



Part 2

LAWS AND REGULATIONS

1 February 2023 / Volume 155

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 is available to all free of charge and is published at 0:01 a.m. each Wednesday at the following address:

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Part 2 shall contain:

- (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) regulations made by courts of justice and quasi-judicial tribunals;
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A minimum rate of \$286 is applied, however, in the case of a publication of fewer than 220 agate lines.

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Coming into force of Acts

Gouvernement du Québec

O.C. 76-2023, 18 January 2023

COMING INTO FORCE of certain provisions of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions

WHEREAS the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions (2022, chapter 13) was assented to on 26 May 2022;

WHEREAS section 123 of the Act provides that the provisions of the Act come into force on 26 May 2022, except in particular, as provided for in paragraph 6 of section 123, paragraph 2 of sections 19 and 20, section 26, paragraph 1 and paragraph 2, insofar as it concerns section 202.2.0.1, of section 27, sections 28, 29, 31, 61 to 65 and 68, paragraphs 4 to 8, 11 and 13 of section 76 and sections 84, 115 and 116, which come into force on the date or dates to be determined by the Government;

WHEREAS it is expedient to set 30 April 2023 as the date of coming into force of sections 61 to 65, paragraphs 4 to 8, 11 and 13 of section 76 and section 84 of the Act, except in respect of heavy vehicles registered in the name of the Ministère des Transports et de la Mobilité durable that are under the management of the Centre de gestion de l'équipement roulant of that department, for which the date of coming into force of those provisions is set for 1 September 2023, and in respect of heavy vehicles registered in the name of Hydro-Québec or one of its wholly-owned subsidiaries, for which the date of coming into force of those provisions is set for 31 December 2024;

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

THAT 30 April 2023 be set as the date of coming into force of sections 61 to 65, paragraphs 4 to 8, 11 and 13 of section 76 and section 84 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions (2022, chapter 13), except in respect of heavy vehicles registered in the name of the Ministère des Transports et de la Mobilité durable that are under the management of the Centre de gestion de l'équipement roulant of that department, for which the date of coming into force of those provisions is set for 1 September 2023,

and in respect of heavy vehicles registered in the name of Hydro-Québec or one of its wholly-owned subsidiaries, for which the date of coming into force of those provisions is set for 31 December 2024.

YVES OUELLET
Clerk of the Conseil exécutif

106111

Regulations and other Acts

Gouvernement du Québec

O.C. 49-2023, 18 January 2023

Professional Code
(chapter C-26)

**Specialist's certificates of professional orders
—Diplomas issued by designated educational
institutions which give access to permits
or specialist's certificates of professional orders
—Amendment**

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (chapter C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the fourth paragraph of section 12 of the Code, and of the order concerned, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, in accordance with subparagraph 7 of the fourth paragraph of section 12 of the Code, the Office advised the Government, after consultation, in particular, with the educational institutions and the orders concerned, the Bureau de coopération interuniversitaire, the Fédération des cégeps and the Minister of Higher Education;

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 diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 13 April 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Government obtained the advice of the Office and the advice of the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec, the Ordre des traducteurs, terminologues et interprètes agréés du Québec, the Ordre des infirmières et infirmiers du Québec, the

Ordre professionnel des inhalothérapeutes du Québec, the Ordre professionnel de la physiothérapie du Québec and the Chambre des huissiers de justice du Québec for the provisions that concern each of them;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

Professional Code
(chapter C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended by adding the following at the end of section 1.04:

“(h) Baccalauréat en administration (gestion des ressources humaines) from the Université du Québec à Rimouski.”

2. Section 1.30 is amended by adding the following at the end of paragraph 1:

“(k) Maîtrise par cumul en traduction from the Université du Québec à Trois-Rivières;”

3. Section 2.02 is amended by striking out “Trois-Rivières campus” in paragraph a.

4. Section 2.10 is amended by striking out “, Trois-Rivières campus”.

5. Section 2.12 is amended by striking out “Trois-Rivières campus”.

6. Section 2.13 is amended by striking out “, Drummondville and Trois-Rivières campuses,”.

7. Sections 2.02, 2.10, 2.12 and 2.13, amended by sections 3 to 6 of this Regulation, remain applicable to persons who, on the date of coming into force of this Regulation, hold one of the diplomas referred to in those sections or are registered in a program leading to one of those diplomas.

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

106108

Gouvernement du Québec

O.C. 58-2023, 18 January 2023

Supplemental Pension Plans Act
(chapter R-15.1)

**Exemption of certain pension plans from the application of provisions of the Act
— Amendment**

Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plans Act (chapter R-15.1), the Government may, by regulation and on the conditions it determines, exempt any pension plan or category of pension plan it designates from the application of all or part of the Act, particularly by reason of the special characteristics of the plan or category or by reason of the complexity of the Act in relation to the number of members in the plan and it may also prescribe special rules applicable to the plan or category;

WHEREAS, under the third paragraph of section 2 of the Act, a regulation made under the second paragraph may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force but not prior to 31 December of the penultimate year preceding the year in which it was published in the *Gazette officielle du Québec* under section 8 of the Regulations Act (chapter R-18.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act, a draft Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act was published in Part 2 of the *Gazette officielle du Québec* of 17 August 2022 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 without amendment;

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

THAT the Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act

Supplemental Pension Plans Act
(chapter R-15.1, s. 2, 2nd and 3rd pars.)

1. The Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 8) is amended by inserting the following after section 14.30:

“**14.30.1.** This Division also applies in respect of the merger, on 1 August 2021, of the following pension plans:

(1) the defined-benefit component of the Globe and Mail Employees’ Retirement Plan, registered under number 1075704 with the Financial Services Regulatory Authority of Ontario;

(2) the Colleges of Applied Arts and Technology Pension Plan, registered under number 0589895 with the Financial Services Regulatory Authority of Ontario.

14.30.2. The Globe and Mail Employees’ Retirement Plan is exempted from sections 98 and 113 of the Act regarding members of the plan who started contributing to the Colleges of Applied Arts and Technology Pension Plan as of 1 May 2021.”.

2. Section 14.31 is amended by adding the following at the end:

“The exemptions provided for in the first paragraph apply, on the conditions provided therein, as of 1 August 2021 to the pension plan referred to in paragraph 1 of section 14.30.1.”

3. Section 14.32 is amended by adding the following at the end:

“For the purposes of subparagraph 3 of the first paragraph, the exemption in the first paragraph of section 228 of the Act applies

(1) as of 1 May 2021 regarding the benefits accrued as of that date by the members referred to in section 14.30.2 and any person employed by The Globe and Mail Inc. as of that date;

(2) as of 1 August 2021 regarding the amendments made to enhance the benefits of members or beneficiaries under the plan referred to in paragraph 1 of section 14.30.1 for which the transfer of assets and liabilities takes effect on that date.”

4. Section 14.33 is amended:

(1) by replacing “the value of the benefits referred to in paragraph 3” by “the value of the benefits referred to in subparagraph 3 of the first paragraph”;

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

“For the purposes of the first paragraph, the assets upon termination must be distributed between the value of the benefits referred to in the second paragraph of section 14.32 and the value of the benefits that come from the pension plan referred to in paragraph 1 of section 14.30.1 before 1 May 2021.”

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

106110

Gouvernement du Québec

O.C. 77-2023, 18 January 2023

Highway Safety Code
(chapter C-24.2)

Act to amend the Automobile Insurance Act,
the Highway Safety Code and other provisions
(2022, chapter 13)

Hours of driving and rest of heavy vehicle drivers — Amendment

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

WHEREAS, under the second paragraph of section 519.21.1 of the Highway Safety Code (chapter C-24.2), a government regulation determines the circumstances under which subparagraphs 1 to 4 of the first paragraph of the section apply;

WHEREAS, under subparagraph 12 of the first paragraph of section 621 of the Code, the Government may by regulation prescribe the standards relating to work cycles, hours of rest, hours of driving and hours of service that the driver of a heavy vehicle is required to comply with to be allowed to drive, and, for that purpose, prescribe special standards for the installation and use of accessories and equipment on such vehicles as well as standards governing the driving of such vehicles;

WHEREAS, under subparagraph 12.0.1 of the first paragraph of section 621 of the Code, as replaced by paragraph 4 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions (2022, chapter 13), the Government may by regulation define, for the purposes of sections 519.8.1, 519.9, 519.10, 519.12, 519.20, 519.21.1 to 519.26 and 519.31 to 519.31.3, the expressions “cycle”, “day”, “director”, “driver”, “electronic logging device”, “home terminal”, “hour of driving”, “hour of rest”, “hour of service”, “malfunction”, “out-of-service declaration”, “permit”, “provincial director”, “record of duty status” and “supporting document”;

WHEREAS, under subparagraph 12.0.2 of the first paragraph of section 621 of the Code, the Government may by regulation prescribe the conditions and procedures according to which the Société de l'assurance automobile du Québec may grant to an operator or a driver of a heavy vehicle, by means of a permit, the authorization to depart from the standards and conditions relating to hours of

driving and hours of rest prescribed by a regulation made under subparagraph 12 of the first paragraph, the conditions and procedures attached to the permit and the conditions and procedures according to which the Société may approve the issuing of a permit by another director;

WHEREAS, under subparagraph 12.1 of the first paragraph of section 621 of the Code, as replaced by paragraph 5 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions, the Government may by regulation establish the conditions under which the driver of a heavy vehicle must record the driver's hours of rest and hours of service and produce a record of duty status, and determine the information the record of duty status must contain, its form and the other information that the driver must forward and make available to the operator and any other person who supplies the driver's services;

WHEREAS, under subparagraph 12.1.0.1 of the first paragraph of section 621 of the Code, as enacted by paragraph 5 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions, the Government may by regulation establish the rules governing the transmission, reception and retention of records of duty status, supporting documents and information determined by a regulation made under paragraph 12.1 of the first paragraph;

WHEREAS, under subparagraph 12.1.0.2 of the first paragraph of section 621 of the Code, as enacted by paragraph 5 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions, the Government may by regulation determine in what cases and on what conditions a driver may produce more than one record of duty status in respect of any day;

WHEREAS, under subparagraph 12.1.0.3 of the first paragraph of section 621 of the Code, as enacted by paragraph 5 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions, the Government may by regulation establish the requirements the electronic logging device must meet and the standards for its installation, determine in what cases and on what conditions the device need not be installed or used and prescribe the rules applicable to the recording of hours of rest and hours of service and to the transmission of those hours and other information;

WHEREAS, under subparagraph 12.1.0.4 of the first paragraph of section 621 of the Code, as enacted by paragraph 5 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions, the Government may by regulation determine the documents that a driver who is required to complete records of duty

status must have in his or her possession when driving and the documents that must be in each heavy vehicle under section 519.21.3 of the Code;

WHEREAS, under subparagraph 12.2 of the first paragraph of section 621 of the Code, as replaced by paragraph 6 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions, the Government may by regulation determine in what cases and on what conditions the hours of rest and hours of service need not be recorded by the driver in a record of duty status or required by the operator;

WHEREAS, under subparagraph 12.2.1 of the first paragraph of section 621 of the Code, as amended by paragraph 13 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions, the Government may by regulation prescribe the procedures according to which the operator using the services of a driver must obtain the driver's records of duty status from the person providing the services;

WHEREAS, under subparagraph 12.2.2 of the first paragraph of section 621 of the Code, as amended by paragraph 13 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions, the Government may by regulation prescribe the procedures according to which a person providing the services of a driver must transmit the driver's records of duty status to the operator;

WHEREAS, under subparagraph 12.2.3 of the first paragraph of section 621 of the Code, as enacted by paragraph 7 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions, the Government may by regulation determine the conditions under which the operator must maintain the system of each electronic logging device used to identify users and the conditions relating to the retention of the information recorded in the system;

WHEREAS, under subparagraph 12.2.4 of the first paragraph of section 621 of the Code, as enacted by paragraph 7 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions, the Government may by regulation determine the content of the register containing the information in connection with the working order and use of each device, the conditions of retention of the register and the time limits for repairing or replacing the device in case of malfunction;

WHEREAS, under subparagraph 12.4 of the first paragraph of section 621 of the Code, the Government may by regulation determine the standards according to which a peace officer may issue an out-of-service declaration in respect of a driver of a heavy vehicle as well as the duration of and conditions applicable to that declaration;

WHEREAS, under subparagraph 12.5 of the first paragraph of section 621 of the Code, as enacted by paragraph 8 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions, the Government may by regulation determine the conditions under which a driver or an operator must make available or forward a document or information required under sections 519.10 and 519.25 of the Code to a peace officer, at the latter's request;

WHEREAS, under subparagraph 39 of the first paragraph of section 621 of the Code, as amended by paragraph 11 of section 76 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions, the Government may by regulation determine the form, content and rules for the retention of the reports, records, files or other documents referred to in Title VIII.1 of the Code and exempt certain owners, operators or persons who supply the services of a driver from retaining them in the cases it indicates;

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 hours of driving and rest of heavy vehicle drivers was published in Part 2 of the *Gazette officielle du Québec* of 17 August 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

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

YVES OUELLET
Clerk of the Conseil exécutif

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

Highway Safety Code
(chapter C-24.2, s. 519.21.1, 2nd par., and s. 621, 1st par., subpars. 12, 12.0.1, 12.0.2, 12.1, 12.1.0.1, 12.1.0.2, 12.1.0.3, 12.1.0.4, 12.2, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.4, 12.5 and 39)

Act to amend the Automobile Insurance Act,
the Highway Safety Code and other provisions
(2022, chapter 13, s. 76, pars. 4 to 8, 11 and 13)

1. The Regulation respecting the hours of driving and rest of heavy vehicle drivers (chapter C-24.2, r. 28) is amended in section 1

(1) by inserting the following definition after the definition of "hours of service":

"malfunction" means any event resulting in the automatic recording in an electronic logging device of a malfunction code appearing in Table 4 in Schedule 2 to the Technical Standard; (*défaillance*);

(2) by inserting the following definitions in alphabetical order:

"electronic logging device" means any device or technology that automatically records a driver's hours of driving and that is certified by an accredited certification body under the Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313); (*dispositif de consignation électronique*);

"supporting document" means any one of the following documents received or prepared by a driver in the course of their duties or received or prepared by an operator:

(a) any electronic mobile communication record reflecting communications between a driver and an operator transmitted through a driver call-in or fleet management system;

(b) any payroll record or equivalent document that indicates payments to the driver;

(c) any government-issued document indicating the location of the heavy vehicle;

(d) any reports, receipts, records or other documentation relating to the load of the heavy vehicle, including any bill of lading, itinerary, schedule or equivalent document that indicates the origin and destination of each trip;

(e) any reports, receipts, records or other documentation relating to the servicing, repairing, conditioning, fuelling, inspection or rental of the heavy vehicle; and

(f) any reports, dispatch or trip records, receipts, or other documentation indicating the date, time, or location of the heavy vehicle during a trip, including arrival and departure times. (*document justificatif*);

(3) by striking out the definition of “daily log”;

(4) by replacing the definition of “hours of service” by the following definition:

“hours of service” means the period that begins when a driver begins work, including the time when the driver is required by the operator to be available at the work site, and that ends when the driver stops work or is relieved of responsibility by the operator. The period of hours of service includes hours of driving and time spent by the driver

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

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

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

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

(e) waiting before and while a heavy vehicle is serviced, loaded or unloaded;

(f) waiting to be assigned to work;

(g) waiting before and while a heavy vehicle or its load is inspected and, if relevant, the time spent necessary for the remedial actions to be taken;

(h) waiting before and while the driver’s requirements are assessed;

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

(j) performing any other work at the request of an operator;

(k) performing yard moves of a heavy vehicle that is not on a public road within a terminal, depot or port; (*heures de travail*); and

(l) resting in or occupying a heavy vehicle for any other purpose, except

i. time considered part of the hours of rest in accordance with section 11;

ii. time spent in a sleeper berth;

iii. time spent in a stationary heavy vehicle to meet the requirements of the second paragraph of section 13; and

iv. time spent in a stationary heavy vehicle that is in addition to the time spent to meet the hours of rest requirements of the second paragraph of section 13;”;

(5) by inserting the following definition in alphabetical order:

“record of duty status” means the record in which a driver records the information required under section 30.1 or sections 31 and 32, as applicable, and that contains the grid in Schedule II; (*rapport d’activités*);

(6) by inserting “28.1, 28.5 and” in the definition of “home terminal” after “For the purposes of sections”.

2. Section 2 is amended

(1) by replacing “daily logs” in the definition of “establishment” by “records of duty status”;

(2) by inserting the following definition in alphabetical order:

“Technical Standard” means the Technical Standard for Electronic Logging Devices published by the Canadian Council of Motor Transport Administrators, as referred to in the Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313); (*norme technique*).

3. Section 4 is amended by replacing “daily log” in subparagraph iii by “record of duty status”.

4. Section 13 is amended by replacing the first paragraph by the following:

“An operator shall ensure that a driver takes and the driver shall have taken at least 10 hours of rest during each of the 14 days prior to driving a heavy vehicle.”.

5. Section 14 is amended

(1) by inserting the following after paragraph 5:

“(5.1) the hours of driving in a day do not exceed 15 hours; and”;

(2) by replacing “indicates in the “Remarks” section of the daily log” in paragraph 6 by “indicates in the record of duty status”.

6. Section 15 is amended by replacing “daily log” in paragraph 2 by “record of duty status”.

7. Section 19 is amended by replacing “indicates in the “Remarks” section of the daily log” in subparagraph *f* of subparagraph 1 of the first paragraph by “indicates in the record of duty status”.

8. Section 24 is amended by replacing “daily logs” in the second paragraph by “records of duty status”.

9. Section 26 is amended by striking out “, which shall not exceed one year.”.

10. Section 27 is amended by replacing “daily log” in paragraph 3 by “records of duty status”.

11. The following is inserted after section 28:

“CHAPTER III.1 ELECTRONIC LOGGING DEVICE

28.1. The operator shall ensure that every heavy vehicle under the operator’s responsibility is equipped with an electronic logging device that meets the requirements of the Technical Standard, except in the case of

(1) a vehicle that is the subject of a rental agreement of not longer than 30 days that is not an extended or renewed rental of the same heavy vehicle;

(2) a vehicle manufactured before model year 2000;

(3) a vehicle driven to be delivered

(a) to an owner’s home terminal following the transfer of the right of ownership;

(b) to a lessee;

(c) to a lessor during a rental agreement or when it expires; or

(d) to a branch of a car rental enterprise for an inventory adjustment; or

(4) a vehicle driven within 5 days of its delivery following the transfer of the right of ownership;

(5) a new vehicle driven to be delivered to an enterprise in order to complete its manufacture or make it comply with the use for which it is essentially intended, or driven to be returned to an owner following such an operation;

(6) a vehicle driven within a radius of 160 km of the driver’s home terminal and the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of rest or to begin a minimum of 6 consecutive hours of rest in the situation described in subparagraph 2 of the first paragraph of section 19.

A vehicle referred to in subparagraph 3 or 4 of the first paragraph may not be hitched or loaded. A vehicle referred to in subparagraph 3 of the first paragraph may transport one or more vehicles by means of the saddle-mount method if the vehicles are part of the delivery.

A vehicle referred to in subparagraph 6 of the first paragraph does not cease to be exempted for the sole reason that the driver is unable to return to the home terminal on the same day because of adverse driving conditions.

28.2. An operator who authorizes a driver to perform yard moves off a public road within a terminal, depot or port shall ensure that the electronic logging device has been configured so that the driver is able to indicate the moves.

28.3. The operator shall create and maintain a system of accounts for electronic logging devices that is in compliance with the Technical Standard and that allows each driver to record their records of duty status in a distinct and personal account and that provides for a distinct account for the hours of service of an unidentified driver.

28.4. The operator shall ensure that each heavy vehicle it operates that is equipped with an electronic logging device carries an information packet containing a current version of the following documents:

(1) a user’s manual;

(2) an instruction sheet for the driver describing the technological means supported by the electronic logging device and the steps required to make available or forward the data with respect to the driver’s hours of service to a peace officer;

(3) an instruction sheet for the driver describing the measures to take in the event that the electronic logging device malfunctions; and

(4) a sufficient number of records of duty status in paper form to allow the driver to record the information required under sections 31 and 32 for at least 15 days.

28.5. If a driver becomes aware of the fact that the electronic logging device is displaying a malfunction code appearing in Table 4 in Schedule 2 to the Technical Standard, the driver shall notify the operator as soon as the vehicle is parked.

The operator shall, within 14 days after the day on which it was notified of an electronic logging device malfunction by the driver or otherwise became aware of it, or at the latest, upon return of the driver to the home terminal from a planned trip if that return exceeds the 14-day period, repair or replace the electronic logging device.

The operator shall maintain a register of electronic logging device malfunction codes noticed on the electronic logging devices installed or used in the heavy vehicles it operates. The register shall contain the following information:

- (1) the name of the driver who noticed the malfunction code;
- (2) the name of each driver that used the vehicle between the time the malfunction code was noticed and the time the electronic logging device was repaired or replaced;
- (3) the make, model and serial number of the electronic logging device;
- (4) the registration plate number or vehicle identification number of the vehicle in which the electronic logging device was installed or used;
- (5) the date when the malfunction code was noticed and the location of the vehicle on that date, as well as the date when the operator was notified or otherwise became aware of the code;
- (6) the date the electronic logging device was replaced or repaired; and
- (7) a concise description of the actions taken by the operator to repair or replace the electronic logging device.

For each electronic logging device for which a malfunction code was noticed, the operator shall retain the information referred to in the third paragraph for a period of 6 months from the day on which the electronic logging device is replaced or repaired.”

12. The heading of Chapter IV is replaced by the following:

“RECORD OF DUTY STATUS”.

13. Section 29 is amended by replacing “daily log” in the first paragraph by “record of duty status”.

14. Section 30 is amended by replacing “daily log” in the portion before paragraph 1 by “record of duty status”.

15. The following is inserting after section 30:

“**30.1.** The operator shall require the driver to record all the information associated with the records of duty status using an electronic logging device, in accordance with the Technical Standard. The driver is required to comply with that requirement.

The following information shall be recorded by the driver:

- (1) the date;
- (2) the driver’s name and, if the driver is a member of a team of drivers, the names of the co-drivers;
- (3) the identification code assigned to the driver;
- (4) the time when the day begins if different than midnight;
- (5) the cycle followed by the driver;
- (6) the number of the registration plate of the motor vehicle or the unit number entered on the registration certificate;
- (7) the name of the operator and the addresses of the home terminal and the establishment of the operator by whom the driver is employed or otherwise engaged;
- (8) the heavy vehicle’s location description, if it is not automatically drawn from the electronic logging device’s geo-location database;
- (9) if the driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of rest and hours of service that were accumulated by the driver during each day without that requirement during the 14 days before the beginning of the day;
- (10) if applicable, the reasons for any excess hours or deferral of hours of rest in accordance with this Regulation;
- (11) if the driver was working for more than one operator during the current day or the previous 14 days
 - (a) for each day during the 14 days immediately before the current day, the total number of hours for each duty status that were accumulated by the driver, and the beginning and end time of each 16-hour period provided for in the second paragraph of section 9; and
 - (b) the start and end times of each duty status in the current day, before the use of the electronic logging device;

(12) if the driver became aware during the day of a malfunction code appearing in Table 4 in Schedule 2 to the Technical Standard,

(a) the malfunction code;

(b) the date and time at which the malfunction code was noticed; and

(c) the time at which the driver notified the operator of the malfunction code; and

(13) any annotation necessary to complete the record of duty status.

At the end of the day, the driver shall certify the accuracy of the record of duty status.”.

16. Section 31 is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by the following:

“**31.** Despite section 30.1, a driver is exempted from the requirement to use an electronic logging device to record all information associated with the records of duty status if

(1) the vehicle being driven is not equipped with an electronic logging device pursuant to any of subparagraphs 1 to 6 of the first paragraph of section 28.1; or

(2) a malfunction code appearing in Table 4 in Schedule 2 to the Technical Standard is displayed on the electronic logging device of the vehicle being driven.

If the driver is exempted as provided in the first paragraph, the operator shall require the driver to enter, and the driver shall enter, the following information in the record of duty status at the beginning of each day:”;

(2) by replacing subparagraph 8 of the first paragraph by the following:

“(8) if the driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of rest and hours of service that were accumulated by the driver during each day without that requirement during the 14 days before the beginning of the day;”;

(3) by striking out “in the “Remarks” section of the daily log,” in subparagraph 9 of the first paragraph;

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

“(10) if applicable, the malfunction code.”;

(5) by replacing “first” in subparagraph 2 of the second paragraph by “second”.

17. Section 32 is amended

(1) by replacing “daily log” in the portion before paragraph 1 by “record of duty status”;

(2) by striking out “, in the “Remarks” section of the daily log,” in paragraph 1;

(3) by replacing “daily log” in paragraph 2 by “record of duty status”.

18. Section 33 is replaced by the following:

“**33.** A driver may, during one day, produce an additional record of duty status if

(1) the driver operates a vehicle subject to the obligation to be equipped with an electronic logging device pursuant to any of subparagraphs 1 to 6 of the first paragraph of section 28.1 after operating a vehicle that is not equipped with an electronic logging device, or the converse;

(2) the vehicle operated is no longer subject to the obligation to be equipped with an electronic logging device pursuant to subparagraph 3 of the first paragraph of section 28.1;

(3) the driver becomes aware that the electronic logging device of the vehicle he or she operates is displaying a malfunction code appearing in Table 4 of Schedule 2 to the Technical Standard;

(4) the driver begins working for another operator and one of the records of duty status is technology-based.”.

19. Section 34 is amended

(1) by replacing “daily log” in the portion before paragraph 1 by “record of duty status”;

(2) by replacing “daily logs” in paragraph 1 by “records of duty status”;

(3) by replacing paragraph 2 by the following:

“(2) the current record of duty status, completed up to the time at which the last change in the driver’s duty status occurred and, if more than one record of duty status is produced in accordance with section 33, the other records of duty status for the day;”.

20. The following is inserted after section 34:

“**34.1.** A peace officer may request that a driver, pursuant to section 519.10 of the Highway Safety Code (chapter C-24.2), make available or forward to the peace officer, in their existing format, the driver’s records of duty status for the current day and the 14 preceding days, the supporting documents for the current trip and, if applicable, a copy of the permit issued under Chapter III.

To make a technology-based document available, the driver shall produce either a display or a printout of the document. To forward such a document, the driver shall send it by e-mail or, if the document is produced using an electronic logging device, by the technological means and in the form determined by the peace officer from among those prescribed in the Technical Standard and supported by the electronic logging device.

A driver unable to forward technology-based records of duty status shall enter the information they contain on records of duty status in paper form.”.

21. Section 35 is amended

(1) by replacing “daily log, forward the original daily log” in the first paragraph by “record of duty status, forward the original of the record of duty status”;

(2) by replacing “daily log” in the portion of the second paragraph before subparagraph 1 by “record of duty status”;

(3) by replacing subparagraph 1 of the second paragraph by the following:

“(1) the original of the record of duty status to the home terminal of the first operator for which the driver worked or, if more than one record of duty status is produced in accordance with section 33, the original of each record of duty status to the home terminal of the operator concerned, and a copy of the record to the home terminal of each other operator for which the driver worked; and”.

22. Sections 36, 37 and 38 are amended by replacing all occurrences of “daily logs” by “records of duty status”.

23. Section 39 is amended

(1) by replacing “daily logs” in paragraph 3 by “records of duty status”;

(2) by replacing all occurrences of “daily log” in paragraph 4 by “records of duty status”;

(3) by replacing “mutilated or defaced a daily log” in paragraph 5 by “defaced or made illegible a record of duty status”;

(4) by adding the following at the end:

“(6) the driver uses an electronic logging device that has a disabled, deactivated, blocked or otherwise degraded transmission or signal reception, or uses an electronic logging device that has been re-engineered, reprogrammed or otherwise altered so that it does not accurately record and retain the data as required, in such a way that the peace officer cannot establish in those cases whether the driver has complied with the hours of driving and hours of rest requirements under Chapter II or the requirements of a permit issued under Chapter III.”.

24. Section 40 is amended by replacing “paragraphs 3 to 5” in subparagraph 4 of the second paragraph by “paragraphs 3 to 6”, and “daily log” by “record of duty status”.

25. Sections 41 and 42 are amended by replacing all occurrences of “daily logs” by “records of duty status”.

26. The following is inserted after section 42:

“**42.1.** A peace officer may request that an operator, pursuant to section 519.25 of the Highway Safety Code (chapter C-24.2), make available or forward to the peace officer the documents referred to in section 41 and the register referred to in section 28.5 at the place the peace officer indicates.

To make a technology-based document or register available, the operator shall produce either a display or a printout of the document or register. To forward such a document or register, the operator shall send it by the technological means and in the form determined by the peace officer from among those available to the operator.”.

27. The grid in Schedule II is replaced by the following:

DUTY STATUS	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total hours
Rest																										
Time spent in a sleeper berth																										
Driving																										
Duty other than driving																										

28. This Regulation comes into force on 30 April 2023, except in respect of heavy vehicles registered in the name of the Ministère des Transports et de la Mobilité durable that are under the management of the Centre de gestion de l'équipement roulant of that department, for which the Regulation comes into force on 1 September 2023, and in respect of heavy vehicles registered in the name of Hydro-Québec or one of its wholly-owned subsidiaries, for which the Regulation comes into force on 31 December 2024.

106112

Gouvernement du Québec

O.C. 79-2023, 18 January 2023

Act respecting occupational health and safety
(chapter S-2.1)

Implementation of the Agreement regarding programs financed by the Department of Human Resources and Skills Development — Revocation

Regulation to revoke the Regulation respecting the implementation of the Agreement regarding programs financed by the Department of Human Resources and Skills Development

WHEREAS, under the first paragraph of section 170 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS, under subparagraph 39 of the first paragraph of section 223 of the Act, the Commission may make regulations taking the necessary measures for the implementation of an agreement made pursuant to section 170 of the Act;

WHEREAS, in accordance with the first paragraph of section 16 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), a person doing work under a project of any government, whether or not the person is a worker within the meaning of that Act, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS the Commission and the Department of Human Resources and Skills Development made an agreement regarding programs financed by the Department of Human Resources and Skills Development, which took effect on 28 April 2011;

WHEREAS the parties have agreed to cancel the agreement given that changes have been made in the administration of the programs referred to therein and, therefore, it is expedient to revoke the Regulation respecting the implementation of the Agreement regarding programs financed by the Department of Human Resources and Skills Development (chapter S-2.1, r. 35);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to revoke the Regulation respecting the implementation of the Agreement regarding programs financed by the Department of Human Resources and Skills Development was published in Part 2 of the *Gazette officielle du Québec* of 4 May 2022 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation without amendment at its sitting of 20 October 2022;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act must 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:

THAT the Regulation to revoke the Regulation respecting the implementation of the Agreement regarding programs financed by the Department of Human Resources and Skills Development, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to revoke the Regulation respecting the implementation of the Agreement regarding programs financed by the Department of Human Resources and Skills Development

Act respecting occupational health and safety
(chapter S-2.1, ss. 170 and 223, 1st par., subpar. 39)

1. The Regulation respecting the implementation of the Agreement regarding programs financed by the Department of Human Resources and Skills Development (chapter S-2.1, r. 35) is revoked.

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

106113

Gouvernement du Québec

O.C. 80-2023, 18 January 2023

Act respecting occupational health and safety
(chapter S-2.1)

Occupational health and safety in mines —Amendment

Regulation to amend the Regulation respecting occupational health and safety in mines

WHEREAS, under subparagraphs 7, 9, 19 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations, in particular,

—prescribing measures for the supervision of the quality of the work environment and standards applicable to every workplace so as to ensure the health, safety and physical and mental well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where he makes premises available to workers for lodging, meal service or leisure activities;

—determining, by category of establishments or construction sites, the individual and common protective devices and equipment that the employer must put at the disposal of the workers, free of charge;

—prescribing standards respecting the safety of such products, processes, equipment, materials, contaminants or dangerous substances as it specifies, indicating the directions for their use, maintenance and repair, and prohibiting or restricting their use;

—generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply. The regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

WHEREAS, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting occupational health and safety in mines was published in Part 2 of the *Gazette officielle du Québec* of 29 June 2022 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendments at its sitting of 20 October 2022;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act must 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 occupational health and safety in mines, attached to this Order in Council, be approved.

YVES OUELLET

Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety in mines

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 19 and 42, and 3rd par.)

1. The Regulation respecting occupational health and safety in mines (chapter S-2.1, r. 14) is amended by replacing the words “the Commission scolaire” wherever they appear by the words “the Centre de services scolaire”.

2. Section 4.1 is revoked.

3. Sections 5 to 7 are replaced by the following:

“**5.** Full body harnesses must comply with CAN/CSA Standard Z259.10, Full body harnesses, and be connected by a fall-protection system to an anchorage system, in

accordance with sections 6 to 7.01. This assembly must limit the maximum fall arrest force to 6 kN or the free fall distance to 1.8 m.

5.1. Where a worker is equipped with a safety belt, it can be used only to limit the movement of the worker, to keep the worker in a working position or for mine rescue operations.

Such a belt must comply with CAN/CSA Standard Z259.1, Body belts and saddles for work positioning and travel restraint.

A safety belt may not be used as individual protective equipment to stop the fall of a worker.

6. The fall arrest connecting device must be composed of one or more of the following equipment, including at least the equipment provided for in paragraph 1 or 2:

(1) a shock absorber and a lanyard complying with CAN/CSA Standard Z259.11, Shock absorbers and lanyards. The lanyard, including the shock absorber, must have a maximum length of 2 m;

(2) a self-retracting lifeline complying with CAN/CSA Standard Z259.2.2, Self-retracting devices;

(3) a rope grab complying with CSA Standard Z259.2.5, Fall arresters and vertical lifelines, or CSA Standard Z259.2.4, Fall arresters and vertical rigid rails;

(4) a vertical lifeline complying with CSA Standard Z259.2.5, Fall arresters and vertical lifelines, or CSA Standard Z259.2.4, Fall arresters and vertical rigid rails, which must never be directly in contact with a sharp edge and must

(a) be used by only 1 person;

(b) be less than 90 m in length;

(c) be free of defects, knots and splices, except at the terminations of the lifeline;

(5) a connecting component, such as a spring hook, D-ring or snap hook in compliance with CAN/CSA Standard Z259.12, Connecting components for personal fall arrest systems.

7. The fall arrest connecting device of a full body harness must be secured to one of the following anchorage systems:

(1) a single point of anchorage with one of the following characteristics:

- (a) have a breaking strength of at least 18 kN;
- (b) be designed and installed in accordance with an engineer's plan in compliance with CSA Standard Z259.16, Design of active fall-protection systems, and
 - i. have a strength equal to twice the maximum arrest force as certified by an engineer; or
 - ii. be certified in accordance with EN Standard 795, Personal protective equipment against falls - Anchor devices, published by the European Committee for Standardization or with CAN/CSA Standard Z259.15, Anchorage connectors;

(2) a flexible continuous anchorage system (horizontal lifeline) with one of the following characteristics:

- (a) be in compliance with the following minimum standards:
 - i. have a steel cable of a minimum diameter of 12 mm slackened to a minimum angle of 1 vertical to 12 horizontal, or 5° from horizontal;
 - ii. have a maximum distance of 12 m between the end anchors;
 - iii. have end anchors with a breaking strength of at least 90 kN;
- (b) be designed and installed in accordance with an engineer's plan in compliance with CSA Standard Z259.13, Flexible horizontal lifeline systems, and CSA Standard Z259.16, Design of active fall-protection systems;

(3) a rigid continuous anchorage system designed and installed in accordance with an engineer's plan in compliance with CSA Standard Z259.16, Design of active fall-protection systems.

The flexible continuous anchorage system complying with subparagraph *a* of subparagraph 2 of the first paragraph may not be used by more than 2 workers simultaneously.

The anchorage system having the characteristics described in subparagraphs *b* of subparagraphs 1 and 2 of the first paragraph and the anchorage system referred to in subparagraph 3 of the first paragraph must, before it is first brought into service, be inspected and tested by an engineer or a qualified person acting under the supervision of an engineer, to ensure that the system is in compliance with the design and installation plans.”

4. The following is added after section 7:

“**7.01.** The anchorage system

- (1) must be designed so that the D-ring of the suspension point of a worker's full body harness cannot be moved horizontally by more than 3 m or an angle of 22°; and
- (2) must be designed so that properly attached personal protective equipment cannot be detached involuntarily.

The anchorage system cannot be used by more than 1 person at a time, except in the case of a continuous anchorage system, such as a horizontal lifeline, or a rigid anchorage system, such as a rail.

The structure on which the anchorage system is installed must be able to withstand the effort exerted by the anchorage system in addition to the other efforts that it must ordinarily withstand.”

5. Section 7.1 is amended

- (1) by replacing “and 7” by “, 7 and 7.01”;
- (2) by replacing “the fastening point of the lanyard and the vertical lifeline” by “the fall arrest connecting device and the anchorage system”.

6. Section 27.1 is amended

- (1) in the first paragraph
 - (a) by striking out “Within 6 months after 9 April 2009,”;
 - (b) by replacing “I, II, III, IV, V and VII” in subparagraph 1, by “1, 2, 3, 4, 5 and 7”;
- (2) in the second paragraph
 - (a) by striking out “The conditions prescribed in subparagraphs 1 and 2 of the first paragraph shall apply to a person who is hired after the expiry of the 6-month period provided for in the first paragraph; notwithstanding the preceding,”;
 - (b) by replacing “I, II and III” and “IV, V and VII” respectively by “1, 2 and 3” and “4, 5 and 7”;
- (3) by replacing “I” in the third paragraph by “1, 2, 3, 4, 5 and 7”;
- (4) by replacing “I” in the fifth paragraph by “1”.

7. Section 27.2 is amended

(1) in the first paragraph

(a) by striking out “Within 12 months after 23 March 2006,”;

(b) by replacing “VI” in subparagraph 1 by “6”;

(2) by striking out “The conditions prescribed in subparagraphs 1 and 2 of the first paragraph also apply to a person hired after the expiry of the 12-month period provided for in the first paragraph;” in the second paragraph;

(3) in the third paragraph

(a) by striking out “in accordance with Modules I, II and III” and “in section 27.1”;

(b) by inserting “in the first paragraph” after “as provided”;

(4) by replacing “I” in the fourth paragraph by “1”.

8. Section 27.3 is amended

(1) by striking out “Within 12 months after 11 July 2013,” in the first paragraph;

(2) by striking out the second paragraph;

(3) by replacing “in the first and second paragraphs” in the last paragraph by “in the first paragraph”;

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

“The person who uses a slusher, pneumatic loader or scooptram for the purposes of an inspection, a test or maintenance work is exempt from the conditions prescribed in the first paragraph.”

9. Section 27.4 is amended by striking out the third paragraph.**10.** The following is inserted after section 27.5:

“**27.6.** Every person who issues signals using a signal system provided for in section 263 must

(1) have undergone training in occupational health and safety in accordance with Module 13 of the modular course for miners published by the Centre de services scolaire de l’Or-et-des-Bois; and

(2) hold an attestation to that effect issued by the Centre de services scolaire de l’Or-et-des-Bois.

27.7. Every person who constructs, inspects, rehabilitates or repairs a shaft in a mine or carries out work therein must

(1) have undergone training in occupational health and safety in accordance with Module 14 of the modular course for miners published by the Centre de services scolaire de l’Or-et-des-Bois; and

(2) hold an attestation to that effect issued by the Centre de services scolaire de l’Or-et-des-Bois.

The person who occasionally works in a shaft is exempt from the conditions prescribed in the first paragraph; however, that person must be accompanied by a person referred to therein.”

11. The following is added after section 28.03:

“**28.04.** The employer must adopt a ground control program that is adapted to the characteristics of an underground mine and ensure its application. The program addresses in particular

(1) the characterization of the rock;

(2) the design of the ground support system;

(3) the preparation of the excavation plans and specifications by an engineer in accordance with the sections of this subsection, consultations, approval, review and follow-ups;

(4) the methods ensuring the communication of information, such as the register provided for in section 28.03, as well as the training required to ensure safety;

(5) the roles and responsibilities of the employer’s representatives and workers;

(6) the periodic verification of the efficiency of the program;

(7) the annual assessment of the application of the program; and

(8) the annual updating of the program.

The ground control program must be easily accessible for consultation by the health and safety committee and the safety representative.”

12. Section 75.13 is amended

(1) by replacing “CAN/CSA Standard Z259.10-M90” by “CAN/CSA Standard Z259.10”;

(2) by replacing “CSA Standard Z259.16-15” by “CSA Standard Z259.16”.

13. The following is inserted after section 179:

“**179.1.** Every motorized vehicle must be easily and safely accessible by means of a step, grip handles or ladder.”.

14. Section 196 is amended by striking out subparagraph 1 of the first paragraph.

15. Section 207 is amended by striking out “during scaling, drilling, timbering or loading explosives”.

16. Section 208 is revoked.

17. Section 264 is amended

(1) by replacing “Only authorized workers” in the first paragraph by “Only persons who underwent the training mentioned in section 27.6 and who are authorized by the employer who has authority over the establishment”;

(2) by replacing “workers mentioned” in the second paragraph by “persons referred to”;

(3) by striking out the last paragraph.

18. Section 394 is amended

(1) by replacing the first paragraph by the following:

“The wearing of a full body harness complying with CAN/CSA Standard Z259.10, Full body harnesses, and the use of a lanyard connected to the hoisting rope complying with CAN/CSA Standard Z259.11, Energy absorbers and lanyards, are compulsory for any worker on the roof of a moving conveyance.”;

(2) by replacing “6” in the last paragraph by “7”.

19. Section 401.1 is amended in the second paragraph

(1) by inserting “complying with CAN/CSA Standard Z259.2.2, Self-retracting devices,” after “line” in subparagraph *b* of subparagraph 1;

(2) in subparagraph 7

(a) by striking out “Group AD or AP”;

(b) by replacing “CAN/CSA Standard Z259.10-M90, Full body harnesses” by “CAN/CSA Standard Z259.10, Full body harnesses”;

(3) by replacing the term “CSA Standard Z259.2-M1979, Fall-arresting devices, personnel lowering devices and life lines” wherever it appears by the term “CSA Standard Z259.2.5, Fall-arresting devices and vertical lifelines, or CSA Standard Z259.2.4, Fall arresters and vertical rigid rails”.

20. Section 437 is amended by adding the following paragraph at the end:

“The first paragraph does not apply where the drilling is carried out by a remote control device, under supervision, and the blasting area is evacuated.”.

21. Section 440 is amended by replacing “drilling zone” by “blasting area”.

22. Section 443 is amended by replacing “drilling area” in the second paragraph by “blasting area”.

23. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 10, which comes into force on (*insert the date occurring 1 year after the date of coming into force of this Regulation*).

106114

Draft Regulations

Draft Regulation

Act respecting contracting by public bodies
(chapter C-65.1)

Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics
(2022, chapter 18)

Act respecting the Autorité des marchés publics
(chapter A-33.2.1)

Fees payable by enterprises under Chapter V.1 of the Act respecting contracting by public bodies relating to the integrity of enterprises and the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to determine the fees payable by enterprises under Chapter V.1 of the Act respecting contracting by public bodies relating to the integrity of enterprises and the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics, appearing below may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation follows the assent of the Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics (2022, chapter 18) on 2 June 2022.

The draft Regulation determines the fees payable by an enterprise for obtaining or renewing the authorization to contract required under section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1). It also sets the fees payable by an enterprise for an application for an examination of integrity filed under section 21.5.1 of the Act by an unauthorized enterprise that has become ineligible.

The draft Regulation introduces a division for the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics on an enterprise responsible for any of the failures to comply described in section 27.15 of the Act.

In addition, the draft Regulation identifies the amount of the recovery charge that may be claimed from an enterprise to which the Autorité des marchés publics has issued a recovery certificate in accordance with section 27.31 of the Act.

The draft Regulation has no impact on the public. It should have no negative impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Mtre. Chantal Hamel, Director, Direction des affaires juridiques et du contentieux, Autorité des marchés publics, 525, boulevard René-Lévesque Est, bureau 1.25, Québec (Québec), G1R 5S9; telephone: 418 646-1560; fax: 1 800 885-0223; email: chantal.hamel@amp.quebec.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Mtre. Chantal Hamel at the above contact information.

SONIA LEBEL

*Minister Responsible for Government Administration
and Chair of the Conseil du trésor*

Regulation to determine the fees payable by enterprises under Chapter V.1 of the Act respecting contracting by public bodies relating to the integrity of enterprises and the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics

Act respecting contracting by public bodies (chapter C-65.1, s. 21.23, 2nd par.)

Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics (2022, chapter 18, ss. 10, 36 and 54)

Act respecting the Autorité des marchés publics (chapter A-33.2.1, s. 84)

**CHAPTER I
FEES PAYABLE**

1. The fee payable by an enterprise applying to the Autorité des marchés publics for authorization under section 21.23 of the Act respecting contracting by public bodies (chapter C-65.1), hereinafter referred to as the Act, is \$499.

The fee payable by an enterprise applying for renewal of the authorization under section 21.41 of the Act is \$250.

An amount of \$250 is also payable by the enterprise for each person or entity that is being audited under Chapter V.1 of the Act.

2. The fee payable by an enterprise filing an application for examination of its integrity under section 21.5.1 of the Act is \$115.

3. The fees are not refundable.

4. The fees are adjusted, on 1 January each year, according to the rate of increase in the Consumer Price Index for Canada for the period ending on 30 September of the preceding year, as established by Statistics Canada. The adjusted fees and charges are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The result of the annual adjustment is published every year in the *Gazette officielle du Québec*.

**CHAPTER II
MONETARY ADMINISTRATIVE PENALTIES**

**DIVISION I
AMOUNTS OF PENALTIES**

5. A monetary administrative penalty of \$5,000 in the case of a sole proprietorship and \$10,000 in any other case may be imposed on an enterprise

(1) that submits a bid for a public contract or subcontract or enters into such a contract or subcontract although it is ineligible, unless permission is given to enter into the contract or subcontract under section 25.0.3 of the Act;

(2) that, in the course of the performance of a public contract with a public body or a body referred to in section 7 of the Act, enters into a public subcontract with an enterprise that is ineligible, unless permission is given to enter into that subcontract under section 25.0.3 of the Act.

6. A monetary administrative penalty of \$3,500 in the case of a sole proprietorship and \$7,000 in any other case may be imposed on an enterprise

(1) that submits a bid for a public contract or subcontract or enters into such a contract or subcontract, although it does not hold the required authorization to contract, unless permission is given to enter into the contract or subcontract under section 25.0.3 of the Act;

(2) that, in the course of the performance of a public contract with a public body or a body referred to in section 7 of the Act, enters into a public subcontract with an enterprise that does not hold the required authorization to contract, unless permission is given to enter into that subcontract under section 25.0.3 of the Act.

7. A monetary administrative penalty of \$1,000 in the case of a sole proprietorship and \$2,500 in any other case may be imposed on an enterprise whose authorization to contract expires while it is in the process of performing a public contract or subcontract for which such an authorization is required.

8. A monetary administrative penalty of \$1,000 in the case of a sole proprietorship and \$2,000 in any other case may be imposed on an enterprise that, while a party to a public contract or subcontract or while holding an authorization to contract, omits or refuses to send to the Authority the information or documents required in accordance with the second paragraph of section 21.12, the first paragraph of section 21.41.1 or section 21.48.8 of the Act.

9. A monetary administrative penalty of \$1,500 in the case of a sole proprietorship and \$4,000 in any other case may be imposed on an enterprise

(1) that, while a party to a public contract or subcontract or while holding an authorization to contract, omits or refuses to send to the Authority the information or documents required as part of an update made under a regulation governing the terms relating to the updates made under section 21.40 of the Act, in accordance with that regulation and section 21.40 of the Act, as the case may be;

(2) that, while a party to a public contract or subcontract or while holding an authorization to contract, omits or refuses to send to the Authority the information or documents required in accordance with section 21.48.9 of the Act;

(3) that fails to submit to an oversight or monitoring measure imposed on it by the Authority under Chapter V.1 of the Act or, where the measure was applied by the Authority, fails to pay to it the costs of such a measure.

10. A monetary administrative penalty of \$500 in the case of a sole proprietorship and \$1,000 in any other case may be imposed on an enterprise that fails or refuses to confirm the authenticity of documents or the veracity of information communicated to the Authority in accordance with the third paragraph of section 21.48.9 of the Act.

DIVISION II **RECOVERY CHARGE PAYABLE**

11. The debtor of a recoverable amount is required to pay a recovery charge of

(1) \$50 for the recovery certificate filed at the office of the competent court under section 27.33 of the Act;

(2) \$175 for each measure for securing a claim taken under Title Three of Book Six of the Civil Code and for each execution measure taken under Book VIII of the Code of Civil Procedure (chapter C-25.01).

The charges are part of the recoverable amount.

CHAPTER III **FINAL PROVISIONS**

12. This Regulation replaces the Fee related to an application for authorization filed by an enterprise with the Autorité des marchés publics for public contracts and subcontracts (chapter C-65.1, r. 7.2).

13. This Regulation comes into force on 2 June 2023.

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Towing and impounding charges for seized road vehicles and threshold for the value of unclaimed seized road vehicles

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the towing and impounding charges for seized road vehicles and the threshold for the value of unclaimed seized road vehicles, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the towing charges for road vehicles seized under the Highway Safety Code (chapter C-24.2) in order to better reflect the cost of towing operations. It also determines the daily charges payable for the impounding of such vehicles. Lastly, it determines the threshold for the value of unclaimed seized road vehicles used to determine the method and procedure for the disposal of those vehicles.

The draft Regulation has an impact on offenders since the increase of the towing charges will be charged directly to them. As for the impact on enterprises, including small and medium-sized businesses, the increase of the towing charges will result in an increase of revenue for enterprises in the towing industry.

Further information on the draft Regulation may be obtained by contacting Isabelle Lombardo, Acting Director, Direction du conseil et des orientations en accès sécuritaire, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-3-10, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; telephone: 418 528-3333, extension 81669; email: isabelle.lombardo@saaq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nadia Fournier, Director, Direction des relations gouvernementales et du soutien administratif, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; email: nadia.fournier@saaq.gouv.qc.ca. The comments will be sent by the Société de l'assurance automobile du Québec to the Minister of Transport and Sustainable Mobility.

GENEVIÈVE GUILBAULT
Minister of Transport and Sustainable Mobility

Regulation respecting the towing and impounding charges for seized road vehicles and the threshold for the value of unclaimed seized road vehicles

Highway Safety Code
(chapter C-24.2, s. 621, 1st par., subpars. 50 and 50.1)

DIVISION I TOWING CHARGES

1. In this Division,

“protection vehicle” means a road vehicle equipped with an arrow light signal and belonging to a towing enterprise; (*véhicule de protection*)

“recovery” means all the manoeuvres required to position a road vehicle in the axis necessary for the towing operation or to move a significant loss of the load or major debris of the vehicle to be towed. (*récupération*)

2. The basic charges for towing road vehicles seized under the Highway Safety Code (chapter C-24.2), in a place not covered by the Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures (chapter M-28, r. 4), are those appearing in the following table according to vehicle class:

Vehicle class	Towing charges	
	Without recovery	With recovery
Road vehicle having a gross weight rating of less than 4,500 kg	\$112.48	\$209.64
Road vehicle having a gross weight rating of 4,500 kg to 8,000 kg	\$173.96	\$684.77
Road vehicle having a gross weight rating of more than 8,000 kg	\$262.44	\$1357.43

The following charges are added to the basic charges:

(1) an amount of \$3.75 for each kilometre travelled beyond a distance of 10 kilometres for towing a road vehicle having a gross weight rating of less than 4,500 kg;

(2) an hourly rate of \$91.95, charged per 15 minutes, for the time spent towing a road vehicle having a gross weight rating of less than 4,500 kg after the first 30 minutes at the towing site where towing does not involve recovery or after the first 60 minutes where it involves recovery;

(3) an hourly rate of \$142.21, charged per 15 minutes, for the time spent towing a road vehicle having a gross weight rating of 4,500 kg to 8,000 kg after the

first 30 minutes at the towing site where towing does not involve recovery or after the first 120 minutes where it involves recovery;

(4) an hourly rate of \$240.04, charged per 15 minutes, for the time spent towing a road vehicle having a gross weight rating of more than 8,000 kg after the first 30 minutes at the towing site where towing does not involve recovery or after the first 120 minutes where it involves recovery;

(5) an amount of \$31.45 for the use of an absorbent bag.

3. The basic charges for towing road vehicles seized under the Highway Safety Code (chapter C-24.2), on parts of the public roads covered by the Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures (chapter M-28, r. 4), are those appearing in the following table according to vehicle class:

Vehicle class	Towing charges	
	Without recovery	With recovery
Road vehicle having a gross weight rating of less than 4,500 kg	\$184.30	\$235.49
Road vehicle having a gross weight rating of 4,500 kg to 8,000 kg	\$285.55	\$1166.09
Road vehicle having a gross weight rating of more than 8,000 kg	\$448.23	\$2366.31

The following charges are added to the basic charges:

(1) an amount of \$3.75 for each kilometre travelled beyond a distance of 10 kilometres for towing a road vehicle having a gross weight rating of less than 4,500 kg;

(2) an hourly rate of \$142.21, charged per 15 minutes, for the time spent towing a road vehicle having a gross weight rating of less than 4,500 kg after the first 60 minutes at the towing site;

(3) an hourly rate of \$142.21, charged per 15 minutes, for the time spent towing a road vehicle having a gross weight rating of 4,500 kg to 8,000 kg after the first 60 minutes at the towing site where towing does not involve recovery or after the first 120 minutes where it involves recovery;

(4) an hourly rate of \$240.04, charged per 15 minutes, for the time spent towing a road vehicle having a gross weight rating of more than 8,000 kg after the first 60 minutes at the towing site where towing does not involve recovery or after the first 120 minutes where it involves recovery;

(5) an hourly rate of \$142.21, charged per 15 minutes, for the use of an additional tow truck required for towing a road vehicle having a gross weight rating of 8,000 kg or less;

(6) an hourly rate of \$240.04, charged per 15 minutes, for the use of an additional tow truck required for towing a road vehicle having a gross weight rating of more than 8,000 kg;

(7) an hourly rate of \$57.65, charged per 15 minutes, per additional employee required for the manoeuvres required to move a significant loss of the load or major debris from a road vehicle;

(8) an hourly rate of \$91, charged per 15 minutes, for the use of a protection vehicle;

(9) an amount of \$31.45 for the use of an absorbent bag.

4. The towing charges set in this Division are indexed every 3 months as of 1 August 2023 according to the for-hire motor carrier freight services monthly price index for the Truck transportation category [484] established by Statistics Canada. The result of the indexation is obtained by multiplying the charges set on 1 June 2023 by the ratio between the average of the indexes established for the quarter preceding by 4 months the date of indexation and the average of the indexes established for April, May and June of 2022.

If a quarterly average, the ratio between the averages or the result of the indexation has more than 2 decimals, only the first 2 decimals are retained and the second one is increased by one unit if the third decimal is equal to or greater than 5.

The indexation rule may not operate to decrease the charges payable.

The Minister of Transport publishes each quarter the result of the indexation in the *Gazette officielle du Québec*.

DIVISION II

IMPOUNDING CHARGES

5. The daily charges for the impounding of road vehicles seized under the Highway Safety Code (chapter C-24.2) are

(1) \$15 for a vehicle having a gross weight rating of less than 4,500 kg;

(2) \$25 for a vehicle having a gross weight rating of 4,500 kg to 8 000 kg;

(3) \$35 for a vehicle having a gross weight rating of more than 8,000 kg.

DIVISION III

THRESHOLD FOR THE VALUE OF UNCLAIMED SEIZED ROAD VEHICLES

6. The threshold for the value of unclaimed seized road vehicles that the Société de l'assurance automobile du Québec may dispose of under sections 209.18 and 209.19 of the Highway Safety Code (chapter C-24.2) is set at \$5,000.

DIVISION IV

TRANSITIONAL AND FINAL

7. Despite section 5 of this Regulation, section 4 of the Regulation respecting towing and impounding charges for seized road vehicles (chapter C-24.2, r. 26) continues to apply to the seizure of road vehicles carried out before 1 June 2023.

8. This Regulation replaces the Regulation respecting towing and impounding charges for seized road vehicles (chapter C-24.2, r. 26).

9. This Regulation comes into force on 1 June 2023.

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