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**Summary**

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**PROVINCE OF QUÉBEC**

1st SESSION

37th LEGISLATURE

QUÉBEC, 28 APRIL 2005

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## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 28 April 2005*

This day, at one minute past four o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to sanction the following bill:

195 An Act to amend the Supplemental Pension Plans Act

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.



## Regulations and other acts

Gouvernement du Québec

### O.C. 397-2005, 27 April 2005

Real Estate Brokerage Act  
(R.S.Q., c. C-73.1)

#### Association des courtiers et agents immobiliers du Québec — Amendments

By-law to amend the By-law of the Association des courtiers et agents immobiliers du Québec

WHEREAS, under subparagraph 4 of the first paragraph of section 74 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), the board of directors of the Association des courtiers et agents immobiliers du Québec must determine, by by-law subject to Government approval, the conditions for and the manner of issuing, renewing, suspending, cancelling or reinstating a certificate;

WHEREAS, by Order in Council 1865-93 dated 15 December 1993, the Government approved the By-law of the Association des courtiers et agents immobiliers du Québec;

WHEREAS the board of directors of the Association adopted the By-law to amend the By-law of the Association des courtiers et agents immobiliers du Québec on 12 September 2003;

WHEREAS, under the fourth paragraph of section 74, no by-law may be adopted unless the secretary of the Association, at least 30 days before the date scheduled for its adoption by the board of directors, submits the text of the by-law to all the members of the Association;

WHEREAS the secretary of the Association submitted the text of the By-law to all the members of the Association on 18 June 2003;

WHEREAS, under section 78 of the Act, the Government shall approve with or without amendment any by-law submitted to it for approval;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft By-law was published in the *Gazette officielle du Québec* of 12 January 2005 with a notice that it could be submitted

to the Government for approval with or without amendment on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the By-law without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the By-law to amend the By-law of the Association des courtiers et agents immobiliers du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### By-law to amend the By-law of the Association des courtiers et agents immobiliers du Québec\*

Real Estate Brokerage Act  
(R.S.Q., c. C-73.1, s. 74, 1st par., subpar. 4)

**1.** The By-law of the Association des courtiers et agents immobiliers du Québec is amended in section 25 by adding the following paragraph:

“Before refusing to issue a real estate broker’s or agent’s certificate to a natural person on the grounds that the person does not meet the qualification requirement under paragraph 2 of section 21 of the Regulation respecting the application of the Real Estate Brokerage Act, or before refusing to issue a chartered real estate broker’s certificate on the grounds that a partner of the partnership or the legal person does not fulfil the requirement or condition set out in paragraph 9 of section 10 or 12, the Association shall send the file for a decision to the committee established pursuant to section 25.2 and the natural person, legal person or partner may present observations to the committee in accordance with sections 25.3 to 25.6.”.

\* The By-law of the Association des courtiers et agents immobiliers du Québec was approved by Order in Council 1865-93 dated 15 December 1993 (1993, *G.O.* 2, 7077) and has not been amended since.

**2.** The By-law is amended by inserting the following subdivision after section 25 :

“§8. *Presentation of observations and decision*

**25.1.** Where the Association becomes aware that a natural person applying for the issue of a certificate has been found guilty of, by final judgment, or pleaded guilty to a criminal offence which may be related to activities as a real estate broker or agent, the Association shall, before refusing to issue the certificate on the grounds that the person does not meet the qualification requirement under paragraph 2 of section 21 of the Regulation respecting the application of the Real Estate Brokerage Act, send the file for a decision to the committee established pursuant to section 25.2 and the natural person may present observations to the committee in accordance with sections 25.3 to 25.6.

The same applies before refusing to issue a certificate to a partnership or legal person on the grounds that the partnership or person does not fulfil the requirement or condition set out in paragraph 9 of section 10 or 12.

**25.2.** The board of directors of the Association shall establish a committee composed of three members of the Association, including a chair, for a one-year term. On the expiry of the term, the members shall be reappointed or replaced. A committee member whose term has expired may, however, continue to examine a matter referred to the member before the expiry of the member's term.

Committee members may not be members of the board of directors of the Association or members of the professional inspection committee or the discipline committee.

**25.3.** The committee is to determine whether the criminal offence for which the natural person, legal person or partner of the partnership has been found guilty by final judgment or to which the person or partner has pleaded guilty is related to activities as a real estate broker or agent.

The decisions of the committee are made by a majority of votes.

**25.4.** The committee shall notify the natural person, legal person or partnership applying for the issue of a certificate in writing at least 30 days before the date fixed for the decision to determine whether the criminal offence for which the natural person, legal person or partner of the partnership has been found guilty by final judgment or to which the person or partner has pleaded guilty is related to activities as a real estate broker or agent.

The notice must indicate the consequences of the decision and the possibility of presenting oral or written observations at a meeting within the 30-day period and, where applicable, the possibility of producing any documents necessary to complete the file.

**25.5.** The committee may render its decision in the absence of the natural person, legal person or partnership applying for the issue of a certificate if the person or partnership does not attend the scheduled meeting or has not presented written observations or produced the documents necessary to complete the file. The decision to refuse to issue the certificate must include reasons.

**25.6.** On receiving the committee's decision, the secretary of the Association shall immediately send the decision to the natural person, legal person or partnership applying for the issue of a certificate and the decision takes effect on its notification.”.

**3.** This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulations

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### Draft Regulation

Environment Quality Act  
(R.S.Q., c. Q-2)

#### Environmental standards for heavy vehicles

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation respecting environmental standards for heavy vehicles, the text of which appears below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation is to set environmental standards for diesel, gasoline and gas-powered heavy vehicles having a net mass in excess of 3,000 kg. The standards apply to the pollution control devices and systems on the heavy vehicles and to the testing of heavy vehicle emissions. Roadside testing to assess compliance with the standards is to be conducted by highway controllers of the Société de l'assurance automobile du Québec. Non-compliance with the standards will result in fines, the requirement to repair the vehicle and subsequent testing in an establishment accredited by the Minister of Sustainable Development, Environment and Parks.

The draft Regulation has an impact on small and medium-sized businesses that own or operate heavy vehicles. The objective of preventive maintenance underlying the draft Regulation is to encourage enterprises to have the necessary repairs made as soon as defects appear in heavy vehicle pollution control systems, so as to reduce the likelihood of smoke emissions that could result in fines. In the event of non-compliance with the standards, the procedures proposed for roadside testing will reduce vehicle idle time and inspection costs to a minimum.

Further information may be obtained by contacting

Jean-Pierre Létourneau  
Ministère du Développement durable,  
de l'Environnement et des Parcs  
Programme d'inspection et d'entretien  
des véhicules automobiles  
675, boulevard René-Lévesque Est, 6<sup>e</sup> étage  
Québec (Québec) G1R 5V7  
Telephone: (418) 521-3813, extension 4974  
Fax: (418) 646-0001  
E-mail: jean-pierre.letourneau@mddep.gouv.qc.ca.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to the undersigned, Édifice Marie-Guyart, 30<sup>e</sup> étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

THOMAS J. MULCAIR,  
*Minister of Sustainable Development,  
Environment and Parks*

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### Regulation respecting environmental standards for heavy vehicles

Environment Quality Act  
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a, c, d, e, h, h.1, h.2* and *l*, s. 53, pars. *a, b* and *c*, and ss. 109.1, 118.6 and 124.0.1)

#### CHAPTER I SCOPE AND INTERPRETATION

**1.** The purpose of this Regulation is to set environmental standards for heavy vehicles. The standards apply to the pollution control devices and systems on heavy vehicles and to the testing of heavy vehicle emissions.

For the purposes of this Regulation, roadside testing to assess compliance with the standards is to be conducted on public highways within the meaning of section 4 of the Highway Safety Code (R.S.Q., c. C-24.2).

**2.** The heavy vehicles to which this Regulation applies are heavy vehicles within the meaning of subparagraph *a* of subparagraph 3 of the first paragraph of section 2 of the Act respecting owners and operators of heavy vehicles (R.S.Q., c. P-30.3) as well as minibuses and tow trucks referred to in subparagraph *b* of that subparagraph having a net mass in excess of 3,000 kg.

**3.** This Regulation does not apply to heavy vehicles when they are participating in an automobile contest, show or race on a track or other location closed to all other automobile traffic.

**4.** The owner of a heavy vehicle includes a person referred to in section 2 of the Highway Safety Code.

A laboratory accredited by the Minister of Sustainable Development, Environment and Parks under section 118.6 of the Environment Quality Act (R.S.Q., c. Q-2) includes an establishment accredited to assess the compliance of heavy vehicles with the environmental standards prescribed by this Regulation.

## CHAPTER II POLLUTION CONTROL DEVICES AND SYSTEMS

**5.** Every heavy vehicle being operated in the part of the territory of Québec situated south of the 55th parallel and every heavy vehicle sold, leased, placed at the disposal of a person for valuable consideration or offered in any way to be sold, leased or placed at the disposal of a person for valuable consideration must be equipped with a pollution control device or system in working order that reduces the emission of hydrocarbons, carbon monoxide, nitrogen oxide or particles into the atmosphere.

This section does not apply to heavy vehicles that, with regard to the contaminants referred to in the first paragraph, comply with the emission standards prescribed by the regulations under the Motor Vehicle Safety Act (S.C. 1993, c. 16) or the Canadian Environmental Protection Act (S.C. 1999, c. 33) without being equipped with a pollution control device or system.

**6.** No owner of a heavy vehicle may allow a heavy vehicle pollution control device or system to be removed or modified and no person may remove or modify such a device or system, except to replace a defective device or system.

**7.** A replacement pollution control device or system installed on a heavy vehicle must conform to the device or system used as a replacement device or system by the vehicle manufacturer. The identification code of the manufacturer of the replacement system or device must be indicated on the device or system.

**8.** Sections 5 to 7 do not apply to heavy vehicles modified to operate solely on propane gas or natural gas.

## CHAPTER III HEAVY VEHICLE EMISSIONS

### DIVISION I GENERAL

**9.** Heavy vehicles being operated in the part of the territory of Québec situated south of the 55th parallel must comply with the emission standards prescribed in this Chapter that apply to a vehicle powered by diesel, gasoline or gas.

**10.** The owner of a non-compliant heavy vehicle is required within 30 days after receiving a repair notice from the Minister to repair the vehicle or have it repaired and to obtain an attestation from an accredited establishment certifying that the heavy vehicle complies with the environmental standards.

### DIVISION II EMISSIONS FROM DIESEL-POWERED HEAVY VEHICLES

**11.** No air emission from a diesel-powered heavy vehicle may exceed the opacity percentages listed in the following table, based on the vehicle model year:

Model year	Opacity (%)
For two years following the date of coming into force of this Regulation	
1991 and later	45
1990 and earlier	60
For subsequent years	
1991 and later	40
1990 and earlier	55

**12.** The opacity of emissions from diesel-powered heavy vehicles is measured using an opacimeter in accordance with the Society of Automotive Engineers recommended practice J1667 Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles.

### DIVISION III EMISSIONS FROM GASOLINE OR GAS-POWERED HEAVY VEHICLES

**13.** No gasoline, natural gas or propane gas-powered heavy vehicle may emit hydrocarbons (HC) and carbon monoxide (CO) into the atmosphere in excess of the values listed in the following table, based on the vehicle model year:

Model year	HC (ppm)	CO (%)	Visible emissions (s/min)
≥ 1998	200	1	5
1988-97	220	1.2	5
1980-87	300	3	5
1975-79	400	4	5
1970-74	800	6.5	5
≤ 1969	1000	8	5

In addition, the sum of carbon dioxide (CO<sub>2</sub>) and carbon monoxide (CO) concentrations must not be less than 6%.

**14.** Hydrocarbon, carbon dioxide and carbon monoxide concentration in gasoline or gas-powered vehicle emissions is measured using a four-gas or five-gas analyzer in accordance with the Preconditioned Two Speed Idle Test Procedure [USEPA Publication EPA-AA-TSS-I/M-90-3 January 1991 – Recommended I/M Short Test Procedures for the 1990's: Six Alternatives].

### CHAPTER IV ACCREDITED ESTABLISHMENTS

**15.** An accredited establishment must measure emissions from a heavy vehicle for which a repair notice has been notified by the Minister following roadside testing by highway controllers of the Société de l'assurance automobile du Québec pursuant to an agreement under sections 519.64 to 519.66 of the Highway Safety Code.

If the test results meet the requirements of this Regulation, the establishment issues an attestation to the owner of the heavy vehicle certifying that the heavy vehicle is in compliance with environmental standards at the time of the emission measurement.

The attestation must indicate

- (1) the attestation number;

- (2) the make, model, year and type of heavy vehicle;

- (3) the licence plate number and vehicle identification number;

- (4) the names and addresses of the driver and the owner of the vehicle and the owner's identification number;

- (5) the name of the person who performed the emission measurement, the person's number, if any, the address or location of the measurement and the date and time of the measurement;

- (6) the emission measurement result and the signature of the person who performed the measurement;

- (7) the environmental standards that apply to the vehicle; and

- (8) that the vehicle complies with the standards on the date and at the time of the emission measurement.

The establishment must send a copy of the attestation to the Minister using a medium based on information technology not later than the working day that follows the working day on which the attestation is issued.

### CHAPTER V PENALTIES

**16.** Every owner of a heavy vehicle being operated in the part of the territory of Québec situated south of the 55th parallel when the vehicle does not conform to section 5 is liable to a fine of

- (1) \$300 to \$600, in the case of a natural person; and

- (2) \$600 to \$1,200, in the case of a legal person.

Every person who sells, leases, places at the disposal of a person for valuable consideration or offers in any way to sell, lease or place at the disposal of a person for valuable consideration a heavy vehicle that does not conform to section 5 is liable to the fine prescribed in the first paragraph.

**17.** Every owner of a heavy vehicle who allows a pollution control device or system to be removed or modified contrary to section 6 is liable to a fine of

- (1) \$750 to \$1,500, in the case of a natural person; and

- (2) \$1,500 to \$3,000, in the case of a legal person.

Every person who removes or modifies a pollution control device or system contrary to section 6 is liable to the fine prescribed in the first paragraph.

**18.** Every person who installs a replacement pollution control device or system that does not conform to section 7 is liable to a fine of

(1) \$750 to \$1,500, in the case of a natural person; and

(2) \$1,500 to \$3,000, in the case of a legal person.

**19.** Every owner of a heavy vehicle that does not comply with section 9 is liable to a fine of

(1) \$100 to \$200, in the case of a natural person; and

(2) \$200 to \$400, in the case of a legal person.

**20.** Every owner of a heavy vehicle who does not comply with the requirements of section 10 is liable to a fine of

(1) \$750 to \$1,500, in the case of a natural person; and

(2) \$1,500 to \$3,000, in the case of a legal person.

**21.** In the case of a second or subsequent offence, the fines prescribed in this chapter are doubled.

**22.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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**Index**Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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