

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.

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

* 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).

licence and the contribution exigible pursuant to section 93.1 of the Code, on the basis of one or more of the following factors:

- (1) the nature of the licence applied for;
- (2) its class;
- (3) its category;
- (4) the number of demerit points entered in the applicant's record kept in accordance with section 113 of that Code;
- (5) the cancellation or suspensions of the applicant's licence or of his right to obtain such licence imposed under any of sections 180, 185 or 191.2 of that Code;

WHEREAS under section 151.2 of the Automobile Insurance Act, amended by section 146 of Chapter 56 of the Statutes of 1996, the Société may prescribe, by regulation, calculation methods for the insurance contribution exigible upon the issue of a learner's licence, probationary licence, restricted licence issued under section 76 of the Code or driver's licence on the basis of one or more of the following factors:

- (1) the time remaining between the date of issue of the licence and the date of the prescribed day within the prescribed period under paragraph 4.2 of section 619 of the Code for the payment of the insurance contribution exigible under section 93.1 of the Code;
- (2) the time expired between the date of issue of the licence and the expiration date of a previous licence;
- (3) the cancellation of a previous licence;
- (4) the cancellation of a previous licence at the holder's request;
- (5) the applicant's entitlement to a reimbursement of part of the insurance contribution for his previous licence;

WHEREAS under paragraph 2 of section 195.1 of the Automobile Insurance Act, the Société may, by regulation, prescribe the cases and conditions giving entitlement to the reimbursement of part of the insurance contribution fixed or calculated under any of sections 151 to 151.3 and establish the calculation method or fix the exact amount of the insurance contribution to be reimbursed;

WHEREAS under section 197 of that Act, every regulation of the Société, except a regulation under paragraph *b* of section 195, must be approved by the Government;

WHEREAS at its sitting of 11 June 1997, the Société made the Regulation to amend the Regulation respecting insurance contributions;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting insurance contributions was published in Part 2 of the *Gazette officielle du Québec* of 23 July 1997 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting insurance contributions, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting insurance contributions*

Automobile Insurance Act
(R.S.Q., c. A-25, ss. 151, 151.2 and 195.1, par. 2;
1996, c. 56, ss. 145 and 146)

1. Section 100 of the Regulation respecting insurance contributions is amended:

- (1) by substituting the word "second" for "third" in the first, fourth and fifth paragraphs;
- (2) by revoking the second paragraph;

(3) by substituting the words "third and fourth" for "fourth and fifth" in the third paragraph.

2. Section 106 is amended by substituting the words "the first paragraph" for "the first and second paragraphs" in the second paragraph.

* The last amendment to the Regulation respecting insurance contributions, approved by Order in Council 1422-91 dated 16 October 1991 (1991, *G.O.* 2, 4159) was made by the Regulation approved by O.C. 728-97 dated 28 May 1997, (1997, *G.O.* 2, 2494). For prior amendments, see the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to September 1, 1997.

3. Section 118 is amended by substituting the words “the first paragraph” for “the first and second paragraphs” in the second paragraph.

4. Section 124.1 is amended:

(1) by substituting the word “second” for “third” in the first and third paragraphs;

(2) by revoking the second paragraph;

(3) by substituting the words “third and fourth” for “fourth and fifth” in the third paragraph.

5. The Regulation is amended by inserting the following sub-division after section 124.1:

“§4. Insurance contribution payable upon issue of a restricted licence

124.2 The insurance contribution payable upon issue of a restricted licence covered by section 76 of the Highway Safety Code is calculated by multiplying the monthly insurance contribution of \$2.80 by the number of full months, plus one, between the issue date of the licence and its date of expiry.

124.3 An amount is subtracted from the insurance contribution payable upon issue of a restricted licence under section 76 of the Highway Safety Code if the applicant did not request reimbursement of part of the insurance contribution paid in connection with the previous licence, although entitled to such, in accordance with the following:

(1) where this was a probationary licence, the amount subtracted from the insurance contribution calculated under section 124.2 is the product obtained by multiplying the monthly insurance contribution applicable upon last payment of the contribution on the probationary licence by the number of full months between the date of probationary licence revocation and the end of the month preceding the one during which the licence was scheduled to expire;

(2) where this was a driver’s licence, the amount subtracted from the insurance contribution calculated under section 124.2 is the product obtained by multiplying the monthly insurance contribution applicable upon last payment of the contribution on the driver’s licence by the number of full months between the date of driver’s licence revocation and the end of the month preceding the one during which the next payment of the sums referred to in the first paragraph of section 93.1 of the Highway Safety Code would be due, if the licence had not been revoked.”.

6. The following is inserted after section 127:

“127.1 The holder of a restricted licence issued under section 76 of the Highway Safety Code who requests the cancellation of his licence is entitled to reimbursement, as calculated in accordance with section 136.1, of part of the insurance contribution paid.”.

7. The following is substituted for section 128:

“128. The estate and heirs of the holder of a restricted licence issued under section 76 of the Highway Safety Code, of a probationary licence or of a driver’s licence are entitled to reimbursement on request, as calculated in accordance with sections 132, 135 and 136.2, of part of the insurance contribution paid.”.

8. The following is substituted for the first paragraph of section 129:

“129. The person whose restricted licence issued under section 76 of the Highway Safety Code, probationary licence or driver’s licence has been revoked is entitled to reimbursement on request, as calculated in accordance with sections 131, 134 and 136.1, of part of the insurance contribution paid.”.

9. The following is substituted for the first paragraph of section 130:

“130. The person whose restricted licence issued under section 76 of the Highway Safety Code, probationary licence or driver’s licence has been suspended is entitled to reimbursement on request, as calculated in accordance with sections 133, 136 and 136.3, of part of the insurance contribution paid.”.

10. The following is inserted after section 136:

“136.1 In the case of cancellation on request or revocation of a restricted licence issued under section 76 of the Highway Safety Code, the amount of reimbursement of the insurance contribution is calculated by multiplying the monthly insurance contribution applicable upon issue of the licence by the number of full months between the date of cancellation or revocation and the end of the month preceding the one during which the licence was scheduled to expire.

136.2 In the case of the death of the holder of a restricted licence issued under section 76 of the Highway Safety Code, the amount of reimbursement of the insurance contribution is calculated by multiplying the monthly insurance contribution applicable upon issue of the restricted licence by the number of full months between the date of death and the end of the month preceding the one during which the licence was scheduled to expire.

136.3 In the case of suspension of a restricted licence issued under section 76 of the Highway Safety Code, the amount of reimbursement of the insurance contribution is calculated by multiplying the monthly insurance contribution applicable upon issue of the licence by the number of full months between the date of licence suspension and the end of the month preceding the one during which the suspension is lifted.”.

11. This regulation comes into force on December 1, 1997.

1835

Gouvernement du Québec

O.C. 1425-97, 29 October 1997

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

Fees exigible — Amendments

Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects

WHEREAS under subparagraph 1 of the first paragraph of section 624 of the Highway Safety Code (R.S.Q., c. C-24.2), amended by section 138 of Chapter 56 of the Statutes of 1996, the Société de l'assurance automobile du Québec may by regulation determine the amount of the fee exigible for obtaining the registration of a road vehicle and the amount of the fee exigible on payment of the duties and insurance contribution referred to in section 31.1 of that Code and establish the terms and conditions of payment of such fees;

WHEREAS under subparagraph 3 of the first paragraph of that section, the Société may by regulation fix, according to the nature, class or category of a licence and the amount of the fee exigible for obtaining or renewing such a licence and the amount of the fee exigible on payment of the duties and insurance contribution referred to in section 93.1 of that Code and establish the terms and conditions of payment of such fees;

WHEREAS under subparagraph 7 of the first paragraph of that section, the Société may by regulation determine the amount of the fee exigible for the issue of a licence or permit under Title III of the Code;

WHEREAS under subparagraph 10.1 of the first paragraph of that section enacted by section 138 of Chapter

56 of the Statutes of 1996, the Société may by regulation determine the amount of the fee exigible for the examination of an application to participate in a preventive maintenance program;

WHEREAS under subparagraph 10.2 of the first paragraph of that section enacted by section 138 of Chapter 56 of the Statutes of 1996, the Société may by regulation determine the amount of the fee exigible for the preventive maintenance program sticker;

WHEREAS under subparagraph 10.3 of the first paragraph of that section enacted by section 138 of Chapter 56 of the Statutes of 1996, the Société may by regulation determine the amount of the fee exigible for the communication of information to any person who applies therefor;

WHEREAS under subparagraph 11 of the first paragraph of that section of the Code, the Société may by regulation provide, subject to the conditions it determines, cases of exemption from or reduction of certain exigible fees it determines;

WHEREAS under section 625 of that Code, every regulation made by the Société is subject to the approval of the Government;

WHEREAS at its sitting of 17 September 1997, the Société made the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects was published in Part 2 of the *Gazette officielle du Québec* of 23 July 1997 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

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

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

THAT the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif
