

Regulations and other Acts

M.O., 2018

Order number 2018-22 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 7 September 2018

Highway Safety Code
(chapter C-24.2)

Fine to which a person who contravenes paragraph 9 of section 386 of the Highway Safety Code is liable

THE MINISTER OF TRANSPORT, SUSTAINABLE MOBILITY AND TRANSPORT ELECTRIFICATION,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport, Sustainable Mobility and Transport Electrification 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 that that section provides that the Minister may prescribe any rule, applicable when using the exemption, that ensures an equivalent level of safety in the Minister's opinion;

CONSIDERING that that section 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 section 633.2;

CONSIDERING section 18 of the Regulations Act, which provides that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that is making it is of the opinion that the urgency of the situation requires it and that the reason justifying such coming into force must be published with the regulation;

CONSIDERING that it is advisable to suspend the application of section 509 of the Code as regards the fine of \$100 to \$200 to which a person who is guilty of an offence by contravening paragraph 9 of section 386 of the Code is liable;

CONSIDERING that a fine of \$30 to \$60 is sufficient to comply with the prohibition provided for in paragraph 9 of section 386 of the Code;

CONSIDERING that the Minister considers that the suspension of the application of section 509 of the Code as regards the fine to which a person who is guilty of an offence by contravening paragraph 9 of section 386 of the Code is liable is in the interest of the public and is not likely to compromise highway safety since it is accompanied by a rule that ensures an equivalent level of safety in the Minister's opinion;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted and supports this Order;

CONSIDERING that the Minister of Transport, Sustainable Mobility and Transport Electrification is of the opinion that the urgency to temporarily suspend the application of section 509 of the Code as regards the fine to which a person who is guilty of an offence by contravening paragraph 9 of section 386 of the Code is liable, and to set a fine of a lesser amount, is due in particular to the following circumstances and justifies a coming into force on the date of its publication in the *Gazette officielle du Québec*:

—from the time this Order is made, it is inequitable that offenders are liable to a fine of \$100 to \$200 during the fifteen-day period after the date of its publication in the *Gazette officielle du Québec* in accordance with section 17 of the Regulations Act;

—it is therefore necessary, under the circumstances and for purposes of equity and fairness, to put this Order into force without complying with the period in order to apply as of now the fine made therein.

ORDERS AS FOLLOWS:

1. The application of section 509 of the Highway Safety Code (chapter C-24.2) is suspended in respect of every person who contravenes paragraph 9 of section 386 of the Code.

2. Every person who contravenes paragraph 9 of section 386 of the Highway Safety Code (chapter C-24.2) is guilty of an offence and is liable to a fine of \$30 to \$60.

3. This Order comes into force on the date of its publication in the *Gazette officielle du Québec*. It is revoked on the day of the fifth anniversary of that date.

ANDRÉ FORTIN,
*Minister of Transport, Sustainable Mobility
and Transport Electrification*

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