



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 172

(2000, chapter 64)

An Act to amend the Highway Safety Code and the Automobile Insurance Act

Introduced 1 December 2000
Passage in principle 12 December 2000
Passage 20 December 2000
Assented to 20 December 2000

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EXPLANATORY NOTES

This bill amends the Highway Safety Code as regards the establishing of speed limits, particularly in school zones, and the power of municipalities to establish such speed limits. In the latter case, the bill enables the Minister of Transport to enter into agreements with municipalities to exempt them from the obligation to submit to the said Minister any by-law, resolution or ordinance that establishes speed limits on highways maintained by the municipalities.

This bill includes amendments concerning the speed limits authorized for oversized vehicles requiring special permits as well as the pre-departure inspections that must be conducted with respect to minibuses and ambulances.

The bill clarifies the provisions concerning the number of passengers permitted in a road vehicle. It also specifies, as regards motorcycles, the obligations of the holders of learner's licences and of the persons who accompany them.

In addition, this bill includes amendments pertaining to certain penal provisions and the penalties applicable in respect of driver's licences.

Finally, this bill amends the Automobile Insurance Act in order to restrict the deemed residence in Québec to persons operating automobiles for which a registration certificate has been issued in Québec.

LEGISLATION AMENDED BY THIS BILL :

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Automobile Insurance Act (R.S.Q., chapter A-25).

Bill 172

AN ACT TO AMEND THE HIGHWAY SAFETY CODE AND THE AUTOMOBILE INSURANCE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 315 of chapter 12 of the statutes of 2000, is again amended by replacing “5.1” in paragraph 3 of the definition of “public highway” by “5.2”.

2. Sections 77, 80, 80.2 and 80.4 of the said Code are repealed.

3. Section 97 of the said Code is amended by replacing “a” in the second line of the first paragraph by “his”.

4. Section 99 of the said Code is amended

(1) by replacing “authorizing the driving of the” in the third line of the first paragraph by “of the appropriate class for driving that”;

(2) by adding “, which must contain, where applicable, the particulars prescribed by regulation” at the end of the second paragraph.

5. Section 100 of the said Code is amended by inserting “Except during the practical session of the Société’s proficiency examination,” at the beginning of the first paragraph.

6. The said Code is amended by inserting the following section after section 144:

“144.1. Every owner or lessee of a road vehicle or person having the control of a road vehicle who, in contravention of section 106, allows the vehicle to be driven by a person who is not the holder of a licence of the appropriate class for driving that vehicle is guilty of an offence and is liable to a fine of \$300 to \$600.

Every operator of a heavy vehicle who contravenes the first paragraph is guilty of an offence and is liable to a fine of \$700 to \$2,100.”

7. Section 180 of the said Code, amended by section 3 of chapter 66 of the statutes of 1999, is again amended by replacing “or subsection 3 or 4 of

section 249” in subparagraph 2 of the first paragraph by “, subsection 3 or 4 of section 249 or section 249.1”.

8. Section 283.1 of the said Code is amended by inserting “250.1,” after “248,” in the first line.

9. Section 290 of the said Code is repealed.

10. Section 328 of the said Code is amended

(1) by adding “, unless a special permit authorizing the use of an outsized vehicle requires that the vehicle be driven at a lower rate of speed” at the end of subparagraph 1 of the first paragraph;

(2) by replacing subparagraph 5 of the first paragraph by the following subparagraph:

“(5) in excess of the maximum rate of speed authorized, according to the circumstances and the time of day, such as periods of school activity, as specified by the illuminated or non-illuminated, variable or non-variable message sign or signal that applies to that portion of the public highway.”

11. Section 329 of the said Code is amended

(1) by replacing “in” in the first line of the first paragraph by “for in subparagraphs 1 to 4 of the first paragraph of”;

(2) by adding “and establish the variable speed limits referred to in subparagraph 5 of the first paragraph of that section” at the end of the first paragraph;

(3) by replacing “or under the second paragraph of section 628” in the second line of the third paragraph by “, the second paragraph of section 628 or of section 628.1”;

(4) by adding the following paragraphs at the end:

“In school zones, from Monday to Friday and from September to June, the speed limit shall not exceed 50 km/h between the hours of 7:00 a.m. and 5:00 p.m.

Any speed limit posted on an illuminated variable or non-variable message sign must be registered by the person responsible for the maintenance of the public highway and recorded electronically.”

12. Section 359.1 of the said Code, enacted by section 3 of chapter 31 of the statutes of 2000, is amended by inserting “or a cyclist” after “vehicle” in the third line.

13. Section 426 of the said Code is replaced by the following section :

“426. The driver of a road vehicle built after 1973 may not carry more passengers than there are seating positions equipped with seat belts installed by the manufacturer.

If the seating positions in a road vehicle are not all equipped with seat belts installed by the manufacturer, the driver of the vehicle may not carry more passengers than there are seats available for passengers to sit.

In the case of a bus that is not used for the transportation of school children, the driver may carry more passengers than there are seats available

(1) where the bus is used in an urban area; or

(2) where the bus is used outside an urban area, provided that there is no more than one passenger in excess of the number of available seats for each row of seats.”

14. Section 461 of the said Code is amended by replacing “first” in the first line by “second”.

15. Section 481 of the said Code is amended by adding the following paragraph after the first paragraph :

“No person shall drive a motorcycle or a moped if the passenger is not complying with the requirements of the first paragraph.”

16. Section 509 of the said Code is amended by inserting “359.1,” after “359,” in the fifth line.

17. Section 511.1 of the said Code, enacted by section 7 of chapter 31 of the statutes of 2000, is amended by replacing “or” in the fourth line of the second paragraph of the English text by “and”.

18. The said Code is amended by inserting the following section after section 511.1 :

“511.2. Every driver of a road vehicle who contravenes section 470.1 is guilty of an offence and is liable to a fine of \$350 to \$1,050.”

19. Section 512.0.1 of the said Code, enacted by section 8 of chapter 31 of the statutes of 2000, is amended by replacing “or” in the fourth line of the third paragraph of the English text by “and”.

20. Section 519.2 of the said Code, enacted by section 119 of chapter 40 of the statutes of 1998, is amended by replacing “of a bus” in the first line of the second paragraph by “of an ambulance, a bus or a minibus”.

21. Section 519.27 of the said Code, enacted by section 119 of chapter 40 of the statutes of 1998, is amended by replacing “519.14” in the third line by “470.1”.

22. Section 519.39 of the said Code, enacted by section 119 of chapter 40 of the statutes of 1998, is amended by replacing “or section 519.9 or 519.14” in the seventh line by “or section 519.9”.

23. Section 519.50 of the said Code, enacted by section 119 of chapter 40 of the statutes of 1998 and amended by section 17 of chapter 66 of the statutes of 1999, is again amended by replacing “, 519.13 or 519.14” in the first and second lines by “and 519.13”.

24. Section 521 of the said Code, amended by section 128 of chapter 40 of the statutes of 1998, is again amended by replacing “, vehicles made by hand and vehicles assembled by a recycler” in the second line of subparagraph 8 of the first paragraph by “and vehicles made by hand”.

25. Section 546.2 of the said Code, amended by section 55 of chapter 40 of the statutes of 1999, is again amended by replacing “taking possession of it” in the third line of the first paragraph by “payment of the indemnity to the owner”.

26. Section 550 of the said Code is amended by striking out “192,” in the fifth line of the first paragraph.

27. Section 553 of the said Code is amended by striking out the fifth paragraph.

28. Section 620 of the said Code is amended by striking out paragraph 6.

29. The said Code is amended by inserting the following section after section 628:

“628.1. The Minister may, for the period the Minister determines, enter into an agreement with any municipality to exempt it from the requirement to submit to the Minister, as the case may be, a by-law, resolution or ordinance made pursuant to section 627 regarding speed. The agreement must specify which public highways are maintained by the municipality and establish the conditions and procedures for establishing a speed limit other than that provided for in this Code. In addition, the agreement must specify the conditions for the consultation of other municipalities concerned.

This section shall not operate to prohibit the Minister from disallowing any by-law, resolution or ordinance respecting speed, made under an agreement referred to in this section, if such by-law, resolution or ordinance may endanger the safety or impair the mobility of persons or goods. The Minister may remove, where expedient, any sign or signal the Minister considers

inappropriate where the municipality does not remove it within the time indicated by the Minister.”

30. Section 8 of the Automobile Insurance Act (R.S.Q., chapter A-25), amended by section 26 of chapter 40 of the statutes of 1999, is again amended by replacing “registered” in the first line by “for which a registration certificate has been issued”.

31. This Act comes into force on 3 February 2001.