

Regulations and other Acts

M.O., 2023

Order 2023-08 of the Minister of Transport and Sustainable Mobility dated 9 March 2023

Highway Safety Code
(chapter C-24.2)

Suspension of the offence and seizure of a road vehicle to which is liable a driver who has not renewed a driver's licence before its expiration date

THE MINISTER OF TRANSPORT AND SUSTAINABLE MOBILITY,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), which provides that the Minister 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 section 633.2 of the Code 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 section 633.2 of the Code 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 has made it is of the opinion that the urgency of the situation requires it and the reason justifying such coming into force is published with the regulation;

CONSIDERING that a driver's licence issued under the Highway Safety Code bears, barring exceptions, a signature and a photograph;

CONSIDERING that the holder of a driver's licence who fails to renew the licence before the expiration date is considered, if the holder drives after that expiration date, not to be the holder of a licence;

CONSIDERING that a person who drives while not holding a licence is guilty of an offence and is liable to a fine and the seizure of the vehicle that the person is driving;

CONSIDERING that certain holders of a driver's licence whose expiration date was between 25 January 2023 and 9 March 2023 were unable to renew their licence because of the limitation of services of the Société de l'assurance automobile du Québec that began on 26 January 2023;

CONSIDERING that the Minister considers, in this context, that the suspension of the provisions of the Highway Safety Code providing that a person who drives without holding a driver's licence is guilty of an offence and is liable to a fine and the seizure of the vehicle that the person is driving, is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted;

CONSIDERING that the Minister is of the opinion that the urgency to suspend temporarily the application of the provisions of the Highway Safety Code providing that a person who drives without holding a driver's licence is guilty of an offence and is liable to a fine and the seizure of the vehicle that the person is driving 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*:

— the Société de l'assurance automobile du Québec had to limit services as of 26 January 2023 in order to implement a new computer system as of 20 February 2023;

— the limitation of services during the implementation of the system creates an overburden on the operations that must be performed only in a service centre of the Société or with its mandataries, including the renewal of driver's licences and the taking of photographs for the purposes of the renewal;

— due to the waiting time caused by the overburden, certain driver's licence holders were unable to renew their licence before the expiration date and are subject to a fine and the seizure of the vehicle they are driving;

ORDERS AS FOLLOWS:

1. The application of the first paragraph of section 141, as concerns section 65, and of the first paragraph of section 209.1 of the Highway Safety Code (chapter C-24.2) is suspended from (*insert the date of publication of the Order in the Gazette officielle du Québec*) to (*insert the date occurring 90 days after the date of publication of the Order in the Gazette officielle du Québec*) with respect to persons whose driver's licence was not renewed before its expiration date, provided that the date was between 25 January 2023 and 9 March 2023.

2. This Order comes into force on the date of its publication in the *Gazette officielle du Québec*. It is revoked on (*insert the date occurring 90 days after the date of publication of the Order in the Gazette officielle du Québec*).

Québec, 9 March 2023

GENEVIÈVE GUILBAULT
Minister of Transport and Sustainable Mobility

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