professional) (number of licence to practise)

- the Ordre professionnel des chiropraticiens du Québec;
- the Ordre professionnel des ergothérapeutes du Québec;
- the Ordre professionnel des médecins du Québec;

prescribes to _____, _____,
(first and last names of the patient) (date of birth)

- the use of a motorized mobility aid whose width exceeds 75 centimetres;
- the use of a wheelchair propelled by an electric motor and that is operated standing up.

This prescription is valid until _____.
(In the absence of an end date, the prescription is valid for two years.)

In _____, this _____ day of _____ 20____,
(city or town)

(signature of health professional)

(name of institution or clinical site)

(telephone number)

(mailing address)

¹ Except for the signature of the professional, this prescription must be completed in print or block letters.

Québec, 3 August 2020

FRANÇOIS BONNARDEL
Minister of Transport

104569

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

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