

Regulations and other acts

Gouvernement du Québec

O.C. 363-2006, 2 May 2006

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

Reciprocal Agreement on driver's licence exchange between the Government of Québec and the Government of the Swiss Confederation — Ratification and making

Ratification of a Reciprocal Agreement on driver's licence exchange between the Government of Québec and the Government of the Swiss Confederation and the making of the Regulation giving effect to the Agreement

WHEREAS the Reciprocal Agreement on driver's licence exchange between the Government of Québec and the Government of the Swiss Confederation was signed on 1 April 2004 at Québec;

WHEREAS the purpose of the Agreement is to ensure reciprocal recognition of certain classes of driver's licences issued by Québec and Swiss authorities and to establish the terms and conditions to allow the exchange of the driver's licences;

WHEREAS, under section 65 of the Highway Safety Code (R.S.Q., c. C-24.2), a person must hold a driver's licence of the class appropriate to the driving of a road vehicle on a public highway and other roads described in the Act;

WHEREAS section 629 of the Code provides that the Minister of Transport may, according to law, enter into an agreement with any government, department, or body respecting any matter referred to in the Code;

WHEREAS section 631 of the Code provides that the Government may, by regulation, adopt the necessary measures to give effect to an agreement under section 629 of the Code and the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1) does not apply to a regulation under that section;

WHEREAS the Agreement constitutes an international agreement within the meaning of section 19 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1);

WHEREAS the Agreement also constitutes an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of the Act respecting the Ministère des Relations internationales;

WHEREAS, under the third paragraph of section 20 of the Act respecting the Ministère des Relations internationales, international agreements referred to in section 22.2 must, to be valid, be signed by the Minister of International Relations, approved by the National Assembly and ratified by the Government;

WHEREAS, under the second paragraph of section 20 of the Act respecting the Ministère des Relations internationales, the Minister may, in writing, authorize a person to sign an international agreement on the Minister's behalf and the signature has the same effect as the signature of the Minister;

WHEREAS the Minister of International Relations authorized the Minister of Transport to sign the Agreement on driver's licence exchange between the Government of Québec and the Government of the Swiss Confederation on behalf of the Minister of International Relations;

WHEREAS, under section 22.4 of the Act respecting the Ministère des Relations internationales, the ratification of an international agreement that constitutes an important international commitment may not take place until the commitment is approved by the National Assembly;

WHEREAS the National Assembly approved the Agreement on 1 December 2005;

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations and Minister responsible for La Francophonie and the Minister of Transport:

THAT the Reciprocal Agreement on driver's licence exchange between the Government of Québec and the Government of the Swiss Confederation, signed on 1 April 2004 and approved by the National Assembly on 1 December 2005, the text of which appears as a Schedule to the Regulation giving effect to the Reciprocal Agreement on driver's licence exchange between the Government of Québec and the Government of the Swiss Confederation, be ratified;

THAT the Regulation giving effect to the Reciprocal Agreement on driver's licence exchange between the Government of Québec and the Government of the Swiss Confederation, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation giving effect to the Reciprocal Agreement on driver's licence exchange between the Government of Québec and the Government of the Swiss Confederation

Highway Safety Code
(R.S.Q., c. C-24.2, s. 631)

- 1.** The Highway Safety Code (R.S.Q., c. C-24.2) and the regulations thereunder apply to the holder of a driver's licence issued by the Government of the Government of the Swiss Confederation.
- 2.** The provisions of the Code and the regulations thereunder apply in the manner set out in the Reciprocal Agreement on driver's licence exchange between the Government of Québec and the Government of the Swiss Confederation appearing as a schedule.
- 3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

AGREEMENT ON DRIVER'S LICENCE EXCHANGE BETWEEN THE GOVERNMENT OF QUÉBEC AND THE GOVERNMENT OF THE SWISS CONFEDERATION

THE GOVERNMENT OF QUÉBEC

represented by the Minister of Transport,
Yvon Marcoux,

AND

THE GOVERNMENT OF THE SWISS CONFEDERATION

represented by the Ambassador to Canada,
Anton M.F. Thalmann,

Referred to hereafter as the Parties,

DESIRING to facilitate the exchange of driver's licences for holders of a valid licence issued by one of the Parties who settle or stay in the territory of the other Party;

HAVE AGREED to conclude a reciprocal agreement to ensure that driver's licences are recognized and to facilitate the exchange of driver's licences according to the following provisions:

ARTICLE 1 DEFINITIONS

In this Agreement,

1.1 "authority" means the administrative entity that issues driver's licences, namely for Québec, the Société de l'assurance automobile du Québec, and for Switzerland, a cantonal Road Traffic Office, and "authorities" means both the Société de l'assurance automobile du Québec and the cantonal road traffic offices;

"driver's licence" means a licence issued by an authority authorizing the holder to drive a motor vehicle, subject to the terms and conditions specific to the class or category of driver's licence and any other related condition, and subject to the relevant laws and regulations in force in the territory;

"territory" means Québec or Switzerland and "territories" means both Québec and Switzerland;

"valid" means that at the time a driver's licence issued by one authority is exchanged for a driver's licence issued by the other authority, the original driver's licence has not expired or been revoked, suspended or cancelled, and that the driver's licence has not been the subject of any similar restriction which prevents the holder from using it for the intended purpose.

1.2 More specifically for Québec

A Class 5 driver's licence issued by the Société de l'assurance automobile du Québec authorizes the holder to drive a motor vehicle having two axles and a net weight of less than 4,500 kg (motor vehicle or van or light truck), a motor vehicle permanently converted into living quarters (motor home), a tool vehicle and a service vehicle (service truck or tow truck).

In addition, classes 6D (moped) and 8 (farm tractor) are included in the Class 5 licence.

A Class 5 probationary licence is issued to an applicant who is under the age of 25 and whose driving experience is less than 24 months.

1.3 More specifically for Switzerland

A Category B driver's licence issued by a cantonal Road Traffic Office authorizes the holder to drive

— a motor vehicle or motor tricycle having a maximum weight not exceeding 3,500 kg and a maximum number of eight seats, in addition to the driver's seat; a vehicle of that category may haul a trailer having a maximum weight not exceeding 750 kg;

— a combination of road vehicles consisting of a Category B tractor and a trailer weighing more than 750 kg, as long as the weight of the combination of vehicles does not exceed 3,500 kg and the total weight of the trailer does not exceed the tare weight of the tractor.

In addition, Categories F (vehicles whose maximum speed is 45 km/h, except motorcycles), G (farm vehicles whose maximum speed is 30 km/h) and M (mopeds) are included in the Category B licence.

A Category A driver's licence issued by a cantonal Road Traffic Office authorizes the holder to drive a motorcycle of more than 125 cm³, whereas the Category A1 licence authorizes the driving of a motorcycle under 125 cm³.

1.4 This Agreement also mentions the driver's licences issued by the Société de l'assurance automobile du Québec:

— Class 6A that authorizes the driving of any motorcycle;

— Class 6B that authorizes the driving of a motorcycle with an engine displacement of 400cc or less; and

— Class 6C that authorizes the driving of a motorcycle with an engine displacement of 125cc or less.

ARTICLE 2 RECOGNITION AND EXCHANGE OF LICENCES

2.1 The holder of a valid Class 5 Québec driver's licence or of a valid Québec probationary licence may, within twelve months of settlement in the territory of Switzerland, exchange that licence with the competent cantonal Road Traffic Office in the holder's new domicile for a Category B licence, including the privileges of categories F, G and M, without undergoing a proficiency examination but following an eye test.

The holder of a valid Class 6A or 6B Québec driver's licence may, within the same period, exchange the licence for a Category A licence, without undergoing a proficiency examination but following an eye test.

The holder of a valid Class 6C Québec driver's licence may, within the same period, exchange the licence for a Category A1 licence, without undergoing a proficiency examination but following an eye test.

The holder obtains a Swiss driver's licence when exchanging the Québec driver's licence and upon filing the identification documents required by the Swiss authority, after paying the duties and fee prescribed by regulation.

2.2 The holder of a valid Category B Swiss driver's licence may, within twelve months of settlement in the territory of Québec, exchange the licence for a Class 5 licence, including the privileges of Classes 6D and 8, without undergoing a proficiency examination or an eye test.

The holder obtains a Québec driver's licence when exchanging the Swiss driver's licence and upon filing the identification documents required by the Québec authority, after paying the duties and fee prescribed by regulation and the contribution for insurance against bodily injury resulting from a motor vehicle accident.

An applicant who is under the age of 25 is issued a probationary licence of the same class, unless the applicant's driving experience is 24 months or more.

2.3 The conditions on the original driver's licence are carried over onto the new driver's licence, in the form of equivalent codes.

2.4 Driver's licences with or without a photograph, a specimen of which has been provided in accordance with this Agreement, shall be exchanged.

2.5 The authority that exchanges a licence is to verify the identity of the applicant and the validity of the licence submitted. The authority may to that effect contact the issuing authority.

2.6 The driving experience indicated on the original permit or the applicant's record by the issuing authority is recognized by the other authority.

2.7 The authority that recovers the original driver's licence during the exchange must return it to the issuing authority.

ARTICLE 3 FINAL PROVISIONS

3.1 The Parties append to this Agreement specimens of the various valid driver's licences for exchange in their territory.

Any change by one Party to the model of a driver's licence in force at the time this Agreement is signed shall be communicated to the other Party.

3.2 This Agreement does not invalidate the provisions of any law or regulation applicable in the territory of one of the Parties with respect to the right to use a foreign driver's licence.

3.3 This Agreement may be amended to take into account any amendment made to applicable domestic law in the territory of either Party.

3.4 The authorities of either party are responsible for the application of this Agreement. As such, they agree to implement all necessary mechanisms, including those allowing for the exchange of information and validation of the licences submitted to the other authority under this Agreement.

3.5 The Parties shall assist each other in the application of this Agreement and exchange information, when necessary, on licences submitted to be exchanged. A contact point shall be established so that the validity of a licence may be verified directly.

The authority exchanging a licence may ascertain the validity of the licence with the issuing authority using information technologies, in accordance with the terms and conditions to be determined between them.

Applications for information made under this article shall be sent to the following addresses:

For Québec

Société de l'assurance automobile du Québec
Service des opérations et de la diffusion
333, boulevard Jean-Lesage, C-3-14
Québec (Québec) G1K 8J6
Canada
Fax : 418 644-7167

For Switzerland

Office fédéral des routes
Division Circulation routière
Registres des conducteurs et des véhicules
CH-3003 Berne
Fax : 00 41 31 324 02 46
E-mail : admas-faber@astra.admin.ch

Each Party may change the address to which applications must be sent by sending a written notice to the other Party.

3.6 Every document or communication concerning the evolution of this Agreement must be in writing and is deemed to have been duly provided or sent to the Party to which it is addressed at the time it is handed in person, delivered by messenger or registered mail (postage paid) or sent by fax to the following addresses:

For Québec

Société de l'assurance automobile du Québec
Vice-présidence aux services à la clientèle
333, boulevard Jean-Lesage, C-1-31
Québec (Québec) G1K 8J6
Canada
Fax : 418 528-1221

For Switzerland

Office fédéral des routes
Division Circulation routière
CH-3003 Berne
Fax : 00 41 31 323 23 03
E-mail : info@astra.admin.ch

Each Party may change the address to which documents or communications must be sent by sending a written notice to the other Party.

3.7 This Agreement comes into force once the necessary internal formalities have been completed, on the date agreed on in an exchange of letters between the Parties.

3.8 A Party may terminate this Agreement by means of a written notice sent to the other Party. The Agreement shall end on the ninetieth (90th) day after the sending of the notice.

Done at Québec, this April 1, 2004, in duplicate, in French.

FOR THE GOVERNMENT
OF QUÉBEC

FOR THE GOVERNMENT
OF THE SWISS CONFEDERATION

YVON MARCOUX,
Minister of Transport

ANTON M.F. THALMANN,
Ambassador to Canada