

Gouvernement du Québec

O.C. 298-96, 6 March 1996

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

**Agreement with Florida concerning
Driver Licenses and Traffic Offenses**

Implementation of an Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses

WHEREAS in accordance with Order in Council 779-95 dated 7 June 1995, the Minister of International Affairs, Immigration and Cultural Communities was authorized to sign alone a Reciprocal Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses;

WHEREAS under that Order in Council, the Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses was approved by the Government;

WHEREAS under section 20 of the Act respecting the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles (R.S.Q., c. M-21.1), the Minister may, in writing, authorize a person to sign an international agreement on his behalf;

WHEREAS Mr. Jean-Yves Gagnon, Chairman of the Société de l'assurance automobile du Québec was authorized by the Minister to sign on his behalf the Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses and that the Agreement was signed on 21 July 1995;

WHEREAS under section 19 of the Act respecting the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles, the Minister shall see to the implementation of international agreements;

WHEREAS under section 629 of the Highway Safety Code (R.S.Q., c. C-24.2), the Minister of Transport may, according to law, enter into an agreement with any government, department or body respecting any matter referred to in this Code;

WHEREAS that section also specifies that an agreement may exempt any person from the application of part of this Code and that the Société de l'assurance automobile du Québec shall be responsible for the implementation of such an agreement;

WHEREAS under section 631 of the Code, the Government may, by regulation, adopt the necessary measures to give effect to an agreement respecting a matter referred to in section 629 of the Code and that the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1), does not apply to such a regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport and of the Minister of International Relations:

THAT the Regulation respecting a Reciprocal Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

**Regulation respecting a Reciprocal
Agreement between the State of
Florida and the Government of
Québec concerning Driver Licenses and
Traffic Offenses**

Highway Safety Code
(R.S.Q., c. C-24.2, s. 631)

1. The application of the Highway Safety Code (R.S.Q., c. C-24.2) to a holder of a driver's licence issued by the Société de l'assurance automobile du Québec or by the Department of Highway Safety and Motor Vehicles of the State of Florida is subject to the provisions contained in the Reciprocal Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses, the text of which appears attached hereto.

2. This Regulation comes into force on 1 April 1996.

**RECIPROCAL AGREEMENT BETWEEN THE
STATE OF FLORIDA AND THE GOVERNMENT OF
QUÉBEC CONCERNING DRIVER LICENSES AND
TRAFFIC OFFENSES**

WHEREAS the State of Florida and the government of Québec wish to:

1. Promote compliance with traffic laws and improve highway safety within their own borders;
2. Facilitate, for their respective residents who hold a valid driver license, the issuance of a license from the other jurisdiction to which they are moving;

3. Further highway safety by treating offenses for which their residents have been declared guilty in the other jurisdiction as if they had been committed in the home jurisdiction, for purposes of updating and maintaining driver license records;

4. Strengthen cooperation between the two jurisdictions so that residents satisfy fines imposed as a result of offenses committed within the other jurisdiction;

5. Allow drivers to accept traffic citations for certain offenses and proceed on their way without delay.

THEREFORE, the State of Florida and the government of Québec agree to the measures set forth in this Agreement.

ARTICLE 1 DEFINITIONS

For the purposes of this Agreement:

1.1 “Jurisdiction” refers to the State of Florida or to the government of Québec.

1.2 “Home jurisdiction” means:

the jurisdiction that issues a driver license and has the authority to suspend or revoke it.

1.3 “Jurisdiction of origin” means:

the jurisdiction which has issued the driver license that the holder wants to exchange for a license of the jurisdiction where he now resides.

1.4 “Declaration of guilt” means:

an admission of guilt entered by or on behalf of the driver or a finding of guilt after trial and, where applicable, an adjudication of guilt in a competent court, or payment of a fine for an offense mentioned under paragraph 3.1 committed in either jurisdiction.

1.5 “Florida driver license” means:

a class E regular operator’s license issued by the Department of Highway Safety and Motor Vehicles to a person who does not operate a commercial vehicle and who is not required to hold a commercial driver’s license.

1.6 “Québec driver license” means:

a class 5 driver license issued by the Société de l’assurance automobile du Québec authorizing its holder

to drive a two-axle motor vehicle whose net weight is less than 4 500 kg, a motor vehicle permanently converted into living quarters, a service vehicle and special mobile equipment.

1.7 “Valid driver license” means:

a driver license that at the time of exchange has not expired and is not revoked or suspended in accordance with the laws of the issuing jurisdiction.

1.8 “Points” means:

demerit points or violation points assessed by a jurisdiction for certain offenses.

ARTICLE 2 DRIVER LICENSE EXCHANGE

2.1 A resident of Florida who holds a valid Florida driver license may upon becoming a resident of Québec, exchange such license without examination other than a vision test, for a Québec driver license upon payment of the prescribed fees and the insurance contribution fixed by section 151 and 151.2 of the Automobile Insurance Act (R.S.Q., c. A-25) and revalorized where such is the case, in accordance with section 151.4 of the Act.

2.2 A resident of Québec who holds a valid Québec driver license may upon becoming a resident of Florida, exchange such license, without an examination other than a vision test, for a Florida driver license upon compliance with Chapter 322 of the Florida Statutes.

2.3 The exchanged license shall either be returned to the jurisdiction of origin or destroyed and notification sent to the jurisdiction of origin.

2.4 The jurisdiction of origin will verify the validity of the license by disclosing to the home jurisdiction the following information, if available:

- the holder’s name and address;
- the holder’s height and sex;
- the holder’s driving record;
- the driver’s license number;
- the period of validity of the license;
- any restrictions to which the holder is subject;
- any suspensions or revocations of record, including:
 - the reason for such suspension or revocation;
 - the period of closed suspensions or revocations;
- the date of disclosure.

2.5 Information obtained by the new jurisdiction of residence pursuant to paragraph 2.4, becomes part of the driver record.

2.6 A driver license issued pursuant to paragraphs 2.1 or 2.2 may be subsequently suspended, revoked, canceled or restricted, or additional examination may be required based upon information received pursuant to paragraph 2.4.

ARTICLE 3

REPORTS AND EFFECTS OF CONVICTION

3.1 Declarations of guilt concerning the following offenses shall be reported to the home jurisdiction by the jurisdiction in which the offense was committed:

3.1.1 Major offenses

— Offenses relating to the operation of a motor vehicle while under the influence of alcohol or drugs, under sections 316.193(1) and 316.1932 of the Florida Statutes and under sections 253 and 254 of the Criminal Code of Canada (hereinafter referred to as the “Criminal Code”);

— Offenses resulting in death or serious bodily injury relating to the operation of a motor vehicle, under sections 782.07 and 782.071 of the Florida Statutes and under sections 220 and 236 of the Criminal Code;

— Offenses relating to reckless driving, under 316.192(1) of the Florida Statutes and under section 249(1)(a) of the Criminal Code;

— Offenses relating to the failure to stop at the scene of a fatal or personal injury accident or leaving without reporting, under sections 316.027(1), 316.062(1), 316.063(1) and 316.065(1) of the Florida Statutes and under section 252(1)(a) of the Criminal Code and sections 168 and 170 of the Highway Safety Code of Québec (hereinafter referred to as the “Highway Safety Code”).

— Offenses relating to school bus traffic safety, under section 316.172 of the Florida Statutes and under section 460 of the Highway Safety Code.

3.1.2 Other offenses

— Offenses relating to driving over a prescribed or posted speed limit or at a speed in excess of that required for the safe operation of a motor vehicle under sections 316.183(1) and (2), 316.187(1) and (2) and under sections 327 to 329 of the Highway Safety Code;

— Offenses relating to the failure to obey a traffic control device under section 316.123(2) and under sections 368 and 370 of the Highway Safety Code.

3.1.3 County or municipal offenses

— Offenses relating to the operation of a motor vehicle under county or municipal by-laws or ordinances, substantially similar to those offenses concerning the Highway Safety Code listed in subparagraph 3.1.1 and 3.1.2.

3.2 For the purposes of driver license records, the home jurisdiction shall recognize a declaration of guilt in the other jurisdiction concerning one of its residents as if the violation were committed in the home jurisdiction. Points shall be assessed and suspensions or revocations imposed in accordance with the appendix to this Agreement.

ARTICLE 4

ISSUANCE OF CITATION

4.1 A law enforcement officer issuing a citation to a driver who is a resident of the other jurisdiction, shall not require the posting of collateral or take the driver into custody except as provided under paragraph 4.2.

4.2 A law enforcement officer may, for an offense included in subparagraph 3.1.1, require the posting of collateral or take the driver into custody.

ARTICLE 5

COMPLIANCE WITH TRAFFIC CITATIONS

5.1 Whenever a driver has failed following a declaration of guilt to pay an imposed fine within 30 days, for an offense mentioned under subparagraph 3.1.2 or 3.1.3, the jurisdiction in which the citation was issued shall notify the home jurisdiction of such failure.

5.2 Upon receipt of the notification prescribed in paragraph 5.1, the home jurisdiction shall inform the driver that his driving privilege is or will be suspended pending compliance with the terms of the citation and related requirements.

5.3 No report shall be transmitted under paragraph 5.1 if the date of transmission is more than six (6) months from the date of the declaration of guilt.

ARTICLE 6

ADMINISTRATION OF THE AGREEMENT

6.1 The Société de l'assurance automobile du Québec and the Department of Highway Safety and Motor Vehicles of the State of Florida shall be the administrators of this Agreement and shall be empowered to develop the forms and procedures necessary to administer this Agreement.

6.2 The administrator in each jurisdiction shall provide the other with any information or documents necessary to facilitate the administration of this Agreement. Such information shall include notification of any legislative or regulatory changes which may affect the terms of this Agreement.

6.3 The provisions of this Agreement shall remain in force, with appropriate changes, when any amendment to the laws or regulations of either jurisdiction does not substantially affect these provisions.

6.4 The parties shall conform to any statutory provisions applicable to the access to documents held by governmental institutions and to the protection of personal information.

6.5 Information reported under paragraphs 2.4 and 3.1 shall be transmitted in manner mutually agreeable to both parties.

ARTICLE 7
VALIDITY OF OTHER LAWS

This Agreement does not invalidate any provision of a law or a regulation relating to driver licenses in effect in either jurisdiction, nor does it affect other reciprocal agreements.

ARTICLE 8
EFFECTIVE DATES AND WITHDRAWAL

The provisions of this Agreement will be effective upon formal notice on a date or dates acceptable to both jurisdictions. Either jurisdiction may withdraw from this Agreement by written notice to the other jurisdiction, but no such withdrawal shall take effect until 90 days after receipt of such notice.

ARTICLE 9
SEVERABILITY

The provisions of this Agreement are severable.

Signed at _____ Signed at Québec

this ___ day of _____ this 21th day of July
1995. 1995.

In duplicate in the English and French languages, each text being equally authentic.

STATE OF FLORIDA THE GOVERNMENT
OF QUÉBEC

FRED DICKINSON <i>Executive Director</i> of the Department of Highway Safety and Motor Vehicles	JEAN-YVES GAGNON <i>Président-directeur général</i> Société de l'assurance automobile du Québec
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RECIPROCAL AGREEMENT BETWEEN THE STATE OF FLORIDA AND THE GOVERNMENT
OF QUÉBEC CONCERNING DRIVER LICENSES AND TRAFFIC OFFENSES

APPENDIX

ARTICLE I
PENALTIES APPLIED BY THE GOVERNMENT OF QUÉBEC

In accordance with article 3 of the Agreement, the government of Québec will apply the following penalties to its residents convicted of offenses in Florida.

OFFENSE PURSUANT TO THE LEGISLATION OF FLORIDA	APPLICABLE PENALTY IN QUÉBEC
I- MAJOR OFFENSES	
1.1 Section 316.027 (1) of the Florida Statutes	1.1 License revocation or suspension of the right to obtain a license: at least one year
1.2 Section 316.062 (1) of the Florida Statutes	1.2 Assessment of at least nine (9) demerit points on the driver's record
1.3 Section 316.063 (1) of the Florida Statutes	1.3 Assessment of at least nine (9) demerit points on the driver's record
1.4 Section 316.065 (1) of the Florida Statutes	1.4 Assessment of at least nine (9) demerit points on the driver's record
1.5 Section 316.172 of the Florida Statutes	1.5 Assessment of at least nine (9) demerit points on the driver's record
1.6 Section 316.192 (1) of the Florida Statutes	1.6 License revocation or suspension of the right to obtain a license: at the least one year
1.7 Section 316.193 (1)(a) and (b) of the Florida Statutes	1.7 License revocation or suspension of the right to obtain a license: at least one year
1.8 Section 316.1932 of the Florida Statutes	1.8 License revocation or suspension of the right to obtain a license: at least one year
1.9 Section 782.07 of the Florida Statutes	1.9 License revocation or suspension of the right to obtain a license: at least one year
1.10 Section 782.071 of the Florida Statutes	1.10 License revocation or suspension of the right to obtain a license: at least one year
II- OTHER OFFENSES	
2.1 Section 316.123 (2)(a) of the Florida Statutes	2.1 Assessment of at least three (3) demerit points on the driver's record
2.2 Section 316.123 (2)(b) of the Florida Statutes	2.2 Assessment of at least three (3) demerit points on the driver's record
2.3 Section 316.183 (1) of the Florida Statutes	2.3 Assessment of at least four (4) demerit points on the driver's record

**OFFENSE PURSUANT TO THE
LEGISLATION OF FLORIDA**
APPLICABLE PENALTY IN QUÉBEC

II- OTHER OFFENSES

2.4 Section 316.183 (2) of the Florida Statutes	2.4 Assessment of at least one (1) demerit points on the driver's record
2.5 Section 316.187 (1) of the Florida Statutes	2.5 Assessment of at least one (1) demerit points on the driver's record
2.6 Section 316.187 (2) of the Florida Statutes	2.6 Assessment of at least one (1) demerit points on the driver's record

ARTICLE II
PENALTIES APPLIED BY THE STATE OF FLORIDA

In accordance with Article 3 of the Agreement, the State of Florida will apply the following penalties to its residents convicted of offenses in Québec.

**OFFENSE PURSUANT TO THE LEGISLATION
IN QUÉBEC**
APPLICABLE PENALTY IN FLORIDA

I- MAJOR OFFENSES

1.1 Section 220 of the Criminal Code	1.1 License revocation or suspension of the right to obtain a license: at least three years.
1.2 Section 236 of the Criminal Code	1.2 License revocation or suspension of the right to obtain a license: at least three years.
1.3 Section 249 (1)(a) of the Criminal Code	1.3 Assessment of four points on the driver's record.
1.4 Section 252 (1)(a) of the Criminal Code or section 168 of the Highway Safety Code	1.4 License revocation or suspension of the right to obtain a license: at least one year.
1.5 Section 253 of the Criminal Code	1.5 License revocation or suspension of the right to obtain a license: at least 180 days.
1.6 Section 254 of the Criminal Code	1.6 License revocation or suspension of the right to obtain a license: at least six months.
1.7 Section 170 of the Highway Safety Code	1.7 License revocation or suspension of the right to obtain a license: at least one year.
1.8 Section 171 of the Highway Safety Code	1.8 Assessment of six points on the driver's record.
1.9 Section 460 of the Highway Safety Code	1.9 Assessment of four points on the driver's record.

OFFENSE PURSUANT TO THE LEGISLATION IN QUÉBEC	APPLICABLE PENALTY IN FLORIDA
II- OTHER OFFENSES	
2.1 Section 327 of the Highway Safety Code or like section of a municipal traffic by-law	2.1 Assessment of at least three points on the driver's record.
2.2 Section 328 of the Highway Safety Code or like section of a municipal traffic by-law	2.2 Assessment of at least three points on the driver's record.
2.3 Section 329 of the Highway Safety Code or like section of a municipal by-law	2.3 Assessment of at least three points on the driver's record.
2.4 Section 368 of the Highway Safety Code or like 2.4 section of a municipal traffic by-law	Assessment of three points on the driver's record.
2.5 Section 370 of the Highway Safety Code or like section of a municipal traffic by-law	2.5 Assessment of three points on the driver's record.

9624

M.O., 1996**Order of the Minister of Transport respecting the approval of weigh scales dated 19 February 1996**

Highway Safety Code
(R.S.Q., c. C-24.2, a. 467)

I. The Minister of Transport approves the following wheel-load scales:

Make	Model	Serial No.	Make	Model	Serial No.
HAENNI	WL-101	16475	HAENNI	WL-101	16495
HAENNI	WL-101	15476	HAENNI	WL-101	16496
HAENNI	WL-101	15477	HAENNI	WL-101	16497
HAENNI	WL-101	16478	HAENNI	WL-101	16498
HAENNI	WL-101	16479	HAENNI	WL-101	16499
HAENNI	WL-101	16480	HAENNI	WL-101	16500
HAENNI	WL-101	16481	HAENNI	WL-101	16501
HAENNI	WL-101	16482	HAENNI	WL-101	16502
HAENNI	WL-101	16483	HAENNI	WL-101	16503
HAENNI	WL-101	16484	HAENNI	WL-101	16504
HAENNI	WL-101	16485	HAENNI	WL-101	16505
HAENNI	WL-101	16486	HAENNI	WL-101	16506
HAENNI	WL-101	16487	HAENNI	WL-101	16507
HAENNI	WL-101	16488	HAENNI	WL-101	16508
HAENNI	WL-101	16489	HAENNI	WL-101	16509
HAENNI	WL-101	16490	HAENNI	WL-101	16510
HAENNI	WL-101	16491	HAENNI	WL-101	16511
HAENNI	WL-101	16492	HAENNI	WL-101	16512
HAENNI	WL-101	16493	HAENNI	WL-101	16513
HAENNI	WL-101	16494	HAENNI	WL-101	16514
			HAENNI	WL-101	16515
			HAENNI	WL-101	16516
			HAENNI	WL-101	16517
			HAENNI	WL-101	16518
			HAENNI	WL-101	16519
			HAENNI	WL-101	16520
			HAENNI	WL-101	16521
			HAENNI	WL-101	16522