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First pilot project on the use of autonomous vehicles comes into effect

August 20, 2018

The *Autonomous Bus and Minibus Pilot Project* [1] (the "Pilot Project") came into effect in Quebec on August 16, 2018.

The project provides guidelines for the regulated driving of the first autonomous vehicles on Quebec's roads.

Driving autonomous vehicles in quebec

An autonomous vehicle is defined by the new *Highway Safety Code* as "a road vehicle equipped with an automated driving system that can operate a vehicle at driving automation level 3, 4 or 5 of the SAE International's Standard J3016".[2]

Driving autonomous vehicles is currently prohibited in Quebec other than in accordance with a pilot project.[3]

Eligibility requirements

To be authorized by the Minister under the Pilot Project, a manufacturer, distributor or operator of autonomous vehicles (referred to by the Pilot Project as the "promoter") must submit certain information to the Minister of Transport and to the Société de l'assurance automobile du Québec ("**SAAQ**") concerning their experimental project, including, in particular:

- an application specifying their project and the objectives pursued;
- a description of the vehicles that will be used;
- the area in which the project will be implemented; and
- the safety measures proposed.[4]

Insurance and security

Under the new *Highway Safety Code*, the Pilot Project provides that the promoter of a project must carry a minimum of $1,000,000 in liability insurance to guarantee compensation for material harm.[5]

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In the event of an accident involving an autonomous vehicle operated under an experimental project, the **SAAQ** may recover the compensation it will be required to pay under the *Automobile Insurance Act*[6] from the manufacturer or distributor of the autonomous vehicle involved in the accident. In that case, the operator of a project will have the obligation to reimburse the SAAQ for the compensation paid.[7] Security must also be provided to the SAAQ to guarantee reimbursement, in an amount that will be determined by the Minister on a case by case basis, depending on the project.

A manufacturer or distributor from which the SAAQ has made a claim for compensation paid may refuse to make reimbursement or request a reduction of the amount claimed in two situations:

(1) by proving the fault of the victim or of a third person; or

(2) in the case of superior force.[8]

Experimental project

The entry into effect of the Pilot Project has authorized a first experimental project in Quebec, sponsored by Keolis Canada Innovation, s.e.c.[9]

The purpose of the project is to put Navya autonomous minibuses into service that are capable of transporting up to 15 passengers, travelling on a closed circuit in Candiac. The vehicles will travel at a maximum speed of 25 km/h and a driver will be on board to take control of the vehicle, if necessary.[10]

We can count on seeing a number of other projects in the future, now that there is a legislative framework allowing them.

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1. *Autonomous Bus and Minibus Pilot Project, (Highway Safety Code, CQLR chapter C-24.2, s. 633.1).[Pilot Project]*
2. *Highway Safety Code*, CQLR chapter C-24.2, s. 4.
3. *Highway Safety Code*, CQLR chapter C-24.2, s. 492.8; except for vehicles at level 3, which may be driven if their sale is authorized in Canada.
4. Pilot Project, s. 4.
5. Pilot Project, s. 20.
6. Automobile Insurance Act, CQLR c. A-25.
7. Pilot Project, s. 21.
8. Pilot Project, s. 22.
9. Pilot Project, s. 26.
10. “Une navette à L’essaie pour un an à Candiac”, La Presse, August 11, 2018, Montréal.

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