



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FIFTH LEGISLATURE

Bill 56

An Act to again amend the Highway Safety Code

Introduction

**Introduced by
Mr Jacques Léonard
Minister of Transport**

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EXPLANATORY NOTE

This bill amends the Highway Safety Code, in particular to allow the issue of driver's licences bearing a photograph of the holder, and defines the circumstances in which a licence holder may be required to produce his licence. In addition, the bill proposes amendments to prescribe the same fine for driving a road vehicle without a driver's licence and for driving a road vehicle without having paid the required fees, and consequential amendments.

ACT AMENDED BY THIS BILL:

- Highway Safety Code (R.S.Q., chapter C-24.2).

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 61 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by adding, after the first paragraph, the following paragraph:

“The holder of a licence cannot be required to produce his licence except where so required by a peace officer or by the Société for the purposes of highway safety.”

2. The said Code is amended by inserting, after section 63, the following section:

“63.1 Driver’s licences and probationary licences shall bear the signature of the holder as well as a photograph of the holder that meets the standards prescribed by regulation. Such licences shall be issued in plastic form.

However, the Société may, according to the category and class of a licence, in the circumstances and on the conditions determined by regulation, issue a licence that does not bear the photograph or signature of the holder or that is in paper form.”

3. Section 69 of the said Code, amended by section 7 of chapter 57 of the statutes of 1993, is again amended by replacing the first paragraph by the following paragraph:

“69. To obtain or renew a licence, a person must satisfy the conditions and comply with the formalities established by regulation, and, except in the cases prescribed by regulation, pay the Société the fees fixed by regulation. He must also, to obtain a licence, except in the cases prescribed by regulation, pay the Société the duties fixed by regulation and revalorized, where applicable, in accordance with

section 151.4 of the Automobile Insurance Act and the insurance contribution fixed pursuant to sections 151 and 151.2 of that Act and revalorized, where applicable, in accordance with section 151.4 of that Act.”

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

“75. A person who has not been authorized to drive a road vehicle for three years or longer must pass the proficiency examinations prescribed by section 67 to obtain a driver’s licence.”

5. Section 83 of the said Code is amended by adding, after paragraph 5, the following paragraph:

“(6) refuses to provide a photograph that meets the standards prescribed by regulation or to be photographed by the Société or to affix his signature, in the manner indicated by the Société.”

6. Section 93 of the said Code is amended

(1) by replacing in the first paragraph the words “The holder of a” by the word “A” and the words “must sign it” by the words “issued in paper form must be signed by the holder”;

(2) by replacing the words “The licence” in the first line of the second paragraph by the words “All licences”.

7. Section 93.1 of the said Code, amended by section 8 of chapter 57 of the statutes of 1993, is replaced by the following section:

“93.1 The holder of a driver’s licence must, at the intervals prescribed by regulation, pay the Société the fees fixed by regulation, the duties fixed by regulation and revalorized, where applicable, in accordance with section 151.4 of the Automobile Insurance Act and the insurance contribution fixed pursuant to section 151 of that Act and revalorized, where applicable, in accordance with section 151.4 of that Act within the period determined by regulation. If the holder fails to make the required payments within that period, he may not, from the first day following the day on which that period expires and without further notice from the Société, drive any road vehicle.

The holder of a probationary licence must, before his licence expires, pay the sums referred to in section 69 to obtain his first driver’s licence or advise the Société that he does not intend to apply for a driver’s licence.

The holder of a driver's licence who, within the period determined by regulation, requests that his licence be cancelled or advises the Société that he does not intend to apply for its renewal is not required to pay the sums referred to in the first paragraph.

A person who has failed to comply with the first or second paragraph and applies to the Société, during the period corresponding to the payment of the sums referred to in the first or second paragraph, for the issue of his first driver's licence, the renewal of his driver's licence or authorization to resume driving road vehicles, must pay those sums and the additional fees prescribed by regulation, in accordance with the terms and conditions prescribed by regulation."

8. Section 108 of the said Code is replaced by the following section:

"108. The Société shall advise the holder of a licence issued in plastic form that bears his photograph but whose classes or conditions do not correspond to those fixed in his regard that he must have the licence replaced within the time indicated by the Société.

The replacement is, in the cases determined by regulation, subject to the payment of the fees fixed by regulation."

9. Section 109 of the said Code is amended by adding, after paragraph 4, the following paragraph:

"(5) he has not been authorized to drive a road vehicle for three years or longer."

10. Section 140 of the said Code is amended by replacing the words and figure "any of sections 65," in the first line by the words "either of sections".

11. Section 141 of the said Code is amended

(1) by replacing the word "section" in the first line by the words and figure "any of sections 65,";

(2) by replacing the words and figures "or the third paragraph of section 93.1 or either of sections" in the first and second lines by a comma;

(3) by inserting the words and figure "or drives a road vehicle in violation of the first paragraph of section 93.1" after the figure "129" in the second line.

12. Section 619 of the said Code is amended

(1) by replacing the words “periods within which payment of” in the first line of paragraph 4.2 by the words “period within which payment of the”;

(2) by replacing the words “periods prescribed by regulation or at any later date it fixes” in the second and third lines of paragraph 5.2 by the words “period prescribed by regulation”;

(3) by inserting, after paragraph 6, the following paragraphs:

“(6.0.1) prescribe the standards relating to the photograph that must be provided by a person applying for a probationary licence or a driver’s licence or the renewal or replacement thereof;

“(6.0.2) determine, according to the category and class of a licence, the circumstances and conditions in and on which the Société may issue a licence that does not bear the photograph or signature of the holder or may issue a licence in paper form”.

13. Section 624 of the said Code, amended by section 166 of chapter 61 of the statutes of 1992, is again amended

(1) by inserting the words “or renewing” after the word “obtaining” in the second line of paragraph 3;

(2) by replacing the words “that is illegible, damaged, destroyed, lost or stolen or on which inaccurate information appears” in the fourth and fifth lines of paragraph 5 by the words “, in particular where it is illegible or damaged or has been destroyed, lost or stolen or where it contains inaccurate information”;

(3) by adding, after paragraph 18, the following paragraph:

“(19) fix the photography fee payable by a person who does not hold a driver’s licence upon authentication by the Société of that person’s application for renewal of registration with the Régie de l’assurance-maladie du Québec.”;

(4) by adding, after paragraph 19, the following paragraph:

“The fees prescribed under subparagraphs 3 and 5 of the first paragraph may vary according to whether the licence is issued in plastic form or paper form, and according to whether or not the licence bears the photograph of the holder.”

14. Every person holding a driver's licence issued in paper form, other than a licence authorizing only the driving of mopeds, must, upon authentication by the Société de l'assurance automobile du Québec of that person's application for renewal of registration with the Régie de l'assurance-maladie du Québec in accordance with the regulation made under subparagraph *l.2* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., chapter A-29), request that his licence be replaced by a licence issued in plastic form as prescribed by regulation.

The Société may prescribe other circumstances in which driver's licences issued in paper form are to be replaced by driver's licences that meet the requirements of section 63.1 of the Highway Safety Code.

15. The Government or the Société, as the case may be, may make, not later than 30 April 1995, a regulation under paragraphs 1, 6, 6.0.1 and 6.0.2 of section 619 of the Highway Safety Code or under subparagraphs 3, 5 and 19 of the first paragraph and the second paragraph of section 624 of that Code, even if the regulation has not been published as provided in section 8 of the Regulations Act (R.S.Q., chapter R-18.1). Such regulation comes into force, notwithstanding section 17 of the latter Act, on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein. Such regulation may, if it so provides, apply from any date not earlier than (*insert here the date of coming into force of section 2 of this Act*).

16. The Government or the Régie de l'assurance-maladie du Québec, as the case may be, may make, not later than 30 April 1995, a regulation under subparagraphs *a*, *l.2* and *m* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., chapter A-29) or under section 16.1 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5), enacted by section 22 of chapter 8 of the statutes of 1994, even if the regulation has not been published as provided in section 8 of the Regulations Act (R.S.Q., chapter R-18.1). Such regulation comes into force, notwithstanding section 17 of that Act, on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein. Such regulation may, if it so provides, apply from any date not earlier than (*insert here the date of coming into force of section 2 of this Act*).

17. The provisions of this Act will come into force on the date or dates to be fixed by the Government.

