

EXPLANATORY NOTES

APPLICATION FOR A RESTRICTED LICENCE (SJ-604A)

The “Application for a restricted licence” form is for a person who wish to ask to a judge of the Court of Québec directing the Société de l’assurance automobile du Québec to issue them a restricted licence in cases where their driver’s licence was suspended following the accumulation of demerit points.

For further information and for contact information for all Québec courthouses, you can consult the [list of courthouses](#) on the Internet site of the ministère de la Justice.

TYPES OF FORMS

This form is available in dynamic PDF format, meaning the form can be downloaded from www.justice.gouv.qc.ca and completed directly on screen.

- Dynamic PDF:

After completing the form, you must print it on letter-sized paper, i.e. 8.5 inches by 11 inches (215.9 mm by 279.4 mm). Be sure to set your printer to this paper size.

- Paper:

If you complete the form by hand, please write legibly in block letters.

PROCEDURE

After completing the form, you must go to your local courthouse in order to file your application (you should keep a copy for your personal files). You must attach to your application the SAAQ notice informing you of the suspension of your driver’s licence. The clerk will assign you a file number and will indicate the date, place and time the application is to be presented to the judge, so you can complete the “Notice of presentation” section of the form.

Court costs are payable on filing your application. To find out what the costs are, refer to the website of ministère de la Justice, at www.justice.gouv.qc.ca.

APPLICATION FOR A RESTRICTED LICENCE

General Information on the Application for a Restricted Licence

WHO MAY FILE THE APPLICATION

This form is for persons wishing to obtain an order from a judge of the Court of Québec directing the Société de l'assurance automobile du Québec to issue them a restricted licence authorizing them to drive a road vehicle to carry on their principal means of livelihood.

The application is filed when the Société de l'assurance automobile du Québec cancels a person's driver's licence or suspends a person's right to obtain one following the accumulation of demerit points in the person's driving record (section 185 of the *Highway Safety Code*), or when a person's probationary licence is cancelled pursuant to section 191.2 of the Code.

HOW IS THE APPLICATION TO BE FILED?

The application to obtain a restricted licence must be presented to the court of the district of your domicile or establishment.

The application must be served on the Société de l'assurance automobile du Québec at least ten (10) days before the date fixed for its presentation.

Upon receipt of the application, the Société de l'assurance automobile du Québec must submit to the court, before the date fixed for its presentation, all information held by the Société in respect of the applicant. This information will determine whether the restrictions provided for in section 121 of the *Highway Safety Code* are applicable to the applicant.

Under section 121 of the Code, a judge cannot render an order for a restricted license in the following cases:

- (1) within the two years preceding the cancellation or suspension giving rise to the application for a restricted licence, your driver's licence was cancelled or suspended or your right to obtain a licence was suspended following a conviction for an offence under any of the provisions of the *Criminal Code* referred to in section 180 or following the accumulation of demerit points;
- (2) at the time of application, your licence or right to obtain a licence is under a suspension which is in effect or is imposed but has yet to take effect;
- (3) the sanction giving rise to an application for a restricted licence is not a driver's licence cancellation imposed pursuant to section 185 or a suspension of the probationary licence imposed pursuant to section 191.2;
- (4) (*paragraph repealed*);
- (5) a restricted licence would authorize the driving of a road vehicle that your licence did not authorize you to drive;
- (6) the reason invoked to obtain a restricted licence is related to the business of transportation by taxi and, at the time of presentation of the application, the class of your licence authorizing the driving of a taxi is cancelled or your right to obtain a licence of that class is suspended following a conviction for a criminal act respecting transportation services by taxi;
- (7) the licence cancelled is a learner's licence."

CAN AN ORDER FOR ISSUING A RESTRICTED LICENCE BE REVISED?

If section 121 of the *Highway Safety Code* cited above applies to you, or if, between the date fixed for presenting your application and the date of issue of the restricted licence, your right to obtain a licence is under a suspension which is in effect or has yet to take effect, the Société de l'assurance automobile du Québec must so inform the judge who made the order to issue the licence. The judge can then revise the order to give you the opportunity of presenting your views.

WHAT IS THE PERIOD OF VALIDITY OF THE RESTRICTED LICENCE?

A restricted licence is valid for the duration of the suspension or cancellation of the regular driver's licence. As a holder of a restricted licence, you cannot obtain a new driver's licence or probationary licence.

WITH A RESTRICTED LICENCE, CAN I DRIVE A VEHICLE AT ANY TIME?

If a restricted licence is issued to you and you drive a road vehicle otherwise than to carry on your principal means of livelihood, you are then presumed to be driving while your licence is cancelled or suspended within the meaning of section 105 and liable to the sanctions provided for by law.

▶ How to fill out this application

Complete the heading and indicate the facts and the conclusion of the application. Be sure to fill out the section “Notice of Presentation”, as well as the back of the form.

HEADING

- ▶ Specify the name of the judicial district of your domicile or establishment.
- ▶ Indicate the file number assigned by the clerk.
- ▶ Enter the family name, given name, date of birth, address and postal code of the person who is filling the application.

FACTS

(The numbers of the explanatory notes refer to the corresponding sections of the form)

1. Enter the date the Société de l'assurance automobile du Québec made the decision to cancel your driver's licence. The date appears on the notice you received from the Société. Indicate the number of your driver's licence and the date when your cancellation becomes effective.
2. Specify the job you need the road vehicle for and show that it is your principal means of livelihood.
3. You must check whether a restriction provided for in section 121 (see previous page) applies to you. If so, the judge cannot render an order to issue a restricted licence.
4. This statement affirms that you have not filed a previous application for a restricted licence further to the cancellation. The decision rendered pursuant to sections 118 to 121 is final and without appeal.

CONCLUSION (“FOR THESE REASONS, I ASK”)

- ▶ The object of your application is indicated in the conclusion – namely, to obtain an order from the judge directing the Société de l'assurance automobile du Québec to issue you a restricted licence valid for the period of cancellation or suspension.

NOTICE OF PRESENTATION

- ▶ You must sign the section entitled “Notice of Presentation”. The notice is to inform the Société de l'assurance automobile du Québec of the place, date and time of the presentation of the application to the judge. The court clerk will tell you the information to be provided in the notice.

SERVICE OF THE APPLICATION

- ▶ You must serve your application on the Société de l'assurance automobile du Québec at least 10 days before the date fixed for the presentation of the application to the judge. This serve is made by bailiff. Once your application has been served, you must file the certificate of service with the office of the court, at least 2 days before the date provided for the presentation, except in an emergency confirmed by the court.

Instead of having the application served, you can deliver a copy of it, by hand, to the Société, where you will receive a signed, dated receipt marked “Copy received in lieu of service”.

BACK OF THE FORM

- ▶ This section must be filled out and included with your application.
- ▶ Indicate the number assigned by the clerk to your application.
- ▶ Specify the name of the judicial district where you file your application.
- ▶ Enter the family name, given name, date of birth, address, postal code and phone number of the person who is presenting the application.

You may ask the clerk or the clerk's staff to help you in drafting your application.

District: _____

File No.: _____

Name: _____

Date of birth: _____

and

Société de l'assurance automobile du Québec

Address: _____

Plaintiff

Defendant

APPLICATION FOR A RESTRICTED LICENCE

(s.119 – Highway Safety Code)

TO A JUDGE OF THE COURT, THE PLAINTIFF STATES THE FOLLOWING:

FACTS:

1. The Société de l'assurance automobile du Québec has, by a decision rendered on _____, cancelled my driver's licence, number _____, pursuant to section 185 of the *Highway Safety Code*. This cancellation becomes effective on _____, as shown on the notice of the Société enclosed with this form as exhibit P-1.
2. I must drive a road vehicle to carry on my principal means of livelihood, namely:
(Specify the job you need the road vehicle for and show that it is your principal means of livelihood.)

3. None of the restrictions provided for in section 121 of the *Highway Safety Code* apply to me.
4. I have never before filed an application to obtain the issue of a restricted licence further to the above cancellation.

FOR THESE REASONS, I ASK:

That the Société de l'assurance automobile du Québec be ORDERED to issue me a restricted licence authorizing me to drive a road vehicle from _____ date of issue by the Société, to _____, date of the end of the period following the cancellation or suspension during which I cannot obtain a new driver's licence or probationary licence enabling me to carry on my principal means of livelihood.

In _____, on _____
Plaintiff

NOTICE OF PRESENTATION

TO: SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

TAKE NOTICE that the application will be presented to a judge of the Court of Québec in the district of _____, at courthouse of _____, room _____, on _____, at _____ a.m/p.m.

Please act accordingly.

In _____, on _____
Plaintiff

Copy received in lieu of service and consent to file

In _____, on _____

Signature of SAAQ employee

Fold here

File No.:

COURT OF QUÉBEC
Civil Division

District:

Plaintiff

v.

Société de l'assurance automobile
du Québec

Defendant

**APPLICATION FOR
A RESTRICTED LICENCE**
(s. 119 H.S.C.)

Plaintiff:

Address:

Telephone: home
work

Fold here

Fold here

Fold here