

EXPLANATORY NOTES

APPLICATION TO LIFT SUSPENSION OF A DRIVER'S LICENCE OR THE RIGHT TO OBTAIN ONE (SJ-1043A)

The “Application to Lift Suspension of a Driver’s Licence or the Right to Obtain One” form is to request that a judge of the Court of Québec lift the suspension of a driver’s licence or the right to obtain one imposed as a result of:

- participation in an offence in the form of street racing or vehicle surfing;
- a repeat offence consisting in the use of a cell phone, another portable device or a display screen as provided for in the Highway Safety Code.

For further information, as well as the contact information for courthouses in the province of Québec, consult the [list of courthouses](#) on the website 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 legal-sized paper, i.e. 8.5 inches by 14 inches (215.9 mm by 355.6 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

Once the form is completed, keep a copy for your files. You must go to your district courthouse in order to file your application. You must attach the *Procès-verbal – Suspension de permis ou du droit d’en obtenir un* to your application. The clerk will assign you a file number and will indicate the date, place and time your application is to be presented before the judge, so that 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 the ministère de la Justice, at www.justice.gouv.qc.ca.

APPLICATION TO LIFT SUSPENSION OF A DRIVER'S LICENCE OR THE RIGHT TO OBTAIN ONE

General Information

WHO MAY FILE THE APPLICATION?

This application may be filed when a peace officer has suspended, on behalf of the Société de l'assurance automobile du Québec, a driver's licence or the right to obtain one for:

- 7 or 30 days because a person participated in a street race or vehicle surfing with a road or off-highway vehicle;
- 30 days because a driver reoffended (more than 2 offences in the 2 years prior to the offence) by using a cell phone, another portable device designed to send or receive information or for recreational use, or a display screen, except in the cases provided for in section 443.1 of the Highway Safety Code.

The legal provisions that apply to the suspension of a driver's licence or the right to obtain one are found in sections 422 to 422.5, 433, 434, 434.1 to 434.6 and 443.1 to 443.7 of the Highway Safety Code. These provisions apply to off-highway vehicles under section 1.1 of the Act Respecting Off-highway Vehicles (CQLR c V-1.2).

WARNING

If the owner of the road or off-highway vehicle obtains the release from seizure of the vehicle from the Court of Québec further to an application for release from seizure of the vehicle under section 422.5 (street racing) or 434.6 (vehicle surfing) of the Highway Safety Code, the Société will automatically lift the suspension of the driver's licence or the right to obtain one without requiring that an application to lift suspension of the driver's licence or the right to obtain one be filed.

▶ 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 where you are filing your application.
- ▶ Indicate the file number assigned by the office of the court.
- ▶ Enter the family name, given name, date of birth, address and postal code of the person who is filing the application.

FACTS

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

1. Enter the date the peace officer suspended your driver's licence or right to obtain one, the number of your driver's licence and the number of the minutes of the suspension of the licence.
2. Indicate the reason you are applying for the lifting of the suspension of your driver's licence or right to obtain one. Check (✓) only one box and, if applicable, give the appropriate explanations on a sheet attached to the application.

CONCLUSION ("FOR THESE REASONS, I ASK")

- ▶ The object of the application is indicated in the conclusion. The Plaintiff seeks the lifting of the suspension of his or her driver's licence or right to obtain one.

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 a copy of your application to lift suspension of a driver's licence or the right to obtain one, along with a copy of the minutes of the suspension of the driver's licence, on the Société de l'assurance automobile du Québec at least two clear days (without calculating the Saturdays and the Sundays) 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 two days before the date provided for the presentation, except in an emergency confirmed by the court. The application is heard and decided by preference. (When the time period is expressed in clear days, the day of receipt of the application and the day of presentation to the judge are not taken into account.)

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 are filing 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.

District: _____

Locality: _____

File No.: _____

Name: _____

Date of birth : _____

and

Société de l'assurance automobile du Québec

Address: _____

Plaintiff

Defendant

**APPLICATION TO LIFT SUSPENSION OF A DRIVER'S LICENCE
OR THE RIGHT TO OBTAIN ONE**

(s. 422.2, 434.3 or 443.4 - Highway Safety Code)

TO A JUDGE OF THE COURT OF QUÉBEC IN CIVIL MATTERS, THE PLAINTIFF STATES THE FOLLOWING:

FACTS:

1. On _____, a peace officer proceeded, on behalf of the Société de l'assurance automobile du Québec, with the suspension of my driver's licence No. _____, or of any right to obtain one, for 7 or 30 days, pursuant to section 422.1, 434.2 or 443.3 of the Highway Safety Code, as indicated in the *Procès-verbal - Suspension de permis ou du droit d'en obtenir un* (Statement of suspension) No. _____, a copy of which is enclosed in support of the application, as exhibit P-1.
2. I am the driver of a road or off-highway vehicle whose driver's licence or right to obtain one was suspended pursuant to section 422.1 of the Highway Safety Code, and I seek the lifting of the suspension as I did not drive the vehicle in a race with another vehicle or for a wager or a stake.
 I am the driver of a road or off-highway vehicle whose driver's licence or right to obtain one was suspended pursuant to section 422.1 of the Highway Safety Code, and I seek the lifting of the suspension as I did not tolerate that a person contravene section 433 or 434 of the Highway Safety Code (vehicle surfing).
 I am a person, other than the driver, whose driver's licence or right to obtain one was suspended pursuant to section 434.2 of the Highway Safety Code, and I seek the lifting of the suspension as I was not in a situation prohibited by section 433 or 434 of the Highway Safety Code (vehicle surfing).
 I am the driver of a road or off-highway vehicle whose driver's licence or right to obtain one was suspended pursuant to section 443.3 of the Highway Safety Code, and I seek the lifting of the suspension as I did not drive the vehicle in contravention of section 443.1 of the Highway Safety Code (use of a cell phone, another portable device designed to send or receive information or for recreational use, or a display screen other than as provided for by law).

FOR THESE REASONS, I ASK:

THAT the suspension of my driver's licence or right to obtain one be lifted.

At _____, 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

_____, at the courthouse of _____,

room _____, on _____, at _____ a.m./p.m.

Please act accordingly.

At _____, on _____

Plaintiff

Copy of application and minutes of seizure received in lieu of service and consent to file

At _____, on _____

Signature of SAAQ employee

File No.: _____

COURT OF QUÉBEC
Civil Division

District: _____

Plaintiff

and

Société de l'assurance automobile du Québec

Defendant

**APPLICATION TO LIFT
SUSPENSION OF A DRIVER'S
LICENCE OR THE RIGHT
TO OBTAIN ONE**
(s. 422.2, 434.3 or 443.4 H.S.C.)

Plaintiff: _____

Address: _____

Telephone: home
work