

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 (SAAQ) to issue them a restricted licence after their driver’s licence or probationary licence is cancelled for an accumulation of demerit points.

TYPES OF FORMS

- 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

Once the form is completed, keep a copy for your files.

FILING AT THE COURT OFFICE

To file your application, report to your local courthouse. You must attach to your application the SAAQ notice informing you of the cancellation 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 for the filing of the application. For further information on [court costs](#) and contact information for all [courthouses](#) in the province of Québec, consult the website of the Ministère de la Justice at www.justice.gouv.qc.ca.

APPLICATION FOR A RESTRICTED LICENCE

WHO MAY FILE THE APPLICATION

This application 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 (SAAQ) 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 SAAQ cancels a person's driver's licence following the accumulation of demerit points in the person's driving record pursuant to section 185 of the Highway Safety Code (HSC), or when a person's probationary licence is cancelled pursuant to section 191.2 HSC.

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 SAAQ at least 10 days before the date fixed for its presentation.

Upon receipt of the application, the SAAQ must submit to the court, before the date fixed for its presentation, all information held by the SAAQ in respect of the applicant. This information will determine whether the restrictions provided for in section 121 HSC are applicable to the applicant.

Under section 121 HSC, a judge cannot render an order for a restricted licence 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, unless a pardon was obtained;
- (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 remunerated passenger transportation by automobile referred to in section 3 of the Act respecting remunerated passenger transportation by automobile and if, at the time the application is presented, the SAAQ has cancelled the authorization it had granted you or your registration as a driver with an operator of an authorized transportation system has been struck off following a finding of guilt for an offence referred to in section 11 of that Act;
- (7) the licence cancelled is a learner's licence.”

CAN AN ORDER FOR ISSUING A RESTRICTED LICENCE BE REVISED?

If section 121 HSC 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 SAAQ 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 HSC 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.
- ▶ Specify the locality of the courthouse where you are filing your application.
- ▶ Indicate the file number assigned by the clerk.
- ▶ Enter the family name, given name, 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 SAAQ made the decision to cancel your driver’s licence. The date appears on the notice you received from the SAAQ. 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 HSC 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 HSC 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 SAAQ to issue you a restricted licence valid for the period of cancellation.

NOTICE OF PRESENTATION

- ▶ You must sign the section entitled “Notice of Presentation”. The notice is to inform the SAAQ 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.

The application for a restricted licence must be presented to a judge at a courthouse located in the judicial district of your domicile or establishment.

SERVICE OF THE APPLICATION

- ▶ The SAAQ must be notified of the application at least 10 days before the date fixed for the presentation to the judge. The clerk will serve the SAAQ with the application and the notice of presentation once they have been filed with the court office.

BACK OF THE FORM *(This section must be filled out and included with your application)*

- ▶ Indicate the file number assigned by the clerk.
- ▶ Specify the name of the judicial district and the locality of the courthouse where you file your application.
- ▶ Enter the family name, given name, 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: _____

Locality: _____

File No.: _____

Name: _____

and

Société de l'assurance automobile du Québec

Address: _____

Plaintiff

Defendant

APPLICATION FOR A RESTRICTED LICENCE

(section 119 – Highway Safety Code)

TO A JUDGE OF THIS 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 or my probationary licence, number _____, pursuant to section 185 or 191.2 of the Highway Safety Code. This cancellation becomes effective on _____, as shown on the notice of the SAAQ 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 SAAQ, to _____, date of the end of the period following the cancellation 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:
Locality:

Plaintiff

v.

Société de l'assurance automobile du Québec

Defendant

**APPLICATION FOR
A RESTRICTED LICENCE**
(Section 119 HSC)

Plaintiff:

Address:

Telephone: home
work

Fold here

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Fold here