

# CRIMINAL CODE OFFENCES

## DRIVER'S LICENCES



### DRIVING AND THE CRIMINAL CODE

Following conviction of a driving-related offence under certain Criminal Code sections and resulting in court-ordered imprisonment, driving prohibition or fines, the Highway Safety Code also provides for penalties.

#### DRIVING-RELATED CRIMINAL OFFENCES

CRIMINAL CODE SECTION	BRIEF DESCRIPTION OF OFFENCE
220	Criminal negligence causing death
221	Criminal negligence causing bodily harm
236	Manslaughter
249.1	Refusal to stop when pursued by police
249(1)a	Dangerous driving
249(3)	Dangerous driving causing bodily harm
249(4)	Dangerous driving causing death
252(1)	Hit-and-run
253(a)*	Driving or having care of a vehicle while impaired
253(b)*	Driving or having care of a vehicle while the alcohol content of one's blood is over 80 mg per 100 ml
254(5)*	Refusal to submit to a breathalyser test or to have a blood sample taken
255(2)*	Driving or having care of a vehicle while impaired by alcohol or a drug and causing bodily harm
255(3)*	Driving or having care of a vehicle while impaired by alcohol or a drug and causing death

\* Conviction of more than one of these offences at a time results in a single penalty period.

### OUTSIDE QUÉBEC

Any of the foregoing criminal offences committed in another province will be entered on the Quebecer's driving record. The same is true of an equivalent offence committed in an American state with which Québec has a reciprocal agreement; the breach carries the same penalty as if it had occurred in Québec.

### PENALTIES

The Highway Safety Code provides for the following penalties:

**REVOCATION** of a learner's licence, probationary licence or driver's licence, which means the person's right to drive is cancelled.

**RIGHT SUSPENSION**, which means that no learner's licence, probationary licence or driver's licence may be issued to a person for a set period of time.

The result is that the person does not have the right to operate a motor vehicle or get a licence during the penalty period.

### LENGTH OF PENALTY PERIOD

The penalty period begins the day of conviction. The length of licence revocation or suspension of the right to a licence is determined according to the number of times a penalty period has been imposed for a Criminal Code offence **within the previous ten years**.

Once	1 year
Twice	3 years
Three or more times	5 years

The period of driving prohibition under the Highway Safety Code cannot be shorter than what is ordered by a court.

#### EXAMPLE:

Following an initial Criminal Code conviction in the previous ten years, a person is prohibited from driving for **two years by the court**. The driving prohibition must be for that length of time, even though the penalty period prescribed by the Highway Safety Code is one year for a first offence.

### OPERATION A VEHICLE DURING A PENALTY PERIOD

Anyone driving without a valid licence or whose right to obtain a licence is under suspension for a driving-related criminal offence, commits a further offence.

Such an offender:

- who is intercepted by a peace officer could have the vehicle seized and impounded for **30 days at the owner's expense**. If the vehicle does not belong to the driver, the Highway Safety Code requires the offender to advise the owner without delay;
- is liable to a **fine of \$1,500 to \$3,000**, in addition to court costs.

### A LICENCE TO DRIVE DURING A PENALTY PERIOD

**At the end of the period of driving prohibition** ordered by the court, an offender may be issued a restricted licence. This allows the holder to drive a vehicle on condition it is equipped with an alcohol ignition interlock device, which prevents engine operation when it detects the presence of alcohol in the driver.

**During the period of driving prohibition**, an offender may be issued a restricted licence when the court order allows driving, permission which only takes effect on the date set by the court and assumes registration for the alcohol ignition interlock program.

A restricted licence remains valid until the end of the penalty period, in compliance with the conditions for its use. A holder who fails to observe the licence terms or drives a vehicle not equipped with an ignition interlock commits an offence punishable by a fine and seizure of the vehicle.

A learner's licence holder cannot qualify for a restricted licence, nor can someone who was eligible for a learner's licence only at the time of the offence.

### RESTRICTED LICENCE

To qualify for a restricted licence, the offender must meet the following conditions:

- **the period of court-ordered driving prohibition must have ended, or the court has authorized driving;**
- **the offender's licence must not be subject to another penalty;**
- he or she must sign a lease with a participating LEBEAU VITRES D'AUTOS shop;
- the offender must bring the lease to a Société service centre to get a restricted licence on payment of the required fees;
- **the offender must bear the costs** relating to installation, lease and special inspections of the device.

## OBTAINING A NEW LICENCE AT THE END OF A PENALTY PERIOD

At the end of the penalty period, whether involving licence revocation or suspension of the right to a licence, the offender may qualify for a new learner's, probationary or driver's licence. The licence fees payable include an additional insurance premium of \$300 to \$400, according to the number of driving-related criminal convictions on the offender's record.

The offender must also comply with these conditions:

- In the case of a first alcohol-impaired driving conviction,
  - the offender must take the **Alcofrein driver education** program recognized by the Minister of Public Security, and submit written proof of participation in the program to the Société; and
  - the offender must, **at his or her expense**, undergo a **summary assessment** conducted by a duly authorized person who works in a rehabilitation centre for alcoholics or drug addicts, to determine if his/her drinking habits are consistent with the safe operation of a motor vehicle, and submit proof of a favourable recommendation to the Société;
  - the offender's licence must not be subject to another penalty.

- In the case of a repeat alcohol-impaired driving conviction or an unfavourable assessment,
  - the offender must, **at his or her expense**, undergo a **comprehensive** assessment that aims to make the driver's conduct, in connection with alcohol or drug consumption, consistent with the safe operation of a motor vehicle; should the assessment be unfavourable, an additional report could be required.
  - on a satisfactory assessment report, the offender must drive a vehicle equipped with an ignition interlock for:
    - one year on a first penalty
    - two years on a second penalty
    - three years on any subsequent penalty.
- To get a licence again after any other Criminal Code conviction, the person must:
  - make an appointment with a Société service centre near the end of the penalty period;
  - pass the knowledge test.

### FOR FURTHER INFORMATION, TELEPHONE:

(514) 873-7620 in Montréal;  
(418) 643-7620 in Québec (city and vicinity); or  
1-800-361-7620, toll free, from elsewhere in the province;

or write to:

*Société de l'assurance automobile du Québec*  
*Service de la gestion des sanctions des conducteurs*  
P.O. Box 19500  
QUÉBEC QC G1K 8J6

Internet: [www.saaq.gouv.qc.ca](http://www.saaq.gouv.qc.ca)

**Société de l'assurance  
automobile**

**Québec** 

Direction des communications

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This is not a text of law. For any reference of a legal nature, please consult the Highway Safety Code and attendant regulations.



#### TDD/TTY

- in Montréal : (514) 643-7620
- toll free from elsewhere in Québec : 1 800 361-7620

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