

Gouvernement du Québec

O.C. 628-2012, 13 June 2012

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

Driver's Licence Exchange Agreement between the Société de l'assurance automobile du Québec and the Federal Ministry of Transport, Building and Urban Development of the Federal Republic of Germany

Regulation giving effect to the Driver's Licence Exchange Agreement between the Société de l'assurance automobile du Québec and the Federal Ministry of Transport, Building and Urban Development of the Federal Republic of Germany

WHEREAS the Driver's Licence Exchange Agreement between the Société de l'assurance automobile du Québec and the Federal Ministry of Transport, Building and Urban Development of the Federal Republic of Germany was entered into on 5 September 2007;

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

WHEREAS, under section 65 of the Highway Safety Code (R.S.Q., c. C-24.2), no person may drive a road vehicle unless the person holds a driver's licence of the class appropriate to the driving of that vehicle;

WHEREAS, under section 629 of the Code, the Société de l'assurance automobile du Québec may, according to law, enter into an agreement with any government, department, or body respecting any matter referred to in the Code;

WHEREAS, under section 24 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1.), no public agency may, without the prior written authorization of the Minister of International Relations, conclude any agreement with a foreign government or any of its departments, with an international organization or with any agency of such a government or organization;

WHEREAS the Minister of International Relations authorized, by Minister's Order AE-37 dated 7 August 2007, the Société de l'assurance automobile du Québec to enter into an agreement with the Federal Ministry of Transport, Building and Urban Development of the Federal Republic of Germany;

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

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

THAT the Regulation giving effect to the Driver's Licence Exchange Agreement between the Société de l'assurance automobile du Québec and the Federal Ministry of Transport, Building and Urban Development of the Federal Republic of Germany, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation giving effect to the Driver's Licence Exchange Agreement between the Société de l'assurance automobile du Québec and the Federal Ministry of Transport, Building and Urban Development of the Federal Republic of Germany

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

1. The Highway Safety Code (R.S.Q., c. C-24.2) and the regulations made under the Code apply to the holder of a driver's licence issued by the Federal Ministry of Transport, Building and Urban Development of the Federal Republic of Germany.

2. The provisions of the Code and its regulations apply in the manner described in the Driver's Licence Exchange Agreement between the Société de l'assurance automobile du Québec and the Federal Ministry of Transport, Building and Urban Development of the Federal Republic of Germany, attached as a schedule.

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

SCHEDULE

DRIVER'S LICENCE EXCHANGE AGREEMENT

BETWEEN

THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE
DU QUÉBEC

AND

THE FEDERAL MINISTRY OF TRANSPORT,
BUILDING AND URBAN DEVELOPMENT OF
THE FEDERAL REPUBLIC OF GERMANY

THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE
DU QUÉBEC

represented by its President and Chief Executive Officer,
Mr. John Harbour,

hereinafter referred to as "SAAQ"

AND

THE FEDERAL MINISTRY OF TRANSPORT,
BUILDING AND URBAN DEVELOPMENT OF
THE FEDERAL REPUBLIC OF GERMANY

represented by Mr. Rüdiger May, Division Head on
behalf of the competent German authority for issuing
driver's licences,

hereinafter referred to as the "competent authority"

DESIRING to facilitate licence exchange for the holder
of a valid driver's licence they have issued and who is
moving from one jurisdiction to the other, agree to
guarantee the recognition and facilitate the exchange of
drivers' licences according to the following provisions:

1. DEFINITIONS

Under this agreement:

1.1 "Jurisdiction" refers to Québec or Germany and
"jurisdictions" refers to both Québec and Germany;

"Authority" refers to the administrative entity that
issues drivers' licences, i.e., in Québec, the Société de
l'assurance automobile du Québec (SAAQ), and in
Germany, the competent German authority to issue
driver's licences, and "authorities" refers simultaneously
to both the Société de l'assurance automobile du Québec
and the competent German authority;

"Driver's licence" or "driving licence" refers to a
permit issued by either of the above authorities authorizing
the holder to drive a motor vehicle, subject to the
terms and conditions specific to the licence class or
category and any other related conditions, and subject to
the laws and regulations in effect in the jurisdiction in
question;

"Valid" indicates that at the time the driver's licence
issued by one authority is submitted for exchange for a
driver's licence issued by the other authority, the original
driver's licence has not expired, been revoked, suspended
or cancelled by the issuing authority and is not subject
to any other restrictions that prevent the holder from
using it for the intended purpose.

2. DRIVER'S LICENCES COVERED

2.1 In Québec:

A Class 5 driver's licence issued by the SAAQ authorizes
the holder to drive a two-axle motor vehicle with a
net weight of less than 4,500 kg (cars, minivans, and
light trucks), a motor vehicle permanently converted
into a dwelling (motor home), a tool vehicle or a service
vehicle (service truck or tow truck).

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

When an applicant is under 25 years of age and has
less than 24 months of driving experience, a Class 5
probationary licence is issued.

2.2 In Germany:

Category B driving licences issued by the competent
German authority authorizes the holder to drive a
motor vehicle – except a motorcycle – with a maximum
authorized weight of 3,500 kg, with no more than
eight passenger seats in addition to the driver's seat, and
to which a trailer of no more than 750 kg maximum authorized
weight may be hitched or with a maximum authorized
weight of no more than the tare weight of the towing
vehicle, insofar as the combined maximum authorized
weight is not more than 3,500 kg.

In addition, Categories M (two-wheeled mopeds and
motor bicycles with a built-in maximum speed of no
more than 45 km/h and equipped with an electric motor
or internal combustion engine with a cylinder capacity
of no more than 50 cm³), L (agricultural and forestry
tractors with a maximum design speed of no more than
32 km/h) and S (light tricycles and quadricycles with a
maximum design speed of no more than 45 km/h and a
cylinder capacity of no more than 50 cm³) are included
in Category B licences.

If the driving licence is obtained for the first time, it is issued on a probationary basis only; the probationary time period is set at two years as of the date of the licence is obtained. Where a driver's licence is issued to the holder of a licence issued abroad, the probationary time period shall be reduced based on the time elapsed since the latter was obtained.

3. RECOGNITION AND EXCHANGE OF LICENCES

3.1 In Québec:

The holder of a valid Category B German driving licence may, within 12 months after settling in Québec, exchange this licence for a Class 5 licence, including Class 6D and Class 8 privileges, without undergoing a proficiency test or an eye test.

The applicant will be issued a Québec driver's licence in exchange for his or her German licence upon presentation of the identification required by the SAAQ and payment of the fees prescribed by regulations and the personal injury accident insurance premiums.

An applicant under 25 years of age will be issued a probationary licence of the same class unless he or she has 24 months or more of driving experience.

3.2 In Germany:

The holder of a valid Class 5 Québec driver's licence or probationary licence may, within 12 months after settling in Germany, exchange this licence for a Category B licence, together with Categories M, L and S, without undergoing a proficiency test.

The applicant will be issued a German driving licence in exchange for his or her Québec licence upon presentation of the identification required by the German authority and payment of the fees prescribed by regulations.

An applicant who has not held a driver's licence for over two years will be issued a probationary licence of the same class.

3.3 Any time limits or restrictions on the original driver's licence are carried over to the licence issued in exchange, with equivalent codes.

3.4 Drivers' licences with or without photo submitted for exchange will match the licence specimens provided, as per the terms of this agreement.

3.5 The authority making the exchange will verify the applicant's identity and the validity of the original licence, if necessary by contacting the issuing authority.

3.6 The driving experience recorded on the applicant's licence or in the applicant's file by the issuing authority will be recognized by the other authority.

3.7 When an authority recovers an original driver's licence as the result of an exchange, it shall return it to the issuing authority.

4. FINAL PROVISIONS

4.1 Samples or copies of the various drivers' licences currently admissible for exchange and certified to be true copies by each issuing authority are appended to this agreement.

Any change by one or the other of the authorities to the sample drivers' licences in use at the time of the agreement will be communicated to the other authority without delay.

4.2 These provisions do not invalidate the provisions of any law or regulation applicable in Québec or in Germany with respect to the right to use a foreign driver's licence.

4.3 This agreement may be amended at any time to take into account in particular any legal changes that come into effect within the jurisdiction of either Québec or Germany.

The authorities will notify each other at the earliest opportunity of the nature of changes made and the date of their coming into effect. They agree to change the agreement accordingly and endorse it in writing.

4.4 The designated authorities responsible for enforcing this agreement undertake to set up all the necessary mechanisms, including those to exchange information and validate licences submitted to the other authority under this agreement.

4.5 The authorities will assist each other in applying this agreement and, when necessary, will share information on licences submitted for exchange. A contact point is established in order to directly validate submitted licences.

The authority exchanging a licence may verify its validity with the issuing authority through the use of information technology, as per terms to be determined by said authorities.

Enquiries from either authority should be sent to the following addresses:

For Québec:

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

For Germany:

Kraftfahrt-Bundesamt
(Federal Motor Transport Authority)
24932 Flensburg
Germany
Fax: + 49 (0) 461/316-2942

Either authority may change the address to which enquiries will be sent by informing the other authority in writing.

4.6 Any communication regarding this agreement must be in writing and will be deemed to have been duly provided or forwarded to the authority at the time it is handed in person, delivered by courier or postage-paid registered mail, or sent by fax to the following addresses:

For Québec:

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

For Germany:

Kraftfahrt-Bundesamt
(Federal Motor Transport Authority)
24932 Flensburg
Germany
Fax: + 49 (0) 461/316-2942

Either authority may change the address to which enquiries will be sent by informing the other authority in writing.

4.7 This agreement shall come into force on the agreed-upon date, after completion by both authorities of the internal formalities required. The date of coming into operation will be established in an exchange of letters.

4.8 Either authority may terminate this agreement by informing the other authority in writing at least three months before.

4.9 If during the cooperation under this Agreement any disputes occur with respect to the form and conditions of cooperation under this Agreement, the disputes will be dealt with by mutual consent.

Signed in duplicate, in French and German, both versions being equally valid.

Signed in Québec,
on 5 September 2007

Signed in Bonn,
on 2 July 2007

FOR THE SOCIÉTÉ DE
L'ASSURANCE AUTOMOBILE
DU QUÉBEC

FOR THE FEDERAL MINISTRY
OF TRANSPORT, BUILDING
AND URBAN DEVELOPMENT
OF THE FEDERAL REPUBLIC
OF GERMANY

JOHN HARBOUR,
*President and Chief
Executive Officer*

MR. RÜDIGER MAY,
Division Head

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Gouvernement du Québec

O.C. 629-2012, 13 June 2012

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

Driver's Licence Exchange Agreement between the Société de l'assurance automobile du Québec and the Driver and Vehicle Agency (Northern Ireland)

Regulation giving effect to the Driver's Licence Exchange Agreement between the Société de l'assurance automobile du Québec and the Driver and Vehicle Agency (Northern Ireland)

WHEREAS the Driver's Licence Exchange Agreement between the Société de l'assurance automobile du Québec and the Driver and Vehicle Agency (Northern Ireland) was entered into on 29 July 2011;

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

WHEREAS, under section 65 of the Highway Safety Code (R.S.Q., c. C-24.2), no person may drive a road vehicle unless the person holds a driver's licence of the class appropriate to the driving of that vehicle;