

Regulations and other Acts

M.O., 2015

Order number 2015-04 of the Minister of Transport dated 15 April 2015

Highway Safety Code
(chapter C-24.2)

Pilot project concerning motorized mobility aids

THE MINISTER OF TRANSPORT,

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that after consultation with the Société de l'assurance automobile du Québec, the Minister of Transport may, by order,

(1) authorize pilot projects to test the use of vehicles or to study, improve or develop traffic rules or standards applicable to safety equipment;

(2) prescribe rules relating to the use of a vehicle on a public highway as part of a pilot project; and

(3) authorize, in the context of a pilot project, any person or body to use a vehicle in compliance with standards and rules prescribed by the Minister that are different from those provided for in this Code and the regulations;

CONSIDERING the third paragraph of the section, which provides that

(1) pilot projects are conducted for a period of up to three years, which the Minister may extend by up to two years if the Minister considers it necessary;

(2) the Minister may modify or terminate a pilot project at any time; and

(3) the Minister may determine the provisions of an order made under this section the violation of which is an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$30 or more than \$360;

CONSIDERING that, despite the fourth paragraph of the section, which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under that section, a draft

Pilot project concerning motorized mobility aids was published in Part 2 of the *Gazette officielle du Québec* on 18 December 2013 with a notice that it could be made by the Minister of Transport on the expiry of 45 days following that publication;

CONSIDERING that the Société was consulted regarding the coming into force of the Pilot project concerning motorized mobility aids;

CONSIDERING that it is expedient to authorize the coming into force of such Pilot project with amendments;

ORDERS AS FOLLOWS:

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;

(3) developing traffic rules that promote the care and safety of road users and, in particular, the judgment of users of motorized mobility aids;

(4) setting safety equipment standards;

(5) 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.

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 document 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 10.

CHAPTER III ACCIDENTS

6. Sections 166.1 to 173, 175 and 176 of the Highway Safety Code (chapter C-24.2) apply, with the necessary modifications, to an accident involving a motorized mobility aid.

Sections 1 and 3 of the Regulation respecting accident reports (chapter C-24.2, r. 40) apply, with the 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.

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. Any motorized mobility aid must, when circulating on a public highway where the maximum authorized speed limit is at least 70 km/h, be equipped with a triangular orange flag at least 300 cm² in size whose higher end, in a vertical position, is at least 150 cm from the ground.

9. 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.

10. The headlight and red light referred to in the first paragraph of section 9 must be visible from a distance of at least 150 metres.

CHAPTER V OPERATION

11. 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 the 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 and other users moving on the public highway;

(3) the second paragraph of section 424 and sections 440, 488 and 489, applicable to a cyclist under the Code, with the 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 the necessary modifications, when the user travels on the roadway.

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

Despite the first paragraph, a minor of less than 5 years of age may be carried by a person having parental authority or a person having custody of the minor. The user must use a restraint system so as to avoid endangering the minor's life or safety.

13. No person may hang on to, or be pulled or pushed by, a moving motorized mobility aid, and no user may tolerate such a practice.

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

15. If the user of a motorized mobility aid does not travel on a sidewalk or cycle lane of a public highway where the maximum authorized speed limit is 50 km/h or less, the user must

(1) on a roadway having a one-way traffic lane, a two-way roadway or a roadway divided into three traffic lanes, where the centre lane is used in either direction, travel on the extreme right-hand side of the roadway or on the shoulder, in the same direction as traffic; and

(2) on any other roadway, travel on the shoulder of the roadway, in the same direction as traffic.

16. On a public highway that has no sidewalk or cycle lane and where the maximum authorized speed limit is more than 50 km/h, the user of a motorized mobility aid must travel on the shoulder of the roadway, in the same direction as traffic, after making sure it can be done safely.

17. Despite sections 15 and 16, the user of a motorized mobility aid accompanied by a pedestrian may travel alongside the curb on the roadway, in the direction opposite to that of traffic, after making sure it can be done safely.

18. 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, but must cross the roadway in the same manner as pedestrians.

19. Where a pedestrian enters a pedestrian crosswalk, the user of a motorized mobility aid traveling on the roadway must stop to allow the pedestrian to cross the roadway.

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

21. 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.

In order to pass a motorized mobility aid, drivers of road vehicles may cross a line referred to in section 326.1 of the Highway Safety Code (chapter C-24.2), provided it can be done safely.

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

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

CHAPTER VI COLLECTION OF INFORMATION

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

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

CHAPTER VII OFFENCES

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

27. The owner of a motorized mobility aid that does not comply with any of the requirements in sections 7 to 10 commits an offence and is liable to a fine of \$30 to \$60.

28. The user of a motorized mobility aid who contravenes section 11, 12, 14 to 19, 22 or 23 commits an offence and is liable to a fine of \$30 to \$60.

29. Every person who contravenes section 13 commits an offence and is liable to a fine of \$30 to \$60.

30. The user of a motorized mobility aid or a cyclist who contravenes section 20 commits an offence and is liable to a fine of \$30 to \$60.

The driver of a road vehicle who contravenes section 20 commits an offence and is liable to a fine of \$200 to \$300.

31. The driver of a road vehicle who contravenes section 21 commits an offence and is liable to a fine of \$200 to \$300.

CHAPTER VIII MISCELLANEOUS AND FINAL

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

33. This Pilot project comes into force on 1 May 2015. It is revoked on 1 May 2018.

ROBERT POËTI,
Minister of Transport

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