

**Gazette**  
officielle  
**DU Québec**

Part

**2**

**No. 46**

13 November 2019

**Laws and Regulations**

Volume 151

**Summary**

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Regulations and other Acts

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### Contents

Part 2 contains:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) Orders in Council, decisions of the Conseil du trésor and minister’s orders whose publication is required by law or by the Government;
- (5) regulations made by courts of justice and quasi-judicial tribunals;
- (6) drafts of the texts referred to in paragraphs 3 and 5 whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
- (7) any other document whose publication is required by the Government.

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**PROVINCE OF QUÉBEC**

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 10 OCTOBER 2019

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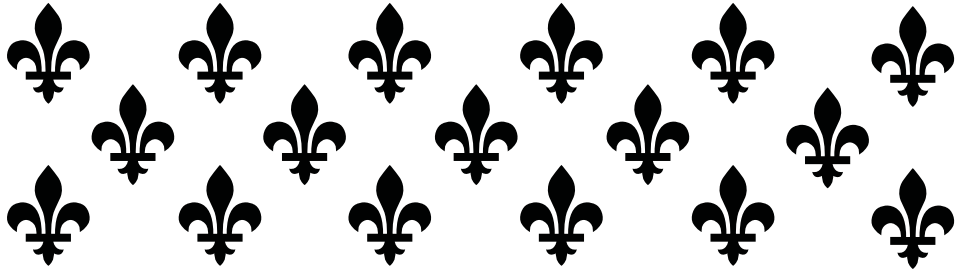
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 10 October 2019*

This day, at fifteen minutes past two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

- 14 An Act to facilitate the public administration's digital transformation

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





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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 14  
(2019, chapter 17)

**An Act to facilitate the public  
administration's digital  
transformation**

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Introduced 4 April 2019  
Passed in principle 4 June 2019  
Passed 2 October 2019  
Assented to 10 October 2019

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Québec Official Publisher  
2019

## EXPLANATORY NOTES

*This Act aims to facilitate the public administration's digital transformation by prescribing rules applicable in the context of carrying out information resource projects designated as being of government-wide interest by the Conseil du trésor.*

*To that end, the Act allows the Government to designate the public bodies that are required to use and release personal information they hold to any person or body if such a use or release is necessary for carrying out an information resource project of government-wide interest. It also provides that the Government may entrust any function or responsibility related to the carrying out of such a project to a public body and provide for its remuneration.*

*The powers provided for by the Act apply despite any incompatible provision of an Act and may only be exercised within ten years of its coming into force. An order made under the Act is effective for a period of not more than five years for any given project, which the Government may extend for not more than two years.*

*The Act circumscribes which internal use and release of personal information may be made in the context of carrying out information resource projects designated as being of government-wide interest. It gives the Government the power to prescribe special rules for protection and requires the Government to prescribe such rules when there is a high level of reasonable expectation of privacy.*

*The Act requires a public body responsible for the management of such a project to conduct an assessment of the privacy-related factors from the outset of the project and to send a copy of the assessment to the Commission d'accès à l'information. Such a body must also take appropriate measures to ensure the protection of personal information throughout the process of carrying out the project.*

*The Act sets out the reporting requirements regarding the use and release of personal information made in carrying out such a project.*

*The Act confers on the Commission d'accès à l'information the power to give its opinion on such a project, a draft regulation or a draft order involving the use and release of personal information.*



*Lastly, the Act establishes that the powers conferred on the Government must be exercised in a manner consistent with respecting the right to privacy and the principle of transparency, and with promoting public confidence in the public administration's development of technological solutions.*



## Bill 14

### AN ACT TO FACILITATE THE PUBLIC ADMINISTRATION'S DIGITAL TRANSFORMATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The purpose of this Act is to facilitate the public administration's digital transformation by prescribing rules applicable in the context of carrying out information resource projects of government-wide interest. It promotes the Administration's efficiency and effectiveness, and the implementation of the tools necessary for the provision of optimum public services.

The powers conferred by this Act must be exercised in a manner consistent with respecting the right to privacy and the principle of transparency and with promoting public confidence in the public administration's development of technological solutions.

**2.** In this Act, "public body" means a body referred to in section 2 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03), and "information resource project of government-wide interest" means an information resource project designated as being of "government-wide interest" by the Conseil du trésor in accordance with the first paragraph of section 16.3 of that Act.

**3.** A public body that the Government may designate uses and releases the personal information it holds to any person or body when such a use or release is necessary for carrying out an information resource project of government-wide interest.

The Government may also entrust any function or responsibility related to carrying out such a project to a public body and provide for that public body's remuneration.

An order made under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on a later date specified in the order.

This section applies despite any incompatible provision of an Act, to the extent that the provision is specifically mentioned in the order made under this section.

**4.** The persons or bodies to whom personal information is released in accordance with the first paragraph of section 3 may only use or release it for the purposes of carrying out the information resource project of government-wide interest for which the information was obtained and must take the security measures necessary to ensure its protection.

**5.** Any body or person who intends to obtain a mandate or contract related to carrying out an information resource project of government-wide interest for which the use or release of personal information provided for in sections 3 and 4 applies must submit to an external audit aimed at ensuring compliance with the highest standards and best practices in matters of information security and protection of such information.

The Chair of the Conseil du trésor may determine the cases and circumstances in which the first paragraph does not apply and makes the criteria leading to the decision public.

**6.** The Government may, for the purposes of section 3, prescribe special rules for the protection of personal information.

However, the Government must prescribe such special rules when, for the purposes of section 3, there is a high level of reasonable expectation of privacy, unless a provision of an Act or a regulation already provides for such protection.

The rules prescribed under the second paragraph are to be published in the *Gazette officielle du Québec* within 15 days of their being prescribed.

**7.** The Government fixes the period during which an order made under section 3 is to have effect. Such a period may not exceed five years, which the Government may extend by not more than two years. Such an order ceases to have effect at the expiry of that period or, if it is earlier, on the date following the date on which all of the steps or stages for carrying out the information resource project of government-wide interest for which the order was made have been completed.

**8.** The Commission d'accès à l'information may give its opinion on an information resource project of government-wide interest, a draft regulation or a draft order involving the use or release of personal information referred to in section 3.

For the purposes of the second paragraph of section 6, the Commission d'accès à l'information may also give the Government its opinion on the nature of the personal information required for such a project, namely whether there is a high level of reasonable expectation of privacy.

**9.** The public body responsible for managing an information resource project of government-wide interest to which this Act applies must, from the outset of the project, when making any modification to it and until its completion, conduct an assessment of the project's privacy-related factors in accordance with the highest standards of the moment and keep those standards in its archives. It must also take appropriate measures to ensure that personal information is protected at each step or stage while the project is being carried out.

A copy of the assessment of privacy-related factors is sent within 30 days of its being prepared to the Commission d'accès à l'information, which may give its opinion, and posted on the website of the public body responsible for managing the project.

**10.** The public body responsible for managing an information resource project of government-wide interest must, each year, send to the Chair of the Conseil du trésor a report on the use and release of personal information referred to in section 3. It must, at the same time, send a copy of the report to the Commission d'accès à l'information. The public body must also send the Chair of the Conseil du trésor a final report on such a use or release as soon as possible after the close-out of such a project. The final report must be tabled in the National Assembly within 30 days after its receipt or, if the Assembly is not sitting, within 30 days of resumption.

The Chair of the Conseil du trésor determines by order the form and content of the reports referred to in the first paragraph and publishes, on the website of the Conseil du trésor, the following information concerning such a project:

(1) the name of the project and of the public body responsible for managing it;

(2) the names of the public bodies designated in accordance with the first paragraph of section 3 and the nature of the personal information concerned;

(3) the name of the public body to which the Government has entrusted a function or responsibility in accordance with the second paragraph of section 3 and the nature of that function or responsibility;

(4) a document attesting that all appropriate measures have been taken to ensure the protection of personal information; and

(5) a status report on the legislative amendments potentially required for implementation of the technological solution covered by the project.

The Government must, in accordance with the criteria it establishes, provide for a consultation period, at the end of the period provided for in the first paragraph, to establish whether an implementation Act is necessary, and the Government publishes its conclusions within the next 30 days.

- 11.** The powers conferred on the Government under section 3 may not be exercised after 10 October 2029.
- 12.** The Chair of the Conseil du trésor is responsible for the administration of this Act.
- 13.** This Act comes into force on 10 October 2019.

## Regulations and other Acts

Gouvernement du Québec

**O.C. 1089-2019**, 30 October 2019

Professional Code  
(chapter C-26)

### Roll of professional orders — Amendment

Regulation to amend the Regulation respecting the roll of professional orders

WHEREAS, under subparagraph *a* of subparagraph 6 of the fourth paragraph of section 12 of the Professional Code (chapter C-26), the Office des professions du Québec must determine, by regulation and after consultation with the Interprofessional Council of Québec, the information other than the information provided for in section 46.1 of the Code that must be included in the roll of an order, as well as the standards governing the preparation, updating and publication of the roll;

WHEREAS the Office has held the required consultation;

WHEREAS the Office made the Regulation to amend the Regulation respecting the roll of professional orders on 1 April 2019;

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 roll of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 24 April 2019 with a notice that it could be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 13 of the Professional Code, every regulation adopted by the Office under the Code or under an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the roll of professional orders, attached to this Order in Council, be approved.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting the roll of professional orders

Professional Code  
(chapter C-26, s. 12, 4th par., subpar. 6, subpar. *a*)

**1.** The Regulation respecting the roll of professional orders (chapter C-26, r. 9) is amended by replacing section 3 by the following:

“**3.** The roll of the Ordre professionnel des chimistes du Québec contains, for each member, the year in which a professional inspection was conducted of the member.”.

**2.** The following is inserted after section 4.1:

“**4.2.** The roll of the Ordre professionnel des diététistes du Québec contains, for each member, the member’s number.

**4.3.** The roll of the Ordre professionnel des ergothérapeutes du Québec contains, for each member, the member’s number.”.

**3.** Section 7.1 is amended by striking out “email address and” in paragraph 1.

**4.** The following is inserted after section 8:

“**8.1.** The roll of the Ordre professionnel de la physiothérapie du Québec contains, for each member, the member’s number.

**8.2.** The roll of the Ordre professionnel des podiatres du Québec contains, for each member, the member’s number.

**8.3.** The roll of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec contains, for each member, the member’s number.”.

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

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Gouvernement du Québec

**O.C. 1090-2019, 30 October 2019**

An Act respecting administrative justice  
(chapter J-3)

**Administrative Tribunal of Québec  
— Procedure for the recruitment and selection of  
persons apt for appointment as members  
— Amendment**

CONCERNING the Regulation to amend the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec

WHEREAS, under section 42 of the Act respecting administrative justice (chapter J-3), members of the Administrative Tribunal of Québec shall be selected among persons declared apt according to the recruiting and selection procedure established by Government regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec, was published in Part 2 of the *Gazette officielle du Québec* of 1 May 2019 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 this regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation  
respecting the procedure for the  
recruitment and selection of persons  
apt for appointment as members of the  
Administrative Tribunal of Québec**

An Act respecting administrative justice  
(chapter J-3, s. 42)

**1.** Section 3 of the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec (chapter J-3, r. 2) is amended by striking out “, to the ministers responsible for the administration of statutes providing for a recourse before the divisions of the Tribunal for which a member or members are to be recruited,”.

**2.** The first paragraph of section 4 is amended by replacing, in subparagraph 7, “ruin” by “undermine”.

**3.** The first paragraph of section 7 is replaced by the following:

“7. Before taking office, the members of the committee must take the following oath: “I, (full name), swear that I will neither reveal nor disclose, without due authorization to do so, anything of which I may gain knowledge in the performance of the duties of my office.””.

**4.** The last paragraph of section 17 of the Regulation is replaced by the following:

“This report is submitted to the Associate Secretary General and the Minister of Justice.”

**5.** Section 22 is amended

(1) by inserting “to be appointed to the Tribunal” after “apt”;

(2) by striking out “and to the ministers responsible for the administration of statutes providing for a recourse before the divisions of the Tribunal in which there is a vacant position”.

**6.** Section 23 is amended by inserting “declared” in the first paragraph before “apt” and by inserting “of the Tribunal” after “members”.

**7.** Section 24 is amended

(1) by striking out “, having consulted the ministers responsible for the administration of statutes providing for recourses before the division of the Tribunal where there is a vacant position,” in the first paragraph;

(2) by striking out the last paragraph.



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

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Gouvernement du Québec

**O.C. 1091-2019**, 30 October 2019

An Act respecting administrative justice  
(chapter J-3)

**Administrative Tribunal of Québec**  
— Procedure

CONCERNING the Regulation respecting the procedure of the Administrative Tribunal of Québec

WHEREAS, under the first paragraph of section 109 of the Act respecting administrative justice (chapter J-3), the Administrative Tribunal of Québec may, by a regulation adopted by a majority vote of its members, make rules of procedure specifying the manner in which the rules established in chapter VI of the Act respecting administrative justice or in the special Acts under which proceedings are brought are to be applied;

WHEREAS, under the second paragraph of this section, such rules of procedure may differ according to the divisions or, in the case of the social affairs division, according to the matters to which they apply;

WHEREAS, under the third paragraph of this section the regulation is subject to the approval of the Government;

WHEREAS at its meeting of 11 May 2017, the Tribunal adopted the Regulation respecting the procedure of the Administrative Tribunal of Québec;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting the procedure of the Administrative Tribunal of Québec, was published in Part 2 of the *Gazette officielle du Québec* of 24 April 2019 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS, it is expedient to approve the Regulation;

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

THAT the Regulation respecting the procedure of the Administrative Tribunal of Québec, attached to this Order in Council, be approved.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

**Regulation respecting the procedure of the Administrative Tribunal of Québec**

An Act respecting administrative justice  
(chapter J-3, s. 109)

**DIVISION I**  
PRELIMINARY PROVISIONS

**1.** This Regulation applies to all proceedings brought before the Administrative Tribunal of Québec, except those within the jurisdiction of the social affairs division acting as a review board within the meaning of the Criminal Code (R.S.C., 1985, c. C-46).

Its purpose is to ensure the simple, flexible and prompt processing of applications, particularly with the cooperation of the parties and their representatives, in accordance with the rules of natural justice.

**2.** At any stage, the proceedings and the presentation of evidence must be proportionate to the nature and complexity of the matter.

**DIVISION II**  
OFFICE HOURS AND WORKING DAYS

**3.** The secretariat of the Tribunal is open to the public from Monday to Friday, on working days, from 8:30 a.m. to 4:30 p.m.

**4.** The following are considered holidays:

- (1) Saturdays and Sundays;
- (2) 1 and 2 January;
- (3) Good Friday;
- (4) Easter Monday;
- (5) the Monday preceding 25 May;
- (6) 24 June;
- (7) 1 July;

- (8) the first Monday in September;
- (9) the second Monday in October;
- (10) 24, 25, 26 and 31 December;
- (11) any other day fixed by the Government.

**5.** If the date fixed for performing an act falls on a holiday, the act may validly be done on the next following working day.

**6.** In computing any time period, the day that marks the start of the period is not counted and the terminal day is. The time period expires on the last day at midnight.

Holidays are counted but a period that would normally expire on such a day must be extended to the next following working day.

### **DIVISION III**

#### **TRANSMISSION OF APPLICATIONS AND FILING OF DOCUMENTS**

**7.** The transmission of technology-based documents, within the meaning of the Act to establish a legal framework for information technology (chapter C-1.1), is possible if the means is compatible with the Tribunal's technological environment.

**8.** The date of filing of a document is the date on which it is received at the secretariat of the Tribunal or at the office of the Court of Québec, as the case may be.

A document sent by mail is presumed to be filed with the Tribunal on the date postmarked.

A document sent by fax is presumed to be filed with the Tribunal on the date and at the time appearing in the report produced by the Tribunal's fax machine that received the document.

A message sent by electronic mail is presumed to be filed with the Tribunal on the date of receipt, as recorded by the Tribunal's server.

**9.** If fees or other expenses are prescribed for the filing of a document, the document is validly filed only if the fees or expenses have been paid.

Despite the foregoing, in the case of the motion instituting proceedings, an applicant who has not paid all the prescribed fees or expenses in full may do so within 30 days after the date of receipt of the motion by the Tribunal.

**10.** A motion instituting proceedings may be filed on the form provided by the Tribunal, duly completed.

The motion may also be filed on another document that meets the requirements of section 111 of the Act respecting administrative justice (chapter J-3) and that states:

(1) the decision in respect of which proceedings are brought or the facts giving rise to the proceedings;

(2) a short statement of the grounds invoked in support of the proceeding;

(3) the conclusions sought;

(4) the representative's name, address, email address, telephone number and fax number.

The motion indicates the applicant's name, address and any other contact information.

The contested decision or the documents relating to the facts giving rise to the proceedings must be sent to the Tribunal without delay at the time the motion is filed.

If the documents cannot be sent at the time the motion is filed, the motion must indicate:

(1) if the proceedings are to contest a decision:

a) the authority that made the decision;

b) the date of the decision; and

c) the file number given by that authority; or

(2) if no decision is contested, the facts giving rise to the proceedings.

**11.** Any other application to the Tribunal must be made in writing and sent to the secretariat of the Tribunal.

The application must indicate the name of the parties, the file number of the Tribunal, the grounds invoked in support of the application and the conclusions sought.

If the applicant is not one of the parties, the application must indicate the applicant's name, address and any other contact information. If the applicant is represented, the application must also contain the same information for the representative.

Despite the foregoing, an application may be presented otherwise if authorized by the Tribunal having regard to the circumstances.

**12.** Any written application or communication addressed to the Tribunal must also be sent to the other parties.

#### DIVISION IV REPRESENTATION

**13.** A party who discharges or replaces his or her representative must give notice thereof to the Tribunal and the other parties without delay.

**14.** A person who agrees to represent a party after the motion is filed must give notice thereof to the Tribunal and the other parties without delay.

**15.** Before the hearing date has been set, a lawyer who wishes to cease representing a party may do so after notifying the party, the other parties and the secretariat of the Tribunal.

If the hearing date has been set, the lawyer cannot cease representing the party, nor may another lawyer be brought in as a substitute, without the authorization of the Tribunal.

**16.** Where a party is represented, the communications of the Tribunal, except the notice of hearing and the Tribunal's decision, must be addressed to the representative only.

**17.** In exceptional cases provided for by the Act respecting administrative justice (chapter J-3), where a person who is not a member of the Barreau is authorized to act as a representative before the Tribunal, the person must provide a mandate in paper form, signed by the person wishing to be represented.

In addition to stating the authorization for representation, the mandate indicates, if such is the case, that the representative is authorized to consult the file of the person represented or to obtain a copy thereof.

This provision does not apply to the representative of the Minister of Employment and Social Solidarity or the Minister's delegate.

#### DIVISION V CHANGE OF ADDRESS

**18.** Every party or representative must inform the secretariat of the Tribunal without delay of any change in address or other contact information.

#### DIVISION VI DOCUMENTS RELATING TO RECORDS

##### *§1. Expropriation*

**19.** Where a general plan of the immovables to be expropriated is filed with the Tribunal pursuant to section 39 of the Expropriation Act (chapter E-24), an appendix indicating the cadastre number of each immovable involved, the nature of the expropriated right and the name of the last known holder of the right must be attached to the plan.

Every related notice of expropriation filed after the general plan is filed must bear the file number of the plan.

##### *§2. Protection of persons whose mental state presents a danger to themselves or to others*

**20.** In matters of protection of persons whose mental state presents a danger to themselves or to others, the institution having custody of such a person must provide the Tribunal with a copy of the order for custody in an institution, a copy of the psychiatric examination reports on the basis of which the order was issued and a copy of any periodical psychiatric examination report following the issue of the order.

The documents must be provided not later than 24 hours before the date of the hearing.

#### DIVISION VII INTERVENTION AND CONTINUANCE OF PROCEEDING

**21.** The Tribunal may authorize, on the conditions it determines, including the scope of the intervention, every person who has a sufficient interest, to make representations in a proceeding before the decision on the proceeding is rendered.

For a proceeding brought pursuant to the Environment Quality Act (chapter Q-2), any person making representations must file with the Tribunal a notice to that effect at least 30 days before the date of the hearing.

**22.** Every party to a proceeding may, with the authorization of the Tribunal and on the conditions it determines, including the scope of the intervention, implead a third party whose presence is necessary to fully resolve the dispute.

The Tribunal may, of its own motion, order the impleading of any person whose interests could be affected by its decision.

**23.** To continue the proceeding of a party, an heir, a successor, the liquidator of a succession or a person who has acquired the capacity or interest to do so must send the following documents to the Tribunal:

- (1) a notice of the person's intent;
- (2) the documents evidencing the person's interest or authorizing the person to continue the proceeding; and
- (3) in the case of a deceased party, proof of the death.

**24.** A party may notify a formal demand on the persons referred to in section 23 requiring that they inform the Tribunal of their intention. A copy of the formal demand must be sent to the Tribunal and the parties.

If those persons do not comply within 60 days of the notification of the formal demand, any party may request the Tribunal to proceed by default or to declare the proceeding null and void, depending on the circumstances.

#### **DIVISION VIII** SUMMONING OF PARTIES

**25.** A notice of hearing, in order to be valid, must be sent to a party, within reasonable time, at the last address filed in the record.

The notice must also be sent to the party's representative at the representative's last address filed in the record.

#### **DIVISION IX** PRACTICE ROLL

**26.** In addition to the roll comprising the motions instituting proceedings, the Tribunal may also prepare a practice roll for the incidental proceedings that may be heard prior to the hearing on the merits.

Except with the parties' consent, in a case of urgency or if the Tribunal decides otherwise to ensure the proper administration of justice, an incidental proceeding entered on the practice roll may not be heard unless the parties have been notified at least 10 days before the date of the hearing.

#### **DIVISION X** POSTPONEMENT

**27.** A party requesting postponement of the hearing must apply to the Tribunal as soon as the grounds invoked become known.

The postponement is granted only if it is based on serious grounds and the interests of justice will be better served as a result. No postponement may be granted solely on agreement of the parties.

#### **DIVISION XI** CALLING OF A WITNESS AT THE HEARING

**28.** A party who wishes to have a witness summoned to appear to testify, to produce a document or both, must use the form provides by Tribunal.

The party is responsible for having the subpoena issued by the party's advocate or, failing that, by a member of the Tribunal served at least 10 days before the hearing.

In a case of emergency, a member of the Tribunal may shorten the time limit for service, but it may not be less than 24 hours. That decision must be specified in the subpoena.

A person in prison may only be summoned on an order from a member of the Tribunal commanding the warden or gaoler, as the case may be, to make the person appear according to the instructions in the order so that the person may testify.

**29.** The Tribunal may order the exclusion of witnesses.

**30.** A person called to testify must swear to tell the truth. The person must then state his or her name, address and occupation.

A person who does not understand the nature of the oath is exempted from taking it, but must be informed of the obligation to tell the truth.

**31.** An expert witness must also swear that his or her testimony will respect the primary duty to enlighten the Tribunal and that the opinion provided will be objective, impartial, thorough and based on the most current knowledge on the questions on which the expert's opinion is required.

**32.** Where the services of an interpreter are needed for a hearing, the interpreter must swear that the translation will be faithful.

#### **DIVISION XII** PRODUCTION OF DOCUMENTS AT THE HEARING

**33.** A party who intends to produce a document as evidence at the hearing must, not later than 15 days before the hearing, send a copy of the document to the other parties and to each member of the Tribunal composing the panel hearing the matter. An additional copy is produced in the case of proceedings before the immovable property division. The copies for the Tribunal must be filed with the secretariat of the Tribunal.

In the case of an expert's report or a technology-based document within the meaning of the Act to establish a legal framework for information technology (chapter C-1.1), the report or document must be sent not later than 30 days before the date of the hearing. A written notice must be attached to the technology-based document, indicating to each party that it is not required to accept the document other than in paper form and that it has 5 days following its receipt to ask that the document in paper form be sent. If so required, the paper form document must be delivered within 10 days following the receipt of the request.

No expert witness may be heard if the expert's report has not been filed within the time period, except with the leave of the Tribunal.

The Tribunal may determine different time periods to ensure the proper administration of justice, if no party suffers serious harm as a result.

**34.** Where a party wishes to file a technology-based document within the meaning of the Act to establish a legal framework for information technology (chapter C-1.1), the party makes sure that, at the time of filing of the document, the Tribunal has at its disposal the required material to allow the presentation at the hearing.

If the Tribunal does not have at its disposal the required material, the party must transfer the document to a medium adapted to the material the Tribunal could have at its disposal at the hearing or provide the material required for the presentation of the technology-based document.

The Tribunal may agree on different measures to ensure the proper administration of justice, considering the available material.

### **DIVISION XIII** **HEARING**

**35.** Every person attending the hearing must be dressed appropriately and behave with dignity and in a manner that shows respect towards justice. The person must refrain from doing anything that could disrupt the hearing.

**36.** Representations made at the hearing must be recorded, unless a party has them recorded at its own expense by a stenographer or stenotypist or by any other means provided for in the Regulation respecting the taking of witnesses' depositions in civil matters (chapter C-25.01, r. 3).

A party who requests a transcription of the hearing must provide a copy to the Tribunal free of charge.

In the cases where the Tribunal may award costs, the recording and transcription expenses are included in the legal costs.

**37.** The minutes of the hearing must be drawn up in the form established by the Tribunal and must contain in particular the following information:

- (1) the date and time of the beginning and end of the hearing, and where it takes place;
- (2) the names of the members of the Tribunal;
- (3) the names and addresses of the parties and, where applicable, those of their representatives and witnesses;
- (4) the name and address of the stenographer;
- (5) the name and address of the interpreter;
- (6) the form of the hearing;
- (7) the exhibits adduced;
- (8) incidental proceedings and objections;
- (9) the date on which an act or action must be carried out;
- (10) the Tribunal's orders and decisions; and
- (11) the date on which the matter is taken under advisement.

### **DIVISION XIV** **DISCONTINUANCE**

**38.** Unless otherwise provided for by law, the filing of a discontinuance declaration or of a notice from the parties indicating that the matter has been settled or that the dispute no longer exists terminates the proceedings.

### **DIVISION XV** **DECISION**

**39.** A copy of the Tribunal's decision must be sent to the parties and to their representatives.

### **DIVISION XVI** **TRANSITIONAL AND FINAL**

**40.** Section 33 applies to proceedings for which a notice of hearing has not been sent by the Tribunal on the date of coming into force of this Regulation.



Sections 26, 28 and 29 of the Rules of procedure of the Administrative Tribunal of Québec (chapter J-3, r. 3) continue to apply to the other pending proceedings.

**41.** This Regulation replaces the Rules of procedure of the Administrative Tribunal of Québec (chapter J-3, r. 3).

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

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Gouvernement du Québec

### O.C. 1094-2019, 30 October 2019

An Act respecting the Ministère de la Sécurité publique (chapter M-19.3)

#### Ministère de la Sécurité publique — Terms and conditions for the signing of certain deeds, documents and writings

Terms and conditions for the signing of certain deeds, documents and writings of the Ministère de la Sécurité publique

WHEREAS, under section 12 of the Act respecting the Ministère de la Sécurité publique (chapter M-19.3), no deed, document or writing is binding on the Minister or may be attributed to the Minister unless it is signed by the Minister, by the Deputy Minister or by a member of the staff of the department and only, in the case of such a member, to the extent determined by the Government;

WHEREAS the Government made the Terms and conditions for the signing of certain deeds, documents and writings of the Ministère de la Sécurité publique (chapter M-19.3, r. 1);

WHEREAS, in order to address the new administrative realities of the department, it is expedient to replace the Terms and conditions;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Terms and conditions for the signing of certain deeds, documents and writings of the Ministère de la Sécurité publique, attached to this Order in Council, be made;

THAT the Terms and conditions come into force on the date of their publication in the *Gazette officielle du Québec*;

THAT the Terms and conditions replace the Terms and conditions for the signing of certain deeds, documents and writings of the Ministère de la Sécurité publique (chapter M-19.3, r. 1).

YVES OUELLET,  
*Clerk of the Conseil exécutif*

### Terms and conditions for the signing of certain deeds, documents and writings of the Ministère de la Sécurité publique

An Act respecting the Ministère de la Sécurité publique (chapter M-19.3, s. 12)

#### DIVISION I GENERAL

**1.** Subject to the other conditions of validity that may be prescribed by law, a member of the staff of the Ministère de la Sécurité publique or of another department who holds, on a permanent or provisional basis, by interim or by temporary designation, a position mentioned below is authorized to sign alone, to the extent that the staff member acts within the limits of the position, and with the same authority and effect as the Minister of Public Security the deeds, documents and other writings listed in respect with the position.

**2.** The Québec sales tax (QST) and the goods and services tax (GST) or, where applicable, the harmonized sales tax (HST) are not taken into account in the amounts provided for in these Terms and conditions.

#### DIVISION II DEPARTMENTAL DEEDS, DOCUMENTS AND WRITINGS

**3.** The Associate Deputy Minister of the Direction générale des services à la gestion is authorized to sign

(1) proposals concerning immovable property made by the Société québécoise des infrastructures, occupancy agreements to be entered into with the Société and their riders, as well as contracts for the administration of immovables; and

(2) supply contracts and services contracts less than \$500,000, including those relating to capital expenditures, telecommunications and information technologies.

**4.** The director of immovable management of the Direction générale des services à la gestion is authorized to sign

(1) proposals concerning immovable property layout made by the Société québécoise des infrastructures the costs of which are less than \$500,000;

(2) proposals concerning immovable property made by the Société québécoise des infrastructures where their annual impact on the rent is less than \$100,000;

(3) occupancy agreements to be entered into with the Société québécoise des infrastructures and their riders; and

(4) for the seat of the department and the deputy minister suite in Montréal, supply contracts relating to the purchase of furniture less than \$100,000 and contracts for the administration of immovables.

**5.** The director of information technologies and the director of financial and material resources and planning of the Direction générale des services à la gestion are authorized to sign supply contracts and services contracts less than \$100,000, including those relating to capital expenditures, telecommunications and information technologies.

**6.** The director of human resources of the Direction générale des services à la gestion is authorized to sign in connection with the Programme d'aide aux personnes, services contracts less than \$50,000.

**7.** The director of communications under the authority of the Ministère du Conseil exécutif is authorized to sign supply contracts and services contracts relating to ministerial communications less than \$50,000.

### DIVISION III SECTORIAL DEEDS, DOCUMENTS AND WRITINGS

**8.** An associate deputy minister and the director general of the Laboratoire de sciences judiciaires et de médecine légale are authorized to sign

(1) promises and awards of grants;

(2) supply contracts and services contracts less than \$500,000; and

(3) contracts for the administration of immovables less than \$25,000.

**9.** A director general is authorized to sign

(1) supply contracts and services contracts less than \$200,000; and

(2) contracts for the administration of immovables less than \$20,000.

**10.** An assistant director general is authorized to sign

(1) supply contracts and services contracts less than \$100,000;

(2) contracts for the administration of immovables less than \$20,000.

**11.** A director, the director of legal affairs under the authority of the Ministère de la Justice and the director of communications under the authority of the Ministère du Conseil exécutif are authorized to sign supply contracts and services contracts less than \$50,000.

In addition, a director is authorized to sign supply contracts and services contracts less than of \$15,000.

**12.** A service head is authorized to sign

(1) supply contracts and services contracts less than \$25,000;

(2) contracts for the administration of immovables less than \$15,000.

**13.** At the Direction générale des services correctionnels, only the Associate Deputy Minister is authorized to sign supply contracts and services contracts with community organizations and the Fonds de soutien à la réinsertion sociale, and an associate director general is authorized to sign where the contracts are less than \$500,000.

**14.** In an emergency situation, where the safety of persons or property is in jeopardy, a person holding a position mentioned in sections 8 to 13 is authorized to sign, regardless of the amounts indicated in those sections, supply contracts and services contracts.

**15.** A member of the staff of the department who holds a credit card on behalf of the department is authorized to sign the documents concerning the acquisition of eligible goods or services within the meaning of the agreement entered into with the credit card issuer up to the maximum amount authorized for each transaction.

**16.** A member of the staff of the department, duly identified for that purpose by his or her immediate superior, is authorized to sign supply contracts and services contracts less than \$1,000.

**17.** The authorizations granted under sections 8 to 13, 15 and 16 do not apply to supply contracts and services contracts relating to capital expenditures, telecommunications, information technologies, occupancy agreements with the Société québécoise des infrastructures and, for the seat of the department and the deputy minister suite in Montréal, supply contracts relating to the purchase of furniture and contracts for the administration of immovables.

Gouvernement du Québec

## O.C. 1115-2019, 6 November 2019

An Act respecting tourist accommodation establishments  
(chapter E-14.2)

### Tourist accommodation establishments —Amendment

Regulation to amend the Regulation respecting tourist accommodation establishments

WHEREAS, under the second paragraph of section 6 of the Act respecting tourist accommodation establishments (chapter E-14.2), an application for a classification certificate must be filed with the Minister of Tourism under the conditions prescribed by regulation of the Government;

WHEREAS, under the third paragraph of section 7 of the Act, the classification of a tourist accommodation establishment is established on the basis of the classes of tourist accommodation establishments determined by regulation of the Government;

WHEREAS, under the first paragraph of section 8 of the Act, the form of classification certificates is determined by regulation of the Government;

WHEREAS, under the third paragraph of section 8 of the Act, the conditions for obtaining a classification certificate and the conditions that must be complied with by certificate holders are determined by regulation of the Government;

WHEREAS, under the first paragraph of section 9 of the Act, a classification certificate is valid for a period of 24 months and the Minister of Tourism may fix any other term in the cases determined by regulation of the Government;

WHEREAS, under section 30 of the Act, the classification certificate of a tourist accommodation establishment or the provisional classification certificate, as applicable, must be kept posted in public view in the places determined by regulation of the Government throughout the period of operation of the establishment;

WHEREAS, under paragraph 16 of section 36 of the Act, the Government may, by regulation, define the expression “tourist accommodation establishment”;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting tourist accommodation establishments was published in the *Gazette officielle du Québec* of 12 June 2019 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS section 17 of that Act provides that a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made or approved;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting tourist accommodation establishments, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting tourist accommodation establishments

An Act respecting tourist accommodation establishments  
(chapter E-14.2, s. 6, 2nd par., s. 7, 3rd par., s. 8,  
1st and 3rd pars., s. 9, 1st par., s. 30 and s. 36, par. 16)

**1.** The Regulation respecting tourist accommodation establishments (chapter E-14.2, r. 1) is amended in section 1 by replacing “on a regular basis in the same calendar year and the availability of which is made public” in the first paragraph by “the availability of units in which is made public by the use of any medium.”

**2.** Section 6.1 is amended in the French text by replacing “auto cuisine” by “autocuisine”.

**3.** Section 7 is amended

(1) by replacing “auto cuisine”, wherever it is found in the French text of subparagraphs 1, 2, 4 and 7, by “autocuisine”;

(2) by inserting “, other than principal residence establishments,” after “establishments” in subparagraph 2;

(3) by inserting the following after subparagraph 2:

“(2.1) principal residence establishments: establishments that offer, following a single reservation, accommodation in the operator’s principal residence for a single person or a single group of related persons at a time that does not include any meals served on the premises;”;

(4) by adding the following paragraph at the end:

“For the purposes of subparagraph 2.1 of the first paragraph, a principal residence is a residence where the operator, a natural person, habitually resides, centra-



lizing therein the operator's family and social activities, in particular when it is not used as a tourist accommodation establishment, the address of which corresponds to the address that the operator indicates to government departments and bodies.”.

**4.** Section 10 is amended

(1) by inserting “if applicable,” before “the name” in paragraph 3;

(2) by inserting “if applicable,” before “a description of the services offered” in paragraph 9.

**5.** Section 10.1 is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraphs:

“(2) if the person who operates the establishment is the owner of the establishment, a copy of the title of ownership or of the municipal tax account for the establishment and, if the establishment is located in an immovable held in divided co-ownership, a copy of the provisions of the declaration of co-ownership allowing the establishment to be operated for tourist accommodation purposes or, in the absence of such provisions, the authorization of the syndicate of co-owners to that effect;

(2.1) if the person who operates the establishment is the lessee of the establishment, a copy of the leasing contract for the establishment and, if the leasing contract has no provision allowing the operation of the establishment as a tourist accommodation establishment, the authorization of the owner to that effect;

(2.2) in the case of a group, a copy of the documents, as applicable, referred to in subparagraphs 2 and 2.1 for each of the immovables and movables forming the group;”;

(2) by replacing “subparagraph 2” in the second paragraph by “subparagraphs 2 to 2.2”.

**6.** Section 12 is amended

(1) by replacing “a sign indicating the name of the accommodation establishment” in the first paragraph by “a written notice specifying the number of the accommodation establishment and a sign indicating the name of the establishment”;

(2) by adding the following paragraph at the end:

“Notwithstanding the above, the classification certificate of a principal residence establishment shall take the form only of a written notice specifying the number and address of the accommodation establishment, its class and expiry date.”.

**7.** Section 13 is amended by inserting ““principal residence establishments”,” after “classes”.

**8.** Section 13.1 is replaced by the following:

“**13.1.** Where a classification certificate expires or must be modified or where the operation of the accommodation establishment ends, the sign referred to in the first paragraph of section 12 must be destroyed or returned to the Minister, at the holder's expense.”.

**9.** The title of Division VII is amended by adding “AND ADVERTISING” after “POSTING”.

**10.** Section 14 is amended by replacing the second paragraph by the following:

“The same applies to the notice corresponding to the provisional classification certificate or to the classification certificate of a principal residence establishment.”.

**11.** The Regulation is amended by inserting the following after section 14:

“**14.1.** The holder of a classification certificate must clearly indicate the number of the accommodation establishment on any advertising used to promote the establishment, and on any website, whether transactional or non-transactional, used in connection with the operation of the establishment.”.

**12.** Section 16.1 is amended by inserting “, 14.1” after “13.1”.

**13.** This Regulation comes into force on 1 May 2020.

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Gouvernement du Québec

**O.C. 1117-2019, 6 November 2019**

Highway Safety Code  
(chapter C-24.2)

**Special Road Train Operating Permits  
—Amendment**

Regulation to amend the Special Road Train Operating Permits Regulation

WHEREAS, under subparagraph 20 of the first paragraph of section 621 of the Highway Safety Code (chapter C-24.2), the Government may, by regulation, determine the amount of the fee exigible and the conditions and formalities for obtaining a special permit and the conditions

attached to such a permit according as the permit relates to an oversized vehicle or to a vehicle used for the transportation of a load exceeding its length or its width;

WHEREAS, under subparagraph 35 of the first paragraph of section 621 of the Code, the Government may, by regulation, determine, among the provisions of a regulation concerning the conditions attached to a special permit for a certain class of road vehicles or combinations of road vehicles, those the violation of which constitutes an offence and indicate, for each offence, the minimum and the maximum amounts of the fine to which the offender is liable;

WHEREAS the Government made the Special Road Train Operating Permits Regulation (chapter C-24.2, r. 36);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Special Road Train Operating Permits Regulation was published in Part 2 of the *Gazette officielle du Québec* of 24 July 2019 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 amendment;

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

THAT the Regulation to amend the Special Road Train Operating Permits Regulation, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Special Road Train Operating Permits Regulation

Highway Safety Code  
(chapter C-24.2, s. 621, 1st par., subpars. 20 and 35)

**1.** Section 4 of the Special Road Train Operating Permits Regulation (chapter C-24.2, r. 36) is amended

(1) by inserting “register on the website for the management of permits of the Ministère des Transports, pay the fees payable and” after “must” in the portion before subparagraph 1 of the first paragraph;

(2) by replacing “identification number in the register of owners and operators of heavy vehicles” in subparagraph 1 of the first paragraph by “telephone number and, where applicable, identification number in the register of owners and operators of heavy vehicles, number of the safety fitness certificate or a similar document recognized under the Motor Vehicle Transport Act (R.S.C. 1985, c. 29 (3rd Suppl.))”;

(3) by inserting the following after subparagraph 1 of the first paragraph:

“(1.1) the name of the person responsible for the customer account, the person’s telephone number and email address;”

**2.** Section 5 is revoked.

**3.** Section 6 is replaced by the following:

“**6.** The fees for the issue of a special permit are those obtained by adding

(1) the fees provided for in subparagraph 1 of the first paragraph of section 16 of the Regulation respecting special permits (chapter C-24.2, r. 35); and

(2) the product obtained by multiplying the number of months to be authorized by the monthly fees. The monthly fees are those obtained by dividing by 12 the difference between the fees provided for in subparagraph 1 of the first paragraph of section 17 of the Regulation respecting special permits and the fees provided for in subparagraph 1 of the first paragraph of section 16 of that Regulation.”

**4.** Section 7 is amended

(1) by replacing “stored or recorded” in paragraph 2 by “recorded and kept”;

(2) by inserting “and section 9.0.0.1” at the end of paragraph 5.

**5.** The following is inserted after section 7:

“**7.1.** Where the permit includes a period between 1 December and 29 February, the permit holder must draw up, for each planned trip, a list of the safe stopping locations including the address where the trip begins, the number of each autoroute used, the address of the destination and the safe stopping locations allowing to stop the road train in the event of unforeseeable deterioration of the weather, road conditions or visibility.

Those stopping locations must comply with the following requirements:

- (1) allow safe parking or uncoupling of the road train;
- (2) be accessible by an authorized road offering the necessary space to safely manoeuvre the road train ;
- (3) be opened and accessible at all times;
- (4) be situated 50 km or less from the departure location, another stopping location or the destination.

Each stopping location must be identified by using its address or, failing such address, by a description making it easy to find the stopping location in case of emergency and the route to follow to get there from the autoroute exit ramp.

The stations used for the control of highway transportation of persons and goods, autoroute exit or access ramps, autoroute shoulders, including that of autoroute 40, called autoroute Félix-Leclerc, situated near kilometre posts 216 and 217 in Municipalité de Saint-Luc-de-Vincennes may not be indicated as safe stopping locations.

**7.2.** A permit holder must provide, at the request of the Minister of Transport, a highway controller or any other peace officer and according to the Minister, controller or officer's instructions, for each trip planned between 1 December and 29 February, a list of the safe stopping locations.

**7.3.** A permit holder who operates a road train during the period included between 1 December and 29 February must also

- (1) update, between 1 and 30 November, the list of safe stopping locations;
- (2) give the driver of a road train a copy of the list of safe stopping locations updated in accordance with paragraph 1;
- (3) keep for at least 90 days the data that must be recorded by the system referred to in subparagraph 5 of the first paragraph of section 3 and of which the combination of vehicles is equipped;
- (4) provide, at the request of the Minister of Transport and within the prescribed time, the data provided for in paragraph 3;

(5) provide, at the request of the Minister of Transport and within the prescribed time, the data on the carrying out of the transportation, that is,

- (a) the registration number of the tractor;
- (b) the number of the special permit;
- (c) the date of the trip;
- (d) the place and time of departure;
- (e) the place and time of arrival;
- (f) the number of each autoroute used;

(g) the name of 2 sources consulted to verify the weather forecasts, the date and time of each consultation and the weather forecasts by those sources at the time of operation of the road train;

(h) the date and time of consultation of the road conditions with the Ministère des Transports through its information service known under the name Québec 511 and the road conditions indicated by the service at the time of consultation.”.

**6.** Section 8 is amended by replacing “9 consecutive months between 1 March and 30 November” by “12 consecutive months”.

**7.** Section 9 is amended by replacing “Sundays and the other holidays mentioned in” in paragraph 3 by “26 December and the holidays listed in subparagraphs *b* to *j* of”.

**8.** The following is inserted after section 9:

**“9.0.0.1.** During the period included between 1 December and 29 February, the driver must also

- (1) keep in the vehicle, at a location that is easily accessible, a copy of the list of the safe stopping locations given by the permit holder and provide it at the request of a highway controller or any other peace officer and according to the controller or officer's instructions;
- (2) drive on autoroutes for which safe stopping locations are identified on the list;
- (3) verify, not more than 3 hours before each departure, the weather forecasts with 2 different sources, refrain from operating if they are not favourable and keep the data and the date and time of each consultation;

(4) verify, not more than 3 hours before each departure, the condition of the road network with the Ministère des Transports through its information service known under the name Québec 511, in particular road conditions, road work and warnings in force, and keep the data and the date and time of each consultation.”.

**9.** Section 9.2 is amended by inserting “or sections 7.1 to 7.3” at the end.

**10.** Section 9.3 is amended by replacing “section 9” by “section 9 or 9.0.0.1”.

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

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Gouvernement du Québec

## O.C. 1118-2019, 6 November 2019

Highway Safety Code  
(chapter C-24.2)

### Use of tires specifically designed for winter driving — Amendment

Regulation to amend the Regulation respecting the use of tires specifically designed for winter driving

WHEREAS, under the first paragraph of section 440.1 of the Highway Safety Code (chapter C-24.2), as amended by section 115 of the Act to amend the Highway Safety Code and other provisions (2018, chapter 7), between 1 December and 15 March, the owner of a motorized road vehicle registered in Québec, except a heavy vehicle, tool vehicle or farm machine, may not put the vehicle into operation unless it is equipped with tires specifically designed for winter driving, in compliance with the standards prescribed by government regulation, and the prohibition also applies to any person renting out such a vehicle regardless of where it is registered;

WHEREAS, under subparagraphs 1 and 2 of the second paragraph of section 440.1 of the Highway Safety Code, the government regulation may also prescribe in particular the cases in which the prohibition provided for in the first paragraph of that section does not apply and the cases in which that prohibition is replaced by the obligation to obtain a certificate authorizing a person who owns or rents out, as the case may be, a vehicle referred to in the first paragraph of that section to put the vehicle into operation in Québec without equipping it with tires specifically designed for winter driving;

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 use of tires specifically designed for winter driving was published in Part 2 of the *Gazette officielle du Québec* of 10 July 2019 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 to add certain cases in which the prohibition provided for in the first paragraph of section 440.1 of the Highway Safety Code, as amended by section 115 of the Act to amend the Highway Safety Code and other provisions, is replaced by the obligation to obtain a certificate, in particular to take into account situations in which an owner is deprived of the use of their vehicle pursuant to the Highway Safety Code, namely, the cases of seizure and of impounding and the cases of prohibition of putting into operation or putting back into operation a vehicle;

WHEREAS, under paragraph 1 of section 12 of the Regulations Act, a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication is to be published with the regulation;

WHEREAS the Government is of the opinion that there is urgency to make the Regulation to amend the Regulation respecting the use of tires specifically designed for winter driving due to the following circumstances:

— it is expedient to ensure the coming into force on 1 December of the amendments concerning the addition of certain cases in which the prohibition provided for in the first paragraph of section 440.1 of the Highway Safety Code, as amended by section 115 of the Act to amend the Highway Safety Code and other provisions, is replaced by the obligation to obtain a certificate in order to avoid the possibility of unfairness in the application of the law;

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

THAT the Regulation to amend the Regulation respecting the use of tires specifically designed for winter driving, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the use of tires specifically designed for winter driving

Highway Safety Code  
(chapter C-24.2, s. 440.1; 2018, chapter 7, s. 115)

**1.** The Regulation respecting the use of tires specifically designed for winter driving (chapter C-24.2, r. 45) is amended by replacing section 1 by the following:

“1. From 1 December to 15 March, all the tires equipping a motorized road vehicle registered in Québec, except a heavy vehicle, tool vehicle or farm machine, must be specifically designed for winter driving. That requirement also applies to any person renting out such a vehicle in Québec regardless of the place of registration.”.

**2.** Section 2 is amended

(1) by replacing “a taxi or passenger vehicle” in paragraph 1 by “the vehicle”;

(2) by replacing paragraph 3 by the following:

“(3) for a period of 7 days following the date on which the vehicle was purchased from a vehicle dealer;”.

(3) by replacing “a passenger vehicle or taxi” in paragraph 3.1 by “the vehicle”;

(4) by replacing “a passenger vehicle” in paragraphs 4 and 5 by “a vehicle”;

(5) by replacing “a passenger vehicle or taxi, as the case may be,” in paragraph 7 by “a vehicle”.

**3.** Section 3 is amended

(1) by replacing the words “passenger vehicle” wherever they appear in the first paragraph by “vehicle”;

(2) by adding the following after subparagraph 7 of the first paragraph:

“(8) when a seizure or an impounding of the vehicle occurs, under the Highway Safety Code, before 1 December and ends on or after that date;

(9) when a prohibition from putting into operation or putting back into operation the vehicle is imposed, under the Code, before 1 December and ends on or after that date.”;

(3) by striking out the second paragraph.

**4.** This Regulation comes into force on 1 December 2019.

104147

## M.O., 2019

### Order number 2019-19 of the Minister of Transport dated 30 October 2019

Highway Safety Code  
(chapter C-24.2)

By-law 2018-453 to regulate the operation of off-highway vehicles on certain public highways

THE MINISTER OF TRANSPORT,

CONSIDERING that, under the third paragraph of section 626 of the Highway Safety Code (chapter C-24.2), the Minister of Transport may at any time disallow all or part of a by-law or ordinance passed by a municipality under subparagraph 14 of the first paragraph of that section;

Notice is hereby given that, in accordance with the powers conferred on the Minister under the third paragraph of section 626 of the Highway Safety Code, the Minister of Transport has disallowed By-law 2018-453 to regulate the operation of off-highway vehicles on certain public highways, adopted by the Municipalité du Canton de Potton on 6 May 2019.

The operation of off-highway vehicles as authorized by the By-law would have a negative impact on the safety of users. In addition, authorizing such operation in all the municipal roads departs from the principles of the Act respecting off highway vehicles (chapter V-1.2).

The decision of the Minister of Transport was communicated to the authorities of Municipalité du Canton de Potton on 30 October 2019.

Québec, 30 October 2019

FRANÇOIS BONNARDEL,  
*Minister of Transport*

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

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