

Regulations and other Acts

M.O., 2023

Order number 2023-21 of the Minister of Transport and Sustainable Mobility dated 29 June 2023

Highway Safety Code
(chapter C-24.2)

Pilot project concerning the use of motorized personal mobility devices

THE MINISTER OF TRANSPORT AND SUSTAINABLE MOBILITY,

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that, after consultation with the Société de l'assurance automobile du Québec, the Minister of Transport and Sustainable Mobility may, by order, authorize the implementation of pilot projects to study, test or innovate in respect of any matter relevant to the Code, that for the purposes of road safety, the Minister may in particular develop new rules on traffic or vehicle use, that the Minister must set the rules and conditions for the implementation of a pilot project, that the Minister may also, as part of a pilot project, authorize any person or body to use a vehicle in compliance with the standards and rules prescribed by the Minister, and that the provisions of a pilot project prevail over any inconsistent provision of the Code and its regulations;

CONSIDERING the fourth paragraph of section 633.1 of the Code, which provides in particular that pilot projects are conducted for a period of up to three years, which the Minister may extend by up to two years if the Minister considers it necessary, that the Minister may modify or terminate a pilot project at any time, and that the Minister may also determine the provisions of an order made under that section the violation of which is an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$200 or more than \$3,000;

CONSIDERING the fifth paragraph of section 633.1 of the Code, which 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 633.1 of the Code and that an order under the second or third paragraph of section 633.1 of the Code is published in the *Gazette officielle du Québec*;

CONSIDERING the rise in the use of motorized personal mobility devices, in particular electric scooters;

CONSIDERING the first paragraph of section 421.1 of the Code, which provides in particular that no person may drive on a public highway a road vehicle exempted from registration under paragraph 6 of section 14 of the Code, which refers to motorized scooters;

CONSIDERING that a Pilot project concerning electric scooters (chapter C-24.2, r. 39.1.2), is in the testing phase, that it applies to every manufacturer or distributor of electric scooters having certain characteristics who applies to the Société de l'assurance automobile du Québec to register the scooters in the Pilot project, and that to date only one manufacturer is registered in the Pilot project;

CONSIDERING that a Pilot project concerning electric scooters for self-service rental (chapter C-24.2, r. 39.1.3) is in the testing phase, that it applies to every operator who has submitted a project that complies with the requirements for electric scooter models having certain characteristics with a view to their operation within the territories listed in the pilot project, and that no self-service rental offer is available in those territories;

CONSIDERING that the pilot projects do not make it possible to obtain the full measure of the use of electric scooters and motorized personal mobility devices on public highways and that it is expedient to test their use more extensively while ensuring road safety;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted regarding the implementation of the Pilot project concerning the use of motorized personal mobility devices;

CONSIDERING that it is expedient to authorize the implementation of the Pilot project concerning the use of motorized personal mobility devices;

ORDERS AS FOLLOWS:

CHAPTER I PRELIMINARY

1. The implementation of the Pilot project concerning the use of motorized personal mobility devices is authorized for the following purposes:

(1) testing the use of motorized personal mobility devices on certain public highways;

(2) gathering information on the test to assess the integration of motorized personal mobility devices into road traffic, develop safe traffic rules and set equipment standards for those vehicles.

2. A motorized personal mobility device, hereinafter called “MPMD”, is a vehicle intended for the transportation of persons that

(1) is equipped exclusively with electric motors;

(2) is equipped with at least 1 wheel; and

(3) does not have a cabin closed using a rigid or soft, transparent or opaque, material.

Motorcycles, mopeds, power-assisted bicycles, motorized mobility aids and motorized toy vehicles are excluded from the definition provided for in the first paragraph. Off-highway vehicles are also excluded from that definition.

3. For the purposes of this Pilot project, an MPMD is excluded from the definition of “road vehicle” provided for in section 4 of the Highway Safety Code (chapter C-24.2).

CHAPTER II PROVISIONS APPLICABLE TO MPMDs

4. The motor of the MPMD must have a maximum power rating of 500 W or less and its impulsion must stop when the MPMD reaches 25 km/h or less.

If the MPMD has more than 1 motor, the combined maximum power rating of those motors must be 500 W or less.

5. The mass of the MPMD must be 36 kg or less, including the battery.

6. The overall diameter of the wheels of the MPMD must be at least 190 mm.

7. Each wheel of the MPMD must be equipped with a brake that enables the MPMD to stop quickly and effectively on a paved, dry and level roadway.

The electric motor with which a wheel is equipped and which enables it to stop the MPMD as prescribed in the first paragraph is considered to be a brake.

8. Every MPMD, except a gyroscopic vehicle, must be equipped with at least 2 braking systems activated by separate controls, at least one of which must be mechanical. Where the MPMD is equipped with handlebars, one of the mechanical braking systems must be activated by hand.

9. Operating an MPMD whose braking system has been modified or altered in such a way as to reduce its effectiveness is prohibited.

10. Every MPMD must be equipped with a reflector or red reflective material at the rear and on each side, as far to the rear as practicable.

It must also be equipped with a reflector or white reflective material on the front.

An MPMD may be exempted from the above if the user wears clothing or an accessory having reflective material visible to other road users.

11. Where the MPMD is equipped with turn-signal lights, they must be yellow and visible to other road users from the front and the rear.

12. At night, an MPMD must carry a white headlight or white light, at the front, and one red taillight.

The headlights, lights and taillights referred to in the first paragraph may be flashing.

An MPMD may be exempted from the above if the user wears a light device that replaces the headlights, lights or taillights and is visible to other road users.

13. The reflectors or reflective material referred to in section 10, as well as the headlights, lights and taillights referred to in sections 11 and 12, must be visible from at least 150 metres. They must be kept free of any obstructing matter that reduces their effectiveness.

The headlights, lights and taillights must also be firmly attached to the MPMD. The white headlight or the white light, at the front, must be so adjusted as to produce, under normal atmospheric conditions and on a level road, sufficient light to enable the user of the MPMD to discern a person or an object within a distance of 10 metres.

14. If equipment or an object installed on an MPMD blocks the MPMD’s headlights, lights, taillights or reflectors, the equipment or object must carry equivalent headlights, lights, taillights or reflectors in places where they are visible.

15. All equipment prescribed in this Chapter must be kept in good working order at all times.

CHAPTER III PROVISIONS APPLICABLE TO MPMD USERS

DIVISION I GENERAL

16. The only persons authorized to use an MPMD on a public highway are persons 14 years of age or older.

Such persons must have with them a document providing proof of age and show it on request, in paper form or otherwise, to a peace officer.

17. Every person using an MPMD must wear a protective helmet that complies with the following standards of manufacture:

- (1) be made of a rigid shell with a padded interior;
- (2) be equipped with a chin strap.

Moreover, to be in compliance, the protective helmet referred to in the first paragraph must be correctly adjusted and firmly attached by the chin strap. It must be free of any modification to or deterioration of the internal or external structure. It may, however, be repainted or have reflective material affixed to it.

18. Every person using a gyroscopic vehicle or any other MPMD that does not have hand rests must also wear the following equipment:

- (1) protective elbow pads;
- (2) protective knee pads;
- (3) gloves that cover the full length of the fingers;
- (4) closed shoes.

DIVISION II TRAFFIC RULES

19. Using an MPMD on a public highway on which the maximum speed limit is more than 50 km/h is prohibited, unless the user

- (1) crosses the public highway at an intersection;
- (2) travels on the roadway of a traffic circle to go from a public highway on which the maximum speed limit is 50 km/h or less to another; or
- (3) uses a cycle lane separated from the roadway and specially laid out to prevent vehicles from crossing over from the roadway to the cycle lane or vice versa, or having that effect.

20. An MPMD user is prohibited from transporting passengers.

21. An MPMD user may not drive if an animal or an object is so placed as to obstruct the user's view or to interfere with the proper handling of the MPMD.

22. No person may hang on to, or be pulled or pushed by, a moving MPMD.

23. An MPMD user may not tolerate the performance of the actions mentioned in section 22 when using the MPMD.

In addition, the user may not pull a trailer or pull or push any other object.

24. Before turning, an MPMD user must signal the intention without interruption and for a sufficient distance, unless doing so endangers his or her safety.

When turning right, an MPMD user must extend the left forearm vertically upwards or extend the right arm horizontally. When turning left, the user must extend the left arm horizontally.

However, if the MPMD is equipped with turn-signal lights, the MPMD user may use them to signal the intention to turn.

25. The headlights, lights and taillights with which the MPMD must be equipped pursuant to section 12 must be turned on at night.

26. The use of a cellular telephone or any other portable device designed to transmit or receive information or to be used for entertainment purposes or the use of a display screen are prohibited, unless the user consults the information displayed on a display screen, including that of a portable device, or uses a screen command if the screen

(1) displays only such information as is relevant to driving the vehicle or related to the operation of its usual equipment;

(2) is integrated into the MPMD or mounted on a bracket, whether detachable or not, attached to the vehicle;

(3) is placed so as not to obstruct the user's view, interfere with driving manoeuvres, or prevent the operation of equipment or reduce its efficiency and in a manner that does not present a risk of injury in case of an accident; and

(4) is positioned and designed in such a way that the user can operate and consult it easily.

For the purposes of the first paragraph, the user who is holding a portable device in hand or in any other manner is presumed to be using the device.

27. An MPMD user may not wear any earphones.

28. Sections 26 and 27 do not apply to an MPMD user, if he or she is stopped on the side of the roadway or on the shoulder in such a way that does not obstruct traffic.

29. An MPMD user traveling on a bicycle boulevard with a two-way roadway may use the entire width of the lane in the direction of traffic. An MPMD user driving on a bicycle boulevard with a one-way roadway may do the same.

30. Two MPMD users are authorized to ride side-by-side on a bicycle boulevard, unless they are riding against traffic.

31. The requirements, permissions and prohibitions applicable to cyclists that are provided for in sections 349, 350, 359, 359.1, 360 to 364, 367 to 371, 402, 404 to 406, 408 to 411, 460, 478, 479, 486, 487, 489, 492.1, 496.6 and 496.9 of the Highway Safety Code (chapter C-24.2) apply to an MPMD user.

CHAPTER IV ROAD AND TRAFFIC SIGNS AND SIGNALS

32. An MPMD user is required to comply with all road and traffic signs and signals installed pursuant to the Highway Safety Code (chapter C-24.2) that apply to a cyclist.

33. A person responsible for the maintenance of a public highway may, by means of a proper sign or signal, prohibit the operation of MPMDs in a cycle lane or public highway.

34. The sign shown below indicates that no MPMD may be operated in a cycle lane or on a public highway, where the prescription applies.



CHAPTER V PROVISIONS APPLICABLE TO OTHER ROAD USERS

35. Sections 335 and 341 of the Highway Safety Code (chapter C-24.2) apply to the driver of a road vehicle with regard to an MPMD user as if the MPMD user were a cyclist.

36. For the purposes of section 344 of the Highway Safety Code (chapter C-24.2), an MPMD user is considered to be a cyclist.

37. The driver of a road vehicle or a cyclist who is turning at an intersection must yield the right of way to an MPMD user crossing the roadway the driver or cyclist is about to enter.

38. The driver of a road vehicle or a cyclist who is about to turn right at a red light in accordance with section 359.1 of the Highway Safety Code (chapter C-24.2) must yield the right of way to an MPMD user crossing the intersection or approaching so closely that to proceed would constitute a hazard.

39. For the purposes of sections 362 to 364 and 369 of the Highway Safety Code (chapter C-24.2), the driver of a road vehicle or a cyclist must also yield to an MPMD user crossing the intersection.

40. The driver of a road vehicle or a cyclist on a public highway who is about to enter private property must yield the right of way to an MPMD user moving on the highway.

41. On shared streets and bicycle boulevards, the driver of a road vehicle is exempted from complying with the prescribed reasonable distance if there is sufficient space to allow him or her to safely pass or meet an MPMD user.

42. Where there are no clearly identified intersections or pedestrian crosswalks in the immediate area, a pedestrian crossing a public highway must yield the right of way to the MPMDs moving on it.

CHAPTER VI ADMINISTRATIVE SANCTIONS AND OFFENCES

43. Despite section 110 of the Highway Safety Code (chapter C-24.2), Division IV of Chapter II of Title II of the Code does not apply to MPMD users.

44. The user of an MPMD that does not meet the requirements of sections 4 to 15 is liable to a fine of \$200.

45. Every person having authority over a minor and the control of an MPMD who allows the minor to use the MPMD or tolerates the minor doing so when the minor is under the prescribed age, in contravention of the first paragraph of section 16 is liable to a fine of \$200.

46. An MPMD user who contravenes any of sections 17, 19 to 21, 23 to 27, 31 and 32 is liable to a fine of \$200.

47. Every person who contravenes section 22 is liable to a fine of \$200.

48. The driver of a road vehicle who contravenes any of sections 35 and 37 to 40 is liable to a fine of \$200.

49. A cyclist who contravenes any of sections 37 to 40 is liable to a fine of \$200.

CHAPTER VII

FINAL

50. The Pilot project concerning electric scooters (chapter C-24.2, r. 39.1.2) is revoked.

51. The Pilot project concerning electric scooters for self-service rental (chapter C-24.2, r. 39.1.3) is revoked.

52. This Order comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on the day of the third anniversary of its coming into force.

Québec, 29 June 2023

GENEVIÈVE GUILBAULT

Minister of Transport and Sustainable Mobility

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