

Draft Regulations

Pilot project

Highway Safety Code
(chapter C-24.2)

Motorized mobility aids

Notice is hereby given that the Pilot project concerning motorized mobility aids, appearing below, may be made by the Minister of Transport on the expiry of 45 days following this publication.

The pilot project gives the definition of a motorized mobility aid. It prescribes rules concerning the equipment that the aid must carry, and traffic rules that apply to its user and to cyclists and road vehicle drivers. It also contains penal provisions.

The pilot project has an impact on citizens and enterprises to the extent that it governs the sale, lease and use of motorized mobility aids so as to promote safety for their users and those around them, such as pedestrians and other road users.

Further information on the draft Regulation may be obtained by contacting David Johnson, Service des politiques de sécurité, Direction de la sécurité en transport, Ministère des Transports, 700, boulevard René-Lévesque Est, 16^e étage, Québec (Québec) G1R 5H1; telephone: 418 643-3074, extension 2862; fax 418 643-8914; email: david.johnson@mtq.gouv.qc.ca

Any person wishing to comment on the matter 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.

SYLVAIN GAUDREAU,
Minister of Transport

Pilot project concerning motorized mobility aids

CHAPTER I SCOPE AND DEFINITIONS

1. The implementation of the Pilot project concerning motorized mobility aids is authorized for the following purposes:

(1) developing traffic rules with respect to such apparatus while ensuring the safety of all users, particularly on public roads;

(2) testing the use of such apparatus on the roadway of certain public roads, on shoulders and on cycle lanes; and

(3) gathering information on the use of such apparatus to assess their cohabitation with, particularly, pedestrians, road vehicles and cyclists and their impact on pedestrian and road networks, developing safe traffic rules and setting safety equipment standards.

2. For the purposes of this Pilot project, a motorized mobility aid is one of the following apparatus:

(1) a wheelchair propelled by an electric motor; or

(2) another aid to locomotion that has the following features:

(a) it is designed to make up for an inability to walk and for one seated person;

(b) it moves on 3 or 4 wheels, whose diameter is 20 cm or more;

(c) the steering is provided by handlebars and a steering column that convey their action to the front wheel or wheels;

(d) its frame is equipped with a footrest;

(e) it is equipped with an electric motor, a seat and a backrest;

(f) its maximum width is 67.5 cm, its maximum length is 150 cm and its maximum weight is 150 kg.

An assisted tricycle or a toy vehicle is not a motorized mobility aid.

3. These rules apply on public roads, on private roads open to public vehicular traffic, on land occupied by shopping centres and on other land where public traffic is allowed.

CHAPTER II SALE AND LEASE

4. A motorized mobility aid dealer must provide the purchasers or lessees of those apparatus with the guide prepared by the Ministère des Transports which contains, in particular, the traffic rules established by this pilot project.

5. No motorized mobility aid dealer may sell, lease or make available to another person for valuable consideration, or in any way offer to sell, lease or make available to another person for valuable consideration, a motorized mobility aid that does not comply with the requirements in sections 7 and 9.

CHAPTER III ACCIDENTS

6. Section 176 of the Highway Safety Code (chapter C-24.2) does not apply to an accident involving a motorized mobility aid.

Section 1 of the Regulation respecting accident reports (chapter C-24.2, r. 40) applies, with the any necessary modifications, to any accident involving a motorized mobility aid.

CHAPTER IV WARNING SIGNALS AND LIGHTING DEVICES

7. Every motorized mobility aid must be equipped with the following warning signals:

- (1) a front white reflector;
- (2) a rear red reflector;
- (3) a reflector or a reflective strip on each side of the apparatus, as high as possible;
- (4) a triangular orange flag at least 300 cm² in size, whose highest end in vertical position is at least 150 cm from the ground.

Any equipment or object placed on such an apparatus that results in the concealment of a prescribed warning signal must also be equipped with the same signal complying with the first paragraph.

8. At night, a motorized mobility aid referred to in subparagraph 2 of the first paragraph of section 2 must also carry a white headlight and a red tail-light.

For the purposes of applying section 235 of the Highway Safety Code (chapter C-24.2) to the white headlight referred to in the first paragraph, a motorized mobility aid is considered to be a bicycle.

9. The reflectors, retroreflective strips, headlight and red light referred to in the first paragraph of sections 7 and 8 must be visible from a distance of at least 150 metres.

CHAPTER V OPERATION

10. The obligations and prohibitions in the following provisions of the Highway Safety Code (chapter C-24.2) apply to the user of a motorized mobility aid, to the extent provided for below:

(1) sections 444 to 446, 450, 451 and 453.1, applicable to pedestrians under the Code, with any necessary modifications;

(2) section 447, applicable to pedestrians under the Code, except that the user must yield the right of way to the road vehicles, cyclists and other users of motorized mobility aids moving on the public highway;

(3) the second paragraph of section 424 and sections 434.0.1, 440, 488 and 489, applicable to a cyclist under the Code, with any necessary modifications;

(4) sections 404 and 405, applicable to a cyclist under the Code, except that the user must yield the right of way to the road vehicles and other users moving on the public highway;

(5) section 439.1, applicable to the driver of a road vehicle under the Code, with any necessary modifications, when the user travels on the roadway.

11. The user of a motorized mobility aid may not carry any passenger.

12. No person may cling to a moving motorized mobility aid or be pulled or pushed by it.

13. The user of a motorized mobility aid may travel on a sidewalk or bicycle path, to the extent that doing so is not likely to compromise the safety of pedestrians and other users.

14. No person may use a motorized mobility aid on a public highway on which the maximum speed allowed is over 50 km/h.

Despite the first paragraph, the user of a motorized mobility aid may travel, in the same direction as the traffic, on the shoulder of a public highway on which the maximum speed allowed is more than 50 km/h but less than 70 km/h, if there is no sidewalk or bicycle path bordering the roadway.

15. Unless otherwise provided, the user of a motorized mobility aid may only travel on a roadway with one traffic lane in both directions, including when the roadway is divided into 3 traffic lanes where the centre lane is used in either direction. In such a case, the user must travel on the extreme right-hand side of the roadway or on the shoulder, in the same direction as traffic.

16. The user of a motorized mobility aid travelling on the roadway

(1) when turning right at an intersection, must yield the right of way to pedestrians, cyclists and users of motorized mobility aids crossing the roadway the user is about to enter; and

(2) may not turn left.

17. Where a pedestrian enters a pedestrian crosswalk, the user of a motorized mobility aid travelling on the roadway must stop to allow the pedestrian or other user to cross the roadway.

18. Where a user of a motorized mobility aid enters a pedestrian crosswalk, drivers of road vehicles, cyclists or users of motorized mobility aids travelling on the roadway must stop to allow the user to cross the roadway.

19. Drivers of road vehicles may not pass a motorized mobility aid within the same traffic lane unless there is sufficient space to allow them to do so safely.

Drivers of road vehicles may cross a line referred to in section 326.1 of the Highway Safety Code (chapter C-24.2), provided that it can be done without danger, in order to pass a motorized mobility aid.

20. Users of motorized mobility aids who travel on the roadway in groups of two more must do so in single file.

21. No person may tow a trailer or any other object by means of a motorized mobility aid.

CHAPTER VI COLLECTION OF INFORMATION

22. The Ministère des Transports is responsible for collecting information on the use of motorized mobility aids pursuant to this Pilot project.

23. Any person who provides his or her identity may send the department written observations on this Pilot project.

CHAPTER VII OFFENCES

24. A person who contravenes the requirements of section 4 or 5 commits an offence and is liable to a fine of \$300 to \$360.

25. The owner of a motorized mobility aid that does not comply with any of the requirements in sections 7 to 9 commits an offence and is liable to a fine of \$30 to \$60.

26. A user of a motorized mobility aid who contravenes any of sections 10, 11, 13 to 18, 20 and 21 commits an offence and is liable to a fine of \$30 to \$60.

27. A person who contravenes section 12 commits an offence and is liable to a fine of \$30 to \$60.

28. A cyclist who contravenes section 18 commits an offence and is liable to a fine of \$30 to \$60.

29. The driver of a road vehicle who contravenes section 18 or 19 commits an offence and is liable to a fine of \$200 to \$300.

CHAPTER VIII MISCELLANEOUS AND FINAL

30. This Pilot project has precedence over any inconsistent provision in the Highway Safety Code (chapter C-24.2).

31. This Pilot project takes effect on the 180th day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on the third anniversary of that date.

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Draft regulation

An Act respecting liquor permits
(chapter P-9.1)

Duties and costs payable under the Act respecting liquor permits — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting duties and costs payable under the Act respecting liquor permits, appearing below and adopted by the Régie des alcools, des courses et des jeux at its plenary session of September 18th 2013, may be submitted to the Government for approval on the expiry of 45 days following this publication.