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# NATIONAL ASSEMBLY OF QUÉBEC

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SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 22  
(2022, chapter 13)

**An Act to amend the Automobile  
Insurance Act, the Highway Safety  
Code and other provisions**

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Passed in principle 17 February 2022  
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## EXPLANATORY NOTES

*This Act first amends the Automobile Insurance Act in order to make adjustments to the compensation plan for traffic accident victims.*

*In that regard, the Act extends the payment of the income replacement indemnity until the victim's death according to the conditions it determines and after a new computation of the indemnity made in accordance with a regulation enacted by the Act. In addition, it provides for the retroactive application of those amendments to 1 January 1990 with respect to any automobile accident victim who is alive on the date of coming into force of the amendments and who has reached 67 years of age.*

*The Act provides that a victim who suffers from catastrophic injuries or sequelae is entitled, according to the conditions it determines, to an income replacement indemnity computed on the basis of a gross income that may not be less than the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada. The Act enacts the regulation that determines the injuries and sequelae concerned.*

*The Act revises the method for computing the death benefit paid to the spouse and increases the minimum amount of the benefit. It also increases the lump sum indemnity for funeral expenses as well as the maximum reimbursement amounts for certain expenses incurred by a victim. It also provides that certain amounts are now determined by regulation and may not be less than the amounts fixed by law.*

*In addition, the Act provides for various measures, including the revalorization on 1 January each year of all the indemnities and expenses that qualify for reimbursement that are prescribed by regulation, unless those amounts are already otherwise updated or prescribed under a rate.*

*The Act also amends the Highway Safety Code, in particular to prohibit the holder of a learner's licence who already holds a driver's licence from driving a vehicle covered by the class of the learner's licence if any alcohol is present in his body. In the case of a failure to comply with that prohibition, the Act provides that the holder is liable to a fine and that the class of licence covered by the learner's licence is suspended for 90 days.*

*The Act extends the mandatory period during which a first-time drinking and driving offender must drive a vehicle equipped with an alcohol ignition interlock device if the offender commits, during the period prescribed by regulation, one or more breaches in connection with the use of the device among the breaches determined by regulation.*

*The Act makes it mandatory for drivers of heavy vehicles to use an electronic logging device to record their hours of service and hours of rest and prescribes the responsibilities of drivers and operators of heavy vehicles with regard to such a device.*

*The Act also amends certain rules of proof applicable in respect of an offence evidenced by a photograph or series of photographs taken by a photo radar device or a red light camera system.*

*The Act also provides for various amendments, in particular to revise the registration and driver's licence courtesy privileges granted to foreign representatives, to require compliance with the orders and signals given by a flag person during exceptional events or sports events or competitions and to update the rules governing the establishment of a school zone, in particular by enacting the Regulation to govern the establishment of school zones and define the school period.*

*Lastly, the Act contains consequential amendments and transitional measures.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Automobile Insurance Act (chapter A-25);
- Highway Safety Code (chapter C-24.2);
- Code of Penal Procedure (chapter C-25.1);
- Act respecting administrative justice (chapter J-3);
- Act respecting the Ministère des Transports (chapter M-28);
- Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3);
- Transport Act (chapter T-12);

- Act respecting off-highway vehicles (chapter V-1.3);
- Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (2018, chapter 18).

#### **REGULATIONS ENACTED BY THIS ACT:**

- Regulation respecting computation of the income replacement indemnity paid under the second and third paragraphs of section 40 of the Automobile Insurance Act (2022, chapter 13, section 90);
- Regulation respecting catastrophic injuries or sequelae (2022, chapter 13, section 91);
- Regulation to govern the establishment of school zones and define the school period (2022, chapter 13, section 92).

#### **REGULATIONS AMENDED BY THIS ACT:**

- Regulation respecting the reimbursement of certain expenses (chapter A-25, r. 14);
- Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems (chapter C-24.2, r. 9);
- Regulation respecting towing and impounding charges for seized road vehicles (chapter C-24.2, r. 26);
- Regulation respecting road vehicle registration (chapter C-24.2, r. 29);
- Regulation respecting the contribution of motorists to public transit (chapter T-12, r. 3).

**REGULATION REPEALED BY THIS ACT:**

- Regulation defining what constitutes a school zone for the purpose of using a photo radar device or a red light camera system (chapter C-24.2, r. 53).



## Bill 22

### AN ACT TO AMEND THE AUTOMOBILE INSURANCE ACT, THE HIGHWAY SAFETY CODE AND OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### AUTOMOBILE INSURANCE ACT

**1.** The Automobile Insurance Act (chapter A-25) is amended by inserting the following subdivision after section 26:

“§3.1. — *Victim suffering from catastrophic injuries or sequelae*

“**26.1.** This subdivision does not apply to a victim under 16 years of age or to a victim 16 years of age or over attending a secondary or post-secondary educational institution on a full-time basis.

“**26.2.** A victim who, by reason of an accident, suffers catastrophic injuries or sequelae determined by regulation is entitled, from the date that is 12 months after the date of the accident, to having the income replacement indemnity to which he is entitled on that date under this division computed on the basis of a gross income that shall not be less than the gross income equal to a yearly average, computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year of the accident.”

**2.** Section 40 of the Act is replaced by the following section:

“**40.** The income replacement indemnity to which a victim is entitled under this chapter is reduced by 25% from the date of his sixty-fifth birthday, by 50% from the date of his sixty-sixth birthday and by 75% from the date of his sixty-seventh birthday.

From the date of his sixty-eighth birthday until his death, the amount of his indemnity is determined in accordance with the computation method prescribed by regulation, according to the related rules and terms.

However, where a victim is 64 years of age or over on the date of the accident, the income replacement indemnity to which he is entitled is reduced by 25% from the second year following the date of the accident, by 50% from the third year and by 75% from the fourth year following that date. The victim ceases to be entitled to his indemnity four years after the date of the accident, except

where the accident occurred before the date of his sixty-fifth birthday, in which case the second paragraph applies from the fifth year following the date of the accident, with the necessary modifications.

If the indemnity determined in accordance with the second paragraph is greater than the indemnity reduced by 75% in accordance with the first paragraph, it is to be paid from the date of the victim's sixty-seventh birthday rather than from the date of his sixty-eighth birthday."

**3.** Section 43 of the Act is repealed.

**4.** Section 51 of the Act is amended by striking out "43," in the second paragraph.

**5.** Section 57 of the Act is amended by adding the following paragraph at the end:

"This section does not apply to a victim who suffers from catastrophic injuries or sequelae referred to in section 26.2."

**6.** The Act is amended by inserting the following sections after section 57:

**"57.1.** A victim who suffers from catastrophic injuries or sequelae referred to in section 26.2 and who suffers a relapse of his bodily injury shall receive compensation from the date of the relapse as though his disability resulting from the accident had not been interrupted.

However, if the indemnity computed on the basis of the gross income actually earned by the victim at the time of the relapse is greater than the indemnity to which the victim would be entitled under the first paragraph, the victim shall receive the greater indemnity.

**"57.2.** A victim who, by reason of a relapse of his bodily injury, suffers from catastrophic injuries or sequelae referred to in section 26.2 shall receive compensation in accordance with the rules set out in section 57, according to the time at which the relapse occurs.

However, the victim is entitled, from the date that is 12 months after the date of the relapse, to having the income replacement indemnity to which he is entitled on that date computed on the basis of a gross income that shall not be less than the gross income equal to a yearly average, computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year of the relapse."

**7.** Section 63 of the Act is amended

(1) in the first paragraph,



(a) by replacing “by the factor appearing in Schedule I opposite the age of the victim on the date of his death” in subparagraph 1 by “by five”;

(b) by replacing “\$49,121” in subparagraph 2 by “\$148,605”;

(2) by striking out the last paragraph.

**8.** Section 70 of the Act is replaced by the following section:

**“70.** The succession of a victim is entitled to a lump sum indemnity for funeral expenses, the amount of which is determined by regulation; however, such amount shall not be less than \$7,500.”

**9.** Section 79 of the Act is amended by replacing “, but no reimbursement may exceed \$614 per week” in the second paragraph by “up to the maximum amounts determined by regulation, which shall not, however, be less than \$949 per week”.

**10.** Section 80 of the Act is amended by replacing the second paragraph by the following paragraph:

“The indemnity is a weekly payment and is determined by regulation according to the number of persons contemplated in the first paragraph. However, the amount of the indemnity shall not be less than

(1) \$474 where the victim has the care of one person;

(2) \$532 where the victim has the care of two persons;

(3) \$587 where the victim has the care of three persons;

(4) \$647 where the victim has the care of four or more persons.”

**11.** Section 83 of the Act is amended by replacing the third paragraph by the following paragraph:

“The expenses shall be reimbursed according to the number of persons contemplated in the first paragraph, on a weekly basis and on presentation of vouchers, up to the maximum amounts determined by regulation, which shall not, however, be less than

(1) \$330 where the victim has the care of one person;

(2) \$360 where the victim has the care of two persons;

(3) \$410 where the victim has the care of three or more persons.”

**12.** The Act is amended by inserting the following section after section 83.22:

**“83.22.1.** Unless notice to the contrary is given by the victim, where the amount of the income replacement indemnity to be paid once every 14 days is less than \$30, the indemnity may be paid by the Société semi-annually

(1) in the month of June, for indemnities payable for the months of January to June; and

(2) in the month of December, for indemnities payable for the months of July to December.”

**13.** Section 83.24 of the Act is amended by replacing “medical” in the first paragraph by “expert”.

**14.** Section 83.31 of the Act is replaced by the following section:

**“83.31.** A person whose application for reconsideration, application for review or proceeding before the Administrative Tribunal of Québec is allowed and who has filed, in support of his application, a written expert report from a health professional within the meaning of section 83.8 is entitled to reimbursement of the cost of that report, up to the amount established by regulation.”

**15.** Section 83.34 of the Act is amended by replacing the second paragraph by the following paragraph:

“The indemnity amounts prescribed by a regulation under this title shall also be revalorized on 1 January each year, unless a mechanism for updating the amounts is already provided for in the regulation or the amounts are prescribed under a rate external to the Société.”

**16.** Section 151.4 of the Act is repealed.

**17.** Section 195 of the Act is amended

(1) by inserting the following paragraphs after paragraph 9:

“(9.1) to determine the catastrophic injuries or sequelae and to prescribe rules for evaluating them;

“(9.2) to prescribe the method for computing the income replacement indemnity paid under the second and third paragraphs of section 40 and the related rules and terms;”;

(2) by inserting the following paragraph after paragraph 11:

“(11.1) to determine the amount of the lump sum indemnity for funeral expenses referred to in section 70;”;

(3) by replacing paragraph 17 by the following paragraph:

“(17) to establish the amounts paid to reimburse the cost of a health professional’s expert report to a person whose application for reconsideration, application for review or proceeding before the Administrative Tribunal of Québec is allowed;”;

(4) by inserting the following paragraph after paragraph 18:

“(18.1) to determine the maximum reimbursement amounts for expenses incurred by a victim for personal assistance referred to in section 79;”;

(5) by replacing paragraph 27 by the following paragraphs:

“(27) to determine the indemnity provided for in section 80, which may vary according to the number of persons contemplated in the first paragraph of that section, and to prescribe in what cases and on what conditions the indemnity is adjusted according to the variation in that number of persons;

“(27.1) to determine the maximum amounts up to which the expenses referred to in section 83 may be reimbursed, which may vary according to the number of persons contemplated in the first paragraph of that section, and to prescribe in what cases and on what conditions the reimbursement is adjusted according to the variation in that number of persons;”.

**18.** Schedules I and II to the Act are repealed.

#### HIGHWAY SAFETY CODE

**19.** Section 21 of the Highway Safety Code (chapter C-24.2), amended by section 4 of chapter 18 of the statutes of 2018, is again amended

(1) in subparagraph 3 of the first paragraph,

(a) by striking out “and revalorized, where applicable, in accordance with section 151.4 of the Automobile Insurance Act (chapter A-25)”;

(b) by replacing “that Act” by “the Automobile Insurance Act (chapter A-25)”;

(2) by adding the following sentence at the end of the last paragraph: “However, that prohibition does not apply to a military-type road vehicle restricted to off-highway use by its manufacturer or importer, if the vehicle meets the conditions prescribed by regulation for obtaining registration that allows travel on public highways.”

**20.** Section 31.1 of the Code, amended by section 5 of chapter 18 of the statutes of 2018, is again amended

(1) in the first paragraph,

(a) by striking out “and revalorized, where applicable, in accordance with section 151.4 of the Automobile Insurance Act (chapter A-25)”;

(b) by replacing “that Act” by “the Automobile Insurance Act (chapter A-25)”;

(2) by adding the following sentence at the end of the last paragraph: “However, that prohibition does not apply to a military-type road vehicle restricted to off-highway use by its manufacturer or importer, if the vehicle meets the conditions prescribed by regulation for obtaining registration that allows travel on public highways.”

**21.** Section 69 of the Code, amended by section 15 of chapter 18 of the statutes of 2018, is again amended, in the first paragraph,

(1) by striking out “and revalorized, where applicable, in accordance with section 151.4 of the Automobile Insurance Act (chapter A-25)”;

(2) by replacing “that Act” by “the Automobile Insurance Act (chapter A-25)”.

**22.** The Code is amended by inserting the following section after section 76.1.5:

**“76.1.5.1.** The one- or two-year periods set out in sections 76.1.3 and 76.1.5 during which the licence is subject to the condition of driving a road vehicle equipped with an alcohol ignition interlock device are extended for the period determined by regulation and according to the terms prescribed in the regulation if, during the period prescribed by regulation, the licence holder commits one or more breaches in connection with the use of the device among the breaches determined in the regulation. If a breach occurs during an extension period imposed under this section, that period is extended for the same period.

At the end of the initial period or any extension period, the licence remains subject to the condition of driving a road vehicle equipped with an alcohol ignition interlock device for a maximum period of 10 working days after receipt by the Société of the final data collected by the device and the information referred to in section 64.1, to allow the Société to establish whether there was a breach.

The licence holder is presumed to have committed the breach, unless he provides evidence to the contrary to the satisfaction of the Société.

The licence holder who wishes to contest an extension imposed under this section may file an application for review with the Société. He may contest the review decision before the Administrative Tribunal of Québec. The first paragraph of section 202.6.3, sections 202.6.4 and 202.6.5, the last paragraph of section 202.6.6 and sections 202.6.9 to 202.6.12 apply, with the necessary modifications.”

**23.** Section 92 of the Code is replaced by the following section:

**“92.** For the duration of their assignment, the following persons may, without an examination and without paying the duties fixed by regulation, obtain a driver’s licence:

(1) a member of a diplomatic mission established in Canada or a consular post established in Québec;

(2) a member of a permanent representation of a foreign State that is accredited to an international government organization having entered into an agreement with the government regarding its establishment in Québec;

(3) an employee of an international government organization referred to in subparagraph 2;

(4) a member of an office of a political division of a foreign State who is granted fiscal privileges under section 96 of the Tax Administration Act (chapter A-6.002);

(5) an employee of an international non-governmental organization having entered into an agreement with the government regarding its establishment in Québec; and

(6) the spouses of the persons referred to in subparagraphs 1 to 5 and their children of full age who are financially dependent on them and reside with them.

Those persons must meet the following conditions:

(1) hold a valid driver’s licence corresponding to the licence applied for;

(2) be registered with the Ministère des Relations internationales;

(3) not have Canadian citizenship or permanent resident status in Canada;

(4) not carry on any business or hold any position or employment in Québec other than, in the case of the persons referred to in subparagraphs 1 to 5 of the first paragraph, their duties with the foreign State, political division of a foreign State or organization concerned; and

(5) have paid the fees fixed by regulation and the insurance contribution fixed under sections 151 and 151.2 of the Automobile Insurance Act (chapter A-25).

Despite the first paragraph, a member of the service staff of a diplomatic mission or consular post referred to in subparagraph 1 of the first paragraph or a member of the service staff of a permanent representation referred to in

subparagraph 2 of that paragraph is not exempt from paying the duties fixed by regulation. The same applies to his spouse and his children of full age who are financially dependent on him and reside with him.”

**24.** Section 93.1 of the Code, amended by section 18 of chapter 18 of the statutes of 2018, is again amended, in the first paragraph,

(1) by striking out “and revalorized, where applicable, in accordance with section 151.4 of the Automobile Insurance Act (chapter A-25)”;

(2) by replacing “that Act” by “the Automobile Insurance Act (chapter A-25)”.

**25.** Section 143.1 of the Code, amended by section 34 of chapter 19 of the statutes of 2018, is again amended by replacing “subparagraph 2 of the first paragraph of section 202.4” by “subparagraph 2 or 2.1 of the first paragraph of section 202.4”.

**26.** The Code is amended by inserting the following section after section 202.2:

**“202.2.0.1.** No holder of a learner’s licence who already holds a driver’s licence may drive or have the care or control of a road vehicle covered by the class of his learner’s licence if any alcohol is present in his body.

The first paragraph does not apply to a person referred to in section 202.2.”

**27.** Section 202.2.1.1 of the Code is amended

(1) by inserting “ou à l’article 202.2.0.1” after “l’article 202.2” in the French text;

(2) by replacing “In addition to persons who are subject to section 202.2, no person may drive or have” and “if there is any alcohol in the person’s body” by “As regards any person other than a person subject to section 202.2 or 202.2.0.1, operating or having” and “with alcohol present in the person’s body is prohibited”, respectively.

**28.** Section 202.3 of the Code, amended by section 43 of chapter 19 of the statutes of 2018, is again amended by inserting “202.2.0.1,” after “section 202.2,” in the first paragraph.

**29.** Section 202.4 of the Code is amended

(1) in the first paragraph,

(a) by inserting “or in accordance with the Criminal Code” after “in accordance with section 202.3” in subparagraph 2;

(b) by inserting the following subparagraph after subparagraph 2:

“(2.1) for 90 days, the licence of any person who is subject to the prohibition under section 202.2.0.1 and drives or has the care or control of a road vehicle to which the prohibition is applicable

(a) if a screening test conducted in accordance with section 202.3 or in accordance with the Criminal Code reveals the presence of any alcohol in the person’s body; or

(b) if the person’s blood alcohol concentration level is shown, by an analysis of a sample of the person’s breath made by means of an approved instrument in accordance with the Criminal Code, to be less than 80 mg of alcohol in 100 ml of blood;”;

(2) by replacing “section 202.2.1.1 or 202.2.1.2” in the last paragraph by “any of sections 202.2.0.1, 202.2.1.1 and 202.2.1.2”.

**30.** Section 202.6.6 of the Code, amended by section 50 of chapter 19 of the statutes of 2018, is again amended by replacing “subparagraph 2 of the first paragraph of section 202.4 or of section 202.4.1” in subparagraph 1 of the first paragraph by “subparagraphs 2 and 2.1 of the first paragraph of section 202.4 and subparagraph 2 of the first paragraph of section 202.4.1”.

**31.** Section 202.8 of the Code, amended by section 52 of chapter 19 of the statutes of 2018, is again amended by inserting “or section 202.2.0.1” after “section 202.2” in the first paragraph.

**32.** Section 209.9 of the Code is amended by striking out the third, fourth and fifth paragraphs.

**33.** Sections 209.18 and 209.19 of the Code are amended by replacing “\$3,000” in the first paragraph by “the threshold determined by regulation, which shall not be less than \$5,000”.

**34.** Section 215 of the Code is amended by replacing “parking lights” in subparagraph 3 of the first paragraph by “taillights”.

**35.** The Code is amended by inserting the following section after section 220:

**“220.0.1.** Despite sections 215, 216 and 220, a construction trailer, as defined by regulation, exceeding 2.6 metres in width and forming part of a combination of road vehicles must at least carry, at the rear, the following lights:

(1) two red taillights, at the same height, one on each side of the vertical centreline and as far apart as practicable;

(2) two red stop lights, at the same height, one on each side of the vertical centreline and as far apart as practicable; and

(3) two red or amber turn-signal lights, at the same height, one on each side of the vertical centreline and as far apart as practicable.

Detachable equipment may be used to replace those lights.”

**36.** Section 220.1 of the Code is amended by replacing “rear marker lamp” in the second paragraph by “taillight”.

**37.** Section 220.3 of the Code is amended by replacing “dwelling or office purposes” by “dwelling purposes and construction trailers, as defined by regulation”.

**38.** The Code is amended by inserting the following section after section 220.3:

**“220.4.** Despite section 220.3, construction trailers exceeding 2.6 metres in width and travelling at night must be equipped, on each of the longest sides, with reflective material, in accordance with the standards prescribed by a regulation made pursuant to the Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16) with regard to trailers referred to in the regulation.”

**39.** Section 226.2 of the Code is replaced by the following section:

**“226.2.** Only the following persons may use one or more flashing green lights on a road vehicle other than an emergency vehicle:

(1) a firefighter authorized by the municipal authority that established the fire safety service of which the firefighter is a member, when responding to an emergency call from a fire safety service; and

(2) the driver of a tow truck carrying flashing or rotating amber lights in accordance with section 227, when such lights are activated and the tow truck is required by an emergency service.

Where required by circumstances and when the flashing green light is activated, the firefighter or driver of a tow truck referred to in the first paragraph is authorized to travel on the shoulder and stop the vehicle in any place. The firefighter or driver must act in a manner that does not endanger human life and safety.

The light may remain installed on a vehicle travelling for a purpose other than those provided for in this section, but it shall not be activated.

The Government prescribes, by regulation, the conditions for obtaining the authorization referred to in subparagraph 1 of the first paragraph and the form and content of the certificate of authorization. It determines in what cases and on what conditions more than one flashing green light may be used and



prescribes the technical standards the light must meet, which may vary according to the vehicle on which the light is installed, and the method for its installation.

For the purposes of this section, “municipal authority” means the local authority, regional authority or intermunicipal board that established a fire safety service within the meaning of the Fire Safety Act (chapter S-3.4).”

**40.** Section 233 of the Code is amended by replacing “light” by “white light, at the front,”.

**41.** Section 239.1.1 of the Code is amended by replacing “driver of a road vehicle” and “certificate of authorization allowing the driver to do so” by “firefighter” and “required certificate of authorization”, respectively.

**42.** Section 239.2 of the Code is amended by replacing the first paragraph by the following paragraph:

“A driver referred to in section 239.1 or, as the case may be, a firefighter referred to in section 239.1.1 must, at the request of a peace officer, surrender for examination the certificate the driver or firefighter is required to have with him.”

**43.** Section 240.2 of the Code is amended by inserting the following after subparagraph 2 of the second paragraph:

“(3) the combination of vehicles is equipped at the rear, when travelling at night, with at least one red taillight placed as close as practicable to the left lateral extremity and visible from a distance of at least 150 metres.

Detachable equipment may be used to replace the light referred to in subparagraph 3 of the second paragraph.”

**44.** Section 272 of the Code is replaced by the following section:

**“272.** Motor vehicles and combinations of road vehicles not fitted with permanent mudguards or fitted with permanent mudguards that are narrower than the tire tread or the rear portion of which is more than 350 mm from the ground when the vehicle is not loaded must be equipped with detachable mudguards of resistant material and at least as wide as the tire tread, except the following vehicles:

(1) farm machines not equipped with mudguards by the manufacturer; and

(2) construction trailers, as defined by regulation, provided that the floor completely covers the width of the tire tread and that the ratio of the length of the overhang to the height between the bottom of the trailer and the ground is not less than three, the overhang being measured from the rear of the trailer to the centre of the last axle.”

**45.** The Code is amended by inserting the following section after section 275.1:

**“275.1.1.** The firefighter who contravenes section 239.1.1 is guilty of an offence and is liable to a fine of \$30 to \$60.”

**46.** Section 281.3 of the Code is amended by inserting “or, as the case may be, the firefighter” after “road vehicle”.

**47.** Section 283.2 of the Code is amended, in the second paragraph,

(1) by replacing “first” by “fourth”;

(2) by inserting “or the driver of a tow truck” after “firefighter”.

**48.** The Code is amended by inserting the following section after section 294:

**“294.0.1.** The person responsible for the maintenance of a public highway must erect the proper signs or signals to indicate the beginning and the end of a school zone, taking into account the criteria prescribed by regulation for the establishment of a school zone.

The installation of signs or signals is proof that a school zone has been established.”

**49.** Section 303.3 of the Code is amended

(1) by inserting “, exceptional events or sports events or competitions” after “work” in the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“This section also applies to any person who

(1) carries out work on such a highway on behalf of the person responsible for the maintenance of a public highway; or

(2) organizes exceptional events or sports events or competitions.”

**50.** Section 311 of the Code is amended by inserting “or during exceptional events or sports events or competitions” after “work sites”.

**51.** Sections 312.2 and 312.3 of the Code are amended by replacing all occurrences of “second” by “third”.

**52.** Section 328 of the Code, amended by section 140 of chapter 83 of the statutes of 1990, is again amended by striking out “such as periods of school activity,” in subparagraph 5 of the first paragraph.

**53.** Section 329 of the Code is amended by striking out the fourth paragraph.

**54.** The Code is amended by inserting the following section after section 329:

**“329.1.** Any speed limit applicable in a school zone during the school period defined by regulation must be set at 50 km/h or less.”

**55.** Section 332 of the Code is amended by replacing the second and third paragraphs by the following paragraphs:

“A photograph or series of photographs of a road vehicle obtained by means of such a photo radar device are admissible as evidence in any penal proceedings for the contravention of a speed limit.

The photograph or series of photographs are proof, in the absence of any evidence to the contrary, of the accuracy of the elements that are affixed to or visible in one or more of the photographs, such as

(1) the place where the photograph or series of photographs were taken, with reference to an identifier or otherwise;

(2) the date and time on which the photograph was taken;

(3) the road vehicle;

(4) the registration plate number of the road vehicle;

(5) the authorized speed limit, except the speed limit set under any of sections 299, 303.1 and 329; and

(6) the speed of the road vehicle recorded by the photo radar device.”

**56.** Section 359.3 of the Code is amended by replacing the second and third paragraphs by the following paragraphs:

“A photograph or series of photographs of a road vehicle obtained by means of such a camera system are admissible as evidence in any penal proceedings for an offence under section 359.

The photograph or series of photographs are proof, in the absence of any evidence to the contrary, of the accuracy of the elements that are affixed to or visible in one or more of the photographs, such as

(1) the place where the photograph or series of photographs were taken, with reference to an identifier or otherwise;

(2) the date and time on which the photograph was taken;

(3) the road vehicle;

- (4) the registration plate number of the road vehicle; and
- (5) the traffic light involved.”

**57.** Section 379 of the Code is amended by inserting “Except in the case provided for in section 226.2,” at the beginning.

**58.** Section 385 of the Code is amended by replacing “parking lights” by “vehicle’s parking lights and taillights”.

**59.** Section 510 of the Code is amended by inserting “or third” after “first” in the first paragraph.

**60.** Section 516.2 of the Code is replaced by the following section:

**“516.2.** Every person who, during the school period defined by regulation, drives a road vehicle at a speed of 39 km/h or less over the maximum authorized speed limit in a school zone is liable to double the fine set out in the first paragraph of section 516, unless the speed limit is indicated on a sign or signal erected under section 303.1.”

**61.** Section 519.10 of the Code is replaced by the following section:

**“519.10.** A driver must record in a record of duty status for each day concerned, in compliance with the requirements prescribed by regulation and subject to the exceptions provided for in the regulation, all the driver’s hours of rest and hours of service for that day, as well as any other information required by regulation.

The information must be recorded using an electronic logging device that meets the requirements prescribed by regulation.

No driver shall

- (1) produce more than one record of duty status in respect of any day, except in the cases and on the conditions prescribed by regulation;
- (2) use more than one electronic logging device at the same time for the same period; or
- (3) enter inaccurate information, falsify, deface or make illegible the records of duty status and supporting documents or otherwise impair their integrity.

No driver who is required to produce records of duty status shall drive unless the driver has in his or her possession the documents determined by regulation.

The driver must, on the conditions prescribed by regulation, make available or forward the record of duty status, supporting documents and information determined by regulation to the operator and any other person who supplies

the driver's services. Furthermore, the driver must make them available or forward them, for examination, to a peace officer at the latter's request, in compliance with the conditions prescribed by regulation. If the record of duty status and supporting documents are in paper form, the peace officer must return them to the driver after examination."

**62.** Section 519.20 of the Code is amended by striking out "les fiches," in the French text.

**63.** Section 519.21.3 of the Code is replaced by the following sections:

**"519.21.3.** Subject to the cases and conditions prescribed by regulation, an operator shall

(1) ensure that each heavy vehicle under the operator's responsibility is equipped with an electronic logging device that meets the requirements prescribed by regulation and that the documents determined by regulation are in the vehicle; and

(2) require that each driver fill out the record of duty status in accordance with the provisions of section 519.10.

The operator shall also ensure that the electronic logging device carried by a heavy vehicle is maintained and kept in good working order in accordance with the manufacturer's standards. The operator must, according to the conditions prescribed by regulation, maintain the system of each electronic logging device used to identify the users of the device and a register containing the information in connection with the working order and use of each device, whose particulars are determined by regulation.

If an electronic logging device malfunctions, the operator must repair or replace it within the time prescribed by regulation.

**"519.21.4.** No operator or person shall perform, or request or allow anyone to perform, any of the following acts:

(1) enter inaccurate information, falsify, deface or make illegible the records of duty status and supporting documents or otherwise impair their integrity; or

(2) disable, deactivate, block or degrade the signal reception or transmission of an electronic logging device, or re-engineer, reprogram or alter the device, so as to prevent it from accurately recording or entering the required information."

**64.** Section 519.25 of the Code is replaced by the following section:

**"519.25.** The operator shall keep the records of duty status, the register containing the information in connection with the working order and use of each electronic logging device, the supporting documents and any other

document determined by regulation at the place determined and in accordance with the standards prescribed by regulation. If the operator has not received those records and documents at that place, the operator must make them available at or forward them to that place and make sure they are received within the time prescribed by regulation.

During working hours, the operator shall, at a peace officer's request, immediately make available or forward to the peace officer, for inspection purposes and in compliance with the conditions determined by regulation, the records of duty status, register and documents referred to in the first paragraph.

If the records of duty status, register and documents referred to in the first paragraph are in paper form, the peace officer delivers an acknowledgement of receipt to the operator according to the terms determined by regulation and must return the records and documents to the operator within 14 days."

**65.** Section 519.26 of the Code is amended by replacing both occurrences of "daily logs" by "records of duty status".

**66.** The Code is amended by inserting the following section after section 519.71:

**"519.72.** In the performance of their duties, highway controllers may also, by any means providing proof of time of receipt, require the owner or operator of a heavy vehicle, within a reasonable time they determine, to communicate by such a means any information or document relating to the enforcement of this Code."

**67.** Section 519.77 of the Code is amended by replacing "or the second paragraph of section 519.71" by "or the second paragraph of section 519.71 or who neglects or refuses to comply with the request made under section 519.72 is guilty of an offence and".

**68.** The Code is amended by inserting the following section after section 546.6.0.2:

**"546.6.0.3.** Despite the prohibitions under section 546.6 and the third paragraph of section 546.6.0.1 or 546.6.0.2, a vehicle that must undergo technical appraisal may be put back into operation only for the dynamic recalibration of the advanced driver assistance systems, provided that a temporary registration certificate has been issued for that purpose."

**69.** The Code is amended by inserting the following section after section 551:

**"551.1.** When a conviction for an offence listed in section 180 or the penalty prescribed for the offence is under appeal, the judge hearing the appeal may order that the effects of the cancellation of the licence or of the suspension of the right to obtain a licence be suspended until a final decision has been rendered on the appeal or until the court decides otherwise.

A new licence is issued upon proof of the order referred to in the first paragraph and in accordance with the conditions prescribed by this Code and its regulations.”

**70.** Section 587 of the Code is amended by replacing the second paragraph by the following paragraph:

“The person referred to in the first paragraph shall also notify the Société

(1) of any order of prohibition to operate a conveyance under Part VIII.1 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) on offences relating to conveyances; and

(2) of any order made under section 551.1 and of any decision terminating such an order.”

**71.** Sections 592 and 592.0.0.1 of the Code are amended by replacing “taken” by “or series of photographs taken”.

**72.** Section 592.1 of the Code, amended by section 21 of chapter 15 of the statutes of 2012, is again amended, in the first paragraph,

(1) by replacing “photograph taken” by “photograph or series of photographs taken”;

(2) by replacing “indicating the place, date and time the photograph was taken and, as applicable, the traffic light involved or the speed recorded,” by “or photographs from the series”;

(3) by replacing the last sentence by the following sentence: “One or more of the photographs sent must indicate or show the elements provided for in the third paragraph of section 332 or 359.3, as the case may be, without making it possible to identify the occupants of the vehicle.”

**73.** Sections 592.2.1, 592.4, 592.4.2 and 597.1 of the Code are amended by replacing all occurrences of “taken” by “or series of photographs taken”.

**74.** Section 608 of the Code is amended

(1) by inserting “or the Department of the Environment of Canada” after “the Department of Transport of Canada”;

(2) by replacing “to that department” by “to either of those departments”.

**75.** Section 619 of the Code, amended by section 29 of chapter 18 of the statutes of 2018, is again amended by inserting the following paragraphs after paragraph 2:

“(2.1) determine the breaches in connection with the use of the alcohol ignition interlock device for the purposes of section 76.1.5.1 and the period during which a breach must be considered;

“(2.2) determine the additional period during which the licence must remain subject to the condition of driving a vehicle equipped with an alcohol ignition interlock device under section 76.1.5.1 and the related terms;”.

**76.** Section 621 of the Code, amended by section 86 of chapter 14 of the statutes of 2008, is again amended, in the first paragraph,

(1) by replacing subparagraph 5.2 by the following subparagraph:

“(5.2) determine the conditions under which the authorization referred to in subparagraph 1 of the first paragraph of section 226.2 may be obtained, the form and content of the certificate of authorization, as well as the technical standards the light must meet, which may vary according to the vehicle on which the light is installed, and the method for its installation;”;

(2) by inserting the following subparagraph after subparagraph 5.2:

“(5.3) determine in what cases and on what conditions more than one flashing green light may be used on a road vehicle other than an emergency vehicle;”;

(3) by inserting the following subparagraph after subparagraph 8.1:

“(8.2) exempt military-type road vehicles, in the cases and on the conditions it determines, from the application of one or more provisions of this Code and its regulations relating to the equipment road vehicles must carry or the standards the equipment must meet;”;

(4) by replacing subparagraph 12.0.1 by the following subparagraph:

“(12.0.1) define, for the purposes of sections 519.8.1, 519.9, 519.10, 519.12, 519.20, 519.21.1 to 519.26 and 519.31 to 519.31.3, the expressions “cycle”, “day”, “director”, “driver”, “electronic logging device”, “home terminal”, “hour of driving”, “hour of rest”, “hour of service”, “malfunction”, “out-of-service declaration”, “permit”, “provincial director”, “record of duty status” and “supporting document”;”;



(5) by replacing subparagraph 12.1 by the following subparagraphs:

“(12.1) establish the conditions under which the driver of a heavy vehicle must record the driver’s hours of rest and hours of service and produce a record of duty status, and determine the information the record of duty status must contain, its form and the other information that the driver must forward and make available to the operator and any other person who supplies the driver’s services;

“(12.1.0.1) establish the rules governing the transmission, reception and retention of records of duty status, supporting documents and information determined by a regulation made under paragraph 12.1;

“(12.1.0.2) determine in what cases and on what conditions a driver may produce more than one record of duty status in respect of any day;

“(12.1.0.3) establish the requirements the electronic logging device must meet and the standards for its installation, determine in what cases and on what conditions the device need not be installed or used and prescribe the rules applicable to the recording of hours of rest and hours of service and to the transmission of those hours and other information;

“(12.1.0.4) determine the documents that a driver who is required to complete records of duty status must have in his or her possession when driving and the documents that must be in each heavy vehicle under section 519.21.3;”;

(6) by replacing subparagraph 12.2 by the following subparagraph:

“(12.2) determine in what cases and on what conditions the hours of rest and hours of service need not be recorded by the driver in a record of duty status or required by the operator;”;

(7) by inserting the following subparagraphs after subparagraph 12.2.2:

“(12.2.3) determine the conditions under which the operator must maintain the system of each electronic logging device used to identify users and the conditions relating to the retention of the information recorded in the system;

“(12.2.4) determine the content of the register containing the information in connection with the working order and use of each device, the conditions of retention of the register and the time limits for repairing or replacing the device in case of malfunction;”;

(8) by inserting the following subparagraph after subparagraph 12.4:

“(12.5) determine the conditions under which a driver or an operator must make available or forward a document or information required under sections 519.10 and 519.25 to a peace officer, at the latter’s request;”;

(9) by inserting the following subparagraph after subparagraph 20.5:

“(20.6) define the expression “school period”;”;

(10) by inserting the following subparagraph after subparagraph 25.1:

“(25.2) prescribe the criteria for the establishment of any school zone;”;

(11) by replacing “daily logs” by “records” in subparagraph 39;

(12) by inserting the following subparagraph after subparagraph 50:

“(50.1) determine the threshold for the value of unclaimed seized vehicles that the Société may dispose of under sections 209.18 and 209.19;”;

(13) by replacing all occurrences of “daily logs” by “records of duty status”.

**77.** Section 624 of the Code, amended by section 31 of chapter 18 of the statutes of 2018, is again amended by striking out subparagraph 8.2 of the first paragraph.

**78.** Section 634.3 of the Code is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) in a school zone;”.

**79.** Section 648.4 of the Code, amended by section 32 of chapter 18 of the statutes of 2018, is again amended by striking out “and revalorized, if applicable, in accordance with section 151.4 of the Automobile Insurance Act (chapter A-25)” in the introductory clause of the first paragraph.

#### CODE OF PENAL PROCEDURE

**80.** Article 157.2 of the Code of Penal Procedure (chapter C-25.1) is amended by replacing “taken” in paragraph 2 by “or series of photographs taken”.

**81.** Article 218.4 of the Code is amended by replacing “photograph” in subparagraph 6 of the second paragraph by “photograph or photographs”.

#### ACT RESPECTING ADMINISTRATIVE JUSTICE

**82.** Section 119 of the Act respecting administrative justice (chapter J-3) is amended by inserting “a decision to extend the period during which the licence must be subject to the condition of driving a road vehicle equipped with an alcohol ignition interlock device or” after “following” in paragraph 7.

## ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

**83.** Section 12.39.1 of the Act respecting the Ministère des Transports (chapter M-28) is amended, in paragraph 1.1,

- (1) by replacing “, 516 and 516.1” by “and 516 to 516.2”;
- (2) by replacing “taken” by “or series of photographs taken”.

## ACT RESPECTING OWNERS, OPERATORS AND DRIVERS OF HEAVY VEHICLES

**84.** Section 42.3 of the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3) is amended by replacing “daily log” and “shown” in the first paragraph by “record of duty status” and “provided”, respectively.

## TRANSPORT ACT

**85.** Section 16 of the Transport Act (chapter T-12) is amended

(1) by replacing “of 11 members” in the first paragraph by “of not more than 11 members”;

(2) by replacing the second paragraph by the following paragraph:

“A member may, with the permission of the president, continue the examination of an application referred to him and render a decision despite the expiry of his term.”

**86.** Section 88.2 of the Act is amended by adding the following paragraph at the end:

“However, the Government may, by regulation and according to the conditions it establishes, exempt motorists who benefit from diplomatic, consular or similar privileges or immunities from paying the contribution.”

## ACT RESPECTING OFF-HIGHWAY VEHICLES

**87.** Section 52 of the Act respecting off-highway vehicles (chapter V-1.3) is amended by striking out “if the vehicle is equipped with a closed compartment; nor is it required” in the fourth paragraph.

**88.** Section 114 of the Act is amended, in paragraph 3,

- (1) by inserting “section 27,” after “contravenes”;
- (2) by replacing “third” by “fourth”.

ACT TO IMPROVE THE PERFORMANCE OF THE SOCIÉTÉ DE  
L'ASSURANCE AUTOMOBILE DU QUÉBEC, TO BETTER REGULATE  
THE DIGITAL ECONOMY AS REGARDS E-COMMERCE,  
REMUNERATED PASSENGER TRANSPORTATION AND TOURIST  
ACCOMMODATION AND TO AMEND VARIOUS LEGISLATIVE  
PROVISIONS

**89.** Sections 44 to 47 of the Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (2018, chapter 18) are repealed.

REGULATION RESPECTING COMPUTATION OF THE INCOME  
REPLACEMENT INDEMNITY PAID UNDER THE SECOND AND  
THIRD PARAGRAPHS OF SECTION 40 OF THE AUTOMOBILE  
INSURANCE ACT

**90.** The Regulation respecting computation of the income replacement indemnity paid under the second and third paragraphs of section 40 of the Automobile Insurance Act, the text of which appears below, is enacted.

“REGULATION RESPECTING COMPUTATION OF THE INCOME  
REPLACEMENT INDEMNITY PAID UNDER THE SECOND AND  
THIRD PARAGRAPHS OF SECTION 40 OF THE AUTOMOBILE  
INSURANCE ACT

**1.** The amount of the income replacement indemnity to which a victim is entitled until their death, from the date of their sixty-eighth birthday or, if the victim is 64 years of age at the time of the accident, from the date that is four years after the date of the accident, is computed using the following formula:

$$40\% \times A \times B/14,610.$$

For the purposes of the formula in the first paragraph,

(1) A is

(a) if the victim is under 64 years of age at the time of the accident, the amount of the income replacement indemnity computed on the date of the victim's sixty-seventh birthday before applying the reduction provided for in section 40 of the Automobile Insurance Act (chapter A-25) or any other reduction provided for by that Act, except for the reduction provided for in section 55; or

(b) if the victim is 64 years of age at the time of the accident, the amount of the income replacement indemnity computed on the date that is three years after the date of the accident before applying the reduction provided for in section 40 of the Automobile Insurance Act or any other reduction provided for by that Act, except for the reduction provided for in section 55; and

(2) B is the number of days, not exceeding 14,610, between the date of the victim's eighteenth birthday and the day before the date of the victim's sixty-fifth birthday, during which

(a) the victim has received the income replacement indemnity to which they are still entitled on the date of their sixty-seventh birthday or, if the victim is 64 years of age at the time of the accident, the indemnity to which they are still entitled on the date that is three years after the date of the accident; and

(b) payment of the income replacement indemnity has been interrupted pursuant to section 83.29 of the Act.

However, the days during which the victim received an income replacement indemnity to which they were not entitled must not be considered in the number of days represented by the letter B.

**“2.** If a victim referred to in section 1 is entitled to more than one income replacement indemnity because of multiple accidents, each of the indemnities must be computed separately using the formula in that section.

**“3.** If the result of a computation under this Regulation is a number with one or more decimals, only the first two decimals are retained and, if the third decimal is greater than 4, the second decimal is increased by one unit.”

#### REGULATION RESPECTING CATASTROPHIC INJURIES OR SEQUELAE

**91.** The Regulation respecting catastrophic injuries or sequelae, the text of which appears below, is enacted.

#### “REGULATION RESPECTING CATASTROPHIC INJURIES OR SEQUELAE

**“1.** Catastrophic injuries or sequelae are determined by evaluating the victim's condition when examinations and accepted medical knowledge do not point to any significant foreseeable improvement or deterioration in the victim's condition in the short or medium term.

**“2.** The evaluation must consider the injuries and sequelae previously suffered in an accident or relapse.

**“3.** In the case of a sequela, the evaluation is made in accordance with the evaluation rules set out in the Schedule of Permanent Functional and Esthetic Impairments to the Regulation respecting lump-sum compensation for non-pecuniary damage (chapter A-25, r. 10), except the rules referring to the provisions of Division II of that Regulation.

The evaluation must, according to the terms provided for in the first paragraph of section 6 of that Regulation, identify the functional or esthetic units impaired and determine the category of severity that represents the victim's situation and the percentage corresponding to that category. However, if the victim had sequelae prior to the accident or relapse, the percentage corresponding to the category of severity of the functional or esthetic unit representative of the situation prior to the accident does not have to be deducted if the accident or relapse resulted in the aggravation of the victim's prior sequelae.

The category of severity of the impaired functional or esthetic unit is determined by the situation having the greatest impact from among the situations corresponding to the result of the permanent sequelae evaluation. Only one category of severity may be determined for each impaired unit and the percentage corresponding to that category may only be awarded once.

**“4.** The result of the evaluation must be explainable by accepted medical knowledge supported by objective data found on clinical examination.

**“5.** Injuries or sequelae are catastrophic if the evaluation establishes that the victim

(1) has third-degree burns that impair two or more functional units or the unit related to the esthetic of the face provided for in the Schedule, for which the combined percentages corresponding to the categories of severity for the units concerned add up to at least 75%;

(2) has undergone two or more of the following amputations, on different limbs, including at least one mentioned in subparagraphs *a* and *b*:

- (a) above-elbow amputation;
- (b) above-knee amputation;
- (c) elbow disarticulation;
- (d) below-the-elbow amputation of the forearm;
- (e) wrist disarticulation;
- (f) knee disarticulation; or
- (g) below-the-knee amputation of the leg;

(3) has one or more of the following functional alterations of the brain, for which the combined percentages corresponding to the categories of severity of the functional units provided for in the Schedule add up to at least 50%:

(a) an impairment of the cognitive function corresponding to categories of severity 2 to 6 of functional unit 1 provided for in the Schedule, for which the percentage corresponding to those categories varies from 5% to 100%;

(b) a disturbance of the state of consciousness corresponding to categories of severity 2 to 5 of functional unit 2 provided for in the Schedule, for which the percentage corresponding to those categories varies from 15% to 100%; or

(c) an impairment of the cognitive aspect of language corresponding to categories of severity 2 to 5 of functional unit 3 provided for in the Schedule, for which the percentage corresponding to those categories varies from 20% to 100%;

(4) has an affective or mental disorder corresponding to category of severity 5 or 6 of functional unit 1 provided for in the Schedule;

(5) has a functional loss of vision corresponding to category of severity 85 of functional unit 4.1 provided for in the Schedule;

(6) suffers from paraplegia or quadriplegia (motor level between cervical vertebra C1 and lumbar vertebra L5) corresponding to categories of severity 1 to 6 of functional unit 24 provided for in the Schedule; or

(7) has two or more of the following impairments, for which the combined percentages corresponding to the categories of severity of the functional units provided for in the Schedule add up to at least 85%:

(a) an affective or mental disorder corresponding to category of severity 4 of functional unit 1 provided for in the Schedule, for which the percentage corresponding to that category is 35%;

(b) a functional loss of vision corresponding to categories of severity 45 to 84 of functional unit 4.1 provided for in the Schedule, for which the percentage corresponding to those categories varies from 45% to 84%;

(c) an impairment of the cardio-respiratory function corresponding to categories of severity 4 to 8 of functional unit 20 provided for in the Schedule, for which the percentage corresponding to those categories varies from 20% to 100%; or

(d) one or more of the following functional impairments, of orthopedic or neurological origin or resulting from the ablation of one or more internal organs, for which the combined percentages corresponding to the categories of severity of the functional units provided for in the Schedule add up to at least 30%:

i. an impairment of the cognitive function corresponding to categories of severity 4 to 6 of functional unit 1 provided for in the Schedule, for which the percentage corresponding to those categories varies from 35% to 100%,

ii. a disturbance of the state of consciousness corresponding to categories of severity 1 to 5 of functional unit 2 provided for in the Schedule, for which the percentage corresponding to those categories varies from 5% to 100%,

iii. an impairment of the cognitive aspect of language corresponding to categories of severity 1 to 5 of functional unit 3 provided for in the Schedule, for which the percentage corresponding to those categories varies from 5% to 100%,

iv. a balance disorder corresponding to categories of severity 3 to 6 of functional unit 8 provided for in the Schedule, for which the percentage corresponding to those categories varies from 15% to 100%,

v. a phonation impairment corresponding to categories of severity 3 to 5 of functional unit 9 provided for in the Schedule, for which the percentage corresponding to those categories varies from 10% to 30%,

vi. an impairment of the ability to move and maintain the position of the head corresponding to category of severity 4 or 5 of functional unit 11 provided for in the Schedule, for which the percentage corresponding to those categories varies from 15% to 30%,

vii. an impairment of the ability to move and maintain the position of the trunk corresponding to category of severity 4 or 5 of functional unit 12 provided for in the Schedule, for which the percentage corresponding to those categories varies from 15% to 30%,

viii. an impairment of the ability to move and maintain the position of an upper limb corresponding to categories of severity 5 to 7 of functional unit 13 provided for in the Schedule, for which the percentage corresponding to those categories varies from 15% to 30%,

ix. a manual dexterity impairment corresponding to categories of severity 5 to 8 of functional unit 14 provided for in the Schedule, for which the percentage corresponding to those categories varies from 12% to 50%,

x. a locomotion impairment corresponding to categories of severity 4 to 7 of functional unit 15 provided for in the Schedule, for which the percentage corresponding to those categories varies from 20% to 60%,

xi. an impairment of ingestion corresponding to categories of severity 4 to 6 of functional unit 19.1 provided for in the Schedule, for which the percentage corresponding to those categories varies from 10% to 40%,

xii. an impairment of digestion and absorption corresponding to categories of severity 3 to 6 of functional unit 19.2 provided for in the Schedule, for which the percentage corresponding to those categories varies from 10% to 50%,

xiii. an impairment of excretion corresponding to categories of severity 3 to 5 of functional unit 19.3 provided for in the Schedule, for which the percentage corresponding to those categories varies from 10% to 40%,



xiv. an impairment of the hepatic and biliary functions corresponding to categories of severity 3 to 5 of functional unit 19.4 provided for in the Schedule, for which the percentage corresponding to those categories varies from 10% to 40%,

xv. an impairment of the renal function corresponding to categories of severity 4 to 6 of functional unit 21.1 provided for in the Schedule, for which the percentage corresponding to those categories varies from 30% to 90%, or

xvi. a micturition impairment corresponding to category of severity 3 or 4 of functional unit 21.2 provided for in the Schedule, for which the percentage corresponding to those categories varies from 10% to 20%.”

#### REGULATION TO GOVERN THE ESTABLISHMENT OF SCHOOL ZONES AND DEFINE THE SCHOOL PERIOD

**92.** The Regulation to govern the establishment of school zones and define the school period, the text of which appears below, is enacted.

#### “REGULATION TO GOVERN THE ESTABLISHMENT OF SCHOOL ZONES AND DEFINE THE SCHOOL PERIOD

**1.** The criteria for establishing a school zone are as follows:

(1) its purpose is to ensure the safety of students attending an institution providing elementary or secondary school instructional services by prompting road users to be more cautious when approaching land occupied by such an institution;

(2) it includes any part of a public highway that runs along the limits of the land referred to in paragraph 1;

(3) it may include

(a) any part of a public highway running along land or a building contiguous to the land referred to in paragraph 1 and used for school activities;

(b) any intersection contiguous to land or buildings referred to in paragraph 1 or subparagraph *a* of this paragraph; and

(c) any part of a public highway located at the end of the part of a public highway referred to in paragraph 2 or, as the case may be, at the end of the combination of the parts of public highways referred to in paragraph 2 and subparagraphs *a* and *b* of this paragraph, provided each part under this subparagraph covers a distance not exceeding

i. 50 m in an urban area, or

ii. 100 m in a rural area;

(4) it is composed of two amalgamated school zones when the distance between the two zones is insufficient to install signs or signals indicating the proximity of a school zone ahead, in accordance with the standards prescribed by the Minister under section 289 of the Highway Safety Code (chapter C-24.2), in which case subparagraph *c* of paragraph 3 does not apply to the school zone resulting from the amalgamation if a part of a public highway referred to in that subparagraph is included in any of the two school zones prior to the amalgamation; and

(5) it tends to have a length of at least

(a) 100 m in an urban area; or

(b) 200 m in a rural area.

**2.** The school period is the period beginning at 7:00 a.m. and ending at 5:00 p.m. each day from Monday to Friday, from September to June.”

#### REGULATION RESPECTING THE REIMBURSEMENT OF CERTAIN EXPENSES

**93.** Section 3 of the Regulation respecting the reimbursement of certain expenses (chapter A-25, r. 14) is amended

(1) in the first paragraph,

(a) by inserting “, on a weekly basis,” after “section 2”;

(b) by replacing “up to the maximum amount prescribed in section 79 of the Act” and “maximum amount prescribed in section 79 of the Act” by “up to a maximum amount of \$949” and “\$949”, respectively;

(2) by adding the following sentence at the end of the second paragraph: “A total of more than 174 points qualifies for the reimbursement of expenses incurred up to a maximum amount of \$1,500.”;

(3) by replacing “the maximum weekly amount prescribed in section 79 of the Act” in the third paragraph by “a maximum amount of \$1,500”.

**94.** Section 4 of the Regulation is amended, in the second paragraph,

(1) by replacing “The amount of the reimbursement of expenses incurred by a victim referred to in this section is” by “The expenses incurred that qualify for reimbursement to a victim referred to in this section, on a weekly basis, are”;

(2) by replacing “the amount prescribed in section 79 of the Act” by “\$949”.

**95.** Section 57 of the Regulation is replaced by the following section:

**“57.** The cost of the written expert report referred to in section 83.31 of the Act submitted by a person whose application for reconsideration, application for review or proceeding before the Administrative Tribunal of Québec is allowed qualifies for reimbursement up to the following maximum amounts:

(1) \$1,600 for an expert report produced following the examination of the victim by a single health professional; and

(2) \$1,600 for each health professional, up to a maximum of \$4,800, when the expert report is made following a joint examination of the victim by more than one professional.”

#### REGULATION RESPECTING THE CONDITIONS AND PROCEDURES FOR THE USE OF PHOTO RADAR DEVICES AND RED LIGHT CAMERA SYSTEMS

**96.** Section 1 of the Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems (chapter C-24.2, r. 9) is amended by replacing both occurrences of “second” in subparagraph ii of subparagraph c of paragraph 1 by “third”.

#### REGULATION RESPECTING TOWING AND IMPOUNDING CHARGES FOR SEIZED ROAD VEHICLES

**97.** The Regulation respecting towing and impounding charges for seized road vehicles (chapter C-24.2, r. 26) is amended by inserting the following section after section 5:

**“5.1.** The towing charges set by this Regulation are indexed on 1 June of each year. The indexation is calculated by multiplying the charges by the ratio between the average of the for-hire motor carrier freight services monthly price indexes for the truck transportation category [484] established by Statistics Canada for the 12-month period ending on 31 December of the preceding year and the average of those indexes established for the 12-month period ending on 31 December of the year prior to the preceding year.

If an annual average or the ratio between the averages calculated under the first paragraph or the amount of indexed charges has more than two decimals, only the first two decimals are retained and the second one is increased by one unit if the third decimal is equal to or greater than 5.

However, if the charges resulting from the calculation under the first paragraph are lower than the charges for the preceding year, the indexation is without effect.

If, pursuant to the third paragraph, the indexation for the preceding year had no effect, the indexation calculation under the first paragraph is made on the basis of the charges for the preceding year, as they would have been indexed had it not been for the application of the third paragraph.

The Minister of Transport publishes the result of the indexation each year in the *Gazette officielle du Québec*.”

#### REGULATION RESPECTING ROAD VEHICLE REGISTRATION

**98.** Section 2.1 of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended by replacing “whose licence plate bears the prefix “CC” or “CD”” in the first paragraph by “referred to in section 91”.

**99.** Section 2.1.1 of the Regulation is amended by replacing “98 or 99” in subparagraph 1 of the second paragraph by “91”.

**100.** Section 91 of the Regulation is replaced by the following section:

**“91.** The owner of a passenger vehicle is exempt from paying the fees payable for registration of the vehicle and for the right to operate it if the vehicle

(1) is an official vehicle belonging to a foreign State that has representation in Québec, except in the case of representation headed by an honorary consular officer within the meaning of the Vienna Convention on Consular Relations entered into on 24 April 1963;

(2) is an official vehicle belonging to an international government organization that has entered into an agreement with the Government regarding its establishment in Québec;

(3) is an official vehicle belonging to a political division of a foreign State to which fiscal privileges are granted under the Regulation respecting fiscal privileges granted to members of a diplomatic mission, consular post or office of a political division of a foreign State, to the members of their families and to that office (chapter A-6.002, r. 5);

(4) belongs to one of the following persons who do not have Canadian citizenship or permanent resident status in Canada, who are registered with the Ministère des Relations internationales and who perform their duties in Québec or Canada:

(a) a diplomatic agent or a member of the administrative and technical staff of a diplomatic mission within the meaning of the Vienna Convention on Diplomatic Relations entered into on 18 April 1961;

(b) a senior officer of an international government organization designated under the agreement referred to in subparagraph 2;

(c) a career consular officer or a consular employee within the meaning of the Vienna Convention on Consular Relations entered into on 24 April 1963; or

(d) a representative of an office of a political division of a foreign State referred to in subparagraph 3; or

(5) belongs to one of the following persons from the International Civil Aviation Organization who do not have Canadian citizenship, who are registered with the Ministère des Relations internationales and who perform their duties in Québec:

(a) a permanent representative of a foreign State that is a recognized member of that organization; or

(b) the President of the Council, the Secretary General and officers belonging to the categories of administrators D-1, D-2 and higher.

A person referred to in subparagraph 4 or 5 of the first paragraph may use the exemption for a maximum number of two vehicles.”

**101.** Section 98 of the Regulation is amended

(1) in the first paragraph,

(a) by replacing “permanent mission with” in subparagraph 1 by “permanent representation accredited to”;

(b) by replacing subparagraph 3 by the following subparagraphs:

“(3) belongs to one of the following persons who do not have Canadian citizenship or permanent resident status in Canada, who are registered with the Ministère des Relations internationales and who perform their duties in Québec or Canada:

(a) a diplomatic agent or a member of the administrative and technical staff of a diplomatic mission within the meaning of the Vienna Convention on Diplomatic Relations entered into on 18 April 1961; or

(b) a senior officer of an international government organization designated under the agreement referred to in subparagraph 1; or

“(4) belongs to one of the following persons from the International Civil Aviation Organization who do not have Canadian citizenship, who are registered with the Ministère des Relations internationales and who perform their duties in Québec:

(a) a permanent representative of a foreign State that is a recognized member of that organization; or

(b) the President of the Council, the Secretary General and officers belonging to the categories of administrators D-1, D-2 and higher.”;

(2) by inserting “or 4 of the first paragraph” after “subparagraph 3” in the third paragraph.

**102.** Section 99 of the Regulation is replaced by the following section:

**“99.** The prefix “CC” shall be borne by the licence plate of a passenger vehicle that

(1) is an official vehicle belonging to a foreign State that has a consular post established in Québec, headed by a career consular officer within the meaning of the Vienna Convention on Consular Relations entered into on 24 April 1963;

(2) is an official vehicle belonging to a political division of a foreign State to which fiscal privileges are granted under the Regulation respecting fiscal privileges granted to members of a diplomatic mission, consular post or office of a political division of a foreign State, to the members of their families and to that office (chapter A-6.002, r. 5);

(3) belongs to one of the following persons who do not have Canadian citizenship or permanent resident status in Canada, who are registered with the Ministère des Relations internationales and who perform their duties in Québec:

(a) a career consular officer or a consular employee within the meaning of the Vienna Convention on Consular Relations entered into on 24 April 1963; or

(b) a representative of an office of a political division of a foreign State referred to in subparagraph 2; or

(4) belongs to an honorary consular officer within the meaning of the Vienna Convention on Consular Relations entered into on 24 April 1963 who is registered with the Ministère des Relations internationales and who performs his or her duties in Québec.

The owner of the vehicle is exempt from paying the fees required to retain the right to operate the vehicle, except the owner referred to in subparagraph 4 of the first paragraph.

A maximum of two vehicles belonging to a person referred to in subparagraph 3 of the first paragraph may be registered with a CC licence plate. Only one vehicle belonging to a person referred to in subparagraph 4 of the first paragraph may be registered with a CC licence plate.”

REGULATION DEFINING WHAT CONSTITUTES A SCHOOL ZONE  
FOR THE PURPOSE OF USING A PHOTO RADAR DEVICE OR A RED  
LIGHT CAMERA SYSTEM

**103.** The Regulation defining what constitutes a school zone for the purpose of using a photo radar device or a red light camera system (chapter C-24.2, r. 53) is repealed.

REGULATION RESPECTING THE CONTRIBUTION OF MOTORISTS  
TO PUBLIC TRANSIT

**104.** The Regulation respecting the contribution of motorists to public transit (chapter T-12, r. 3) is amended by inserting the following section after section 1:

“**1.1.** Motorists who are exempt from paying fees under sections 91, 98 and 99 of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) are, according to the same conditions as those prescribed by those sections, exempt from paying the contribution of motorists to public transit.”

TRANSITIONAL AND FINAL PROVISIONS

**105.** A victim who, by reason of an accident that occurred in the period from 1 January 1990 to 30 June 2021, suffers from catastrophic injuries or sequelae within the meaning of the Regulation respecting catastrophic injuries or sequelae, enacted by section 91, is compensated from 1 July 2022 according to the following rules:

(1) if the victim is entitled to an income replacement indemnity for that accident, other than the indemnity provided for in any of sections 29.1 to 33, 36.1 to 39 and 55 of the Automobile Insurance Act (chapter A-25), the provisions of section 26.2 of that Act, enacted by section 1, apply subject to the following:

(a) the yearly average computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada corresponds to the average established for each of the 12 months preceding 1 July 2021; and

(b) the date that is 12 months after the date of the accident is replaced by 1 July 2022; and

(2) if the victim is entitled to an income replacement indemnity referred to in section 55 of the Automobile Insurance Act for that accident, that indemnity is equal to the difference between

(a) the income replacement indemnity, computed on the basis of the gross income revalorized in accordance with section 83.33 of the Automobile Insurance Act, to which the victim was entitled at the time the Société de l'assurance automobile du Québec determined an employment for the victim under section 46 of that Act, which gross income shall not be less than that

equal to the yearly average, computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July 2021; and

(b) the net income, computed on the basis of the gross income revalorized in accordance with section 83.33 of the Automobile Insurance Act, that the victim derives or could derive from the employment determined by the Société under section 46 of that Act.

If the victim is, on 1 July 2022, in a period of disability resulting from a relapse of the victim's bodily injury suffered more than two years after the end of the last period of disability in respect of which the victim was entitled to an income replacement indemnity or within two years after the date of the accident if the victim was not entitled to such an indemnity, the victim is compensated from 1 July 2022 as if the disability had not been interrupted. The income replacement indemnity to which the victim is entitled following the relapse is computed on the basis of the highest of the following amounts:

(1) the gross income equal to a yearly average, computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July 2021;

(2) the gross income, revalorized in accordance with section 83.33 of the Automobile Insurance Act, used as the basis for computing the income replacement indemnity to which the victim was entitled on the 181st day following the date of the accident; and

(3) the gross income used as the basis for computing the income replacement indemnity to which the victim was entitled on 30 June 2022 following the relapse.

If the victim referred to in the second paragraph is also entitled to an income replacement indemnity under section 55 of the Automobile Insurance Act, computed again pursuant to subparagraph 2 of the first paragraph, payment of that indemnity is interrupted from 1 July 2022 until the disability resulting from the relapse ends.

**106.** Despite section 57.1 of the Automobile Insurance Act, enacted by section 6, the income replacement indemnity to which is entitled a victim referred to in section 105 of this Act who, after 30 June 2022, suffers a relapse of his bodily injury is computed from the date of the relapse on the basis of the highest of the following amounts:

(1) the gross income equal to a yearly average, computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the date of the relapse;



(2) the gross income, revalorized in accordance with section 83.33 of the Automobile Insurance Act, used as the basis for computing the income replacement indemnity to which the victim was entitled on the 181st day following the date of the accident; and

(3) the gross income actually earned by the victim at the time of the relapse.

**107.** Sections 2, 3 and 4, paragraph 1 of section 17, as regards the enactment of paragraph 9.2, and section 90 have effect from 1 January 1990 with respect to any victim who is alive and who has reached 67 years of age by 1 July 2022.

The income replacement indemnity to which the victim is entitled for the period that begins on the date on which the victim reached 67 years of age and ends on 30 June 2022 or, if the victim was 64 years of age at the time of the accident, for the period that begins on the date that is three years after the date of the accident and ends on 30 June 2022, is paid in one instalment, without interest. The Société de l'assurance automobile du Québec pays the instalment within six months after 1 July 2022, to the extent that the Société has the information needed to do so.

For the purposes of the second paragraph, a victim who received the income replacement indemnity during the year of their sixty-seventh birthday under section 43 of the Automobile Insurance Act, as it read before being repealed by section 3, and who is referred to in the fourth paragraph of section 40 of the Automobile Insurance Act, as amended by section 2, is only entitled, for that period, to the difference between the income replacement indemnity determined in accordance with the second paragraph of section 40 of the Automobile Insurance Act, as amended by section 2, and the indemnity received.

**108.** A victim who receives, on 1 July 2022, an income replacement indemnity determined under the second paragraph of section 40 of the Automobile Insurance Act, as amended by section 2, for an accident that caused the catastrophic injuries or sequelae suffered by the victim, is entitled to have the indemnity computed again according to the method prescribed by the Regulation respecting computation of the income replacement indemnity paid under the second and third paragraphs of section 40 of the Automobile Insurance Act, enacted by section 90, taking into account, for the purposes of subparagraph 1 of the second paragraph of section 1 of that Regulation, an amount of income replacement indemnity computed on the basis of a gross income equal to a yearly average, computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July 2021, if that gross income is greater than the gross income that should be taken into account for the purposes of subparagraph 1 of the second paragraph of section 1 of that Regulation.

**109.** For the purpose of computing the income replacement indemnity paid on the sixty-eighth birthday of a victim who is 67 years of age on 1 July 2022 for an accident that caused the catastrophic injuries or sequelae suffered by the

victim, the amount of the income replacement indemnity that must be taken into account to establish the letter A in subparagraph 1 of the second paragraph of section 1 of the Regulation respecting computation of the income replacement indemnity paid under the second and third paragraphs of section 40 of the Automobile Insurance Act, enacted by section 90, is the amount of the income replacement indemnity to which the victim is entitled on 1 July 2022.

**II0.** Sections 105 to 109 also apply in respect of a victim compensated under section 54.2 of the Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1) or section 71 of the Public Health Act (chapter S-2.2), with the necessary modifications.

**III.** Despite the second paragraph of section 79 of the Automobile Insurance Act, as it read on 31 December 1999, the maximum weekly amount that may be reimbursed to a victim of an automobile accident that occurred before 1 January 2000, who is referred to in section 44 of the Act to amend the Automobile Insurance Act and other legislative provisions (1999, chapter 22) and who has personal home assistance needs, is the amount established by the first paragraph or, if the victim requires continual attendance, by the third paragraph of section 3 of the Regulation respecting the reimbursement of certain expenses (chapter A-25, r. 14), as amended by section 93, and its subsequent amendments.

**II2.** Until a regulation is made under paragraphs 11.1, 27 and 27.1 of section 195 of the Automobile Insurance Act, amended by paragraphs 2 and 5 of section 17, the amounts that must be determined by regulation for the purposes of sections 70, 80 and 83 of the Automobile Insurance Act, as amended by sections 8, 10 and 11, are the minimum amounts established by those sections.

**II3.** Section 76.1.5.1 of the Highway Safety Code (chapter C-24.2), enacted by section 22, applies to holders of licences referred to in section 202 of the Act to amend the Highway Safety Code and other provisions (2018, chapter 7), with the necessary modifications.

However, that section does not apply in respect of persons who, on the coming into force of section 22, hold a licence subject to the condition of driving a road vehicle equipped with an alcohol ignition interlock device under sections 76.1.3 and 76.1.5 of the Highway Safety Code, including those sections as they read before 25 November 2019.

**II4.** An employee working within an international non-governmental organization recognized by the Gouvernement du Québec before 23 March 1996 may benefit from the advantages conferred by section 92 of the Highway Safety Code, replaced by section 23, even if that employee has permanent resident status in Canada.

**115.** Until the coming into force of section 34 of chapter 19 of the statutes of 2018, section 143.1 of the Highway Safety Code, as amended by section 25, is to be read as if “subparagraph 2” were replaced by “subparagraph 2 or 2.1”.

**116.** Until the coming into force of paragraph 1 of section 50 of chapter 19 of the statutes of 2018, section 202.6.6 of the Highway Safety Code, as amended by section 30, is to be read as if “or 202.2.0.1” were inserted after “section 202.2” in subparagraph 1 of the first paragraph.

**117.** A firefighter who has obtained authorization from the Société de l’assurance automobile du Québec to use a flashing green light before the date of coming into force of sections 39 and 47 is deemed to be authorized by the municipal authority that established the fire safety service of which the firefighter is a member, unless the authorization has been revoked by the Société.

The certificate of authorization issued by the Société remains valid until replaced by the municipal authority.

**118.** The standards determined by the Minister of Transport under the second paragraph of section 289 of the Highway Safety Code in the manual entitled “Volume V – Traffic Control Devices” that concern flag persons who direct traffic because of exceptional events or sports events or competitions and, in particular, the clothing they must wear, are deemed to be determined under section 303.3 of the Highway Safety Code, as amended by section 49, until the coming into force of a regulation made under that section 303.3.

**119.** Daily logs completed before the date of coming into force of sections 61 to 65 are deemed to be records of duty status from that date.

**120.** Until a regulation is made under subparagraph 50.1 of the first paragraph of section 621 of the Highway Safety Code, enacted by paragraph 12 of section 76, the threshold that must be determined by regulation for the purposes of sections 209.18 and 209.19 of the Highway Safety Code, as amended by section 33, is the minimum threshold established by those sections.

**121.** The rule set out in the second paragraph of section 16 of the Transport Act (chapter T-12), as amended by section 85 of this Act, is deemed to be part of the conditions of employment of the members of the Commission des transports du Québec annexed to their deed of appointment. It replaces the rule relating to the expiry of their terms set out in section 4.3 of the conditions of employment.

**122.** The provisions of paragraph 1 of section 83 have effect from 1 August 2019.

**123.** The provisions of this Act come into force on 26 May 2022, except

(1) sections 35, 37, 38, 41 to 46, 48 to 50, 52 to 54, 59, 60, 66 and 67, paragraphs 9 and 10 of section 76, sections 78, 88, 92, 103 and 118, which come into force on 25 July 2022;

(2) sections 1 to 15, 18, 32, 33, 90, 91, 93 to 95, 97, 105 to 112 and 120, which come into force on 1 July 2022;

(3) sections 22, 82 and 113, which come into force on the date on which the first regulation is made under subparagraphs 2.1 and 2.2 of the first paragraph of section 619 of the Highway Safety Code, enacted by section 75;

(4) sections 25 and 30, which come into force on the date of coming into force of section 34 and paragraph 1 of section 50 of chapter 19 of the statutes of 2018;

(5) sections 39, 47, 57 and 77, which come into force on the date of coming into force of the first regulation made under subparagraph 5.2 of the first paragraph of section 621 of the Highway Safety Code, enacted by paragraph 1 of section 76; and

(6) paragraph 2 of sections 19 and 20, section 26, paragraph 1 and paragraph 2, insofar as it concerns section 202.2.0.1, of section 27, sections 28, 29, 31, 61 to 65 and 68, paragraphs 4 to 8, 11 and 13 of section 76 and sections 84, 115 and 116, which come into force on the date or dates to be determined by the Government.