

Gouvernement du Québec

**O.C. 1311-2009, 2 December 2009**

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

**Licences**  
— **Amendments**

Regulation to amend the Regulation respecting licences

WHEREAS the second paragraph of section 66 of the Highway Safety Code (R.S.Q., c. C-24.2), made by section 10 of the Act to amend the Highway Safety Code and the Regulation respecting demerit points (2007, c. 40), provides that a person applying for a licence other than a moped licence or a farm tractor licence must also have held a probationary licence for the period prescribed by regulation;

WHEREAS, under the first paragraph of section 66.1 of the Highway Safety Code, made by section 11 of the Act to amend the Highway Safety Code and the Regulation respecting demerit points, persons applying for their first licence to drive a motorcycle, a moped or another passenger vehicle must successfully complete a driving course appropriate for the class of licence requested, given by a driving school recognized by a body approved by the Société;

WHEREAS the second paragraph of section 66.1 of the Code specifies that the course must comprise a theoretical part and a practical part, and that the deadline for the successful completion of each part of the course and the cases in which a person may be exempted from taking the course are determined by government regulation;

WHEREAS, under paragraph 6 of section 619 of the Code, the Government may by regulation prescribe, according to the nature, class or category of a licence, the documents and information which must be produced with an application for the issue or renewal of such a licence or the payment of amounts under section 93.1 as well as any other condition or formality for obtaining or renewing that licence;

WHEREAS, under paragraph 6.4 of section 619 of the Code, amended by section 74 of chapter 40 of the Statutes of 2007, the Government may by regulation determine, for obtaining a driver's licence under any of sections 66 and 92.0.1, the period during which a person must have held a probationary licence and establish the cases where the period may be reduced and the terms and conditions permitting such a reduction;

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

WHEREAS, in accordance with 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 30 June 2009 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 amendment;

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

THAT the Regulation to amend the Regulation respecting licences be made.

GÉRARD BIBEAU,  
*Clerck of the Conseil exécutif*

**Regulation to amend the Regulation respecting licences\***

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 619, pars. 6 and 6.4;  
2007, c. 40, ss. 10, 11 and 74)

**1.** The Regulation respecting licences is amended in section 12.1

(1) by striking out “at least” in paragraph 1;

(2) by replacing “an attestation, from a driving school recognized by a body certified by the Société, of his successful completion of the appropriate driving course for the class of licence applied for” in paragraph 2 by “a certificate from a driving school recognized by a body approved by the Société, showing that the person has successfully completed the theoretical and practical parts of the driving course appropriate for driving the vehicle covered by the class of licence”.

**2.** The following is inserted after section 12.1:

\* 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 1110-2008 dated 5 November 2008 (2008, *G.O.* 2, 5139). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

“**12.2.** A person wishing to obtain a class 5 learner’s licence must submit a certificate from a driving school recognized by a body approved by the Société, showing that the person has successfully completed the theoretical part of the driving course appropriate for driving the vehicle covered by the class of licence, which is a prerequisite for beginning the first unit of the practical part of the course.”.

**3.** Section 20 is replaced by the following:

“**20.** A person wishing to obtain a class 6A, 6B or 6C probationary licence for the first time must,

(1) if the person obtained a class 6A learner’s licence before 1 January 2001,

(a) submit his or her class 6A learner’s licence, which the person must have held for 8 months; and

(b) submit a certificate from a driving school recognized by a body approved by the Société, showing that the person has successfully completed the theoretical and practical parts of the driving course appropriate for driving the vehicle covered by the class of licence applied for;

(2) if the person obtained a class 6A learner’s licence on or after 1 January 2001 but before 17 January 2010, submit his or her class 6A learner’s licence, which the person must have held for 7 months; or

(3) if the person obtained a class 6A learner’s licence on or after 17 January 2010, submit his or her class 6A learner’s licence, which the person must have held for 11 months.”.

**4.** Section 22 is replaced by the following:

“**22.** A person wishing to obtain a class 5 probationary licence must,

(1) if the person obtained a class 5 learner’s licence before 17 January 2010, submit his or her class 5 learner’s licence, which the person must have held for 12 months, or for 8 months where the person submits a certificate from a driving school recognized by a body approved by the Société, showing that the person has successfully completed the practical part of the driving course appropriate for driving the vehicle covered by the class of licence;

(2) if the person obtained a class 5 learner’s licence on or after 17 January 2010,

(a) submit his or her class 5 learner’s licence, which the person must have held for 12 months; and

(b) submit a certificate from a driving school recognized by a body approved by the Société, showing that the person has successfully completed the theoretical and practical parts of the driving course appropriate for driving the vehicle covered by the class of licence.”.

**5.** Section 25 is amended by striking out “4B, 4C or” in paragraph 1.

**6.** Section 27 is replaced by the following:

“**27.** A probationary licence is valid,

(1) if it was issued before 17 January 2010, for a period of 2 years from its date of issue, if the holder is under 23 years of age. In the case of a holder who is 23 years of age or older, a probationary licence is valid from its date of issue until the end of the day preceding the holder’s 25th birthday; or

(2) if it was issued on or after 17 January 2010, for a period of 2 years from its date of issue.

Despite the foregoing, a probationary licence obtained subsequently to a probationary licence that was cancelled by the Société or at the holder’s request is valid for the duration that completes the period determined in subparagraph 1 or 2 of the first paragraph, as the case may be. Where a probationary licence is suspended, its period of validity is extended for a duration equal to the duration of the suspension, but not later than the end of the day preceding the holder’s 25th birthday, if the licence was issued under subparagraph 1 of the first paragraph.

A probationary licence issued to a person referred to in section 92.0.1 of the Highway Safety Code is valid for the duration that completes the period determined in subparagraph 1 or 2 of the first paragraph, as the case may be.”.

**7.** Section 32.2 is amended by inserting the following after the first paragraph:

“On the same conditions as those provided for in the first paragraph, a person is also exempted from the obligation to have successfully completed the theoretical and practical parts of the driving course appropriate for driving the vehicle covered by the class of licence applied for, to obtain a probationary licence or a class 5 driver’s licence.”.

**8.** Section 35 is replaced by the following:

“**35.** A person wishing to obtain a class 6A, 6B or 6C driver’s licence for the first time must,

(1) if it is a first probationary licence authorizing the person to drive a road vehicle other than a vehicle to which class 6D or class 8 applies, have held a probationary licence of the class applied for during the period determined in subparagraph 1 or 2 of the first paragraph of section 27, as the case may be;

(2) if it is not a first driver’s licence authorizing the person to drive a road vehicle other than a vehicle to which class 6D or class 8 applies, and if the person obtained a class 6A learner’s licence before 1 January 2001,

(a) submit his or her class 6A learner’s licence, which the person must have held for 8 months; and

(b) submit a certificate from a driving school recognized by a body approved by the Société, showing that the person has successfully completed the theoretical and practical parts of the driving course appropriate for the driving of the vehicle covered by the class of licence applied for;

(3) if it is not a first driver’s licence authorizing the person to drive a road vehicle other than a vehicle to which class 6D or class 8 applies, and if the person obtained a class 6A learner’s licence on or after 1 January 2001 but before 17 January 2010, submit his or her class 6A learner’s licence, which the person must have held for 7 months;

(4) if it is not a first driver’s licence authorizing the person to drive a road vehicle other than a vehicle to which class 6D or class 8 applies, and if the person obtained a class 6A learner’s licence on or after 17 January 2010, submit his or her class 6A learner’s licence, which the person must have held for 11 months;

(5) if the person is a person referred to in section 92.0.1 of the Highway Safety Code, have held a probationary licence for the duration that completes the period determined in subparagraph 1 or 2 of the first paragraph of section 27, as the case may be.”.

**9.** Section 39 is replaced by the following:

“**39.** A person wishing to obtain a class 5 driver’s licence must,

(1) if it is a first driver’s licence authorizing the person to drive a road vehicle other than a vehicle to which class 6D or class 8 applies, have held a probation-

ary licence of the class applied for during the period determined in subparagraph 1 or 2 of the first paragraph of section 27, as the case may be;

(2) if it is not a first driver’s licence authorizing the person to drive a road vehicle other than a vehicle to which class 6D or class 8 applies, and if the person obtained a class 5 learner’s licence before 17 January 2010, submit his or her class 5 learner’s licence, which the person must have held for 12 months, or for 8 months where the person submits a certificate from a driving school recognized by a body approved by the Société, showing that the person has successfully completed the practical part of the driving course appropriate for driving the vehicle covered by the class of licence applied for;

(3) if it is not a first driver’s licence authorizing the person to drive a road vehicle other than a vehicle to which class 6D or class 8 applies, and if the person obtained a class 5 learner’s licence on or after 17 January 2010,

(a) submit his or her class 5 learner’s licence, which the person must have held for 12 months; and

(b) submit a certificate from a driving school recognized by a body approved by the Société, showing that the person has successfully completed the theoretical and practical parts of the driving course appropriate for driving the vehicle covered by the class of licence applied for;

(4) if the person is a person referred to in section 92.0.1 of the Highway Safety Code, have held a probationary licence of the class applied for, for the duration that completes the period determined in subparagraph 1 or 2 of the first paragraph of section 27, as the case may be.”.

**10.** Section 42 is amended by replacing “of validity determined in the first paragraph of section 27” in paragraph 1 by “determined in subparagraph 1 or 2 of the first paragraph of section 27, as the case may be”.

**11.** Section 43 is amended by replacing “of validity determined in the first paragraph of section 27” in paragraph 1 by “determined in subparagraph 1 or 2 of the first paragraph of section 27, as the case may be”.

**12.** Chapter V.1 is revoked.

**13.** The title of Division V.1 in Chapter VIII is amended by replacing “76” by “76.1.1”.

**14.** Sections 73.3, 73.4, 73.8, 73.9, 75.1, 76, 77, 78, 84.1, 84.2 and 84.3 are amended by replacing “76” wherever it appears by “76.1.1”.

**15.** Section 85 is replaced by the following:

“**85.** The Société furnishes the documents that a person must fill out or have filled out for the purposes of paragraph 2 of section 24, paragraph 3 of section 25, subparagraph *b* of paragraph 2 of section 42, subparagraph *b* of paragraph 2 and subparagraph *c* of paragraph 3 of section 43.”

**16.** Division VIII of Chapter VIII is revoked.

**17.** This Regulation comes into force on 17 January 2010.

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Gouvernement du Québec

**O.C. 1312-2009, 2 December 2009**

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

**Road vehicle**

— **Access to driving in connection with the health of drivers**

— **Amendments**

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

WHEREAS, under paragraph 2 of section 619 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation determine the cases where and establish the criteria according to which conditions may be attached to a licence;

WHEREAS, under paragraph 8 of section 619 of the Code, the Government may by regulation establish the health standards which identify the illnesses, deficiencies and conditions affecting a person that are considered as being essentially or relatively inconsistent with the driving of a road vehicle or class or sub-class of road vehicles;

WHEREAS the Regulation respecting access to driving a road vehicle in connection with the health of drivers was made by the Government by Order in Council 32-89 dated 18 January 1989;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R18.1), a draft of the Regulation to amend the Regulation respecting access to driving a road vehicle in connection with the health of drivers was published in Part 2 of the *Gazette officielle du Québec* of 13 May 2009 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 without amendment;

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

THAT the Regulation to amend the Regulation respecting access to driving a road vehicle in connection with the health of drivers, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**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. C24.2, 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.”

\* 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.