



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 55
(1997, chapter 40)

**An Act to amend the Act respecting
the Ministère des Transports and the Highway
Safety Code**

**Introduced 7 November 1996
Passage in principle 19 November 1996
Passage 17 June 1997
Assented to 19 June 1997**

**Québec Official Publisher
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EXPLANATORY NOTES

The purpose of this bill is to enable the Government to entrust the Minister of Transport with the management of highways not subject to the Act respecting roads so that he can carry out work thereon, or delegate that power to a local municipality or band council.

In addition, it provides that the Government may determine that all or certain provisions of the Highway Safety Code will not apply to such highways.

Lastly, the bill extends the powers of the Minister of Transport in the matter of subsidies for roads granted to band councils.

Bill 55

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES TRANSPORTS AND THE HIGHWAY SAFETY CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 3 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended

(1) by replacing paragraph *i* by the following paragraph :

“(i) in respect of any highway that may be determined by the Government from among the highways to which the Act respecting roads (chapter V-9) does not apply, carry out, or cause to be carried out, construction, repair or maintenance work or delegate the power to carry out such work to a local municipality that consents thereto, and ensure the financing thereof ;” ;

(2) by adding the following paragraph :

“For the purposes of subparagraph *i* of the first paragraph, the term “local municipality” includes a native community represented by its band council within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) or the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, chapter 18). In addition, the work referred to therein may be carried out even outside the territory of the local municipality or the band council to which the powers are delegated.”

2. Section 10.1 of the said Act is amended

(1) by adding, at the end, the words “or of a highway to which paragraph *i* of section 3 applies” ;

(2) by adding the following paragraph :

“For the purposes of this section, the word “municipality” includes a native community represented by its band council within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) or the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, chapter 18).”

3. Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 2 of chapter 56 and by section 70 of chapter 60 of the statutes of 1996, is again amended by adding, in the definition of “public highway”, the following paragraph :

“(3) highways which the Government determines, under section 5.1, as being exempt from the application of this Code ;”.

4. The said Code is amended by inserting, after section 5, the following section :

“**5.1.** The Government may, by order in council published in the *Gazette officielle du Québec*, determine that a highway to which paragraph *i* of section 3 of the Act respecting the Ministère des Transports (chapter M-28) applies is not a public highway within the meaning of section 4, or that certain provisions of this Code or of a regulation thereunder do not apply to such a highway.”

5. This Act comes into force on 19 June 1997.