

5. This Regulation replaces the Regulation respecting energy produced by cogeneration, made by Order in Council 1319-2003 dated 10 December 2003.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 922-2008, 24 September 2008

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

Licences

— Amendments

Regulation to amend the Regulation respecting licences

WHEREAS, under paragraphs 1, 2 and 3 of section 619 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may, by regulation, determine types and classes of licences according to their nature, the form of a licence, the information it must contain, and the cases where and establish the criteria according to which conditions may be attached to a licence;

WHEREAS, under paragraph 6 of section 619 of the Highway Safety Code, the Government may by regulation prescribe the conditions and formalities for obtaining or renewing a licence, according to the nature, class or category of the licence, and the documents and information which must be produced with an application for the issue or renewal of such a licence;

WHEREAS the Government made the Regulation respecting licences by Order in Council 1421-91 dated 16 October 1991;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting licences was published in Part 2 of the *Gazette officielle du Québec* of 25 October 2006 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with an amendment;

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

THAT the Regulation to amend the Regulation respecting licences, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting licences*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 619, pars. 1, 2, 3 and 6)

1. The Regulation respecting licences is amended by replacing section 1 by the following:

“1. In this Regulation,

“net mass” means the mass of a road vehicle as indicated by the manufacturer at the time of shipment or as indicated on the weight certificate issued when the road vehicle was altered or fitted with an accessory or with equipment in order to bring it into conformity with its intended use;

“truck tractor” means a motor vehicle that has no room for loads and that is permanently equipped with a fifth wheel.”

2. Section 2 is amended

(1) by striking out “31” and “37”;

(2) by replacing “41” by “42”.

3. Section 5 is amended

(1) by inserting the following after subparagraph 7 of the first paragraph:

“(7.1) at the end of the indication required under subparagraph 7, the word “temporary” if the licence meets the requirements of the second paragraph;”;

(2) by replacing the second paragraph by the following:

“A licence that contains the word “temporary” in accordance with subparagraph 7.1 must meet the following requirements:

* The Regulation respecting licences, made by Order in Council 1421-91 dated 16 October 1991 (1991, *G.O.* 2, 4146), was last amended by the regulation made by Order in Council 266-2007 dated 28 March 2007 (2007, *G.O.* 2, 1317A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

- (1) be issued in paper form;
- (2) be issued for the time required for a plastic licence to be issued;
- (3) be valid for a period of 20 days from its date of issue; and
- (4) the conditions for obtaining, renewing or replacing a plastic licence have been met.”.

4. Section 7.1 is replaced by the following:

“**7.1.** A probationary licence and a driver’s licence are issued in plastic form.

A temporary probationary licence and a temporary driver’s licence are issued in paper form.

A licence authorizing the driving of a moped only is issued in paper form or in plastic form, at the choice of the applicant.”.

5. Section 7.2 is replaced by the following:

“**7.2.** A learner’s licence and a restricted licence are issued in paper form or in plastic form, at the choice of the applicant.”.

6. Sections 7.3 to 7.4 are revoked.

7. Section 7.5 is replaced by the following:

“**7.5.** A licence in paper form does not bear a photograph of the licence holder.”.

8. Section 7.6 is revoked.

9. Section 7.7 is amended by replacing “A plastic probationary licence and a plastic driver’s licence do not” in the first sentence by “A licence does not”.

10. Section 7.8 is amended by replacing “A plastic probationary licence and a plastic driver’s licence do not” by “A licence does not”.

11. Section 7.9 is amended by replacing “A plastic probationary licence or a plastic driver’s licence” by “A licence”.

12. Section 7.10 is amended by replacing “his driver’s” by “a”.

13. Section 7.11 is amended by replacing “his driver’s” by “a”.

14. The following is inserted after section 9:

“**9.1.** Subject to the conditions attached to it, a class 1, 2 or 3 learner’s licence allows its holder to drive a road vehicle covered by a licence of that class and equipped with a manual transmission or an air braking system even if the indication or indications to that effect are not entered in the licence holder’s file.”.

15. Section 13 is amended by replacing “coming into force” in the second paragraph by “issue”.

16. Section 16 is amended

(1) by replacing “has no room for loads and is permanently equipped with a fifth wheel” in paragraph 1 by “is a truck tractor having two axles and a net mass of 4,500 kg or more or a truck tractor having three axles or more”;

(2) by replacing “Institut de police” in paragraph 4 by “École nationale de police”.

17. Section 17 is amended

(1) in paragraph 1 by striking out “, where applicable,” and by inserting “if the document is written in a language other than French or English” after “submits”;

(2) by adding the following after paragraph 4:

“(5) submit a French or English translation if the licence is in a language other than French or English.”.

18. Section 25 is amended by replacing paragraph 2 by the following:

“(2) have successfully completed an emergency vehicle driving course offered by the École nationale de police du Québec, Corporation d’urgences-santé, the Institut de protection contre les incendies du Québec or the École nationale des pompiers du Québec, or an equivalent emergency vehicle driving course;”.

19. Section 26 is revoked.

20. Section 27 is amended by striking out the last paragraph.

21. Section 28 is replaced by the following:

“**28.** A driver’s licence must belong to one of the following classes:

(1) class 1;

- (2) class 2;
- (3) class 3;
- (4) class 4A;
- (5) class 4B;
- (6) class 4C;
- (7) class 5;
- (8) class 6A;
- (9) class 6B;
- (10) class 6C;
- (11) class 6D;
- (12) class 8.

Subject to section 29, those classes are mutually exclusive.

28.1. Class 1 authorizes the driving of

(1) a combination of road vehicles consisting of a truck tractor having two axles and a net mass of 4,500 kg or more and hauling one or more trailers or semi-trailers;

(2) a combination of road vehicles consisting of a truck tractor having three axles or more and hauling one or more trailers or semi-trailers; and

(3) a combination of road vehicles consisting of a truck complying with the standards of section 28.3, hauling a trailer or semi-trailer the net mass of which is 4,500 kg or more and used solely for transporting the machinery, implements or fixtures with which it is permanently equipped or hauling any other trailer or semi-trailer having a net mass of 2,000 kg or more.

Class 1 authorizes the driving of a combination of road vehicles described in the first paragraph equipped with a manual transmission or an air braking system or the driving of a road train as defined in the Special Road Train Operating Permits Regulation, made by Order in Council 1874-86 dated 10 December 1986, if the indication or indications to that effect are entered in the licence holder's file.

28.2. A class 2 licence authorizes the driving of a bus designed to transport more than 24 passengers at a time.

That class authorizes the driving of a road vehicle described in the first paragraph that is equipped with a manual transmission or an air braking system if the indication or indications to that effect are entered in the licence holder's file.

28.3. A class 3 licence authorizes the driving of a truck having two axles and a net mass of 4,500 kg or more and of a truck with three axles or more.

That class authorizes the driving of a road vehicle described in the first paragraph that is equipped with a manual transmission or an air braking system if the indication or indications to that effect are entered in the licence holder's file.

In this section, "truck" means a road vehicle having a net mass of more than 3,000 kg and manufactured solely for transporting goods or equipment permanently attached to it or for transporting such equipment and goods.

28.4. A class 4A licence authorizes the driving of an emergency vehicle.

28.5. A class 4B licence authorizes the driving of a bus designed to transport 24 passengers or less at a time, and a minibus.

28.6. A class 4C licence authorizes the driving of a taxi.

28.7. A class 5 licence authorizes the driving of a motor vehicle having two axles and a net mass of less than 4,500 kg, a motor vehicle permanently converted into a dwelling, a special mobile equipment vehicle and a service vehicle.

In this section, "service vehicle" means a motor vehicle equipped to refuel, repair or tow road vehicles.

28.8. A class 6A licence authorizes the driving of any motorcycle.

28.9. A class 6B licence authorizes the driving of a motorcycle with an engine piston displacement of 400 cc or less.

28.10. A class 6C licence authorizes the driving of a motorcycle with an engine piston displacement of 125 cc or less.

28.11. A class 6D licence authorizes the driving of a moped.

28.12. A class 8 licence authorizes the driving of a tractor used for agricultural or related purposes.”.

22. Section 30 is amended

(1) by replacing “has no room for loads and is permanently equipped with a fifth wheel” in paragraph 1 by “is a truck tractor having two axles and a mass net of 4,500 kg or more or a truck tractor having three axles or more”;

(2) by replacing paragraph 2 by the following:

“(2) a class 3 driver’s licence also allows the holder to drive a road vehicle covered by a licence of that class where that road vehicle hauls a trailer or semi-trailer having

(a) a net mass of less than 2,000 kg; or

(b) a net mass of 2,000 kg or more but less than 4,500 kg and used solely for transporting the machinery, implements or fixtures with which it is permanently equipped;”;

(3) by replacing “Institut de police” in paragraph 5 by “École nationale de police”;

(4) by adding the following after paragraph 5:

“(6) a class 1, 2 or 3 driver’s licence also allows the holder to drive a road vehicle authorized by that class, for the sole purposes of learning to drive it or undergoing the proficiency examination of the Société, where that vehicle is equipped with a manual transmission or an air braking system even if the indication or indications to that effect are not entered in the licence holder’s file, provided that the licence holder is accompanied as required by section 99 of the Highway Safety Code.”.

23. Section 32 is amended

(1) in paragraph 1 by striking out “, where applicable,” and by inserting “if the document is written in a language other than French or English” after “submits”;

(2) by adding the following after paragraph 4:

“(5) submit a French or English translation if the licence is in a language other than French or English.”.

24. The following is inserted after section 32:

“**32.1.** An application for a licence exchange referred to in sections 91 and 91.1 of the Highway Safety Code must be made within 12 months of the applicant’s settlement in Canada.

A person who settled in Canada before 28 October 2008 must apply for a licence exchange within 12 months following that date.

32.2. To be granted the exemption referred to in section 91.3 of the Highway Safety Code, a person must apply for a licence within 12 months of the person’s settlement in Canada.

A person who settled in Canada before 28 October 2008 must apply for a licence within 12 months following that date.”.

25. Section 34 is revoked.

26. Section 43 is amended by replacing “Institut de police du Québec or its equivalent” in subparagraph *b* of paragraph 3 by “École nationale de police du Québec, Corporation d’urgences-santé, the Institut de protection contre les incendies du Québec or the École nationale des pompiers du Québec, or an equivalent emergency vehicle driving course”.

27. Section 44 is amended by replacing paragraph 1 by the following:

“(1) have held a class 3 learner’s licence for three months, or for one month if the person

(a) is 25 years of age or older; or

(b) holds or has held a class 5 driver’s licence and has held such a licence or a class 5 probationary licence for a total of 60 months;”.

28. Section 45 is replaced by the following:

“**45.** To obtain a class 2 driver’s licence, a person must

(1) have held a class 2 learner’s licence for three months, or for one month if the person

(a) is 25 years of age or older;

(b) holds or has held a class 3 driver’s licence; or

(c) holds or has held a class 5 driver’s licence and has held such licence or a class 5 probationary licence for a total of 60 months; or

(2) hold a class 2 learner’s licence for the time of a training comprising at least 20 hours of driving on public roads if the person meets one of the requirements in subparagraphs *a* to *c* of subparagraph 1. That training

must be offered by an operator of heavy vehicles within the meaning of the Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., c. P-30.3) that has been assigned a satisfactory rating under that Act and that has not been the subject of any intervention of the Société within the last two years related to the implementation of the administrative policy adopted under that Act.

That person must also hold or have held a class 5 driver's licence and have held such licence or a class 5 probationary licence for a total of 24 months.”.

29. Section 46 is amended

(1) by replacing paragraph 1 by the following:

“(1) have held a class 1 learner's licence for three months, or for one month if the person

(a) is enrolled in the instruction program for the driving of trucks leading to a secondary school vocational diploma awarded by the Ministère de l'Éducation, du Loisir et du Sport and has successfully completed all the compulsory sections in the program required prior to road driving without a supervisor;

(b) is 25 years of age or older;

(c) holds or has held a class 2 or class 3 driver's licence; or

(d) holds or has held a class 5 driver's licence and has held such a licence or a class 5 probationary licence for a total of 60 months;”;

(2) by replacing subparagraph *b* of paragraph 3 by the following:

“(b) for a total of 24 months, if the person has successfully completed

i. a program comprising 300 hours of driving a road vehicle authorized by the licence applied for on public roads; the program must include at least 40 hours of driving provided by a heavy vehicle driving school and an on-the-job training period with the number of hours necessary to complete the 300 hours required; or

ii. the instruction program for the driving of trucks leading to a secondary school vocational diploma awarded by the Ministère de l'Éducation, du Loisir et du Sport.”.

30. Sections 46.2 to 48 and 50.3.1 are revoked.

31. Sections 50.4, 50.5 and 50.6 are amended by striking out “plastic”.

32. This Regulation comes into force on 28 October 2008.

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Gouvernement du Québec

O.C. 923-2008, 24 September 2008

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

**Fees exigible and return of confiscated objects
— Amendments**

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

WHEREAS, under subparagraphs 3, 4, 5 and 11 of the first paragraph of section 624 of the Highway Safety Code (R.S.Q., c. C-24.2), the Société de l'assurance automobile du Québec may by regulation fix the amount of the fee exigible for obtaining or renewing a licence or determine the amount of the fee exigible for the replacement of a licence or for proficiency examinations and provide cases of exemption from or reduction of certain exigible fees;

WHEREAS the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects was approved by Order in Council 646-91 dated 8 May 1991;

WHEREAS, at its sitting held on 3 November 2005, the board of directors of 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 section 625 of the Code, every regulation made by the Société under the Code is subject to the approval of the Government;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of 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 25 October 2006 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;