



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 71
(2010, chapter 34)

An Act to amend the Highway Safety Code and other legislative provisions

**Introduced 3 December 2009
Passed in principle 11 March 2010
Passed 10 December 2010
Assented to 10 December 2010**

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EXPLANATORY NOTES

This Act amends the Highway Safety Code to prohibit holders of a driver's licence who are 21 years of age or under from driving a road vehicle if they have any alcohol in their body. It provides for an immediate 24-hour licence suspension for bus, minibus or taxi drivers whose blood alcohol concentration is equal to or less than 80 mg of alcohol in 100 ml of blood. The same suspension is provided for in the case of drivers of a heavy vehicle carrying goods whose blood alcohol concentration is between 50 and 80 mg of alcohol in 100 ml of blood.

Administrative sanctions relating to alcohol-impaired driving are introduced for repeat offenders and multiple repeat offenders, including an immediate 90-day road vehicle seizure, a lifelong alcohol ignition interlock device requirement and a prohibition from registering and driving a vehicle.

Fines are doubled for speeding in a roadwork zone. Variable speed limits are authorized on autoroutes according to the circumstances and the time of day. Certain traffic rules are modified, in particular those governing the crossing of roadways by pedestrians. Also worthy of note is that municipalities are given the power to authorize cycling against the traffic on a one-way lane.

Certain fines are raised, and an immediate 7-day licence suspension and vehicle seizure are introduced for street racing with another vehicle, or for riding on, or holding on to, the outside of a vehicle in motion or for tolerating such a practice. For a second or subsequent offence, the suspension and seizure periods are increased to 30 days.

The Act contains various other provisions relating to certain specific situations as well as consequential, technical and transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

– Automobile Insurance Act (R.S.Q., chapter A-25);

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Tobacco Tax Act (R.S.Q., chapter I-2);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act to amend the Highway Safety Code and the Regulation respecting demerit points (2007, chapter 40);
- Act to again amend the Highway Safety Code and other legislative provisions (2008, chapter 14).

REGULATION AMENDED BY THIS ACT:

- Tariff for the purposes of section 194 of the Highway Safety Code, enacted by Order in Council 414-2004 dated 28 April 2004 (2004, G.O. 2, 1341A).

Bill 71

AN ACT TO AMEND THE HIGHWAY SAFETY CODE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

HIGHWAY SAFETY CODE

1. Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing “pursuant to sections 209.1, 209.2, 209.2.1 and 328.2” in the definition of “pound” by “by a peace officer on behalf of the Société”.

2. Section 31.1 of the Code is amended by replacing “third paragraph” in the third paragraph by “second paragraph”.

3. Section 59 of the Code is amended by replacing “the fourth or sixth paragraph of section 31.1” in the first paragraph by “the third or fifth paragraph of section 31.1”.

4. Section 73 of the Code is amended by adding the following paragraph after the second paragraph:

“If the assessment is carried out in an alcohol and drug rehabilitation centre or in a hospital centre offering alcohol and drug rehabilitation services, it must be carried out by a person authorized by that centre according to the rules established by agreement between the Société and the centre and between the Société and the Association des centres de réadaptation en dépendance du Québec.”

5. Section 76.1.1 of the Code is amended

(1) by replacing “as soon as allowed under the order” by “, unless the court orders otherwise, as soon as the minimum absolute prohibition period under the Criminal Code expires”;

(2) by inserting “, for having a high blood alcohol concentration level” after “alcohol-related offence”.

6. Section 76.1.3 of the Code is replaced by the following section:

“76.1.3. A new driver’s licence issued to a person referred to in section 76.1.2 who has passed a comprehensive assessment or a maintenance assessment provided for in section 76.1.4.1 is subject to driving a road vehicle

mandatorily equipped with an alcohol ignition interlock device approved by the Société for either one or two years, depending on whether, during the 10 years before the cancellation or suspension, the person incurred no cancellation or suspension for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample, or one such cancellation or suspension.”

7. Section 76.1.4 of the Code is amended by replacing “when it is an alcohol-related offence and the person’s blood alcohol concentration level at the time of the offence exceeded 160 mg in 100 ml of blood” by “having a high blood alcohol concentration level”.

8. The Code is amended by inserting the following section after section 76.1.4:

“76.1.4.1. In order to obtain a new licence, a person is exempted from the comprehensive assessment provided for in sections 76.1.2 and 76.1.4 if, between the date of the offence and that of the conviction, the person establishes by means of a health assessment under section 73 and paragraph 4 of section 109 that the person’s relationship with alcohol and drugs does not compromise the safe operation of a road vehicle corresponding to the class of licence concerned. However, the person must undergo an assessment to verify whether the status of the person’s relationship with alcohol and drugs has been maintained.

A health assessment that has not been completed by the date of conviction may be continued after that date with a view to obtaining an exemption under the first paragraph.

A person who fails the maintenance assessment provided for in the first paragraph must undergo the comprehensive assessment provided for in sections 76.1.2 and 76.1.4.”

9. Section 76.1.5 of the Code is replaced by the following section:

“76.1.5. A new licence issued to a person referred to in section 76.1.4 who has passed a comprehensive assessment or a maintenance assessment provided for in section 76.1.4.1 is subject to driving a road vehicle mandatorily equipped with an alcohol ignition interlock device approved by the Société for either two or three years, depending on whether, during the 10 years before the cancellation or suspension, the person incurred no cancellation or suspension for an alcohol-related offence or for having a high blood alcohol concentration level, or one cancellation or suspension for an alcohol-related offence.”

10. Section 76.1.6 of the Code is replaced by the following section:

“76.1.6. The new licence and every subsequent licence issued to the person during the person’s life is subject to driving a road vehicle mandatorily equipped with an alcohol ignition interlock device approved by the Société if the cancellation or suspension was incurred

(1) for an alcohol-related offence and, during the 10 years before the cancellation or suspension, the person incurred

(a) more than one cancellation or suspension for an alcohol-related offence;
or

(b) both a cancellation or suspension for an alcohol-related offence and a cancellation or suspension for having a high blood alcohol concentration level or for refusing to provide a breath sample; or

(2) for having a high blood alcohol concentration level or for refusing to provide a breath sample and, during the 10 years before the cancellation or suspension, the person incurred

(a) more than one cancellation or suspension for an alcohol-related offence;
or

(b) a cancellation or suspension for having a high blood alcohol concentration level or for refusing to provide a breath sample.”

11. Section 76.1.7 of the Code is amended

(1) by replacing paragraph 4 by the following paragraph:

“(4) “alcohol-related offence” means any offence under section 253 or subsection 2, 2.1, 3 or 3.1 of section 255 of the Criminal Code in respect of which there is no court decision stating that the offender’s blood alcohol concentration level at the time of the offence exceeded 160 mg of alcohol in 100 ml of blood;”;

(2) by adding the following paragraph after paragraph 4:

“(5) “having a high blood alcohol concentration level” means any offence under section 253 or subsection 2, 2.1, 3 or 3.1 of section 255 of the Criminal Code in respect of which there is a court decision stating that the offender’s blood alcohol concentration level at the time of the offence exceeded 160 mg of alcohol in 100 ml of blood.”

12. Section 76.1.8 of the Code is amended by replacing “or 76.1.4” by “, 76.1.4 or 76.1.4.1”.

13. Section 76.1.9 of the Code is amended

(1) by replacing “and 76.1.4” by “, 76.1.4 and 76.1.4.1”;

(2) by replacing “the Fédération québécoise des centres de réadaptation pour personnes alcooliques et autres toxicomanes” by “the Association des centres de réadaptation en dépendance du Québec”.

14. Section 81 of the Code is amended

(1) by striking out “health” in paragraph 1;

(2) by replacing “or 76.1.4” in paragraphs 1 to 3 by “, 76.1.4 or 76.1.4.1”;

(3) by inserting “or of a person authorized by an alcohol and drug rehabilitation centre” after “designate by name” in paragraph 3.

15. Section 83 of the Code is amended by replacing “or 76.1.4” in paragraph 2 by “, 76.1.4 or 76.1.4.1”.

16. Section 89 of the Code is amended by replacing “within 90 days of” by “during the six months after”.

17. Section 98.1 of the Code is repealed.

18. Section 139 of the Code is replaced by the following section:

“**139.** Every person who contravenes the first paragraph of section 102 or fails to comply with a condition attached to the person’s licence under section 98, other than the operation of a road vehicle mandatorily equipped with an alcohol ignition interlock device or the conditions for its use, is liable to a fine of \$100 to \$200.

The holder of a licence to drive a road vehicle mandatorily equipped with an alcohol ignition interlock device who fails to comply with that requirement or with the conditions for the use of the device is liable to a fine of \$1,500 to \$3,000.”

19. Section 141 of the Code is amended by adding the following paragraph:

“Despite the first paragraph, a person who, after a period of licence cancellation or suspension of the right to obtain a licence for an alcohol-related offence under section 180, operates a road vehicle without holding a licence is liable to a fine of \$1,500 to \$3,000.”

20. Section 143 of the Code is amended by replacing “or 191.2” by “, 191.2, 202.4 or 202.5”.

21. Section 143.1 of the Code is amended by replacing “and 191.2” by “and 191.2 and subparagraph 2 of the first paragraph of section 202.4”.

22. Section 144 of the Code is amended by replacing “pursuant to section 180” by “under section 180, subparagraph 1 of the first paragraph of section 202.4 or section 202.5”.

23. The Code is amended by replacing the heading of Title V by the following heading:

“SANCTIONS”.

24. Section 182 of the Code is amended by replacing “conditional release” by “a conditional”.

25. Section 190 of the Code is amended

(1) by striking out “health” in paragraph 1;

(2) by replacing “or 76.1.4” in paragraphs 1 to 3 by “, 76.1.4 or 76.1.4.1”;

(3) by inserting “or of a person authorized by an alcohol and drug rehabilitation centre” after “designate by name” in paragraph 3.

26. Section 191 of the Code is amended by replacing “or 76.1.4” by “, 76.1.4 or 76.1.4.1”.

27. The Code is amended by inserting the following sections after section 202:

“202.0.1. If a person is convicted of an alcohol-related offence committed with a road vehicle and, during the 10 years before that conviction, was convicted at least twice of an alcohol-related offence or at least once for an offence relating to a high blood alcohol concentration level, for refusing to provide a breath sample or for failing to stop at the scene of an accident, the Société must

(1) prohibit any road vehicle registered in the name of the person from being put or put back into operation; and

(2) refuse to register any road vehicle in the person’s name except if, on the day the vehicle was transferred or leased or in the 10 preceding days, the transferor or lessor had obtained confirmation from the Société, pursuant to section 611.1, that there were no grounds under this Code to prevent the transfer or leasing of the vehicle.

The Société must take the same measures if it receives a notice of conviction for an offence relating to a high blood alcohol concentration level, for refusing to provide a breath sample or for failing to stop at the scene of an accident with respect to a person who was convicted at least once, during the 10 years before that conviction, of one of those offences or of an alcohol-related offence.

The prohibition on putting or putting back into operation a road vehicle registered in the name of a person described in the first paragraph and the refusal to register a road vehicle in the person’s name do not apply

(1) if the vehicle must be driven by a third party on the person's behalf as part of the person's business operations; or

(2) if the vehicle is equipped with an alcohol ignition interlock device approved by the Société, and the person has been issued a licence to drive a vehicle mandatorily equipped with such a device.

The measures prescribed in the first paragraph take effect as soon as the Société receives the notice of conviction from the clerk of a court of justice, and are lifted when the person obtains a driver's licence that is not restricted to the operation of a road vehicle mandatorily equipped with an alcohol ignition interlock device approved by the Société.

“202.0.2. No person who is subject to the measures prescribed in section 202.0.1 may acquire or lease a road vehicle.

“202.0.3. For the purposes of section 202.0.1,

(1) “failing to stop at the scene of an accident” means an offence under section 249.1 or subsection 1, 1.2 or 1.3 of section 252 of the Criminal Code;

(2) “alcohol-related offence” means an offence under section 253 or subsection 2, 2.1, 3 or 3.1 of section 255 of the Criminal Code in respect of which there is no court decision stating that the offender's blood alcohol concentration level at the time of the offence exceeded 160 mg of alcohol in 100 ml of blood;

(3) “high blood alcohol concentration level” means an offence under section 253 or subsection 2, 2.1, 3 or 3.1 of section 255 of the Criminal Code in respect of which there is a court decision stating that the offender's blood alcohol concentration level at the time of the offence exceeded 160 mg of alcohol in 100 ml of blood; and

(4) “refusing to provide a breath sample” means an offence under subsection 5 of section 254 or subsection 2.2 or 3.2 of section 255 of the Criminal Code.”

28. Section 202.2 of the Code, amended by section 35 of chapter 40 of the statutes of 2007, is again amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) the holder of a moped or farm tractor licence only who has held that licence for less than five years and is 22 years of age or older;”;

(2) by adding the following subparagraph after subparagraph 3 of the first paragraph:

“(4) the holder of a driver’s licence who is 21 years of age or younger.”

29. The Code is amended by inserting the following sections after section 202.2.1, enacted by section 18 of chapter 29 of the statutes of 2002:

“**202.2.1.1.** In addition to persons who are subject to section 202.2, no person may drive or have the care or control of a bus, minibus or taxi if there is any alcohol in the person’s body.

“**202.2.1.2.** As for heavy vehicles other than those referred to in section 202.2.1.1, no person may drive or have the care or control of such a heavy vehicle with a blood alcohol concentration level equal to or in excess of 50 mg of alcohol in 100 ml of blood.

The prohibition does not apply to

(1) a combination of road vehicles having a net mass of over 3,000 kg consisting of a passenger vehicle drawing a camping trailer or a tent-trailer;

(2) a motor home; or

(3) a heavy vehicle having a net mass of 3,000 kg or less not requiring the display of safety marks under a regulation made under section 622.”

30. Section 202.3 of the Code is amended by inserting “, 202.2.1.1 or 202.2.1.2” after “202.2” in the first paragraph.

31. Section 202.4 of the Code is amended

(1) by striking out “or 202.2.1” in subparagraph 2 of the first paragraph;

(2) by adding the following subparagraphs after subparagraph 2 of the first paragraph:

“(3) for 24 hours, the licence of any person who is subject to the prohibition under section 202.2.1.1 and drives or has the care or control of a road vehicle to which the prohibition is applicable

(a) if a screening test conducted under 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 a breath test conducted by means of an approved instrument in accordance with the Criminal Code, to be equal to or less than 80 mg of alcohol in 100 ml of blood;

“(4) for 24 hours, the licence of any person not described in subparagraph 1 who is subject to the prohibition under section 202.2.1.2 and drives or has the care or control of a road vehicle to which the prohibition is applicable

(a) if, during a screening test conducted under section 202.3 or in accordance with the Criminal Code, the screening device shows a blood alcohol concentration level equal to or in excess of 50 mg of alcohol in 100 ml of blood; or

(b) if the person’s blood alcohol concentration level is shown, following a breath test conducted by means of an approved instrument in accordance with the Criminal Code, to be equal to or in excess of 50 mg of alcohol in 100 ml of blood.”;

(3) by adding the following paragraph:

“The suspension imposed on a person who is subject to the prohibition under section 202.2.1.1 or 202.2.1.2 applies only with respect to vehicles to which that prohibition is applicable.”

32. Section 202.6 of the Code is amended by replacing “section 202.4” by “section 202.1.4, 202.1.5 or 202.4”.

33. Section 209.1 of the Code is amended by adding the following paragraphs:

“The holder of a probationary licence or a driver’s licence authorizing the operation of a road vehicle mandatorily equipped with an alcohol ignition interlock device who drives a road vehicle that is not equipped with such a device or who does not comply with the conditions for the use of the device established by the Société is also subject to this section.

The same applies to a person referred to in section 76.1.12 if the person drives or has the care or control of a road vehicle without complying with the conditions specified in that section.”

34. Section 209.2 of the Code, amended by section 22 of chapter 14 of the statutes of 2008, is again amended by replacing “and 328.1” by “, 328.1, 422.1 and 434.2”.

35. Section 209.2.1 of the Code is amended

(1) by replacing subparagraphs 1 to 3 of the first paragraph by the following subparagraphs:

“(1) has a blood alcohol concentration level that is shown, by a breath test carried out by means of an approved instrument in accordance with the Criminal Code, to be in excess of 160 mg of alcohol in 100 ml of blood and if the person’s licence was not cancelled for an alcohol-related offence, for a high blood

alcohol concentration level, for refusal to give a breath sample or for failure to stop at the scene of an accident during the 10 years before the seizure; or

“(2) fails to comply with the peace officer’s demand under section 254 of the Criminal Code without a reasonable excuse and if the person’s licence was not cancelled for an alcohol-related offence, for a high blood alcohol concentration level, for refusal to give a breath sample or for failure to stop at the scene of an accident during the 10 years before the seizure.”;

(2) by adding the following paragraph:

“This section applies on public highways, on highways under the administration of or maintained by the Ministère des Ressources naturelles et de la Faune, on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed.”

36. The Code is amended by inserting the following sections after section 209.2.1:

“209.2.1.1. On behalf of the Société, a peace officer shall immediately seize and impound a road vehicle for 90 days at the owner’s expense if the person driving or having the care or control of the vehicle

(1) has a blood alcohol concentration level that is shown, by a breath test carried out by means of an approved instrument in accordance with the Criminal Code, to be in excess of 80 mg of alcohol in 100 ml of blood and if the person’s licence was cancelled for an alcohol-related offence, for a high blood alcohol concentration level, for refusal to give a breath sample or for failure to stop at the scene of an accident during the 10 years before the seizure; or

(2) fails to comply with the peace officer’s demand under section 254 of the Criminal Code without a reasonable excuse and if the person’s licence was cancelled for an alcohol-related offence, for a high blood alcohol concentration level, for refusal to give a breath sample or for failure to stop at the scene of an accident during the 10 years before the seizure.

The second and third paragraphs of section 209.2.1 apply to a seizure under this section.

“209.2.1.2. Any seizure of a road vehicle under this Code is for 90 days if a measure provided for in section 202.0.1 was imposed, at any time during the 10 years before the seizure, on the person driving or having the care or control of the road vehicle.

“209.2.1.3. For the purposes of sections 209.2.1 and 209.2.1.1, the cancellation of a licence also includes the suspension of the right to obtain one under section 180, and the definitions in section 202.0.3 apply.”

37. Section 209.11 of the Code is amended

(1) by replacing subparagraphs *c* and *d* of subparagraph 2 of the first paragraph by the following subparagraph:

“(c) could not reasonably have foreseen, in the case of a seizure under section 209.2.1 or 209.2.1.1, that the driver would commit the offence that gave rise to the seizure.”;

(2) by striking out the second and third paragraphs.

38. The Code is amended by inserting the following section after section 209.11:

“209.11.1. When a road vehicle is seized on two or more grounds, the owner may recover the vehicle by proving that all the conditions for recovering the vehicle applicable to the situation are met. A judge with exclusive jurisdiction over any of the grounds for the seizure may rule on the merits of all of them.

A judge of the Court of Québec has exclusive jurisdiction over an application for release from seizure under sections 422.5 and 434.6.”

39. Section 209.14 of the Code is replaced by the following section:

“209.14. Sections 209.11, 209.12 and 209.13 must not be interpreted as preventing the Société from authorizing the recovery of a vehicle by its owner, on payment of the towing and impounding costs incurred by the custodian, provided the owner proves to the Société that the conditions set out in section 209.11 are met.

If a vehicle driven by its owner is seized under section 209.2.1 or 209.2.1.1, recovery of the vehicle may only be authorized if the owner proves to the Société that he did not commit the offence that gave rise to the seizure and pays the costs referred to in the first paragraph.

If the vehicle is seized on two or more grounds none of which is under the exclusive jurisdiction of a judge of the Court of Québec, recovery of the vehicle may only be authorized if the owner proves to the Société that all the conditions for recovering the vehicle that are applicable to the situation are met.

The refusal by the Société to authorize recovery of the vehicle under the second paragraph may be contested before the Administrative Tribunal of Québec, according to the terms set out in sections 202.6.11 and 202.6.12.

The rules set out in sections 202.6.3 to 202.6.5 and 202.6.7 to 202.6.10 apply, with the necessary modifications, to an application for the recovery of a vehicle made under this section.”

40. Section 209.17 of the Code is amended by replacing “the period of seizure” by “a period of seizure”.

41. Section 209.18 of the Code is amended by replacing “\$2,500” in the first paragraph by “\$3,000”.

42. Section 209.19 of the Code is amended by replacing “\$2,500” in the first paragraph by “\$3,000”.

43. Section 209.22.2 of the Code is repealed.

44. Section 210 of the Code is amended

(1) by striking out “, except trailers and semi-trailers whose net mass does not exceed 900 kg,” in the first paragraph;

(2) by adding the following sentence at the end of the first paragraph: “However, trailers and semi-trailers whose net mass does not exceed 900 kg and detachable axles are not required to be provided with such a number.”

45. Section 232 of the Code is amended

(1) by striking out “amber” in paragraph 4;

(2) by striking out “red” in paragraph 5;

(3) by adding the following paragraph:

“Any equipment or object placed on a bicycle that blocks a prescribed reflector must be provided with a reflector that complies with the first paragraph.”

46. Section 245 of the Code is replaced by the following section:

“245. Every trailer or semi-trailer operated without an independent brake system that can stop the vehicle if the trailer or semi-trailer becomes separated from the towing vehicle must be equipped with a chain, a cable or any other sufficiently solid safety device installed so that the trailer or semi-trailer and the towing vehicle would remain attached were the coupling device to break.

The towing vehicle must carry the necessary equipment for attaching the chain, cable or safety device of the trailer or semi-trailer.”

47. Section 246 of the Code is replaced by the following section:

“246. Every motorcycle or moped must be equipped with at least one brake system acting on the front and rear wheels.

The brake system must be sufficiently powerful to stop the vehicle quickly in case of emergency and to hold it stationary.”

48. Section 250.2 of the Code is amended

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

“No person may repair a module after the air bag has deployed or a seat belt with a pretensioner that has been activated. No person other than a person authorized by the manufacturer of the vehicle concerned may reprogram or repair an air bag or seat belt electronic control module.”;

(2) by adding the following paragraph:

“The Société may, on the conditions it determines, exempt a person from the prohibitions of this section, except the prohibition to repair an air bag module and the prohibition to repair a seat belt.”

49. Section 250.3 of the Code is replaced by the following section:

“250.3. No person may remove or cause to be removed an air bag module installed in a road vehicle, or render it inoperative except by means of a device installed by the manufacturer of the vehicle before its sale to the first user. The prohibition does not apply if the air bag module must be removed or rendered inoperative for the purpose of adapting a road vehicle for a handicapped person.

The Société may, on the conditions it determines and for reasons of safety, exempt a person from the prohibition.”

50. Section 328 of the Code is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) of less than 60 km/h or more than 100 km/h on autoroutes, unless

(a) an illuminated, variable message signal shows the minimum or maximum rate of speed authorized on a certain part of the autoroute, according to the circumstances and the time of day, such as weather conditions or rush-hour; or

(b) a special permit authorizing the use of an oversized vehicle requires that the vehicle be driven at a lower speed;”.

51. Section 328.1 of the Code is amended

(1) by replacing “to any person who” in the portion of the first paragraph before subparagraph 1 by “of any person who”;

(2) by inserting “or off-highway vehicle” after “road vehicle” in subparagraphs 1, 2 and 3 of the first paragraph;

(3) by inserting “or more” after “100 km/h” in subparagraph 3 of the first paragraph.

52. Section 328.2 of the Code is amended

(1) by inserting “road” before “vehicle”;

(2) by adding the following paragraph:

“Sections 209.3 to 209.10 apply to the seizure, with the necessary modifications.”

53. Section 328.3 of the Code is amended by replacing the second paragraph by the following paragraph:

“The second paragraph of section 209.11 and sections 209.11.1 and 209.12 to 209.15 apply to the seizure, with the necessary modifications.”

54. Section 328.4 of the Code is amended by replacing the second paragraph by the following paragraph:

“The first paragraph of section 202.6.3, sections 202.6.4 and 202.6.5, the second paragraph of section 202.6.6, sections 202.6.7 and 202.6.9 to 202.6.12 and section 209.11.1 apply to the seizure, with the necessary modifications.”

55. Section 328.5 of the Code is amended

(1) by adding the following sentence at the end of the first paragraph: “This paragraph applies, under the same conditions, to the driver of an off-highway vehicle.”;

(2) by replacing “subparagraph 1” in the first paragraph by “subparagraph 1, 2 or 3”;

(3) by adding “, as applicable” at the end of the first paragraph.

56. Section 329 of the Code is amended by replacing “subparagraph 5” in the first paragraph by “subparagraphs 1 and 5”.

57. Section 395 of the Code is replaced by the following section:

395. No person shall drive a road vehicle in which the seat belt or an air bag provided for the driver or for the seat occupied by a passenger is missing or has been modified or rendered inoperative.”

58. Section 401 of the Code is amended

(1) by replacing “in which” in the first paragraph by “carrying”;

(2) by replacing “a taxi driver” at the end of the first sentence of the second paragraph by “taxi, bus or minibus drivers in the performance of their duties”.

59. Section 408 of the Code is amended by replacing “a white signal or a flashing pedestrian light” by “a steady, white signal representing a walking figure, or a flashing pedestrian light”.

60. The Code is amended by inserting the following sections after section 422:

“422.1. A peace officer shall immediately suspend, on behalf of the Société and for a period of seven days, the licence issued under section 61 of any person driving a road vehicle in contravention of section 422.

If the person does not hold a licence or holds a licence issued by another administrative authority, the peace officer shall immediately suspend, on behalf of the Société and for a period of seven days, the person’s right to obtain a learner’s licence, a probationary licence or a driver’s licence.

The suspension period is increased to 30 days in the case of a person who was convicted of an offence under section 422 during the 10 years before the suspension.

“422.2. The driver of a road vehicle whose licence or right to obtain a licence is suspended under section 422.1 may obtain the lifting of the suspension by a judge of the Court of Québec acting in chambers in civil matters after proving that he was not driving the vehicle in a race with another vehicle or for a wager or a stake.

“422.3. Sections 202.6.1 and 202.7, the second paragraph of section 209.11 and section 209.12 apply, with the necessary modifications, to the licence suspension under section 422.1.

“422.4. In the case of a person who contravenes section 422, the peace officer, on behalf of the Société and at the owner’s expense, shall immediately seize the road vehicle and impound it for seven days if the person was not convicted of an offence under section 422 during the 10 years before the licence suspension under section 422.1, or for 30 days if the person was convicted of such an offence during that period.

Sections 209.3 to 209.10 apply to the seizure, with the necessary modifications.

“422.5. The owner of the road vehicle seized may, on the authorization of a judge of the Court of Québec acting in chambers in civil matters, recover his vehicle

(1) if he could not reasonably have foreseen that the driver would drive the vehicle in a race with another vehicle or for a wager or a stake, or had not consented to the driver being in possession of the vehicle; or

(2) if he was the driver and was not driving the vehicle in a race with another vehicle or for a wager or a stake.

If the person obtains the release of the seizure under the first paragraph, the Société lifts the suspension of the licence or of the right to obtain a licence imposed under section 422.1.

The second paragraph of section 209.11 and sections 209.11.1, 209.12, 209.13 and 209.15 apply, with the necessary modifications.”

61. Section 434 of the Code is replaced by the following section:

“434. No person may hang on to, or be pulled or pushed by, a moving road vehicle, and no driver may tolerate such a practice.”

62. The Code is amended by inserting the following sections after section 434:

“434.0.1. No person may hang on to, or be pulled or pushed by, a moving power-assisted bicycle, and no cyclist may tolerate such a practice.

“434.1. Sections 433 and 434 apply on public highways, on highways under the administration of or maintained by the Ministère des Ressources naturelles et de la Faune, on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed.

“434.2. A peace officer shall immediately suspend, on behalf of the Société and for a period of seven days, the licence issued under section 61 of any person who contravenes section 433 or 434.

If the person does not hold a licence or holds a licence issued by another administrative authority, the peace officer shall immediately suspend, on behalf of the Société and for a period of seven days, the person’s right to obtain a learner’s licence, a probationary licence or a driver’s licence.

The suspension period is increased to 30 days in the case of a person who was convicted of an offence under section 433 or 434 during the 10 years before the suspension.

“434.3. A person, other than the driver, whose licence or right to obtain a licence is suspended under section 434.2 may obtain the lifting of the suspension by a judge of the Court of Québec acting in chambers in civil matters after proving that he did not contravene section 433 or 434.

The driver of a road vehicle whose licence or right to obtain a licence is suspended under section 434.2 may obtain the lifting of the suspension by a judge of the Court of Québec acting in chambers in civil matters after proving that he did not tolerate the contravention of section 433 or 434.

“434.4. Sections 202.6.1 and 202.7, the second paragraph of section 209.11 and section 209.12 apply, with the necessary modifications, to a licence suspension under section 434.2.

“434.5. In the case of a person who contravenes section 433 or 434, the peace officer, on behalf of the Société and at the owner’s expense, shall immediately seize the road vehicle and impound it for seven days if the person was not convicted of an offence under section 433 or 434 during the 10 years before the licence suspension under section 434.2, or for 30 days if the person was convicted of such an offence during that period.

Sections 209.3 to 209.10 apply to the seizure, with the necessary modifications.

“434.6. The owner of the road vehicle seized may, on the authorization of a judge of the Court of Québec acting in chambers in civil matters, recover his vehicle

(1) if he was not one of the offenders and could not reasonably have foreseen that a person would contravene section 433 or 434; or

(2) if he was one of the offenders, other than the driver, and establishes that he did not contravene section 433 or 434;

(3) if he was the driver of the vehicle and did not tolerate the contravention of section 433 or 434.

If the person obtains the release of the seizure under the first paragraph, the Société lifts the suspension of the licence or of the right to obtain a licence imposed under section 434.2.

The second paragraph of section 209.11 and sections 209.11.1, 209.12, 209.13 and 209.15 apply, with the necessary modifications.”

63. Section 437.1 of the Code is amended by replacing the first paragraph by the following paragraph:

“437.1. No person may draw a trailer or semi-trailer without using an appropriate coupling device. Furthermore, the lights and brake system and the

chain, cable or other safety device on the trailer or semi-trailer must be connected to the towing vehicle and be in proper working condition. The safety device of a trailer or semi-trailer that is not equipped with an independent brake system must, in addition, be installed in such a way that the trailer or semi-trailer follows the path of the towing vehicle and the drawbar would not touch the ground were the coupling device to break.”

64. Section 444 of the Code is amended

(1) by replacing “feux de piétons” in the first paragraph in the French text by “feux pour piétons”;

(2) by replacing “a white signal” in the second paragraph by “a steady, white signal representing a walking figure”;

(3) by replacing “an orange signal” in the third paragraph by “a steady, orange hand signal”;

(4) by adding the following paragraph:

“When facing a flashing signal with a countdown display, a pedestrian may only start crossing the roadway if he is able to reach the other sidewalk or the safety zone before the signal changes to the orange hand signal.”

65. Section 445 of the Code is amended by replacing “feux de piétons” in the French text by “feux pour piétons”.

66. Section 451 of the Code is replaced by the following section:

“**451.** A pedestrian must cross the roadway perpendicularly to its axis. A pedestrian may cross the roadway diagonally only if authorized to do so by a peace officer or school crossing guard, or by a sign or signal.

An exclusive pedestrian phase, that is, an interval during which the light signals at an intersection allow protected pedestrian crossing in all directions, is a sign or signal authorizing pedestrians to cross the roadway diagonally.”

67. Section 473 of the Code is amended

(1) by inserting “Subject to the conditions the Government may set by regulation,” at the beginning of the third paragraph;

(2) by replacing “road vehicle that levels, clears or marks the roadway of a public highway” in the third paragraph by “public utility vehicle”;

(3) by adding the following paragraph:

“For the purposes of the third paragraph, a public utility vehicle is a road vehicle designed and equipped to provide essential services to a community,

including a vehicle used for the maintenance of public highways and of parks, for garbage collection or for the maintenance of a power distribution system.”

68. Section 474 of the Code is amended

(1) by inserting the following sentence after the second sentence of the third paragraph: “If the equipment extends beyond the front of the vehicle, the light must be amber.”;

(2) by replacing “If the equipment extends” in the third paragraph by “If part of the equipment extends”;

(3) by inserting “, as the case may be,” after “precede or follow the vehicle” in the third paragraph;

(4) by inserting the following paragraphs after the third paragraph:

“The equipment is considered to extend beyond the tool vehicle when it has a point or a sharp edge that extends by at least 30 cm beyond the front or the rear of the vehicle. The starting point for measuring the part of the equipment that extends beyond the front or the rear of the tool vehicle is the end of the mast or boom to which the fork, bucket or other tool is attached.

No person may drive a tool vehicle on a public highway unless the vehicle’s equipment is in a retracted position.”;

(5) by replacing “The third paragraph does not” in the last paragraph by “The third and fifth paragraphs do not”.

69. Section 487 of the Code is amended

(1) by replacing “Subject to section 492, every” by “Every”;

(2) by replacing “except where that space is obstructed or when he is about to make a left turn” by “except when about to make a left turn, when travel against the traffic is authorized or in cases of necessity.”

70. Section 492 of the Code is repealed.

71. Section 497 of the Code is replaced by the following section:

“497. Subject to a by-law adopted by a municipality, no person may, in residential areas where the speed limit is 50 km/h or less, conduct snow-removal operations on a public highway with a snowblower whose net mass exceeds 900 kg except under the supervision of a person walking in front of the vehicle.”

72. Section 506 of the Code, amended by section 100 of chapter 14 of the statutes of 2008, is again amended

(1) by replacing “426 to 436” in the first paragraph by “428 to 432, 435, 436”;

(2) by replacing “480 to 482” in the first paragraph by “480, 481, 482”;

(3) by striking out the second paragraph.

73. The Code is amended by inserting the following section after section 509.2:

“**509.3.** Every person who contravenes section 434.0.1 commits an offence and is liable to a fine of \$300 to \$500.”

74. Section 510 of the Code is amended

(1) by inserting “426, 427,” after “423,” in the first paragraph;

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

“Every driver of a bus or minibus used for the transportation of school children who contravenes section 426 is guilty of an offence and is liable to a fine of \$200 to \$375 and, in the case of a second or subsequent offence, to a fine of \$250 to \$750.”

75. Section 512 of the Code is replaced by the following section:

“**512.** Every person who contravenes section 327, 422, 433 or 434 is guilty of an offence and is liable to a fine of \$1,000 to \$3,000.

Every driver of a road vehicle who contravenes the second paragraph of section 468 is guilty of an offence and is liable to a fine of \$700 to \$2,100.”

76. The Code is amended by inserting the following section after section 514:

“**514.1.** Every person who drives a road vehicle that has been impounded under section 328.2, 422.4 or 434.5 is guilty of an offence and is liable to a fine of \$600 to \$2,000.”

77. Section 516 of the Code is amended by adding the following paragraph:

“Every person who

(1) drives a road vehicle at a speed of 39 km/h or less over the posted speed limit in a zone where the maximum authorized speed limit is 60 km/h or less,

(2) drives a road vehicle at a speed of 49 km/h or less over the posted speed limit in a zone where the maximum authorized speed limit is over 60 km/h but not over 90 km/h or

(3) drives a road vehicle at a speed of 59 km/h or less over the posted speed limit in a zone where the maximum authorized speed limit is over 90 km/h

is liable to double the fine set out in the first paragraph for an offence under section 303.2.”

78. Section 516.1 of the Code is amended by inserting “or more” after “100 km/h” in subparagraph 3 of the first paragraph.

79. Section 517.1 of the Code is amended by adding the following paragraph:

“Subparagraph 6 of the first paragraph applies only if the axle load or the total loaded mass exceeds the normally authorized load limit, that is, the load limit permitted in the absence of restrictions determined under section 419 or under a special permit.”

80. Section 519.15.3 of the Code is amended

(1) by replacing “and is in proper working order,” in the first paragraph by “, is in proper working order and allows the programming data to be read”;

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

“Moreover, an operator may not allow a heavy vehicle to be driven if it is fitted with any form of technology that allows it to travel at a speed exceeding 105 km/h despite the activation of a speed limiter or that makes it possible to conceal the programming data allowing such a speed to be attained.”

81. Section 519.21.2 of the Code is amended by replacing “519.12, 519.67.1, 519.70 and 519.73” by “519.70, 519.71 and 638.1”.

82. Section 521 of the Code, amended by section 59 of chapter 2 of the statutes of 2004 and section 72 of chapter 14 of the statutes of 2008, is again amended by inserting “detachable axles, vehicles having a net mass of 4,000 kg or less that originally had an open truck box and a tailgate and that are registered as passenger vehicles within the meaning of the registration regulations, sport utility vehicles having a net mass of 4,000 kg or less,” after “except” in subparagraph 5 of the first paragraph.

83. Section 552 of the Code is amended by inserting “, 76.1.4.1” after “76.1.4” in the first paragraph.

84. Section 588 of the Code is amended by striking out “, 519.56” in the first paragraph.

85. Section 592.3 of the Code is amended

(1) by replacing “is deemed to be the owner of the vehicle” in the first paragraph by “or a person who borrows a courtesy vehicle from a garage operator or a test vehicle from a dealer is deemed to be the owner of the vehicle”;

(2) by inserting “or lent” after “rented out” in the second paragraph;

(3) by inserting “or borrower” after “renter” in the second paragraph.

86. The heading of Division III of Chapter II of Title X of the Code is replaced by the following heading:

“PROCEEDINGS BY MUNICIPALITY OR NATIVE ENTITY”.

87. Section 597 of the Code is amended

(1) by adding “, excluding any part of the territory covered by an agreement entered into under the second paragraph” at the end of the first paragraph;

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

“Likewise, where an agreement has been entered into for that purpose with the Government, penal proceedings for such an offence may be instituted

(1) by a Native community, represented by its band council, if the offence is committed in the territory assigned to that community and in respect of which a police service agreement has been entered into under section 90 of the Police Act (chapter P-13.1);

(2) by a Cree community, represented by its band council, if the offence is committed in a part of the territory described in section 102.6 of that Act and specified in the agreement;

(3) by the Naskapi Village, if the offence is committed in the territory described in section 99 of that Act;

(4) by the Cree Regional Authority, if the offence is committed in the territory described in section 102.6 of that Act, excluding any part of the territory covered by an agreement entered into with a Cree community under this paragraph;

(5) by the Kativik Regional Government, if the offence is committed in the territory referred to in section 369 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).”

88. Sections 601.1 and 621 of the Code are amended by replacing “community” by “entity”.

89. Section 622 of the Code is amended by inserting the following subparagraph after subparagraph 6 of the first paragraph:

“(6.1) set rules for the training of persons working in the dangerous substances transportation industry;”.

90. Section 624 of the Code is amended by striking out subparagraph 20 of the first paragraph.

91. Section 626 of the Code, amended by section 100 of chapter 14 of the statutes of 2008, is again amended

(1) by adding the following subparagraphs after subparagraph 15 of the first paragraph:

“(16) permit bicycles to travel against the traffic, under the conditions it determines, on all or part of a one-way traffic lane of a public highway it maintains, provided such permission is clearly shown by signs or signals at the intersections of the traffic lane;

“(17) authorize, on all or part of a road it maintains, the supervisor in front of a snowblower to travel in a road vehicle.”;

(2) by adding the following paragraph:

“Any by-law or ordinance under subparagraph 17 shall, within 15 days after it is passed, be sent to the Minister of Transport, accompanied by a report describing and illustrating the highways and parts of highways where the supervisor in front of a snowblower is authorized to travel in a road vehicle. The report must state what inspections were carried out to ensure that the authorization does not compromise public safety. The by-law or ordinance comes into force 90 days after it is passed unless it is the subject of a notice of disallowance published by the Minister in the *Gazette officielle du Québec*.”

92. Section 636.3 of the Code is amended

(1) by striking out “by a highway controller” in the first paragraph;

(2) by replacing “an impounded road vehicle” in the third paragraph by “a road vehicle impounded by a highway controller”.

93. Section 648 of the Code is amended by replacing “Native community” by “Native entity”.

94. Section 648.2 of the Code is amended

(1) by replacing “Native community” in the first paragraph by “Native entity having entered into an agreement under the second paragraph of section 597”;

(2) by replacing “communities” in the second paragraph by “entities”.

95. Section 660 of the Code is amended by replacing “The suspension ends one year after the date of coming into force of the requirement established by section 66.1 to have successfully completed a driving course.” in the first paragraph by “The suspension ends on 16 January 2012.”

AUTOMOBILE INSURANCE ACT

96. Section 6 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by striking out the second paragraph.

97. Section 62 of the Act is replaced by the following section:

“**62.** The death of a victim by reason of an accident gives entitlement to the following compensation:

(1) the lump sum death benefit provided for in Division II; and

(2) the reimbursement, to the person who is entitled to the death benefit provided for in subparagraph 1, of the expenses incurred by the person to receive up to 15 hours of psychological treatment, on the conditions and up to the maximum amounts set out for such treatment in the regulation under paragraph 15 of section 195.

This section applies to the extent that the victim complies with the rules set out in sections 7 to 11.”

TOBACCO TAX ACT

98. Section 15.0.1 of the Tobacco Tax Act (R.S.Q., chapter I-2) is amended

(1) by replacing the first paragraph by the following paragraph:

“**15.0.1.** Despite section 72 of the Act respecting the Ministère du Revenu (chapter M-31), penal proceedings for an offence under section 14.3 may be instituted by a local municipality if the offence was committed within its territory, excluding any part of the territory covered by an agreement entered into under the second paragraph. Such proceedings may be brought before the competent municipal court.”;

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

“Likewise, where an agreement has been entered into for that purpose with the Government, penal proceedings for such an offence may be instituted

(1) by a Native community, represented by its band council, if the offence is committed in the territory assigned to that community and in respect of which a police service agreement has been entered into under section 90 of the Police Act (chapter P-13.1);

(2) by a Cree community, represented by its band council, if the offence is committed in a part of the territory described in section 102.6 of that Act and specified in the agreement;

(3) by the Naskapi Village, if the offence is committed in the territory described in section 99 of that Act;

(4) by the Cree Regional Authority, if the offence is committed in the territory described in section 102.6 of that Act, excluding any part of the territory covered by an agreement entered into with a Cree community under this paragraph;

(5) by the Kativik Regional Government, if the offence is committed in the territory referred to in section 369 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).”

ACT RESPECTING ADMINISTRATIVE JUSTICE

99. Section 25 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by inserting “2.1.2,” after “2.1.1,” in the second paragraph.

100. Section 119 of the Act is amended by adding the following paragraph:

“(8) a proceeding under section 209.14 of the Highway Safety Code following a decision to deny recovery of a road vehicle.”

101. Section 3 of Schedule I to the Act is amended by inserting the following paragraph after paragraph 2.1.1:

“(2.1.2) proceedings under section 209.14 of the Highway Safety Code;”.

ACT TO AMEND THE HIGHWAY SAFETY CODE AND THE REGULATION RESPECTING DEMERIT POINTS

102. Section 31 of the Act to amend the Highway Safety Code and the Regulation respecting demerit points (2007, chapter 40) is amended by replacing the first paragraph of proposed section 191.2 that it replaces by the following paragraphs:

“**191.2.** If the number of demerit points entered in the file of a person who holds a learner’s licence, probationary licence, moped licence or farm tractor licence is equal to or greater than the number prescribed by regulation under paragraph 9.3 of section 619, the Société cancels the licence, or suspends the person’s right to obtain a licence the person does not hold, if the person

(1) is the holder of a learner’s licence without being or having been the holder of a driver’s licence;

(2) is the holder of a probationary licence;

(3) has been the holder of a moped licence or farm tractor licence for less than five years; or

(4) is the holder of a restricted licence issued following the cancellation of a probationary licence.

If the person has held a moped or farm tractor licence only, the person may not claim, for the purposes of subparagraph 1 of the first paragraph, to have been the holder of a driver’s licence.

The suspension provided for in the first paragraph also applies to a person who has never been the holder of a driver’s licence or who has held a moped or farm tractor licence only for less than five years.

If a person is the holder of a learner’s licence or probationary licence, the person may not invoke, to elude the application of the first paragraph, the fact of having been the holder of a moped or farm tractor licence for five or more years.”

ACT TO AGAIN AMEND THE HIGHWAY SAFETY CODE AND OTHER LEGISLATIVE PROVISIONS

103. Section 20 of the Act to again amend the Highway Safety Code and other legislative provisions (2008, chapter 14) is repealed.

TARIFF FOR THE PURPOSES OF SECTION 194 OF THE HIGHWAY SAFETY CODE

104. Section 1 of the Tariff for the purposes of section 194 of the Highway Safety Code, enacted by Order in Council 414-2004 dated 28 April 2004 (2004, G.O. 2, 1341A) is amended by replacing “Native community” by “Native entity”.

FINAL PROVISIONS

105. On the date of coming into force of section 18 of chapter 29 of the statutes of 2002,

(1) sections 202.2.1.1 and 202.2.1.2 of the Highway Safety Code (R.S.Q., chapter C-24.2), enacted by section 29, are repealed;

(2) section 202.3 of the Code is amended by striking out “, 202.2.1.1 or 202.2.1.2”;

(3) section 202.4 of the Code is amended

(a) by replacing “202.2.1.1” in subparagraph 3 of the first paragraph by “202.2.1”, and by replacing “under section 202.2.1.1 or 202.2.1.2” in the fourth paragraph by “under section 202.2.1”;

(b) by striking out subparagraph 4 of the first paragraph;

(4) the second paragraph of section 202.4 of the Code, enacted by section 20 of chapter 29 of the statutes of 2002, is repealed.

106. On the date of coming into force of paragraph 3 of section 3 of chapter 39 of the statutes of 2005, as regards subparagraph *a* of paragraph 3 of section 2 of the Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., chapter P-30.3), section 202.2.1.2 of the Highway Safety Code, enacted by section 29, is amended

(1) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) a combination of road vehicles, consisting of a passenger vehicle drawing a camping trailer or tent-trailer, having a total combined gross vehicle weight rating of 4,500 kg or more;”;

(2) by replacing “having a net mass of 3,000 kg or less” in subparagraph 3 of the second paragraph by “having a gross vehicle weight rating of 4,500 kg or more”.

107. On the date of coming into force of paragraph 3 of section 1 of chapter 14 of the statutes of 2008,

(1) section 202.2.1.1 of the Highway Safety Code, enacted by section 29, is amended by striking out “, minibus”;

(2) section 401 of the Highway Safety Code, amended by section 58, is amended by replacing “, bus or minibus” in the second paragraph by “or bus”.

108. The provisions of this Act come into force on 10 December 2010, except

(1) section 95, which comes into force on 17 January 2011;

(2) sections 57, 59, 63 to 65, 67 to 69, 79, 80 and 92, which come into force on 9 January 2011;

(3) section 51 as regards paragraph 2, section 55, section 62 as regards section 434.0.1 of the Highway Safety Code, section 72 as regards

paragraphs 1 and 3, and sections 73 to 75 and 77, which come into force on 10 March 2011; and

(4) section 4, section 5 as regards paragraph 2, sections 6 to 12, section 13 as regards paragraph 1, sections 14, 15, 17 to 23, 25 to 39, 41, 42, 53, 54, 60 and 61, section 62 as regards sections 434.1 to 434.6 of the Highway Safety Code, sections 66, 71, 76 and 83, section 91 as regards subparagraph 17 of the first paragraph and the fifth paragraph of section 626 of the Highway Safety Code, and sections 99 to 102, which come into force on 30 June 2012, unless the Government sets an earlier date or earlier dates for the coming into force of those provisions.

