



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 130

(2000, chapter 31)

An Act to amend the Highway Safety Code

Introduced 11 May 2000

Passage in principle 25 May 2000

Passage 16 June 2000

Assented to 16 June 2000

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EXPLANATORY NOTES

This bill amends the Highway Safety Code to allow drivers to make right turns on a red light in the municipalities designated by the Minister of Transport.

The bill introduces new measures concerning the obstruction of vehicular traffic and motorcycle driver's licences.

Bill 130

AN ACT TO AMEND THE HIGHWAY SAFETY CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 67 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing “formalities, procedures and content relating to each class of licence” in the second and third lines of the first paragraph by “formalities, procedures and content relating to each class of licence and the minimum period of time which must lapse before a person who has failed an examination may again undergo such an examination”.

2. Section 344 of the said Code is amended by striking out the word “or” in the second line of the English text.

3. The said Code is amended by inserting the following section after section 359:

“359.1. Notwithstanding section 359 and unless otherwise directed by a sign or signal or unless there are white or flashing pedestrian lights, the driver of a road vehicle, in a municipality or administrative region designated by the Minister by an order published in the *Gazette officielle du Québec*, may, when facing a red light, turn right after bringing the vehicle to a full stop before the pedestrian crosswalk or stop-line or, if none, at the near side of the roadway the driver is about to enter, and after yielding the right of way to road vehicles, cyclists and pedestrians crossing the intersection.”

4. Section 500 of the said Code is replaced by the following section :

“500. No person may occupy the roadway, shoulder or any other part of the right of way of or approaches to a public highway or place a vehicle or obstacle thereon so as to obstruct vehicular traffic on the highway or access to such a highway, except where so authorized by law.

A peace officer may remove or cause to be removed at the expense of the owner any thing used in contravention of this section. The peace officer may also seize such a thing ; the provisions respecting things seized in the Code of Penal Procedure apply, with the necessary modifications, to things so seized.

For the purposes of this section, a public highway includes a road being used as an alternate route for traffic diverted from a public highway even if the alternate route is situated on private property, and a road under the administration of or maintained by the Ministère des Ressources naturelles.”

5. The said Code is amended by inserting the following section after section 500:

“500.1. No person may, during a concerted action intended to obstruct in any way vehicular traffic on a public highway, occupy the roadway, shoulder or any other part of the right of way of or approaches to the highway or place a vehicle or obstacle thereon so as to obstruct vehicular traffic on the highway or access to such a highway.

A peace officer may remove or cause to be removed, at the expense of the owner, any thing used in contravention of this section. The peace officer may also seize such a thing; the provisions respecting things seized in the Code of Penal Procedure apply, with the necessary modifications, to things so seized.

This section does not apply during parades or other popular events previously authorized by the person responsible for the maintenance of the public highway provided the highway used is closed to traffic or is under the control of a police force.

For the purposes of this section, a public highway includes a road being used as an alternate route for traffic diverted from a public highway even if the alternate route is situated on private property, and a road under the administration of or maintained by the Ministère des Ressources naturelles.”

6. Section 507 of the said Code is amended by replacing “, 498 and the first paragraph of section 500” in the third line by “and 498”.

7. The said Code is amended by inserting the following section after section 511:

“511.1. Every person who contravenes the first paragraph of section 500 is guilty of an offence and is liable to a fine of \$300 to \$600 and, in the case of a second or subsequent offence, to a fine of \$3,000 to \$6,000.

Moreover, on conviction for an offence under this section, a judge may order the confiscation of a thing seized under the second paragraph of section 500. Prior notice of the application for confiscation shall be given to the person from whom the thing was seized or to the offender by the prosecutor, except where the parties are in the presence of the judge.”

8. The said Code is amended by inserting the following section after section 512:

“512.0.1. Every person who contravenes the first paragraph of section 500.1 is guilty of an offence and is liable to a fine of \$350 to \$1,050 and, in the case of a second or subsequent offence, to a fine of \$3,500 to \$10,500.

However, if it is shown that the person convicted has participated in the planning, organization or directing of the concerted action referred to in that section, the fine shall be \$3,000 to \$9,000 and, in the case of a second or subsequent offence, \$9,000 to \$27,000.

Moreover, on conviction for an offence under this section, a judge may order the confiscation of a thing seized under the second paragraph of section 500.1. Prior notice of the application for confiscation shall be given to the person from whom the thing was seized or to the offender by the prosecutor, except where the parties are in the presence of the judge.”

9. Section 619 of the said Code is amended by striking out paragraph 6.1.

10. To obtain a learner’s licence authorizing the driving of a motorcycle, a person must present proof of enrolment in a motorcycle driving course dispensed by a driving school recognized by a body certified by the Société de l’assurance automobile du Québec.

11. The publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1) does not apply to a regulation made, before 1 January 2001, under subparagraph 3 or 4 of the first paragraph of section 624 of the Highway Safety Code.

12. Sections 11, 18, 19 and 33 of the Regulation respecting licences, enacted by order in council 1421-91 (1991, G.O. 2, 4146), shall cease to have effect on 1 July 2000.

13. Section 10 shall cease to have effect on 1 January 2001.

14. This Act comes into force on 1 July 2000.