

**M.O., 2015****Order number 2015-06 of the Minister of Transport dated 7 May 2015**

Highway Safety Code  
(chapter C-24.2)

Issue of driver's licences of the class appropriate for the driving of certain motorcycles

THE MINISTER OF TRANSPORT,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2) according to which the Minister of Transport may, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of the Code or the regulations for the period specified by the Minister, if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING the provisions of section 633.2 of the Code which provide that the Minister of Transport may also prescribe, by order, any rule that ensures an equivalent level of safety in the Minister's opinion;

CONSIDERING the provisions of section 633.2 of the Code which provide 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 section 633.2 of the Code;

CONSIDERING THAT the information provided to register certain road vehicles did not allow to establish that they belonged to the class of motorcycles according to the definition provided for in section 4 of the Highway Safety Code (chapter C-24.2);

CONSIDERING THAT those road vehicles have been registered as mopeds for one year or more, whereas they belong to the class of motorcycles;

CONSIDERING THAT the Société identified the road vehicles concerned and communicated on 20 January 2015 with the owners of those vehicles;

CONSIDERING THAT certain persons having acquired and registered those road vehicles do not have the driver's licence of the appropriate class authorizing the driving of those vehicles;

CONSIDERING THAT the registration of those road vehicles will be corrected in accordance with the rules of the Code at the time of coming into force of the order;

CONSIDERING THAT it is in the interest of the public to suspend sections 65 and 209.1 of the Code to allow those persons to drive the road vehicle, subject to certain special rules provided for in the order;

CONSIDERING THAT it is in the interest of the public to take into account their driving experience to obtain a driver's licence of the appropriate class and, consequently, to suspend the application of certain sections of the Code and of the Regulation respecting licences (chapter C-24.2, r. 34);

CONSIDERING THAT it is expedient to provide special rules in this order to ensure highway safety;

CONSIDERING THAT the Société has been consulted on this draft order by the Minister of Transport;

ORDERS AS FOLLOWS:

1. The application of sections 65, 66, 66.1 and 209.1 of the Highway Safety Code (chapter C-24.2) and of section 35 of the Regulation respecting licences (chapter C-24.2, r. 34) is suspended until 29 July 2016 in respect of a person 16 years of age or over, who is the holder of a driver's licence of Class 6 D or of a licence that includes that class, who owns a road vehicle intended to be operated on a public highway and registered under the owner's name as a moped for one year or more, and that the Société de l'assurance automobile du Québec has identified as being of the class of motorcycles according to the definition provided for in section 4 of the Code.

The suspension of the application of the sections listed in the first paragraph is only for the purpose of obtaining a licence of the appropriate class and of driving a vehicle referred to in section 1.

For the purposes of the application of this section, a vehicle is considered identified by the Société where the Société sent a letter dated 20 January 2015 to the owner, indicating to the owner that his or her vehicle belongs to the class of motorcycles.

2. To drive a road vehicle referred to in section 1, its owner must hold one of the following licences:

(1) a driver's licence of class 6 D or a licence that includes that class bearing an endorsement according to which the Société authorizes its holder to drive such a vehicle;

(2) a driver's licence or probationary licence of the class appropriate for the driving of that vehicle.

The owner who contravenes the provisions of the first paragraph is guilty of an offence and is liable to a fine of \$300 to \$600.

3. The owner of the road vehicle referred to in section 1 may, only during the period of suspension of the application of the provisions listed in that section, obtain a driver's licence of the appropriate class if the owner passes a proficiency examination of the Société on a closed track and an on-road proficiency examination with that vehicle, under the conditions and according to the procedures referred to in the first paragraph of section 67 of the Highway Safety Code.

Where the owner has never held a driver's licence other than a driver's licence authorizing only the driving of a moped or a farm tractor, the licence issued under the first paragraph is a probationary licence of the appropriate class.

4. The licence referred to in subparagraph 1 of the first paragraph of section 2 consists of 2 parts produced on 2 documents, one of which contains the information determined in section 5 of the Regulation respecting licences, and the other of which, in addition to the endorsement of the Société authorizing the driving of a vehicle referred to in section 1, contains the following information:

- (1) the licence holder's file number;
- (2) the licence holder's surname and usual given name;
- (3) the identification number of the vehicle for which the authorization is issued;
- (4) the date the authorization comes into force and the date it expires;
- (5) a note indicating that payment is due each year on the licence holder's birth date.

5. The licence referred in subparagraph 1 of the first paragraph of section 2 is valid from the date the licence is issued until 29 July 2016 or until the expiry date of the licence or until the date of issue of the appropriate class issued in accordance with section 3, whichever comes first.

Subject to the provisions of the first paragraph, the licence may be replaced, renewed or issued once again provided that the owner referred to in section 1 still holds a driver's licence of Class 6 D or a licence that includes that class.

6. The holder of a licence referred to in subparagraph 1 of the first paragraph of section 2 may not serve as the accompanying rider for the holder of a learner's licence to drive a motorcycle under section 100 of the Highway Safety Code.

The holder referred to in the first paragraph who contravenes the provisions of that paragraph is guilty of an offence and is liable to a fine of \$30 to \$60.

7. A peace officer who has reasonable grounds to believe that the owner of a vehicle referred to in section 1 is driving it without holding the licence prescribed in section 2 may, at the expense of the owner and on behalf of the Société, immediately seize the vehicle and have it impounded for 30 days.

Sections 209.3 to 209.26 of the Code apply to a seizure carried out pursuant to the first paragraph, with the necessary modifications.

8. This order comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is to be revoked on 29 July 2016.

ROBERT POËTI,  
*Minister of Transport*

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