

# Criminal Code Offences

DRIVER'S LICENCE



## The *Criminal Code* and driving a motor vehicle

Certain behaviours and actions related to the operation of a road vehicle constitute offences under the *Criminal Code*. Drivers convicted of such offences are subject to a driving prohibition, fines, court-ordered imprisonment, as well as penalties provided under the *Highway Safety Code*.

### Driving-related criminal offences

#### SECTIONS OFFENCES

220	Causing death by criminal negligence
221	Causing bodily harm by criminal negligence
236	Manslaughter
249.(1)(a)	Dangerous operation of a motor vehicle
249.(3)	Dangerous operation causing bodily harm
249.(4)	Dangerous operation causing death
249.1(1)	Failure to stop when pursued by police
249.1(3)	Causing bodily harm or death by failure to stop when pursued by police
249.2	Causing death by criminal negligence (street racing)
249.3	Causing bodily harm by criminal negligence (street racing)
249.4(1)	Dangerous operation of a motor vehicle (street racing)
249.4(3)	Dangerous operation causing bodily harm (street racing)
249.4(4)	Dangerous operation causing death (street racing)
252.(1)	Failure to stop after being involved in an accident
252.(1.2)	Failure to stop after being involved in an accident causing bodily harm
252.(1.3)	Failure to stop after being involved in an accident causing bodily harm or death
253.(1)(a)*	Driving or having the care or control of a vehicle when impaired by alcohol or a drug
253.(1)(b)*	Driving or having the care or control of a vehicle with a blood-alcohol concentration in excess of 80 mg per 100 ml of blood



## SECTIONS OFFENCES

254.(5)*	Refusal to obey the order of a peace officer (in particular, to provide a breath or blood sample or to submit to a physical coordination test)
255.(2)*	Driving when impaired by alcohol or a drug and causing bodily harm
255.(2.1)*	Driving with a blood-alcohol concentration in excess of 80 mg per 100 ml of blood and causing an accident resulting in bodily harm
255.(2.2)*	Refusal to obey the order of a peace officer (in particular, to provide a breath or blood sample or to submit to a physical coordination test) following an accident causing bodily harm
255.(3)*	Driving when impaired by alcohol or a drug and causing death
255.(3.1)*	Driving with a blood-alcohol concentration in excess of 80 mg per 100 ml of blood and causing an accident resulting in death
255.(3.2)*	Refusal to obey the order of a peace officer (in particular, to provide a breath or blood sample or to submit to a physical coordination test) following an accident resulting in death

\* If these offences are committed simultaneously, they will lead to a single penalty.

## Even outside Québec

**When any offence listed above is committed in another province or territory, or when such an offence is committed in an American state with which Québec has signed a reciprocal agreement, the offence is entered on the driver's record and is subject to the same penalties as if it had occurred in Québec.**

## Penalties

The *Highway Safety Code* prescribes the following penalties:

- **Revocation** of a learner' licence, probationary licence or driver's licence, i.e. the licence is cancelled.
- **Suspension of the right to get a licence**, which means that no learner's licence, probationary licence or driver's licence may be issued to the person for a set period of time.

As a result of these penalties, the person does not have the right to operate a motor vehicle or to get a licence during the penalty period.

## Length of penalty period

The penalty period begins on the day of conviction, and its length is determined on the basis of the number of penalties issued as a result of convictions for offences committed under the *Criminal Code* within the **previous 10 years**.

### First penalty

**1 year** (3 years for a blood-alcohol level in excess of 160 mg/100 ml or a refusal\*\*, 4 years for failing to stop when involved in an accident or pursued by police)

---

### Second penalty

**3 years** (5 years for a blood-alcohol level in excess of 160 mg/100 ml, a refusal, or for failing to stop when involved in an accident or pursued by police)

---

### Third and subsequent penalty

**5 years**

A penalty period imposed under the *Highway Safety Code*, however, cannot be shorter than a court-ordered driving prohibition period.

---

### Example:

After being convicted of a first offence under the *Criminal Code* within the 10 previous years, a driver is sentenced by a **court** to a **2-year** driving prohibition. In this case, the driving prohibition may not be less than 2 years, even though the penalty period for a similar offence is 1 year under the *Highway Safety Code*.

## Obtaining a licence to drive while under penalty for impaired driving

During the driving prohibition period, an offender may be issued a restricted licence, which only becomes valid after the minimum driving prohibition period prescribed under the *Criminal Code* has ended, and after the offender has registered for the alcohol ignition interlock device program.

A restricted licence remains valid until the end of the penalty period. Anyone who holds such a licence and operates a vehicle without an alcohol ignition interlock device, or who fails to abide by the terms and conditions of use of the device, is deemed to be driving under penalty and is liable to a fine and seizure of the vehicle he or she is driving, as well as penalties under the *Criminal Code*.

**Note: A restricted licence cannot be issued to any person who, at the time of the offence, held only a motorcycle licence, a learner's licence, or who was only eligible to hold these types of licences.**

## Obtaining a restricted licence

**To qualify for a restricted licence, the offender must:**

- unless otherwise ordered by a court, register with the SAAQ's alcohol ignition interlock program after three, six or twelve months depending on the driving record;
- make sure no other active penalty appears on his or her driving record;
- sign a lease for an alcohol ignition interlock device at a participating LEBEAU VITRES D'AUTOS or DURO VITRES D'AUTOS branch, or at a GUARDIAN INTERLOCK SERVICE (GIS) centre;
- go to an SAAQ service centre with a signed copy of the lease to get a restricted licence and pay the required fees;
- pay the costs of installation, the lease and special periodic inspections required for the device.

\*\* In this folder, the term "refusal" indicates refusal or failure, without a reasonable excuse, to obey the order of a peace officer by virtue of section 254 of the *Criminal Code*. This includes refusing to provide a breath or blood sample, or refusing to submit to a physical coordination test.

## Consequences of driving while under penalty

All drivers who operate a motor vehicle while their probationary licence, driver's licence, learner's licence or their right to get such licences is under penalty commit an offence.

### As a result:

- The vehicle they are driving may be seized for **30 days**. It will be towed and impounded **at the owner's expense**. Under the *Highway Safety Code*, the driver is required to notify the owner of the seized vehicle without delay.
- The driver is liable to a fine of **\$1885 to \$3760\***.

\* These amounts, subject to change, include the fine provided under the *Highway Safety Code*, registry fees and a contribution to IVAC (Indemnisation des victimes d'actes criminels). Please note that additional fees may apply.

## Obtaining a new licence at the end of the penalty period

**At the end of the penalty period**, whether it involved a licence revocation or a suspension of the right to get a licence, the offender may apply for a **new** driver's licence, probationary licence or learner's licence. Applicable fees include the cost of the licence as well as an additional insurance contribution of \$300 to \$400, depending on the number of penalties that appear on the driving record.

## Before obtaining the new licence, offenders must comply with the following conditions:

### In the case of a first penalty for impaired driving or driving with a blood-alcohol level in excess of 80 mg/100 ml, but less than 160 mg/100 ml:

- offenders must undergo a summary assessment through the Programme d'évaluation des conducteurs automobile (PECA), under management of the Association des centres de réadaptation en dépendance du Québec, to determine if their alcohol consumption behaviours are compatible with the safe operation of a motor vehicle. They are also required to submit an attestation indicating a favourable summary assessment to the SAAQ, **AND**
- undergo, at their own expense, the Alcofrein education program recognized by the Minister of Transport, and submit to the SAAQ a document that confirms their participation in the program.
- No new penalties must appear on their driving record.

### If the summary assessment is unfavourable, or for a second offence or more, a first offence for a blood-alcohol level in excess of 160 mg/100 ml or for a refusal:

- offenders are required to undergo, at their own expense, a comprehensive assessment that aims to make their alcohol consumption behaviour compatible with the safe operation of a motor vehicle. If the assessment is unfavourable, an additional report may be required.
- (once the SAAQ receives a satisfactory report), offenders may only drive a vehicle equipped with an ignition interlock for:
  - 1 year for a first penalty**  
(2 years for a blood-alcohol level in excess of 160 mg/100 ml or for a refusal);
  - 2 years for a second penalty**  
(3 years for a blood-alcohol level in excess of 160 mg/100 ml, or for life for a second offence with a blood-alcohol level in excess of 160 mg/100 ml over the previous ten years, or for a refusal);
  - 3 years for a third or subsequent penalty**  
(for life in the case of a second offence with a blood-alcohol level in excess of 160 mg/100 ml over the previous ten years, or for a refusal.)

### If the penalty follows a conviction for an offence other than impaired driving, the person must:

- make an appointment at an SAAQ service centre near the end of the penalty period;
- pass the knowledge test.

## For more information

### By Internet

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

### By telephone

In Montréal: 514 873-7620

In Québec (city and vicinity): 418 643-7620

From elsewhere: **1 800 361-7620**, toll free

(Québec, Canada, USA)

TDD/TTY



In Montréal: 514 954-7763

From elsewhere in Québec:

1 800 565-7763, toll free

### By mail

#### SERVICE DE LA GESTION DES SANCTIONS DES CONDUCTEURS

Société de l'assurance automobile du Québec

P.O. Box 19500

Québec QC G1K 8J5

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

*Version française disponible sur demande.*



**Société de l'assurance  
automobile**

**Québec**



C-4883-A (09-12)