



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 55

(2008, chapter 14)

An Act to again amend the Highway Safety Code and other legislative provisions

**Introduced 15 November 2007
Passed in principle 8 April 2008
Passed 11 June 2008
Assented to 12 June 2008**

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EXPLANATORY NOTES

This Act again amends the Highway Safety Code in order to enact measures designed to improve road safety. In addition, it introduces provisions that will ensure heightened enforcement of the Code, in particular as regards road signage, mopeds, and penal and administrative measures, and others that will improve the efficiency and quality of the services provided by the Société de l'assurance automobile du Québec and facilitate the work of peace officers.

Under new provisions introduced by the Act, persons who refuse to submit to or fail physical coordination tests administered by a peace officer will get an immediate 24-hour suspension of their driver's licence.

The Act contains various provisions concerning speed limits in school zones, signage, including signs or signals installed on road vehicles and on private land and roads that are accessible to the public, the operation of heavy vehicles, the use of flashing red lights on buses and minibuses used exclusively to transport handicapped school children and exemptions regarding the issue of special permits in certain particular situations. It also prohibits placing at a person's disposal a device that is designed to increase the power or speed of a moped.

As well, the Act provides additional specifics with respect to the prohibited operation in winter of a passenger vehicle or taxi not equipped with winter tires, the use of rotating or flashing amber lights, the presence of escort vehicles in front of or behind oversized vehicles, the off-highway inspection of road vehicle equipment and penalties for oversized transportation. It also clarifies certain powers conferred on peace officers as regards the monitoring and control, on highways and within undertakings, of the transportation of people and goods.

The Act grants an override power to the Minister of Transport for the purpose of authorizing and supervising the testing of new vehicles, new equipment and even new traffic rules. It also implements a measure announced in the Budget Speech delivered on 24 May 2007 under which the fees collected for the issue and renewal of certain special permits are to be paid into the road network preservation and

improvement fund and used to enhance roadway durability. Moreover, it provides for payment into the highway safety fund of the costs awarded in proceedings for an offence under the provisions relating to photo radar devices and red light camera systems.

In addition, the Act exempts certain municipalities and transit corporations from having to maintain the liability insurance required under the Automobile Insurance Act and abolishes the certificates of financial responsibility provided for in that Act.

Finally, the Act includes technical, transitional and consequential provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère des Transports (R.S.Q., chapter M-28);
- Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., chapter P-30.3);
- Act respecting transportation services by taxi (R.S.Q., chapter S-6.01);
- Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011);

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- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
 - Transport Act (R.S.Q., chapter T-12).

Bill 55

AN ACT TO AGAIN AMEND THE HIGHWAY SAFETY CODE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

HIGHWAY SAFETY CODE

1. Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 1 of chapter 40 of the statutes of 2007, is again amended

(1) by replacing the definition of “bus” by the following definition:

““bus” means

(a) a motor vehicle designed for the transportation of 11 or more occupants;

(b) a motor vehicle designed for the transportation of handicapped persons that is covered by a government regulation under the Transport Act (chapter T-12) concerning bus transportation, whether or not the carrier is required to hold a licence under such a regulation; or

(c) a motor vehicle in service before (*insert the date of coming into force of this paragraph*), designed for the transportation of more than nine occupants at a time, the use of which is governed by a government regulation under the Transport Act concerning bus transportation;”;

(2) by replacing the definition of “moped” by the following definition:

““moped” means a passenger vehicle having two or three wheels and a maximum speed of 70 km/h, equipped with an electric motor or a motor having a piston displacement of not more than 50 cm³ and with an automatic transmission;”;

(3) by striking out the definition of “minibus”;

(4) by replacing “nine” in the definition of “passenger vehicle” by “10”.

2. Section 5.1 of the Code is amended

(1) by inserting “202.1.2 to 202.1.4,” after “98.1,”;

(2) by replacing “519.67.1 and 636.1” by “519.70”.

3. Section 31.1 of the Code, amended by section 25 of chapter 49 of the statutes of 2000 and by section 4 of chapter 40 of the statutes of 2007, is again amended by replacing the fourth paragraph by the following paragraph:

“If, on the due date, the owner has not paid the amounts referred to in the first paragraph or notified the Société of his intention to pay them by pre-authorized debit, if the owner has notified the Société of his election not to drive the vehicle in accordance with the third paragraph or if, on the due date, the Société has not received the notice referred to in the second paragraph of section 23 of the Act respecting transport infrastructure partnerships (chapter P-9.001), no person may, as of the first day following the due date or as of the date on which the Société received the notice of election not to drive, and without further notice, put the road vehicle back into operation.”

4. Section 35 of the Code is amended by replacing the first paragraph by the following paragraphs:

“**35.** The person driving or having the care or control of a road vehicle must have with him the registration certificate of the vehicle or a copy of it, except during the 10 days following registration, and the certificate of insurance provided for in the Automobile Insurance Act (chapter A-25).

If the registration certificate was issued under the International Registration Program (IRP), the person must have with him the original of the certificate, except in the cases provided for by the Program.”

5. Section 63.2 of the Code, enacted by section 7 of chapter 40 of the statutes of 2007, is replaced by the following section:

“**63.2.** The Société may issue a driver’s licence that may be presented at the United States border as a travel document. The purpose of the licence is to certify, in accordance with the standards and conditions prescribed by regulation, any information determined by regulation, including the identity and Canadian citizenship of the licence holder.”

6. Section 67 of the Code is amended by inserting “and each particular” after “each class of licence” in the first paragraph.

7. Section 76.1.7 of the Code, enacted by section 12 of chapter 40 of the statutes of 2007, is amended

(1) by inserting “or subsection 2.2 or 3.2 of section 255” after “254” in paragraph 3;

(2) by replacing “2 or 3” in paragraph 4 by “2, 2.1, 3 or 3.1”.

8. Section 90 of the Code is amended

(1) by inserting the following paragraph after the first paragraph:

“Any person whose driver’s licence issued in Canada has been expired for less than three years and who settles in Québec may obtain a driver’s licence from the Société without undergoing an examination, on payment of the amounts prescribed in the first paragraph.”;

(2) by replacing “holder” in the second paragraph by “person referred to in the first paragraph or in the second paragraph” and by replacing “where the exchanged licence is” in that paragraph by “to obtain”.

9. Section 91 of the Code is amended

(1) by inserting the following paragraph after the first paragraph:

“Any person whose driver’s licence issued outside Canada has been expired for less than three years and who settles in Québec may obtain a driver’s licence without undergoing a proficiency examination provided the particulars and the validity of the person’s title can be established in accordance with the first paragraph.”;

(2) by striking out “, a minibus” in the second paragraph.

10. Section 93.1 of the Code, amended by section 18 of chapter 40 of the statutes of 2007, is again amended by replacing the second sentence of the first paragraph by the following sentence: “If, on the due date, the licence holder has not made the required payments or notified the Société of his intention to pay by pre-authorized debit, he may not, as of the first day following the due date, and without further notice, drive any road vehicle.”

11. Section 180 of the Code is amended

(1) by replacing “2 or 3” in subparagraph 4 of the first paragraph, as it reads before being amended by section 27 of chapter 40 of the statutes of 2007, by “2, 2.1, 2.2, 3, 3.1 or 3.2”;

(2) by replacing “2 or 3” in subparagraph 2 of the first paragraph, as it reads after being amended by section 27 of chapter 40 of the statutes of 2007, by “2, 2.1, 2.2, 3, 3.1 or 3.2”.

12. Section 181 of the Code is amended by replacing “in subsection (5) of section 254 or subsection (2) or (3) of section 255” in the second paragraph by “in subsection 5 of section 254 or subsection 2, 2.1, 2.2, 3, 3.1 or 3.2 of section 255”.

13. Section 188 of the Code is amended by adding the following paragraph at the end:

“(7) the owner does not comply with the terms for payment by pre-authorized debit of the duties, fees, insurance contribution and tax on the contribution with respect to a vehicle belonging to the owner or with respect to a licence.”

14. Section 190 of the Code, amended by section 29 of chapter 40 of the statutes of 2007, is again amended

(1) by adding the following paragraph at the end:

“(8) the licence holder does not comply with the terms for payment by pre-authorized debit of the duties, fees, insurance contribution and tax on the contribution with respect to a vehicle belonging to the licence holder or with respect to a licence.”;

(2) by adding the following paragraph at the end:

“In a case described in subparagraph 1 of the first paragraph, the Société shall suspend the class of licence corresponding to the road vehicles referred to in the document requiring an examination or assessment.”

15. Section 197 of the Code is amended by replacing the first paragraph by the following paragraph:

“**197.** The Société shall lift the suspension imposed on a person referred to in section 196 and the prohibition from putting any road vehicle registered in the person’s name back into operation if the person provides the Société with proof of exoneration, acquittal or payment agreement in respect of any claim arising or that may arise from the accident.”

16. Sections 198 and 199 of the Code are repealed.

17. Section 201 of the Code is amended by striking out “to the satisfaction of the Société, to effect payment in regular instalments” in subparagraph 3 of the first paragraph.

18. The heading of Division I.1 of Chapter II of Title V of the Code is replaced by the following heading:

“SUSPENSION OF LICENCES BY A PEACE OFFICER”.

19. The Code is amended by inserting the following sections after section 202.1.1, enacted by section 34 of chapter 40 of the statutes of 2007:

“202.1.2. The holder of a learner’s licence, a probationary licence, a driver’s licence or a restricted licence may not drive or have the care or control of a road vehicle while the holder’s driving ability is impaired.

“202.1.3. If a peace officer has reason to suspect that the driving ability of a person driving or having the care or control of a road vehicle is impaired, the peace officer may order the person to submit without delay to the physical coordination tests provided for in the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46).

“202.1.4. A peace officer who, after administering the physical coordination tests, has reasonable grounds to believe that the driving ability of a person driving or having the care or control of a road vehicle is impaired shall immediately suspend the person’s licence for 24 hours on behalf of the Société.

The 24-hour suspension is not imposed if the peace officer suspends the licence in accordance with section 202.4.

“202.1.5. A peace officer may impose a suspension under section 202.1.4 on a person who fails to comply with the peace officer’s order under section 202.1.3.”

20. Section 202.6 of the Code, replaced by section 38 of chapter 40 of the statutes of 2007, is amended by replacing “202.4” in the first line by “202.1.4 or 202.1.5”.

21. The Code is amended by inserting the following section after section 202.7:

“202.7.1. A person who fails to comply with a peace officer’s demand under section 202.1.3 without a reasonable excuse is guilty of an offence and is liable to a fine of \$200 to \$300.”

22. Section 209.2 of the Code, amended by section 39 of chapter 40 of the statutes of 2007, is again amended by inserting “202.1.4, 202.1.5” after “195.2,” in the second last line.

23. Section 209.11 of the Code, amended by section 42 of chapter 40 of the statutes of 2007, is again amended

(1) by replacing subparagraph *a* of subparagraph 2 of the first paragraph by the following subparagraph:

“(a) was unaware that the driver he allowed to drive his vehicle was disqualified or did not hold a licence of the class required to drive the vehicle, even though he had made a reasonable attempt to verify the information; or”;

(2) by adding the following sentence at the end of the fourth paragraph: “Saturday and Sunday are not counted in calculating the time for the service.”

24. Section 213 of the Code is amended by adding the following at the end of the second paragraph: “, to private roads open to public vehicular traffic as well as land occupied by shopping centres and other land where public traffic is allowed”.

25. Section 220.3 of the Code is amended by replacing “a net mass in excess of 3,000 kg” by “a gross vehicle weight rating of 4,500 kg or more”.

26. Section 226.1 of the Code is amended by striking out “Only” in the first sentence.

27. The Code is amended by inserting the following section after section 226.1:

“226.2. A road vehicle, other than an emergency vehicle, driven by a firefighter within the meaning of the Fire Safety Act (chapter S-3.4) may be equipped with a detachable green rotating light when the firefighter is acting in the context of an event to which that Act applies.

The green rotating light authorizes the driver to drive on the shoulder of a public highway and stop anywhere if the situation requires it, taking care not to jeopardize the safety of other road users.”

28. Section 228 of the Code is amended by replacing “but it may be operated only when the vehicle is used for the transportation of property requiring the issue of a special permit in accordance with the conditions appearing on the permit” by “but it must not be operated when the special permit is no longer required”.

29. Section 239 of the Code is amended by replacing “or 227” in the first paragraph by “, 226.1, the first paragraph of section 226.2 or section 227”.

30. Section 262 of the Code is amended by adding the following paragraph at the end:

“When an outsized vehicle referred to in the third paragraph is operated under a special permit, the presence of an escort vehicle behind the outsized vehicle may compensate for the absence of rear-view mirrors.”

31. The Code is amended by inserting the following section after section 274.2:

“274.3. No person may sell, lease or place at the disposal of a person or offer in any way to sell, lease or place at the disposal of a person, equipment or a part, device or apparatus designed to increase the power or maximum speed of a moped to a level greater than that originally provided by the manufacturer.”

32. Section 287.1 of the Code, amended by section 49 of chapter 40 of the statutes of 2007, is again amended by replacing “section 252” wherever it appears by “section 252 or 274.3”.

33. The Code is amended by inserting the following section after section 287.1:

“**287.1.1.** The driver of a road vehicle who contravenes the second paragraph of section 226.2 is liable to a fine of \$300 to \$600.”

34. Section 289 of the Code is amended by inserting “or on a road vehicle” after “public highway” in the second line of the second paragraph.

35. Section 301 of the Code is amended by adding “or use a traffic sign on a road vehicle other than a police car” at the end.

36. Section 303 of the Code is replaced by the following section:

“**303.** Despite section 301, any person carrying out work requiring occupation of a public highway, duly authorized by the person responsible for the maintenance of the highway, or any person conducting a road check operation must erect traffic signs or signals in compliance with the standards determined by the Minister of Transport for the duration of the work or operation.”

37. Section 306 of the Code is replaced by the following section:

“**306.** Visible devices, advertising and signs that bear a reproduction of a road signal governed by the standards prescribed by the Minister under section 289 that imitate such a road signal or that may be confused with traffic lights or with such a road signal because of their shape, colour, text, size or location are prohibited on and along public highways.

Devices, advertising and signs that can obstruct a road signal and those that encroach on a public highway are also prohibited.

The Minister of Transport may, by regulation, provide for exceptions to the prohibition under the first paragraph.”

38. Section 308 of the Code is amended by inserting “or on land occupied by shopping centres and other land where public traffic is allowed” after “vehicular traffic”.

39. Section 310 of the Code is amended by striking out “on a road or highway”.

40. Section 328 of the Code is amended by striking out the second paragraph.

41. Section 328.1 of the Code, enacted by section 52 of chapter 40 of the statutes of 2007, is amended by striking out the fourth paragraph.

42. The Code is amended by inserting the following section after section 328.4, enacted by section 52 of chapter 40 of the statutes of 2007:

“328.5. The driver of a road vehicle, other than a driver referred to in section 328.4, whose licence or right to obtain one is suspended for a period of 30 or 60 days in accordance with the third paragraph of section 328.1 may obtain the lifting of the suspension by the Société after establishing by a preponderance of evidence that the driver was not driving at the speed described in subparagraph 1 of the first paragraph of section 328.1.

The first paragraph of section 202.6.3, sections 202.6.4 and 202.6.5, the last paragraph of section 202.6.6 and sections 202.6.7 and 202.6.9 to 202.6.12 apply, with the necessary modifications, to a licence suspension under this section.”

43. Section 388 of the Code is amended by inserting “and identified by signs or signals in compliance with the standards prescribed by the Minister of Transport,” after “handicapped persons” in the second line of the first paragraph.

44. Section 389 of the Code is amended by replacing “weighing 3 000 kg or less” by “having a gross vehicle weight rating of 4,500 kg or less”.

45. The Code is amended by inserting the following section after section 395:

“395.1. Despite section 395, a person is authorized to drive a police wagon in which the seat belt provided for the seat occupied by a passenger has been removed, modified or rendered inoperative.”

46. Section 396 of the Code is amended by adding the following subparagraph at the end of the second paragraph:

“(4) to a person occupying a passenger seat in a police wagon.”

47. Section 397 of the Code is amended by replacing the portion preceding subparagraph 1 of the third paragraph by the following:

“If the first paragraph cannot be complied with, a child occupying a seat in a taxi or a police car must be restrained by the seat belt with which the seat is equipped, except in the following cases:”.

48. Section 440.1 of the Code, enacted by section 59 of chapter 40 of the statutes of 2007, is replaced by the following section:

440.1. Between 15 December and 15 March, the owner of a taxi or a passenger vehicle registered in Québec may not put the vehicle into operation unless it is equipped with tires specifically designed for winter driving, in compliance with the standards prescribed by government regulation. The prohibition also applies to any person renting out passenger vehicles not equipped with that type of tires.

The government regulation may also prescribe

(1) the cases in which the prohibition in the first paragraph does not apply;

(2) the cases in which the prohibition in the first paragraph is replaced by the obligation to obtain a certificate authorizing a taxi owner or person who owns or rents out a passenger vehicle to put the vehicle into operation in Québec without equipping it with tires specifically designed for winter driving, and the formalities required for obtaining the certificate;

(3) who may issue the certificate provided for in subparagraph 2.

Despite the second paragraph, the Minister may, by order, exclude from the application of the first paragraph persons who own or rent out vehicles for which there are no tires specifically designed for winter driving. The publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to such an order. The order comes into force on the date of its publication in the *Gazette officielle du Québec*.”

49. Section 456 of the Code is amended

(1) by striking out “or minibus”;

(2) by inserting “red” after “flashing”;

(3) by adding the following paragraph at the end:

“The first paragraph does not apply to such a vehicle when it is used exclusively for transporting school children who require a wheelchair.”

50. Section 457 of the Code is amended

(1) by striking out “or minibuses” and “or minibus”;

(2) by inserting “red” after “flashing”.

51. Section 458 of the Code is amended

(1) by striking out “or minibus”;

(2) by inserting “red” after “flashing”.

52. Section 459 of the Code is amended by inserting “red” after “flashing” in the first line.

53. Section 460 of the Code is amended

(1) by striking out “or minibus” wherever it appears in the first and second paragraphs;

(2) by inserting “red” after “flashing” in the second line of the first paragraph;

(3) by striking out “ou du minibus” in the first paragraph in the French text.

54. Section 463 of the Code is amended

(1) by inserting “by the Minister of Transport” after “issued” in the first line of the second paragraph;

(2) by striking out “by the Société” in the third and fourth lines of the second paragraph;

(3) by replacing “by reason of its construction, assembly as a road train, or by reason” in the fourth and fifth lines of the second paragraph by “because of its construction, the addition of equipment, its forming a road train, or”;

(4) by inserting the following paragraph after the second paragraph:

“The Minister may delegate the exercise of a power under the second paragraph to a public servant or employee of the Ministère des Transports or to any other person or body the Minister designates.”

55. Section 470.1 of the Code is amended by inserting the following paragraph after the first paragraph:

“In zones where traffic signs or signals announce the presence of an inspection station that uses equipment to pre-select road vehicles to be inspected, the driver of a road vehicle or a combination of road vehicles designated by the signs or signals must use the right lane where the sensors are placed, unless otherwise indicated.”

56. Section 473 of the Code is amended by replacing the third paragraph by the following paragraph:

“This section does not apply to equipment on a tool vehicle, an impact attenuator mounted on a road vehicle when the vehicle is used as a protection vehicle, or equipment on a road vehicle that levels, clears or marks the roadway of a public highway.”

57. Section 474 of the Code is amended by adding the following paragraphs at the end:

“The first paragraph also applies to the operation of a tool vehicle whose equipment extends beyond the front or rear of the vehicle by more than one metre. The prescribed signs or signals must be visible from the front or the rear, as applicable, and from the sides from a distance of not less than 150 metres. If the equipment extends beyond the vehicle by more than 1.5 metres, an escort vehicle must precede or follow the vehicle at a distance of not more than 50 metres with its hazard lights flashing.

The third paragraph does not apply when the vehicle is being used to carry out work on a public highway.”

58. Section 509 of the Code is amended by striking out the second paragraph.

59. Section 517 of the Code is amended by striking out “heavy” in the first line.

60. Section 517.1 of the Code is amended by striking out paragraph 4.

61. Section 519.10 of the Code, replaced by section 38 of chapter 2 of the statutes of 2004, is amended by striking out “or inspector appointed under section 519.69” and “or inspector’s,” in the fifth paragraph.

62. Section 519.11 of the Code is amended by striking out “or an inspector appointed under section 519.69” in the first paragraph and “or inspector” in the second paragraph.

63. Section 519.25 of the Code, replaced by section 44 of chapter 2 of the statutes of 2004, is amended by striking out “or inspector appointed under section 519.69” and “or inspector” in the second paragraph.

64. Section 519.31 of the Code, replaced by section 46 of chapter 2 of the statutes of 2004, is amended by striking out “, not exceeding one year” in subparagraph 2 of the first paragraph.

65. The heading of Title VIII.2 of the Code is amended by replacing “MARCHANDISES” in the French text by “BIENS”.

66. Section 519.63 of the Code is amended by replacing the first sentence by the following sentence: “The Société has jurisdiction to ensure the monitoring and control of highway transportation of persons and goods.”

67. The Code is amended by inserting the following section after section 519.66:

“519.66.1. On the request of the Minister of Transport, the Société must provide detailed reports, in the form and within the time the Minister prescribes, on the operations and activities for which highway controllers are responsible under this Title.

On the request of the Minister, the Société must also provide any statistical or administrative report relating to the carrying out of the mandate assigned to the Société under this Title.”

68. Chapter II of Title VIII.2 of the Code is replaced by the following chapter:

“CHAPTER II

“CONTROL ON HIGHWAYS AND WITHIN UNDERTAKINGS

“DIVISION I

“AUTHORITY OF HIGHWAY CONTROLLERS

“519.67. The Société may designate any member of its personnel to act as a highway controller.

Highway controllers are peace officers authorized to monitor and control highway transportation of persons and goods for the enforcement of

(1) the provisions of this Code with regard to

(a) any heavy vehicle;

(b) any road vehicle or combination of road vehicles designed or used to provide transportation or perform work whether for remuneration or not, regardless of its mass; and

(c) any passenger vehicle registered as such when highway controllers intervene with respect to load, dimensions, the securing of loads, mechanical condition or transportation of dangerous substances, except any other provision relating to the monitoring of passenger vehicle traffic;

(2) the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3);

(3) the legislative and regulatory provisions which the Société is responsible for enforcing under an agreement entered into in accordance with this Title; and

(4) sections 84, 96, 186, 187 and 192 of the Automobile Insurance Act (chapter A-25).

If warranted by an emergency, or at the request of a police force, highway controllers may prohibit passenger vehicle traffic on a public highway, and must notify the competent authority as soon as possible.

On request, highway controllers must identify themselves and show proof of their capacity.

“519.68. Persons having authority over one or more highway controllers are peace officers, vested with the same powers as those conferred on highway controllers under this Code. When they intervene in the enforcement of laws they are responsible for enforcing, they must, on request, identify themselves and show proof of their capacity.

As prescribed by section 126 of the Police Act (chapter P-13.1), the rules of ethics applicable to police officers apply to highway controllers and persons having authority over highway controllers.

“519.69. With the approval of the Minister of Transport, the Société may enter into an agreement with the Minister of Public Security for highway controllers to act as special constables, in particular when, in the performance of their duties, they enforce the Act respecting motor vehicle transport by extra-provincial undertakings (Revised Statutes of Canada, 1985, chapter 29, 3rd Supplement) or ascertain the commission of an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46).

“DIVISION II

“POWERS RELATING TO THE CONTROL OF HIGHWAY TRANSPORTATION OF PERSONS AND GOODS

“519.70. When performing duties under section 519.67, a highway controller may inspect any vehicle and, for that purpose, enter it and open any passenger compartment, shipping container, compartment, container or vessel or order it to be opened. The highway controller may also require any information relating to the enforcement of this Code, demand that any related document be produced for examination and examine any such document.

Any person who has the care, possession or control of a road vehicle must comply with a highway controller’s orders under the first paragraph.

“519.71. In the performance of their duties, highway controllers may, in particular,

(1) enter, at any reasonable hour, the establishment of a person who is subject to a legislative provision governing the operation of heavy vehicles, the establishment of a heavy vehicle owner or operator or any place where an undertaking or goods referred to in the legislative and regulatory provisions

under the responsibility of the Société under an agreement entered into in accordance with this Title is being carried on or are being kept;

(2) inspect, within those places, any equipment or any premises where registers and records that must be kept under Title VIII.1 or the legislative or regulatory provisions referred to in subparagraph 1 are found;

(3) inspect any vehicle and, for that purpose, order the immobilization of the vehicle if necessary, enter it, examine registers and records referred to in subparagraph 2, and open any passenger compartment, shipping container, compartment, container or vessel or order it to be opened, and require a mechanical inspection of the vehicle if necessary, unless the vehicle is registered as impounded in the road vehicle registration register held by the Société;

(4) require any information relating to the enforcement of this Code and the legislative and regulatory provisions referred to in subparagraph 1, demand that any related document be produced, and examine and make copies of books, registers, accounts, records or other documents containing such information.

Any person who has the care, possession or control of such books, registers, accounts, records or other documents must make them available to the highway controller on request and facilitate their examination.”

69. Section 519.77 of the Code is replaced by the following section:

“**519.77.** Every person who contravenes the second paragraph of section 519.70 or the second paragraph of section 519.71 is liable to a fine of \$700 to \$2,100.”

70. Section 520 of the Code is amended by replacing the second paragraph by the following paragraph:

“If the persons are not members of the personnel of the Société, they must pay the fee prescribed by regulation.”

71. Section 520.2 of the Code is amended by replacing the second paragraph by the following paragraph:

“If the persons are not members of the personnel of the Société, they must pay the fee prescribed by regulation.”

72. Section 521 of the Code is amended

(1) by replacing “, buses and minibuses” in subparagraph 3 of the first paragraph by “and buses”;

(2) by replacing “a net mass in excess of 3,000 kg” in subparagraph 5 of the first paragraph by “a gross vehicle weight rating of 4,500 kg or more”.

73. Section 543.12 of the Code is amended by replacing “mechanical inspection controller” by “highway controller”.

74. Section 543.13 of the Code is amended by striking out “to act as a mechanical inspection controller”.

75. Section 543.14 of the Code is amended by replacing “a mechanical inspection controller” in the first paragraph by “the person designated by the Société under section 543.13”.

76. Section 543.15 of the Code is amended by replacing “a mechanical inspection controller” by “a person designated by the Société under section 543.13”.

77. Section 543.16 of the Code is repealed.

78. The Code is amended by inserting the following section after section 546.1:

“546.1.1. A road vehicle to which the Registrar of Vehicles Imported to Canada has assigned the status of unrebildable vehicle may not be rebuilt. As soon as the Société is informed of the status assigned to the vehicle, the Société shall prohibit the vehicle from being put into operation.”

79. Section 546.2 of the Code is amended by replacing “section 101 or section 102” in the second paragraph by “section 101”.

80. Section 546.6.1 of the Code is amended by replacing “section 101 or section 102” by “section 101”.

81. Section 595 of the Code is amended by striking out “containing information transmitted electronically and”.

82. Section 596.3 of the Code is amended

(1) by inserting “or 539.1,” after “523” in the first paragraph and “or 539.5” after “524” in that paragraph;

(2) by inserting “or photometric” after “mechanical” in the second paragraph.

83. Section 596.5 of the Code is repealed.

84. Section 611.2 of the Code is amended by striking out the third paragraph.

85. Section 618 of the Code is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) prescribe the criteria on the basis of which a road vehicle may be recognized as an emergency vehicle;”.

86. Section 621 of the Code, amended by section 77 of chapter 40 of the statutes of 2007, is again amended

(1) by striking out “and minibuses” in subparagraph 24 of the first paragraph;

(2) by inserting “or by fire or flood” after “accident” in subparagraph 31.1 of the first paragraph;

(3) by striking out subparagraph 39.1 of the first paragraph;

(4) by replacing subparagraph 50 of the first paragraph by the following subparagraph:

“(50) determine the towing and daily impounding charges for a road vehicle seized by a peace officer on behalf of the Société;”.

87. Section 624 of the Code, amended by section 78 of chapter 40 of the statutes of 2007, is again amended by replacing subparagraph 21 of the first paragraph by the following subparagraph:

“(21) determine the fees for the review of a decision to suspend a licence or the right to obtain a licence for a period of 30, 60 or 90 days.”

88. Section 628.1 of the Code is amended

(1) by replacing “to submit to the Minister, as the case may be, a by-law, resolution or ordinance made pursuant to section 627 regarding speed” in the second, third and fourth lines of the first paragraph by “under the third paragraph of section 626”;

(2) by replacing “, resolution or ordinance respecting speed,” in the second line of the second paragraph by “or ordinance”;

(3) by striking out “, resolution” in the third line of the second paragraph.

89. Section 633.1 of the Code, enacted by section 81 of chapter 40 of the statutes of 2007, is amended

(1) by replacing the first paragraph by the following paragraph:

“**633.1.** After consultation with the Société, the Minister may, by order, restrict or prohibit, for up to 180 days, the use on public highways of any model or class of vehicle that endangers the safety of persons and property. The order must state that any interested party may submit comments to the designated person within 90 days after its publication in the *Gazette officielle du Québec*. At the expiry of 180 days, the Minister may, by order, make the restriction or prohibition permanent. A restriction or prohibition under this paragraph comes into force on the date the order is published.”;

(2) by replacing “On the same conditions” in the first line of the second paragraph by “After consultation with the Société”;

(3) by adding the following paragraph after the third paragraph:

“The publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under this section. An order under the second or third paragraph is published in the *Gazette officielle du Québec*.”

90. Section 636 of the Code is amended by inserting “, agreements entered into under section 519.65” after “Code”.

91. Section 636.1 of the Code is repealed.

92. Section 637 of the Code is amended

(1) by striking out “unauthorized licence,” in the third line of the first paragraph;

(2) by striking out subparagraph 3 of the second paragraph.

93. The Code is amended by inserting the following section after section 637.1:

“**637.2.** The Société and a peace officer are authorized to confiscate a licence that has been falsified, or issued, reproduced or used in a fraudulent manner, or a lost or stolen licence.”

94. Section 638.1 of the Code is replaced by the following section:

“**638.1.** Every person who in any way hinders a peace officer in the performance of duties under this Code, the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3) or an Act the Société is responsible for enforcing in accordance with section 519.64, in particular by misleading the peace officer by concealment or false declarations, refusing to provide the peace officer with any information or document the peace officer is entitled to require or examine, or concealing or destroying any document or property relevant to an inspection is guilty of an offence and is liable to a fine of \$300 to \$600 or, if the offence is committed during an intervention involving a heavy vehicle, \$700 to \$2,100.”

95. Section 643.1 of the Code is repealed.

96. Section 643.2 of the Code is amended by replacing “section 636 or 638.1” in the first and second paragraphs by “section 636”.

97. The Code is amended by inserting the following sections after section 644.2:

“644.3. The holder of a licence issued by the Société must notify the Société of the theft or loss of the licence.

A peace officer who has been notified of the theft of a licence issued by the Société must notify the Société of the theft.

“644.4. Every licence holder who contravenes the first paragraph of section 644.3 is guilty of an offence and is liable to a fine of \$100 to \$200.”

98. Section 648 of the Code, amended by section 27 of chapter 49 of the statutes of 2000 and by section 83 of chapter 40 of the statutes of 2007, is again amended

(1) by adding the following paragraph after paragraph 1.3:

“(1.4) the costs awarded in proceedings that lead to the imposition of a fine referred to in paragraph 1.2 or 1.3;”;

(2) by adding the following paragraph after paragraph 7:

“(8) the fees referred to in subparagraph 2.1 of the first paragraph of section 12.32 of the Act respecting the Ministère des Transports (chapter M-28).”

99. Section 660 of the Code is replaced by the following section:

“660. No driving school may be recognized before (*insert the date of coming into force of section 11 of chapter 40 of the statutes of 2007*).

Despite the first paragraph, an organization authorized under section 62 may recognize a driving school if it considers that there is an insufficient number of driving schools in the territory for which the recognition is requested.”

100. The Code is amended

(1) by replacing “, a bus or a minibus” in the second paragraph of section 90, in paragraph 2 of section 109 and in the second paragraph of section 519.2, amended by section 31 of chapter 39 of the statutes of 2005, by “or a bus”;

- (2) by striking out “or minibus” in sections 229, 455 and 506;
- (3) by striking out “, minibus” in section 413;
- (4) by striking out “or minibus” in section 432;
- (5) by striking out “or a minibus” wherever it appears in section 454;
- (6) by striking out “or minibus” in section 461;
- (7) by striking out “or minibus” wherever it appears in section 519.8;
- (8) by striking out “or minibus” in section 519.19;
- (9) by replacing “stops for buses and minibuses” in subparagraph 6 of the first paragraph of section 626 by “bus stops”;
- (10) by striking out “, a minibus” in paragraph 2 of section 641.

OTHER AMENDING PROVISIONS

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

101. Section 27 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is amended by replacing “a bus or a minibus within the meaning of the Highway Safety Code (chapter C-24.2)” in the sixth and seventh lines of the second paragraph by “a bus within the meaning of the Highway Safety Code (chapter C-24.2)”.

AUTOMOBILE INSURANCE ACT

102. Section 87.1 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing the second paragraph by the following paragraph:

“However, the amount is \$2,000,000 if the person referred to in the first paragraph transports a dangerous substance listed in Schedule 1 to the Transportation of Dangerous Good Regulations made by Privy Council Order 2001-1366 (*Canada Gazette*, Part II, Supplement of 15 August 2001, 1) in a quantity exceeding that indicated in column 7 of that schedule.”

103. The heading of Division III of Chapter I of Title III of the Act is amended by striking out “AND CERTIFICATE OF FINANCIAL RESPONSIBILITY”.

104. Section 96 of the Act is amended

- (1) by striking out “or of financial responsibility” in the first paragraph;
- (2) by striking out the third paragraph.

105. Section 102 of the Act is repealed.

106. Section 103 of the Act is amended by striking out “, and a person contemplated in section 102,” in the first paragraph and “or a person contemplated in section 102,” in the second paragraph.

107. Sections 104 and 105 of the Act are repealed.

108. Section 149 of the Act is amended by replacing “, partnerships and any person exempted by the Société under section 102 from taking out liability insurance” in paragraph 1 by “or partnerships”.

109. Section 192 of the Act is amended by striking out “or of financial responsibility”.

110. Section 196 of the Act is amended by striking out paragraphs *e* and *f*.

CHARTER OF VILLE DE QUÉBEC

111. Section 72 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended

(1) by replacing “, buses and minibuses” in the first paragraph by “or buses”;

(2) by striking out “or minibus” in the second paragraph.

CITIES AND TOWNS ACT

112. Section 467.1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out “or vehicles of the minibus type” in the third paragraph.

MUNICIPAL CODE OF QUÉBEC

113. Article 526 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out “or vehicles of the minibus type” in the third paragraph.

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

114. Section 4 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by striking out “or vehicles of the minibus type” in the second paragraph.

115. Section 88 of the Act is amended by replacing “supply such service by means of school bus or school minibus only” by “use school buses only”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

116. Section 119 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing paragraph 7 by the following paragraph:

“(7) a proceeding under section 202.6.11 of the Highway Safety Code (chapter C-24.2) following a decision to suspend a licence or the right to obtain a licence for 30 or 60 days for speeding or 90 days for the presence of alcohol in the driver’s body.”

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

117. Section 12.32 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended

(1) by inserting the following paragraph after paragraph 2:

“(2.1) the fee paid for the issue or renewal of a special permit issued under section 633 of the Highway Safety Code (chapter C-24.2) to authorize the operation of a road vehicle or combination of road vehicles equipped with single tires;”;

(2) by adding the following paragraph:

“The fees referred to in subparagraph 2.1 of the first paragraph are used to pay expenses incurred to improve roadway durability.”

118. Section 12.39.1 of the Act, enacted by section 88 of chapter 40 of the statutes of 2007, is amended by inserting the following paragraph after paragraph 1:

“(1.1) costs awarded in proceedings that lead to the imposition of a fine referred to in paragraph 1;”.

ACT RESPECTING OWNERS, OPERATORS AND DRIVERS OF HEAVY VEHICLES

119. Section 2 of the Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., chapter P-30.3), amended by section 3 of chapter 39 of the statutes of 2005, is again amended by striking out “, minibus” in subparagraph *b* of subparagraph 3 of the first paragraph.

120. Section 22 of the Act is amended by adding the following sentence at the end of the first paragraph: “For the purposes of a driver’s file, the Société shall consider every accident in which the driver was involved while driving a heavy vehicle.”

121. Section 31 of the Act is amended by adding “ by entering a prohibition to that effect in the person’s file maintained under section 22” at the end of the second paragraph.

122. Section 39 of the Act is amended by inserting “or driving” after “or the operation” in the third line of the first paragraph.

123. Section 48 of the Act is amended by inserting “or drives” after “or operates” in paragraph 2.

ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

124. Section 2 of the Act respecting transportation services by taxi (R.S.Q., chapter S-6.01) is amended by striking out “or a minibus” in paragraph 1.

ACT RESPECTING THE SOCIÉTÉ DE L’ASSURANCE AUTOMOBILE DU QUÉBEC

125. Section 2 of the Act respecting the Société de l’assurance automobile du Québec (R.S.Q., chapter S-11.011), amended by section 89 of chapter 40 of the statutes of 2007, is again amended by replacing “goods” in paragraph *e* of subsection 1 by “property”.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

126. Section 5 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by striking out “or minibus” in subparagraph 3 of the first paragraph.

127. Section 80 of the Act is amended by striking out “or minibus” in the second paragraph.

TRANSPORT ACT

128. Section 5 of the Transport Act (R.S.Q., chapter T-12) is amended by striking out “or minibus” in paragraph g.1.

129. Section 48.12 of the Act is amended by striking out “or minibus”.

130. Sections 48.14 and 48.15 of the Act are amended by striking out “or minibus”.

131. Section 48.16 of the Act is amended by striking out “or minibus” wherever it appears.

TRANSITIONAL AND FINAL PROVISIONS

132. Sections 133 to 135 have precedence over the Regulation respecting road vehicle registration, enacted by Order in Council 1420-91 (1991, G.O. 2, 4111). They do not apply to a road vehicle acquired in co-ownership or to an owner whose birthday is the 31st day of the month. They remain in force until replaced by a regulation made under section 618 of the Highway Safety Code (R.S.Q., chapter C-24.2).

133. If the owner of a road vehicle notifies the Société de l'assurance automobile du Québec of the owner's intention to pay the sums referred to in section 31.1 of the Highway Safety Code and the tax on the insurance contribution by pre-authorized debit, the withdrawals are made at the following intervals subject to the terms prescribed by the Regulation respecting road vehicle registration:

(1) annually: one single withdrawal in the month following the month of the due date set out in sections 19 and 21 to 24 of the regulation, on the day that has the same calendar number as the owner's birthday; or

(2) bi-monthly or monthly: the first withdrawal on the day set out in paragraph 1 and subsequent withdrawals every two months or every month, depending on the interval selected.

134. If the owner of a road vehicle notifies the Société of the owner's intention to pay the sums referred to in section 21 of the Highway Safety Code and the tax on the insurance contribution by pre-authorized debit, the withdrawals are made at the following intervals subject to the terms prescribed by the Regulation:

(1) annually: one single withdrawal on the day after the date the vehicle is registered; or

(2) bi-monthly or monthly: the first withdrawal in the month following the month the vehicle is registered, on the day that has the same calendar number as the owner's birthday, and subsequent withdrawals every two months or every month, depending on the interval selected.

135. If the owner of a road vehicle wishes to pay the sums referred to in section 31.1 of the Highway Safety Code and the tax on the insurance contribution by pre-authorized debit but has not, as of the due date determined by regulation, paid those amounts or notified the Société that the owner has chosen not to drive the vehicle, the owner must select one of the following withdrawal intervals:

(1) annually: one single withdrawal on the day after the date the owner receives authorization to put the vehicle back into operation; or

(2) bi-monthly or monthly: the first withdrawal on the day after the date the owner receives authorization to put the vehicle back into operation, and subsequent withdrawals on the dates set out in paragraph 2 of section 133 of this Act.

136. Regulations made or approved before 1 December 2008 to give effect to section 63.2 of the Highway Safety Code, enacted by section 7 of chapter 40 of the statutes of 2007 and amended by section 5, or to facilitate United States border crossing for drivers of heavy vehicles are not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

137. Traffic signs or signals erected before 12 June 2008 on land occupied by a shopping centre or other land where public traffic is allowed that do not comply with the standards determined by the Minister of Transport in respect of public highways must be replaced by traffic signs or signals in compliance with those standards not later than 12 June 2010.

138. Paragraph 2 of section 98 and section 117 have effect from 25 May 2007.

139. Section 660 of the Highway Safety Code, enacted by section 99, has effect from 21 December 2007.

140. Sections 132 to 135 have effect from 1 January 2008.

141. The provisions of this Act come in force on the date or dates to be set by the Government, except

(1) paragraph 2 of section 1, paragraph 2 of section 2, sections 3, 4, 8, paragraph 1 of section 9, sections 10, 23, 24, 28, 30, 34 to 36, 38 to 40, 43, 45 to 47, paragraph 3 of section 54, sections 55 to 57, 59 to 71, 73 to 78, 81 to 85, paragraphs 2 to 4 of section 86, sections 88 to 90, 94, 96, paragraph 2 of section 98, sections 99, 102, 117, 120 to 123, 125, 132 to 135, 137 and 138 to 140, which come into force on 12 June 2008;

(2) section 7, paragraph 1 of section 11, section 12, paragraphs 2 and 3 of section 49, paragraph 2 of section 50, paragraph 2 of section 51, section 52 and paragraph 2 of section 53, which come into force on 2 July 2008.