

Draft Regulations

Draft Regulation

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

Road vehicle

— Access to driving a road vehicle in connection with the health of drivers

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting access to driving a road vehicle in connection with the health of drivers, appearing below, may be made by the Government on the expiry of 45 days following this publication.

Québec drivers of heavy vehicles are subject, under an agreement between Canada and the United States, to the Canadian health standard recognized as equivalent by the United States. The draft Regulation reviews standards in connection with the health of drivers of heavy vehicles to harmonize the standards with the Canadian health standard and makes those standards applicable to all other types of drivers subject to equivalent standards.

The measures in the draft Regulation have a positive impact on enterprises, including small and medium-sized businesses, in particular on Québec carriers operating extra-provincially. The measures proposed also favour Québec exportations and ensure equity to Québec drivers of heavy vehicles.

The measures proposed also have a positive impact on other types of drivers who will not be subject to standards more stringent than the standards applicable to drivers of heavy vehicles.

Further information may be obtained by contacting Jamie Dow, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-12, case postale 19600, Québec (Québec) G1K 8J6; telephone: 418 528-4984.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

JULIE BOULET,
Minister of Transport

Regulation to amend the Regulation respecting access to driving a road vehicle in connection with the health of drivers*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 619, pars. 2 and 8)

1. Section 3 of the Regulation respecting access to driving a road vehicle in connection with the health of drivers is amended by striking out the third paragraph.

2. Section 4 is revoked.

3. Sections 5 and 6 are replaced by the following:

“**5.** Visual acuity of less than 6/15 with both eyes open and examined together is essentially inconsistent with driving a road vehicle.

6. Visual acuity of less than 6/9 with both eyes open and examined together is essentially inconsistent with driving an articulated or non-articulated heavy vehicle, a bus, an emergency vehicle, a minibus or a taxi.”

4. Section 7 is revoked.

5. Section 8 is replaced by the following:

“**8.** A horizontal field of vision of less than 150 continuous degrees along the horizontal meridian and less than 10 continuous degrees above fixation and less than 20 continuous degrees below fixation with both eyes open and examined together is essentially inconsistent with driving an articulated or non-articulated heavy vehicle, a bus, an emergency vehicle, a minibus or a taxi.”

6. Section 9 is revoked.

7. Section 10 is replaced by the following:

“**10.** A horizontal field of vision of less than 100 continuous degrees along the horizontal meridian and less than 10 continuous degrees above fixation and less

* The Regulation respecting access to driving a road vehicle in connection with the health of drivers, approved by Order in Council 32-89 dated 18 January 1989 (1989, *G.O.* 2, 142), was last amended by the regulation approved by Order in Council 1423-97 dated 29 October 1997 (1997, *G.O.* 2, 5450). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

than 20 continuous degrees below fixation or less than 30 continuous degrees on each side of the vertical meridian, with both eyes open and examined together, is essentially inconsistent with driving a road vehicle.”.

8. Sections 11 and 12 are revoked.

9. Section 14 is replaced by the following:

“**14.** A severe colour vision deficiency that prevents a driver from distinguishing traffic lights is essentially inconsistent with driving a road vehicle .”.

10. Section 21 is replaced by the following:

“**21.** For the purposes of this Division, the following functional cardiac classification is established:

(1) Class I: no limitation of activity and no symptoms from daily activities;

(2) Class II: slight limitation of activity but comfortable at rest or during mild physical activity;

(3) Class III: marked limitation of activity and comfortable only at rest;

(4) Class IV: the person should be at complete rest, confined to bed or chair and any physical activity brings on discomfort and symptoms may occur even at rest.”.

11. Section 24 is replaced by the following:

“**24.** A cardiopathy that places a person in Class III or IV or in LV Class III is essentially inconsistent with driving an articulated or non-articulated heavy vehicle, a bus, an emergency vehicle or a minibus.

For the purposes of this section, the following functional classification of the left ventricle is established:

(1) LV Class I: ejection fraction > 50%;

(2) LV Class II: ejection fraction from 35% to 49%;

(3) LV Class III: ejection fraction < 35%.”.

12. Sections 24.1 and 25 are revoked.

13. Section 33 is replaced by the following:

“**33.** Anatomical or functional loss of a limb or a limb joint or limb immobilization is essentially inconsistent with driving a road vehicle unless the person

shows, to the satisfaction of the Société, that the person can safely drive a road vehicle corresponding to the class of licence concerned or to the class the person wishes to obtain.”.

14. Sections 34 to 39 are revoked.

15. Section 40 is amended by replacing “in sections 33 to 39” by “in section 33”.

16. Section 49 is replaced by the following:

“**49.** Where a period of less than 5 years has elapsed since the last seizure, epilepsy is essentially inconsistent with driving an articulated or non-articulated heavy vehicle, a bus, an emergency vehicle, a minibus or a taxi, unless the person

(1) has had only partial simple seizures, somatosensory seizures or motor seizures involving one anatomical area having no impact on driving; the seizures are always of the same type and do not perturb the person’s state of consciousness, and a period of not less than 3 years has elapsed since the first seizure;

(2) has had one or more seizures resulting from an interruption or change in the treatment for epilepsy prescribed by a physician while epilepsy was closely supervised, and the person had no seizure during the 5 preceding years if a period of not less than 6 months has elapsed since the last seizure resulting from the interruption or change in the treatment and treatment has resumed; or

(3) has had one or more seizures in a brief period of time due to an intercurrent disease whose cause has been clearly established, which are unlikely to recur in a person who is usually closely supervised and closely follows the treatment, provided that the person had no seizure during the 5 preceding years and a period of not less than 6 months has elapsed since the last seizure.”.

17. Section 50 is amended by striking out “having a net mass not exceeding 2,500 kg” in the part preceding paragraph 1.

18. Section 55 is replaced by the following:

“**55.** Insulin-treated diabetes mellitus is essentially inconsistent with driving an articulated or non-articulated heavy vehicle, a bus, an emergency vehicle or a minibus, unless the person meets the following conditions:

(1) the person has had no hypoglycemic episode requiring the intervention of a third person for 6 months;

(2) the person shows a good understanding of the disease;

(3) the person's glycosylated hemoglobin is less than twice the normal limit;

(4) self-monitoring of glycemia is going well; and

(5) the person's condition is subject to an annual medical follow-up.”.

19. Section 56 is revoked.

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

9251