

referred to in the first paragraph of section 93.1 of this Code if the licence had not been revoked.”.

**5.** This regulation is amended by inserting, after section 75, the following:

“**75.1** The holder of a restricted licence issued pursuant to section 76 of this Code who requests the cancellation of his licence is entitled to a reimbursement of a portion of the duties paid, calculated according to section 84.1.”.

**6.** Section 76 of this regulation is replaced by the following:

“**76.** The heirs and special legatees of the holder of a restricted licence issued pursuant to section 76 of this Code, a probationary licence or a driver’s licence are entitled, upon request, to the reimbursement of a portion of the duties paid, calculated according to sections 80, 83 and 84.2.”.

**7.** Section 77 of this regulation is amended by replacing the first paragraph by the following:

“**77.** A person whose restricted licence issued pursuant to section 76 of this Code, probationary licence or driver’s licence is revoked is entitled, upon request, to the reimbursement of a portion of the duties paid, calculated according to sections 79, 82 and 84.1.”.

**8.** Section 78 of this regulation is amended by replacing the first paragraph by the following:

“**78.** A person whose restricted licence issued pursuant to section 76 of this Code, probationary licence or driver’s licence is suspended is entitled, upon request, to the reimbursement of a portion of the duties paid, calculated according to sections 81, 84 and 84.3.”.

**9.** This regulation is amended by inserting, after section 84, the following sections:

“**84.1** In the case of the cancellation or the revocation of a restricted licence issued pursuant to section 76 of this Code, the amount of the reimbursement of the duties is calculated by multiplying the monthly duties applicable at the time of the issue of the restricted licence by the number of full months between the cancellation or revocation date and the last day of the month that precedes the month when the licence was to expire.

**84.2** In the case of the death of a holder of a restricted licence issued pursuant to section 76 of this Code, the amount of the reimbursement of the duties is calculated by multiplying the monthly duties applicable at the time of the issue of the restricted licence by the number of

full months between the date of the death and the last day of the month that precedes the month when the licence was to expire.

**84.3** In the case of the suspension of a restricted licence issued pursuant to section 76 of this Code, the amount of the reimbursement of the duties is calculated by multiplying the monthly duties applicable at the time of the issue of the restricted licence by the number of full months between the date of the suspension and the last day of the month that precedes the month when the suspension is lifted.”.

**10.** This regulation enters into force on 1 December 1997.

1836

Gouvernement du Québec

**O.C. 1423-97, 29 October 1997**

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

### **Medical and optometrical standards for driving a road vehicle**

#### **— Amendments**

Regulation to amend the Regulation respecting medical and optometrical standards for driving a road vehicle and the conditions attached to a licence

WHEREAS under paragraph 2 of section 619 of the Highway Safety Code (R.S.Q., c. C-24.2), amended by section 214 of Chapter 2 of the Statutes of 1996 and section 133 of Chapter 56 of the Statutes of 1996, the Government may by regulation determine the cases where and establish the criteria according to which conditions may be attached to a licence;

WHEREAS under paragraph 8 of that section, the Government may by regulation establish the medical and optometrical standards which identify the illness, deficiencies and conditions affecting a person that are considered as being essentially or relatively inconsistent with the driving of a road vehicle or class or subclass of road vehicles;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting medical and optometrical standards for driving a road vehicle and the conditions attached to a licence was published in Part 2 of the *Gazette officielle du Québec* of 23 July 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient for the Government to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting medical and optometrical standards for driving a road vehicle and the conditions attached to a licence, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting medical and optometrical standards for driving a road vehicle and the conditions attached to a licence\***

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 619, pars. 2 and 8; 1996, c. 56, s. 133, par. 2)

**1.** The title of the Regulation respecting medical and optometrical standards for driving a road vehicle and the conditions attached to a licence, is replaced by the following:

“REGULATION RESPECTING ACCESS TO DRIVING A ROAD VEHICLE IN CONNECTION WITH THE HEALTH OF DRIVERS”

**2.** The following is substituted for sections 45 and 46 of the Regulation:

“**45.** Chronic alcoholism or pharmaco-physiological dependence on ethyl alcohol is essentially inconsistent with driving a road vehicle unless the person meets the following conditions:

(1) he submits to the Société an examination or health assessment report covered by section 73 of the Highway Safety Code, as replaced by section 16 of Chapter 56 of the statutes of 1996, which includes a plan setting forth objectives to be reached that are consistent with driving a road vehicle;

(2) he has reached the objectives set out in the plan.

\* The last amendment to the Regulation respecting medical and optometrical standards for driving a road vehicle and the conditions attached to a licence, made by Order in Council 32-89 dated 18 January 1989 (1989, *G.O.* 2, 142), was made by the Regulation enacted by O.C. 169-93 dated 10 February 1993 (1993, *G.O.* 2, 838).

**46.** Drug dependency is essentially inconsistent with driving a road vehicle unless the person meets the following conditions:

(1) he has submitted to the Société an examination or health assessment report covered by section 73 of the Highway Safety Code, which includes a plan setting forth objectives to be reached that are consistent with driving a road vehicle;

(2) he has reached the objectives set out in the plan.”

**3.** Section 59 of the Regulation is amended by substituting “comité consultatif sur la santé des conducteurs” for “comité consultatif médical et optométrique” in paragraph 2.

**4.** Section 60 of the Regulation is amended by substituting the following for paragraph 6:

“(6) the purpose of the condition is to prescribe periodic examinations and health assessments of the licence holder;

(7) the purpose of the condition is to allow the person to drive a road vehicle if the vehicle is equipped with a device, approved by the Société, that is designed to ascertain the presence of alcohol in the driver’s body and to prevent the vehicle from being started.”

**5.** This regulation comes into force on December 1, 1997.

1837

Gouvernement du Québec

**O.C. 1424-97, 29 October 1997**

Automobile Insurance Act  
(R.S.Q., c. A-25)

#### **Insurance contributions — Amendments**

Regulation to amend the Regulation respecting insurance contributions

WHEREAS under section 151 of the Automobile Insurance Act (R.S.Q., c. A-25), amended by section 145 of Chapter 56 of the Statutes of 1996, the Société de l’assurance automobile du Québec may fix, by regulation, after actuarial valuation, the insurance contribution exigible on obtaining a learner’s licence, probationary licence, restricted licence issued under section 76 of the Highway Safety Code (R.S.Q., c. C-24.2) or driver’s