

(1) information on the vehicle's conditions, use and immediate environment, real-time information on road or weather conditions, and routing and guidance information is considered to be information as is relevant to driving a road vehicle;

(2) heating and air-conditioning systems and audio systems are considered to be usual equipment of a road vehicle.

3. For the purposes of subparagraph d of subparagraph 2 of the first paragraph of section 443.1 of the Highway Safety Code (chapter C-24.2), a display screen is considered to be positioned and designed in such a way that the driver of a road vehicle can operate and consult it easily if it is positioned so as to display information in the driver's line of sight in the normal driving position and displays short, simple messages.

DIVISION II

OTHER EXCEPTIONS TO THE PROHIBITIONS UNDER SECTIONS 443.1 AND 443.2 OF THE HIGHWAY SAFETY CODE

4. The driver of a road vehicle may use a cellular telephone or any other portable device if

(1) the device is used by a peace officer or the driver of an emergency vehicle in the performance of their duties;

(2) the device is used to make a call to 911 emergency services;

(3) the device is a cordless voice communication device, also known as a two-way radio, which does not allow the callers to speak simultaneously; or

(4) the device is used for contactless payment or to show proof of payment, proof relating to in-vehicle pickup, proof confirming a right of access, or any other proof of the same nature, when the vehicle is stationary without being parked.

5. The driver of a road vehicle may consult the following information displayed on a display screen, including that of a portable device, or use a screen command, provided the screen meets the conditions set out in subparagraphs b to d of subparagraph 2 of the first paragraph of section 443.1 of the Highway Safety Code (chapter C-24.2):

(1) information that is used by a peace officer or the driver of an emergency vehicle in the performance of their duties;

(2) information that is used to manage messages as part of an enterprise's activities, to collect fees payable by a passenger, to control a passenger's access to the vehicle, or to ensure a passenger's safety;

(3) information that, in a public utility or telecommunications enterprise vehicle, is useful to their business.

6. A peace officer who is riding a bicycle in the performance of their duties may wear only one earphone.

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106255

Gouvernement du Québec

O.C. 813-2023, 10 May 2023

Charter of the French language
(chapter C-11)

Language of the civil administration

Regulation respecting the language of the civil administration

WHEREAS, under the first paragraph of section 16 of the Charter of the French Language (chapter C-11), as amended by section 1 of the Act to amend the Charter of the French Language (2002, chapter 28), the civil administration is to use only the official language in its written communications with other governments and with legal persons established in Québec;

WHEREAS, under the second paragraph of section 16 of the Charter of the French Language, as enacted by section 1 of the Act to amend the Charter of the French Language, the Government may, however, determine by regulation the cases, conditions or circumstances in which another language may be used in addition to the official language;

WHEREAS, under subparagraph 2 of the first paragraph of section 21.4 of the Charter of the French Language, as enacted by section 14 of the Act respecting French, the official and common language of Québec (2022, chapter 14), a version in a language other than French may be attached to the contracts and other related written documents referred to respectively in sections 21 and 21.3 of the Charter in any other situation determined by government regulation;

WHEREAS, under subparagraph 1 of the second paragraph of section 21.5 of the Charter of the French Language, as enacted by section 14 of the Act respecting French, the official and common language of Québec, the contracts mentioned therein may be drawn up only in a language other than French in the cases and on the conditions determined by government regulation;

WHEREAS, under the first and second paragraphs of section 21.9 of the Charter of the French Language, as enacted by section 14 of the Act respecting French, the official and common language of Québec, written documents sent to an agency of the civil administration by a legal person or by an enterprise to obtain a permit or another authorization of the same nature, or a subsidy or other form of financial assistance that is not a contract referred to in section 21 of the Charter must be drawn up exclusively in French and the same applies to the written documents that a legal person or an enterprise receiving such a form of assistance or holding such an authorization is required to send to such an agency because of that assistance or authorization;

WHEREAS, under the fourth paragraph of section 21.9 of the Charter of the French Language, as enacted by section 14 of the Act respecting French, the official and common language of Québec, the Government may determine, by regulation, the situations in which a written document sent to the civil administration may be drawn up in a language other than French;

WHEREAS, under the third paragraph of section 22 of the Charter of the French Language, the Government may determine by regulation the cases, conditions or circumstances in which the civil administration may use French and another language in signs and posters;

WHEREAS, under section 93 of the Charter of the French Language, in addition to its other regulation-making powers under the Charter, the Government may make regulations to facilitate the administration of the Charter, including regulations defining the terms and expressions used in the Act or defining their scope;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the language of the civil administration was published in Part 2 of the *Gazette officielle du Québec* of 1 March 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the French Language:

THAT the Regulation respecting the language of the civil administration, attached to this Order in Council, be made.

YVES OUELLET

Clerk of the Conseil exécutif

Regulation respecting the language of the civil administration

Charter of the French language
(chapter C-11, s. 16, 2nd par., s. 21.4, 1st par., subpar. 2, s. 21.5, 2nd par., subpar. 1, s. 21.9, 4th par., s. 22, 3rd par., and s. 93; 2002, chapter 28, s. 1; 2022, chapter 14, s. 14)

DIVISION I

WRITTEN COMMUNICATIONS WITH OTHER GOVERNMENTS AND WITH LEGAL PERSONS ESTABLISHED IN QUÉBEC

1. In a written communication with another government that does not have French as an official language, an agency of the civil administration may attach to the French version of the communication a version drawn up in another language.

A school body recognized under section 29.1 of the Charter of the French Language (chapter C-11) may do so when communicating with another government having in particular English as the official language.

2. In a written communication with a legal person established in Québec, an agency of the civil administration may use another language in addition to the official language where the communication is

(1) addressed only to the head office or an establishment of the legal person, where the head office or establishment is outside Québec;

(2) addressed to a legal person exempted from the application of the Charter of the French language (chapter C-11) under section 95 of the Charter;

(3) addressed to an establishment of a legal person constituted and administered exclusively for the purpose of offering services in a reserve, in an establishment or on the lands referred to in section 97 of the Charter of the French language or to a person referred to in that section;

(4) necessary for implementing measures for cooperation between a competent authority in Québec and that of another State, including the drafting of documents necessary for the application, in Québec, of standards to be harmonized with those of such other State;

(5) sent by an agency of the civil administration assisting the Minister responsible for ensuring that the concerns of the English-speaking community of Québec are taken into consideration in the performance of that responsibility and the other language is English;

(6) sent by an agency of the civil administration acting as the legal representative of a natural person with whom it has the option to communicate in another language;

(7) sent by a school body recognized under section 29.1 of the Charter of the French Language to a legal person that provides educational services in English; or

(8) necessary to ensure that a communication written only in the official language does not compromise the carrying out of the mission of the agency of the civil administration and the agency has taken all reasonable means to communicate only in the official language.

The first paragraph applies to a written communication of an agency of the civil administration with the operator of an enterprise as if the operator were a legal person and with the necessary modifications.

3. In a written communication with a natural person operating a sole proprietorship, an agency of the civil administration may use another language in addition to the official language if it has the option to communicate with the person in another language when the person is not acting as part of the operation of the enterprise.

DIVISION II

CIVIL ADMINISTRATION CONTRACTS AND CONTRACT-RELATED WRITTEN DOCUMENTS

4. A version in a language other than French may be attached to contracts and other contract-related written documents referred to respectively in sections 21 and 21.3 of the Charter of the French language (chapter C-11) in each of the following situations:

(1) where it is expedient to create the interest of legal persons or enterprises that do not have an establishment in Québec as part of a process for the award of a public contract;

(2) where a bidder or contractor must, with respect to a contract, send written documents that

(a) do not exist in French;

(b) are produced by a third person; and

(c) are related to the field of insurance or are of a financial, technical, industrial or scientific nature;

(3) where an agency of the civil administration enters into a contract or an agreement as part of a research project and at least one contractor or participating establishment is situated outside Québec;

(4) where the written document sent to an agency of the civil administration under a contract is intended to be used outside Québec;

(5) where the information and documents related to the marketing of electric power transmission services and the operation and reliability of the electric power transmission network must be recorded or filed on a platform used to comply with the standards of bodies established outside Québec so that an agency of the civil administration uses the platform to inform and enter into contracts;

(6) where an agency of the civil administration enters into a contract in Québec with a legal person established in Québec and the exchanges necessary for entering into the contract take place with the head office or an establishment of the legal person, where the head office or the establishment is outside Québec;

(7) where an agency of the civil administration adheres to a contract submitted by the head office or the parent company of a legal person established in Québec or by the entity controlling a legal person established in Québec, where the head office, company or entity is outside Québec;

(8) where an agency of the civil administration enters into a contract with both a supplier or a service provider and another government that does not have French as an official language;

(9) where a school body recognized under section 29.1 of the Charter of the French language enters into a contract with a legal person or an enterprise in the English educational network and the object of the contract is services on student school success, the development of educational resources, the offer of training for school personnel or tutoring to students;

(10) where school bodies recognized under section 29.1 of the Charter of the French language enter into a contract with each other;

(11) where a school body recognized under section 29.1 of the Charter of the French language enters into a contract with a legal person that provides educational services in English;

(12) where the contract is entered into by an agency of the civil administration assisting the Minister responsible for ensuring that the concerns of the English-speaking

community of Québec are taken into consideration and the object of the contract is the performance of that responsibility;

(13) where an agency of the civil administration enters into a contract with a legal person or an enterprise constituted and administered exclusively for the purpose of offering services in a reserve, in an establishment or on the lands referred to in section 97 of the Charter of the French language or to a person referred to in that section;

(14) where it is impossible for an agency of the civil administration to obtain in due time and at a reasonable cost the product or service sought or another equivalent product or service;

(15) where an agency of the civil administration enters into a contract in the field of information technologies with respect to licences that do not exist in French;

(16) where an agency of the civil administration acts as the legal representative of a natural person with whom it has the option to use another language;

(17) where an agency of the civil administration enters into a lease of a dwelling with a natural person with whom it has the option to use another language;

(18) where an agency of the civil administration enters into a contract of instantaneous performance with a natural person and for which

(a) no file opening or registration process is necessary;

(b) the contract is signed in the presence of the parties;

(c) the natural person has asked that the body use another language.

5. A contract may be drawn up only in a language other than French in the following cases and on the following conditions:

(1) where it is entered into with a person or enterprise that carries on the activities of a clearing house and whose object is financial market transactions;

(2) where it is entered into on a platform that makes it possible to trade in a derivative, a security or other movable property, provided, in the latter case, that the contract is not a consumer contract, and whose object is the management of financial risks or transactions related to the field of electricity.

DIVISION III

WRITTEN DOCUMENTS SENT TO OBTAIN A PERMIT OR ANOTHER AUTHORIZATION OF THE SAME NATURE, OR A SUBSIDY OR OTHER FORM OF FINANCIAL ASSISTANCE

6. A written document sent to an agency of the civil administration by a legal person or by an enterprise to obtain a permit or another authorization of the same nature, or a subsidy or other form of financial assistance that is not a contract referred to in section 21 of the Charter of the French language (chapter C-11) may be drawn up in a language other than French in the following situations:

(1) where the written document is sent as part of a consultation regime established by regulation or a mutual recognition agreement on decisions;

(2) where the written document is sent to both an agency of the civil administration and a third person outside Québec;

(3) where the written document originates from the head office or establishment of a legal person or an enterprise established in Québec, where the head office or establishment is outside Québec;

(4) where the written document is sent by a natural person operating a sole proprietorship and the agency of the civil administration has the option of using another language in addition to the official language in its communications with that person where the person does not act as part of the operation of the enterprise;

(5) where the agency of the civil administration has the option of using another language in addition to the official language in its communications with the legal person or enterprise;

(6) where the written document is sent to an agency of the civil administration assisting the Minister responsible for ensuring that the concerns of the English-speaking community of Québec are taken into consideration in the performance of that responsibility;

(7) where the legal person or enterprise that sends the written document is constituted and administered exclusively for the purpose of offering services in a reserve, in an establishment or on the lands referred to in section 97 of the Charter of the French language or to a person referred to in that section;

(8) where the written document is sent by an agency of the civil administration acting as the legal representative of a natural person with whom it has the option to use another language;

(9) where the object of the written document sent is to obtain an authorization or financial assistance for research;

(10) where the sending of the written document in French only compromises the carrying out of the mission of the agency of the civil administration and the agency has taken all reasonable means to have the written document sent to it only in the official language.

The first paragraph applies to the written documents that a legal person or an enterprise receiving such a form of assistance or holding such an authorization is required to send to an agency of the civil administration because of that assistance or authorization.

DIVISION IV **SIGNS AND POSTERS OF THE CIVIL** **ADMINISTRATION**

7. Along any public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), that is used by visitors to enter or leave Québec, the signs and posters of the civil administration that are intended for visitors may be both in French and in another language up to a distance of 15 km from the point of entry into Québec, provided that French is markedly predominant within the meaning of the regulation defining the scope of that expression for the purposes of the Charter of the French language (chapter C-11).

8. The signs and posters of the civil administration concerning activities similar to those of business firms may be both in French and in another language, provided that French is markedly predominant within the meaning of the regulation defining the scope of that expression for the purposes of the Charter of the French language (chapter C-11), unless

(1) the signs and posters are billboards or signs of any other type having an area of 16 m² or more and visible from any public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2); or

(2) the signs and posters are displayed in or on any public means of transportation, in the accesses thereto or in bus shelters.

9. The signs and posters of a museum, a botanical garden, a zoo, a cultural or scientific exhibition, a place used to greet or inform tourists or any other tourist attraction may, on the premises thereof, be both in French and in another language, provided that French is markedly predominant within the meaning of the Regulation defining the scope of the expression “markedly predominant” for the purposes of the Charter of the French language (chapter C-11, r. 11).

DIVISION V **PROVISIONS FOR FACILITATING** **THE ADMINISTRATION OF THE CHARTER** **OF THE FRENCH LANGUAGE**

10. The following notices and other documents for which a provision of the Charter of the French language (chapter C-11) requires the publication without prescribing the method, may be published on the website of the agency of the civil administration in charge:

(1) the notices sent by the Office québécois de la langue française in accordance with sections 29.2 and 29.3 of the Charter of the French language;

(2) the list of bodies and institutions recognized under section 29.1 of the Charter of the French language in accordance with section 29.4 of the Charter;

(3) the language policy of the State in accordance with section 29.10 of the Charter of the French Language;

(4) the directives approved or made by the Minister of the French Language in accordance with section 29.18 of the Charter of the French language;

(5) the directives approved or made by the French Language Commissioner in accordance with section 29.19 of the Charter of the French language;

(6) the list of enterprises with regard to which the Office québécois de la langue française has refused to issue an attestation, or whose attestation or certificate it has suspended or cancelled in accordance with section 152 of the Charter of the French language;

(7) the list of the agencies of the civil administration published by the Minister of the French Language in accordance with section 156.6 of the Charter of the French language.

Where a municipality recognized under section 29.1 of the Charter of the French Language does not have a website, the notices referred to in subparagraph 1 of the first paragraph may be published in accordance with the provisions on public notices of the Cities and Towns Act (chapter C-19) or the Municipal Code of Québec (chapter C-27.1).

11. An agency of the civil administration that has to file an annual report must indicate in the report the information provided for in section 20.1 of the Charter of the French language (chapter C-11).

If the agency is not required to file an annual report, the agency of the civil administration publishes the information on its website or, if it does not have a website, by any other appropriate means and, in that case, so informs the Minister of the French Language.

12. In the cases where the Charter of the French language (chapter C-11) authorizes the drawing up of a contract both in French and in another language, both versions must be signed simultaneously.

13. In the cases where the Charter of the French language (chapter C-11) authorizes the drawing up of a contract or agreement in French specifying that a version in another language may be attached, there may be a time period between the sending of either version and the signing.

14. In the cases where the Charter of the French language (chapter C-11) authorizes the drawing up of a contract or agreement both in French and in another language or in French by specifying that a version in another language may be attached, the parties may determine the legal value of each version.

Failing such explicit indication, the French version prevails.

15. For the purposes of the second paragraph of section 21.7 of the Charter of the French language (chapter C-11), members of the personnel who participate in the negotiation or drawing up of contracts or documents of the same nature are also covered.

16. Despite section 152.1 of the Charter of the French language (chapter C-11), an agency of the civil administration may, if its mission is compromised, enter into a contract with an enterprise that does not meet the criteria set out in that section

(1) where, because of the urgency of a situation, human safety or property is threatened; or

(2) where the enterprise is the only one in a position to provide the good or service and no other enterprise offers an equivalent good or service.

17. Despite section 152.1 of the Charter of the French Language (chapter C-11), an agency of the civil administration may enter into a contract of instantaneous performance with an enterprise that does not meet the criteria provided for therein where

(1) the circumstances justify entering into the contract immediately;

(2) the agency of the civil administration has no client account with the enterprise and is not aware of its default;

(3) the offer to enter into a contract is the same as the offer made to any unspecified person in the normal course of the enterprise's activities and there is no negotiation; and

(4) the contract is signed in the presence of the parties and includes an expenditure of not more than \$5,000.

DIVISION VI

FINAL

18. The Regulation respecting the signs and posters of the civil administration (chapter C-11, r. 1) is revoked.

19. Subparagraph 8 of the first paragraph of section 2 and subparagraph 10 of the first paragraph of section 6 cease to have effect on 1 June 2025.

Sections 16 and 17 cease to have effect on 1 June 2026.

20. This Regulation comes into force on 1 June 2023.

106259

M.O., 2023

Order 2023-001 of the Minister of the French Language dated 10 May 2023

Charter of the French Language
(chapter C-11)

Regulation respecting the derogations to the duty of exemplarity of the civil administration and the documents drawn up or used in research

THE MINISTER OF THE FRENCH LANGUAGE,

CONSIDERING subparagraph *f* of subparagraph 2 of the first paragraph of section 22.3 of the Charter of the French Language (chapter C-11), which provides that the Minister of the French Language may provide any other purpose, compatible with the objectives of the Charter, for which an agency of the civil administration may depart from its duty of exemplarity and use, in addition to French, another language in its written documents;

CONSIDERING paragraph 3 of section 22.5 of the Charter, which provides that the Minister may determine the documents drawn up or used in research that may be drawn up only in a language other than French;