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O.C. 366-2007, 23 May 2007

An Act to amend the Highway Safety Code and other legislative provisions (2004, c. 2) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Highway Safety Code and other legislative provisions

WHEREAS the Act to amend the Highway Safety Code and other legislative provisions (2004, c. 2) was assented to on 6 April 2004;

WHEREAS, under section 80 of the Act, the Act came into force on 6 April 2004, except sections 1, 3, 4, 19, 31, 32, 40 and 53, which came into force on 6 May 2004, and sections 2, 5 to 8, 10 to 12, 14 to 16, 21 to 25, 27 to 30, 33 to 39, 41 to 52, 54 to 59, 61 to 65, 73 to 77 and 79, which come into force on the date or dates to be set by the Government;

WHEREAS, by Order in Council 1184-2004 dated 15 December 2004, sections 6, 8, 12, 15, 30, 41, 55, 62, 76, 77 and 79 of the Act came into force on 1 January 2005;

WHEREAS, by Order in Council 113-2006 dated 28 February 2006, sections 10, 16, 57, 58 to the extent that it enacts the first paragraph of section 520.2, and sections 61 and 63 to 65 of the Act came into force on 27 March 2006;

WHEREAS it is expedient to set 15 June 2007 as the date of coming into force of sections 35 to 39, 42 to 52, 54 and 56 of the Act;

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

THAT sections 35 to 39, 42 to 52, 54 and 56 of the Act to amend the Highway Safety Code and other legislative provisions (2004, c. 2) come into force on 15 June 2007.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 345-2007, 16 May 2007

An Act respecting municipal taxation
(R.S.Q., c. F-2.1)

Equalization scheme
— Amendments

Regulation to amend the Regulation respecting the equalization scheme

WHEREAS, under paragraph 7 of section 262 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the Government may by regulation

(a) prescribe the rules for determining the local municipalities eligible under the equalization scheme provided for in section 261;

(b) prescribe the rules for establishing the standardized property value per inhabitant and the average value of the dwellings situated in the territory of a local municipality;

(c) prescribe the rules for establishing the minimum number of local municipalities in respect of which data must be taken into consideration for the purpose of establishing the median property value and dwelling value referred to in subparagraph *b*;

(d) prescribe the rules for establishing the amount of the sum to which a municipality eligible under the equalization scheme is entitled, which rules may be different in respect of any municipality the Government specifies or any category of municipalities the Government defines;

(e) determine the cases where a municipality loses the right to receive the sum referred to in subparagraph *d*;

(f) designate the person who is to pay the sum referred to in subparagraph *d* and prescribe the terms and conditions of payment;

WHEREAS the Government made the Regulation respecting the equalization scheme by Order in Council 1198-2002 dated 9 October 2002;

WHEREAS it is expedient to amend the Regulation to respect, as of the fiscal year 2007, various commitments made by the Government to the municipalities in the Entente sur un nouveau partenariat fiscal et financier pour les années 2007 à 2013, in particular as regards the amount to be allocated among the local municipalities;

WHEREAS the eligibility criteria under the equalization scheme and the rules for computing the equalization amount to which a local municipality is entitled must be modified to reflect the special situation of certain municipalities that no longer are eligible in 2007 because the criterion of average value of dwellings is not met, owing to their standardized property value being significantly deficient;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided in section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that makes it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Regulation respecting the equalization scheme, attached to this Order in Council:

— the equalization amounts to which the eligible municipalities will be entitled for the fiscal year 2007 must be paid to them at the latest by 30 June 2007;

— the amounts are essential to ensure a balanced budget.

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions:

THAT the Regulation to amend the Regulation respecting the equalization scheme be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the equalization scheme*

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, par. 7)

1. Section 2 of the Regulation respecting the equalization scheme is amended by inserting the following after paragraph 3:

"(3.1) "Minister" means the Minister of Municipal Affairs and Regions;".

2. Section 4 is amended by replacing "is" in subparagraphs 1 and 2 of the first paragraph by "was".

3. Section 5 is amended by striking out "of Municipal Affairs and Greater Montréal" in the first paragraph.

4. The following is inserted after section 6:

"**6.1.** Notwithstanding the first paragraph of section 4, any local municipality is eligible if, for the first fiscal year that precedes the current fiscal year,

(1) the condition provided for in subparagraph 1 of the first paragraph of section 4 was met while the condition provided for in subparagraph 2 of that paragraph was not; and

(2) the municipality was eligible under sections 4 and 5.

The second paragraph of section 4 and section 5 continue to apply however, with the necessary modifications, to withdraw from the municipality the eligibility it would otherwise have under the first paragraph.

6.2. Notwithstanding the first paragraph of section 4, any local municipality is eligible if, for the first fiscal year that precedes the current fiscal year,

(1) the condition provided for in subparagraph 1 of the first paragraph of section 4 was met while the condition provided for in subparagraph 2 of that paragraph was not; and

(2) the municipality was eligible under section 6.1.

6.3. Notwithstanding the first paragraph of section 4, any local municipality is eligible if, for the first fiscal year that precedes the current fiscal year,

(1) the condition provided for in subparagraph 1 of the first paragraph of section 4 was met while the condition provided for in subparagraph 2 of that paragraph was not; and

(2) the municipality was eligible under section 6.2.".

5. The heading of Division A of Subdivision 2 of Division II is revoked.

6. The heading of Division B of Subdivision 2 of Division II is revoked.

7. Section 9 is amended by replacing "For the first fiscal year preceding the year of reference and for a municipality that" by " For a municipality that, for the first fiscal year preceding the year of reference," and by replacing "standardized aggregate taxation rate of the municipality established for that preceding fiscal year in accordance with sections 10 and 12 shall be used to determine the capitalization provided for in paragraph 8 of section 261.1 of the Act, on the basis of the data certified pursuant to section 13 rather than on the basis of the budgetary data" by "standardized effective aggregate taxation rate of the municipality established for that preceding fiscal year in accordance with subparagraph 2 of the first paragraph of section 261.5.15 of the Act is used to determine the capitalization provided for in paragraph 8 of section 261.1 of the Act, rather than the standardized projected aggregate taxation rate".

8. Sections 10 to 12 are revoked.

9. Section 13 is replaced by the following:

"**13.** The clerk of a municipality that, for the first fiscal year preceding the year of reference, had revenues from the application of section 222 of the Act must certify, in a certificate included in the financial report drawn up for the preceding fiscal year, the value resulting from the capitalization determined under section 9, having regard to the alterations to the property assessment roll that must be taken into consideration under section 261.5.14 of the Act.".

* The Regulation respecting the equalization scheme, made by Order in Council 1198-2002 dated 9 October 2002 (2002, *G.O.* 2, 5553), has not been amended since it was made.

10. Section 17 is amended by striking out "of Municipal Affairs and Greater Montréal".

11. Section 18 is amended

(1) by striking out "of Municipal Affairs and Greater Montréal" in the first paragraph;

(2) by striking out "and in the fourth paragraph of section 10" in the second paragraph;

(3) by replacing "any of those paragraphs" in the second paragraph by "that paragraph".

12. Section 19 is amended by striking out "of Municipal Affairs and Greater Montréal" in the third paragraph.

13. Section 20 is amended by replacing "$36 000 000" by "$60,000,000".

14. The heading of Division A of Subdivision 2 of Division III is amended by replacing "northern municipalities" by "municipalities entitled to a predetermined amount".

15. Section 23 is amended

(1) by inserting ", including if it is eligible under any of sections 6.1 to 6.3," after "receive" in the first paragraph;

(2) by striking out the third paragraph;

(3) by adding the following sentence after the fourth paragraph: "If it is eligible under any of sections 6.1 to 6.3, the equalization amount it is entitled to receive is the amount provided for in its respect under section 23.1.".

16. The following is inserted after section 23:

"**23.1.** Any municipality eligible under any of sections 6.1 to 6.3 is entitled to receive for the current fiscal year,

(1) in the case of a municipality referred to in section 6.1, an equalization amount equal to 75% of the equalization amount to which it was entitled for the first fiscal year that precedes the current fiscal year;

(2) in the case of a municipality referred to in section 6.2, an equalization amount equal to 50% of the equalization amount to which it was entitled for the second fiscal year that precedes the current fiscal year; or

(3) in the case of a municipality referred to in section 6.3, an equalization amount equal to 25% of the equalization amount to which it was entitled for the third fiscal year that precedes the current fiscal year.".

17. The heading of Division B of Subdivision 2 of Division III is amended by adding "or 23.1" after "23".

18. Section 24 is amended by adding "or 23.1" after "23".

19. Section 25 is amended in subparagraph 1 of the first paragraph

(1) by replacing "$36 000 000" by "$60,000,000";

(2) by replacing "section 23" by "sections 23 and 23.1".

20. Division IV, comprising sections 26 to 28, is revoked.

21. Section 29 is amended

(1) by striking out "of Municipal Affairs and Greater Montréal" in the first paragraph;

(2) by striking out the second paragraph.

22. Section 33 is amended by replacing "9 to 13" in subparagraph 1 of the first paragraph by "9 and 13".

23. Section 35 is amended by replacing "9 to 13" in subparagraph 2 of the second paragraph by "9 and 13".

24. Section 37 is revoked.

25. Section 38 is amended by replacing "2 to 5" by "5 to 5.3".

26. Subdivisions 2 to 4 of Division VII, comprising sections 39 to 68, are revoked.

27. Subdivision 5 of Division VII, comprising sections 69 and 70, is replaced by the following:

"***§5.*** *Adaptations applicable in 2007*

69. The adaptations provided for in this Subdivision apply for the purpose of determining if a local municipality is eligible for the fiscal year 2007 and, if eligible, of computing the equalization amount to which it is entitled for that fiscal year.".

70. Sections 9 and 13 are transitionally replaced by the following:

"**9.** For a municipality that, for the fiscal year 2005, had revenues from the application of section 222 of the Act, the standardized aggregate taxation rate of the municipality established for the fiscal year 2005 in accordance with sections 10 to 12 is used to determine the capitalization provided for in paragraph 8 of section 261.1 of the Act, on the basis of the data certified pursuant to section 13 rather than on the basis of the budgetary data referred to in section 261.4 of the Act.

10. The standardized aggregate taxation rate of the municipality for the fiscal year 2005 is the quotient obtained by dividing the total of its revenues for that fiscal year, as considered under section 11, by the result of the standardization of the taxable values entered on the property assessment roll of the municipality for that fiscal year.

The quotient obtained must contain six decimals.

The standardization of a value entered on the property assessment roll consists in multiplying that value by the factor established in respect of the roll, under section 264 of the Act, for the fiscal year 2005.

For that purpose, the property assessment roll is taken into consideration as it existed on 1 January 2005, having regard to the alterations that took effect on or before that date and of which the municipality advises the Minister, in accordance with section 13, before 1 May 2007.

11. For the purpose of establishing the standardized aggregate taxation rate, revenues that are revenues of the municipality for the fiscal year 2005 and that are derived from the following are taken into consideration:

(1) municipal property taxes imposed for that fiscal year; and

(2) non-property taxes, compensations and modes of tariffing that the municipality imposes on any person, for that fiscal year, because such person is the owner, lessee or occupant of an immovable.

The part of such revenues that is the subject of a credit other than the discount granted for early payment is not taken into consideration.

Revenues from the following sources are also not taken into consideration:

(1) the business tax or the tax imposed under section 487.3 of the Cities and Towns Act (R.S.Q., c. C-19) or article 979.3 of the Municipal Code of Québec (R.S.Q., c. C-27.1);

(2) any property tax payable under the first paragraph of section 208 of the Act;

(3) any non-property tax, compensation or mode of tariffing payable under the first paragraph of section 257 of the Act;

(4) any non-property tax, compensation or mode of tariffing for providing a municipal service in respect of an immovable belonging to the Crown in right of Canada or one of its mandataries;

(5) the compensation payable under section 205 of the Act; and

(6) the surtax or tax on non-residential immovables.

If, in respect of the category of non-residential immovables provided for in section 244.33 of the Act, the municipality has fixed a specific general property tax rate under section 244.29 of the Act that is greater than the basic rate provided for in section 244.38 of the Act, a part of the revenues from that tax and from any special tax imposed under section 487.1 or 487.2 of the Cities and Towns Act (R.S.Q., c. C-19) or article 979.1 or 979.2 of the Municipal Code of Québec (R.S.Q., c. C-27.1) is not taken into consideration, as provided in section 12.

12. The part of the revenues not taken into consideration for the purpose of establishing the standardized aggregate taxation rate, in the circumstances referred to in the fourth paragraph of section 11, is the difference obtained by subtracting the second of the following amounts from the first:

(1) the amount of the total revenues deriving from the imposition of the tax on the units of assessment belonging to one of the categories provided for in sections 244.33 and 244.34 of the Act; and

(2) the amount of the total revenues that would derive from the imposition of the tax on the units of assessment referred to in subparagraph 1 of the first paragraph if the basic rate provided for in section 244.38 of the Act were applied or, if the municipality has fixed a rate specific to the category provided for in section 244.35 of the Act, the average rate computed in accordance with the second paragraph.

The average rate is obtained by dividing the first of the following amounts by the second:

(1) the dividend is the amount of the total revenues

(a) deriving from the imposition of the tax on the units of assessment in respect of which all or part of the basic rate provided for in section 244.38 of the Act or the rate specific to the category provided for in section 244.35 of the Act is used to compute the amount of the tax; and

(b) resulting from the application of all or part of a rate referred to in subparagraph *a*; and

(2) the divisor is the amount of the total of the taxable values of the units of assessment referred to in subparagraph *a* of subparagraph 1, as determined taking into account, in the case of a unit in respect of which only a percentage of a rate referred to in that subparagraph is applied, only the percentage corresponding to its taxable value.

The second and fourth paragraphs of section 10 apply for the purpose of computing the average rate.

13. The clerk of a municipality that, for the fiscal year 2005, had revenues from the application of section 222 of the Act must certify, in a certificate included in the financial report drawn up for that fiscal year, the value resulting from the capitalization determined under section 9, having regard to the alterations to the property assessment roll that took effect on or before 1 January 2005 and that were made before the certificate was issued.

Where an alteration taking effect on or before 1 January 2005 was made after the certificate was drawn up and before 1 May 2007 and the certified value is modified as a result, the clerk must certify the modified value in an amended certificate. In order to be taken into consideration, the certificate must have been received by the Minister before 1 May 2007.

If the average rate computed in accordance with the second paragraph of section 12 was used to establish the certified value, the certificate must also certify the divisor referred to in subparagraph 2 of that paragraph.

13.1. For the purposes of sections 9 to 13, the legislative provisions referred to and taken into consideration are the legislative provisions as they existed when they applied for the purposes of the fiscal year 2005.".

70.1. Section 18 is transitionally replaced by the following:

"**18.** For a municipality that, for the fiscal year 2005, had revenues from the application of section 222 of the Act, its standardized property value per inhabitant is taken into consideration for the purpose of establishing the median, notwithstanding section 17, only if its financial report for that fiscal year and its summary for the fiscal year 2006 were received by the Minister before 1 November 2006.

For those purposes only, that date replaces the date of 1 May 2007 referred to in the second paragraph of section 7 and in the fourth paragraph of section 10. The median established is not changed even if, because of an alteration referred to in any of those paragraphs of which the Minister is seized after 31 October 2006 and before 1 May 2007, any of the values taken into consideration is altered subsequently.".

70.2. Section 20 is transitionally replaced by the following:

"**20.** The sum to be apportioned for the fiscal year 2007 is the difference obtained by subtracting from $46,828,000 the total of the neutrality amounts that must be paid in 2007 according to the data available on 1 May 2007.".

70.3. Subdivision 2 of Division III is transitionally replaced by the following:

"***§2.*** *Computation of the equalization amount*

A- Equalization amount of certain municipalities entitled to a predetermined amount

23. Any municipality referred to in section 6 is entitled to receive, including when it is eligible under section 6.1, an equalization amount equal to the higher of the equalization amount to which it was entitled for the fiscal year 2001 and the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the fiscal year 2007.

If the municipality was not taken into consideration for the purposes of Subdivision 1, the equalization amount is equal to the amount to which the municipality was entitled for the fiscal year 2001.

Any eligible municipality, from among the group made up of Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the

aliquot share that is computed in its respect, in accordance with Subdivision 1, for the fiscal year 2007. If the municipality is eligible under section 6.1, the equalization amount that the municipality is entitled to receive is the amount provided for in its respect under section 23.1.

23.1. Subject to the third paragraph of section 24.3, any municipality eligible under section 6.1 is entitled to receive, for the fiscal year 2007, an equalization amount equal to 75% of the equalization amount to which it was entitled for the fiscal year 2006.

B- Equalization amount of a municipality not referred to in section 23 or 23.1

i. Rule

24. The equalization amount of an eligible municipality that is not referred to in section 23 or 23.1 is the result of the adjustment provided for in section 25 that is made to the sum computed in accordance with section 24.3 or 24.4.

ii. Adjustment computed in respect of a new municipality

24.1. Sections 24.2 and 24.3 apply for the purpose of computing the sum to be adjusted under section 25 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 30; and

(2) the budget it adopted for the fiscal year 2002 was its first budget, if the municipality results from an amalgamation, or its first budget that takes into account the annexation, if the municipality effected a total annexation.

24.2. For the purpose of computing the sum to be adjusted, an aliquot share is first computed in respect of the municipality by applying Subdivision 1.

24.3. The sum to be adjusted is the difference obtained by subtracting the neutrality amount that must be paid to the municipality in 2007 according to the data available on 1 May 2007 from the aliquot share computed in respect of the municipality in accordance with section 24.2.

The sum is equal to zero where the aliquot share is equal to or less than the neutrality amount.

If the municipality is eligible under section 6.1, the subtraction provided for in the first paragraph is made using 75% of the aliquot share computed for the fiscal year 2006 rather than the aliquot share computed for the fiscal year 2007.

iii. Adjustment computed in respect of another municipality

24.4. For any eligible municipality that is not referred to in section 23, 23.1 or 24.1, the sum to be adjusted under section 25 is the aliquot share computed in its respect by applying Subdivision 1.

iv. Adjustment

25. The adjustment of the sum computed in accordance with section 24.3 or 24.4 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with sections 23 and 23.1 and the neutrality amounts that must be paid in 2007 according to the data available on 1 May 2007 is subtracted from $46,828,000; and

(2) the difference resulting from the subtraction provided for in subparagraph 1 is divided by the total of the sums computed in accordance with sections 24.3 and 24.4.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.".

70.4. Section 33 is transitionally amended by replacing "9 and 13" in subparagraph 1 of the first paragraph by "9 to 13.1".

70.5. Section 35 is transitionally amended by replacing "9 and 13" in subparagraph 2 of the second paragraph by "9 to 13.1".

§5.1 Adaptations applicable in 2008

70.6. The adaptations provided for in this Subdivision apply for the purpose of determining if a local municipality is eligible for the fiscal year 2008 and, if eligible, of computing the equalization amount to which it is entitled for that fiscal year.

70.7. Sections 9 and 13 are transitionally replaced by the following:

"**9.** For a municipality that, for the fiscal year 2006, had revenues from the application of section 222 of the Act, the standardized aggregate taxation rate of the municipality established for the fiscal year 2006 in accordance with sections 10 to 12 is used to determine the capitalization provided for in paragraph 8 of section 261.1 of the Act, on the basis of the data certified pursuant to section 13 rather than on the basis of the budgetary data referred to in section 261.4 of the Act.

10. The standardized aggregate taxation rate of the municipality for the fiscal year 2006 is the quotient obtained by dividing the total of its revenues for that fiscal year, as considered under section 11, by the result of the standardization of the taxable values entered on the property assessment roll of the municipality for that fiscal year.

The quotient obtained must contain six decimals.

The standardization of a value entered on the property assessment roll consists in multiplying that value by the factor established in respect of the roll, under section 264 of the Act, for the fiscal year 2006.

For that purpose, the property assessment roll is taken into consideration as it existed on 1 January 2006, having regard to the alterations that take effect on or before that date and of which the municipality advises the Minister, in accordance with section 13, before 1 May 2008.

11. For the purpose of establishing the standardized aggregate taxation rate, revenues that are revenues of the municipality for the fiscal year 2006 and that are derived from the following are taken into consideration:

(1) municipal property taxes imposed for that fiscal year; and

(2) non-property taxes, compensations and modes of tariffing that the municipality imposes on any person, for that fiscal year, because such person is the owner, lessee or occupant of an immovable.

The part of such revenues that is the subject of a credit other than the discount granted for early payment is not taken into consideration.

Revenues from the following sources are also not taken into consideration:

(1) the business tax or the tax imposed under section 487.3 of the Cities and Towns Act (R.S.Q., c. C-19) or article 979.3 of the Municipal Code of Québec (R.S.Q., c. C-27.1);

(2) any property tax payable under the first paragraph of section 208 of the Act;

(3) any non-property tax, compensation or mode of tariffing payable under the first paragraph of section 257 of the Act;

(4) any non-property tax, compensation or mode of tariffing for providing a municipal service in respect of an immovable belonging to the Crown in right of Canada or one of its mandataries; and

(5) the compensation payable under section 205 of the Act.

If, in respect of the category of non-residential immovables provided for in section 244.33 of the Act, the municipality has fixed a specific general property tax rate under section 244.29 of the Act that is greater than the basic rate provided for in section 244.38 of the Act, a part of the revenues from that tax and from any special tax imposed under section 487.1 or 487.2 of the Cities and Towns Act (R.S.Q., c. C-19) or article 979.1 or 979.2 of the Municipal Code of Québec (R.S.Q., c. C-27.1) is not taken into consideration, as provided in section 12.

12. The part of the revenues not taken into consideration for the purpose of establishing the standardized aggregate taxation rate, in the circumstances referred to in the fourth paragraph of section 11, is the difference obtained by subtracting the second of the following amounts from the first:

(1) the amount of the total revenues deriving from the imposition of the tax on the units of assessment belonging to one of the categories provided for in sections 244.33 and 244.34 of the Act; and

(2) the amount of the total revenues that would derive from the imposition of the tax on the units of assessment referred to in subparagraph 1 of the first paragraph if the basic rate provided for in section 244.38 of the Act were applied or, if the municipality has fixed a rate specific to the category provided for in section 244.35 of the Act, the average rate computed in accordance with the second paragraph.

The average rate is obtained by dividing the first of the following amounts by the second:

(1) the dividend is the amount of the total revenues

(a) deriving from the imposition of the tax on the units of assessment in respect of which all or part of the basic rate provided for in section 244.38 of the Act or the rate specific to the category provided for in section 244.35 of the Act is used to compute the amount of the tax; and

(b) resulting from the application of all or part of a rate referred to in subparagraph *a*; and

(2) the divisor is the amount of the total taxable values of the units of assessment referred to in subparagraph *a* of subparagraph 1, as determined taking into account, in the case of a unit in respect of which only a percentage of a rate referred to in that subparagraph is applied, only the percentage corresponding to its taxable value.

The second and fourth paragraphs of section 10 apply for the purpose of computing the average rate.

13. The clerk of a municipality that, for the fiscal year 2006, had revenues from the application of section 222 of the Act must certify, in a certificate included in the financial report drawn up for the fiscal year, the value resulting from the capitalization determined under section 9, having regard to the alterations to the property assessment roll that took effect on or before 1 January 2006 and that were made before the certificate was issued.

Where an alteration taking effect on or before 1 January 2006 is made after the certificate is drawn up and before 1 May 2008 and the certified value is modified as a result, the clerk must certify the modified value in an amended certificate. In order to be taken into consideration, the certificate must be received by the Minister before 1 May 2008.

If the average rate computed in accordance with the second paragraph of section 12 was used to establish the certified value, the certificate must also certify the divisor referred to in subparagraph 2 of that paragraph.

13.1. For the purposes of sections 9 to 13, the legislative provisions referred to and taken into consideration are the legislative provisions as they existed when they applied for the purposes of the fiscal year 2006.".

70.8. Section 18 is transitionally replaced by the following:

"**18.** For a municipality that, for the fiscal year 2006, had revenues from the application of section 222 of the Act, its standardized property value per inhabitant is taken into consideration for the purpose of establishing the median, notwithstanding section 17, only if its financial report for that fiscal year and its summary for the fiscal year 2007 are received by the Minister before 1 November 2007.

For those purposes only, that date replaces the date of 1 May 2008 referred to in the second paragraph of section 7 and in the fourth paragraph of section 10. The median established is not changed even if, because of an alteration referred to in any of those paragraphs of which the Minister is seized after 31 October 2007 and before 1 May 2008, any of the values taken into consideration is altered subsequently.".

70.9. Section 20 is transitionally replaced by the following:

"**20.** The sum to be apportioned for the fiscal year 2008 is the difference obtained by subtracting from $50,000,000 the total of the neutrality amounts that must be paid in 2008 according to the data available on 1 May 2008.".

70.10. Subdivision 2 of Division III is transitionally replaced by the following:

"***§2.*** *Computation of the equalization amount*

A- Equalization amount of certain municipalities entitled to a predetermined amount

23. Any municipality referred to in section 6 is entitled to receive, including when it is eligible under section 6.1 or 6.2, an equalization amount equal to the higher of the equalization amount to which it was entitled for the fiscal year 2001 and the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the fiscal year 2008.

If the municipality was not taken into consideration for the purposes of Subdivision 1, the equalization amount is equal to the amount to which the municipality was entitled for the fiscal year 2001.

Any eligible municipality, from among the group made up of Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the fiscal year 2008. If the municipality is eligible under section 6.1 or 6.2, the equalization amount that the municipality is entitled to receive is the amount provided for in its respect under section 23.1.

23.1. Subject to the third paragraph of section 24.3, any municipality eligible under section 6.1 or 6.2 is entitled to receive, for the fiscal year 2008,

(1) in the case of a municipality referred to in section 6.1, an equalization amount equal to 75% of the equalization amount to which it was entitled for the fiscal year 2007; or

(2) in the case of a municipality referred to in section 6.2, an equalization amount equal to 50% of the equalization amount to which it was entitled for the fiscal year 2006.

B- Equalization amount of a municipality not referred to in section 23 or 23.1

i. Rule

24. The equalization amount of an eligible municipality that is not referred to in section 23 or 23.1 is the result of the adjustment provided for in section 25 that is made to the sum computed in accordance with section 24.3 or 24.4.

ii. Adjustment computed in respect of a new municipality

24.1. Sections 24.2 and 24.3 apply for the purpose of computing the sum to be adjusted under section 25 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 30; and

(2) the budget it adopted for the fiscal year 2002 was its first budget, if the municipality results from an amalgamation, or its first budget that takes into account the annexation, if the municipality effected a total annexation.

24.2. For the purpose of computing the sum to be adjusted, an aliquot share is first computed in respect of the municipality by applying Subdivision 1.

24.3. The sum to be adjusted is the difference obtained by subtracting the neutrality amount that must be paid to the municipality in 2008 according to the data available on 1 May 2008 from the aliquot share computed in respect of the municipality in accordance with section 24.2.

The sum is equal to zero where the aliquot share is equal to or less than the neutrality amount.

If the municipality is eligible under section 6.1 or 6.2, the subtraction provided for in the first paragraph is made using, rather than the aliquot share computed for the fiscal year 2008,

(1) in the case of a municipality referred to in section 6.1, 75% of the aliquot share computed for the fiscal year 2007; or

(2) in the case of a municipality referred to in section 6.2, 50% of the aliquot share computed for the fiscal year 2006.

iii. Adjustment computed in respect of another municipality

24.4. For any eligible municipality that is not referred to in section 23, 23.1 or 24.1, the sum to be adjusted under section 25 is the aliquot share computed in its respect by applying Subdivision 1.

iv. Adjustment

25. The adjustment of the sum computed in accordance with section 24.3 or 24.4 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with sections 23 and 23.1 and the neutrality amounts that must be paid in 2008 according to the data available on 1 May 2008 is subtracted from $50,000,000; and

(2) the difference resulting from the subtraction provided for in subparagraph 1 is divided by the total of the sums computed in accordance with sections 24.3 and 24.4.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.".

70.11. Section 33 is transitionally amended by replacing "9 and 13" in subparagraph 1 of the first paragraph by "9 to 13.1".

70.12. Section 35 is transitionally amended by replacing "9 and 13" in subparagraph 2 of the second paragraph by "9 to 13.1".

§5.2 Adaptations applicable in 2009

70.13. The adaptations provided for in this Subdivision apply for the purpose of determining if a local municipality is eligible for the fiscal year 2009 and, if eligible, of computing the equalization amount to which it is entitled for that fiscal year.

70.14. Section 13 is transitionally replaced by the following:

"**13.** The clerk of a municipality that, for the fiscal year 2007, had revenues from the application of section 222 of the Act must certify, in a certificate included in the financial report drawn up for that fiscal year, the value resulting from the capitalization determined under section 9, having regard to the alterations to the property assessment roll that must be taken into consideration under section 261.5.14 of the Act.

If section 261.5.7 of the Act, transitionally enacted by section 138 of chapter 31 of the Statutes of 2006, applied to the municipality for the purpose of establishing the standardized aggregate taxation rate for the fiscal year 2007, the certificate must also certify the divisor that was used in the computation of the average rate provided for in the third paragraph of section 261.5.7, taking into account, if applicable, section 261.5.10 of the Act, transitionally enacted by section 138.".

70.15. Section 20 is transitionally replaced by the following:

"**20.** The sum to be apportioned for the fiscal year 2009 is the difference obtained by subtracting from $50,000,000 the total of the neutrality amounts that must be paid in 2009 according to the data available on 1 May 2009.".

70.16. Subdivision 2 of Division III is transitionally replaced by the following:

"*§2. Computation of the equalization amount*

A- Equalization amount of certain municipalities entitled to a predetermined amount

23. Any municipality referred to in section 6 is entitled to receive, including when it is eligible under any of sections 6.1 to 6.3, an equalization amount equal to the higher of the equalization amount to which it was entitled for the fiscal year 2001 and the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the fiscal year 2009.

If the municipality was not taken into consideration for the purposes of Subdivision 1, the equalization amount is equal to the amount to which the municipality was entitled for the fiscal year 2001.

Any eligible municipality, from among the group made up of Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the fiscal year 2009. If the municipality is eligible under any of sections 6.1 to 6.3, the equalization amount that the municipality is entitled to receive is the amount provided for in its respect under section 23.1.

23.1. Subject to the third paragraph of section 24.3, any municipality eligible under any of sections 6.1 to 6.3 is entitled to receive, for the fiscal year 2009,

(1) in the case of a municipality referred to in section 6.1, an equalization amount equal to 75% of the equalization amount to which it was entitled for the fiscal year 2008;

(2) in the case of a municipality referred to in section 6.2, an equalization amount equal to 50% of the equalization amount to which it was entitled for the fiscal year 2007; or

(3) in the case of a municipality referred to in section 6.3, an equalization amount equal to 25% of the equalization amount to which it was entitled for the fiscal year 2006.

B- Equalization amount of a municipality not referred to in section 23 or 23.1

i. Rule

24. The equalization amount of an eligible municipality that is not referred to in section 23 or 23.1 is the result of the adjustment provided for in section 25 that is made to the sum computed in accordance with section 24.3 or 24.4.

ii. Adjustment computed in respect of a new municipality

24.1. Sections 24.2 and 24.3 apply for the purpose of computing the sum to be adjusted under section 25 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 30; and

(2) the budget it adopted for the fiscal year 2002 was its first budget, if the municipality results from an amalgamation, or its first budget that takes into account the annexation, if the municipality effected a total annexation.

24.2. For the purpose of computing the sum to be adjusted, an aliquot share is first computed in respect of the municipality by applying Subdivision 1.

24.3. The sum to be adjusted is the difference obtained by subtracting the neutrality amount that must be paid to the municipality in 2009 according to the data available on 1 May 2009 from the aliquot share computed in respect of the municipality in accordance with section 24.2.

The sum is equal to zero where the aliquot share is equal to or less than the neutrality amount.

If the municipality is eligible under any of sections 6.1 to 6.3, the subtraction provided for in the first paragraph is made using, rather than the aliquot share computed for the fiscal year 2009,

(1) in the case of a municipality referred to in section 6.1, 75% of the aliquot share computed for the fiscal year 2008;

(2) in the case of a municipality referred to in section 6.2, 50% of the aliquot share computed for the fiscal year 2007; or

(3) in the case of a municipality referred to in section 6.3, 25% of the aliquot share computed for the fiscal year 2006.

iii. Adjustment computed in respect of another municipality

24.4. For any eligible municipality that is not referred to in section 23, 23.1 or 24.1, the sum to be adjusted under section 25 is the aliquot share computed in its respect by applying Subdivision 1.

iv. Adjustment

25. The adjustment of the sum computed in accordance with section 24.3 or 24.4 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with sections 23 and 23.1 and the neutrality amounts that must be paid in 2009 according to the data available on 1 May 2009 is subtracted from $50,000,000; and

(2) the difference resulting from the subtraction provided for in subparagraph 1 is divided by the total of the sums computed in accordance with sections 24.3 and 24.4.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.".

§5.3 Adaptations applicable in 2010

70.17. The adaptations provided for in this Subdivision apply for the purpose of computing the equalization amount to which an eligible municipality is entitled for the fiscal year 2010.

70.18. Section 20 is transitionally replaced by the following:

"**20.** The sum to be apportioned for the fiscal year 2010 is the difference obtained by subtracting from $50,000,000 the total of the neutrality amounts that must be paid in 2010 according to the data available on 1 May 2010.".

70.19. Section 25 is transitionally replaced by the following:

"**25.** The adjustment of the aliquot share consists in multiplying the aliquot share by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with sections 23 and 23.1 by the neutrality amounts that must be paid in 2010 according to the data available on 1 May 2010 is subtracted from $50,000,000; and

(2) the difference that results from the subtraction provided for in subparagraph 1 is divided by the total of the aliquot shares that are adjusted.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.".

28. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

8126

Gouvernement du Québec

O.C. 367-2007, 23 May 2007

Highway Safety Code
(R.S.Q., c. C-24.2)

Hours of driving and rest of heavy vehicle drivers

Regulation respecting the hours of driving and rest of heavy vehicle drivers

WHEREAS, under sections 519.21.1 and 519.21.2 of the Highway Safety Code (R.S.Q., c. C-24.2), introduced by section 42 of chapter 2 of the Statutes of 2004 and subparagraphs 12, 12.0.1, 12.0.2, 12.1, 12.2, 12.2.1, 12.2.2, 12.4, 39 and 42 of the first paragraph of section 621 of the Code, the Government may make regulations on the matters mentioned therein;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the hours of driving and rest of heavy vehicle

drivers was published in Part 2 of the *Gazette officielle du Québec* of 13 December 2006 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the hours of driving and rest of heavy vehicle drivers, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the hours of driving and rest of heavy vehicle drivers

Highway Safety Code
(R.S.Q., c. C-24.2, ss. 519.21.1, 519.21.2, and s. 621, 1st par, subpars. 12, 12.0.1, 12.0.2, 12.1, 12.2, 12.2.1, 12.2.2, 12.4, 39 and 42; 2004, c. 2, s. 42)

CHAPTER I
DEFINITIONS AND SCOPE

1. For the purposes of sections 519.8.1, 519.9, 519.10, 519.12, 519.20, 519.21.1 to 519.26, 519.31 to 519.31.3 of the Highway Safety Code and this Regulation,

"cycle" means

(a) cycle 1, under which the hours of service are accumulated over a period of 7 days; and

(b) cycle 2, under which the hours of service are accumulated over a period of 14 days; (*cycle*)

"daily log" means a record containing the information required by sections 29, 31 and 32 and the graph grid in Schedule II; (*fiche journalière*)

"day", in respect of a driver, means the 24-hour period that begins at the hour designated by the operator and lasts for the duration of the driver's cycle; (*jour*)

"director" means the federal director or a provincial or territorial director; (*directeur*)

"driver" means

(a) a person who operates a heavy vehicle; or

(b) a person employed or otherwise engaged by the operator to operate a heavy vehicle; (*conducteur*)

"home terminal" means the place at which a driver ordinarily reports for work. For the purposes of sections 29 to 31, the definition includes any temporary work site designated by the operator; (*terminus d'attache*)

"hours of driving" means the period of time during which a driver operates a heavy vehicle while the engine is running; (*heures de conduite*)

"hours of rest" means any period of time other than a driver's hours of service; (*heures de repos*)

"hours of service" means the period of time that begins when a driver commences work including the time during which the driver is required by the operator to be available to work and ends when the driver stops work or is relieved of responsibility by the operator. Hours of service include the hours of driving and the time spent by the driver

(a) inspecting, servicing, repairing, conditioning or starting a heavy vehicle;

(b) travelling in the heavy vehicle as a co-driver, when the time is not spent in the sleeper berth;

(c) participating in the loading or unloading of a heavy vehicle;

(d) inspecting or checking the load of a heavy vehicle;

(e) waiting for a heavy vehicle to be serviced, loaded or unloaded;

(f) waiting for an assignment;

(g) waiting for a heavy vehicle or its load to be inspected;

(h) waiting during an inspection;

(i) waiting at an en-route point because of an accident or other unplanned occurrence or situation; and

(j) performing any work at the request of the operator. (*heures de travail*)

2. For the purposes of this Regulation,

"duty status" means, in respect of a driver, any of the following periods:

(a) hours of rest, other than time spent in a sleeper berth;

(b) hours of rest spent in a sleeper berth;

(c) hours of driving;

(d) hours of service, other than hours of driving; (*activité*)

"establishment" means the place designated by the operator as the place where daily logs, supporting documents and other records required by this Regulation are kept; (*établissement*)

"sleeper berth" means an area of a heavy vehicle that meets the requirements of Schedule I; (*compartiment couchette*)

"work shift" means the time between 2 periods of at least 8 consecutive hours of rest. (*poste de travail*)

3. The provisions applicable to an operator under Chapter II apply to a shipper, a consignee or any other person.

4. Sections 519.9, 519.10, 519.20, 519.21.2, 519.21.3, 519.25 and 519.26 of the Code and this Regulation do not apply to the driver or operator of

(1) a heavy vehicle driven for personal purposes

(a) for a whole day; or

(b) for the first 75 kilometres travelled during a day, if

i. the vehicle has been unloaded and any trailers have been unhitched,

ii. the distance travelled does not exceed 75 km in a day,

iii. the driver has recorded the odometer reading in the daily log at the beginning and end of the personal use, and

iv. the driver is not the subject of an out-of-service declaration under section 39;

(2) an emergency vehicle;

(3) a heavy vehicle used when required by an emergency service or in the cases of disaster within the meaning of the Civil Protection Act (R.S.Q., c. S-2.3);

(4) special mobile equipment;

(5) a farm tractor or farm machinery within the meaning of the Regulation respecting road vehicle registration made by Order in Council 1420-91 dated 16 October 1991 and a farm trailer within the meaning of the Regulation respecting safety standards for road vehicles made by Order in Council 1483-98 dated 27 November 1998;

(6) a bus or minibus used for urban transport by a public transit authority or under a contract with a public transport body, an intermunicipal transport commission, an intermunicipal board, a municipality or a group of municipalities;

(7) a combination of road vehicles where the net mass of each vehicle is 3,000 kg or less, provided that the length of the trailer or semi-trailer, including the coupling system, is 10 metres or less, except a combination that requires the display of safety marks in accordance with Division IV of the Transportation of Dangerous Substances Regulation made by Order in Council 866-2002 dated 10 July 2002;

(8) a road vehicle subject to the Transportation of Dangerous Substances Regulation made by Order in Council 866-2002 dated 10 July 2002 that has a net mass of less than 3,000 kg and that does not require the display of safety marks in accordance with Division IV of that Regulation, except minibuses and tow trucks;

(9) a two or three-axle truck being used for

(a) transporting the primary products of a farm, forest or body of water, if the driver or operator of the truck is the producer of the products; or

(b) a return trip after such transport, if the vehicle is empty or is transporting products used in the principal operation of a farm, forest or body of water.

Despite the foregoing, hours of service within the meaning of section 1 performed by a driver at the request of an operator of a vehicle mentioned in any of subparagraphs 2 to 9 of the first paragraph must be counted when a heavy vehicle subject to this Regulation is driven.

CHAPTER II
SCHEDULING

DIVISION I
CYCLES

5. An operator shall require that a driver follows and the driver shall follow either cycle 1 or cycle 2.

6. Subject to section 8, no operator may request, require or allow a driver who is following cycle 1 to drive and no driver who is following cycle 1 shall drive after the driver has accumulated 70 hours of service during any period of 7 consecutive days.

7. Subject to section 8, no operator shall request, require or allow a driver who is following cycle 2 to drive and no driver who is following cycle 2 shall drive after the driver has accumulated

(1) 120 hours of service during any period of 14 consecutive days; or

(2) 70 hours of service without having taken at least 24 consecutive hours of rest.

8. A driver may end the current cycle, begin a new cycle or switch from one cycle to another if the driver first takes the following hours of rest:

(1) for cycle 1, at least 36 consecutive hours;

(2) for cycle 2, at least 72 consecutive hours.

After taking the hours of rest, the driver begins a new cycle, the accumulated hours are set back to zero and the hours of driving begin to accumulate again.

DIVISION II
MAXIMUM NUMBER OF HOURS OF DRIVING AND HOURS OF SERVICE

9. Before driving, a driver must have had at least 8 consecutive hours of rest immediately before beginning a work shift.

No operator shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated 13 hours of driving or 14 hours of service, or after 16 hours have elapsed since the conclusion of the most recent period of 8 consecutive hours of rest, unless the driver takes at least 8 consecutive hours of rest before driving again.

The period of 8 consecutive hours of rest may not be taken in a stopped heavy vehicle unless they are spent in the sleeper berth.

10. No operator shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated 13 hours of driving or 14 hours of service in a day.

DIVISION III
HOURS OF REST

§1. General

11. The time spent by a driver, at the request of the operator by whom the driver is employed or otherwise engaged, as a passenger in a vehicle transporting the driver to the place where the driver will begin to drive is considered part of the hours of rest, if once arrived at the destination the driver takes at least 8 consecutive hours of rest before driving again.

12. Subject to section 8, no operator shall request, require or allow a driver to drive and no driver shall drive unless the driver has taken at least 24 consecutive hours of rest in the preceding 14 days.

§2. Daily rest

13. An operator shall ensure that a driver takes and the driver shall take at least 10 hours of rest in a day.

The total amount of rest taken by a driver in a day shall include at least 2 hours of rest that does not form part of a period of 8 consecutive hours of rest required under section 9.

Rest other than the mandatory 8 consecutive hours may be distributed throughout the day in blocks of no less than 30 minutes each.

DIVISION IV
SPECIAL PROVISIONS

§1. Deferral of Daily Rest

14. Despite sections 10 and 13, a driver may defer a maximum of 2 daily hours of rest to the following day if

(1) the driver is not splitting daily hours of rest in accordance with section 16 or 17;

(2) the hours of rest deferred are not part of the mandatory 8 consecutive hours of rest;

(3) the hours of rest deferred are added to the 8 consecutive daily hours of rest taken in the second day;

(4) the total of the hours of rest taken in the 2 days is at least 20 hours;

(5) the total of the hours of driving in the 2 days does not exceed 26 hours; and

(6) the driver indicates in the “Remarks” section of the daily log that the driver is deferring hours of rest under this section and whether the driver is driving under day one or day two of the deferral period.

§2. Ferries

15. Despite sections 9 and 13, a driver travelling by a ferry crossing scheduled to take more than 5 hours is not required to take the mandatory 8 consecutive hours of rest if

(1) the time spent resting in a sleeper berth while waiting to board the ferry, in a cabin on the ferry and at a place that is no more than 25 km from the point of disembarkation from the ferry combine to total a minimum of 8 hours;

(2) the hours are recorded in the daily log as hours of rest spent in a sleeper berth; and

(3) the driver retains the receipt for the crossing and accommodation fees.

§3. Splitting of Daily Rest

16. A driver who is driving a heavy vehicle fitted with a sleeper berth may meet the mandatory hours of rest and daily hours of rest requirements of sections 9 and 13 by accumulating hours of rest in no more than 2 periods if

(1) neither period of rest is shorter than 2 hours;

(2) the total of the 2 periods of rest is at least 10 hours;

(3) the rest is spent resting in the sleeper berth;

(4) the total of the hours of driving in the periods immediately before and after each of the periods of rest does not exceed 13 hours;

(5) no hours of driving are worked after the driver has accumulated 14 hours of service in the periods immediately before and after each period of rest;

(6) the elapsed time in the periods immediately before and after each of the periods of rest does not include any driving time after the 16th hour after the driver comes on-duty; and

(7) none of the daily rest is deferred to the next day.

No operator shall request, require or allow a driver to begin to drive again and no driver shall begin to drive again in accordance with the requirements of sections 9 and 13 without first taking at least 8 consecutive hours of rest.

17. A team of drivers driving a heavy vehicle fitted with a sleeper berth may meet the mandatory hours of rest and daily hours of rest requirements of sections 9 and 13 by accumulating hours of rest in no more than 2 periods if

(1) neither period of rest is shorter than 4 hours;

(2) the total of the 2 periods of rest is at least 8 hours; and

(3) the rules prescribed by subparagraphs 3 to 7 of the first paragraph of section 16 are complied with.

No operator shall request, require or allow a driver to begin to drive again and no driver shall begin to drive again in accordance with the requirements of sections 9 and 13 without first taking at least 8 consecutive hours of rest.

§4. Towing

18. The driver of a tow truck may exceed the hours of driving and hours of service and reduce the hours of rest prescribed by this Chapter if the driver has to complete the towing of a vehicle stopped on a public road and return to the home terminal if

(1) the driver may reach the location of the breakdown or accident under normal road conditions in accordance with the prescribed hours; and

(2) the driver does not travel more than 160 km from the towing location to the home terminal.

§5. Snow removal

19. Despite sections 9, 10 and 13, where public safety requires that snow be removed from a public road or that ice melter or abrasives be spread on a public road, in accordance with the requirements established by municipalities or the Ministère des Transports, a driver may drive up to 15 hours per work shift in accordance with either of the following options:

(1) during a maximum of 2 consecutive work shifts, the driver subtracts the hours of rest required under the second paragraph of section 13 and adds them to the 8 consecutive hours of rest taken at the end of the first, second or third work shift if

(a) no driving time is done if the driver has accumulated 16 hours of service or 16 hours have elapsed since the conclusion of the most recent period of 8 consecutive hours of rest;

(b) at least 8 consecutive hours of rest were taken immediately before beginning the first work shift;

(c) the driver does not split the daily hours of rest in accordance with section 16 or 17;

(d) the total duration of the daily hours of rest taken in the 3-day period during which the 3 work shifts are performed is at least 30 hours;

(e) the total duration of the hours of driving during those 3 work shifts does not exceed 39 hours; and

(f) the driver indicates in the "Remarks" section of the daily log that the driver is subtracting hours of rest under this section, the option used to remove the time and whether it is the first, second or third work shift; or

(2) during a single work shift, the driver removes 2 of the 8 consecutive hours of rest taken at the end of the work shift and the hours of rest required under the second paragraph of section 13, and adds that time to the 8 consecutive hours of rest taken at the end of the second work shift in accordance with the conditions prescribed in clauses *a* to *f* of subparagraph 1.

A driver who has chosen an option may not choose the other option before the end of the third work shift.

§6. Emergencies

20. The requirements of this Regulation in respect of hours of driving, service and rest do not apply to a driver who, in an emergency, requires more hours of driving to reach a destination that provides safety for the occupants of the heavy vehicle and for other users of the road or the security of the heavy vehicle and its load.

§7. Adverse driving conditions

21. A driver who encounters adverse driving conditions during a trip may extend the hours of driving and service permitted under sections 9 and 10 and the hours of service permitted under sections 6 and 7 by no more than 2 hours to complete the trip if

(1) the driver still takes the required 8 consecutive hours of rest;

(2) the driver removes all or part of the 2 daily hours of rest required under the second paragraph of section 13 that have not been taken; and

(3) the trip could have been completed under normal driving conditions without the removal.

Adverse driving conditions are adverse road or weather conditions that were not known to the driver or operator before the driver began driving or could not reasonably have been known to them.

CHAPTER III
PERMIT TO DEPART FROM HOURS OF DRIVING AND REST

22. The Société may issue a permit to an operator authorizing the operator to depart from hours of driving and rest prescribed by this Regulation if

(1) the safety and health of the public so require;

(2) the vehicle covered by the permit travels in Québec only; and

(3) the operator took the means necessary to ascertain that the service could not be provided in accordance with this Regulation.

23. The Société may also issue a permit to an operator authorizing the operator to depart from hours of driving and rest by reducing the daily hours of rest required under the second paragraph of section 13 by no more than 2 hours and by increasing the hours of driving by no more than 2 hours if

(1) the safety and health of the public, the driver or the employees of the operator are not or are unlikely to be jeopardized; and

(2) the reduction in the hours of rest or increase in the hours of driving and service is required

(a) to allow a driver following a regular itinerary to reach the home terminal or destination;

(b) to allow the delivery of perishable goods; or

(c) to accommodate a significant temporary increase in the transportation of passengers or goods by the operator.

24. To be issued a permit referred to in section 22 or 23, an operator must apply to the Société and provide it with the following documents and information:

(1) the name and address of the operator;

(2) the names of the drivers concerned, their driver's licence numbers and the provinces or territories of issuance;

(3) a description of the heavy vehicles covered by the permit applied for;

(4) a list of all accidents involving the operator or any driver that occurred during the 6 months before the date of the application if they are required by the laws of the province, territory or state in which the accident occurred to be reported to the police;

(5) the requested duration of the permit;

(6) the requested schedule;

(7) the reasons for the application, with supporting evidence;

(8) in the case of an extra-provincial truck undertaking, a detailed description of the load and the Canadian provinces and territories in respect of which the permit is to apply;

(9) in the case of an extra-provincial bus undertaking, a detailed description of the routes in respect of which the permit is to apply;

(10) a copy of any permit or licence that departs from this Regulation and that was issued in the previous 5 years to the operator by the Société or a federal, provincial or territorial director;

(11) a signed declaration that discloses any other application for a permit made by the operator to a director within the 6 months before the date of the application; and

(12) any other information required by the Société to evaluate whether the granting of a permit would or would be likely to jeopardize the safety or health of the public, the driver or the employees of the operator.

If requested by the Société to do so, the operator shall make available to the Société the daily logs, supporting documents or records of hours of service, for the 6 months before the application, of the drivers covered by the permit.

25. Before issuing a permit, the Société shall obtain the written approval of the provincial or territorial directors of the provinces or territories in which the heavy vehicle will be driven under the permit.

26. The permit must specify the reasons for issuing it, its duration, which shall not exceed one year, and any terms or conditions required for the protection of the safety or health of the public, the driver or the employees of the operator.

27. An operator to whom a permit is issued shall

(1) keep a copy of the permit in each heavy vehicle in respect of which it applies;

(2) when the Société so requests, provide the particulars concerning the heavy vehicles in respect of which the permit applies and keep the Société informed of any changes so that it may accurately and quickly identify the vehicles;

(3) make available for inspection by the Société, immediately on request, the daily log and the supporting documents of the drivers of the heavy vehicles in respect of which the permit applies or the records of hours of service of the drivers; and

(4) notify the Société without delay of any accident involving any of the heavy vehicles to which the permit applies if it is required by the laws of the province, territory or state in which the accident occurred to be reported to the police.

28. When it is required to approve the issue of a permit to a director to whom an application for a permit is made in respect of a heavy vehicle that will travel in Québec, the Société shall

(1) respond to the request for approval within 30 days after receiving it; and

(2) give its approval if it has no reason to believe that the safety or health of the public, the driver or the employees of the operator would be or would be likely to be jeopardized by the granting of the permit.

CHAPTER IV
DAILY LOGS

29. An operator shall require every driver to fill out and every driver shall fill out a daily log each day that accounts for all of the driver's duty status for that day.

Time must be recorded using the local time at the driver's home terminal.

30. Despite section 29, a driver is not required to fill out a daily log if

(1) the driver operates a vehicle that is not covered by a permit issued under Chapter III;

(2) the driver operates or is instructed by the operator to operate a heavy vehicle within a radius of 160 km of the home terminal;

(3) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of rest; and

(4) the operator meets either of the following conditions:

(a) the operator maintains registers showing, for each day, the driver's duty status and cycle followed, the hour at which each duty status begins and ends and the total number of hours spent in each status and, if applicable, the reasons for any excess hours or deferral of hours of rest in accordance with this Regulation; or

(b) the operator maintains registers showing the date and time when the day begins if different than midnight, the cycle followed by the driver, the hour at which the driver's work shift begins and ends and the total number of service during the day provided that

i. the work shift begins and ends during the same day,

ii. the duration of the work shift is 13 hours or less, and

iii. the duration of the period of rest before and after the work shift is at least 11 consecutive hours.

31. At the beginning of each day, an operator shall require that a driver enters and the driver shall enter the following information in the daily log:

(1) the date;

(2) the driver's name and, if the driver is a member of a team of drivers, the names of the co-drivers;

(3) the time when the day begins if different than midnight;

(4) the cycle followed by the driver;

(5) the number of the registration plate of the motor vehicle or the unit number entered on the registration certificate;

(6) the odometer reading of each of the motor vehicles operated by the driver;

(7) the name of the operator and the addresses of the home terminal and the establishment of the operator by whom the driver is employed or otherwise engaged;

(8) in the "Remarks" section of the daily log, if the driver was not required to keep a daily log immediately before the beginning of the day, the number of hours of rest and hours of service that were accumulated by the driver during each day without that requirement during the 14 days before the beginning of the day; and

(9) if applicable, in the "Remarks" section of the daily log, the reasons for any excess hours or deferral of hours of rest in accordance with this Regulation.

The driver must also enter during the day

(1) the name and the addresses of the home terminal and the establishment of any other operator by whom the driver is employed or otherwise engaged; and

(2) the information required by subparagraphs 5 and 6 of the first paragraph concerning any other motor vehicle used.

32. In addition to the information prescribed by section 31, the operator shall require that the driver records and the driver shall record in the daily log

(1) the hours in each duty status during the day, in accordance with Schedule II, and the location of the driver each time his or her duty status changes, as that information becomes known and, in the "Remarks" section of the daily log, the reasons for any excess hours; and

(2) at the end of each day, the total hours for each duty status and the total distance driven by the driver that day, excluding the distance driven in respect of the driver's personal use of the vehicle within the meaning of subparagraph 1 of the first paragraph of section 4, as well as the odometer reading at the end of the day and the driver's signature on the daily log attesting to the accuracy of the information recorded in it.

33. A driver may use an electronic recording device for recording duty status if

(1) the information contained in the electronic recording device is the same as the information that would have been provided if it had been submitted as a daily log in paper format;

(2) the device is capable of displaying

(a) the hours of driving and other hours of service for each day on which the device is used;

(b) the total hours of service remaining and the total hours of service accumulated in the cycle being followed by the driver; and

(c) the sequential changes in duty status and the time at which each change occurred for each day on which the device is used;

(3) when requested to do so by a peace officer or an inspector, the driver can immediately provide the information for the previous 14 days by producing it on a digital display screen of the electronic recording device or in handwritten form or on a print-out or any other intelligible output, or any combination of these;

(4) the driver is capable, if so requested by a peace officer or an inspector, of preparing a handwritten daily log from the information stored in the device for each day on which the device is used;

(5) the operator provides blank daily log forms in the heavy vehicle for the driver's use;

(6) the device automatically records when it is disconnected and reconnected and keeps a record of the time and date of these occurrences;

(7) the device records the time spent in each duty status of the driver; and

(8) any daily log in paper format that is generated from the information that is stored in the device is signed on each page by the driver attesting to its accuracy.

An electronic recording device is an electric, electronic or telematic device that is capable of accurately recording each period of duty status, in whole or in part.

34. No driver who is required to fill out a daily log shall drive and no operator shall request, require or allow the driver to drive unless the driver has in his or her possession

(1) a copy of the daily logs for the preceding 14 days;

(2) the daily log for the current day, completed up to the time at which the last change in the driver's duty status occurred; and

(3) any supporting documents that the driver received in the course of the current trip.

35. A driver shall, within 20 days after completing a daily log, forward the original daily log and supporting documents to the home terminal and the operator shall ensure that the driver does so.

A driver who is employed or otherwise engaged by more than one operator in any day shall forward, within 20 days after completing a daily log, and the operators shall ensure that the driver forwards

(1) the original of the daily log to the home terminal of the first operator for which the driver worked and a copy of it to the home terminal of each other operator for which the driver worked; and

(2) the original supporting documents to the home terminal of the operator concerned.

36. The operator shall keep the daily logs and supporting documents at its establishment and deposit them there within 30 days after receiving them.

37. An operator who hires a driver shall, at the time the driver begins work, obtain the daily logs or information required under paragraph 4 of section 30 for the 14 days prior to the current day from the person providing the service and is required to provide them.

38. A person who provides the services of a driver shall, at the time the driver begins work with an operator, provide the operator with the daily logs or information required under paragraph 4 of section 30 for the 14 days prior to the current day.

CHAPTER V
OUT-OF-SERVICE DECLARATIONS

39. A peace officer may issue an out-of-service declaration in respect of a driver if

(1) the driver contravenes paragraph 1 of section 519.8.1 of the Highway Safety Code;

(2) the driver fails to comply with any of the hours of driving or hours of rest requirements of Chapter II or the requirements of the permit issued under Chapter III;

(3) the driver is unable or refuses to produce to a peace officer or an inspector the daily logs, supporting documents or any other register that the driver must possess under section 34;

(4) there is evidence that shows that the driver has completed more than one daily log, has entered inaccurate information in the daily log or has falsified information in the daily log; or

(5) the driver has mutilated or defaced a daily log or a supporting document in such a way that the peace officer cannot determine whether the driver has complied with the hours or driving and hours of rest requirements of Chapter II or the requirements of a permit issued under Chapter III.

40. The peace officer shall notify the driver and the operator in writing of the reason that the driver has been made the subject of an out-of-service declaration and the period during which it applies.

An out-of-service declaration applies

(1) for 10 consecutive hours, if the driver contravenes paragraph 1 of section 519.8.1 of the Code;

(2) for 10 consecutive hours, if the driver contravenes section 10;

(3) for the number of hours needed to correct the failure, if the driver fails to comply with any of the hours of rest requirements of Chapter II or the requirements of a permit issued under Chapter III; and

(4) for 72 consecutive hours, if the driver contravenes any of paragraphs 3 to 5 of section 39 or beyond the 72 hours until the driver rectifies the daily log, if applicable, and provides it to the peace officer so that the peace officer is able to determine whether the driver has complied with this Regulation.

CHAPTER VI
DRIVER'S RECORD

41. The operator or the person who offers the services of a driver shall record and keep the following information and documents:

(1) a copy of the driver's licence of the driver;

(2) the declaration referred to in section 519.7 of the Code, signed by the driver, whereby the latter informs the operator that the driver's licence has been suspended, modified or cancelled;

(3) the driver's hiring date;

(4) a copy of the service contract between the person offering the services of a driver and the operator;

(5) the daily logs and the documents referred to in paragraph 4 of section 30; and

(6) a copy of the permit issued under Chapter III.

The operator shall also keep the supporting documents in the record.

Despite the foregoing, if the driver's services are leased by the operator, the operator shall record and keep the documents referred to in subparagraphs 4 and 5 of the first paragraph and the supporting documents only for that driver.

42. The operator and the person providing the services of a driver shall keep the information and documents referred to in subparagraphs 1 to 4 of the first paragraph of section 41 for at least 12 months from either of the following dates:

(1) the date the driver's contract ended, with respect to subparagraphs 1, 3 and 4; or

(2) the date on which the suspension, modification or cancellation of the driver's licence ends, with respect to subparagraph 2.

The daily logs and information referred to in subparagraph 5 of the first paragraph of section 41 and supporting documents must be kept in chronological order for each driver for a period of at least 6 months.

The copy of the permit issued under Chapter III must be kept for a period of at least 6 months after its expiry date.

CHAPTER VII
FINAL

43. This Regulation replaces the Regulation respecting hours of driving, hours of work and the heavy vehicle driver's record, made by Order in Council 389-89 dated 15 March 1989.

44. This Regulation comes into force on 15 June 2007.

SCHEDULE I
(s. 2)

SLEEPER BERTHS

An area of a heavy vehicle is a sleeper berth if

(1) it is designed to be used as sleeping accommodation;

(2) it is located in the cab compartment or immediately adjacent to the cab compartment and is securely fixed to it;

(3) it is not located in or on a semi-trailer or a full trailer;

(4) if it is located in the cargo space, it is securely compartmentalized from the remainder of the cargo space;

(5) in the case of a bus,

(a) it is located in the passenger compartment;

(b) it is equipped with a berth at least 1.9 m in length, 60 cm in width and 60 cm in height;

(c) it is separated from the passenger area by a solid physical barrier that is equipped with a door that can be locked;

(d) it provides privacy for the occupant; and

(e) it is equipped with a means to significantly limit the amount of light entering the area;

(6) in the case of a heavy vehicle other than a bus, it is rectangular in shape with at least the following dimensions:

(a) 1.9 m in length, measured on the centre line of the longitudinal axis;

(b) 60 cm in width, measured on the centre line of the transverse axis; and

(c) 60 cm in height, measured from the sleeping mattress to the highest point of the area;

(7) it is constructed so that there are no impediments to ready entrance to or exit from the area;

(8) there is a direct and readily accessible means of passing from it into the driver's seat or compartment;

(9) it is protected against leaks and overheating from the vehicle's exhaust system;

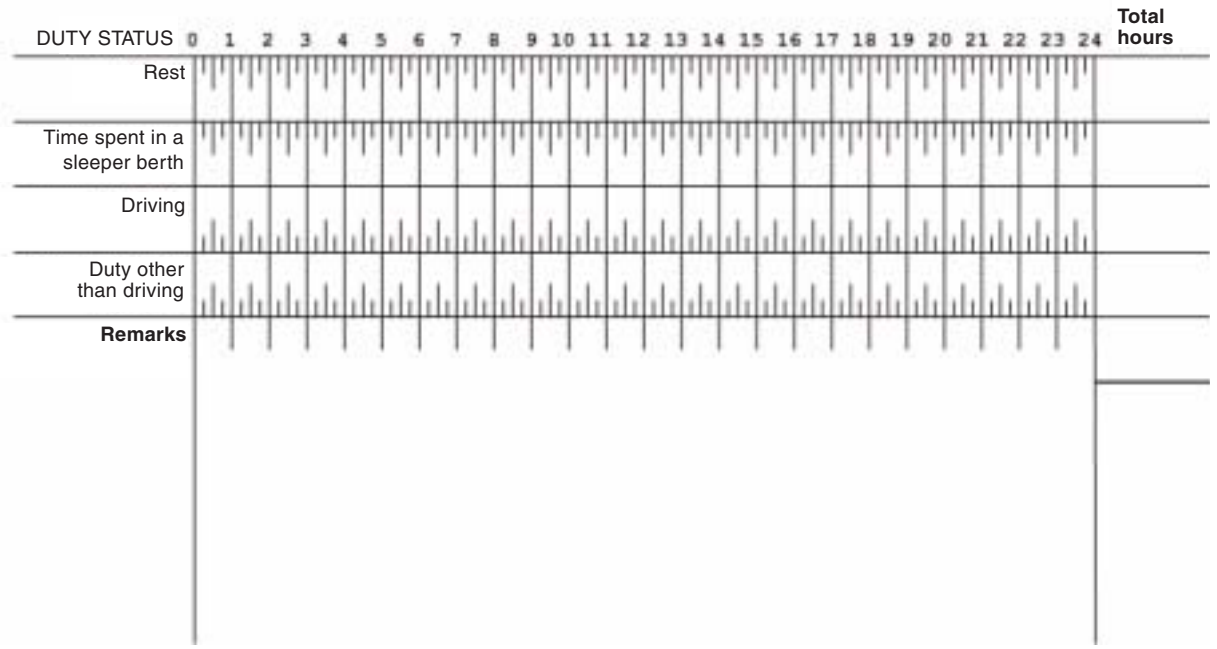
(10) it is equipped to provide adequate heating, cooling and ventilation;

(11) it is reasonably sealed against dust and rain;

(12) it is equipped with a mattress that is at least 10 cm thick and adequate sheets and blankets or a sleeping bag; and

(13) when the driver is a member of a team of drivers, it is equipped with a means of preventing ejection of the occupant during deceleration of the heavy vehicle, the means being designed, installed and maintained to withstand a total force of 2,700 kg applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

SCHEDULE II
(ss. 1 and 32)



INSTRUCTIONS

Fill out the grid as follows:

(a) for each duty status,

i. mark the beginning time and the end time, and

ii. draw a continuous line between the time markers;

(b) record the name of the municipality or failing that the route or post indicating the distance in kilometres or miles, as well the province, territory or state where a change in duty status occurs;

(c) if the driver is engaged in making deliveries in a municipality that result in hours of driving being interrupted by a number of short periods of other on-duty time, the hours of driving may be combined and the periods of other on-duty time may be combine

(d) enter on the right of the grid the total number of hours of each period of duty status, which total must equal 24 hours.

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Gouvernement du Québec

O.C. 368-2007, 23 May 2007

Highway Safety Code
(R.S.Q., c. C-24.2)

Exemptions from the application of Title VIII.1 — Amendments

Regulation to amend the Regulation respecting exemptions from the application of Title VIII.1 of the Highway Safety Code

WHEREAS, under subparagraph 42 of the first paragraph of section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may, by regulation, determine, subject to the conditions it determines, the cases where a heavy vehicle is partially or totally exempt from the application of Title VIII.1 of the Code;

WHEREAS, by Order in Council 622-99 dated 2 June 1999, the Government made the Regulation respecting exemptions from the application of Title VIII.1 of the Highway Safety Code;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 13 December 2006 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with an amendment;

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

THAT the Regulation to amend the Regulation respecting exemptions from the application of Title VIII.1 of the Highway Safety Code, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting exemptions from the application of Title VIII.1 of the Highway Safety Code *

Highway Safety Code
(R.S.Q., c. C-24.2, s. 621, 1st par., subpar. 42)

1. Section 2 of the Regulation respecting exemptions from the application of Title VIII.1 of the Highway Safety Code is amended

(1) by inserting "the provisions concerning the pre-departure inspection in" after "application of" in the part preceding paragraph 1;

(2) by replacing paragraph 1 by the following:

"(1) a heavy vehicle used when required by an emergency service or in the cases of disaster within the meaning of the Civil Protection Act (R.S.Q., c. S-2.3);";

(3) by replacing "except where the combination of vehicles is subject to the Transportation of Dangerous Substances Regulation made by Order in Council 674-88 dated 4 May 1988, and requires the display of safety marks in accordance with Division V of that Regulation" in paragraph 4 by "except a combination of vehicles that requires the display of safety marks in accordance with Division IV of the Transportation of Dangerous Substances Regulation made by Order in Council 866-2002 dated 10 July 2002";

(4) by replacing paragraph 6 by the following:

"(6) a road vehicle subject to the Transportation of Dangerous Substances Regulation made by Order in Council 866-2002 dated 10 July 2002 that has a net mass of less than 3,000 kg and that does not require the display of safety marks in accordance with Division IV of that Regulation, except minibuses and tow trucks;".

2. This Regulation comes into force on 15 June 2007.

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M.O., 2007

Order number 2007-004 of the Minister of Health and Social Services dated 18 May 2007

An Act respecting bargaining units in the social affairs sector
(R.S.Q., c. U-0.1)

Date on which sections 88 to 92 of the Act respecting bargaining units in the social affairs sector (R.S.Q., c. U-0.1) take effect for an institution

CONSIDERING section 71 of the Act respecting bargaining units in the social affairs sector, the Minister determines by order the date on which sections 88 to 92 of the Act take effect for an institution in which there are fewer than four bargaining units;

CONSIDERING that sections 88 to 92 of the Act govern the determination of the first clauses negotiated and agreed at the local or regional level;

CONSIDERING that there are fewer than four bargaining units within the institution known as the Centre de réadaptation en alcoolisme et toxicomanie de Chaudière-Appalaches;

CONSIDERING that it is expedient to determine the date on which sections 88 to 92 of the Act take effect for that institution;

* The Regulation respecting exemptions from the application of Title VIII.1 of the Highway Safety Code, made by Order in Council 622-99 dated 2 June 1999 (1999, *G.O.* 2, 1618) has never been amended.

THEREFORE, the Minister of Health and Social Services hereby determines 6 June 2007 to be the date on which sections 88 to 92 of the Act respecting bargaining units in the social affairs sector take effect for the institution known as the Centre de réadaptation en alcoolisme et toxicomanie de Chaudière-Appalaches.

Québec, 18 May 2007

PHILIPPE COUILLARD,
Minister of Health and Social Services

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