



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 122

(1997, chapter 49)

**An Act to amend the Act respecting the Société
de l'assurance automobile du Québec and
other legislative provisions**

**Introduced 13 May 1997
Passage in principle 10 June 1997
Passage 17 June 1997
Assented to 19 June 1997**

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EXPLANATORY NOTES

This bill amends the Act respecting the Société de l'assurance automobile du Québec to transfer the administration of the vehicle adaptation program from the Office des personnes handicapées du Québec to the Société de l'assurance automobile du Québec.

In addition, the bill proposes to combine the two programs that allow access to parking spaces reserved for the exclusive use of handicapped persons, and to entrust the administration of the unified program to the Société.

The bill also sets out transitional and consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011);
- Act respecting administrative justice (1996, chapter 54).

Bill 122

AN ACT TO AMEND THE ACT RESPECTING THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 2 of the Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011) is amended by inserting, after paragraph *f* of subsection 1, the following paragraph :

“(g) to establish a program for the adaptation of a road vehicle so that it may be driven by or be accessible to a handicapped person.”

2. The said Act is amended by inserting, after section 2, the following section :

“**2.1.** For the purposes of the program referred to in paragraph *g* of subsection 1 of section 2, “handicapped person” means a handicapped person within the meaning of paragraph *g* of section 1 of the Act to secure the handicapped in the exercise of their rights (chapter E-20.1).”

3. The said Act is amended by inserting, after section 16.3, the following section :

“**16.4.** Any person who believes himself aggrieved by a decision of the Société concerning the adaptation of a road vehicle so that it may be driven by or be accessible to a handicapped person may contest the decision before the Administrative Tribunal of Québec within 60 days of notification of the decision.”

4. Section 10.1 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by striking out the words “or an identification sticker” in the third and fourth lines of the first paragraph ;

(2) by replacing the word “stickers” in the first line of the second paragraph by the word “sticker”.

5. Section 11 of the said Code is replaced by the following section :

“**11.** The Société may, on the terms and conditions determined by regulation, issue to a handicapped person an identification sticker authorizing

the person to use parking spaces reserved for the exclusive use of handicapped persons.

Such sticker is issued upon payment of the fees fixed by regulation.

The Société may also issue such a sticker to a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) that owns a motor vehicle equipped with devices to secure wheelchairs against movement.”

6. Section 31 of the said Code is amended by striking out the words “and, where such is the case, the identification sticker” in the first and second lines.

7. Section 388 of the said Code is amended by striking out subparagraph 2 of the first paragraph.

8. Section 618 of the said Code, amended by section 77 of chapter 60 of the statutes of 1996, is again amended

(1) by replacing the words “sticker and the identification sticker issued to a handicapped person” in the first and second lines of paragraph 17 by the word “stickers”;

(2) by replacing paragraphs 20 to 22 by the following paragraph:

“(20) determine terms and conditions for obtaining, using and renewing the identification sticker provided for in section 11 and fix its period of validity;”.

9. Section 30.1 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is repealed.

10. Section 21 of the Act respecting administrative justice (1996, chapter 54) is amended by adding, after subparagraph 2 of the second paragraph, the following subparagraph:

“(3) under section 16.4 of the Act respecting the Société de l’assurance automobile du Québec, to contest a decision concerning a road vehicle to be adapted so that it may be driven by or be accessible to a handicapped person.”

11. Section 1 of Schedule I to the said Act is amended by adding, after paragraph 5, the following paragraph:

“(6) proceedings under section 16.4 of the Act respecting the Société de l’assurance automobile du Québec (chapter S-11.011).”

12. Until the coming into force of the provisions of the Act respecting administrative justice instituting the Administrative Tribunal of Québec, the reference to that tribunal in section 16.4 of the Act respecting the Société de l'assurance automobile du Québec, enacted by section 3, shall be read as a reference to the Commission des affaires sociales.

13. Beginning on 1 July 1997, the Société de l'assurance automobile du Québec shall be responsible for the application of section 30.1 of the Act to secure the handicapped in the exercise of their rights and the regulatory provisions thereunder.

14. The Regulation respecting identification stickers issued to handicapped persons made by Order in Council 1689-87 (1987, G.O. 2, 3949) remains in force until it is replaced by a regulation made under paragraph 20 of section 618 of the Highway Safety Code enacted by section 8 of this Act.

15. Stickers issued under section 30.1 of the Act to secure the handicapped in the exercise of their rights and stickers issued under section 11 of the Highway Safety Code as it read before (*insert here the date of coming into force of section 5 of this Act*) remain valid until their expiry date.

16. This Act comes into force on 1 July 1997, except sections 4 to 7 and section 9 which come into force on the date or dates to be fixed by the Government.