

M.O., 2023**Order number 2023-26 of the Minister of Transport and Sustainable Mobility dated 22 November 2023**Highway Safety Code
(chapter C-24.2)

Suspension of the requirement to hold a class 2 driver's licence for the drivers of certain buses used for the transportation of school children

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 of Transport and Sustainable Mobility 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, in the Minister's opinion, ensures an equivalent level of safety;

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 of the Code;

CONSIDERING that, under section 65 of the Highway Safety Code, no person may drive a road vehicle unless he or she holds a driver's licence of the class appropriate to the driving of that vehicle as determined by regulation, and containing the particulars prescribed by regulation, if any;

CONSIDERING that, in accordance with section 28.5 of the Regulation respecting licences (chapter C-24.2, r. 34), a class 4B licence authorizes the driving of a bus designed to transport 24 passengers or less at a time, and a minibus, that is, a motor vehicle having two axles with single wheels and equipped with not more than five rows of seats for the transportation of more than nine occupants at a time, or equipped with devices to secure wheelchairs against movement, as defined in section 4 of the Highway Safety Code;

CONSIDERING that, in accordance with the first paragraph of section 28.2 of the Regulation respecting licences, a class 2 licence authorizes the driving of a bus designed to transport more than 24 passengers at a time;

CONSIDERING that, in accordance with section 29 of the Regulation respecting licences, a class 1, 2, 3 or 4A licence also comprises one or more additional classes, including class 4B;

CONSIDERING that certain buses used for the transportation of school children bear a compliance label indicating a maximum capacity of 36 passengers and may be equipped with 6 rows of seats, even though their dimensions are similar to those of a minibus within the meaning of the Highway Safety Code or to those of a bus designed to transport 24 passengers or less;

CONSIDERING that such buses have a maximum length of 9 metres measured from bumper to bumper;

CONSIDERING that the formalities for obtaining a class 2 driver's licence are more restrictive than the formalities for obtaining a class 4B driver's licence, whereas the dimensions of such buses are similar to those of a minibus within the meaning of the Highway Safety Code or those of a bus designed to transport 24 passengers or less;

CONSIDERING that it is difficult to recruit holders of a class 2 driver's license to drive buses used for the transportation of school children, which increases the risk of a breach of service with regard to the transportation of school children as of the fall of 2023;

CONSIDERING that there is an increase in the number of such buses on Québec roads;

CONSIDERING that it is advisable to suspend the application of the first paragraph of section 28.2 of the Regulation respecting licences (chapter C-24.2, r. 34) with respect to the drivers of buses used for the transportation of school children designed to transport 36 passengers or less at a time, equipped with not more than 6 rows of seats and having a maximum length of 9 metres measured from bumper to bumper;

CONSIDERING that, to avail themselves of the suspension, drivers must hold a class 4B driver's licence authorizing them to drive the bus;

CONSIDERING that the Minister of Transport and Sustainable Mobility considers that the suspension of the application of the first paragraph of section 28.2 of the Regulation respecting licences, according to the terms stated above, is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that the Minister is of the opinion that the rules the Minister prescribes to use the exemption ensure an equivalent level of safety;

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

ORDERS AS FOLLOWS:

1. The application of the first paragraph of section 28.2 of the Regulation respecting licences (chapter C-24.2, r. 34) is suspended with respect to the drivers of buses used for the transportation of school children designed to transport 36 passengers or less at a time, equipped with not more than 6 rows of seats and having a maximum length of 9 metres measured from bumper to bumper.

To avail themselves of the suspension, drivers must hold a class 4B driver's licence authorizing them to drive the bus.

2. This Order comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and ceases to have effect on 30 June 2026.

Québec, 22 November 2023

GENEVIÈVE GUILBAULT
Minister of Transport and Sustainable Mobility

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