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Part

2

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Laws and Regulations

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Summary

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Contents

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- (1) Acts assented to, before their publication in the annual collection of statutes;
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- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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Regulations and other Acts

Gouvernement du Québec

O.C. 797-2015, 9 September 2015

An Act respecting immigration to Québec
(chapter I-0.2)

Selection of foreign nationals — Amendment

Regulation to amend the Regulation respecting the selection of foreign nationals

WHEREAS, under subparagraph *f* of the first paragraph of section 3.3 of the Act respecting immigration to Québec (chapter I-0.2), the Government may make regulations determining, in particular, the procedure that must be followed in order to obtain a selection certificate;

WHEREAS the Government made the Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the selection of foreign nationals was published in Part 2 of the *Gazette officielle du Québec* of 23 July 2014 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 Immigration, Diversity and Inclusiveness:

THAT the Regulation to amend the Regulation respecting the selection of foreign nationals, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the selection of foreign nationals

An Act respecting immigration to Québec
(chapter I-0.2, s. 3.3, 1st par., subpar. *f*)

1. The Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4) is amended in section 3 by adding the following paragraph:

“A foreign national in the skilled worker subclass referred to in subparagraph *a* of the first paragraph of section 21, other than the foreign national mentioned in section 38.1 or 38.2, must file his or her application with the Minister by Internet.”

2. The following is inserted after section 5.02:

“**5.02.1.** An application filed with the Minister by Internet under the third paragraph of section 3 is deemed filed, where applicable, in accordance with sections 5 to 5.02.”

3. The obligation to file the application for a selection certificate by Internet provided for in the third paragraph of section 3 of the Regulation, as amended by section 1 of this Regulation, does not apply to foreign nationals who hold a validated employment offer, in accordance with Factor 7 of the Selection grid for the economic class in Schedule A to the Regulation, and to temporary residents who are authorized to file their application in Québec, if the application is sent by mail before the date of coming into force of this Regulation and received by the Minister not later than 30 days after that date.

The stamp of the Ministère de l'Immigration, de la Diversité et de l'Inclusion is proof of the date on which the application is received by the Minister.

4. This Regulation comes into force on 31 December 2015.

102275

Gouvernement du Québec

O.C. 800-2015, 9 September 2015

Supplemental Pension Plans Act
(chapter R-15.1)

Supplemental pension plans
— **Amendment**

Regulation to amend the Regulation respecting supplemental pension plans

WHEREAS the Régie des rentes du Québec may make regulations concerning the matters mentioned in the first paragraph of section 244 of the Supplemental Pension Plans Act (chapter R-15.1);

WHEREAS, under the fourth paragraph of that section, such a regulation, to the extent that it relates to the application, with or without amendment, of a standard of practice of the Canadian Institute of Actuaries, is not subject to the requirements of sections 8 and 17 of the Regulations Act (chapter R-18.1) as regards publication and the date of coming into force;

WHEREAS, on 19 June 2015, the Régie made the Regulation to amend the Regulation respecting supplemental pension plans, in respect of a standard of practice of the Canadian Institute of Actuaries, attached to this Order in Council;

WHEREAS, under the fifth paragraph of section 244 of the Supplemental Pension Plans Act, the regulations of the Régie shall be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting supplemental pension plans, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting supplemental pension plans

An Act respecting supplemental pension plans
(chapter R-15.1, s. 244, 1st and 4th pars.)

1. Section 4 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) is amended by striking out “according to the revised version approved on 3 June 2010 by the Actuarial Standards Board of the Canadian Institute of Actuaries,” in the part preceding paragraph 1.

2. Section 67.4 is amended by replacing the first paragraph by the following:

“**67.4.** The assumptions referred to in the first paragraph of section 61 of the Act are those described in subsections 3530 and 3540 of the Standards of Practice of the Canadian Institute of Actuaries. The mortality table promulgated by the Actuarial Standards Board of the Institute on 9 June 2015, whose date of coming into force is 1 October 2015, must be used. The mortality table must be sex-specific.”

3. This Regulation comes into force on 1 October 2015.

102276

M.O., 2015-11

Order number V-1.1-2015-11 of the Minister of Finance dated 9 September 2015

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 21-101 respecting marketplace operation and the Regulation to amend Regulation 23-101 respecting trading rules

WHEREAS subparagraphs 1, 2, 3, 9.1, 19, 32, 32.0.1 and 34 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l’Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the Regulation 21-101 respecting marketplace operation was made by decision no. 2001-C-0409 dated August 28, 2001 (*Bulletin hebdomadaire* vol. 32, no. 35, dated August 31, 2001);

WHEREAS the Regulation 23-101 respecting trading rules was made by decision no. 2001-C-0411 dated August 28, 2001 (*Bulletin hebdomadaire*, vol. 32, no 35, dated August 31, 2001);

WHEREAS there is cause to amend those regulations;

WHEREAS the draft Regulation to amend Regulation 21-101 respecting marketplace operation and the draft Regulation to amend Regulation 23-101 respecting trading rules were published in the *Bulletin de l'Autorité des marchés financiers*, vol. 11, no. 16 of April 24, 2014;

WHEREAS the *Autorité des marchés financiers* made, on August 11, 2015, by the decision no. 2015-PDG-0122, Regulation to amend Regulation 21-101 respecting marketplace operation and, by the decision no. 2015-PDG-0123, Regulation to amend Regulation 23-101 respecting trading rules;

WHEREAS there is cause to approve those regulations without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Regulation 21-101 respecting marketplace operation and the Regulation to amend Regulation 23-101 respecting trading rules appended hereto.

9 September 2015

CARLOS LEITÃO,
Minister of Finance

REGULATION TO AMEND REGULATION 21-101 RESPECTING MARKETPLACE OPERATION

Securities Act

(chapter V-1.1, s. 331.1, par. (1), (2), (3), (9.1), (32) and (32.0.1))

1. Section 1.1 of Regulation 21-101 respecting Marketplace Operation is amended:

(1) by inserting, in paragraph (c) of the definition of the expression “government debt security” and after the words “public body”, the words “in Canada”;

(2) by inserting, in the definition of the expression “information processor” and after the words “Form 21-101F5”, “and, in Québec, that is a recognized information processor”;

(3) by inserting, after the definition of the expression “order”, the following:

““participant dealer” means a participant dealer as defined in Part 1 of Regulation 23-103 respecting Electronic Trading and Direct Electronic Access to Marketplaces (chapter V-1.1, r. 7.1);”.

2. Section 3.2 of the Regulation is amended:

(1) by replacing, in paragraph (1), the words “in the manner set out in the Form” with the words “in the manner set out in the applicable form”;

(2) by inserting, after paragraph (1), the following:

“(1.1) A marketplace that has entered into an agreement with a regulation services provider under Regulation 23-101 respecting Trading Rules must not implement a significant change to a matter set out in Exhibit E – Operation of the Marketplace of Form 21-101F1 or Exhibit E – Operation of the Marketplace of Form 21-101F2 as applicable, or Exhibit I – Securities of Form 21-101F1 or Exhibit I – Securities of Form 21-101F2 as applicable, unless the marketplace has provided the applicable exhibit to its regulation services provider at least 45 days before implementing the change.”;

(3) by replacing, in paragraph (3), the words “the information provided in the Form” with the words “the information provided in the applicable form”;

(4) by inserting, after paragraph (3), the following:

“(4) The chief executive officer of a marketplace, or an individual performing a similar function, must certify in writing, within 30 days after the end of each calendar year, that the information contained in the marketplace’s current Form 21-101F1 or Form 21-101F2, as applicable, including the description of its operations, is true, correct, and complete and that the marketplace is operating as described in the applicable form.

“(5) A marketplace must file an updated and consolidated Form 21-101F1 or Form 21-101F2, as applicable, within 30 days after the end of each calendar year.”.

3. Section 4.1 of the Regulation is amended by replacing, in subparagraph (c) of paragraph (1), the words “auditor’s report” with the words “unmodified auditor’s report”.

4. Section 5.10 of the Regulation is amended by inserting, after paragraph (1), the following:

“(1.1) Despite subsection (1), a marketplace may release a marketplace participant’s order or trade information to a person if the marketplace

(a) reasonably believes that the information will be used solely for the purpose of capital markets research,

(b) reasonably believes that if information identifying, directly or indirectly, a marketplace participant or a client of the marketplace participant is released,

(i) it is required for the purpose of the capital markets research, and

(ii) that the research is not intended for the purpose of

(A) identifying a particular marketplace participant or a client of the marketplace participant, or

(B) identifying a trading strategy, transactions, or market positions of a particular marketplace participant or a client of the marketplace participant;

(c) has entered into a written agreement with each person that will receive the order and trade information from the marketplace that provides that

(i) the person must

(A) not disclose to or share any information with any person if that information could, directly or indirectly, identify a marketplace participant or a client of the marketplace participant without the marketplace’s consent, other than as provided under subparagraph (ii) below,

(B) not publish or otherwise disseminate data or information that discloses, directly or indirectly, a trading strategy, transactions, or market positions of a marketplace participant or a client of the marketplace participant,

(C) not use the order and trade information, or provide it to any other person for any purpose other than capital markets research,

(D) keep the order and trade information securely stored at all times,

(E) keep the order and trade information for no longer than a reasonable period of time after the completion of the research and publication process, and

(F) immediately inform the marketplace of any breach or possible breach of the confidentiality of the information provided,

(ii) the person may disclose order or trade information used in connection with research submitted to a publication if

(A) the information to be disclosed will be used solely for the purposes of verification of the research carried out by the person,

(B) the person must notify the marketplace prior to disclosing the information for verification purposes, and

(C) the person must obtain written agreement from the publisher and any other person involved in the verification of the research that the publisher or the other person will

(I) maintain the confidentiality of the information,

(II) use the information only for the purposes of verifying the research,

(III) keep the information securely stored at all times,

(IV) keep the information for no longer than a reasonable period of time after the completion of the verification, and

(V) immediately inform the marketplace of any breach or possible breach of the agreement or of the confidentiality of the information provided, and

(iii) the marketplace has the right to take all reasonable steps necessary to prevent or address a breach or possible breach of the confidentiality of the information provided or of the agreement.

“(1.2) A marketplace that releases a marketplace participant’s order or trade information under subsection (1.1) must

(a) promptly inform the regulator or, in Québec, the securities regulatory authority, in the event the marketplace becomes aware of any breach or possible breach of the confidentiality of the information provided or of the agreement, and

(b) take all reasonable steps necessary to prevent or address a breach or possible breach of the confidentiality of the information provided or of the agreement.”.

5. Section 5.12 of the Regulation is amended:

(1) by deleting, in the part preceding paragraph (a), “:” after the words “the marketplace must”;

(2) by replacing, in paragraphs (b) and (c), the words “key services and systems” with the words “key services or systems”;

(3) by deleting, in paragraph (e), “,” after the words “on behalf of the marketplace”.

6. The Regulation is amended by inserting, after section 5.12, the following:

“5.13. Access Arrangements with a Service Provider

If a third party service provider provides a means of access to a marketplace, the marketplace must ensure the third party service provider complies with the written standards for access that the marketplace has established pursuant to paragraph 5.1(2)(a) when providing the access services.”.

7. Section 6.7 of the Regulation is amended, in the French text, by replacing subparagraph (a) of paragraph (1) with the following:

“a) au cours d’au moins 2 des 3 derniers mois d’exploitation, la valeur totale en dollars du volume des opérations sur tout type de titre effectuées sur le SNP pendant un mois atteint au moins 10 % de la valeur totale en dollars du volume des opérations effectuées au cours du mois sur ce type de titre sur tous les marchés au Canada;”.

8. Section 7.1 of the Regulation is amended:

(1) by replacing, in paragraph (1), the word “shall” with the word “must”;

(2) by inserting, after paragraph (2), the following:

“(3) A marketplace that is subject to subsection (1) must not make the information referred to in that subsection available to any person before it makes that information available to an information processor or, if there is no information processor, to an information vendor.”.

9. Section 7.2 of the Regulation is replaced with the following:

“7.2. Post-Trade Information Transparency – Exchange-Traded Securities

(1) A marketplace must provide accurate and timely information regarding trades for exchange-traded securities executed on the marketplace to an information processor as required by the information processor or, if there is no information processor, to an information vendor that meets the standards set by a regulation services provider.

(2) A marketplace that is subject to subsection (1) must not make the information referred to in that subsection available to any person before it makes that information available to an information processor or, if there is no information processor, to an information vendor.”.

10. Section 10.1 of the Regulation is amended:

- (1) by replacing the part preceding paragraph (a) with the following:

“A marketplace must publicly disclose, on its website, information reasonably necessary to enable a person to understand the marketplace’s operations or services it provides, including, but not limited to, information related to”;

- (2) by inserting, after paragraph (h), the following, and making the necessary changes:

“(i) any access arrangements with a third party service provider, including the name of the third party service provider and the standards for access to be complied with by the third party service provider, and

“(j) the hours of operation of any testing environments provided by the marketplace, a description of any differences between the testing environment and production environment of the marketplace and the potential impact of these differences on the effectiveness of testing, and any policies and procedures relating to a marketplace’s use of uniform test symbols for purposes of testing in its production environment.”.

11. Section 11.2.1 of the Regulation is replaced with the following:

“11.2.1. Transmission in Electronic Form

A marketplace must transmit

(a) to a regulation services provider, if it has entered into an agreement with a regulation services provider in accordance with Regulation 23-101 respecting Trading Rules (chapter V-1.1, r. 6), the information required by the regulation services provider within 10 business days, in electronic form and in the manner requested by the regulation services provider; and

(b) to the securities regulatory authority the information required by the securities regulatory authority under securities legislation within 10 business days, in electronic form and in the manner requested by the securities regulatory authority.”.

12. Section 11.3 of the Regulation is amended, in paragraph (1):

(1) by replacing, in the part preceding subparagraph (a), the word “shall” with the word “must”;

(2) by inserting, after subparagraph (g), the following, and making the necessary changes:

“(h) a copy of any agreement referred to in section 5.10; and

(i) a copy of any agreement referred to in paragraph 5.12(c).”.

13. The Regulation is amended by replacing section 12.1 with the following:

“12.1. System Requirements

For each system, operated by or on behalf of the marketplace, that supports order entry, order routing, execution, trade reporting, trade comparison, data feeds, market surveillance and trade clearing, a marketplace shall

- (a) develop and maintain
 - (i) an adequate system of internal control over those systems, and
 - (ii) adequate information technology general controls, including without limitation, controls relating to information systems operations, information security, change management, problem management, network support and system software support,
- (b) in accordance with prudent business practice, on a reasonably frequent basis and, in any event, at least annually,
 - (i) make reasonable current and future capacity estimates,
 - (ii) conduct capacity stress tests to determine the ability of those systems to process transactions in an accurate, timely and efficient manner, and
- (c) promptly notify the regulator or, in Québec, the securities regulatory authority and, if applicable, its regulation services provider, of any material systems failure, malfunction, delay or security breach and provide timely updates on the status of the failure, malfunction, delay or security breach, the resumption of service and the results of the marketplace’s internal review of the failure, malfunction, delay or security breach.

“12.1.1. Auxiliary Systems

For each system that shares network resources with one or more of the systems, operated by or on behalf of the marketplace, that supports order entry, order routing, execution, trade reporting, trade comparison, data feeds, market surveillance and trade clearing, that, if breached, would pose a security threat to one or more of the previously mentioned systems, a marketplace must

- (a) develop and maintain an adequate system of information security controls that relate to the security threats posed to any system that supports order entry, order routing, execution, trade reporting, trade comparison, data feeds, market surveillance and trade clearing, and
- (b) promptly notify the regulator, or in Québec, the securities regulatory authority and, if applicable, its regulation services provider, of any material security breach and provide timely updates on the status of the breach, the resumption of service, where applicable, and the results of the marketplace’s internal review of the security breach.”.

14. Section 12.2 of the Regulation is replaced with the following:

“12.2. System Reviews

(1) A marketplace must annually engage a qualified party to conduct an independent systems review and prepare a report in accordance with established audit standards to ensure that the marketplace is in compliance with

- (a) paragraph 12.1(a),
- (b) section 12.1.1, and
- (c) section 12.4.

(2) A marketplace must provide the report resulting from the review conducted under subsection (1) to

(a) its board of directors, or audit committee, promptly upon the report's completion, and

(b) the regulator or, in Québec, the securities regulatory authority, by the earlier of the 30th day after providing the report to its board of directors or the audit committee or the 60th day after the calendar year end.”.

15. Section 12.3 of the Regulation is amended:

(1) by replacing, in paragraphs (1) and (2), the word “shall” with the word “must”;

(2) by replacing paragraph (3) with the following:

“(3) A marketplace must not begin operations before

(a) it has complied with paragraphs (1)(a) and (2)(a),

(b) its regulation services provider, if applicable, has confirmed to the marketplace that trading may commence on the marketplace, and

(c) the chief information officer of the marketplace, or an individual performing a similar function, has certified in writing to the regulator, or in Québec, the securities regulatory authority, that all information technology systems used by the marketplace have been tested according to prudent business practices and are operating as designed.

“(3.1) A marketplace must not implement a material change to the systems referred to in section 12.1 before

(a) it has complied with paragraphs (1)(b) and (2)(a), and

(b) the chief information officer of the marketplace, or an individual performing a similar function, has certified in writing to the regulator, or in Québec, the securities regulatory authority, that the change has been tested according to prudent business practices and is operating as designed.”;

(3) by replacing, in paragraph (4), the words “Paragraphs 12.3(1)(b) and 2(b) do” with the words “Subsection (3.1) does”.

16. The Regulation is amended by inserting, after section 12.3, the following:

“12.3.1. Uniform Test Symbols

A marketplace must use uniform test symbols, as set by a regulator, or in Québec, the securities regulatory authority, for the purpose of performing testing in its production environment.”.

17. Section 12.4 of the Regulation is replaced with the following:

“12.4. Business Continuity Planning

(1) A marketplace must

(a) develop and maintain reasonable business continuity plans, including disaster recovery plans, and

(b) test its business continuity plans, including disaster recovery plans, according to prudent business practices on a reasonably frequent basis and, in any event, at least annually.

(2) A marketplace with a total trading volume in any type of security equal to or greater than 10% of the total dollar value of the trading volume in that type of security on all marketplaces in Canada during at least two of the preceding three months of operation must establish, implement, and maintain policies and procedures reasonably designed to ensure that each system, operated by or on behalf of the marketplace, that supports order entry, order routing, execution, trade reporting, trade comparison, data feeds, and trade clearing, can resume operations within two hours following the declaration of a disaster by the marketplace.

(3) A recognized exchange or quotation and trade reporting system, that directly monitors the conduct of its members or users and enforces requirements set under section 7.1(1) or 7.3(1) of Regulation 23-101 respecting Trading Rules (chapter V-1.1, r. 6), must establish, implement, and maintain policies and procedures reasonably designed to ensure that each system, operated by or on behalf of the marketplace, that is critical and supports real-time market surveillance, can resume operations within two hours following the declaration of a disaster at the primary site by the exchange or quotation and trade reporting system.

(4) A regulation services provider, that has entered into a written agreement with a marketplace to conduct market surveillance for the marketplace, must establish, implement, and maintain policies and procedures reasonably designed to ensure that each system, operated by or on behalf of the regulation services provider, that is critical and supports real-time market surveillance can resume operations within two hours following the declaration of a disaster at the primary site by the regulation services provider.”.

18. The Regulation is amended by inserting, after section 12.4, the following:

“12.4.1. Industry-Wide Business Continuity Tests

A marketplace, recognized clearing agency, information processor, and participant dealer must participate in all industry-wide business continuity tests, as determined by a regulation services provider, regulator, or in Québec, the securities regulatory authority.”.

19. Section 13.1 of the Regulation is amended:

1° by replacing, in paragraph (1), the word “shall” with the word “must”;

2° by replacing, in paragraphs (2) and (3), the word “shall” with the word “must”, wherever it appears, and the words “and settled” with the words “to a clearing agency”.

20. The Regulation is amended by inserting, after section 13.1, the following:

“13.2. Access to Clearing Agency of Choice

(1) A marketplace must report a trade in a security to a clearing agency designated by a marketplace participant.

(2) Subsection (1) does not apply to a trade in a security that is a standardized derivative or an exchange-traded security that is an option.”.

21. Section 14.4 of the Regulation is amended:

(1) par replacing, in paragraphs (1) to (3), the word “shall” with the word “must”;

(2) by replacing, in paragraph (4), the words “shall establish in a timely manner an electronic connection” with the words “must establish in a timely manner an electronic connection or changes to an electronic connection”;

(3) by replacing, wherever it appears in paragraph (5), the word “shall” with the word “must”;

(4) by inserting, after paragraph (6), the following:

“(6.1) If an information processor is operated as a division or unit of a person, the person must file the income statement and the statement of cash flow of the information processor and any other information necessary to demonstrate the financial condition of the information processor within 90 days after the end of the financial year of the person.”;

(5) by inserting, after paragraph (7), the following:

“(7.1) If an information processor is operated as a division or unit of a person, the person must file the financial budget relating to the information processor within 30 days of the start of the financial year of the person.”.

22. Section 14.5 of the Regulation is amended:

(1) by replacing, in the part preceding paragraph (a), the word “shall” with the word “must”;

(2) by replacing, in the French text of subparagraph (ii) of paragraph (b), the words “tests aux marges” with the words “simulations de crise”;

(3) by replacing subparagraph (ii) of paragraph (d) with the following:

“(ii) the regulator or, in Québec, the securities regulatory authority, by the earlier of the 30th day after providing the report to its board of directors or the audit committee or the 60th day after the calendar year end, and”.

23. Section 14.6 of the Regulation is replaced with the following:

“14.6. Business Continuity Planning

An information processor must

(a) develop and maintain reasonable business continuity plans, including disaster recovery plans,

(b) test its business continuity plans, including disaster recovery plans, according to prudent business practices and on a reasonably frequent basis and, in any event, at least annually, and

(c) establish, implement, and maintain policies and procedures reasonably designed to ensure that its critical systems can resume operations within one hour following the declaration of a disaster by the information processor.”.

24. Section 14.7 of the Regulation is amended by replacing, in the part preceding paragraph (a), the words “with this Regulation, or other than a securities regulatory authority, unless” with the words “with this Regulation or a securities regulatory authority, unless”.

25. Form 21-101F1 of the Regulation is amended:

(1) by inserting, in the section “**Type of filing**” and after the words “**AMENDMENT**”, the words “; **AMENDMENT No.**”;

(2) by inserting, in paragraph (2) of Exhibit C and after the words “including their mandates”, the words “and the Board mandate”;

(3) by replacing, in the paragraph under “**EXHIBITS**”, the word “shall” with the word “must”;

(4) in Exhibit E:

(a) by replacing the second sentence of the first paragraph with the following:

“This must include, but is not limited to, a description of the following:”;

(b) by replacing, in items 7, 8, 9 and 10, the word “Description” with the words “A description”;

(c) by inserting, at the end of this exhibit, the following sentence:

“The filer must provide all material contracts related to order routing, execution, trade reporting, trade comparison, data feeds, market surveillance and trade clearing.”;

(5) by inserting, after paragraph (3) of Exhibit F, the following:

4. A copy of the marketplace’s policies and procedures for the selection of service providers to which key services and systems may be outsourced and for the evaluation and approval of such outsourcing arrangements that are established and maintained pursuant to paragraph 5.12(a) of Regulation 21-101 respecting Marketplace Operation.

5. A description of any conflicts of interest between the marketplace and the service provider to which key services and systems are outsourced and a copy of the policies and procedures to mitigate and manage such conflicts of interest that have been established pursuant to paragraph 5.12(b) of Regulation 21-101 respecting Marketplace Operation.

6. A description of the measures the marketplace has taken pursuant to paragraph 5.12(f) of Regulation 21-101 respecting Marketplace Operation to ensure that the service provider has established, maintains and periodically tests an appropriate business continuity plan, including a disaster recovery plan.

7. A description of the measures the marketplace has taken pursuant to paragraph 5.12(g) of Regulation 21-101 respecting Marketplace Operation to ensure that the service provider protects the proprietary order, trade or any other confidential information of the participants of the marketplace.

8. A copy of the marketplace’s processes and procedures to regularly review the performance of a service provider under an outsourcing arrangement that are established pursuant to paragraph 5.12(h) of Regulation 21-101 respecting Marketplace Operation.”;

(6) by replacing Exhibit G with the following:

“Exhibit G – Systems and Contingency Planning

General

Provide:

1. A high level description of the marketplace’s systems that support order entry, order routing, execution, trade reporting, trade comparison, data feeds, co-location and if applicable, market surveillance and trade clearing,

2. An organization chart of the marketplace’s information technology group unless otherwise provided as part of the report required by subsection 12.2(1) of the Regulation.

Business Continuity Planning

Please provide a description of the marketplace's business continuity and disaster recovery plans that includes, but is not limited to, information regarding the following:

1. Where the primary processing site is located.
2. What the approximate percentage of hardware, software and network redundancy is at the primary site.
3. Any uninterruptible power source (UPS) at the primary site.
4. How frequently market data is stored off-site.
5. Any secondary processing site, the location of any such secondary processing site, and whether all of the marketplace's critical business data is accessible through the secondary processing site.
6. The creation, management, and oversight of the plans, including a description of responsibility for the development of the plans and their ongoing review and updating.
7. Escalation procedures, including event identification, impact analysis, and activation of the plans in the event of a disaster or disruption.
8. Procedures for internal and external communications, including the distribution of information internally, to the securities regulatory authority, and, if appropriate, to the public, together with the roles and responsibilities of marketplace staff for internal and external communications.
9. The scenarios that would trigger the activation of the plans.
10. How frequently the business continuity and disaster recovery plans are tested.
11. Procedures for record keeping in relation to the review and updating of the plans, including the logging of tests and deficiencies.
12. The targeted time to resume operations of critical information technology systems following the declaration of a disaster by the marketplace and the service level to which such systems are to be restored.
13. Any single points of failure faced by the marketplace.

Systems Capacity

Please provide information regarding:

1. How frequently future market activity is evaluated in order to adjust processing capacity.
2. The approximate excess capacity maintained over average daily transaction volumes.
3. How often or at what point stress testing is performed.

Systems

Please provide information regarding:

1. Whether the trading engine was developed in-house or by a commercial vendor.
2. Whether the trading engine is maintained in-house or by a commercial vendor and provide the name of the commercial vendor, if applicable.
3. The marketplace's networks. Please provide a copy of a high-level network diagram of the systems referred to in section 12.1 of the Regulation, as applicable, together with a description of the external points of contact for the marketplace's networks.
4. The message protocols supported by the marketplace's systems.
5. The transmission protocols used by the marketplace's systems.

IT Risk Assessment

Please describe the IT risk assessment framework, including:

1. How the probability and likelihood of IT threats are considered.
2. How the impact of risks are measured according to qualitative and quantitative criteria.
3. The documentation process for acceptable residual risks with related offsets.
4. The development of management's action plan to implement a risk response to a risk that has not been accepted.”;

(7) by replacing, in paragraph 1 of Exhibit J, the words “described in Exhibit E.4” with the words “described in Exhibit E item 4”;

(8) by replacing item 4 of Exhibit K with the following:

“4. The class of participation or other access. Please identify if the marketplace participant accesses the marketplace through co-location.”;

(9) by inserting, in item 2 of Exhibit M, the words “a copy of” after the words “and its members, provide”, and by deleting “.” after the words “the regulation services provider”.

26. Form 21-101F2 of the Regulation is amended:

(1) by replacing, in the title, the words “**INITIAL OPERATION REPORT**” with the words “**INFORMATION STATEMENT**”;

(2) by inserting, in the section “**TYPE OF FILING**” and after the words “**AMENDMENT**”, the words “; **AMENDMENT No.**”;

(3) by inserting, in item 12, the words “name of” before the words “regulation services provider”;

(4) by replacing, in the first paragraph under “**EXHIBITS**”, the word “shall” with the word “must”;

(5) in Exhibit E:

(a) by replacing the second sentence in the part preceding paragraph 1 with the following:

“This must include, but is not limited to, a description of the following.”;

(b) by replacing, in items 7, 8, 9 and 10, the word “Description” with the words “A description”;

(c) by inserting, at the end of the exhibit, the following sentence:

“The filer must provide all material contracts relating to order routing, execution, trade reporting, trade comparison, data feeds, market surveillance and trade clearing.”;

(6) in Exhibit F:

(a) by replacing, in the part preceding paragraph 1, the words “the routing, trading, execution, clearing and settlement,” with the words “routing, trading, execution, clearing and settlement, data”;

(b) by inserting, after paragraph 3, the following:

“4. A copy of the marketplace’s policies and procedures for the selection of service providers to which key services and systems may be outsourced and for the evaluation and approval of such outsourcing arrangements that are established and maintained pursuant to subsection 5.12(a) of Regulation 21-101 respecting Marketplace Operation.

5. A description of any conflicts of interest between the marketplace and the service provider to which key services and systems are outsourced and a copy of the policies and procedures to mitigate and manage such conflicts of interest that have been established pursuant to subsection 5.12(b) of Regulation 21-101 respecting Marketplace Operation.

6. A description of the measures the marketplace has taken pursuant to subsection 5.12(f) of Regulation 21-101 respecting Marketplace Operation to ensure that the service provider has established, maintains and periodically tests an appropriate business continuity plan, including a disaster recovery plan.

7. A description of the measures the marketplace has taken pursuant to subsection 5.12(g) of Regulation 21-101 respecting Marketplace Operation to ensure that the service provider protects the proprietary order, trade or any other confidential information of the participants of the marketplace.

8. A copy of the marketplace's processes and procedures to regularly review the performance of a service provider under an outsourcing arrangement that are established pursuant to subsection 5.12(h) of Regulation 21-101 respecting Marketplace Operation.”;

(7) by replacing Exhibit G with the following:

“Exhibit G – Systems and Contingency Planning

General

Provide:

1. A high level description of the marketplace's systems that support order entry, order routing, execution, trade reporting, trade comparison, data feeds, co-location and if applicable, market surveillance and trade clearing.

2. An organization chart of the marketplace's information technology group unless otherwise provided as part of the report required by subsection 12.2(1) of the Regulation.

Business Continuity Planning

Please provide a description of the marketplace's business continuity and disaster recovery plans that includes, but is not limited to, information regarding the following:

1. Where the primary processing site is located.
2. What the approximate percentage of hardware, software and network redundancy is at the primary site.
3. Any uninterruptible power source (UPS) at the primary site.
4. How frequently market data is stored off-site.
5. Any secondary processing site, the location of any such secondary processing site, and whether all of the marketplace's critical business data is accessible through the secondary processing site.
6. The creation, management, and oversight of the plans, including a description of responsibility for the development of the plans and their ongoing review and updating.

7. Escalation procedures, including event identification, impact analysis, and activation of the plans in the event of a disaster or disruption.

8. Procedures for internal and external communications, including the distribution of information internally, to the securities regulatory authority, and, if appropriate, to the public, together with the roles and responsibilities of marketplace staff for internal and external communications.

9. The scenarios that would trigger the activation of the plans.

10. How frequently the business continuity and disaster recovery plans are tested.

11. Procedures for record keeping in relation to the review and updating of the plans, including the logging of tests and deficiencies.

12. The targeted time to resume operations of critical information technology systems following the declaration of a disaster by the marketplace and the service level to which such systems are to be restored.

13. Any single points of failure faced by the marketplace.

Systems Capacity

Please provide information regarding:

1. How frequently future market activity is evaluated in order to adjust processing capacity.

2. The approximate excess capacity maintained over average daily transaction volumes.

3. How often or at what point stress testing is performed.

Systems

Please provide information regarding:

1. Whether the trading engine was developed in-house or by a commercial vendor.

2. Whether the trading engine is maintained in-house or by a commercial vendor and provide the name of the commercial vendor, if applicable.

3. The marketplace's networks. Please provide a copy of a high-level network diagram of the systems referred to in section 12.1 of the Regulation, as applicable, together with a description of the external points of contact for the marketplace's networks.

4. The message protocols supported by the marketplace's systems.

5. The transmission protocols used by the marketplace's systems.

IT Risk Assessment

Please describe the IT risk assessment framework, including:

1. How the probability and likelihood of IT threats are considered.
2. How the impact of risks are measured according to qualitative and quantitative criteria.
3. The documentation process for acceptable residual risks with related offsets.
4. The development of management's action plan to implement a risk response to a risk that has not been accepted.”;

(8) by inserting, in Exhibit I, the word “list” after the words “If this is an initial filing.”;

(9) in Exhibit J:

(a) by replacing, in paragraph 1, the words “described in Exhibit E.4” with the words “described in Exhibit E item 4”;

(b) by deleting, in paragraph 2, “,” after the word “institution”;

(10) by replacing item 4 of Exhibit K with the following:

“4. The class of participation or other access. Please identify if the marketplace participant accesses the marketplace through co-location.”.

27. Form 21-101F3 of the Regulation is amended:

(1) in section A:

(a) by replacing items 4 to 7 with the following:

“4. A list of all amendments in the information in Form 21-101F1 or 21-101F2 that were filed with the Canadian securities regulatory authorities and implemented during the period covered by the report. The list must include a brief description of each amendment, the date filed and the date implemented.

5. A list of all amendments in the information in Form 21-101F1 or 21-101F2 that have been filed with the Canadian securities regulatory authorities but not implemented as of the end of the period covered by the report. The list must include a brief description of each amendment, the date filed and the reason why it was not implemented.

6. Systems - If any outages occurred at any time during the period for any system relating to trading activity, including trading, routing or data, provide the date, duration, reason for the outage and its resolution.

7. Systems Changes – A brief description of any significant changes to the systems and technology used by the marketplace that support order entry, order routing, execution, trade reporting, trade comparison, data feeds, co-location and if applicable, market surveillance and trade clearing that were planned, under development, or implemented during the quarter. Please provide the current status of the changes that are under development.”;

(b) be deleting item 8;

(2) in section B:

(a) by replacing, in item 1 of Section 1, the word “should” with the words “must”;

(b) by replacing Chart 2 of Section 1 with the following:

“Chart 2 – Crosses

| Types of Crosses | Volume | Value | Number of Trades |
|-------------------------------------|---------------|--------------|-------------------------|
| 1. Intentional Crosses ¹ | | | |
| 2. Internal crosses | | | |
| 3. Other crosses | | | |

”;

(c) by replacing Chart 3 of Section 1 with the following:

“Chart 3 – Order information

| Types of Orders | Number of Orders | Orders Executed | Orders Cancelled² |
|--|-------------------------|------------------------|-------------------------------------|
| 1. Anonymous ³ | | | |
| 2. Fully transparent | | | |
| 3. Pegged Orders | | | |
| 4. Fully hidden | | | |
| 5. Separate dark facility of a transparent market | | | |
| 6. Partially hidden (reserve) | | | |
| 7. Total number of orders entered during the quarter | | | |

”;

(d) by replacing, wherever it appears in item 5 of Section 1, the word “should” with the word “must”;

(e) by deleting item 7 of Section 1;

(f) by adding, in item 1 of Section 2, the words “during the quarter” after the words “regular trading hours”;

(g) by replacing item 2 and Chart 8 of Section 2 with the following:

“2. Trading by security – Provide the details requested in the form set out in Chart 8 below for each fixed income security traded on the marketplace (during regular trading hours during the quarter. Enter “None”, “N/A”, or “0” where appropriate.

Chart 8 – Traded fixed income securities

| Category of Securities | Value Traded | Number of Trades |
|---|--------------|------------------|
| Domestic Unlisted Debt Securities - Government 1. Federal [Enter issuer, maturity, coupon] | | |
| 2. Federal Agency [Enter issuer, maturity, coupon] | | |
| 3. Provincial and Municipal [Enter issuer, maturity, coupon] | | |
| Domestic Unlisted Debt Securities – Corporate [Enter issuer, maturity, coupon] | | |
| Domestic Unlisted Debt Securities – Other [Enter issuer, maturity, coupon] | | |
| Foreign Unlisted Debt Securities – Government [Enter issuer, maturity, coupon] | | |
| Foreign Unlisted Debt Securities – Corporate [Enter issuer, maturity, coupon] | | |
| Foreign Unlisted Debt Securities – Other [Enter issuer, maturity, coupon] | | |

”;

(h) by replacing, in item 3 of Section 2, the word “should” with the word “must”;

(i) by replacing, wherever it appears in items 1 and 2 of Section 4, the word “should” with the word “must”;

(j) by replacing Chart 15 of Section 4 with the following:

“Chart 15 – Trades resulting from pre-negotiation discussions

| Type of Trade | Volume | Number of Trades |
|---------------------------|--------|------------------|
| Futures Products | | |
| A. Cross | | |
| B. Pre-arranged | | |
| C. Block | | |
| D. Exchange for physical | | |
| E. Exchange for risk | | |
| F. Riskless basis cross | | |
| G. Others, please specify | | |
| Options Products | | |
| A. Cross | | |
| B. Pre-arranged | | |
| C. Block | | |
| D. Others, please specify | | |

”;

(k) by replacing, in item 3 of Section 4, the word “should” with the word “must”;

(l) by replacing Chart 16 of Section 4 with the following:

“Chart 16 – Order information

| Type of Orders | Volume | Number of Trades |
|--|--------|------------------|
| 1. Anonymous | | |
| 2. Fully transparent | | |
| 3. Pegged orders | | |
| 4. Fully hidden | | |
| 5. Separate dark facility of a transparent market | | |
| 6. Partially hidden (reserve, for example, iceberg orders) | | |

”;

(m) by replacing, wherever it appears in items 4 and 5 of Section 4, the word “should” with the word “must”;

(n) by deleting item 6 of Section 4.

28. Form 21-101F5 of the Regulation is amended:

(1) by replacing, in the title, the words “**INITIAL OPERATION REPORT FOR**” with the words “**INFORMATION STATEMENT**”;

(2) by inserting, in section “**TYPE OF FILING**” and after the word “**AMENDMENT**”, the words “; **AMENDMENT No.**”;

(3) under “**EXHIBITS**”:

(a) by replacing, in the first paragraph, the word “shall” with the word “must”;

(b) by inserting, in the second paragraph, “,” before the words “provide a description”;

(4) by inserting, in item 1 of Exhibit C, “,” after the words “standing committees of the board” and “previous year”;

- (5) in Exhibit G:
- (a) in paragraph 1:
- (i) by replacing the word “should” with the word “must”;
- (ii) by replacing, in item 5, the word “Description” with the words “A description”;
- (b) by replacing, in paragraph 3, the word “should” with the word “must”;
- (c) by replacing, in the French text of paragraph 10, the words “tests aux marges” with the words “simulations de crise”;
- (6) by replacing paragraph 2 of Exhibit J with the following:
- “2. Where arrangements exist to share revenue from the sale of data disseminated by the information processor with marketplaces, inter-dealer bond brokers and dealers that provide data to the information processor in accordance with Regulation 21-101 respecting Marketplace Operation, provide a complete description of the arrangements and the basis for these arrangements.”;
- (7) by replacing, in paragraph 3 of Exhibit K, the word “who” with the word “that”;
- (8) by replacing, wherever it appears in Exhibit M, the word “should” with the word “must”.

29. The Regulation is amended by replacing, wherever it appears, the word “should” with the word “must”.

30. This Regulation comes into force on October 1, 2015.

REGULATION TO AMEND REGULATION 23-101 RESPECTING TRADING RULES

Securities Act

(R.S.Q., c. V-1.1, s. 331.1, par. (2), (9.1), (32) and (32.0.1))

1. Section 5.1 of Regulation 23-101 respecting Trading Rules is amended by replacing the words “no person shall” with the words “a person must not”.
2. Section 6.7 of the Regulation is amended by replacing the words “No person shall” with the words “A person must not”.
3. Section 6.8 of the Regulation is replaced with the following:

“6.8. Application of this Part

In Québec, this Part, except for paragraph 6.3(1)(c), does not apply to standardized derivatives.”.

4. Section 7.1 of the Regulation is amended by adding, after paragraph (2), the following:

“(3) If a recognized exchange has entered into a written agreement under section 7.2, the recognized exchange must adopt requirements, as determined necessary by the regulation services provider, that govern the recognized exchange and the conduct of the exchange’s members, and that enable the regulation services provider to effectively monitor trading on the exchange and across marketplaces.”.

5. Section 7.2 of the Regulation is replaced with the following:

“7.2. Agreement between a Recognized Exchange and a Regulation Services Provider

A recognized exchange that monitors the conduct of its members indirectly through a regulation services provider shall enter into a written agreement with the regulation services provider which provides that the regulation services provider will:

- (a) monitor the conduct of the members of the recognized exchange,
- (b) monitor the compliance of the recognized exchange with the requirements set under subsection 7.1(3), and
- (c) enforce the requirements set under subsection 7.1(1).”.

6. The Regulation is amended by inserting, after section 7.2, the following:

“7.2.1. Obligations of a Recognized Exchange to a Regulation Services Provider

A recognized exchange that has entered into a written agreement with a regulation services provider must

(a) transmit to the regulation services provider the information required under Part 11 of Regulation 21-101 respecting Marketplace Operation (chapter V-1.1, r. 5) and any information reasonably required by the regulation services provider in the form and manner requested by the regulation services provider to effectively monitor:

(i) the conduct of and trading by marketplace participants on and across marketplaces, including the compliance of marketplace participants with the requirements set under subsection 7.1(1), and

(ii) the conduct of the recognized exchange, including the compliance of the recognized exchange with the requirements set under subsection 7.1(3); and

(b) comply with all orders or directions made by the regulation services provider.”.

7. Section 7.3 of the Regulation is amended by adding, after paragraph (2), the following:

“(3) If a recognized quotation and trade reporting system has entered into a written agreement under section 7.4, the recognized quotation and trade reporting system must adopt requirements, as determined necessary by the regulation services provider, that govern the recognized quotation and trade reporting system and the conduct of the quotation and trade reporting system’s users, and that enable the regulation services provider to effectively monitor trading on the recognized quotation and trade reporting system and across marketplaces.”.

8. Section 7.4 of the Regulation is replaced with the following:

“7.4. Agreement between a Recognized Quotation and Trade Reporting System and a Regulation Services Provider

A recognized quotation and trade reporting system that monitors the conduct of its users indirectly through a regulation services provider must enter into a written agreement with the regulation services provider which provides that the regulation services provider will

(a) monitor the conduct of the users of the recognized quotation and trade reporting system,

(b) monitor the compliance of the recognized quotation and trade reporting system with the requirements set under subsection 7.3(3), and

(c) enforce the requirements set under subsection 7.3(1).”.

9. The Regulation is amended by inserting, after section 7.4, the following:

“7.4.1. Obligations of a Quotation and Trade Reporting System to a Regulation Services Provider

A recognized quotation and trade reporting system that has entered into a written agreement with a regulation services provider must

(a) transmit to the regulation services provider the information required under Part 11 of Regulation 21-101 respecting Marketplace Operation (chapter V-1.1, r. 5) and any information reasonably required by the regulation services provider in the form and manner requested by the regulation services provider to effectively monitor:

(i) the conduct of and trading by marketplace participants on and across marketplaces, including the compliance of marketplace participants with the requirements set under subsection 7.3(1), and

(ii) the conduct of the recognized quotation and trade reporting system, including the compliance of the recognized quotation and trade reporting system with the requirements set under subsection 7.3(3); and

(b) comply with all orders or directions made by the regulation services provider.”.

10. Section 10.2 of the Regulation is amended by replacing, in the part preceding paragraph (a), the word “shall” with the word “must” and the words “an agreement” with the words “a written agreement”.

11. The Regulation is amended by replacing, wherever it appears, the word “shall” with the word “must”.

12. This Regulation comes into force on October 1, 2015.

M.O., 2015-12**Order number I-14.01-2015-12 of the Minister of Finance dated 9 September 2015**

Derivatives Act
(chapter I-14.01)

CONCERNING the Regulation to amend the Derivatives Regulation

WHEREAS subparagraphs 1, 2, 3, 9, 11, 12, 13, 14, 17, 19, 26, 27 and 29 of section 175 of paragraph 1 of the Derivatives Act (chapter I-14.01) stipulates that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the fourth and fifth paragraphs of section 175 of the said Act stipulate that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the second and sixth paragraphs of the said section stipulate that every regulation made under section 175 must be submitted to the Minister of Finance for approval with or without amendment and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS the Derivatives Regulation has been approved by ministerial order no. 2009-01 dated January 15, 2009 (2009, *G.O.* 2, 33A);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend the Derivatives Regulation was published in the *Bulletin de l'Autorité des marchés financiers*, volume 12, no. 25 of June 25, 2015;

WHEREAS the Authority made, on August 11, 2015, by the decision no. 2015-PDG-0124, Regulation to amend the Derivatives Regulation;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to amend the Derivatives Regulation appended hereto.

9 September 2015

CARLOS LEITÃO,
Minister of Finance

REGULATION TO AMEND THE DERIVATIVES REGULATION

Derivatives Act

(chapter I-14.01, s. 175, par. 1, subpars. (1), (2), (3), (9), (11), (12), (13), (14), (17), (19), (26), (27) and (29))

1. The Derivatives Regulation (chapter I-14.01, r. 1) is amended by inserting the following after section 11.22.1:

“**11.22.2** Regulation 21-101 respecting Marketplace Operation (chapter V-1.1, r. 5) applies, with the necessary modifications, to persons and entities carrying out derivatives activities in Québec, their members, subscribers, users, directors and officers, as well as to offerings, transactions and orders involving standardized derivatives, as contemplated under the Act.”

“**11.22.3** Regulation 23-101 respecting Trading Rules (chapter V-1.1, r. 6) applies, with the necessary modifications, to persons and entities carrying out derivatives activities in Québec, their members, subscribers, users, directors and officers, to dealers and advisers, as well as to offerings, transactions and orders involving standardized derivatives, as contemplated under the Act.”

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

M.O., 2015-13**Order number V-1.1-2015-13 of the Minister of Finance dated 9 September 2015**

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to revoke Policy Statement Q-22, Disclosure Document for Commodity Futures Contracts, for Options Traded on a Recognized Market and for Exchange-Traded Commodity Futures Options

WHEREAS subparagraphs 1, 14 and 32.0.1 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the Policy Statement Q-22, Disclosure Document for Commodity Futures Contracts, for Options Traded on a Recognized Market and for Exchange-Traded Commodity Futures Options was adopted pursuant to decision no. 2001-C-0254 dated June 12, 2001 (*Bulletin hebdomadaire* vol. 32, no. 25, dated June 22, 2001);

WHEREAS there is cause to revoke this regulation;

WHEREAS the draft Regulation to revoke Policy Statement Q-22, Disclosure Document for Commodity Futures Contracts, for Options Traded on a Recognized Market and for Exchange-Traded Commodity Futures Options was published in the *Bulletin de l'Autorité des marchés financiers*, vol. 12, no. 25 of June 25, 2015;

WHEREAS the *Autorité des marchés financiers* made, on August 11, 2015, by the decision no. 2015-PDG-0125, Regulation to revoke Policy Statement Q-22, Disclosure Document for Commodity Futures Contracts, for Options Traded on a Recognized Market and for Exchange-Traded Commodity Futures Options;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to revoke Policy Statement Q-22, Disclosure Document for Commodity Futures Contracts, for Options Traded on a Recognized Market and for Exchange-Traded Commodity Futures Options appended hereto.

9 September 2015

CARLOS LEITÃO,
Minister of Finance

REGULATION TO REVOKE POLICY STATEMENT Q-22, DISCLOSURE DOCUMENT FOR COMMODITY FUTURES CONTRACTS, FOR OPTIONS TRADED ON A RECOGNIZED MARKET AND FOR EXCHANGE-TRADED COMMODITY FUTURES OPTIONS

Securities Act

(chapter V-1.1, s. 331.1, pars. (1), (14) and (32.0.1))

1. Policy Statement Q-22, Disclosure Document for Commodity Futures Contracts, for Options Traded on a Recognized Market and for Exchange-Traded Commodity Futures Options (chapter V-1.1, r. 49) is revoked.
2. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

102279

Draft Regulations

Draft regulation

An Act to establish the new Code of Civil Procedure (2014, chapter 1)

Tariff of judicial fees applicable to the recovery of small claims

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Tariff of judicial fees applicable to the recovery of small claims, appearing below, may be made by the government on the expiry of 45 days following this publication.

The draft regulation reflects the changes made in the area of civil procedure by the Act to establish the new Code of Civil Procedure (2014, chapter 1). It specifies the judicial fees payable to file or present an application or other pleading under Title II of Book VI of the new Code, and for the execution of judgments.

The draft regulation replaces the Tariff of Court Fees applicable to the Recovery of Small Claims (chapter C-25, r. 16) by a new Tariff adapted to the terminology and spirit of the Act to establish the new Code of Civil Procedure.

The judicial fees introduced by this draft regulation are comparable to those in the existing Tariff. To date, study of the matter has shown no significant impact on the public or enterprises, including small and medium-sized businesses.

Further information about the draft regulation may be obtained by contacting Mtre. Marc Lahaie, advocate, Ministère de la Justice, at the following address: 1200, route de l'Église, 7^e étage, Québec (Québec) G1V 4M1; telephone: 418 644-7700, extension 20174; fax: 418 644-9968; E-mail: marc.lahaie@justice.gouv.qc.ca

Any person wishing to comment on the draft regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,
Minister of Justice

Tariff of judicial fees applicable to the recovery of small claims

An Act to establish the new Code of Civil Procedure (2014, c. 1, s. 570)

1. The amount of the judicial fee that an applicant must submit or file with an application or cross-application, as the case may be, is established by the following table according to the amount of the claim and according to whether the fee is payable by a natural person or a legal person.

| Amount of the claim | Judicial fee (natural person) | Judicial fee (legal person) |
|-------------------------|----------------------------------|--------------------------------|
| \$0.01 to \$5,000 | \$100 | \$150 |
| \$5,000.01 to \$10,000 | \$185 | \$250 |
| \$10,000.01 to \$15,000 | \$200 | \$300 |

2. The amount of the judicial fee that a defendant must submit or file with a defence is established by the following table according to the amount of the claim entered for recovery by the plaintiff or cross-plaintiff, as the case may be, and according to whether the fee is payable by a natural person or a legal person.

| Amount of the claim | Judicial fee (natural person) | Judicial fee (legal person) |
|-------------------------|----------------------------------|--------------------------------|
| \$0.01 to \$5,000 | \$100 | \$150 |
| \$5,000.01 to \$10,000 | \$185 | \$250 |
| \$10,000.01 to \$15,000 | \$200 | \$300 |

3. The amount of the judicial fee that a party must submit or file with an application for a revocation of judgment is established by the following table according to the amount of the claim, and according to whether the fee is payable by a natural person or a legal person.

| Amount of the claim | Judicial fee (natural person) | Judicial fee (legal person) |
|-------------------------|----------------------------------|--------------------------------|
| \$0.01 to \$5,000 | \$100 | \$150 |
| \$5,000.01 to \$10,000 | \$185 | \$250 |
| \$10,000.01 to \$15,000 | \$200 | \$300 |

4. The amount of the judicial fee that a creditor must pay as execution costs, in addition to bailiff's expenses, is \$43 when the fee is payable by a natural person and \$50 when the fee is payable by a legal person. The judicial fee is payable only for the signing and filing of an initial notice of execution by the clerk and may be claimed from the debtor of the judgment.

5. The amount of the judicial fee that a party or a third person must pay to oppose a seizure is \$100 when the fee is payable by a natural person and \$150 when the fee is payable by a legal person, without regard to the value of the right that the opposition is intended to protect or the amount of the judgment. The fee is payable for each opposition filed with the court office.

6. This Tariff applies to the State and to state bodies.

7. The judicial fees established by this Tariff apply to any applications, pleadings or documents filed or produced on or after the date on which the Tariff comes into force, even in a case commenced prior to that date.

8. This Tariff replaces the Tariff of court fees applicable to the recovery of small claims (c. C-25, r. 16).

9. This Tariff comes into force on the date of coming into force of the Act to establish the new Code of Civil Procedure (2014, Chapter 1).

102283

Draft Regulation

Code of Penal Procedure
(chapter C-25.1)

Court costs in penal matters applicable to persons under 18 years of age — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation is mainly intended to make necessary amendments to follow up on the passing of the Act to establish the new Code of Civil Procedure (2014, chapter 1). Thus, the draft Regulation amends the costs of execution that are provided for in the Regulation respecting certain

court costs in penal matters applicable to persons under 18 years of age (chapter C-25.1, r. 3) to take into account the new activities to be carried out by the collector when the collector will make a seizure according to the rules relating to the civil execution of the new Code of Civil Procedure.

The draft Regulation also proposes to add certain costs of execution related to activities currently carried out by the collector.

To date, study of the matter has shown that the amendments will have no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Michel Paquette, Bureau de la sous-ministre du Ministère de la Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1; telephone: 418 643-4090; fax: 418 643-3877; email: michel.paquette@justice.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,
Minister of Justice

Regulation to amend the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age

Code of Penal Procedure
(chapter C-25.1, art. 367)

1. The Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age (chapter C-25.1, r. 3) is amended in section 11

(1) by inserting the following after paragraph 3:

“(3.1) for the notification of a notice of execution to the Société de l'assurance automobile du Québec under article 730 of the Code of Civil Procedure (chapter C-25.01): \$8;”;

(2) by replacing paragraph 4 by the following:

“(4) for the filing with the court office of a notice of execution prepared by the collector, regardless of the number of records concerned: \$24;

(4.1) for the filing with the court office of an amended notice of execution prepared by the collector, regardless of the number of records concerned: \$24;

(4.2) for the execution instructions prepared by the collector and given to the bailiff: \$18;

(4.3) for the filing by the collector of a statement of claims under article 685 of the Code of Civil Procedure: \$22;”;

(3) by inserting the following after paragraph 6:

“(6.1) for the subpoena and examination of the garnishee by the collector under article 712 of the Code of Civil Procedure: \$17;

(6.2) for an order, a decision, or an authorization by the court or the court clerk at the request of the collector under a provision of the Code of Civil Procedure: \$11;”;

(4) by inserting the following after paragraph 7:

“(7.1) for the service by bailiff of an application for the issue of an order of imprisonment for default of payment of the sums due, the tariff provided for in the Tariff of fees of court bailiffs, made by Order in Council (*insert the number and date of the Order in Council*);”;

(5) by replacing paragraph 8 by the following:

“(8) for the service by mail of a notice of execution of seizure in the hands of third persons or of an amended notice of execution of seizure in the hands of third persons: \$12;

(8.1) for the filing of the garnishee’s declaration with the court office and its notification by the collector, regardless of the number of records concerned: \$7;

(8.2) for the filing of the bailiff’s report prepared and notified by the collector: \$21;

(8.3) for the preparation by the collector of a collocation scheme after the seizure in the hands of third persons of sums of money: \$7;

(8.4) for the filing and notification of a claim under article 666 or 773 of the Code of Civil Procedure: \$31;”.

2. The costs of execution of the judgment provided for in section 11 of the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age (chapter C-25.1, r. 3), applicable until the date of coming into force of this Regulation, continue to apply with regard to acts performed within the framework of execution proceedings already under way on that date.

3. This Regulation comes into force on the date of coming into force of the Act to establish the new Code of Civil Procedure (2014, chapter 1) or, if it is different, on the date of coming into force of Book VIII of the new Code of Civil Procedure established by the Act.

102285

Draft Regulation

Code of Penal Procedure
(chapter C-25.1)

Tariff of court costs in penal matters — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Tariff of court costs in penal matters, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation is mainly intended to make necessary amendments to follow up on the passing of the Act to establish the new Code of Civil Procedure (2014, chapter 1). Thus, the draft Regulation amends the costs of execution that are provided for in the Tariff of court costs in penal matters, (chapter C-25.1, r. 6) to take into account the new activities to be carried out by the collector when the collector will make a seizure according to the rules relating to the civil execution of the new Code of Civil Procedure.

The draft Regulation also proposes to add certain costs of execution related to activities currently carried out by the collector.

To date, study of the matter has shown that the amendments will have no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Michel Paquette, Bureau de la sous-ministre du Ministère de la Justice, 1200, route de l’Église, 9^e étage, Québec (Québec) G1V 4M1; telephone: 418 643-4090; fax: 418 643-3877; email: michel.paquette@justice.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l’Église, 9^e étage, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,
Minister of Justice

Regulation to amend the Tariff of court costs in penal matters

Code of Penal Procedure
(chapter C-25.1, art. 367)

1. The Tariff of court costs in penal matters (chapter C-25.1, r. 6) is amended in section 13

(1) by inserting the following after paragraph 3:

“(3.1) for the notification of a notice of execution to the Société de l’assurance automobile du Québec under article 730 of the Code of Civil Procedure (chapter C-25.01): \$15;”;

(2) by replacing paragraph 4 by the following:

“(4) for the filing with the court office of a notice of execution prepared by the collector, regardless of the number of records concerned: \$48;

(4.1) for the filing with the court office of an amended notice of execution prepared by the collector, regardless of the number of records concerned: \$48;

(4.2) for the execution instructions prepared by the collector and given to the bailiff: \$36;

(4.3) for the filing by the collector of a statement of claims under article 685 of the Code of Civil Procedure: \$43;”;

(3) by inserting the following after paragraph 6:

“(6.1) for the subpoena and examination of the garnishee by the collector under article 712 of the Code of Civil Procedure: \$34;

(6.2) for an order, a decision, or an authorization by the court or the court clerk at the request of the collector under a provision of the Code of Civil Procedure: \$21;”;

(4) by inserting the following after paragraph 7:

“(7.1) for the service by bailiff of an application for the issue of an order of imprisonment for default of payment of the sums due, the tariff provided for in the Tariff of fees of court bailiffs, made by Order in Council (*insert the number and date of the Order in Council*);”;

(5) by replacing paragraph 8 by the following:

“(8) for the service by mail of a notice of execution of seizure in the hands of third persons or of an amended notice of execution of seizure in the hands of third persons: \$23;

(8.1) for the filing of the garnishee’s declaration with the court office and its notification by the collector, regardless of the number of records concerned: \$14;

(8.2) for the filing of the bailiff’s report prepared and notified by the collector: \$42;

(8.3) for the preparation by the collector of a collocation scheme after the seizure in the hands of third persons of sums of money: \$13;

(8.4) for the filing and notification of a claim under article 666 or 773 of the Code of Civil Procedure: \$62;”.

2. The costs of execution of the judgment provided for in section 13 of the Tariff of court costs in penal matters (chapter C-25.1, r. 6), applicable until the date of coming into force of this Regulation, continue to apply with regard to acts performed within the framework of execution proceedings already under way on that date.

3. This Regulation comes into force on the date of coming into force of the Act to establish the new Code of Civil Procedure (2014, chapter 1) or, if it is different, on the date of coming into force of Book VIII of the new Code of Civil Procedure established by the Act.

102286

Draft Regulation

Court Bailiffs Act
(chapter H-4.1)

Tariff of fees of court bailiffs

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Tariff of fees of court bailiffs, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation makes the necessary amendments following the adoption of the Act to establish the new Code of Civil Procedure (2014, chapter 1). The draft Regulation reviews the tariffs of fees of court bailiffs to take into account, in particular, duties assigned to court bailiffs under the new Code of Civil Procedure.

The proposed amendments may have an impact on enterprises, including small and medium-sized businesses, when they use the services of court bailiffs.

Further information on the draft Regulation may be obtained by contacting Michel Paquette, Bureau de la sous-ministre, Ministère de la Justice, 1200, route de l’Église, 9^e étage, Québec (Québec) G1V 4M1; telephone: 418 643-4090; fax: 418 643-3877; email: michel.paquette@justice.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,
Minister of Justice

Tariff of fees of court bailiffs

Court Bailiffs Act
(chapter H-4.1, s. 13)

DIVISION I CLASSES OF PROCEEDINGS

1. In this Regulation, the classes of proceedings referred to correspond to

(a) Class 1

i. a proceeding that comes under the jurisdiction of the Court of Québec or of a municipal court, a proceeding founded on the Code of Penal Procedure (chapter C-25.1) or on the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) where no amount is involved or the amount involved does not exceed \$500;

ii. a proceeding issuing from a person or body having judicial or administrative powers;

(b) Class 2

i. a proceeding that comes under the jurisdiction of the Court of Québec or of a municipal court, a proceeding founded on the Code of Penal Procedure or on the Criminal Code, and not included in Class 1;

ii. a proceeding that comes under the jurisdiction of the Superior Court, the Court of Appeal, the Supreme Court or the Federal Court, or a court of another province or country.

DIVISION II GENERAL RULES

§1. Hourly fees

2. Where this Regulation provides that a bailiff is entitled to hourly fees, the fees are established at \$68 per hour.

The bailiff is not entitled to hourly fees while travelling.

§2. Travelling fees

3. Where this Regulation provides that a bailiff is entitled to travelling fees, they include

(a) transportation fees set at \$0.63 per kilometer travelled;

(b) transportation expenses set at \$0.86 per kilometer travelled.

Transportation expenses are modified each time that the compensation provided for in subparagraph *b* of paragraph 1 of section 11 of the *Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics* (C.T. 212379 dated 26 March 2013) is modified. The expenses are then increased or reduced, as the case may be, by an amount equal to twice the difference between the new amount of compensation and the previous amount.

The Minister of Justice is to publish the amount of the modified expenses in Part 1 of the *Gazette officielle du Québec* and on the website of the Ministère de la Justice.

4. The travelling fees that a bailiff may claim must not exceed the amount calculated on the basis of the distance actually travelled, to a maximum of the one-way trip distance from the bailiff's closest office to the place where service or execution was made.

Where the one-way trip distance actually travelled by the bailiff exceeds 15 kilometers and where the bailiff has an office less than 15 kilometers from the place where service or execution was made, the travelling fees must be claimed for an amount equivalent to a 15-kilometer trip.

Despite the first paragraph, where the one-way trip distance actually travelled by the bailiff does not exceed 15 kilometers, the travelling fees must be claimed for the distance actually travelled.

5. Where, on the same trip, a bailiff serves or executes several proceedings or other documents concerning the same case, the bailiff is entitled to

(a) travelling fees for 1 proceeding or 1 document if the service is on the same addressee or the execution is on the same person;

(b) travelling fees based on the shortest route to each place where a service or execution is made if the service is made on different addressees or the execution is made on different persons.

6. Where the service or execution requires a bailiff to make several trips, the place, day and time of each trip must be recorded in the minutes of the bailiff.

§3. Fees for service

7. A bailiff is entitled to the fees for service provided for in this Regulation, which include the fees for drawing up the certificate of service and are added to the travelling fees.

If the prescription periods, the distance or circumstances so require, the bailiff is entitled to the hourly fees for any period after the second half-hour of waiting, up to a maximum of 1 hour and 30 minutes.

8. For serving a proceeding introductive of suit which opens the file, except for an application dealt with according to the procedure for non-contentious proceedings provided for in the Code of Civil Procedure (chapter C-25.01), a bailiff is entitled to the following fees for service:

Class 1: \$9;

Class 2: \$23.

For the service of an application dealt with according to the procedure for non-contentious proceedings, the bailiff is entitled to a fee for service of \$9.

9. Where, on the same trip, a bailiff serves on the same addressee several proceedings or other documents concerning different cases, the bailiff is entitled to the fee for service for each proceeding or each document, whether the cases have different applicants or the same applicant. In the latter case, the travelling fees to which the bailiff is entitled may be charged for only 1 proceeding or 1 document.

10. For the service of a judicial document from another State, in application of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, which was concluded at the Hague on 15 November 1965, a bailiff is entitled only to a fee of \$100.

11. For the service of any document not specifically provided for in this Regulation, a bailiff is entitled to a fee for service of \$9.

§4. Minutes in certain special circumstances

12. For drawing up the minutes for steps taken or for absence in connection with a service, a bailiff is entitled to a fee of \$6.

The bailiff is entitled to that fee for each different case up to a maximum of 2 cases, having the same applicant, during the same trip, in respect of the same person.

The travelling fees to which the bailiff is entitled may be charged for only 1 case.

13. For drawing up the minutes for steps taken or for absence, when acting in execution matters, a bailiff is entitled to a fee of \$12.

14. For drawing up the copy of a certificate of service intended for the registrar, for registration in the land register, a bailiff is entitled to a fee of \$6.

15. For drawing up the minutes for the opening of a safety deposit box, provided for in article 478 of the Code of Civil Procedure, a bailiff is entitled to a fee of \$37.

The bailiff is also entitled to hourly fees for any period after the thirtieth minute the bailiff is present on the premises where the safety deposit box is situated, and to travelling fees.

16. For drawing up the minutes indicating the destruction of documents on a technological medium that is seized, a bailiff is entitled to a fee of \$56.

The bailiff is also entitled to hourly fees for any period after the forty-fifth minute the bailiff is present on the premises where the destruction is carried out, and to travelling fees.

§5. Official report

17. A bailiff who writes an official report, except a report drawn up for the execution of judgments and orders, is entitled to a fee of \$79. The fee is added to the travelling fees.

The bailiff is also entitled to hourly fees for any period starting from the second hour.

§6. Disbursements

18. A bailiff may only claim as disbursements the sums that are warranted and that the bailiff actually paid to a third person while performing duties under the provisions of the Code of Civil Procedure or another law. The sums include the mailing cost to give notice of proceedings or other document, court costs and court office fees, fees for the register of personal and movable real rights and fees for the land register, the fees of an advocate or a notary who assists the bailiff where provided for by law, and fees claimed by a financial institution carrying on its activities in Québec, where the bailiff can accept a payment made by means of a certified cheque, a credit card or a transfer of funds.

§7. Increased fees

19. If, according to the law, a bailiff must execute a service on a holiday, or after 10:00 p.m. or before 7:00 a.m. on a day other than a holiday, the bailiff is entitled to one and a half times the amount of the fees. The same applies if the bailiff, according to the law, must perform an execution on a holiday, or after 8:00 p.m. or before 7:00 a.m. on a day other than a holiday.

Where an execution is begun before 8:00 p.m. and continues after that time, the bailiff is entitled to one and a half times the amount of the hourly fees for any period after the twentieth hour the bailiff is present on the premises of the execution.

DIVISION III SPECIAL FEES FOR THE EXECUTION OF JUDGMENTS AND ORDERS

§1. General rule

20. For the execution of judgments and orders, a bailiff is entitled to the fees provided for in this Division; the fees are established taking into account all the activities to be performed, regardless of the number of judicial cases concerned by a notice of execution and regardless of the numbers of parties involved.

The fees are added to the travelling fees, the fees for service and the disbursements provided for in Division II.

§2. Payment in instalments

21. For entering into an instalment payment agreement agreed to by the creditor, a bailiff is entitled to a fee of 25% of the amount of the agreement, up to a maximum amount of \$56.

22. When distributing sums of money under an instalment payment agreement, a bailiff is entitled to a fee of 5% calculated on the sums of money received and to be distributed.

§3. Notice of execution

23. For filing with the court office a notice of execution completed by the bailiff, the bailiff is entitled to a fee of \$93, regardless of the fact that the notice must be filed in a number of court records.

24. For filing with the court office, under article 682 of the Code of Civil Procedure, an amended notice of execution completed by the bailiff, the bailiff is entitled to a fee of \$62, regardless of the fact that the notice must be filed in a number of court records.

§4. Examination of debtor and garnishee

25. For a subpoena issued at a bailiff's request by a judge or a court clerk, the bailiff is entitled to a fee of \$25.

26. For having conducted, under a provision of the Code of Civil Procedure, the examination of a debtor after judgment or of a garnishee on the garnishee's declaration, a bailiff is entitled to a fee of \$50.

§5. Judicial authorizations

27. Where, to obtain from the court instructions required to act during the execution, in particular an order, a decision or an authorization, a bailiff must draw up and file an application and a notice of presentation, notify them to the parties and prepare the presentation to the court, the bailiff is entitled to a fee of \$37. The bailiff is also entitled to hourly fees for the time the bailiff is present at the courthouse, starting from the calling of the roll.

Where such instructions are obtained when those formalities are not required, the bailiff is entitled to a fee of \$37.

§6. Seizure of income

28. For filing with the court office the declaration of the garnishee where the seizure is on the income of the debtor, a bailiff is entitled to a fee of \$25.

29. When distributing sums of money in connection with a seizure of income, a bailiff is entitled to a fee of 6% calculated on the total amount of money received and to be distributed.

30. For each claim accepted by a bailiff, the bailiff is entitled to a fee of \$25.

31. For implementing an instalment payment agreement, entered into under article 699 of the Code of Civil Procedure, a bailiff is entitled to a fee of \$56.

§7. Seizure before judgment

32. In connection with a seizure before judgment, a bailiff is entitled to a fee of

(a) \$93 for drawing up the minutes of seizure before judgment pertaining to a movable property.

The bailiff is also entitled to hourly fees for any period after the first hour the bailiff is present on the premises of the seizure and to travelling fees to travel to the place where the property to be seized is kept, if the place is different from the place the notice of execution is served on the debtor;

(b) \$43 for drawing up the minutes of seizure before judgment pertaining to an immovable property;

(c) \$37 to decide, in accordance with article 523 of the Code of Civil Procedure, if the guarantee offered by a defendant is sufficient.

§8. Seizure of movable property

33. In connection with a seizure pertaining to movable property, a bailiff is entitled to a fee of

(a) \$75 for drawing up the minutes of seizure of movable property that the bailiff executed.

The bailiff is also entitled to hourly fees for any period after the first hour the bailiff is present on the premises of the seizure and to travelling fees to travel to the place where the property to be seized is kept, if the place is different from the place the notice of execution is served on the debtor;

(b) \$37 for drawing up the minutes of a *nulla bona*;

(c) \$25 if the bailiff receives from the debtor full payment of the sums owed, including fees for execution, in a single payment after the filing with the court office of the notice of execution of a seizure but before its execution;

(d) \$37 for the publication in the sales register of a notice of sale pertaining to movable property.

Where the published notice pertains to more than 10 properties or lots of movable property, the bailiff is entitled to an additional fee of \$1.25 for each excess property or lot of movable property published in the register;

(e) \$12 for the publication in the sales register of a subsequent notice of sale, required under a provision of the Code of Civil Procedure, pertaining to movable property;

(f) \$75 for the sale of movable property, whether it is by agreement, through a call for tenders or by auction.

Where the sale is through a call for tenders, the bailiff is entitled to hourly fees to allow all tenderers to ascertain the condition of the property to be sold, for a maximum of 3 hours.

The bailiff is also entitled to travelling fees to travel to the location of the property to be sold;

(g) \$25 if, although at the location, the bailiff was not able to sell the movable property;

(h) \$19 for drawing up a contract of sale of the movable property;

(i) \$37 for filing the bailiff's report with the court office following the seizure of movable property;

(j) \$25 for preparing a collocation scheme and distributing the proceeds of the sale of movable property.

Where the number of persons entitled to the proceeds of the sale exceeds 2 persons, the bailiff is entitled to an additional fee of \$19 for each additional person;

(k) \$12 for search in the register of personal and movable real rights;

(l) \$25 for a decision made at the request of a debtor to replace property seized.

The bailiff who must travel to the location to verify the replacement property is also entitled to travelling fees;

(m) \$25 for a decision made on the replacement of the custodian of seized property;

(n) \$62 for the examination of the property before entrusting it to a new custodian and for drawing up a report ascertaining the state or condition of the property.

The bailiff is also entitled to travelling fees;

(o) \$93 for the sale of movable property that is perishable, likely to depreciate rapidly or expensive to preserve;

(p) \$19 to dispose of property that cannot be sold and whose owner refuses to take possession of the property.

§9. Seizure of an immovable

34. In connection with the seizure of immovables, a bailiff is entitled to a fee of

(a) \$43 for drawing up the minutes of the seizure of an immovable the bailiff executed;

(b) \$43 for a decision rendered by the bailiff on the sale of an immovable by agreement proposed by the debtor;

(c) \$50 for the publication of a notice of sale of immovable property in the sales register;

(d) \$12 for the publication in the sales register of a subsequent notice of sale, required under a provision of the Code of Civil Procedure, pertaining to immovable property;

(e) \$75 for the sale of an immovable, whether the sale is by agreement, through a call for tenders or by auction.

Where the sale is through a call for tenders, the bailiff is entitled to hourly fees to allow all tenderers to ascertain the condition of the immovable to be sold, for a maximum of 3 hours.

The bailiff is also entitled to travelling fees to travel to the location of the immovable to be sold;

(f) \$75 for signing a contract for the sale of an immovable before a notary.

The bailiff is also entitled to travelling fees to travel to the notary's office;

(g) \$37 for filing the bailiff's report with the court office following the seizure of an immovable;

(h) \$298 for preparing a collocation scheme and distributing the proceeds of the sale of an immovable;

(i) \$12 for search in the land register.

§10. Forced execution in real actions

35. For a forced execution in real actions, a bailiff is entitled to a fee of \$93.

The bailiff is also entitled to hourly fees for any period after the first hour the bailiff is present on the premises of the execution.

§11. Seizure in the hands of a third person other than seizure of the debtor's income

36. For filing the declaration of a garnishee, other than the debtor's employer, with the court office, a bailiff is entitled to a fee of \$25.

37. For filing the bailiff's report with the court office, following seizure in the hands of a third person, other than seizure of the debtor's income, a bailiff is entitled to a fee of \$37.

38. For preparing a collocation scheme following the seizure of sums of money and their distribution, a bailiff is entitled to a fee of \$25.

§12. Sequestration

39. To give the sequestrator possession of property, a bailiff is entitled to a fee of \$37.

The bailiff is also entitled to hourly fees for any period in addition to the first half-hour the bailiff is present on the premises of the surrender of property and the bailiff is entitled to travelling fees to travel to the location of the property.

40. To receive accounting from the sequestrator at the end of management, a bailiff is entitled to a fee of \$50. To receive any interim accounting from the sequestrator, by court order, a bailiff is entitled to a fee of \$25.

§13. Release

41. For having given an acquittance under article 776 of the Code of Civil Procedure, release, release of seizure or suspension of the execution of a seizure, a bailiff is entitled to a fee of \$19.

§14. Execution of a judgment to move a specific person

42. For the execution of a judgment or an order providing for the performance of any physical act to move a specific person, a bailiff is entitled to the following fees:

Class 1: \$46;

Class 2: \$72.

The bailiff is also entitled to hourly fees starting from the second hour and to the travelling fees and fees for service provided for in Division II.

43. The execution of a judgment or an order providing for the performance of any physical act to move a specific person pertains in particular to

(a) a warrant for a person's arrest;

(b) a warrant for a person's imprisonment;

(c) an order or a judgment in matters concerning confinement in an establishment for psychiatric evaluation;

(d) an order of *habeas corpus* ordering the bailiff to bring a person before the court;

(e) a judgment ordering the eviction of a person from a given domicile, particularly in the case of a separation or divorce

44. For the acquisition of a warrant for entry in a dwelling, a bailiff is entitled to a fee of \$12.

The bailiff is also entitled to hourly fees starting from the second hour.

§15. Immobilization of a vehicle

45. For the execution of the seizure of movable property after judgment, where the property seized is a motor vehicle registered in the defendant's name, the bailiff is entitled

(a) where a motor vehicle has been immobilized, a fee of \$146 including the installation and removal of the device, the execution, service, travelling fees and hourly fees of the bailiff;

(b) where, not less than 24 hours following the immobilization of the vehicle, the vehicle is towed away, a fee of \$212 including the installation and removal of the device, the execution, services including those of the police force closest to the place where the immobilization took place, travelling fees, hourly fees of the bailiff and the official report;

(c) where the vehicle has been towed away immediately, a fee of \$173 including the installation and removal of the device, the execution, services including those of the police service closest to the place where the immobilization took place, travelling fees, hourly fees of the bailiff and the official report.

DIVISION IV OTHER FEES

46. To certify the authenticity of a document, where the bailiff is acting as correspondent for the purposes of article 113 of the Code of Civil Procedure, a bailiff is entitled to a fee of \$10.

47. To receive tenders and serve them, a bailiff is entitled to the following fees:

Class 1: \$33;

Class 2: \$60.

48. For a sale by auction provided for by a law other than the Code of Civil Procedure, a bailiff is entitled to a fee of \$79.

The bailiff is also entitled to hourly fees starting from the second hour.

DIVISION V FINAL

49. This Regulation replaces the Tariff of fees and transportation expenses of bailiffs (chapter H-4.1, r. 14) and the Tariff of fees claimable from the debtor for the execution by bailiffs and advocates of a small claims judgment (chapter C-25, r. 17).

Despite the foregoing, former regulations continue to apply with respect to acts performed in connection with execution proceedings already under way.

50. This Regulation comes into force on the date of coming into force of the Act to establish the new Code of Civil Procedure (2014, chapter 1) or, if the date is different, on the date of coming into force of Book VIII of the new Code of Civil Procedure established by that Act.

102284

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Hours of driving and rest of heavy vehicle drivers — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the hours of driving and rest of heavy vehicle drivers, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation changes the definition of farm tractor to take into account the adjustments made to that definition by the Regulation respecting safety standards for road vehicles with respect to the vehicle's ownership.

The amendments proposed in the draft Regulation have no particular impact on the public.

No impact is foreseen on enterprises, including small and medium-sized businesses, since the adjustment is for harmonization purposes only.

Further information may be obtained by contacting Alexandre Guay, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-21, case postale 19600, Québec (Québec) G1K 8J6; telephone: 418 528-3080.

Any person having comments to make on the matter is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

ROBERT POËTI,
Minister of Transport

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

Highway Safety Code
(chapter C-24.2, s. 621, 1st par., subpar. 42)

1. The Regulation respecting the hours of driving and rest of heavy vehicle drivers (chapter C-24.2, r. 28) is amended in section 4 by replacing subparagraph 5 of the first paragraph by the following:

“(5) a farm tractor or farm machinery within the meaning of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) and a farm trailer owned by a farmer and having the characteristics provided for in section 2 of the Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32);”;

2. This Regulation comes into force on 28 March 2016.

102281

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Safety standards for road vehicles —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting safety standards for road vehicles, appearing below, may be made by the Government on the expiry of 45 days following this publication.

In Canada, the federal and provincial regulations concerning road transportation are developed taking into account the standards in the National Safety Code, which was developed and accepted by all the jurisdictions and for which the Canadian Council of Motor Transport Administrators (CCMTA) is the depository. The Code does not have force of law, but is used as a model to harmonize the regulations in all jurisdictions. Standard 13 – Daily Vehicle Trip Inspection from that Code is intended to ensure early identification of vehicle problems and defects, and to prevent the operation of vehicles with conditions that are likely to cause or contribute to a collision or vehicle breakdown. Amendments to that standard were made in various stages between December 2003 and May 2005.

The draft Regulation proposes new rules concerning the summary inspection of the mechanical condition of a heavy vehicle by the driver or the person designated by the operator to harmonize them with the standard. The inspection which used to be made before the vehicle's departure will now be made on a daily basis, subject to exceptions. The daily inspection will have to pertain to the compliance items provided for in the list of defects applicable to the type of heavy vehicle subject to the inspection.

In addition to the daily inspection, motor coaches will also be subjected to a specific inspection with respect to certain items that cannot be inspected without having recourse to special equipment, every 30 days or every 12,000 km, whichever comes first. However, such inspection will not be required if the vehicle is covered by a preventive maintenance program as provided for in the Highway Safety Code.

The draft Regulation also replaces the Regulation respecting exemptions from the application of Title VIII.1 of the Highway Safety Code (chapter C-24.2, r. 25) which exempts certain heavy vehicle from inspection before departure and to include those exemptions into the Regulation respecting safety standards for road vehicles, which contains the rules for the circle check and maintenance of vehicles.

Certain updating adjustments are made to the Regulation in respect of safety standards and vehicle mechanical components. Lastly, the draft Regulation makes various consequential and technical amendments.

The measures proposed in the draft Regulation have no particular impact on the public other than contributing to highway safety.

As for enterprises, the impact is related to the implementation of the Regulation and results from the constraints imposed on carriers to comply with the new road transportation requirements applicable in all the Canadian territory including Québec which has subscribed to them. In Québec, the Highway Safety Code has already been amended to that effect.

Further information may be obtained by contacting Alexandre Guay, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-21, case postale 19600, Québec (Québec) G1K 8J6; telephone: 418 528-3080.

Any person having comments to make on the matter is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

ROBERT POËTI,
Minister of Transport

Regulation to amend the Regulation respecting safety standards for road vehicles

Highway Safety Code

(chapter C-24.2, s. 621, 1st par., subpars. 6, 25, 28 to 30, 32.7, 37 to 40.1 and 42)

1. The Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32) is amended in section 2

(1) by inserting the following definition after the definition of “manufacturer”:

““motor coach” means a bus of monocoque design, manufactured to provide intercity, suburban, commuter or charter service, and equipped with under-floor baggage storage, a pneumatic suspension, pneumatic brakes and automatic brake play adjusters; (*autocar*)”;

(2) by striking out the definition of “trailer”;

(3) by striking out “owned by a farmer,” in the definition of “farm trailer” and by inserting “unprocessed timber,” after “transportation of”.

2. Section 3 is amended

(1) by replacing subparagraph *b* of paragraph 2 by the following:

“(b) vehicles that have been stored or prohibited from travelling for more than 12 consecutive months, or that have been in both situations during that period, except those covered by a preventive maintenance program in place of mandatory mechanical inspection recognized by the Société de l’assurance automobile du Québec under section 543.2 of the Code;”;

(2) by adding the following after paragraph 3:

“(4) vehicles assigned to passenger transportation for baptisms, weddings and funerals under the Act respecting transportation services by taxi (chapter S-6.01).”.

3. Section 5 is amended by striking out the second sentence.

4. Section 6 is amended

(1) by replacing “used” in paragraph 1 by “and mopeds used”;

(2) by adding “, except buses and minibuses that are recognized as emergency vehicles by the Société and are subject to mechanical inspection every 6 months” at the end of paragraph 2;

(3) by adding the following after paragraph 4:

“(5) vehicles assigned to passenger transportation for baptisms, weddings and funerals under the Act respecting transportation services by taxi (chapter S-6.01).”.

5. Section 7 is amended by adding “and mopeds” in paragraph 1 after “motorcycles”.

6. The following is inserted after section 7:

“**7.0.1.** In the case of the transfer of ownership of a road vehicle covered until then by a preventive maintenance program under section 543.2 of the Code, a 3-month period from the date of registration of the change in ownership is granted to carry out the vehicle’s mechanical inspection if, following that transfer, the vehicle is no longer covered by such program.

Thereafter, inspection is carried out at the intervals provided for in section 6 or 7, as the case may be.”.

7. Section 8 is amended

(1) by replacing paragraph 3 by the following:

“(3) the vehicle identification number and, where applicable, the number of the licence plate;”;

(2) by replacing paragraph 4 by the following:

“(4) the vehicle owner’s name and the owner’s identification number;”;

(3) by striking out “of the mechanical inspection controller,” in paragraph 5.

8. Section 11 is replaced by the following:

“**11.** This Division applies to all road vehicles except mopeds and motorcycles, subject to sections 12 to 14 which apply to them.”.

9. Section 12 is amended

(1) by replacing “, vehicles made by hand and those assembled by a recycler” in paragraph 1 by “and vehicles made by hand”;

(2) by replacing paragraph 4 by the following:

“(4) vehicles that have been stored or prohibited from travelling for more than 12 consecutive months, or that have been in both situations during that period, except those covered by a preventive maintenance program in place of mandatory mechanical inspection recognized by the Société under section 543.2 of the Code;”;

(3) by adding “and those covered by a preventive maintenance program in place of mandatory mechanical inspection recognized by the Société under section 543.2 of the Code” in paragraph 5 after “public roads”;

(4) by adding “, excluding those covered by a preventive maintenance program in place of mandatory mechanical inspection recognized by the Société under section 543.2 of the Code and those acquired by a person holding a dealer’s licence for resale purposes” in paragraph 6 after “public roads”.

10. The following is inserted after section 13:

“**13.1.** The mechanical inspection of a road vehicle imported into Canada is carried out using the Canadian safety standards for motor vehicles provided for in the Motor Vehicle Safety Act (S.C. 1993, c. 16) that apply on the date of the vehicle’s manufacture.”.

11. Section 15 is replaced by the following:

“**15.** All the headlights, lights, reflectors and reflective materials required by the Code shall be present, comply with the manufacturer’s standards and be securely mounted in the locations designed for that purpose. When they are on an electric circuit, the headlights, lights and indicator lamps shall light up with the intensity intended by the manufacturer if the switch of the electric is turned on. Despite the foregoing, in the case of a headlight that uses light emitting diodes, 100% of them shall be in working order and in the case of a light that uses light emitting diodes, more than 75% of them shall be in working order.

The provisions of the first paragraph also apply to alternately flashing yellow lights with which a school bus is equipped.”.

12. Section 17 is amended by inserting “, switch” after “adapter”.

13. Section 18 is amended by replacing “cracked” by “damaged”.

14. Section 19 of the French text is amended by replacing “phares” by “feux”.

15. Section 25 is revoked.

16. Section 26 is amended by replacing “steer axle” by “active steering axle”.

17. Section 27 is amended by replacing “steering axle” by active steering axle”.

18. Section 28 is revoked.

19. Section 29 is amended by striking out “rigid or flexible” in the second paragraph.

20. Section 30 is amended

(1) by striking out “rigid or flexible” in paragraph 4 and by inserting “twisted,” after “crushed,”;

(2) by replacing paragraph 5 by the following:

“(5) the master cylinder shall be securely mounted, show no signs of internal or external leaks and its reservoir shall be fitted with a cover; furthermore, the brake fluid level shall never be below the minimum level specified by the manufacturer or, where no level is specified, it shall not be lower than 12.5 mm below the edge of the filler opening;”;

(3) by inserting “be present and” in paragraph 6 after “shall”.

21. Section 31 is amended

(1) by striking out “service” in the part preceding paragraph 1;

(2) by inserting “not properly installed,” in paragraph 1 after “misaligned,”;

(3) by replacing “bonded brake linings shall be at least 1.6 mm thick, riveted pads at least 4.8 mm on the steering axle” in paragraph 2 by “bonded brake linings shall be at least 1.6 mm thick for a hydraulic or electric braking system and at least 5 mm for a pneumatic braking system; furthermore, the riveted pads shall be at least 4.8 mm thick on the active steering axle”;

(4) by replacing “support” wherever it appears in paragraph 3 by “segment” and by replacing “or loose” by “, loose or in contact with the friction surface of the drum or disc”;

(5) by adding the following at the end of paragraph 4: “; in the case of disc brakes, the brake linings shall be adjusted according to the manufacturer’s standards, or so that the clearance between the linings and the disc, where applicable, be as reduced as possible without causing abnormal resistance when the brakes are released;”;

(6) by inserting “or signs of oil or grease contamination” in paragraph 9 after “overheating signs”;

(7) by adding “furthermore, the friction surface shall not be contaminated by oil or grease;” at the end of paragraph 10.

22. Section 32 is amended by replacing “m/s²” in the second paragraph by “metres per square second”.

23. Section 38 is amended

(1) by inserting the following before paragraph 1:

“(0.1) no audible air leak may be present in the service braking system whether or not the brakes are applied.”;

(2) by replacing paragraph 3 by the following:

“(3) the low pressure visual or warning light and buzzer of the vehicle shall activate where the air pressure in the system is less than 380 kPa; where a vehicle is equipped at the same time with a visual and warning light, one of them shall activate to indicate that air pressure.”;

(3) by revoking paragraph 4;

(4) by replacing paragraph 7 by the following:

“(7) for a tractor truck, the protection valve and the air supply valve of the trailer or semi-trailer shall be present and operate so as to avoid a complete air loss in the system of the tractor truck should the air hoses between the tractor truck and the trailer or semi-trailer break or disconnect; in such a case, the valves shall preserve a minimum air pressure of 420 kPa in the system of the tractor truck.”;

(5) by replacing “slack adjusters” in paragraph 8 by “brake levers”;

(6) by replacing “quand” in paragraph 10 of the French text by “alors que”.

24. Section 39 is amended

(1) by striking out “several times” in paragraph 1 and by replacing “l’indicateur” in the French text by “le témoin”;

(2) by replacing “limitateur” in paragraph 4 of the French text by “limiteur”.

25. Section 40 is replaced by the following:

“**40.** Every heavy vehicle manufactured after 31 May 1996 and every semi-trailer more than 15.5 m in length but no more than 16.2 m, fitted with a pneumatic braking system, shall be equipped with automatic self-adjusting brake levers operating on each wheel.”.

26. Section 41 is replaced by the following:

“**41.** All the fixed components of the body provided by the manufacturer shall be present and securely mounted.

All the accessories and auxiliary equipment shall also be securely mounted and, when they are required under the Code, they shall be present and in good working order.

The mudguards required under section 272 of the Code shall be present and comply with the specifications in that section and in section 273 of the Code.”.

27. Section 44 is amended by inserting “and trailers or semi-trailers whose gross vehicle weight rating (GVWR) is 4,536 kg or more and manufactured since 23 September 2005” in the part preceding subparagraph 1 after “25 m.”.

28. Section 45 of the French text is amended

(1) by replacing “ou de” by “et”;

(2) by replacing “penture” by “charnière”.

29. Section 47 is revoked.

30. Section 50 is amended

(1) by striking out “De plus,” in the second sentence of the French text;

(2) by adding the following sentence at the end: “The seat cushion upholstery of a bus, minibus or motor coach shall not be torn over a length of more than 75 mm, an area of more than 6,400 mm² or a depth of more than 6.5 mm.”.

31. Section 51 is amended by inserting “and steps” in the first paragraph after “floor” and by replacing “whereby exhaust fumes could enter the compartment or” by “to”.

32. Section 55 is amended

(1) by replacing paragraph 3 by the following:

“(3) the access ramp shall be securely fixed to the road vehicle at all times and be adequate except if it is deactivated.”;

(2) by adding the following paragraph:

“(4) the alarm and locking system coupled to an access device shall be present and adequate, except if the access ramp is deactivated.”.

33. Section 56 is amended

(1) by replacing “stepwell” in paragraph 1 by “step”;

(2) by striking out “on their anchorages” in paragraph 2;

(3) by adding the following after paragraph 4:

“(5) the luggage compartment or luggage rack shall be securely mounted and none of its parts shall be missing, broken or damaged.”.

34. Section 58 is amended by replacing “, incorrectly fixed or installed” by “or incorrectly fixed”.

35. Section 62 is replaced by the following:

“**62.** The side windows on each side of the driver’s compartment and, in the case of a bus engaged in the transportation of schoolchildren, those immediately behind the driver’s compartment, as well as the rear window may not be tarnished, fogged, crazed, cracked or obstructed in a way that reduces the driver’s vision of the road or road signs.”.

36. The following is inserted after section 62:

“**62.1.** The first 2 windows on either side of the bus engaged in the transportation of schoolchildren having a gross weight rating of 4,536 kg or more shall comply with the Regulation respecting road vehicles used for the transportation of schoolchildren (chapter T-12, r. 17).”.

37. Section 64 is amended

(1) by replacing “material which darkens glass” in the first paragraph by “darkening or opaque material”;

(2) by replacing “mesurées” in the second paragraph of the French text by “mesurée”;

(3) by replacing “the name and address” in subparagraph 4 of the third paragraph by “the name”;

(4) by revoking subparagraph 5 of the third paragraph;

(5) by replacing “the acknowledgment of receipt of the photometric inspection certificate and the owner or driver’s signature” in subparagraph 10 of the third paragraph by “the acknowledgment of receipt of the owner or driver’s photometric inspection certificate”.

38. Section 66 is replaced by the following:

“**66.** All rearview mirrors present on the vehicle shall be securely fixed and show no sharp edge. Those required by the Code shall also be adequate and not be missing, broken, cracked or tarnished and their silvering shall not be unbound, except on the periphery of the reflecting surface without exceeding 10% of the total surface.”.

39. Section 67 is amended by replacing “The rearview mirror” by “All rearview mirrors required by the Code”.

40. Section 68 is amended by adding the following after the first paragraph:

“The outside sun visor may not, at any place, go lower than 150 mm below the top edge of the sun visor and cover the surface swept by the wipers.”.

41. Section 70 is amended

(1) by striking out the last 2 sentences;

(2) by adding the following paragraph:

“The wiper blades shall make even contact with the windshield and sweep the area specified by the manufacturer at a frequency of at least 20 strokes per minute at low speed and 45 strokes per minute at top speed. The difference between both speeds shall be at least 15 strokes per minute.”.

42. Section 77 is amended by replacing “couvert” in the French text by “couvercle”.

43. Section 78 is amended by striking out “complete.”.

44. Section 80 is replaced by the following:

“**80.** The seatbelt shall not be missing, damaged or altered; its anchorages shall be securely mounted and the buckle, retractor and locking mechanism shall be present and adequate.

All the air bags installed when the road vehicle is manufactured shall be present or replaced if need be and not be damaged or altered. The warning light of the air bag system shall come on only where the ignition key is in the “on” position and shall go off within the time intended by the manufacturer.”.

45. Section 81 is amended

(1) by striking out “flexible and rigid” in the part preceding paragraph 1;

(2) by inserting “or protection element” in paragraph 3 after “fasteners” and by replacing “and securely mounted” by “, securely mounted and in compliance with the manufacturer’s standards”;

(3) by striking out “rigid or flexible” in paragraph 4;

(4) by inserting “designed for that tank and” in paragraph 5 after “cap”.

46. Sections 82 to 88 are replaced by the following:

82. The design, installation, replacement, removal and testing of the natural gas supply system of a road vehicle, shall be done in compliance with the Code d'installation du gaz naturel pour les véhicules (CSA-B109-F-14) and with the Natural Gas for Vehicles Installation Code (CSA-B109-14) published by the Canadian Standards Association (CSA).

The repair, maintenance and inspection of the natural gas supply system shall be done in compliance with the installation codes provided for in the first paragraph or, when the codes cannot be applied, be done in accordance with the codes in force when the supply system is installed.

83. The design, installation, replacement, removal and testing of the propane gas supply system of a road vehicle shall be done in compliance with the Code d'installation des réservoirs et des systèmes d'alimentation en propane sur les véhicules routiers (CAN/CSA-B149.5-F15) and with the Installation code for propane fuel systems and tanks on highway vehicles (CSA-B149.5-15) published by the Canadian Standards Association (CSA).

The repair, maintenance and inspection of the propane gas supply system shall be done in accordance with the installation codes provided for in the first paragraph or, when the codes cannot be applied, be done in accordance with the installation codes in force when the supply system is installed.

84. Sections 82 and 83 do not apply to road vehicles equipped with a natural gas or propane gas supply system since their manufacture and bearing the national safety mark within the meaning of the Motor Vehicle Safety Act (S.C. 1993, c. 16) or the compliance label provided for in that Act.

The repair and maintenance of the supply system provided for in the first paragraph shall be done in compliance with the standards in force at the time of manufacture of the vehicle equipped with such a system.

85. Where the fuel supply system of a road vehicle registered in Québec is modified to run on natural gas, the sticker referred to in Schedule I shall be affixed inside the rear window or the rear wide window of the vehicle, near the filler cap so that the sticker may be seen by the person filling the tank. The mechanic who made the modification shall write on the sticker the number of the mechanic's certificate of qualification issued under the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2).

86. The natural gas supply system of a road vehicle registered in Québec shall be inspected every 3 years by a mechanic holding an appropriate certificate of qualification with respect to natural gas.

Where the supply system complies with the standards in force at the time of modification to use natural gas or with the standards in force at the time of manufacture of a vehicle equipped with such a supply system, the sticker referred to in Schedule I shall be affixed inside the rear window or the rear side window of the vehicle, near the filler cap so that the sticker may be seen by the person filling the tank. The mechanic who made the inspection shall write on the sticker the number of the mechanic's certificate of qualification.

86.1. For the purposes of sections 85 and 86, the sticker referred to in Schedule I is valid for a 3-year period.

87. Where the supply system of a road vehicle registered in Québec is modified to use propane as fuel, the sticker referred to in Schedule C to the Installation code for propane fuel systems and tanks on highway vehicles (CSA-B149.5-15) shall be affixed inside the rear window or the rear side window of the vehicle, near the filler cap so that the sticker may be seen by the person filling the tank. The mechanic who made the modification shall write on the sticker the number of the mechanic's certificate of qualification.

88. The propane supply system of a road vehicle registered in Québec shall be inspected every 5 years by a mechanic holding an appropriate certificate of qualification with respect to propane.

Where the supply system complies with the standards in force at the time of modification to use propane or with the standards at the time of manufacture of the vehicle equipped with such a supply system, the sticker referred to in Schedule C to the Installation code for propane fuel systems and tanks on highway vehicles (CSA-B149.5-15) shall be affixed inside the rear window or the rear side window of the vehicle, near the filler cap so that the sticker may be seen by the person filling the tank. The mechanic who made the inspection shall write on the sticker the number of the mechanic's certificate of qualification. The sticker is valid for a 5-year period.

88.1. For the purposes of sections 87 and 88, the sticker referred to in Schedule C to the Installation code for propane fuel systems and tanks on highway vehicles (CSA-B149.5-15) is valid for a 5-year period."

47. Section 90 is revoked.

48. Section 91 is amended by replacing “the following components: manifolds” in the first paragraph by “all the components intended by the manufacturer including the manifold.”

49. Section 92 is amended by replacing the first paragraph by the following:

“Except for the injector and its line to the fuel entry point used for the regeneration of the particle filter of the exhaust system, no component of the exhaust system shall run closer than 50 mm from another element, such as a part made of combustible materials, an electric wire, the fuel supply system or the braking system.

In the case of a diesel tank protected by an appropriate heat shield, no component of the exhaust system shall run closer than 25 mm from the tank. In the case of pressurized fuel lines, of the GNC and GPL types, that minimum distance is 150 mm.”

50. Section 95 is replaced by the following:

“**95.** No component of the exhaust system shall cross the passenger compartment. The outlet of the vehicle’s exhaust pipe shall not be located under the space occupied by the passengers and luggage or under the emergency door. Furthermore, the exhaust pipe shall not extend more than 15 cm horizontally from the road vehicle. For a school bus, the outlet of the exhaust pipe shall be located behind any openable side window.”

51. The heading of subdivision 11 of Division III of Chapter II is amended by inserting “, load space” after “underbody”.

52. Section 99 is amended by inserting “a piece of equipment, an accessory,” after “coupling device.”

53. Section 100 is replaced by the following:

“**100.** The driving shaft shall be adequate and not be warped, insecurely mounted, bent or cracked. The slip joint, the centre bearing and its support shall be adequate.

The universal joints of the driving shaft may not be loose, insecurely mounted and, if part of the original equipment, the shaft guard shall be present and securely mounted.”

54. Section 101 is amended

(1) by inserting “trailer or” before “semi-trailer” in the part preceding paragraph 1;

(2) by inserting “posts, poles, roof bows” in paragraph 1 after “side rails”;

(3) by replacing “none shall be missing, worn or corroded to the point that its capacity is reduced, cracked, broken or loose” in paragraph 2 by “none shall be worn or corroded to the point that its capacity is reduced, missing, cracked, broken or loose;”;

(4) by replacing “of the semi-trailer” in paragraph 3 by “of the trailer or semi-trailer whose GVWR is 4,500 kg or more”;

(5) by striking out “of a fifth wheel” in paragraph 5 and by inserting “or worn out” after “corroded”;

(6) by inserting “slack,” in paragraph 6 after “bent,”;

(7) by adding the following at the end of paragraph 6: “furthermore, if bolts are used to attach the fifth wheel to the vehicle, they shall be at least grade 8 in accordance with Standard SAE J429 published by the Society of Automotive Engineers or the equivalent to tow semi-trailers of a gross vehicle weight rating of 4,500 kg or more;”;

(8) by replacing “the pin” in paragraph 8 by “the axis”.

55. Section 102 is amended

(1) by striking out “January 1999” in paragraph 1;

(2) by replacing paragraph 2 by the following:

“(2) no fastener component shall be so worn that it hampers the smooth operation, or be cracked, broken, bent, slack, missing or seized;”;

(3) by replacing “locking system” wherever it appears in paragraph 3 by “locking mechanism”;

(4) by replacing “an air” in paragraph 6 by “a pneumatic”;

(5) by replacing paragraph 7 by the following:

“(7) the drawbar installed on a towed vehicle or a converter dolly shall not be bent, broken or cracked and no part shall be missing, insecurely mounted or so worn that it no longer has the required mechanical resistance;”.

56. Section 103 is amended

(1) by inserting “or parts of the self-steering axle allowing the wheels to turn” after “steering component”;

(2) by adding the following after the first paragraph:

“Where the steering wheel of the vehicle is adjustable, it shall remain in set position.”

57. Section 105 is amended

(1) by replacing the part preceding paragraph 1 by the following:

“The steering column, shaft and box, rack and the auxiliary cylinder of a power boosted steering shall comply with the following standards:”;

(2) by inserting “horizontal or” before “vertical play” in paragraph 4;

(3) by adding the following after paragraph 5:

“(6) the steering column shall not move out of its normal position.”.

58. Section 106 is amended by striking out “steering wheel,” in the first paragraph.

59. Section 107 is amended

(1) by adding the following before the first paragraph:

“The play in the steering wheel shall be inspected while the wheels are on the ground and in the straight ahead position and, in the case of power boosted steering, while the engine is running.”;

(2) by replacing paragraph 2 by the following:

“(2) in the case of a vehicle whose gross vehicle weight rating is 4,500 kg or more

(a) for power boosted steering, 75 mm where the diameter of the steering wheel is 500 mm or less and 87 mm where the diameter of the steering wheel exceeds 500 mm;

(b) for standard steering, 87 mm where the diameter of the steering wheel is 500 mm or less and 100 mm where the diameter of the steering wheel exceeds 500 mm.”.

60. Section 108 is amended

(1) by replacing “be at the level” in the first paragraph by “reach the level”;

(2) by replacing the second paragraph by the following:

“Furthermore, the pump, lines and fittings shall be securely fixed. The components and the box, rack and auxiliary cylinder may not leak, except for a slight sweating. No line shall be in contact with a mobile part.”.

61. Section 109 is amended

(1) by replacing “of at least 25 mm between the tire and the chassis” in the second paragraph by “of at least 25 mm between the tire and the chassis, body or steering linkage” and by replacing “existant lors de la fabrication du véhicule automobile” in the French text by “d’origine”;

(2) by adding the following after the second paragraph:

“Furthermore, the steering stops shall be present and the play between each steering stop and its contact point when the steering wheel is fully turned shall not exceed 6.4 mm.”.

62. Section 111 is revoked.

63. Section 114 is revoked.

64. Section 115 is amended

(1) by replacing paragraph 1 by the following:

“(1) every component shall be present, adequate, securely mounted and none shall show signs of wear, damage or use in a way that hampers the good working order of the suspension;”;

(2) by replacing “no component for mounting or positioning the axle or wheel to the road vehicle or supporting it” in paragraph 2 by “no component for mounting the axle to the road vehicle or component for positioning the axle or wheel to the road vehicle”;

(3) by revoking paragraph 3.

65. Section 116 is amended by replacing the first sentence of the first paragraph by the following:

“**116.** A leaf spring, coil spring or torsion bar suspension shall not be cracked or broken. Such suspension may not be so sagged that one side of the road vehicle is more than 5 cm lower than the other side or allow contact with a rubber bumper.”.

66. Section 117 replaced by the following:

“**117.** In the case of a pneumatic suspension, air shall be supplied to the system only where the air pressure in the braking circuit reaches 450 kPa. No air leak shall be observed in the lines and the system components. The lines and fittings shall be adequate and shall not be abraded or so cracked that the reinforcement cord is exposed, crushed, crimped, bored, excessively worn or corroded, bulged, broken or welded and the lines shall be fixed so as to prevent the lines from vibrating or chafing against adjacent parts. The balls shall be securely mounted on the structure and not be so damaged that the cord is exposed and not show signs of repair.”.

67. Section 120 is amended

(1) by adding “motor” before “vehicle” in paragraph 1;

(2) by replacing paragraph 2 by the following:

“(2) at no point shall a tire be worn, cut or damaged to expose the cord or steel belt. Furthermore, a crack in the sidewall of a tire may not be deeper than 3.2 mm;”;

(3) by replacing paragraph 5 by the following:

“(5) no tire whose tread has been recapped shall be mounted on the front steering axle of an emergency vehicle, a minibus or a vehicle whose gross vehicle weight rating is 4,500 kg or more, unless the vehicle is equipped with 2 active steering axles;”;

(4) by replacing “type, construction” in paragraph 7 by “construction type”;

(5) by inserting “and accessible” in paragraph 14 after “length”;

(6) by adding “or on a farm trailer” at the end of paragraph 15;

(7) by replacing paragraph 16 by the following:

“(16) tires shall be mounted on the wheel in accordance with their manufacturer’s standards.”.

68. Section 121 is amended by adding “, sauf indication contraire du fabricant” in paragraph 2 of the French text after “fixation”;

69. The following is inserted after section 121:

“**121.1.** The wheel bearings shall be inspected so that the play measured at the outer circumference of the tire does not exceed the manufacturer’s standard or, in the absence of such standard, no discernible play may be detected.

The bearing shall be properly lubricated and its lubricant may not be under the minimum level when visible through a sight glass. Bearings shall show no damage or leakage, other than oozing, and shall not cause abnormal noise.

The filler cap, drain plug or hub cap may not be so damaged that the inside of the hub is exposed, insecurely mounted or missing.”.

70. Section 123 is revoked.

71. Section 124 is amended

(1) by inserting the following definition after the definition of “flares”:

““lamp” means a yellow mobile lighting device with a range of 360 degrees and visible from a distance of 300 m in every direction;”;

(2) by adding “or with a later version” after “January 2000” in the definition of “reflector”.

72. Section 125 is amended

(1) by replacing “or reflectors” in the part preceding subparagraph 1 of the first paragraph by “, reflectors or lamps”;

(2) by replacing “or reflectors” in the part preceding subparagraph 1 of the second paragraph by “, reflectors or lamps”.

73. Section 126 is amended by replacing “with Standard ANSI/SAE S276.6 published in January 2005 by” in the first paragraph by “with Standard ANSI/SAE S276.5 or with a later version published by”.

74. Section 130 is amended

(1) by replacing the second sentence of the second paragraph by the following:

“The exhaust system shall not have a mechanism that prevents exhaust gases from flowing through the muffler.”;

(2) by inserting “, electronic, electrical” in subparagraph 1 of the third paragraph after “mechanical”.

75. Section 132 is amended by inserting “in a way that affects its good working order” in paragraph 1 after “worn”.

76. Section 135 is amended

(1) by striking out “rigid or flexible” in paragraph 2;

(2) by adding the following after paragraph 12:

“(13) the parking brake of a 3-wheel motorcycle shall comply with the following standards:

(a) the mechanism for the application of the parking brake shall be applied and released several times to make sure that the cables and mechanism work freely;

(b) the parking brake shall prevent the motorcycle from moving when fully applied on a flat surface, with the gearshift lever placed in the drive position in the case of an automatic transmission or, in the case of a manual transmission, in the highest gear that will allow a normal forward start, while the motorcyclist smoothly attempts to move the vehicle forward; furthermore, the wheels shall be completely free to turn where the brake is released;

(c) no mechanical component of the parking brake shall be missing, so worn as to affect the good working order or out of order, misaligned, not securely mounted, broken, cracked, seized up, slack, weakened, out of shape, disconnected or damaged.”

77. Section 147 is amended

(1) by inserting the following after the first sentence: “None of the rearview mirrors provided for in section 263 of the Code may be missing and they shall be fixed and attached in accordance with that section.”;

(2) by replacing “80” by “81”.

78. Section 157 is amended by inserting “or alteration” in the second paragraph after “repair”.

79. Section 163 is amended

(1) by replacing paragraph 1 by the following:

“(1) a road vehicle without at least one adequate low beam in good working order;”;

(2) by adding the following after paragraph 1:

“(1.1) a single-unit road vehicle or the last vehicle in a combination of vehicles without at least one adequate taillight and brake light in good working order;

(1.2) a single-unit road vehicle or the last vehicle in a combination of vehicles, where such a vehicle has a gross vehicle weight rating of 4,500 kg or more without at least one turn-signal light located at the rear right or rear left in good working order;”;

(3) by inserting “of the passenger compartment” in paragraph 2 after “door”;

(4) by replacing paragraph 4 by the following:

“(4) an emergency exit that is blocked or inadequate or a warning light or buzzer that is out of order;”;

(5) by striking out “or the entry of the exhaust gases of a fuel engine” in paragraph 5;

(6) by adding “or the passenger access device that does not retract completely” at the end of paragraph 6;

(7) by adding the following after paragraph 8:

“(9) the seat belt of the driver’s seat is missing, inadequate or modified;

(10) an air bag for the driver that is missing, modified or inadequate.”.

80. Section 164 is amended

(1) by inserting “service” in the first paragraph before “braking”;

(2) by replacing paragraph 1 by the following:

“(1) no braking or an important reduction in the braking capacity on 20% or more of the wheels or combination of wheels for a road vehicle, by reason of the absence or inadequate operation of a component of the braking system;”;

(3) by replacing “single steering axle” in paragraph 2 by “single active steering axle”;

(4) by replacing “support” in paragraph 4 by “segment, bolt”;

(5) by adding the following after paragraph 5:

“(6) 20% or more of the wheels or combination of wheels for a road vehicle are contaminated by oil or grease on the friction surface of a drum, disc or brake linings or are deeply rusted on both sides of the friction surface of a disc.”.

81. Section 165 is amended

(1) by inserting “that is worn to the second braid or” in paragraph 1 after “flexible line”;

(2) by replacing paragraph 2 by the following:

“(2) the level of the fluid in the reservoir of the master cylinder that is lower than one quarter of the maximum level specified by the manufacturer;”;

(3) by replacing “when the service brake is applied” in paragraph 3 by “whether or not the service brake is applied”;

(4) by replacing paragraph 7 by the following:

“(7) a power brake that does not work. When the engine is off, the power brake is not able to assist the driver for a brake application.”.

82. Section 166 is amended

(1) by inserting “or a thermoplastic line that is worn to the second layer of color or the second braid” in paragraph 1 after “pressure”;

(2) by replacing “and the service brake is fully applied” in paragraph 4 by “, the service brake is fully applied and the parking brake is released”;

(3) by inserting “while the air pressure is at the maximum, the engine is off and the parking brake is released” in paragraph 5 after “minute”;

(4) by replacing paragraph 6 by the following:

“(6) the safety valve of the tractor truck that is absent or does not maintain a minimum of 138 kPa while it is towing a trailer or semi-trailer equipped with pneumatic brakes;”;

(5) by replacing paragraph 8 by the following:

“(8) different sizes of brake chambers or brake levers mounted on an active steering axle;”;

(6) by replacing paragraph 9 by the following:

“(9) the travel of the control rod of 20% or more of the brake chambers of a road vehicle that exceeds by 6.4 mm or more the maximum setting value provided by the manufacturer;”;

(7) by adding the following after paragraph 9:

“(10) none of the low pressure visual and warning lights or buzzers indicating a pressure lower than 380 kPa is working.”.

83. Section 167 is amended

(1) by replacing paragraph 1 by the following:

“(1) a mounting component of the steering that is missing, cracked or broken. A displacement of the steering column, of the steering box, rack-and-pinion steering or steering wheel from their normal position when there is a risk of separation;”;

(2) by replacing “column” in paragraph 2 by “shaft”;

(3) by replacing paragraph 4 by the following:

“(4) a line or belt that has a cut or cracks likely to cause an imminent break, or an auxiliary cylinder or the pump that is not securely mounted where there is a risk of breaking off;”;

(4) by replacing paragraph 5 by the following:

“(5) a component of the steering linkage that is cracked, broken, or repaired with welds. Furthermore, a component of the steering linkage that is so damaged or not securely mounted as to affect the parallelism of the wheels;”;

(5) by replacing subparagraph *b* of paragraph 7 by the following:

“(b) in the case of a vehicle of a gross vehicle weight rating of 4,500 kg or more, for power steering, 87 mm for a steering wheel whose diameter is 500 mm or less and 100 mm if the diameter is more than 500 mm; for mechanical steering, 140 mm for a steering wheel whose diameter is 500 mm or less and 196 mm if the diameter is more than 500 mm;”.

84. Section 168 is amended

(1) by replacing paragraph 1 by the following:

“(1) a component to mount the axle to the road vehicle that is missing, insecurely mounted, cracked or broken;

(1.1) a component to position the axle or the wheel to the road vehicle that is missing, insecurely mounted, cracked, broken or damaged in a way that affects the parallelism of wheels or that lets the axle or wheel move out of its normal position;”;

(2) by replacing “rotating” in paragraph 3 by “moving”;

(3) by inserting the following after paragraph 3:

“(3.1) a composite leaf spring that is cracked over more than 75% of its length or having an intersection of cracks;”;

(4) by adding the following after paragraph 5:

“(6) a ball in a pneumatic suspension that is absent or deflated;

(7) for a pneumatic suspension, a shock absorber that is absent, broken or not fixed at one of its ends;

(8) more than 25% of the components fixing a tank to its group of axles that are missing or ineffective on an anchorage component.”.

85. Section 169 is amended

(1) by replacing “37” in paragraph 3 by “38”;

(2) by replacing paragraph 5 by the following:

“(5) a kingpin or plate that is so bent that it makes coupling difficult, that is cracked or not securely fixed;”;

(3) by replacing paragraph 6 by the following:

“(6) while the road vehicle is coupled with a semi-trailer, horizontal play exceeding 12.8 mm between the kingpin and the jaws, or a kingpin that is improperly engaged or movement between a fastener of the coupling device and the chassis of the road vehicle;

(4) by replacing paragraph 7 by the following:

“(7) while the road vehicle is coupled to a trailer or a semi-trailer:

(a) 25% or more of the locking pins that are missing or not working or lengthwise play that exceeds 9.5 mm in the locking mechanism of the slides, in the case of a sliding fifth wheel;

(b) a crack, a weld or a break in the part of a component of the coupling device that bears a load or that is subjected to tension or sheer stress;

(c) wear at the point of contact between the coupling hook and ring in excess of 9.5 mm for the hook or for the ring;

(d) a component of the coupling device that is not securely mounted, cracked, broken, worn, bent, missing, damaged, so maladjusted that it might rupture or fall off;

(e) more than 20% of the fasteners are missing, broken or slack on a component of the coupling device;”;

(5) by inserting the following after paragraph 7:

“(7.1) the driving shaft is insecurely mounted, bent or so cracked that it could sever from the vehicle.”;

(6) by striking out paragraphs 8 to 10.

86. Section 170 is amended

(1) by replacing paragraph 1 by the following:

“(1) a single tire or dual tires in the same wheel assembly that are cut, worn or have any other damage exposing the cord, steel belt or tires designed for off-road driving and mounted on a road vehicle other than a truck specially adapted for farming purposes or a farm trailer;”;

(2) by replacing “front tire of a vehicle” in paragraph 2 by “tire mounted on the active steering axle of a motor vehicle”;

(3) by replacing paragraph 3 by the following:

“(3) a tire that has a bulge due to a defect in the carcass, is leaking air, is flat, is inflated only to 50% or less of the maximum pressure indicated on the sidewall, or a single tire or dual tires in the same wheel assembly on a road vehicle having foreign material embedded in the tread or sidewall that could cause a puncture;”;

(4) by striking out “or the other tire in the case of dual tires” in paragraph 4;

(5) by inserting “poorly adjusted,” in paragraph 5 after “cracked;”;

(6) by replacing “was repaired” in paragraph 7 by “shows signs of repair”;

(7) by adding the following after paragraph 7:

“(8) the oil of the wheel bearing that is absent or that is not visible through a sight glass.”.

87. Section 171 is amended by replacing “a gasoline or gaseous fuel engine” in paragraph 4 by “an engine”.

88. Section 179 is amended by replacing “less than 900 kg” in subparagraph 2 of the second paragraph by “900 kg or less”.

89. Section 182 is amended by replacing “with the manufacturer’s standards” by “with the construction standards recognized by the automobile industry”.

90. Section 183 is replaced by the following:

“**183.** The wheels shall be aligned in accordance with the construction standards recognized by the automobile industry.”.

91. Section 185 is amended by inserting “of a vehicle with a monocoque body” in the first paragraph after “bulkhead”.

92. Section 186 is amended by inserting “and clearly visible” in the second paragraph after “accessible”.

93. Section 187 is amended by replacing “metallurgical” by “physical”.

94. Section 189 is replaced by the following:

“**189.** The record of rebuilding shall contain, in addition to the prescriptions of section 546.4 of the Code, the report of the wheel alignment system showing that the wheels of the vehicle are aligned in accordance with the manufacturer’s standards. The report shall be dated and signed by the mechanic who did the alignment and contain the following information: the year, the make, model of the vehicle, its serial number, the manufacturer’s standards and the alignment results.”

95. Division II of Chapter IV is replaced by the following:

**“DIVISION II
INSPECTION BY DRIVER**

191. The following heavy vehicles are exempt from the application of this Division:

(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 (chapter S-2.3);

(2) a heavy vehicle used by a natural person not acting for the carrying on of an enterprise involving an organized economic activity, whether or not it is commercial in nature, consisting in the production or realization of goods, their administration or their alienation, or in the performance of services;

(3) a 2 or 3-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;

(4) a combination of road vehicles where the gross vehicle weight rating of each vehicle in the combination is less than 4,500 kg, except a combination of vehicles that requires the display of safety marks in accordance with Division IV of the Transportation of Dangerous Substances Regulation (chapter C-24.2, r. 43);

(5) tool vehicles;

(6) a road vehicle subject to the Transportation of Dangerous Substances Regulation that has a gross vehicle weight rating of less than 4,500 kg and that does not require the display of safety marks in accordance with Division IV of that Regulation, except minibuses and tow trucks;

(7) a farm tractor and farm machine within the meaning of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29);

(8) a farm trailer owned by a farmer that has the characteristics provided for in section 2.

192. The purpose of the circle check of the mechanical condition of a heavy vehicle is to identify the vehicle’s defects appearing on the applicable lists of defects provided for in Schedules III to V.

The operator is bound to provide those lists in the form prescribed by those Schedules, all items being required to appear in the order prescribed. The operator may add items to that list solely in the division “Specific verifications required by the operator”.

193. The circle check done under this Division is limited to a visual or audio check-up, as the case may be, of the accessible items.

194. The circle check of the mechanical condition of a heavy vehicle done under section 519.2 of the Code shall pertain to the following items in accordance with the applicable safety standards below:

(1) the service brakes provided for in paragraph 5 with respect to the level of brake fluid and in paragraph 10 with respect to the cables and fittings to their fasteners or connection of section 30, section 35 with respect to the travel pedal, paragraphs 0.1, 2, 3, 10 and 11 of section 38, paragraph 1 of section 164, paragraphs 2, 4, 5, and 7 of section 165 and paragraph 4 with respect to minimum pressure, paragraphs 5 and 10 of section 166;

(2) the parking or emergency brake provided for in paragraphs 1 and 2 of section 39;

(3) the steering mechanism provided for in the second paragraph of section 103, paragraph 6 of section 105, section 108 with respect to a cut to the belt and the fluid level, paragraph 1 with respect to the steering wheel and steering column, and paragraph 3 of section 167;

(4) the suspension provided for in section 116 with respect to breaks, section 117 with respect to air leaks and balls that may not be damaged or show signs of repair, paragraphs 1 to 3, 4 except with respect to cracks of the torsion bar and the axle, paragraphs 5 and 6 of section 168;

(5) the lighting and signals provided for in section 15 with respect to the operation of low beams, taillights, brake lights, turn-signal lights and plates and paragraphs 1, 1.1 and 1.2 of section 163;

(6) the tires provided for in paragraph 1 with respect to the wear indicator of a tire that touches the road or the depth of a groove that is equal to or less than 1.6 mm, paragraph 2 except with respect to the 3.2 mm crack, paragraph 3 except with respect to bends and punctures, paragraphs 6 and 14 except with respect to the exposed portion of section 120, and paragraph 1 except with respect to tires designed for off-road driving, paragraph 2 with respect to the tire mounted on the steering axle, paragraph 3 except with respect to pressure and paragraph 4 of section 170;

(7) the wheels provided for in the second paragraph of section 121.1 with respect to bearing leakage or the minimum level of bearing oil, section 122 with respect to the mounting and paragraphs 6, 7 and 8 of section 170;

(8) the components of the exhaust system provided for in the second paragraph of section 91 with respect to gas leaks and paragraph 4 of section 171 with respect to gas leaks under the passenger compartment;

(9) the side rails and cross members of the chassis frame provided for in section 98 with respect to cracks and breaks, those provided for in paragraph 1 of section 169 and locking pins provided for in paragraph 4 of section 169;

(10) the fixed components of the body that shall comply with section 41;

(11) the fuel supply system provided for in paragraphs 2 and 3 of section 171;

(12) the engine controls provided for in paragraph 1 of section 96 and paragraph 1 of section 171;

(13) the clutch control mechanism provided for in paragraphs 2 and 4 of section 97;

(14) the blower and vents designed to defrost the windshield provided for in paragraph 1 of section 71;

(15) the horn provided for in section 69 that shall be adequate;

(16) the wipers, windshield washer and their components provided for in the first paragraph of section 70 and paragraph 8 of section 163;

(17) the emergency equipment provided for in sections 78 and 79;

(18) the windows provided for in section 59 with respect to the windshield and in section 62 except with respect to the rear window;

(19) the outside rearview mirrors provided for in section 66 except with respect to their silvering and in section 67;

(20) the driver's seat provided for in section 50 that shall be adequate and, when it is adjustable, it shall be movable and lock in the chosen position;

(21) the seatbelt provided for in paragraph 9 of section 163;

(22) the coupling device provided for in paragraph 6 of section 101 with respect to a mounting of the fifth wheel that is missing, broken or slack, paragraph 1 with respect to its mounting other than the bolt grade and paragraph 2 with respect to fasteners that are missing, broken or slack and paragraph 8 of section 102, paragraphs 5 and 6 with respect to the engagement and movement of the coupling device, subparagraph *a* with respect to locking pins and subparagraphs *d* and *e* of paragraph 7 of section 169;

(23) the passenger compartment doors referred to in section 45, with respect to the opening of the driver's door, and paragraph 2 of section 163.

195. The circle check of the mechanical condition of a bus, minibus or motor coach under section 519.2 of the Code shall pertain to the items provided for in section 194 in accordance with the applicable safety standards and to the following items:

(1) the lighting of the vehicle provided for in section 23;

(2) the outside door providing access to a loading space or auxiliary compartment provided for in section 46 except as regards the device preventing the door from closing;

(3) the top luggage rack and top luggage compartment provided for in paragraph 5 of section 56 with respect to its mounting or where it is so damaged as to not retain the luggage;

(4) the seats, other than the driver's seat, or the bench seats provided for in section 50 which shall be adequate;

(5) the compartment floor and steps provided for in the first paragraph of section 51 which shall not be cracked, warped or perforated;

(6) the emergency exit provided for in paragraph 4 of section 163 with respect to obstruction; furthermore, in the case of a door, it shall be adequate and its warning buzzer shall be in good working order;

(7) the passenger restraint equipment provided for in paragraph 2 of section 56 and the shock-absorbing material on the stanchions provided for in paragraph 4 of that section.

For a school bus, the circle check shall also pertain to the lighting and signs provided for in section 15 with respect to the operation of the flashing lights and the alternately flashing yellow lights and the items provided for in section 75.

196. Except in the cases provided for in section 197 and 197.0.1, the driver of a heavy vehicle shall ensure that the circle check of the vehicle he or she drives has been done in the last 24 hours. Failing that, the driver or person designated by the operator for that purpose shall do the circle check.

Despite the first paragraph, where more than one driver is assigned to a vehicle, each one of them shall do the circle check of the vehicle, which is valid for 24 hours, unless the last circle check was done by a person designated by the operator and each driver countersigns the report to attest that the driver took cognizance of it.

197. The circle check of a bus, minibus, tow truck or an emergency vehicle, except a fire department road vehicle, done by a driver or person designated by the operator is valid for 24 hours even if more than one driver is assigned to the vehicle during that period provided that each driver countersigns the report to attest that the driver took cognizance of it.

Despite the provisions of the first paragraph, where the circle check is done by a person designated by the operator for that purpose in respect of a bus or minibus operated by a public transit authority and assigned to urban transit, the circle check is valid for either of the following periods, whichever comes first:

- (1) 48 hours provided that the vehicle remains stationary inside during that period;
- (2) 24 hours from the time the vehicle is put into operation.

Except for tow trucks, Saturdays, Sundays and holidays are not counted in the 24-hour period that lapses from the time the circle check is done, provided that the vehicle remains stationary during those days. The same applies for the purpose of calculating the 48-hour period provided for in the second paragraph, provided that the vehicle remains stationary inside during those days.

197.0.1. The circle check of a fire department road vehicle shall have been done in the last 24 hours or upon return. Where the vehicle was not taken out, the circle check shall be done at least once every 7 days.

197.0.2. The circle check of a heavy vehicle is not required in the case of a test drive on the following conditions:

- (1) it is done within a radius of 15 kilometres from where the vehicle is repaired;
- (2) the vehicle transports no merchandise, other than its permanent equipment;
- (3) the vehicle carries no passenger except those concerned by the test drive.

Furthermore, the last report of the circle check done on the vehicle or the work sheet shall be inside the vehicle.

197.0.3. The report of the circle check of a heavy vehicle shall contain

- (1) the number of the vehicle's registration plate or the unit number appearing on the registration certificate;
- (2) the operator's name;
- (3) the date and time the circle check was done;
- (4) the municipality or place on the road where the check was done;
- (5) the defects observed during the circle check of the vehicle or during the trip and, if none, an indication to that effect;
- (6) a statement signed by the driver or, as the case may be, by the person who did the circle check according to which the vehicle was inspected in accordance with the applicable requirements;
- (7) a statement signed by the driver according to which the driver took cognizance of the report where the circle check was done by a person designated by the operator;
- (8) the name in legible block letters of the person who did the inspection;
- (9) the odometer reading if the vehicle has one.

197.0.4. A driver who observes a major defect appearing on the applicable list of defects shall record it in the circle-check report and give a copy without delay to the vehicle's operator.

In the case of a minor defect appearing on the applicable list of defects, the driver shall record it in the circle-check report and send a copy to the vehicle's operator not later than the expiry of the current circle check or before the next check, whichever comes first.

The vehicle's operator shall sign the copy.

197.0.5. The driver shall send the original of the circle-check report to the operator within 20 days after it is made.”

96. The following is inserted after the heading of Division III of Chapter IV:

“**197.0.6.** Except motor coaches to which a preventive maintenance program applies under section 543.2 of the Code, the specific inspection of the mechanical condition of a motor coach every 30 days or every 12,000 km made under section 519.15 of the Code shall pertain to the following components, in accordance with the applicable safety standards below:

(1) the service brakes provided for in paragraphs 1 and 4, paragraph 11 with respect to the belt and paragraph 13 of section 30, paragraph 4 of section 31, paragraph 0.1, paragraph 5 with respect to the drain tap and paragraph 9 of section 38 and paragraph 4 with respect to the not securely mounted air compressor or the pulley that is cracked or broken of section 166;

(2) the parking or emergency brake provided for in paragraph 2 of section 39;

(3) the steering mechanism provided for in section 103 with respect to every steering component and the parts of the self-steering axle that shall be adequate and securely mounted and in the second paragraph of section 108 except with respect to a line touching a mobile part;

(4) the exhaust system provided for in the second paragraph of section 91;

(5) the tires provided for in paragraphs 1, 2, 3, 5, 6 and 13 of section 120;

(6) the wheels provided for in paragraphs 1 and 3 of section 121 and the bearing provided for in the second paragraph of section 121.1;

(7) the suspension provided for in paragraphs 1, 2 and 5 of section 115, section 117 except with respect to air pressure in the circuit and section 118;

(8) the seatbelt provided for in section 80;

(9) the seats or bench seats provided for in section 50 that shall be securely fixed;

(10) the emergency window exit release and its buzzer provided for in paragraph 3 of section 54 and the hatch of the roof emergency exit in paragraph 4;

(11) the structural members provided for in section 98;

(12) the fuel supply system provided for in paragraphs 1, 2, 3 and 4 of section 81.

The purpose of the specific inspection of the mechanical condition of a motor coach is to identify the defects appearing on the applicable list of defects provided for in Schedule VI. The list shall comply with the requirements provided for in the second paragraph of section 192. Despite the foregoing, the operator is not bound to place it inside the vehicle.

Any defect resulting from a non-compliant component observed during that inspection constitutes a major defect.

197.0.7. The report of specific inspection for a motor coach made under section 197.0.6. shall contain:

(1) the number of the vehicle's registration plate or the unit number appearing on the registration certificate;

(2) the operator's name;

(3) the date of the inspection;

(4) the place where it was conducted;

(5) the odometer reading;

(6) the readings of the brake adjusters;

(7) the defects observed during the inspection;

(8) the nature of any repair made following the inspection;

(9) a statement that the vehicle identified in the report was inspected in accordance with the applicable requirements;

(10) the name in legible block letters of the person who made the inspection and that person's signature.”

97. Section 197.1 is replaced by the following:

“**197.1.** The following road vehicles are exempt from the application of section 519.15 of the Code with respect to maintenance standards and frequency and from the provisions of this Division:

(1) a road vehicle whose gross vehicle weight rating is less than 4,500 kg;

(2) a road vehicle whose gross vehicle weight rating is less than 4,500 kg that forms part of a combination of road vehicles whose gross vehicle weight rating is 4,500 kg or more;

(3) a farm tractor within the meaning of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29);

(4) a vehicle exempt from mechanical inspection under subparagraph 5 of the first paragraph of section 521 of the Code.”.

98. Section 202.1 is amended

(1) by replacing “pre-departure inspection referred to in section 519.2 of the Code” in subparagraph 5 of the first paragraph by “circle check provided for in sections 194 and 195 and the inspection specific to motor coaches provided for in section 197.0.6”;

(2) by replacing “pre-departure inspection” in subparagraph 7 of the first paragraph by “circle check, an inspection specific to motor coaches”.

99. Section 202.2 is amended

(1) by replacing “5” in the part preceding subparagraph 1 of the first paragraph by “4” and by inserting “and the documents required under subparagraph 5 for at least 6 months” after “months”;

(2) by replacing “pre-departure inspection” in subparagraph 2 of the first paragraph by “circle check or the inspection specific to motor coaches”.

100. Section 205 is amended

(1) by striking out “referred to in section 203 and” in the first paragraph;

(2) by replacing “that section” in the first paragraph by “section 203”.

101. Section 207 is amended by replacing “a new number” by “a new plate”.

102. Section 209 is amended

(1) by replacing “motorized road vehicles” in paragraph 3 by “heavy vehicles” and by striking out “and trailers”;

(2) by replacing “motor vehicles” in paragraph 4 by “heavy vehicles”;

(3) by replacing “motorized road vehicles” in subparagraph *d* of paragraph 5 by “heavy vehicles” and by striking out “and trailers”.

103. Section 210 is amended by replacing “motorized road vehicles” in subparagraph 6 of the first paragraph by “heavy vehicles” and by striking out “and trailers”.

104. Section 211 is amended by replacing “motorized road vehicles” in paragraph 7 by “heavy vehicles” and by striking out “and trailers”.

105. Section 216 is amended by replacing “motorized road vehicles” in subparagraph 4 of the first paragraph by “heavy vehicles” and by striking out “and trailers”.

106. Section 220 is replaced by the following:

“**220.** The Société may revoke the certification of the owner of road vehicles covered by a preventive maintenance program if the owner

(a) fails to fulfil any of the terms, conditions and obligations incumbent on the owner under Division III;

(b) ceases operations for any reason whatsoever, including bankruptcy, liquidation or transfer of property or if the owner ceases to be the owner of the vehicle covered by the periodic mechanical inspection;

(c) has provided false or inaccurate information or made false representations; or

(d) neglects or refuses to provide the Société with information requested by the Société to check whether the terms, conditions and obligations incumbent on the owner are fulfilled.


Before revoking the certificate, the Société sends a notice of revocation to the owners of the vehicles.”.

107. Schedule I is replaced by the following:

SCHEDULE I

(s. 85)

| Date d'expiration | |
|-------------------|-------|
| Mois | Année |
| 1 | 2010 |
| 2 | 2011 |
| 3 | 2012 |
| 4 | 2013 |
| 5 | 2014 |
| 6 | 2015 |
| 7 | 2016 |
| 8 | 2017 |
| 9 | 2018 |
| 10 | 2019 |
| 11 | 2020 |
| 12 | 2021 |



Québec

Numéro de certificat de l'installateur

108. Schedule II is replaced by the following:

SCHEDULE II

(s. 215)

MAINTENANCE SCHEDULE

In the schedule, "S" means service to be performed

| Categories of road vehicles | Maintenance intervals | | | | | | | |
|--|-----------------------|------|---------|---|--------|--------|--------|-------|
| | Months | 3 | 4 | 6 | 6 | 6 | 6 | 12 |
| The vehicle must be serviced according to the annual mileage or to the number of months specified therein, whichever comes first | Mileage | | | | 10,000 | 20,000 | 22,000 | 5,000 |
| | | | | | | | | |
| Bus or other vehicles engaged in the transportation of schoolchildren, except a bus used for urban transport by a public transit authority | | S | | | | | | |
| Bus except a school bus or a bus used for urban transport by a public transit authority | | S(1) | | | | | | |
| Bus used for urban transport by a public transit authority | | | | | | | S(3) | |
| Tow truck | | S(1) | | | | | | |
| Motorcycle | | | | | | | | S |
| Trailer | | | S(1, 2) | | | | | |
| Taxi | | S | | | | | | |
| Emergency vehicle whose GVWR is less than 7,258 kg except a fire department road vehicle | | | | | S | | | |
| Emergency vehicle whose GVWR is equal to or greater than 7,258 kg except a fire department road vehicle | | | | | | S | | |

| Categories of road vehicles | Maintenance intervals | | | | | | | |
|--|-----------------------|------|---|---|--------|--------|--------|-------|
| | Months | 3 | 4 | 6 | 6 | 6 | 6 | 12 |
| The vehicle must be serviced according to the annual mileage or to the number of months specified therein, whichever comes first | | | | | | | | |
| | Mileage | | | | 10,000 | 20,000 | 22,000 | 5,000 |
| Fire department road vehicle | | | | S | | | | |
| Motorized road vehicle with a gross vehicle weight rating of 4,500 kg or more except an emergency vehicle | | S(1) | | | | | | |
| Road vehicle used by a driving school | | S(1) | | | | | | |

Notes:

1. If the annual mileage is less than 20,000 km, the vehicle may be serviced every 6 months.

2. A trailer must be serviced every 6 months instead of every 4 months if the owner provides the Société with a copy of the directive he or she adopted concerning the application of the inspection provided for in Division II of Chapter IV, provided that the directive is complied with.

In addition to the standards provided for in Division II of Chapter IV, the directive must provide for the following points:

(1) a practical training for the drivers on the inspection, particularly on the items listed in section 194;

(2) a 10-minute period granted every day to drivers to inspect their vehicle;

(3) controls used by the owner to enforce inspection.

3. The inspection of brakes and tires is required every 10,000 km or according to the predictive system of the transit authority. If the authority has such a system, it prevails over the requirement to inspect every 10,000 km.

109. The following is inserted after Schedule II:

SCHEDULE III

List 1 – Heavy vehicle

Application:

This list applies to heavy vehicles other than a bus, minibus or motor coach.

Any trailer towed by a bus, minibus or motor coach must be inspected in accordance with list 2.

Minor defects

Major defects

1. Coupling devices

The defects provided for in points 1.B to 1.F apply when the vehicles are coupled.

- | | |
|---|---|
| <p>1.1 Fastener component(s) of the coupling device missing, broken or loose</p> | <p>1.A Coupling plate or kingpin bent to an extent that it makes coupling difficult, cracked or not securely fixed</p> |
| <p>1.2 Safety fasteners and coupling components missing, damaged or insecurely mounted</p> | <p>1.B Movement between the fifth wheel and the frame</p> |
| | <p>1.C More than 20% of the fasteners of the coupling mechanism damaged or missing</p> |
| | <p>1.D 25% or more of the locking pins are missing or not working</p> |
| | <p>1.E Coupling mechanism not properly closed or locked</p> |
| | <p>1.F Coupling mechanism component missing or so damaged that it might rupture or fall off</p> |

2. Frame and cargo body

- | | |
|--|---|
| <p>2.1 Side rails cracked or cross members cracked or broken</p> | <p>2.A Side rails might break</p> |
| <p>2.2 Fixed components of the body missing or insecurely mounted</p> | <p>2.B Side rails or cross members sagged in a way that makes a mobile part and the body touch</p> |
| | <p>2.C More than 25% of the locking pins of the sliding bogie missing or not engaged</p> |

3. Heater/Defroster

- 3.1** Windshield blower not operating

4. Driver controls

- | | |
|---|---|
| <p>4.1 Accelerator and clutch not operating properly</p> | <p>4.A Engine fails to return to idle when accelerator is released</p> |
| <p>4.2 Horn not operating properly</p> | |

-
- 5. Steering**
- 5.1** Misplacement of the steering column in relation to the normal position or adjustable steering wheel not remaining in set position
- 5.2** Fluid level of power steering not the one prescribed by the manufacturer
- 5.3** Pump belt cut
- 5.A** Misplacement of the steering column or wheel in relation to the normal position showing a risk of separation
- 5.B** Power steering inoperative
- 6. Windshield wiper/washer**
- 6.1** Wiper on passenger's side missing or inadequate
- 6.2** Windshield washer system ineffective
- 6.A** Wiper on driver's side missing or inadequate
- 7. Emergency material**
- 7.1** First-aid kit required by law insecurely fixed and not readily accessible
- 7.2** Chemical extinguisher required by law insecurely fixed, inadequate and not readily accessible
- 8. Headlights and lights**
- 8.1** Low beams, parking lights, turn-indicator lights, brake lights or license plate light not turned on
- 8.A** Failure of all low-beams
- 8.B** At the rear of a single-unit vehicle or the last vehicle of a combination of vehicles:
- Failure of all turn-indicator lamps
 - Failure of all brake lights
 - Failure of all parking lights

9. Tire

- 9.1** Wear indicator for a tire touches the roadway or depth of a groove is equal to or less than the wear indicator
- 9.2.A** tire in the same wheel assembly having foreign material embedded in the tread or sidewall that could cause a puncture
- 9.3.A** tire in the same wheel assembly so damaged that the cord or steel belt is exposed
- 9.4** Distorted tire, tread or sidewall separated from the carcass of the tire
- 9.5** Valve worn down, damaged, scraped or gashed
- 9.A** For a tire mounted on the steering axle of a motor vehicle having a GVWR of 4,500 kg or more, the depth of 2 adjacent grooves is equal to or less than the wear indicator
- 9.B** Single tire or the dual tires of the same wheel assembly having foreign material embedded in the tread or sidewall that could cause a puncture
- 9.C** Single tire or the dual tires of the same wheel assembly so damaged that the cord or steel belt is exposed
- 9.D** Tire in contact with a fixed part of the vehicle, a flat tire or a tire losing air or a bulge

10. Doors and other openings

- 10.1** Driver's door opens with difficulty or fails to open
- 10.A** Passenger compartment door fails to close securely

11. Glass and mirrors

- 11.1** Windshield or side windows on each side of the driver's compartment fails to provide the required view to the driver as a result of being damaged
- 11.2** Outside rearview mirrors required by the Code missing, damaged or may not be adjusted and remain in set position
- 11.3** Outside rearview mirror insecure or shows a sharp edge

12. Wheels, hubs and fasteners

- 12.1** Lubricant under the minimum level or lubricant leakage of wheel bearing, other than oozing
- 12.2** Support or mounting holding the spare wheel not securely fixed to hold it
- 12.A** Wheel bearing lubricant missing or not visible through a sight glass
- 12.B** Wheel fastener is missing, cracked, broken or insecure
- 12.C** Wheel damaged or shows signs of repair with welds

13. Seat

- 13.1** Driver's seat inadequate or not staying in set position
- 13.A** Driver's seat belt missing, modified or inadequate

14. Suspension

- 14.1** Leaf spring other than a main spring leaf or broken coil spring
- 14.2** Air leak in suspension, ball so damaged that the cord is exposed or repaired
- 14.A** Main spring leaf, rubber pad or 25% or more of the leaf springs in the assembly are broken or missing
- 14.B** Air leak in the system not compensated by compressor or ball missing or deflated
- 14.C** Component for mounting the axle missing, insecure, cracked or broken
- 14.D** Composite spring leaf cracked over 75% of its length or has cracks
- 14.E** Leaf spring or coil spring moved and in contact with moving parts
- 14.F** Coil spring so cracked or broken that the vehicle is completely sagged or torsion bar cracked
- 14.G** Broken axle or component for positioning the axle or wheel missing, insecure, cracked, broken or damaged so as to affect the parallelism or cause an axle or wheel to move out of its position

15. Fuel system

- 15.A** Tank poorly fixed and could break loose
- 15.B** Cap missing
- 15.C** Fuel leak other than oozing

16. Exhaust system

- 16.1** Leak of exhaust gas elsewhere than where intended by the manufacturer
- 16.A** Leak that causes exhaust gas to enter the passenger compartment where the floor is perforated

17. Electric brake system

- 17.1** Cable or electric connection not securely attached to the fasteners or connection
- 17.A** Important reduction in the braking capacity of the service brake
- 17.B** Inoperative brake system

18. Hydraulic brake system

- 18.1** Fluid level in the reservoir of the master cylinder below minimum level required
- 18.2** Brake pedal reaches the floor
- 18.3** Warning light on while the engine is running or not on where the ignition key is in the "on" or "start" position
- 18.4** Warning light not on when the parking brake is applied and released or not turned off when released
- 18.5** Parking brake not operating properly
- 18.A** Fluid level in the reservoir of the master cylinder lower than one quarter of the maximum level specified by the manufacturer
- 18.B** Brake pedal reaches the floor within less than 10 seconds or pedal has to be depressed several times before getting pressure
- 18.C** Brake boost or power assist is inoperative
- 18.D** Important reduction in the braking capacity of the service brake

19. Pneumatic brake system

- 19.1** Low pressure warning buzzer not operating properly
- 19.2** Low pressure visual and warning lights not operating properly
- 19.3** Pressure regulator not operating properly
- 19.4** Audible air leak or whose rate within one minute exceeds 20kPa (3lb/in²) for a single-unit vehicle, 28kPa (4lb/in²) for a two-unit vehicle and 35 kPa (5lb/in²) for a three-unit vehicle
- 19.5** Parking or emergency brake not operating properly
- 19.A** No low pressure visual or warning light or buzzer is operating properly
- 19.B** Air compressor not operating properly
- 19.C** Air leak whose rate within one minute exceeds 40 kPa (6lb/in²) for a single-unit vehicle, 48kPa (7lb/in²) for a two-unit vehicle and 62 kPa (9lb/in²) for a three-unit vehicle
- 19.D** Important reduction in the braking capacity of the service brake

Specific inspections required by the operator

SCHEDULE IV

List 2 - Bus

Application :

This list applies to buses (other than motor coaches), minibuses and any trailer towed by a bus, minibus or motor coach.

Minor defects

Major defects

1. Coupling devices

The defects provided for in points 1.C, 1.E and 1.F apply when vehicles are coupled.

- | | |
|---|--|
| <p>1.1 Fastener component(s) of the coupling device missing, broken or loose</p> <p>1.2 Safety fasteners and coupling components missing, damaged or insecurely mounted</p> | <p>1.C More than 20% of the fasteners of the coupling mechanism damaged or missing</p> <p>1.E Coupling mechanism not properly closed or locked</p> <p>1.F Coupling mechanism component missing or so damaged that it might rupture or fall off</p> |
|---|--|

2. Frame and cargo body

- | | |
|---|--|
| <p>2.1 Side rails cracked or cross members cracked or broken</p> <p>2.2 Fixed components of the body missing or insecurely mounted</p> <p>2.3 Outside door of a luggage or auxiliary compartment inadequate or not securely mounted on the road vehicle</p> | <p>2.A Side rails might break</p> <p>2.B Side rails or cross members sagged in a way that makes a mobile part and the body touch</p> |
|---|--|

3. Heater/Defroster

- 3.1 Windshield blower not operating

4. Driver controls

- | | |
|---|--|
| <p>4.1 Accelerator and clutch not operating properly</p> <p>4.2 Horn not operating properly</p> | <p>4.A Engine fails to return to idle when accelerator is released</p> |
|---|--|

5 Steering

- 5.1** Misplacement of the steering column in relation to the normal position or adjustable steering wheel not remaining in set position
- 5.2** Fluid level of power steering not the one prescribed by the manufacturer
- 5.3** Pump belt cut
- 5.A** Misplacement of the steering column or wheel in relation to the normal position showing a risk of separation
- 5.B** Power steering inoperative

6. Windshield wiper/washer

- 6.1** Wiper on passenger's side missing or inadequate
- 6.2** Windshield washer system ineffective
- 6.A** Wiper on driver's side missing or inadequate

7. Emergency material

- 7.1** First-aid kit required by law insecurely fixed and not readily accessible
- 7.2** Chemical extinguisher required by law insecurely fixed, inadequate and not readily accessible

8. Headlights and lights

- 8.1** Low beams, parking lights, turn-indicator lights, brake lights or license plate light not turned on
- 8.A** Failure of all low-beams
- 8.B** At the rear of a single-unit vehicle or the last vehicle of a combination of vehicles:
- Failure of all turn-indicator lamps
 - Failure of all brake lights
 - Failure of all parking lights

9. Tire

- 9.1** Wear indicator for a tire touches the roadway or depth of a groove is equal to or less than the wear indicator
- 9.2** A tire in the same wheel assembly having foreign material embedded in the tread or sidewall that could cause a puncture
- 9.3** A tire in the same wheel assembly so damaged that the cord or steel belt is exposed
- 9.4** Distorted tire, tread or sidewall separated from the carcass of the tire
- 9.5** Valve worn down, damaged, scraped or gashed
- 9.A** For a tire mounted on the steering axle of a motor vehicle having a GVWR of 4,500 kg or more, the depth of 2 adjacent grooves is equal to or less than the wear indicator
- 9.B** Single tire or the dual tires of the same wheel assembly having foreign material embedded in the tread or sidewall that could cause a puncture
- 9.C** Single tire or the dual tires of the same wheel assembly so damaged that the cord or steel belt is exposed
- 9.D** Tire in contact with a fixed part of the vehicle, a flat tire or a tire losing air or a bulge

10. Doors and other openings

- 10.1** Driver's door opens with difficulty or fails to open
- 10.A** Passenger compartment door fails to close securely
- 10.B** Emergency exit blocked
- 10.C** Emergency door inadequate or its warning light or buzzer not in good working order

11. Glass and mirrors

- 11.1** Windshield or side windows on each side of the driver's compartment fails to provide the required view to the driver as a result of being damaged
- 11.2** Outside rearview mirrors required by the Code missing, damaged or may not be adjusted and remain in set position
- 11.3** Outside rearview mirror insecure or shows a sharp edge
- 11.4** Side windows of a school bus on each side of the driver's compartment and immediately behind the driver's compartment fail to

provide the required view to the driver as a result of being damaged

12. Wheels, hubs and fasteners

- 12.1** Lubricant under the minimum level or lubricant leakage of wheel bearing, other than oozing
- 12.2** Support or mounting holding the spare wheel not securely fixed to hold it
- 12.A** Wheel bearing lubricant missing or not visible through a sight glass
- 12.B** Wheel fastener is missing, cracked, broken or insecure
- 12.C** Wheel damaged or shows signs of repair with welds

13. Seat

- 13.1** Driver's seat inadequate or not staying in set position
- 13.A** Driver's seatbelt missing modified or inadequate

14. Suspension

- 14.1** Leaf spring other than a main spring leaf or broken coil spring
- 14.2** Air leak in suspension, ball so damaged that the cord is exposed or repaired
- 14.A** Main spring leaf, rubber pad or 25% or more of the leaf springs in the assembly are broken or missing
- 14.B** Air leak in the system not compensated by compressor or ball missing or deflated
- 14.C** Component for mounting the axle missing, insecure, cracked or broken
- 14.D** Composite spring leaf cracked over 75% of its length or has cracks
- 14.E** Leaf spring or coil spring moved and in contact with moving parts
- 14.F** Coil spring so cracked or broken that the vehicle is completely sagged or torsion bar cracked
- 14.G** Broken axle or component for positioning the axle or wheel missing, insecure, cracked, broken or damaged so as to affect the parallelism or cause an axle or wheel to move out of its position

15. Fuel system

- 15.A** Tank poorly fixed and could break loose
- 15.B** Cap missing
- 15.C** Fuel leak other than oozing

16. Exhaust system

- 16.1** Leak of exhaust gas elsewhere than where intended by the manufacturer
- 16.A** Leak that causes exhaust gas to enter the passenger compartment where the floor is perforated

17. Electric brake system

- 17.1** Cable or electric connection not securely attached to the fasteners or connection
- 17.A** Important reduction in the braking capacity of the service brake

18. Hydraulic brake system

- 18.1** Fluid level in the reservoir of the master cylinder below minimum level required
- 18.A** Fluid level in the reservoir of the master cylinder lower than one quarter of the maximum level specified by the manufacturer
- 18.2** Brake pedal reaches the floor
- 18.B** Brake pedal reaches the floor within less than 10 seconds or pedal has to be depressed several times before getting pressure
- 18.3** Warning light on while the engine is running or not on where the ignition key is in the "on" or "start" position
- 18.4** Warning light not on when the parking brake is applied and released or not turned off when released
- 18.C** Brake boost or power assist is inoperative
- 18.5** Parking brake not operating properly
- 18.D** Important reduction in the braking capacity of the service brake

19. Pneumatic brake system

- 19.1** Low pressure warning buzzer not operating properly
- 19.A** No low pressure visual or warning light or buzzer is operating properly
- 19.2** Low pressure visual and warning lights not operating properly
- 19.B** Air compressor not operating properly
- 19.3** Pressure regulator not operating properly
- 19.C** Air leak whose rate within one minute exceeds 40 kPa (6lb/in²) for a single-unit vehicle, 48kPa (7lb/in²) for a two-unit vehicle and 62 kPa (9lb/in²) for a three-unit vehicle
- 19.4** Audible air leak or whose rate within one minute exceeds 20kPa (3lb/in²) for a single-unit vehicle, 28kPa (4lb/in²) for a two-unit vehicle and 35 kPa (5lb/in²) for a three-unit vehicle
- 19.D** Important reduction in the braking capacity of the service brake
- 19.5** Parking or emergency brake not operating properly

20. Passenger transport

- 20.1** Stanchions, horizontal bars, grab handles and guard panels insecure
- 20.A** Passenger access device no longer retracting
- 20.2** Shock-absorbing material provided by the manufacturer on stanchions missing or inadequate
- 20.B** Equipment required to restrain wheelchairs (when place is occupied) is defective or missing
- 20.3** Floor or steps of passenger compartment damaged
- 20.4** Lighting of passenger access or aisle inoperative
- 20.5** Top luggage rack or top luggage compartment

insecure or cannot retain
luggage

- 20.6** Passenger's seat or
bench seat inadequate
- 20.7** Stop sign not operating
properly or one of the flashing
lights does not turn on
- 20.8** One of the flashing
lights or one of the alternately
flashing yellow lights do not
turn on

Specific inspections required by the operator

SCHEDULE V

List 3 – Motor Coach

Application:

This list applies to a motor coach. Any trailer towed by the motor coach must be inspected in accordance with list 2.

Minor defects**Major defects**

The defects provided for in points 1.C, 1.E and 1.F apply when vehicles are coupled.

1. Coupling devices

- | | |
|---|---|
| <p>1.1 Fastener component(s) of the coupling device missing, broken or loose</p> <p>1.2 Safety fasteners and coupling components missing, damaged or insecurely mounted</p> | <p>1.C More than 20% of the fasteners of the coupling mechanism damaged or missing</p> <p>1.E Coupling mechanism not properly closed or locked</p> <p>1.F Coupling mechanism component missing or so damaged that it might rupture or fall off</p> |
|---|---|

2. Frame and cargo body

- 2.1** Fixed components of the body missing or insecurely mounted
- 2.2** Outside door of a luggage compartment or of an auxiliary compartment inadequate or insecurely mounted on a road vehicle

3. Heater/Defroster

- 3.1** Windshield blower not operating

4. Driver controls

- | | |
|---|---|
| <p>4.1 Accelerator and clutch not operating properly</p> <p>4.2 Horn not operating properly</p> | <p>4.A Engine fails to return to idle when the accelerator is released</p> |
|---|---|

5. Steering

- | | |
|--|---|
| <p>5.1 Misplacement of the steering column in relation to the normal position or adjustable steering wheel not remaining in set position</p> <p>5.2 Fluid level of power steering not the one prescribed by the manufacturer</p> | <p>5.A Misplacement of the steering column or wheel in relation to the normal position showing a risk of separation</p> <p>5.B Power steering inoperative</p> |
|--|---|

6 Windshield wiper/washer

- 6.1** Wiper on passenger's side missing or inadequate
- 6.2** Windshield washer system ineffective
- 6.A** Wiper on driver's side missing or inadequate

7. Emergency material

- 7.1** First-aid kit required by law insecurely fixed and not readily accessible
- 7.2** Chemical extinguisher required by law insecurely fixed, inadequate and not readily accessible

8. Headlights and lights

- 8.1** Low beams, parking lights, turn-indicator lights, brake lights or license plate light not turned on
- 8.A** Failure of all low-beams
- 8.B** At the rear of a single-unit vehicle or the last vehicle of a combination of vehicles:
- Failure of all turn-indicator lamps
 - Failure of all brake lights
 - Failure of all parking lights

9. Tire

- 9.1** Wear indicator for a tire touches the roadway or depth of a groove is equal to or less than the wear indicator
- 9.2A** tire in the same wheel assembly having foreign material embedded in the tread or sidewall that could cause a puncture
- 9.3A** tire in the same wheel assembly so damaged that the cord or steel belt is exposed
- 9.4** Distorted tire, tread or sidewall separated from the carcass of the tire
- 9.5** Valve worn down, damaged, scraped or gashed
- 9.A** For a tire mounted on the steering axle of a motor vehicle having a GVWR of 4,500 kg or more, the depth of 2 adjacent grooves is equal to or less than the wear indicator
- 9.B** Single tire or the dual tires of the same wheel assembly having foreign material embedded in the tread or sidewall that could cause a puncture
- 9.C** Single tire or the dual tires of the same wheel assembly so damaged that the cord or steel belt is exposed
- 9.D** Tire in contact with a fixed part of the vehicle, a flat tire or a tire losing air or a bulge

10. Doors and other openings

- 10.1** Driver's door opens with difficulty or fails to open
- 10.A** Passenger compartment door fails to close securely
- 10.B** Emergency exit blocked
- 10.C** Emergency door inadequate or its warning light or buzzer is not in good working order

11. Glass and mirrors

- 11.1 Windshield or side windows on each side of the driver's compartment fails to provide the required view to the driver as a result of being damaged
- 11.2 Outside rearview mirror required by the Code missing, damaged or may not be adjusted and remain in set position
- 11.3 Outside rearview mirror insecure or shows a sharp edge

12. Wheels, hubs and fasteners

- 12.1 Lubricant under the minimum level or of wheel bearing leakage, other than oozing
- 12.2 Support or mounting holding the spare wheel not securely fixed to hold
- 12.A Wheel bearing lubricant missing or not visible through a sight glass
- 12.B Wheel fastener is missing, cracked, broken or insecure
- 12.C Wheel damaged or shows signs of repair with welds

13. Seat

- 13.1 Driver's seat inadequate or not staying in set position
- 13.A Driver's seat belt missing, modified or inadequate

14. Suspension

- 14.1 Air leak in suspension, ball so damaged that the cord is exposed or repaired
- 14.B Air leak in the system not compensated by compressor or ball missing or deflated
- 14.G Broken axle or component for positioning the axle or wheel missing, insecure, cracked, broken or damaged so as to affect the parallelism or cause an axle or wheel to move out of its position

15. Fuel system

- 15.A Tank poorly fixed and could break loose
- 15.B Cap missing
- 15.C Fuel leak other than oozing

16. Exhaust system

- 16.1 Leak in exhaust system elsewhere than where intended by the manufacturer
- 16.A Leak that causes exhaust gas to enter the passenger compartment where the floor is perforated

17. Electric brake system (not subject to inspection)**18. Hydraulic brake system (not subject to inspection)****19. Pneumatic brake system**

- | | |
|---|---|
| 19.1 Low pressure warning buzzer not operating properly | 19.A No low pressure visual or warning light or buzzer is operating properly |
| 19.2 Low pressure visual and warning lights not operating properly | 19.B Air compressor not operating properly |
| 19.3 Pressure regulator not operating properly | 19.C Air leak whose rate within one minute exceeds 40 kPa (6lb/in ²) for a single-unit vehicle, 48kPa (7lb/in ²) for a two-unit vehicle and 62 kPa (9lb/in ²) for a three-unit vehicle |
| 19.4 Audible air leak or whose rate within one minute exceeds 20kPa (3lb/in ²) for a single-unit vehicle, 28kPa (4lb/in ²) for a two-unit vehicle and 35 kPa (5lb/in ²) for a three-unit vehicle | 19.D Important reduction in the braking capacity of the service brake |
| 19.5 Parking or emergency brake not operating properly | |

20. Passenger transport

- 20.1** Stanchions, horizontal bars, grab handles and guard panels insecure
- 20.2** Shock-absorbing material provided by the manufacturer on stanchions missing or inadequate
- 20.3** Floor or steps of passenger compartment damaged
- 20.4** Lighting of passenger access or aisle inoperative
- 20.5** Top luggage rack or top luggage compartment insecure or cannot retain luggage
- 20.6** Passenger's seat or bench seat inadequate

Specific inspections required by the operator

SCHEDULE VI

List 4 – Motor Coach (inspection every 30 days or 12,000 km)**Application:**

This list applies to a motor coach.

Note:

- All the defects described in this list constitute major defects that must be repaired before the vehicle may be used again.
- Inspections under list 4 must be made while the vehicle is placed above a pit or elevated to facilitate inspection.

1. Frame and cargo body

- 1.A Structural members missing, insecure, cracked, broken, bent or inadequate

2. Steering

- 2.A Steering or self-steering axle component missing, damaged, insecure or inadequate

3. Tire

- 3.A Inadequate air pressure
3.B Tire groove that reached the wear limit
3.C Tire tread or sidewall damaged or foreign material that could cause a puncture stuck in the tread or in the sidewall
3.D Tire tread recapped mounted on the active steering axle

4. Emergency exits, seatbelts and seats

- 4.A Roof emergency exit fails to open adequately
4.B Emergency window fails to open and close without difficulty or warning light or buzzer is inadequate
4.C Seatbelt is missing, damaged, modified, insecure or inadequate
4.D Seat or bench seat not securely attached

5. Wheels and fasteners

- 5.A Fastener missing, insecure, cracked, broken, damaged, repaired with welds or inadequate
5.B Wheel damaged, cracked, broken, repaired or welded
5.C Wheel bearing makes abnormal noise, shows wear signs and leakage of the lubricant other than oozing or lubricant is below the minimum level

6. Suspension

- 6.A Suspension component missing, insecure, deteriorated or inadequate or air leak in lines and system components
6.B Component for mounting the axle or positioning the axle or wheel that is missing, cracked, broken, insecure, displaced, bent or repaired with welds
6.C Axle cracked, warped, repaired with welds, misaligned or not perpendicular to the vehicle's lengthwise axis
6.D Lines or fittings insecure, damaged or inadequate
6.E Ball insecurely mounted on the structure, shows repair or so damaged that the cord is exposed
6.F Shock absorber or bracket missing, inadequate, insecure, cracked or broken
6.G Shock absorbers leaking in a way that hampers their performance

7. Fuel system**7.A** Fuel leak**7.B** Fuel tank cracked or fuel tank fixing component missing, insecure, cracked, broken or inadequate**7.C** Lines or fittings insecure, damaged or inadequate**8. Exhaust system****8.A** Exhaust system component insecure or leaking**9. Pneumatic brake system****9.A** Audible air leak**9.B** Pushrod stroke exceeds the adjustment limit or the variation in the travel of the actuating rods on a single axle exceeds 6.4 mm**9.C** Brake linings poorly adjusted**9.D** Air compressor insecure or whose pulley is cracked or broken**9.E** Belt of air compressor is cut or whose tension is inadequate**9.F** Lines or fittings insecure, damaged or inadequate**9.G** Air reservoir insecure, damaged or inadequate**9.H** Drain tap missing or inadequate**9.I** Service, parking or emergency brake not operating properly**Specific inspections required by the operator**

110. This Regulation replaces the Regulation respecting exemptions from the application of Title VIII.1 of the Highway Safety Code (chapter C-24.2, r. 25).

111. This Regulation comes into force on 28 March 2016.

102280

Draft regulation

Civil Code of Québec

Courts of Justice Act
(chapter T-16)

Tariff of judicial fees in civil matters

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Tariff of judicial fees in civil matters, appearing below, may be made by the government on the expiry of 45 days following this publication.

The draft regulation specifies the judicial fees and court fees payable for the filing or issue of pleadings or other documents under the Code of Civil Procedure (chapter C-25.01) established by the Act to establish the new Code of Civil Procedure (2014, chapter 1). It replaces the Tariff of court costs in civil matters and court office fees (chapter T-16, r. 9).

The draft regulation introduces the necessary changes to the judicial fees charged in civil cases. The fees are comparable to those charged under the current Tariff, but adapted to the terminology and spirit of the new Code of Civil Procedure.

The draft regulation also introduces new judicial fees, including fees for a request for setting down for trial and judgment and hearing fees that apply from the third day of a trial. The judicial fees are likely to have an impact on enterprises and small and medium-sized businesses that apply to the courts to settle a dispute.

Further information about the draft regulation may be obtained by contacting Mtre. Marc Lahaie, advocate, Ministère de la Justice, at the following address: 1200, route de l'Église, 7^e étage, Québec (Québec) G1V 4M1; telephone: 418 644-7700, extension 20174; fax: 418 644-9968; E-mail: marc.lahaie@justice.gouv.qc.ca

Any person wishing to comment on the draft regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M.

STÉPHANIE VALLÉE,
Minister of Justice

Tariff of judicial fees in civil matters

Civil Code of Québec
(Civil Code, a. 376)

Courts of Justice Act
(chapter T-16, s. 224)

1. This Tariff prescribes the judicial fees and court fees payable for the filing, production or issue of the pleadings or documents mentioned in the Tariff, regardless of the medium in which the pleadings or documents are filed, produced or issued.

This Tariff does not apply to applications and other pleadings filed, produced or issued under Title II of Book VI of the Act to establish the new Code of Civil Procedure (2014, chapter 1) on the recovery of small claims.

2. For the purposes of this Tariff, applications are classed as follows:

(1) Class I: applications in which the value of the right in dispute or the amount claimed is from \$0.01 to \$15,000 inclusively;

(2) Class II: applications in which the value of the right in dispute or the amount claimed is from \$15,000.01 to \$85,000 inclusively;

(3) Class III: applications in which the value of the right in dispute or the amount claimed is from \$85,000.01 to \$300,000 inclusively;

(4) Class IV: applications in which the value of the right in dispute or the amount claimed is \$300,000.01 or more;

(5) Class V: applications for separation from bed and board, for divorce, for annulment of a marriage or civil union or for dissolution of a civil union.

When, pursuant to article 35 of the Act to establish the new Code of Civil Procedure (2014, chapter 1), the monetary jurisdiction limit of the Court of Québec is increased by \$5,000, the upper limit of Class II and the lower limit of Class III are increased by the same amount.

The Minister of Justice informs the public of these increases by publishing a notice in the *Gazette officielle du Québec* not later than 1 August of the year in which they take effect.

3. Unless otherwise provided for in this Tariff, the fee payable for an originating application for which the value of the subject-matter of the dispute or the amount claimed cannot be determined is, before the Court of Québec, \$170 when payable by a natural person and \$200 when payable by a legal person.

Before the Superior Court, the fee is \$340 when payable by a natural person and \$400 when payable by a legal person.

4. When several amounts are claimed in the same application, the total of all the amounts, excluding those appearing in the subsidiary conclusions, determines the class of the application for the purposes of section 2.

5. Unless otherwise indicated, the fee payable for a pleading under this Tariff is as follows:

(1) originating applications and similar pleadings:

(a) for a judicial review governed by articles 529 to 535 of the Act to establish the new Code of Civil Procedure (2014, chapter 1) or a similar pleading, \$255 when payable by a natural person and \$300 when payable by a legal person. The same applies for injunctions, whether or not they seek other conclusions;

(b) for an application for authorization to institute a class action, \$1,700 when payable by a natural person and \$2,000 when payable by a legal person;

(c) for an originating application or a cross-application governed by Book II of the Act to establish the new Code of Civil Procedure (2014, chapter 1) or similar pleadings, except applications mentioned in subparagraphs *a* and *b* and those provided for in section 7, one of the amounts in the following table, depending on the class of each application:

| Class of application | Natural person | Legal person |
|----------------------|----------------|--------------|
| Class I | \$200 | \$300 |
| Class II | \$340 | \$400 |
| Class III | \$510 | \$600 |
| Class IV | \$680 | \$800 |
| Class V | \$300 | N/A |

(2) answer, opposition and similar pleadings:

(a) for the filing of an answer, opposition, application for annulment, application for intervention or similar pleading, if a fee is not otherwise provided for in this Tariff, one of the amounts in the following table, depending on the class of the originating application:

| Class of application | Natural person | Legal person |
|----------------------|----------------|--------------|
| Class I and II | \$85 | \$100 |
| Class III and IV | \$170 | \$200 |
| Class V | \$150 | N/A |

(b) if the value of the subject-matter of the dispute or the amount claimed in the originating application is not determined, the fee payable for the production or filing of a pleading mentioned in subparagraph *a* is, before the Court of Québec, \$85 when payable by a natural person and \$100 when payable by a legal person. Before the Superior Court, the fee is \$170 when payable by a natural person and \$200 when payable by a legal person.

(3) setting down for trial and judgment:

(a) for a request for setting down for trial and judgment by the parties, or, if the request is not made by way of a joint declaration, by the plaintiff or another party, one of the amounts in the following table, depending on the class of the originating application:

| Class of application | Natural person | Legal person |
|----------------------|----------------|--------------|
| Class I | \$170 | \$200 |
| Class II | \$340 | \$400 |
| Class III | \$510 | \$600 |
| Class IV | \$680 | \$800 |
| Class V | \$300 | N/A |

(b) if the value of the subject-matter of the dispute or the amount claimed in the originating application is not determined, the fee payable for a request for setting down for trial and judgment is, before the Court of Québec, \$170 when payable by a natural person and \$200 when payable by a legal person. Before the Superior Court, the fee is \$340 when payable by a natural person and \$400 when payable by a legal person;

(4) contestation, application for annulment or opposition with respect to execution:

(a) for the filing of a contestation, an application for annulment or an opposition with respect to execution, or for the filing of such a pleading with respect to a seizure before judgment, one of the amounts in the following table, depending on the class determined by the value of the application, where the value of the subject-matter of the dispute or the amount claimed as indicated in section 2 corresponds to the value of the right the pleading seeks to protect:

| Class of application | Natural person | Legal person |
|----------------------|----------------|--------------|
| Class I and II | \$85 | \$100 |
| Class III and IV | \$170 | \$200 |
| Class V | \$150 | N/A |

(b) if the value of the right the pleading seeks to protect is not determined, the fee payable for the filing of a pleading mentioned in subparagraph *a* is, before the Court of Québec, \$85 when payable by a natural person and \$100 when payable by a legal person. Before the Superior Court, the fee is \$170 when payable by a natural person and \$200 when payable by a legal person;

(c) for the filing at the court office of a notice of execution or amended notice of execution, \$43 when payable by a natural person and \$50 when payable by a legal person;

(5) revocation of judgment:

(a) for an application for revocation of judgment, one of the amounts in the following table, depending on the class determined by the value of the subject-matter of the dispute or the amount to which the judgment applies:

| Class of application | Natural person | Legal person |
|----------------------|----------------|--------------|
| Class I and II | \$170 | \$200 |
| Class III and IV | \$340 | \$400 |
| Class V | \$150 | N/A |

(b) if the value of the subject-matter of the dispute or the amount to which the judgment applies is not determined, the fee payable for an application for revocation of judgment is, before the Court of Québec, \$85 when payable by a natural person and \$100 when payable by a legal person. Before the Superior Court, the fee is \$170 when payable by a natural person and \$200 when payable by a legal person;

(6) provisional measures:

a fee of \$85 is payable by a natural person for the filing of a provisional measure governed by articles 516 to 528 of the Act to establish the new Code of Civil Procedure (2014, chapter 1), if a fee is not otherwise provided for in this Tariff. If payable by a legal person, the fee is \$100.

6. For the hearing of a case on the merits, a fee of \$255 per day or \$128 per half-day of hearings is payable by a natural person, beginning on the third day of the hearing. A fee of \$300 per day or \$150 per half-day of hearings is payable by a legal person.

The fee is payable on the basis of the number of hearing days announced by each party and must be paid not later than 45 days before the date set for the trial, unless a settlement or discontinuance is filed or produced at the clerk's office within the same time limit.

If the trial continues beyond the days of hearing initially scheduled, each party is required to pay for each additional day or half-day of hearings that it requires.

For the purpose of calculating the fees payable pursuant to this section, a half-day is a period of not more than three hours within the same day.

7. A fee of \$150 is payable for any application for review of accessory measures ordered by a judgment granting a separation from bed and board, a divorce, the dissolution of a civil union or the annulment of a marriage or civil union, as well as any originating application relating to child custody or support obligations or any application for review of a judgment concerning child custody or support obligations.

8. A fee of \$100 is payable for an application filed in court under the Highway Safety Code (chapter C-24.2).

9. A fee of \$43 is payable by a natural person and \$50 by a legal person for an opposition or homologation relating to a bill of legal costs.

10. In matters relating to immovable property, a fee of \$170 is payable by a natural person and \$200 by a legal person for

(1) the execution of the clerk's duties, from receipt of the record to distribution of the proceeds of the sale, if any;

(2) the contestation of a collocation scheme.

The payment of the fee allows each interested party to obtain a copy of the judgment concerning the collocation scheme.

11. When a collocation scheme is prepared or for any judgment concerning distribution, a fee of 3% of all the amounts collected or deposited is charged.

12. For a claim concerning a seizure in the hands of third persons or a voluntary deposit in accordance with articles 664 to 670 of the Act to establish the new Code of Civil Procedure (2014, chapter 1), the only fee payable until the claim is fully satisfied is \$34 by a natural person and \$40 by a legal person.

13. Sections 5, 9, 10, 12, 18 and 19 do not apply to proceedings instituted by the minister responsible for the administration of the Act to facilitate the payment of support (chapter P-2.2) as the collector of support payments, or for a sum recoverable under the Code of Penal Procedure (chapter C-25.1).

14. When an amount of money is deposited, the following fees are payable:

- (1) if the amount is \$10,000 or less, 4% of the amount;
- (2) if the amount is more than \$10,000, 4% of the first \$10,000 and 0.5% of the remainder.

This section also applies where the object of the deposit is a security rather than an amount of money. In such a case, the fee is calculated on the basis of the value declared by the depositor in the pleading or other document in which the depositor states that the security is being deposited.

This section also applies where a person furnishes security. In such a case, the fee is calculated on the basis of the amount of security that must be furnished.

However, this section does not apply to amounts deposited following a seizure in the hands of third persons or a voluntary deposit, or to amounts referred to in section 11.

15. A fee of \$200 is payable for the presentation of an application dealt under the procedure for non-contentious proceedings, when the application concerns one or more of the following subject-matters or a similar subject-matter:

- (1) authorization to consent to care that is not required by the state of health of a person under 14 years of age or of a person incapable of giving consent;
- (2) authorization to consent to the alienation of a body part of a minor or an incapable person of full age;
- (3) a declaratory judgment of death;
- (4) tutorship to an absentee or to a minor, the emancipation of a minor or the protective supervision of or a protection mandate for a person of full age;
- (5) the appointment, designation or replacement of any person that is required by law to be appointed, designated or replaced by the court on its own initiative or in the absence of an agreement between the interested parties, and applications of a similar nature relating to tutorship to a minor, the protective supervision of a person of full age, a succession or the administration of the property of others;

(6) the placement and adoption of a child and the assignment of a name to the child;

(7) the alteration of the register of civil status;

(8) the probate of a will, letters of verification or, in succession matters, the liquidation or the partition of a succession;

(9) the administration of undivided property, of a trust or of the property of others;

(10) the acquisition by prescription of ownership in an immovable;

(11) registration in the land register or the register of personal and movable real rights or the correction, reduction or cancellation of an entry in either register;

(12) the issue of a notarial deed or the replacement or reconstitution of a writing;

(13) an application for an exemption from the obligation to pay support and arrears to the minister responsible for the administration of the Act to facilitate the payment of support (chapter P-2.2), or for the suspension of that obligation.

16. A fee of \$100 is payable for the presentation of any other application dealt with under the procedure for non-contentious proceedings other than those mentioned in section 15.

Notwithstanding the foregoing, no fee is payable for an application to commit a person to the care of a health service or social service institution, in particular to undergo a psychiatric examination.

17. A fee of \$50 is payable for the filing of the minutes of notarial operations and conclusions in a case dealt with under the procedure for non-contentious proceedings.

18. The fees payable to the Court of Appeal are as follows:

(1) for the filing of a notice of appeal or a notice of incidental appeal or any similar pleading at the office of the Court of Appeal or the court of first instance, as the case may be, the examination and preparation of the record and the transmission of the file to the Court of Appeal, one of the following amounts:

(a) in the case of a final judgment, \$340 if payable by a natural person or \$400 if payable by a legal person;

(b) in the case of an interlocutory judgment, \$255 if payable by a natural person or \$300 if payable by a legal person;

(2) for the filing of a representation statement or a statement of non-representation, \$85 if payable by a natural person or \$100 if payable by a legal person.

19. The fees payable for an appeal to the Superior Court or Court of Québec, where one of those courts has appellate jurisdiction, are as follows:

(1) for the filing of a notice of appeal or similar pleading at the office of the court having jurisdiction, \$85 if payable by a natural person or \$100 if payable by a legal person;

(2) for an application for the dismissal of an appeal, a contestation or a similar pleading \$43 if payable by a natural person or \$50 if payable by a legal person.

20. The fees provided for in sections 18 and 19 are the only fees payable in relation to an appeal.

21. The court fees and judicial fees provided for in sections 3, 5 to 12 and 14 to 19 may be paid in a district other than the district in which the application or notice is or must be presented.

22. The following court fees are payable:

(1) for the filing, production or registration of a document when such acts are required by a regulation or a statute other than the Act to establish the new Code of Civil Procedure (2014, chapter 1) and when this Tariff does not otherwise fix the fee payable, \$54.75;

(2) for the issue by the court office of a copy of any document not mentioned in subparagraph 4, \$3.20 per page for the ten first pages and \$0.50 per subsequent page; the fee applies to each document of which one or more pages are reproduced, except for additional copies of a document as part of the same request, for which the fee is \$0.50 per page;

(3) for the reproduction in a technological medium of any document not referred to in subparagraph 4, \$5 for the cost of the medium in addition to the fees prescribed in subparagraph 2; when the reproduction in a technological medium does not require the use of a tangible medium, only the fee prescribed in subparagraph 2 applies;

(4) for any copy, extract from or annex to a notarial deed filed with the clerk's office of the Superior Court in accordance with the Notarial Act (chapter N -2), \$20.40 and, if applicable, \$4.30 per page for the sixth and following pages.

Subparagraph 1 of the first paragraph does not apply where the registration, production or filing of a document is required for purposes of execution under the Divorce Act (R.S.C. 1985, c. 3 (2nd Suppl.)), the Act respecting reciprocal enforcement of maintenance orders (chapter E-19) or the Act respecting the Régie du logement (chapter R-8.1). In addition, subparagraph 1 of the first paragraph does not apply where the registration, production or filing of a recalculation notice is required for the purposes of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02).

No court fee is payable for the first copy of a judgment requested by each of the parties, or a copy of a judgment including a support order.

23. Notwithstanding section 22, no court fee is payable to obtain a copy of a document issued in printed format on using a technological medium for the use of one of the persons or bodies listed below or their representatives:

(1) the Ministère de la Justice and the Attorney General of Québec;

(2) an advocate acting under a legal aid mandate, and the advocate's client;

(3) an accused person or that person's counsel in a criminal case when the documents are required for a current prosecution;

(4) the Société québécoise d'information juridique (SOQUIJ);

(5) a journalist;

(6) the Director of Criminal and Penal Prosecutions in criminal and penal cases;

(7) a person holding, for the purposes of an inquiry, the powers vested in commissioners by the Act respecting public inquiry commissions (chapter C-37) who, after identifying himself or herself, presents to the clerk a duly signed certificate or other document attesting his or her capacity along with a summons or subpoena indicating the documents that must be produced.

24. The duty payable for the solemnization of a marriage or civil union by an officiant of the Ministère de la Justice is \$268. The duty payable when a marriage or a civil union is solemnized by such an officiant outside a courthouse is \$357.

The duty is payable when a file is opened at the court house or when an application for a dispensation from posting notice is made.

25. This Tariff applies to the State and its bodies.

26. The judicial fees and court fees established by this Tariff apply to any pleadings and documents filed, produced or issued on or after the date of its coming into force, even in a case commenced prior to that date.

27. This Tariff replaces the Tariff of court costs in civil matters and court office fees (chapter T-16, r.9).

However, the former Tariff continues to apply to the execution, if already under way, of a judgment, of a decision or of a juridical act that has the same force and effect as a judgment, except in the case of execution proceedings already under way in accordance with the rules governing voluntary deposit.

28. This Tariff comes into force on the date of coming into force of the Act to establish the new Code of Civil Procedure (2014, chapter 1).

102282

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

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