

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

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Legal deposit — 1st Quarter 1968
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Coming into force of Acts

Gouvernement du Québec

O.C. 152-99, 24 February 1999

An Act respecting the distribution of financial products and services (1998, c. 37)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting the distribution of financial products and services

WHEREAS the Act respecting the distribution of financial products and services (1998, c. 37) was assented to on 20 June 1998;

WHEREAS under section 583 of that Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS under Order in Council 1108-98 dated 26 August 1998, sections 158 to 184, 194, 229, 231, 244 to 248, 251 to 255, the first and second paragraphs of section 256, sections 257, 284 to 287, the first paragraph of section 288, the second paragraph of sections 296 and 297, sections 299, 302 to 311, the first paragraph of section 312, sections 323 to 326, 504 to 506, 510, 568, 572, 577, 579 and 581 came into force on 26 August 1998;

WHEREAS it is expedient to fix 24 February 1999 as the date of coming into force of sections 1 to 11, the second paragraph of section 13, sections 58, 59, 61 to 65, 70, 72, 185, 189, 190, 193, 195, 196, 200 to 217, 223 to 228, 232, the first paragraph of section 233, sections 258 to 273, the third paragraph of section 274, sections 279 to 283, the second paragraph of section 312, sections 313 and 314, the second paragraph of section 315, sections 316, 319, 321, 322, 327, 328, 331 to 333, 351, 352, 355 to 358, 364, 365, 366, 370, the second paragraph of section 408, sections 411 to 414, 416, 423, 424, 426, 440, 443, 503, 543 and the second paragraph of section 573;

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

THAT 24 February 1999 be fixed as the date of coming into force of sections 1 to 11, the second paragraph of section 13, sections 58, 59, 61 to 65, 70, 72, 185, 189, 190, 193, 195, 196, 200 to 217, 223 to 228, 232, the first paragraph of section 233, sections 258 to 273, the third

paragraph of section 274, sections 279 to 283, the second paragraph of section 312, sections 313 and 314, the second paragraph of section 315, sections 316, 319, 321, 322, 327, 328, 331 to 333, 351, 352, 355 to 358, 364, 365, 366, 370, the second paragraph of section 408, sections 411 to 414, 416, 423, 424, 426, 440, 443, 503, 543 and the second paragraph of section 573 of the Act respecting the distribution of financial products and services.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

2693

Gouvernement du Québec

O.C. 155-99, 24 February 1999

An Act to amend the Act respecting the use of petroleum products and other legislative provisions (1997, c. 64)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting the use of petroleum products and other legislative provisions

WHEREAS the Act to amend the Act respecting the use of petroleum products and other legislative provisions (1997, c. 64) was assented to on 11 November 1997;

WHEREAS section 26 of that Act provides that its provisions come into force on the date or dates to be fixed by the Government, except section 16, which comes into force on the date of coming into force of the section it amends;

WHEREAS it is expedient to fix the date of coming into force of the provisions of that Act with the exception of section 16;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources:

THAT 24 February 1999 be fixed as the date of coming into force of the provisions of section 1 of the Act to amend the Act respecting the use of petroleum products and other legislative provisions, sections 5, 7, the second paragraph of sections 8 and 14, subparagraph 3 of the first paragraph of section 22, section 23, subpara-

graphs 2 and 5 of the first paragraph of section 25, the third paragraph of section 27, sections 37, 39, 41, 50, 51, 54 and 59 enacted by section 2 of that Act, sections 96, 97, 114, 115 and 116 enacted by section 14 of that Act and sections 15, 17, 18 and the third paragraph of section 25 of that Act;

THAT 30 April 1999 be fixed as the date of coming into force of the other provisions of the Act to amend the Act respecting the use of petroleum products and other legislative provisions, except for the provisions of subparagraph 1 of the first paragraph of section 22, subparagraph 3 of the first paragraph of section 25 and section 31 enacted by section 2 of that Act;

THAT 1 July 1999 be fixed as the date of coming into force of the provisions of subparagraph 1 of the first paragraph of section 22, subparagraph 3 of the first paragraph of section 25 and section 31 enacted by section 2 of the Act to amend the Act respecting the use of petroleum products and other legislative provisions.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

2695

Gouvernement du Québec

O.C. 159-99, 24 February 1999

An Act respecting owners and operators of heavy vehicles (1998, c. 40)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting owners and operators of heavy vehicles

WHEREAS the Act respecting owners and operators of heavy vehicles (1998, c. 40) was assented to on 20 June 1998;

WHEREAS under section 183 of that Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS by Order in Council 985-98 dated 21 July 1998, the date of coming into force of sections 1 to 4, 6 to 14, 19, 20, 22 to 46, 48, 49, 51, 54, paragraph 1 of section 55, paragraph 2 of section 55 as regards the definition of “tool vehicle”, sections 58, 59, 62, 65, 66, 69, 71 to 76, 78, 79, 94, 117, 120 to 123, 125, 126, paragraph 1 of section 128, paragraphs 7, 8 and 12 of section 144, sections 146 to 148, paragraphs 1 and 2 of section 150 and sections 154 to 162, 171, 172, 174 to 182 of that Act was fixed on 21 July 1998;

WHEREAS by Order in Council 1481-98 dated 27 November 1998, the date of coming into force of paragraphs 9 and 10 of section 144 of the Act was fixed on 27 November 1998 and the date of coming into force of sections 130 to 132 of the Act was fixed on 24 December 1998;

WHEREAS it is expedient to fix 24 February 1999 as the date of coming into force of the first and third paragraphs of section 15, the first paragraph of section 16 and sections 17 and 18 of the Act;

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

THAT 24 February 1999 be fixed as the date of coming into force of the first and third paragraphs of section 15, the first paragraph of section 16 and sections 17 and 18 of the Act respecting owners and operators of heavy vehicles (1998, c. 40).

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

2697

Regulations and other acts

Gouvernement du Québec

O.C. 146-99, 24 February 1999

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Designation of classes of employees and determination of special provisions — Amendments

Amendments to the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under the first paragraph of section 10.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, notwithstanding any inconsistent provision of that plan, except the provisions of Chapter VII.1 of the Act, establish special provisions with respect to classes of employees it designates;

WHEREAS the Government made Order in Council 245-92 dated 26 February 1992 concerning the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS it is expedient to amend that Order in Council;

WHEREAS under the second paragraph of section 10.1 of the Act respecting the Government and Public Employees Retirement Plan, an order under the first paragraph of that section may have effect 12 months or less before it is made;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the amendments to the Order in Council concerning the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan, attached to this Order in Council, be made;

THAT it take effect on 1 January 1999;

THAT the amendment provided for in section 4 have effect 12 months before the making of the Order in Council.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Amendments to the Order in Council concerning the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan¹

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 10.1)

1. Section 5 of the Order in Council concerning the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan is amended by deleting the first paragraph.

2. The words “of the second paragraph” are struck out in the second sentence of the third paragraph of section 17.

3. Section 20 is amended

(1) by substituting “, subject to section 5” for “or with section 5”; and

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

¹ Order in Council 245-92 dated 26 February 1992 concerning the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan was last amended by Order in Council 1404-97 dated 29 October 1997 (1997, *G.O.* 2, 5447). For previous amendments, refer to the *Tableau de modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

“For the years or parts of a year of service prior to 1 January 1999, the contributions referred to in the first paragraph shall be those that would have been withheld in accordance with section 29 of the Act or with section 5 of this Regulation as it read during those years or parts thereof.”

4. The following is substituted for subparagraph 13 of the first paragraph of Schedule II:

“(13) for the health and social services sector, the non-medical executives of Class 23 and higher classes, and the medical executives of Class C and higher classes.”

5. This Order in Council has effect from 1 January 1999, except section 4, which has effect 12 months before the making of this Order in Council.

2692

Gouvernement du Québec

O.C. 153-99, 24 February 1999

Professional Code
(R.S.Q., c. C-26)

Bailiffs

— Trust accounting and indemnity fund of the Chambre

Regulation respecting trust accounting by bailiffs and the indemnity fund of the Chambre des huissiers de justice du Québec

WHEREAS under section 89 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Chambre des huissiers de justice du Québec must determine, by regulation, the terms, conditions and standards for receipt, custody and disposition of the sums of money and securities that the bailiffs are called upon to hold for the account of their clients and the terms, conditions and standards relating to the keeping and auditing of trust accounts, books and registers of bailiffs;

WHEREAS under that section, the Bureau shall also establish an indemnity fund to be used to repay the amounts of money or other securities used by a bailiff for purposes other than those for which they had been delivered to him in the practice of his profession and it shall fix the rules of administration and of investment of the sums of money making up the fund;

WHEREAS under the same section, the Bureau made the Regulation respecting trust accounting by bailiffs and the indemnity fund of the Chambre des huissiers de justice du Québec;

WHEREAS under section 95.3 of the Professional Code, the Secretary of the Chamber sent a copy of the draft Regulation to every member of the Chamber at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 4 March 1998 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting trust accounts by bailiffs and the indemnity fund of the Chambre des huissiers de justice du Québec, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting trust accounting by bailiffs and the indemnity fund of the Chambre des huissiers de justice du Québec

Professional Code
(R.S.Q., c. C-26, s. 89)

CHAPTER I TRUST ACCOUNTING

DIVISION I GENERAL

1. In this Regulation, the word “bailiff” means a person entered on the roll of the Chambre des huissiers de justice du Québec, who practises alone or in partnership.

2. Nothing in this Regulation shall be interpreted as excluding the use of data processing for the keeping of trust accounting records.

3. A bailiff shall record and account for all sums of money, securities and other property entrusted to him, and use them for the purposes for which they were given to him.

4. A bailiff may not deposit or leave his personal money in a trust account.

5. A bailiff may withdraw from a trust account the amount of his fees, in accordance with the established tariff of fees, or expenses incurred on behalf of another party.

DIVISION II GENERAL TRUST ACCOUNT

6. A bailiff shall deposit as soon as possible in a general trust account opened in his name in a financial institution authorized to receive deposits all sums of money or negotiable instruments collected on behalf of another party, received as an advance, or as a guarantee when acting as a seizing officer.

The first paragraph does not apply to:

(1) a bailiff employed by or appointed exclusively as the bailiff of a municipal court, where he is not called upon to levy or collect sums of money for the municipality and he is not requested by the municipality to hold them in trust or, as the case may be, to charge fees or transportation expenses in the practice of his profession;

(2) a bailiff who surrenders the sums levied or collected to the bailiff partnership for which he carries out his duties.

The proceeds of a sale under court order are deemed to be collected on behalf of another party.

7. A bailiff shall enter on a register the following information with respect to each of the proceedings for which he receives an amount of money:

- (1) the date and number of the receipt;
- (2) the name of the client;
- (3) the case number;
- (4) the names of the parties;
- (5) the nature of the proceeding;

(6) the total amount received;

(7) the date and the amount of the withdrawal;

(8) the name of the payee; and

(9) the cheque number.

8. Upon opening a general trust account, a bailiff shall complete and forward to the financial institution where the account was opened, as well as to the secretary of the Chamber, the form prescribed in Schedule 1. The form shall contain a declaration of trust and include an irrevocable authorization entitling the syndic, the administrative committee or the professional inspection committee:

(1) to request and obtain at any time from the depository institution all the information and explanations deemed necessary or useful for the purposes of this Regulation;

(2) if required, to block the sums of money on deposit; and

(3) to dispose of the sums of money on deposit, for the purposes for which the bailiff practising alone had received them, in the event of the bailiff's death, bankruptcy or incapacity, temporary or permanent striking off the roll, the revocation of his permit or the limitation or suspension of his right to practise in accordance with the Professional Code (R.S.Q., c. C-26).

9. A bailiff shall not withdraw from a general trust account sums of money other than those to be given to one of the parties or transferred directly into a special trust account in accordance with section 11.

10. Upon closing a general trust account, the bailiff shall without delay so notify the secretary of the Chamber by means of the form prescribed in Schedule 2.

DIVISION III SPECIAL TRUST ACCOUNT

11. Where the parties so require, or pursuant to a court order, the sums of money may be deposited or transferred into a special trust account, and the names of the parties for which the account has been opened shall be shown. Section 8 of this Regulation also applies to the opening of such account.

The bailiff may also hold in trust all investments, securities or guarantees as agreed upon by the parties.

DIVISION IV RECORDKEEPING FOR TRUST ACCOUNTS

12. A bailiff shall keep separate, up-to-date accounting records for each trust account.

13. Upon receipt of a sum of money to be deposited in a trust account, a bailiff shall issue an official receipt drawn up in accordance with the form prescribed in Schedule 3 to the person who gave him that sum.

14. The official receipt shall indicate whether the sum of money was collected on behalf of another party, received as an advance or as a guarantee when acting as a seizing officer.

15. Official receipts shall be consecutively numbered and made out in at least 2 identical copies.

16. Cheques or other payment authorizations drawn on a general or special trust account shall bear the indication: "trust account". Cheques shall be numbered.

17. A bailiff may not make cash withdrawals from the general or special trust account.

18. Trust accounting records shall be kept up-to-date and the reconciliation of the account done monthly in accordance with generally accepted accounting procedures.

DIVISION V AUDITING OF TRUST ACCOUNTING RECORDS

19. Before 31 March of each year, a bailiff shall forward to the secretary of the Chamber in accordance with the form prescribed in Schedule 4, a declaration under his oath of office attesting that all sums of money, securities and other property entrusted to him during the preceding year have been deposited, accounted for and used in accordance with the Court Bailiffs Act (R.S.Q., c. H-4.1) and the regulations of the Chamber.

20. The declaration prescribed by section 19 shall contain, in particular,

(1) the balance of all the trust accounts at 31 December;

(2) a list of all special trust accounts opened and closed during the year.

A single declaration shall be sufficient for bailiffs who have a common trust account, provided that it shows the names of all the bailiffs.

CHAPTER II INDEMNITY FUND

DIVISION I ESTABLISHMENT OF THE FUND

21. The Bureau shall establish an indemnity fund for the purpose of reimbursing sums of money and other securities used by a bailiff for purposes other than those for which they were given to him in the practice of his profession.

22. The fund, to be maintained at a minimum of \$100 000, shall consist of

(1) sums of money already allocated for that purpose;

(2) sums of money which the Bureau allocates to the fund as needed;

(3) the assessments levied for that purpose;

(4) the sums of money recovered from offending bailiffs by subrogation or under section 159 of the Professional Code;

(5) the interest accrued on the sums of money constituting the fund; and

(6) the sums of money which may be paid by an insurance company under a group insurance policy subscribed to by the Chamber for all its members.

DIVISION II MANAGEMENT OF THE FUND

23. The administrative committee is authorized to enter into any group insurance contract for the purposes of the fund and to pay the premiums using money from the fund.

24. The accounting for the fund shall be kept separate from the accounting of the Chamber.

25. The administrative committee shall administer the fund.

The sums of money constituting the fund shall be invested by the administrative committee as follows:

(1) the portion of those sums which the administrative committee intends to use on a short-term basis shall be deposited in a financial institution;

(2) the balance shall be invested in accordance with article 1339 of the Civil Code of Québec.

DIVISION III CLAIMS AGAINST THE FUND

26. A claim against the fund shall be filed with the secretary of the Chamber at its head office.

27. The secretary shall enter the claim on the agenda of the first meeting of the Bureau and administrative committee following the filing of the claim.

28. A claim shall

- (1) be in writing and sworn;
- (2) state the supporting facts; and

(3) show the amounts claimed and be accompanied by supporting documents.

29. A claim against a bailiff may be filed whether or not there is a decision by the disciplinary committee, the Professions Tribunal or any other competent tribunal in respect of the bailiff in question.

30. To be receivable, a claim against the fund shall be filed within one year of the time at which the claimant becomes aware that sums of money or other securities were used for purposes other than those for which they had been given to the bailiff in the practice of his profession.

31. The administrative committee may extend the time period prescribed in section 30 if the claimant shows that he was unable to file the claim within the required time due to reasons beyond his control.

32. The administrative committee may designate a person to conduct an inquiry and file a report with respect to a claim.

33. Upon written request from the administrative committee or the designated person, the claimant or bailiff concerned shall

- (1) provide all the details and documents in regard to the claim; and
- (2) adduce all relevant evidence.

DIVISION IV INDEMNITIES

34. The Bureau, upon recommendation of the administrative committee, shall determine whether it is expedient to allow the claim, in whole or in part, and if so, shall determine the indemnity. Its decision shall be final.

35. The maximum indemnity payable from the fund for all claims against a bailiff shall be fixed at \$25 000 for the whole of a fiscal year of the Chamber.

Where the administrative committee has reason to believe that the total of the claims filed against one bailiff could exceed that amount, the Committee shall, if circumstances permit, have an inventory drawn up of the sums of money entrusted to the bailiff and notify in writing all possible claimants.

Where the total of the claims allowed by the Bureau exceeds the maximum indemnity provided for in this section, the indemnity shall be allocated on a prorata basis according to the amount of the claims.

36. Before receiving the indemnity fixed by the Bureau, the claimant shall sign an acquittance in favour of the Chamber with subrogation in all his rights in respect of his claim up to the amount of the indemnity.

37. This Regulation replaces Divisions IV, V and VI of the Regulation respecting the application of the Bailiffs Act (R.R.Q., 1981, c. H-4, r. 2) which continues to apply as provided for in section 31 of the Court Bailiffs Act (R.S.Q., c. H-4.1).

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

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

SCHEDULE 1

(s. 8)

DECLARATION RELATIVE TO THE OPENING OF A GENERAL TRUST ACCOUNT

TO:

(Name and address of financial institution)

I, the undersigned, _____, a bailiff and a member of the Chambre des huissiers de justice du Québec, holder of permit number _____ and having my office at the following address:

declare the following:

(1) the general trust account No. _____
has been opened at your institution in the name of:
_____ "in trust";

(2) the account referred to above is constituted of funds or negotiable instruments that were collected on behalf of another party, received as an advance, or as a guarantee when acting as seizing officer;

(3) the account is governed by the Court Bailiffs Act (R.S.Q., c. H-4.1), the Professional Code (R.S.Q., c. C-26) and by the Regulation respecting trust accounting by bailiffs and the indemnity fund of the Chambre des huissiers de justice du Québec (hereinafter called the "Regulation");

(4) according to your registers, the person(s) authorized to sign documents with respect to current transactions in the account are those listed below:

Name	Signature
_____	_____
Name	Signature

(5) in accordance with paragraphs 1 and 2 of section 8 of the Regulation, I grant an irrevocable authorization to the syndic, the administrative committee or the professional inspection committee to request and obtain at any time from your institution all the information and explanations deemed necessary or useful for trust accounting audit purposes or, if required, to block the sums of money on deposit;

(6) in accordance with paragraph 3 of section 8 of the Regulation, if I practise the profession of bailiff alone, I grant an irrevocable authorization to the syndic, the administrative committee or the professional inspection committee of the Chambre des huissiers de justice du Québec to dispose of the sums of money on deposit, in the event of my death, bankruptcy or incapacity, temporary or permanent striking off the roll, or the limitation or suspension of my right to practise in accordance with the Professional Code.

(Place) (Date)

Bailiff

Solemnly affirmed before me

at _____

on _____

Commissioner for oaths for

Note: A copy of this form shall be forwarded to the secretary of the Chambre des huissiers de justice du Québec upon opening the trust account.

SCHEDULE 2

(s. 10)

NOTICE OF CLOSING OF A GENERAL TRUST ACCOUNT

Secretary of the Chambre des huissiers de justice du Québec

(Address of the secretary)

I, the undersigned, _____,
a bailiff, hereby notify you under my oath of office, in accordance with section 10 of the Regulation respecting trust accounting by bailiffs and the indemnity fund of the Chambre des huissiers de justice du Québec, that the general trust account

Number _____,

opened on _____,

at _____,

(financial institution)

was closed on _____.

Signed at _____, on _____

Bailiff

Name of practice: _____

Address: _____

Telephone: _____

Fax: _____

Solemnly affirmed before me

at _____

on _____

Commissioner for oaths for

SCHEDULE 3

(s. 13)

OFFICIAL RECEIPT

**LOGO, NAME AND ADDRESS OF THE PRACTICE
OR: LOGO OF THE C.H.J.Q., NAME AND
ADDRESS OF THE PRACTICE**

OFFICIAL RECEIPT

No. _____

Received from _____

the sum of _____

cash certified cheque non-certified cheque

postal money bank draft other
order

down payment final payment

With respect to file _____

sum of money collected on behalf of another party

sum of money received as an advance

sum of money received as a guarantee when acting as
a seizing officer

Bailiff

SCHEDULE 4

(s. 19)

ANNUAL DECLARATION RESPECTING BOOKS,
REGISTERS AND ACCOUNTS

YEAR _____

Note: All members entered on the roll of the Chambre
des huissiers de justice du Québec must fill in this
annual declaration. Additional sheets may be attached,
if necessary.

I, _____,
a bailiff entered on the roll of the Chambre des huissiers
de justice du Québec since _____, declare the following:

1.1 the Regulation respecting trust accounting by bai-
liffs and the indemnity fund of the Chambre des huissiers
de justice du Québec does not require that I keep or
administer a trust account because

I turn over the sums of money collected or levied to
the partnership of bailiffs with whom I practise;

I am in the exclusive employ of the municipal court
of _____ and the
municipality does not require that I hold sums of money
in trust or charge fees or transportation expenses in the
practice of my profession;

the Regulation respecting trust accounting by bailiffs
and the indemnity fund of the Chambre des huissiers de
justice du Québec allows for bailiffs who have a com-
mon trust account to file a single declaration, provided
that it lists the names of all the bailiffs; the declaration
prescribed by section 19 shall be completed by the fol-
lowing bailiff:

_____; or
Name of bailiff

other reasons: _____.

1.2 Since my last declaration, I have not been respon-
sible for sums of money or securities in trust.

1.3 Should the practice of my profession change, I un-
dertake to open a trust account in accordance with the
Regulation, if need be, and to notify the secretary of the
Chamber immediately.

If you have checked one of the boxes above, go directly to 3.1, 3.2 and the signature section.

2.1 I practice

- alone under my own name;
- under the name of _____, in a general partnership with the following bailiffs:

_____;

- for several partnerships, that is,

_____.

2.2 I (we) keep separate accounts for sums of money or negotiable instruments collected on behalf of another party, received as an advance, or as a guarantee while acting as a seizing officer.

2.3 These books, registers and accounts are are not audited by a chartered accountant.

2.4 From 1 January, _____ to 31 December, _____, my (our) general trust account was held at this financial institution:

Name: _____

Address: _____

Telephone: () _____

2.5 The account was held under the **NAME** of: _____.

2.6 The account **NUMBER** was: _____.

2.7 As of 31 December _____, the balance of the account was: \$ _____.

LIST OF SPECIAL TRUST ACCOUNTS OPENED AND CLOSED DURING THE YEAR (s. 20, par. 2)

Account No.	Financial institution	Date opening	Date closing
_____	_____	_____	_____
_____	_____	_____	_____

2.8 During the same period, I (we) held in trust the following securities: (Describe the securities: e.g. term deposits, bonds)

2.9 During the same period, I (we) held other property in trust: (Describe the property: e.g. jewellery)

2.10 Since my last declaration, I have at all times complied with the Act and the Regulation respecting trust accounting by bailiffs and the indemnity fund of the Chambre des huissiers de justice du Québec.

2.11 I authorize the syndic of the Chambre des huissiers de justice du Québec, the professional inspection committee or any person it designates to examine this (these) account(s) and to obtain any information required from the financial institution.

2.12 Should I change my practice, address or financial institutions, or open a new trust account, I undertake to notify the secretary of the Chamber immediately.

3.1 Office address and telephone number:

3.2 Home address and telephone number:

Signature of bailiff^(*)

* If applicable, list the names of the bailiffs who have a common general trust account.

Solemnly affirmed before me

at _____

on _____

Commissioner for oaths for

Gouvernement du Québec

O.C. 156-99, 24 February 1999

An Act respecting petroleum products and equipment (R.S.Q., c. U-1.1)

Petroleum products — Amendments

Regulation to amend the Petroleum Products Regulation

WHEREAS under sections 5, 7, 8, 14, 22, 23, 25, 27, 37, 39, 41, 51, 54, 59 and 96 of the Act respecting petroleum products and equipment (R.S.Q., c. U-1.1) as amended by sections 2 and 14 of Chapter 64 of the Status of 1997, the Government may, by regulation:

— determine quality and safety standards applicable to petroleum products;

— prescribe standards concerning the manufacture, installation, maintenance, draining, dismantling and removal of petroleum equipment;

— determine the content, frequency and other conditions of the required tests and inspections conducted on petroleum products;

— prescribe the form and content of a report and the manner in which and time within which it must be forwarded when there is a leak, a spillage, a petroleum equipment defect or failure;

— prescribe the conditions for the issue of a permit for the use of petroleum equipment;

— determine the period of validity of permits, the fees payable and the terms and conditions of payment;

— determine the conditions for the renewal, transfer or temporary authorization of permits;

— determine the information that must be entered in a register and the information or documents that must be retained by a permit holder, as well as the period of retention;

— determine the conditions for certification and the obligations of inspectors, the amount of the fees required for the consideration of an application for certification and the annual fees required for registration or re-registration;

— prescribe the standards for the inspection of high-risk petroleum equipment, the content of inspection certificates and require other information;

— determine the fees for the consideration of an application for the approval of a private inspection program for high-risk petroleum equipment;

— determine the provisions of the Regulation the contravention of which constitutes an offence, for the purposes of the application of the Act;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Petroleum Products Regulation was published in Part 2 of the *Gazette officielle du Québec* of 14 October 1998 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Regulation to amend the Petroleum Products Regulation, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Petroleum Products Regulation(*)

An Act respecting petroleum products and equipment (R.S.Q., c. U-1.1, ss. 5, 7, 8, 14, 22, 23, 25, 27, 37, 39, 41, 51, 54, 59 and 96; 1997, c. 64, ss. 2 and 14)

1. Section 1 of the Petroleum Products Regulation is amended

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

* The Petroleum Products Regulation made by Order in Council 753-91 dated 29 May 1991 (1991, *G.O.* 2, 1839) was amended by the Regulations made by Orders in Council 108-96 dated 24 January 1996 (1996, *G.O.* 2, 1180) and 505-98 dated 8 April 1998 (1998, *G.O.* 2, 1614). For errata, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

“reception area” means the area around the fill pipe of an underground tank and around the site of an aboveground tank; (*aire de réception*)

“transfer area” means the area on which the transfer of petroleum products is carried out; (*aire de transvasement*)”;

(2) by substituting the following for the definition of “bulk-storage plant”: “installations for storing bulk petroleum products for dispensing purposes; (*dépôt*)”;

(3) by inserting the following after the definition of “isolated location”:

“level 1 leak detection” means an operation carried out by means of a device or a method allowing for the detection of a leak of 0.38 litre/hour, with a detection probability of 95 % and a false alarm probability of 5 %; (*détection de fuites de niveau 1*)

“level 2 leak detection” means an operation carried out by means of a device or a method allowing for the detection of a leak of 0.76 litre/hour, with a detection probability of 95 % and a false alarm probability of 5 %; (*détection de fuites de niveau 2*)”; and

(4) by inserting the following after the definition of “unloading zone”:

“used oil” means oil that has been used in a motor vehicle or hydraulic equipment; (*huile usée*)”.

2. Section 2 is amended by substituting the words “used oil” for the word “lubricants” in paragraph 3.

3. Sections 11 and 12 are revoked.

4. The heading preceding section 13 is amended by adding the words “and flammability of products” after the words “Classification of petroleum products”.

5. The following is substituted for section 13:

“**13.** Petroleum products are classified as follows:

(1) Class 1: petroleum distillates having a flash point below 37.8 °Celsius determined by method D 56-97a of the American Society for Testing and Materials;

(2) Class 2: petroleum distillates having a flash point equal to or above 37.8 °Celsius, but below 60 °Celsius determined by method D 93-97 of the American Society for Testing and Materials;

(3) Class 3: petroleum distillates having a flash point equal to or above 60 °Celsius determined by method D 93-97 of the American Society for Testing and Materials.”.

6. Sections 14, 15 and 16 are revoked.

7. Section 17 is amended by inserting the words “and safety” after the word “quality”.

8. Section 20 is amended

(1) by substituting the following for subparagraph 6 of the first paragraph:

“(6) the name of the supplier of petroleum product that made the last two deliveries;”;

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

“(8) the name of the transporter that made the last two deliveries;”;

(3) by substituting the following for the second paragraph: “The report shall be signed by the inspector who took the sample and by the permit holder or the controls operator.”.

9. The following is substituted for section 21:

“**21.** Analysis of the samples taken shall be made in accordance with the methods and standards prescribed in Schedule 1.”.

10. The following is substituted for Chapter 2:

CHAPTER 2
PERMITS FOR THE USE OF HIGH-RISK
PETROLEUM EQUIPMENT

DIVISION 1
ISSUE, RENEWAL OR MODIFICATION

22. An application for the issue or renewal of a permit shall be made in writing and indicate:

(1) whether it is a new application or an application for renewal;

(2) in the case of a new application, the capacity in which the person makes the application:

(a) as owner of the equipment; or

(b) as operator responsible for servicing and repairing the equipment;

(3) the name, address and telephone number of the applicant, as well as the address and telephone number of the site on which the equipment is located, if those particulars are different from those covered by the application;

(4) if the applicant is a legal person, the registration number given to it under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(5) if the application is not made in the capacity of owner, the name, address and telephone number of the owner of each tank as well as his consent and signature authorizing the applicant to obtain a permit for the use of the equipment;

(6) where applicable, the date of the certificates and of the notices given by a certified inspector since the last application, as well as the name and certification number of the inspector who has issued or given them;

(7) the main characteristics of each piece of equipment covered by the application, indicating, in particular:

(a) their storage capacity in litres;

(b) the products stored;

(c) the date of their installation and the name and address of the installer;

(d) the year during which they were manufactured and the name and address of the manufacturer;

(e) the specifications of the tanks, piping or accessories;

(f) the leak detection systems;

(g) the description of the situation of the piece of equipment or of all the equipment on the site; and

(8) the nature of the activities of the applicant.

23. An application for modification to a permit shall describe the new equipment installed or indicate the changes made to the equipment covered by the permit.

24. When an application for the issue of a permit, for its renewal or for a modification to it is made, any information or document that has already been sent to the Minister need not be sent again if the applicant attests that it is still accurate and complete.

25. In addition to the payment of the fees, any application for the issue of a permit, for its renewal or for a modification to a permit shall include

(1) a written statement of the applicant or his authorized representative attesting that the information submitted to the Minister is accurate and complete;

(2) the date and the signature of the applicant or his authorized representative; and

(3) in the case of an application for renewal, the attestation that the equipment is in good working order, including a declaration of the events having affected the equipment during the period of validity of the permit and comprising the following information:

(a) all petroleum product leaks and spills greater than 100 litres;

(b) all explosions and fires related to petroleum equipment;

(c) all failures in storage or dispensing equipment which are a hazard to safety or the environment; and

(d) the date of the event and the extent of the damage.

DIVISION 2

PERIOD OF VALIDITY

26. The period of validity of the permit is 24 months.

Notwithstanding the foregoing, a permit may be issued for a period shorter than 24 months to have the following met:

(1) the expiry dates of permits held by the same holder in the same administrative region;

(2) the expiry dates of different permits at the same address;

(3) the period of validity of a permit with the period of use of petroleum equipment, for the purpose of a building site or another type of activity of a temporary nature and whose anticipated duration is shorter than two years; or

(4) in the case of the issue of a new permit for petroleum equipment installed, the date of renewal of the permit according to the expiry date of the first permit issued for that equipment on the site.

DIVISION 3 **FEES PAYABLE**

27. The fee payable for the issue or renewal of a 24-month permit is \$130 to which \$40 are added for each 10 000-litre portion of storage capacity, up to a maximum of \$2 500.

Where the period of validity of the permit is shorter than 24 months, the fee payable is determined in proportion to the number of months of validity of the permit issued by the Minister. Notwithstanding the foregoing, the fee may never be lower than \$85 per year.

28. The fee is payable in one instalment.

29. A fee of \$25 is required for the consideration of an application for temporary authorization or for a permit transfer referred to in section 27 of the Act respecting petroleum products and equipment (R.S.Q., c. U-1.1; 1997, c. 64, s. 2).

30. A fee of \$1 000 is required for the consideration of an application or for a renewal of the approval of a private inspection program for high-risk petroleum equipment.

CHAPTER 2.1 **CERTIFICATION OF INSPECTORS**

DIVISION 1 **APPLICATION FOR CERTIFICATION** **OR RE-REGISTRATION**

31. An application for certification or re-registration shall be submitted to the Minister in writing.

32. In addition to the annual fee required for the registration and to the duties payable for the consideration of the application for certification or re-registration, the applications shall be accompanied by the following information and documents:

(1) the name, address and telephone number of the applicant;

(2) proof that he has all the qualifications required under section 34 to sit the examination;

(3) where applicable, written proof, dating back not more than two years, that he has passed the examination required under section 35;

(4) where applicable, written proof, dating back not more than two years, that he has participated in the training session required under section 35;

(5) a written declaration of the applicant attesting that the information submitted to the Minister is accurate and complete; and

(6) the signature of the applicant.

33. When an application for certification or an application for re-registration is made, any information or any document that has already been sent to the Minister need not be sent again if the applicant attests that it is still accurate and complete.

34. To sit the examination provided for in section 35, an applicant shall have at least one of the following qualifications:

(1) at the time of the coming into force of section 38 of the Act respecting petroleum products and equipment, hold a licence of Master-Installer issued under the Act respecting the use of petroleum products (R.S.Q., c. U-1.1);

(2) be a member in good order of the Ordre des ingénieurs du Québec or the Ordre des technologues professionnels du Québec or, where he is not a resident in Québec, be a member of a professional order of an equivalent nature according to the requirements of the government of his place of residence; or

(3) have at least two years of experience in inspection, surveillance or installation of petroleum equipment.

Examination for admission and training session

35. To be certified, an applicant shall

(1) pass the written examination, held by the Minister with a mark of 80 %; and

(2) follow the training session offered by the Minister.

36. A certified inspector who has not been entered on the register for two years because he did not pay the annual fee shall comply with the certification conditions prescribed in sections 31, 32 and 35 in order to register again.

37. Any person who fails the examination may apply to the Minister for the review of the mark obtained within 30 days after the mark is sent.

38. No person may sit more than two supplemental examinations.

Liability insurance

39. To be certified and registered as a certified inspector, an inspector shall hold a civil liability insurance policy which must provide the following minimum conditions:

(1) a minimum guarantee of \$500 000 per claim and \$1 000 000 for all claims relating to the period covered;

(2) commitment by the insurer to take up the defence of the insured and to pay, up to the amount of the guarantee, any amount that the insured may legally have to pay to a third party as damages relatively to a claim for loss submitted during the period of guarantee and resulting from a fault or other or from a negligence made by him as an inspector;

(3) a commitment by the insurer to give a 15-day notice to the Minister in case of cancellation or non-renewal of or modification to the contract; and

(4) an exclusion to the effect that acts performed under the influence of narcotics, soporifics, drugs or alcohol may not be opposable to a third party referred to in paragraph 2 of section 41 to whom the insured has to pay damages.

40. The inspector shall immediately notify the Minister in writing of the cancellation of his civil liability insurance contract or of any modification made to it.

DIVISION 2 FEES PAYABLE

41. The amount of fee payable for the consideration of an application for certification is \$250.

42. The annual fee payable for registration in the register of inspectors is \$250.

43. The fee for re-registration is \$50.

CHAPTER 2.2 CONTENT OF REGISTERS

DIVISION 1 PERMIT HOLDERS' REGISTER

44. A permit holder shall retain in his register a copy of the plans of the finished work, as well as any technical information relating to the modifications made to the petroleum equipment during their lifetime.

45. A permit holder shall record and retain in his register the following information and documents for ten years:

(1) inspection certificates issued by the certified inspector;

(2) events described in paragraph 3 of section 25;

(3) copy of any notice of corrections;

(4) inspection reports of the corrosion prevention system, where applicable;

(5) inspection reports of the leak detection systems, where applicable;

(6) leak detection test reports;

(7) all reports relating to the testing of the operating performance and to tests or information of any nature required under sections 57 to 61, 64 to 66.9, 157, 167 and 320;

(8) periods during which the petroleum equipment was not used; and

(9) information concerning disuse and abandonment of underground tanks on their sites provided for in sections 128, 129, 130.1 and 130.2.

46. A permit holder shall record the following information and documents in his register for at least two years:

(1) copies of purchase, delivery, sale and withdrawal records of petroleum products;

(2) gauging readings of the product and water dip readings in the tanks and readings of the meters of dispensers;

(3) the calculation allowing the monthly determination of any gain or loss of the product for each required gauging;

(4) dates on which draining was carried out, the quantity that was drained and the name of the person or business which carried out the draining.

For fuel oil tanks and diesel tanks supplying an electricity generating system, only the documents in subparagraph 1 of the first paragraph shall be retained by the permit holder for at least two years.

DIVISION 2 REGISTER OF CERTIFIED INSPECTORS

47. A certified inspector shall retain in a register the following information and documents:

- (1) copies of inspection certificates and notices issued;
- (2) the reports on each inspection; and
- (3) other documents such as plans, analyses, analysis reports or photographs necessary for the inspection.

The documents shall be retained for at least ten years.

CHAPTER 2.3 INSPECTION OF HIGH-RISK EQUIPMENT AND TESTING OF THE OPERATING PERFORMANCE

DIVISION 1 INSPECTION PLAN

48. During any inspection, a certified inspector shall take cognizance of the content of registers and analyze it, make sure that the petroleum equipment subject to the inspection shows no hazard, search for leak sign and if applicable, analyze the plans submitted.

49. An inspection shall be carried out during the installation, replacement or removal of petroleum equipment. During such inspection, an inspector shall make sure that the requirements provided for in the following sections are met: 69, 83, 83.1, 96, 99, 100, 103, 104 and 105 respecting only the space between the top of the tank and the level of the ground, 122 to 126, subparagraphs 1, 2 and 3 of the first paragraph of section 130, 133, 135, 137 to 138, 143 to 145, 150 to 160, subparagraphs 2 and 3 of the first paragraph of section 167, 173 to 175, 178 to 181, 183 to 185, 189, 192 to 196, 198 to 208.2, 208.4 to 208.6, 211, 216, 218, 220, 221, 2nd paragraph of section 226, 230, 236, 237, 249, 251, 253, 254, 256 to 259, 302, 303, 307 to 312, 314 to 316, 317.1, 1st paragraph of section 320, 321, 323 to 325, 328, 335, 341 to 344, 349, 359, 365, 369 to 380, 382, 387, 388, 390, 399, 401, 428 to 431, 433, 435 to 439, 444, 446 to 450, 452, 453, 461 to 463, 470 to 476 and 480.

For equipment already installed or removed, a certificate may be issued by a certified inspector if the equipment meets the previous requirements, where applicable. The equipment shall also be subject to a leak detection test as prescribed in section 269 and shall undergo an annual inspection, according to the type of equipment, in accordance with sections 53, 54 and 55.

50. The inspection of petroleum equipment shall be carried out within the last 12 months of the following inspection periods:

- (1) for underground petroleum equipment:

- (a) single-wall tanks: an inspection every two years;
- (b) double-wall tanks: an inspection every four years;

(2) for underground fuel oil or used oil petroleum equipment: an inspection every four years;

(3) for bulk-storage plants: an inspection every two years; and

(4) for aboveground petroleum equipment: an inspection every six years.

For the purposes of the first paragraph, the inspection period shall be calculated as of the expiry date of the permit issued at the address.

Notwithstanding the first paragraph, an inspection of the petroleum equipment shall be carried out in accordance with sections 53, 54 and 55 for the first renewal of the permit issued under section 25 of the Act respecting petroleum products and equipment.

51. Where new equipment is installed at the same address, the inspection period of the latter shall be adjusted according to the expiry date of the first permit issued for all the equipment at that address.

52. If petroleum equipment installed on the same site is subject to different inspection periods, the shorter one prevails over the others for all the equipment.

53. During the inspection of underground petroleum equipment subject to inspection, a certified inspector shall analyze the operating performance of the equipment and inventories in order to make sure that the requirements provided for in the following sections are met: 128, 129, 132, 203, 204, 206, 208, 208.2, 208.5, 249, 251, 253, 254, 256, 257, 259, 260.1, 260.2, 267, 302, 303, 308, 309, 311, 312, 315, 316, 317.1, 1st paragraph of section 320, 323, 328, 341 to 344, 353, 354, 357, 359, 365, 366, 369 to 371, 373, 374, 380, 385, 387, 388, 390, 399 and 404.

54. During the inspection of a bulk-storage plant, the certified inspector shall analyze the operating performance of equipment subject to inspection in order to make sure that the requirements provided for in the following sections are met: 128, 129, 132, 134, 154, 155, 158 to 160, 177, 201, 204, 206, 208, 208.1, 208.5, 208.6, 211, 216, 218, 2nd paragraph of section 226, 229, 236, 237, 249, 251, 253, 254, 256, 257, 259, 260.1, 260.2, 267, 308 to 310, 315, 316, 317.1, 1st paragraph of section 320, 328, 399, 402, 404, 428 to 431, 435, 437, 439, 444, 446, 447, 449, 450, 452, 461, 462, 470, 472, 473, 475 and 480.

55. During the inspection of aboveground petroleum equipment other than a bulk-storage plant, a certified inspector shall inspect the operating performance of equipment subject to inspection in order to make sure that the requirements provided for in the following sections are met: 83, 83.1, 144, 145, 150, 151, 155, 158 to 160, 177, 178, 201, 203, 204, 206, 208, 208.1, 208.6, 211, 216, 218, 2nd paragraph of section 226, 236, 237, 267, 308, 309, 311, 312, 315, 316, 317.1, 1st paragraph of section 320, 323, 324, 328, 341 to 344, 353, 354, 357, 359, 365, 366, 369 to 374, 377, 378, 380, 385, 387, 388, 390, 399 and 404.

56. A permit holder shall, in addition to the periodical inspections required under section 50, have any equipment inspected when it does not show the necessary imperviousness qualities according to the inspection report received by the Minister or complaints made concerning the condition of the equipment where the complaints are considered justified by him.

Such an inspection shall be carried out within 30 days following the forwarding of a written notice by the Minister indicating the imperviousness problems thus identified and specifying the equipment in question.

The inspector shall carry out such an inspection in accordance with the requirements provided for in sections 53 to 55.

Where such an inspection is carried out within 12 months preceding the end of the period provided for in section 50 and the inspection referred to in that section has not been carried out yet, it takes the place of the required periodical inspection.

DIVISION 2

TESTING OF THE OPERATING PERFORMANCE

Inspections

57. Every two years, a permit holder owning an underground tank shall inspect:

(1) the cathodic protection performance in the case of a sacrificial anode system, in accordance with Standard CAN/ULC-S603.1-92;

(2) the cathodic protection performance in the case of an impressed current cathodic protection system where such system is an addition to an underground storage system, in accordance with Report No. 87-1, February 1987, by the Petroleum Association for Conservation of the Canadian Environment (PACE); and

(3) the automatic leak detection system for petroleum products.

58. The safety valves of an aboveground piping system shall be inspected annually and the reports shall be kept for inspection by a certified inspector.

59. A grounding circuit shall be inspected annually to make sure of its efficiency.

60. A motor fuel dispenser linked to an underground tank shall be equipped with a meter that shall be calibrated at least once every two years.

Leak detection test

61. Where petroleum equipment is buried within less than 150 metres measured horizontally from a vertical plane touching the closest outside wall of a subway under construction or a completed subway, the permit holder shall conduct a leak detection test on the single-wall equipment each year in compliance with section 269.

Standards applying to motor fuel dispensing

62. On a weekly basis, a permit holder shall water dip each underground motor fuel tank.

He shall also inspect the observation well if it is not equipped with a continuous surveillance alarm system.

63. Every day he uses the equipment, a permit holder shall

(1) gauge all underground tanks and read all dispenser meters;

(2) reconcile receipt and withdrawal records for each underground tank with the daily gauge readings taken pursuant to paragraph 1.

Notwithstanding the foregoing, if the permit holder does not use his equipment every day, he shall gauge them once a week.

64. A permit holder shall have the underground petroleum equipment examined and, where applicable, shall conduct a leak detection test in accordance with section 269, each time a leak is suspected or each time one of the following occurs inexplicably:

(1) a loss of at least 0.5 % in the flow of a tank during one month;

(2) losses of the product during at least five consecutive days;

(3) losses of the product during at least 18 days in a month where the level of the stored product is gauged every day;

(4) losses or gains of the product during at least 15 days in a month where the level of the stored product is gauged six days per week;

(5) the level of water at the bottom of the tank exceeds 50 millimetres.

65. A permit holder shall inspect annually the operating performance of each safety valve having a maximum fusible link. The inspection shall be carried out according to the method recommended by the manufacturer of each valve.

Used oil

66. A permit holder shall gauge each month the used oil tank.

The tank containing used oil shall be drained before gauging shows any hazard of spillage.

Airport outlet

66.1. A permit holder shall inspect or have inspected, at least once a year, the grounding and bounding systems of dispensers and tanks.

66.2. A permit holder shall inspect the cleanliness of each storage tank at least once every five years.

Standards applying to the servicing and inspection of a bulk-storage plant

66.3. A safety valve shall be inspected at least once a year.

66.4. A permit holder shall, each week, carry out a visual inspection of piping and aboveground storage installations in order to detect any leak and remedy it.

66.5. A permit holder shall, each month, test the operating performance of all valves, overflow controls, vent lines and fire protection devices.

66.6. Where there has been a receipt of petroleum products during the day, a permit holder shall gauge or dip the tanks.

66.7. A permit holder shall gauge or dip all tanks at least once a week.

66.8. A permit holder shall reconcile receipt and withdrawal records with the gauge or dip readings.

66.9. In the case of an aboveground tank having a capacity exceeding 250 000 litres, a permit holder shall take the temperature of the product at the time of gauging.”.

11. The following is substituted for the heading of Chapter 3: “STANDARDS APPLYING TO ALL PETROLEUM EQUIPMENT”.

12. The Regulation is amended by deleting the heading “DIVISION 1 GENERAL” before section 67.

13. The Regulation is amended by inserting the following before section 67:

“**66.10.** Used oil shall be collected into a tank, a portable tank or a closed container that is compatible with petroleum products.

66.11. No person may pour a Class 1 or a Class 2 petroleum product within five metres of a flame or of any other source of ignition.

66.12. No person may use a Class 1 petroleum product as a cleaner or solvent.”.

14. Sections 71 to 79 are revoked.

15. Section 83 is amended

(1) by substituting the year “1995” for the year “1985” in paragraph 1;

(2) by striking out the words “for a user’s establishment” in paragraph 2; and

(3) by striking out the words “and lubricant” in paragraph 3.

16. The Regulation is amended by inserting the following after section 83:

“**83.1.** Motor fuel storage intended to supply an electricity generating system and fuel oil storage, inside a building, shall meet the requirements of Standards Council of Canada Standard CAN/CSA-B139-M91: Installation Code for Oil Burning Equipment.”.

17. Sections 93 and 95 are revoked.

18. The Regulation is amended by inserting the following chapter after section 95:

**“CHAPTER 3.1
STANDARDS APPLYING TO HIGH-RISK
PETROLEUM EQUIPMENT**

95.1. Petroleum equipment may not be used if there are no fire extinguishers in working order nearby.”.

19. The Regulation is amended by substituting the heading “**DIVISION 1 UNDERGROUND TANKS**” for the heading “**DIVISION 2 UNDERGROUND TANKS**” before section 96.

20. The following is substituted for section 96:

“**96.** An underground tank shall be manufactured and installed in accordance with one of the following standards:

(1) Standards Council of Canada Standard CAN/ULC-S603-92: Underground Steel Tanks;

(2) Standards Council of Canada Standard CAN4-S615-M83: Underground Reinforced Plastic Tanks;

(3) Underwriters’ Laboratories of Canada Standard ULC/ORD-C58.10-1992: Jacketed Steel Underground Tanks for Flammable and Combustible Liquids.”.

21. Section 97 is revoked.

22. Section 99 is amended

(1) by inserting the words “according to the standards specified in section 179” after the words “double-wall piping” in the first paragraph;

(2) by inserting the word “automatic” before the word “leak” in the second paragraph; and

(3) by deleting the third paragraph.

23. Section 100 is amended by striking out the word “vapours” in the first paragraph.

24. Section 101 is revoked.

25. Section 102 is amended by striking out the first paragraph.

26. The following is substituted for paragraph 3 of section 103:

“(3) at least 1 metre measured horizontally from the property line;”.

27. Paragraph 3 of section 107 is deleted.

28. The following is substituted for section 108:

“**108.** A tank shall be set on a backfill foundation at least 300 millimetres thick, exceeding its perimeter by at least 300 millimetres, and made of

(1) in the case of a fibreglass tank, pea gravel, rounded pea gravel of a diameter between 3 and 20 millimetres or crushed stone showing a granulometry of at least 3 millimetres and of not more than 13 millimetres of diameter. In both cases, the material shall be clean, without dust, sand, debris, organic material, ice or snow so that not more than 3 % of its weight passes through a #8 sieve;

(2) in the case of a steel tank, clean or natural stoneless sand, without debris, organic material, ice or snow and compacted to at least 90 % according to the Modified Proctor Test; or

(3) in the case of a jacketed steel underground tank, clean or natural stoneless sand, without debris, organic material, ice or snow and compacted to at least 90 % according to the Modified Proctor Test, or pea gravel or rounded pea gravel of a diameter between 3 and 20 millimetres.

The tank shall be backfilled with the material described in subparagraphs 1, 2 and 3 of the first paragraph up to the finishing grade layer which shall not be more than 300 millimetres thick.”.

29. Section 110.2 is amended

(1) by substituting the number “175” for the number “174” in subparagraph 1 of the first paragraph;

(2) by substituting the words “adjusted to a maximum of” for the words “of not more than”.

30. The first paragraph of section 113 is amended by substituting the words “analysis documents” for the words “inspection form”.

31. The following is substituted for section 122:

“**122.** A steel underground tank shall be protected against corrosion in accordance with either of the following methods:

(1) Standards Council of Canada Standard CAN/ULC-S603.1-92: Galvanic Corrosion Protection Systems for Underground Steel Tanks;

(2) PACE-87-1 method of the Petroleum Association for Conservation of the Canadian Environment; if its induced current system constitutes an addition to an underground storage system.

Notwithstanding the foregoing, a tank complying with the standard provided for in paragraph 3 of section 96 need not be protected against corrosion.”

32. Section 123 is amended by adding the words “except where the petroleum equipment complies with the requirements of section 99” after the word “well” in the second line.

33. Section 128 is amended

(1) by substituting the word “site” for the word “facility” in the first paragraph;

(2) by adding “in his register” after the word “readings” in paragraph 3; and

(3) by substituting the word “vérification” for the word “inspection” in the same paragraph in the French text.

34. Section 129 is amended

(1) by substituting the word “site” for the word “facility” in the first paragraph;

(2) by adding “in his register” after the word “readings” in paragraph 4; and

(3) by substituting the word “vérification” for the word “inspection” in the same paragraph in the French text.

35. Section 130 is amended

(1) by substituting the following for subparagraph 3 of the first paragraph:

“(3) inform the involved branch of the Ministère de l’Environnement and the involved municipality of any contamination related to petroleum products;”;

(2) by deleting the words “, advise the Minister of the manufacturer’s name and the serial number of the tank” in subparagraph 4;

(3) by substituting the words “leak detection test” for the words “pressure test” in the last paragraph.

36. The text preceding paragraph 1 of section 130.1 is amended by substituting the words “Upon inspection

by a certified inspector,” for the words “With the authorization required under section 60,”.

37. Section 130.2 is amended

(1) by substituting the following for paragraph 1:

“(1) determine whether the surrounding soil is contaminated, by having the soil analyzed, or by having the ground water analyzed by an accredited laboratory if the level of ground water is higher than the bottom of the tank;”;

(2) by substituting the number “66.10” for the number “72” in paragraph 2.

38. The Regulation is amended by substituting the following for the number of the division, its heading and the text preceding section 133:

**“DIVISION 2
ABOVEGROUND TANKS**

Aboveground tank manufacturing”

39. The Regulation is amended by inserting the following after section 137.1:

“**137.2.** A permit holder’s aboveground motor fuel tank located within the limits of a municipality and in an isolated location shall be fenced in accordance with sections 471, 472, 474 and 476.”.

40. The following is substituted for section 150:

“**150.** An aboveground tank installed after the coming into force of the Act respecting petroleum products and equipment shall be equipped with a dike to form a diked area around the aboveground tank or tank farm holding 5 000 litres or more.

The first paragraph does not apply to tanks holding 50 000 litres or less equipped with an overfill protection device complying with Underwriters’ Laboratories of Canada Standard ULC/ORD-C58.15 - 1992: Overfill Protection Devices for Flammable Liquid Storage Tanks if they meet the standards provided for in paragraphs 6, 7 or 8 of section 133 or, in the case of double-wall tanks, the standards provided for in paragraphs 1, 3 and 5 of the same section.

The first paragraph does not apply in the case of a tank in which is stored Type No. 4, No. 5 or No. 6 heating oil provided that the tank is equipped with a channel or other system capable in the event of leakage of containing or directing the product to a safe location.”.

41. Section 157 is amended by adding the following text at the end of the second paragraph:

“A laboratory report attesting to the permeability of the soil and thickness shall be attached to the documents of analysis of the project.”.

42. Section 167 is amended

(1) by substituting the words “for bulk-storage plants” for the words “for operators” in subparagraph 4 of the first paragraph;

(2) by striking out the words “showing that the site is not contaminated” in subparagraph 4 of the first paragraph.

43. The following is substituted for section 169:

“**169.** An aboveground tank or piping component may be reused for aboveground petroleum products storage if the following conditions are observed:

(1) it has been manufactured in accordance with the standards required under section 133, and the plates identifying the manufacturer and the standards organization are legible;

(2) it has been cleansed, inspected and subjected to hydrostatic leak testing or pneumatic leak testing with inert gas in compliance with the standards prescribed in section 133, and has been protected against exterior corrosion; and”.

44. The Regulation is amended by substituting the word and number “**DIVISION 3**” for the word and number “**DIVISION 4**” preceding the heading “DISPOSAL OF UNREUSABLE TANKS”.

45. The following is substituted for section 171:

“**171.** To dispose of an un reusable tank, it is required to

(1) cleanse it of any petroleum residue;

(2) purge it of any vapour and make sure that, during the disposal operation, the concentration of flammable vapour is less than 10 % of the lower limit of flammability at all times;

(3) cut it in such a manner as to render it unusable and to prevent any subsequent vapour build-up;

(4) carry out the above operations in a safe location recognized by the municipality using the equipment nec-

essary to prevent petroleum residue from contaminating the environment; and

(5) dispose of petroleum residue in compliance with section 66.10.”.

46. Section 172 is revoked.

47. The Regulation is amended by substituting the word and number “**DIVISION 4**” for the word and number “**DIVISION 5**” preceding the heading “PIPING”.

48. The following is substituted for sections 173 to 208:

“**173.** Welded and seamless steel piping shall comply with one of the following manufacturing standards:

(1) American Petroleum Institute Standard API-5L: Specification for Line Pipe;

(2) American Society for Testing and Materials Standard ASTM A53: Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless; or

(3) Canadian Standards Association Standard CSA-Z245.1: Steel Line Pipe.

Where service pressure exceeds 875 kilopascals, piping and fittings shall conform to American National Standards Institute Standard ANSI B31.3-1996: Chemical Plant and Petroleum Refinery Piping.

174. Piping carrying heating oil or motor fuel intended to supply an electricity generating system may be of copper; it shall comply with the requirements of Standards Council of Canada Standard CAN/CSA-140.0-M87: General Requirements for Oil Burning Equipment.

175. Threaded joints in piping for petroleum products shall be made

(1) using a joint compound that conforms to Underwriters’ Laboratories of Canada Standard ULC-C340: Standard for the Testing of Pipe Joint Compounds; or

(2) with polytetrafluoroethylene tape that conforms to Underwriters’ Laboratories of Canada Standard ULC-C1321: Guide for the Investigation of Seal Materials—Polytetrafluoroethylene Plastic Tape.

176. Welding of piping for petroleum products shall conform to one of the following standards:

(1) American Petroleum Institute Standard API-1104: Standard for Welding Pipelines and Related Facilities; or to

(2) American Petroleum Institute Standard API-1107: Recommended Pipeline Maintenance Welding Practices.

177. Except in the case of marine pipe lines serving a marine bulk-storage plant, any installation constructed after 19 May 1984 shall have separate pipe lines for

- (1) unleaded regular or premium gasoline;
- (2) leaded regular gasoline;
- (3) Class 1 petroleum products other than gasoline;
- (4) Class 2 petroleum products; and
- (5) Class 3 petroleum products.

178. All aboveground or underground metallic piping, couplings, flanges and bolts for flammable or combustible liquids shall be protected against external corrosion.

Installation of underground piping

179. A double-wall piping shall be made up of piping complying with the requirements of sections 173, 174, 199 and 200 and shall be installed inside other piping complying with sections 173, 174 or 199, or complying with the requirements of Underwriters' Laboratories of Canada Standard ULC/ORD-C107.19-1992: Secondary Containment of Underground Piping for Flammable and Combustible Liquids.

In a Class A site, the double-wall piping shall have an automatic leak detection system equipped with a visual and audible alarm and shall be manufactured in accordance with Underwriters' Laboratories of Canada Standard ULC/ORD-C107.12-1993: Line Leak Detection Devices—Flammable Liquid Piping or with Underwriters' Laboratories of Canada Standard ULC/ORD-C58.14-1992: Nonvolumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks.

Notwithstanding the foregoing, vent line piping need not be double-wall piping.

180. Metallic and non-metallic piping shall be approved by Underwriters' Laboratories of Canada or by the Canadian Standards Association and shall be installed in accordance with the manufacturer's instructions.

If the piping has not been approved in compliance with the first paragraph, the piping connecting a drain collector to a separator or interceptor tank shall be made of a material unaffected by petroleum products and able to withstand a leak test of 20 kilopascals.

181. In all piping at the tank except piping that is vertical above its point of connection to the tank, swing joints or approved underground flexible connectors shall be used.

A swing joint or flexible connector shall also be installed at the base of each dispenser and at the connection of a submerged pump and with the vertical portion of a vent.

Notwithstanding the foregoing, a swing joint is not compulsory where piping is flexible.

182. All the piping supplied by an underground tank shall be connected at the top of the tank, be free of pockets or traps allowing liquids to accumulate, and a minimum slope of 1 % towards the tank shall be maintained.

183. Piping passing through concrete shall be placed in a sleeve to allow for expansion.

184. Piping shall be backfilled with one of the following materials:

- (1) clean or natural stoneless sand compacted mechanically on site in the case of steel piping;
- (2) crushed stone or pea gravel in the case of fibreglass piping; or
- (3) according to the manufacturer's recommendations in the case of flexible piping.

Steel piping running above a fibreglass tank shall be coated with a protective anti-corrosive material.

185. Piping shall be backfilled with a material mentioned in section 184 in such manner that

- (1) the piping is bedded on at least 150 millimetres of backfill;
- (2) there is at least 150 millimetres measured horizontally of backfill between the piping and the excavation wall;
- (3) the backfill between two pipes is at least twice as thick as the nominal diameter of the largest pipe; and

(4) the backfill above the piping is at least 450 millimetres deep including the finishing grade layer.

186. Where all the piping is ready to be connected to a tank, it shall be subject to a leak test according to sections 187 and 188.

187. The leak testing of the inner wall of double-wall piping or of single-wall piping shall be conducted as follows:

(1) the ends of the pipes shall be hermetically plugged;

(2) the pressure shall be measured using a pressure gauge calibrated in units of not more than 10 kilopascals;

(3) air or nitrogen hydrostatic pressure, of not less than 350 kilopascals and not more than 700 kilopascals shall be applied. Notwithstanding the foregoing, the suction pipes of the piping conveying heating oil or fuel intended to supply an electricity generating system and covered by Standards Council of Canada Standard CAN/CSA-B139-M91: Installation Code for Oil Burning Equipment may be vacuum tested under at least 68 kilopascals; and

(4) each connection and all pipe surfaces shall be tested for leaks, using leak detection fluid.

Once the temperature has been stabilized and the pressure source removed, the pressure applied shall be maintained for at least one hour.

Notwithstanding the foregoing, where the installation of the inner wall of double-wall piping makes it impossible to test all pipe surfaces as required under subparagraph 4 of the first paragraph, only accessible parts shall be tested using leak detection fluid.

Where piping is designed to be exclusively used in suction, it shall be leak tested according to the manufacturer's recommendations.

188. The outer wall of double-wall piping shall be leak tested according to the manufacturer's recommendations.

189. Once the tests prescribed in section 186 have been conducted and the piping has been connected to the tank, the connections of single-wall piping or the connections of the inner wall of double-wall piping that have not been tested shall be air leak tested in accordance with section 190 or shall be nitrogen leak tested.

The test shall be conducted as follows:

(1) a safety valve of not more than 40 kilopascals capable of evacuating the flow from the pressure source shall be installed and inspected before each test;

(2) the pressure shall be measured using a pressure gauge calibrated in units of not more than one kilopascal;

(3) a pressure of not less than 30 kilopascals and not more than 35 kilopascals shall be applied over the entire installation; and

(4) using leak detection fluid, all the connections between the tank and piping shall be tested for leaks while the entire installation is under pressure.

Once the temperature has been stabilized and the pressure source removed, the pressure shall be maintained for at least one hour.

190. Air may be used only in a leak test for equipment that has never contained a petroleum product or that has been purged of all petroleum product vapour.

191. Where a leak test reveals leakage, all connections between the tank and the piping shall be reworked and the entire installation subjected to another leak test.

Metallic piping

192. During work to install, repair, alter or add metallic valves, piping or connections, new parts shall be used and shall be protected against corrosion in accordance with Appendix B of Standards Council of Canada Standard CAN/ULC-S603.1-92.

A cathodic protection system shall also be used where such work entails the use of galvanized steel piping.

Corrosion protection is not required if the piping is installed in a designated location for a period of less than two years.

193. Metallic piping shall be installed with at least 2 000 kilopascal resistance screwed fittings or Schedule 40 welded fittings.

194. A coupler shall be a 2 000 kilopascal coupler designed for petroleum products.

195. A swing joint for threaded steel piping shall have two 90° elbows and a nipple. A swing joint comprising

- (1) a male-female elbow;
- (2) a close fully-threaded nipple; or
- (3) a 45° elbow

shall not be used.

196. Piping shall not have tightened end joints or fully threaded joints.

197. Joint threads shall be made tight with a thread sealant resistant to petroleum products and that has been approved by Underwriters' Laboratories of Canada or by the Canadian Standards Association.

198. Galvanized piping shall not be welded.

Non-metallic piping

199. Fibreglass piping shall meet the requirements of Underwriters' Laboratories of Canada Standard ULC/ORD-C107.7-1993: Glass Fibre Reinforced Plastic Pipe and Fittings for Flammable Liquids.

200. Flexible piping shall meet the requirements of Underwriters' Laboratories of Canada Standard ULC/ORD-C107.4-1992: Ducted Flexible Underground Piping Systems Flammable and Combustible Liquids.

201. Non-metallic piping shall be underground.

202. A swing joint for rigid non-metallic piping may have a 90° elbow that can be connected to the system for unloading the product, connected to a 1.5 metre-long non-metallic nipple connected to another 90° elbow in turn connected to non-metallic piping at least 1.5 metres in length.

The abovementioned swing joint may not be used at the base of a dispenser.

Vents

203. Every tank shall be individually vented.

204. A vent on a Class 1 petroleum products tank shall have a weather-proof hood and a flame arrester.

The hood shall not create additional resistance to the passage of gases.

205. A vent on a Class 2 petroleum products tank shall have at least one weather-proof hood.

206. A vent shall also be located on the outside of a building so that escaping vapours cannot enter the building.

207. A vent pipe shall be installed with a minimum slope of 1 % towards the tank.

208. The aboveground portion of a vent shall be fixed in such a manner that it is protected from vehicle impact.

208.1. A vent pipe shall be higher than a fill pipe, not less than 3.5 metres above ground level for a motor fuel tank, not less than 2 metres for a tank containing other products, not less than 1.5 metres measured horizontally from any building opening for a motor fuel tank or 600 millimetres for a tank containing other products, and shall terminate in open air in such a manner that flammable vapour cannot be drawn into buildings through openings or accumulate next to buildings.

The end of a vent pipe of an underground gasoline tank shall be located at least 7.5 metres measured horizontally from any dispenser.

Underground tank vents

208.2. An underground tank shall be equipped with vent openings and piping having a cross-sectional area sufficient to vent the tank during the maximum filling or withdrawal rate without causing the allowable stress for the tank to be exceeded.

208.3. An air vent shall not extend into an underground tank more than 25 millimetres except where the vent is equipped with a vent alarm.

208.4. The minimum diameter of a vent shall conform to the following table where the vent pipe does not have more than seven elbows:

TABLE OF VENT DIAMETERS (in millimetres)

Maximum Flow Rate (litres/minute)	Pipe Length		
	15 metres	30 metres	60 metres
380	32	32	32
760	32	32	32
1 140	32	32	38
1 520	32	38	50
1 900	32	38	50
2 280	38	50	50
2 660	50	50	50
3 040	50	50	75
3 420	50	50	75
3 800	50	50	75

N.B. The size of a vent is based on the highest filling or emptying flow rate.

A vent pipe having more than seven elbows shall be of a diameter greater than the minimum indicated in the table.

208.5. An underground tank vent shall have a vertical pipe extending not less than 3.5 metres above ground level.

Aboveground tank vents

208.6. Aboveground tanks installed after 11 July 1991 shall have both normal venting and safety venting that conform to American Petroleum Institute Standard API-2000: Venting Atmospheric and Low Pressure Storage Tanks, or to a tank construction standard mentioned in section 133.”.

49. The second paragraph of section 211 is deleted.

50. Section 233 is amended by substituting the word “aboveground” for the word “overhead”.

51. The following is substituted for the second paragraph of section 254:

“The first paragraph applies from 1 January 2000 to any underground storage system already installed in the case of an operator who held or should have held a permit under the Act respecting the use of petroleum products at the time of the coming into force of the Act respecting petroleum products and equipment, and from 1 January 2001 for a user who held or should have held a registration certificate under the Act respecting the use of petroleum products at the time of the coming into force of the Act respecting petroleum products and equipment, but does not require the replacement of overfill protection and spill containment devices already installed.”.

52. The Regulation is amended by substituting the word and number “**DIVISION 5**” for the word and number “**DIVISION 5.1**” preceding the heading “**REMOVAL OF UNDERGROUND TANKS AND THEIR PIPING**”.

53. Section 260.1 is amended

(1) by substituting the following for the first paragraph:

“An operator who held or should have held a permit under the Act respecting the use of petroleum products, as well as any owner of high-risk steel petroleum equipment that is not protected against corrosion according to section 122 at the time of the coming into force of the Act respecting petroleum products and equipment shall remove it from the ground before”;

(2) by substituting the words “cet exploitant ou ce propriétaire” for the words “l’exploitant ou le propriétaire” in subparagraph 5 of the first paragraph in the French text;

(3) by substituting the word and number “section 122” for the word and number “section 97” in subparagraph 5 of the first paragraph;

(4) by substituting the words “cet exploitant ou ce propriétaire” for the words “l’exploitant ou le propriétaire” in the second paragraph in the French text; and

(5) by substituting the words and numbers “subparagraphs 2, 3, 4 or 5” for the words and numbers “subparagraphs 2, 3 or 4”.

54. Section 260.2 is amended

(1) by substituting the following for the first paragraph:

“A user who held a or should have held a registration certificate under the Act respecting the use of petroleum products, as well as any owner of high-risk steel petroleum equipment that is not protected against corrosion according to section 122 at the time of the coming into force of the Act respecting petroleum products and equipment shall remove it from the ground before”;

(2) by substituting the words “cet utilisateur ou ce propriétaire” for the words “l’utilisateur ou le propriétaire” in subparagraph 5 of the first paragraph in the French text;

(3) by substituting the word and number “section 122” for the word and number “section 97” in subparagraph 5 of the first paragraph;

(4) by substituting the words “cet utilisateur ou ce propriétaire” for the words “l’utilisateur ou le propriétaire” in the second paragraph in the French text;

(5) by substituting the words and numbers “subparagraphs 2, 3, 4 or 5” for the words and numbers “subparagraphs 2, 3 or 4” in the second paragraph; and

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

“The owner of a tank that was not registered under the Act respecting the use of petroleum products who uses high-risk steel petroleum equipment that is not protected against corrosion according to paragraph 1 of section 96 and section 122 and that contains oil that was used in a

motor vehicle or in hydraulic equipment shall remove it from the ground before 1 January 2001.”.

55. Section 260.3 is amended by substituting the following for the first paragraph:

“Where an underground tank must be replaced or where cathodic protection is added thereto, all steel piping that is not protected against corrosion and is connected thereto shall be removed from the ground. Notwithstanding the foregoing, the owner, operator or user who held a permit or a registration certificate under the Act respecting the use of petroleum products at the time of the coming into force of the Act respecting petroleum products and equipment is not required to remove piping from the ground if a leak detection test complying with section 269 shows that it is impervious and if he protects it in accordance with the PACE-87-1 method of the Petroleum Association for Conservation of the Canadian Environment.”.

56. The following is substituted for the second paragraph of section 262:

“Where moving the component is not feasible, repairs may be made on site so long as all appropriate safety precautions are taken.”.

57. Section 263 is revoked.

58. Section 265 is revoked.

59. The Regulation is amended by inserting the heading “Leak detection test” after section 266.

60. The following is substituted for section 267:

“**267.** Where a leak is suspected in a tank or in its lines, the permit holder shall submit the petroleum equipment to a level 1 or level 2 leak detection test or to a test described in section 269.”.

61. Section 268 is revoked.

62. The following is substituted for section 269:

“**269.** The leak detection test prescribed in section 267 shall be hydrostatic or vacuum conducted following a method capable of detecting leaks of 1.2 litres per hour with a 95 % probable success rate and a margin of error of no more than 5 %, or any other test that meets the objectives of level 1 and level 2 tests with the exception of pneumatic tests with inert gas in the case of tanks and to the exclusion of observation well surveillance systems. The methods shall be methods accepted by Underwriters’ Laboratories of Canada, by Midwest Research Institute, by Vista Research Inc. or Ken Wilcox Associ-

ates Inc., in accordance with “Standard Test Procedures for Evaluating Leak Detection Methods: Volumetric Tank Tightness Testing Methods” or “Standard Test Procedures for Evaluating Leak Detection Methods: Statistical Inventory Reconciliation Methods”.”.

63. Section 270 is revoked.

64. The following is substituted for section 271:

“**271.** The results of the leak detection tests conducted according to section 269 shall be recorded in the register of the permit holder.”.

65. Section 272 is amended

(1) by substituting the words “leak detection test” for the words “test results”;

(2) by substituting the words “leak detection test” for the words “pressure test”.

66. Chapter 4 of the Regulation is amended by substituting the following for the heading: “STANDARDS APPLYING TO MOTOR FUEL DISPENSING OUTLETS AND SERVICE CENTRES”.

67. The following is substituted for section 274:

“**274.** “Motor fuel dispensing outlet and service centre” means a

“airport outlet”: a petroleum products dispensing outlet where the product is dispensed to aircraft; (*poste d’aéroport*)

“gas station”: a petroleum products dispensing outlet where the product is dispensed to road vehicles but where no vehicle servicing is available; (*poste d’essence*)

“marine outlet”: a petroleum products dispensing outlet where the product is dispensed to motor boats; (*poste de marina*)

“self-serve facility”: a petroleum products dispensing outlet where the consumer fills his motor vehicle with the product under the surveillance of the permit holder; (*libre-service avec surveillance*)

“service centre”: a site where the fuel system is serviced and where lubricating oil is changed; (*atelier de mécanique*)

“service station”: a petroleum products dispensing outlet where the permit holder dispenses petroleum products to road vehicles and where vehicle servicing is available; (*station-service*)

“unattended self-serve facility”: a petroleum products dispensing outlet for commercial vehicles where the consumer fills his own vehicle with the product without the permit holder in attendance; (*libre-service sans surveillance*)

“user outlet”: a petroleum products dispensing outlet for the exclusive use of the user, either with service, as a self-serve or unattended self-serve outlet, and with or without a service centre; (*poste d'utilisateur*).”

68. Section 275 is revoked.

69. Section 276 is amended by striking out “retailer’s” in the second paragraph.

70. Section 279 is revoked.

71. The headings preceding sections 282, 283 and 287, as well as sections 282 to 288 are revoked.

72. The following is substituted for section 289:

“**289.** Petroleum equipment may be used only if two extinguishers suitable for extinguishing petroleum product fires are kept on the premises.”

73. The following is substituted for section 291:

“**291.** Petroleum equipment may be used only if there is oil-absorbent material on the premises.”

74. The heading preceding section 293 and section 293 are revoked.

75. Section 296 is revoked.

76. Section 297 is amended by striking out the words “In each facility.”

77. The heading preceding section 298 and sections 298, 299 and 300 are revoked.

78. Section 302 is amended by substituting the number “65 000” for the number “50 000”.

79. Section 309 is amended by substituting the following for the third paragraph:

“The second paragraph applies to any pump island already built on 29 February 1996 from 1 January 2000 for an operator who held or should have held a permit under the Act respecting the use of petroleum products at the time of the coming into force of the Act respecting petroleum products and equipment or from 1 January 2001 for a user who held or should have held a registra-

tion certificate under the Act respecting the use of petroleum products at the time of the coming into force of the Act respecting petroleum products and equipment and does not apply to collector boxes already installed.”

80. Section 310 is amended by substituting the following for the third paragraph:

“The preceding paragraphs apply from 1 January 2000 to the fuelling area manufactured before 11 July 1991 of an operator who held or should have held a permit under the Act respecting the use of petroleum products at the time of the coming into force of the Act respecting petroleum products and equipment, and from 1 January 2001 to tanks having a capacity of more than 2 500 litres of a user who held or should have held a registration certificate under the Act respecting the use of petroleum products at the time of the coming into force of the Act respecting petroleum products and equipment.”

81. Section 312 is amended by substituting the word “site” for the word “facility” in the first paragraph.

82. Section 314 is amended by substituting the words “the owner” for the words “an operator”.

83. Section 317.2 is revoked.

84. Section 320 is amended

(1) by substituting the words “The permit holder” for the words “The owner, user and operator” in the second paragraph;

(2) by deleting the third paragraph.

85. Section 321 is amended by substituting the words “liquid tight casing and resistant to petroleum products” for the words “metal or concrete casing or in a casing made of a combination of both materials”.

86. Section 323 is amended by

(1) by substituting the word “outlet” for “facility”;

(2) by deleting the third paragraph.

87. The following is substituted for section 324:

“**324.** It is prohibited to use a dispensing nozzle equipped with a latch-open device at an airport outlet or a marine outlet.”

88. Section 325 is amended by substituting the words “permit holder” for the words “holder of a retailer’s permit for motor fuel and lubricants” in the second paragraph.

89. Section 330 is amended by substituting the words “building located on the site” for the words “facility’s building”.

90. Section 348 is amended by substituting the number “66.11” for the number “74”.

91. Section 356 is amended

(1) by substituting the number “66.11” for the number “74”;

(2) by striking the word and number “and 367”.

92. Section 366 is amended by substituting the word “outlet” for the word “facility”.

93. Section 367 is revoked.

94. Section 373 is amended by substituting the number “317.1” for the number “319”.

95. The Regulation is amended by inserting the following after section 380:

“**380.1.** Where an installation includes storage tanks for aviation fuel of different classes, dispensers shall be equipped with an overflowing selective nozzle spout in accordance with Standard SAE SPEC. AS 1852.

380.2. In airport outlets:

(1) fuelling shall be carried out according to Standard AK-66-06-400, Section 7.03 of the Transport Canada Manual, as it read in April 1990;

(2) fuelling during a thunderstorm shall be carried out according to Standard AK-66-06-400, Section 7.03 of the Transport Canada Manual, as it read in April 1990;

(3) fuelling from containers of a capacity between 200 and 250 litres shall be carried out according to Standard AK-66-06-399, Appendix B of the Transport Canada Manual, as it read in April 1990;

(4) fuelling from two tank trucks is prohibited.”.

96. Section 383 is revoked.

97. The following is substituted for section 384:

“**384.** When receiving petroleum products, the products must be left to settle at least ten minutes in the delivery tank. Afterwards, a sample of not less than five litres shall be taken from the lowest point of each com-

partment of the delivery tank and shall meet the visual and density tests described in the second paragraph before it is transferred to the storage tanks.

The sample shall be visually examined by a qualified person and it shall be subjected to a density test, where it has been subjected to a change of more than 4 kg/m³. The delivery of the product shall be interrupted as long as the reason of the change of density has not been determined and the observations shall be entered in the register of operations.”.

98. The following is substituted for section 385:

“**385.** Tank fill lines shall have line strainers fitted with No. 40 mesh baskets or equivalent to No. 40. A line strainer with a No. 60 mesh basket shall be installed on the upstream side of each meter, each pump and each piece of equipment requiring a line strainer.”.

99. The following is substituted for section 386:

“**386.** Aviation fuel dispensing systems shall have a filtering system comprising one or several of the following elements:

(1) a micronic particle filter (five microns);

(2) a 15 P.P.M. water separator filter; and

(3) a filter monitor.”.

100. Section 387 is amended by striking out the words “of the facility”.

101. The following is substituted for section 391:

“**391.** An attendant dispensing aviation fuel shall ensure that while fuelling, the operations are carried out in accordance with Standard NFPA 407: Standard for Aircraft Fuel Servicing - 1996 Edition.”.

102. Sections 392 and 393 are revoked.

103. Section 395 is amended by substituting the word “outlet” for the word “facility”.

104. The following is substituted for section 396:

“**396.** Piping shall be marked in accordance with American Petroleum Institute Bulletin No. 1542: Airport Equipment Marking for Fuel Identification, Sixth Edition, November 1996.

The permit holder shall visually inspect piping used for the transfer of aviation fuel each month and shall

annually carry out a hydrostatic test, at a minimum pressure of one and one half times its normal operating pressure.”.

105. Section 402 is revoked.

106. Division 8 of Chapter 4 comprising sections 404.1 and 404.2 is revoked.

107. Chapter 5 comprising sections 413, 414, 415, 416, 417, 418, 419 and 420 is revoked.

108. Section 428 is amended by striking out the words “in the facility”.

109. Section 443 is revoked.

110. The heading preceding section 454 and sections 454, 455 and 456 are revoked.

111. The following is substituted for section 457:

“**457.** Before beginning to transfer a petroleum product, the permit holder or the person at the controls shall ensure that the receiving tank can hold the volume intended for it and that the grounding device of the delivery vehicle’s cargo tank is connected and that so is the ground device of the tank in the case of an aboveground tank.”.

112. Section 458 is amended by substituting the words “the permit holder or the person at the controls” for the words “an operator or user”.

113. Section 461 is amended by striking out the words “d’utilisation” in paragraph 2 in the French text.

114. The heading preceding section 465 and sections 465 to 469 are revoked.

115. The following heading is substituted for the heading preceding section 483: “Public access”.

116. The following is substituted for section 484:

“**484.** No product other than a petroleum product or petroleum product additive shall be stored in a tank covered by the permit.”.

117. The following heading is substituted for the heading of Chapter 7: “STANDARDS APPLYING TO PETROLEUM PRODUCT DELIVERY”.

118. Sections 489, 491, 492, 496 and 500 are revoked.

119. The Regulation is amended by inserting the heading “Use of a tank truck” before section 504.

120. The heading preceding section 507 and section 507 are revoked.

121. The Regulation is amended by inserting the following after section 510:

“**510.1.** Before each delivery, the person who delivers petroleum products shall ensure that the fill pipe of a customer’s installation is clearly marked where there is more than one fill pipe. In the event it is not identified, he shall refuse to make the delivery.”.

122. Section 511 is amended by substituting the words “if accessible or” for the word “to” in the first paragraph.

123. The Regulation is amended by inserting the following after section 511:

“**511.1.** Where an installation is not equipped with an overflow alarm, the person who delivers petroleum products shall satisfy himself that the customer’s tank can accept the quantity of heating oil to be delivered.”.

124. The Regulation is amended by inserting the following after section 513:

“**513.1.** The person who delivers petroleum products shall interrupt delivery and shall notify the customer in the event he finds the installation to be defective or that the product has overflowed.”.

125. The heading preceding section 518 and sections 518, 519 and 520 are revoked.

126. Section 527 is amended by striking out the words and number “Notwithstanding section 496,” in the third paragraph.

127. Sections 529, 530 and 531 are revoked.

128. The words “de stockage”, “stockage”, “le stockage”, “stocké”, “stocker” and “au stockage” are substituted for the words “d’entreposage”, “entreposage”, “l’entreposage”, “entreposé”, “entreposer” and “à l’entreposage” wherever they occur in the headings preceding sections 80, 128, 165, 304 and 335 and in sections 1, 18, 80 to 83, 87, 125, 126, 128, 129, 131, 155, 165, 167, 218, 254, 262, 303, 304, 335, 336, 375, 376, 381, 394, 434, 512 and 526 in the French text.

129. The words “permit holder” are substituted for the words “owner”, “owner or operator”, “of the opera-

tor”, “owner, operator or user”, “operator or user”, “operator, user or attendant” wherever they occur in sections 20, 67 to 70, 128, 129, 130, 130.2, 142, 165, 167, 168, 257, 258, 273, 288, 351, 354 to 356, 389, 423 to 426, 464, 470, 478, 481 and 482.

130. The words “hors sol” are substituted for the words “de surface” and “en surface” wherever they occur in the headings preceding sections 137, 165, 209, 214, 216, 221, 224, 235 and 244 and in sections 83, 133 to 135, 137, 137.1, 138, 139, 144, 145, 149, 161, 165, 167, 170, 209 to 211, 213, 243, 252, 266, 280, 304, 365, 371, 382, 422, 427, 428, 479 and 480 in the French text.

131. The words “on the site”, “site” and “of the site” are substituted for the words “in the facility”, “facility” and “of the facility” wherever they occur in sections 1, 20, 131, 292, 308 and 482.

132. The words “of a property” or “of the property” are substituted for the words “of a facility” or “of the facility” wherever they occur in section 308; the words “facility’s” and “of the facility” are struck out in sections 308, 359 and 449.

133. The word “designated” is substituted for the word “isolated” in sections 1, 137.1 and 167; the word “désigné” is substituted for the word “isolé” in section 461 in the French text.

134. The word “manufactured” is substituted for the words “constructed” and “built” wherever they occur in sections 99, 110.4, 125, 133, 217, 309 and 453.

135. The words “controls operator” are substituted for the word “attendant” wherever they occur in sections 305 and 391; the words “à l’opérateur”, “de l’opérateur” et “l’opérateur” are respectively substituted for the words “au préposé”, “du préposé au contrôle” and “le préposé au contrôle” in sections 345 to 348, 350, 352 and 354 in the French text.

136. The heading of Schedule 1 is amended by inserting the words “AND SAFETY” after the word “QUALITY”.

137. Schedules 2 to 6 are revoked.

138. Schedule 7 is amended by substituting the words “conduct a leak detection test” for the word “test” in paragraphs 3 and 4 of section 3.

139. Schedule 9 is revoked.

140. Chapter 2.1, introduced by section 10 of this Regulation, comes into force on the fifteenth day following the date of its publication in the *Gazette officielle*

du Québec. Sections 1 to 9, Chapter 2, Chapter 2.2 and Division 2 of Chapter 2.3 enacted by section 10 as well as sections 11 to 139 of this Regulation come into force on 30 April 1999. Division 1 of Chapter 2.3 introduced by section 10 comes into force on 1 July 1999.

2696

Gouvernement du Québec

O.C. 160-99, 24 February 1999

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

Road vehicle registration — Amendments

Regulation to amend the Regulation respecting road vehicle registration

WHEREAS under paragraph 2 of section 618 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may, by regulation, determine in which cases and subject to what conditions the Société may issue one or more of the following documents: a registration certificate, registration plate, validation sticker, temporary registration certificate or detachable registration plate;

WHEREAS under paragraph 4 of section 618 of the Code, the Government may, by regulation, determine the information which must appear on each of the following documents: the registration certificate, registration plate, validation sticker, identification sticker, temporary registration certificate or detachable registration plate, and determine their respective periods of validity;

WHEREAS under paragraph 8 of section 618 of the Code, the Government may, by regulation, prescribe the classes of road vehicles for which registration may be effected under section 10.2;

WHEREAS under paragraph 12 of section 618 of the Code, the Government may define, by regulation, with respect to registration, classes and sub-classes of road vehicles other than those established under this Code;

WHEREAS under paragraph 13 of section 618 of the Code, the Government may, by regulation, determine classes of licence plates according to classes and sub-classes of road vehicles, use, the identity of the owner or according to the area where it is used and impose restrictions on vehicles bearing certain classes of licence plates;

WHEREAS under paragraph 13.1 of section 618 of the Code, the Government may, by regulation, establish

standards and prohibitions respecting the use and driving of road vehicles according to the class or sub-class of road vehicles to which they belong, their owner's identity, the territory where they are used or the class of registration plate they carry;

WHEREAS under section 619.1 of the Code, the Government may fix, by regulation, the duties exigible for obtaining the registration of a road vehicle and the duties exigible under section 31.1, on the basis of one or more of the following factors:

- (1) the class or sub-class of road vehicles to which the vehicle belongs;
- (2) its net mass;
- (3) its number of axles;
- (4) its use;
- (5) the professional activity, the legal personality or the identity of its owner;
- (6) the territory where it is used;

WHEREAS under subparagraph 1 of the first paragraph of section 619.3 of the Code, the Government may prescribe, by regulation, calculation methods for the duties exigible for obtaining the registration of a road vehicle on the basis of several factors, namely the time remaining between the date of registration and the date of the payment of annual duties;

WHEREAS under the second paragraph of section 619.3 of the Code, the calculation methods shall be based on the annual duties on the road vehicle fixed under section 619.1 which would be exigible under section 31.1 or on the monthly duties on the vehicle fixed by the Government, by regulation, on the basis of one or more of the factors prescribed in section 619.1;

WHEREAS the Government made the Regulation to amend the Regulation respecting road vehicle registration by Order in Council 1420-91 dated 16 October 1991 and it is expedient to amend it;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting road vehicle registration was published in Part 2 of the *Gazette officielle du Québec* dated 16 December 1998 with a notice that it could be made by the Government upon the expiry of 45 days following this publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting road vehicle registration;

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

THAT the Regulation to amend the Regulation respecting road vehicle registration, attached hereto, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting road vehicle registration*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 618, pars. 2, 4, 8, 12, 13, 13.1, and ss. 619.1 and 619.3, 1st par., subpar. 1 and 2nd par.)

1. Section 2 of the Regulation respecting road vehicle registration is amended

(1) by substituting the following for the definition of "truck":

““truck” means a road vehicle with a net weight of more than 3 000 kg designed solely for the transportation of goods or of machinery with which it is permanently equipped and goods; (*camion*)”;

(2) by deleting the definitions for “tow truck” and “special mobile equipment”;

(3) by substituting the following for the definition of commercial vehicle:

““commercial vehicle” means a motor vehicle, other than a bus, a minibus or a vehicle referred to paragraphs 2 to 11 of section 102, with a net weight of 3 000 kg or less that is owned by a legal person; (*véhicule commercial*)”; and

(4) by inserting the following after the definition of detachable axle:

* The Regulation respecting road vehicle registration, made by Order in Council 1420-91 dated 16 October 1991 (1991, *G.O.* 2, 4111), was last amended by the Regulation made by Order in Council 199-98 dated 17 February 1998 (1998, *G.O.* 2, 1208). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

“equipment transport vehicle” means a road vehicle with a net weight of more than 3 000 kg used solely for the transportation of machinery with which it is permanently equipped and its accessories. Emergency vehicles and vehicles that are used or can be used for the transportation of other goods are excluded from this definition; (*véhicule de transport d'équipement*”).

2. The following is substituted for section 28:

“**28.** No single trip certificate may be issued for a heavy vehicle unless the owner or the operator is registered with the Commission des transports du Québec in the Registre des propriétaires et des exploitants de véhicules lourds.”.

3. The following is substituted for section 29:

“**29.** A single trip certificate must bear the name, address and file number of the person to whom it was issued, identify the road vehicle to which it refers, the valid registration number and the validity period.”

The certificate must also bear the point of entry into Québec, the final destination of the persons or goods transported and the roads to be used, where the owner or operator is not subject to the International Fuel Tax Agreement.”.

4. Section 102 is amended

(1) by substituting the following for paragraphs 8 and 9:

“(8) tow trucks with a net weight of 3 000 kg or less;

(9) tow trucks with a net weight of more than 3 000 kg, used solely for towing a maximum of two road vehicles at a time;

(10) ambulances and hearses;

(11) equipment transport vehicles.”; and

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

“Equipment transport vehicles may tow trailers carrying only a lifting device or its accessories.”.

5. The following is substituted for section 106:

“**106.** The fees payable to retain the right to operate an ambulance, a hearse, a motor home, a tool vehicle, a winter tool vehicle or a tow truck used solely for towing a maximum of two road vehicles at a time, with a net weight of more than 3 000 kg but not exceeding 8 000 kg, are \$327 for each payment period.

The payment period referred to in the first paragraph is determined in accordance with sections 21, 23 and 24.”.

6. The following is substituted for section 107:

“**107.** The fees payable to retain the right to operate an ambulance, a hearse, a motor home, a tool vehicle, a winter tool vehicle or a tow truck used solely for towing a maximum of two road vehicles at a time, with a net weight or more than 8 000 kg but not exceeding 10 000 kg, are \$435 for each payment period.

The payment period referred to in the first paragraph is determined in accordance with sections 21, 23 and 24.”.

7. The following is substituted for section 108:

“**108.** The fees payable to retain the right to operate an ambulance, a hearse, a motor home, a tool vehicle, a winter tool vehicle or a tow truck used solely for towing a maximum of two road vehicles at a time, with a net weight or more than 10 000 kg, are \$570 for each payment period.

The payment period referred to in the first paragraph is determined in accordance with sections 21, 23 and 24.”.

8. The following is inserted after section 108:

“**108.1** The fees payable to retain the right to operate an equipment transport vehicle with a net weight of more than 3 000 kg but not exceeding 8 000 kg are \$502 for each payment period.

The payment period referred to in the first paragraph is determined in accordance with section 24.

108.2 The fees payable to retain the right to operate an equipment transport vehicle with a net weight of more than 8 000 kg but not exceeding 10 000 kg are \$610 for each payment period.

The payment period referred to in the first paragraph is determined in accordance with section 24.

108.3 The fees payable to retain the right to operate an equipment transport vehicle with a net weight of more than 10 000 kg are \$745 for each payment period.

The payment period referred to in the first paragraph is determined in accordance with section 24.”.

9. The following is substituted for section 110:

“**110.** The licence plate of a truck or of a farm vehicle with a net weight of more than 3 000 kg shall bear the prefix “L”.

However, the licence plate for a truck used to transport bulk material that requires a bulk trucking permit from the Commission des transports du Québec shall bear the prefix “VR”.

A registered road vehicle for which the fees are set under this Division, Division II of Chapter III, or under the terms of a reciprocal agreement between Québec and a government that grants the same right to a Québec owner or operator of heavy vehicles, may tow, in Québec, a trailer registered in Québec or elsewhere.”.

10. Section 149 is amended by substituting the following for paragraph 3:

“(3) trucks, equipment transport vehicles or tool vehicles belonging to the person in whose name registration is carried out.”.

11. The owner of a truck or tool vehicle who pays before 25 March 1999 the fees and insurance contribution due on 31 March 1999, in accordance with section 24 of the Regulation respecting road vehicle registration, shall remain registered in the same category of road vehicles until he pays the fees and insurance contribution due on 31 March 2000. Thereafter, he shall pay the fees and insurance contribution for the category to which his vehicle belongs, whether the truck, equipment transport vehicle or tool vehicle category, and shall have the registration information changed if his vehicle belongs to the equipment transport vehicle category.

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

2698

Gouvernement du Québec

O.C. 161-99, 24 February 1999

Automobile Insurance Act
(R.S.Q., c. A-25)

Insurance contributions
— **Amendments**

Regulation to amend the Regulation respecting insurance contributions

WHEREAS under section 151.1 of the Automobile Insurance Act (R.S.Q., c. A-25), the Société de l'assurance

automobile du Québec may fix, by regulation, after actuarial valuation, the insurance contribution exigible on obtaining the registration of a road vehicle and the contribution exigible pursuant to section 31.1 of the Highway Safety Code (R.S.Q., c. C-24.2), on the basis of one or more of the following factors:

- (1) the class or sub-class of road vehicles to which the vehicle belongs;
- (2) its net mass;
- (3) its number of axles;
- (4) its piston displacement;
- (5) its use;
- (6) the professional activity, the legal personality or the identify of its owner;
- (7) the territory where it is used;

WHEREAS under subparagraph 2 of the first paragraph of section 151.2 of that Act, the Société may prescribe, by regulation, calculation methods for the insurance contribution exigible upon the registration of a road vehicle on the basis of several factors, particularly the time remaining between the date of registration and the date of payment of the annual insurance contribution;

WHEREAS under the third paragraph of section 151.2 of that Act, the calculation methods for the insurance contribution exigible upon registration of a road vehicle must be based on the insurance contribution fixed under section 151.1 of the Act that would be eligible under section 31.1 of the Highway Safety Code in respect of the vehicle or on the monthly insurance contribution fixed by the Société, by regulation, by the Société in respect of the vehicle on the basis of one or more of the factors referred to in section 151.1 of that Act;

WHEREAS under section 197 of the Act, every regulation of the Société, except a regulation under paragraph *b* of section 195 of that Act, must be approved by the Government;

WHEREAS by Order in Council 1422-91 dated 16 October 1991, the Government approved the Regulation respecting insurance contributions and it is expedient to amend it;

WHEREAS at the meeting of the board of directors held on 15 September 1998, the Société adopted the Regulation to amend the Regulation respecting insurance contributions;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting insurance contributions was published in Part 2 of the *Gazette officielle du Québec* of 16 December 1998 with a notice that it could be submitted to the Government for approval upon 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 Transport:

THAT the Regulation to amend the Regulation respecting insurance contributions, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting insurance contributions*

Automobile Insurance Act
(R.S.Q., c. A-25, ss. 151.1 and 151.2, par. 2 of the first par., and the third par.)

1. Section 3 of the Regulation respecting insurance contributions is amended:

(1) by substituting the following for the definition of “truck”:

““truck” means a road vehicle having a net weight of more than 3,000 kg, built solely for the transportation of goods or of machinery with which it is permanently equipped and of goods (*camion*);”;

(2) by substituting the following for the definition of “tow truck”:

““tow truck” means a tow truck within the meaning of section 4 of the Highway Safety Code (R.S.Q., c. C-24.2; 1998, c. 40, s. 55) (*dépanneuse*);”;

(3) by substituting the following for the definition of “commercial vehicle”:

““commercial vehicle” means a motor vehicle, other than a bus, a minibus or a vehicle covered by paragraphs 2 to 10 of section 40, having a net weight of 3,000 kg or less and owned by a legal person (*véhicule commercial*);”;

(4) by inserting the following definition:

““equipment transport vehicle” means a road vehicle having a net weight of more than 3,000 kg that is used solely for the transportation of machinery with which it is permanently equipped and of its operating accessories. This definition does not cover emergency vehicles or vehicles that are or could be used to carry other goods (*véhicule de transport d'équipement*);”;

(5) by substituting the following for the definition of “special mobile equipment”:

““tool vehicle” means a tool vehicle within the meaning of section 4 of the Highway Safety Code (*véhicule-outil*);”.

2. Section 21 of the Regulation is amended by substituting the following for paragraphs 6 and 7:

“(6) a tow truck having a net weight of 3,000 kg or less;

(7) an ambulance and a hearse;

(8) a tow truck having a net weight over 3,000 kg that is used solely for the towing or moving of no more than two road vehicles;

(9) an equipment transport vehicle.”.

3. Section 40 of the is amended by substituting the following for paragraphs 7 and 8:

“(7) a tow truck having a net weight of 3,000 kg or less;

(8) an ambulance and a hearse;

(9) a tow truck having a net weight over 3,000 kg that is used solely for the towing or moving of no more than two road vehicles;

(10) an equipment transport vehicle.”.

4. The following is substituted for section 50:

“**50.** The insurance contribution payable to retain the right to operate an equipment transport vehicle, a tool vehicle, a winter tool vehicle or a snowblower whose

* The last amendment to the Regulation respecting insurance contributions, approved by Order in Council 1422-91 dated 16 October 1991 (1991, *G.O.* 2, 4159) was made by the Regulation approved by O.C. 1424-97 dated 29 October 1997 (1997, *G.O.* 2, 5451). For prior amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

owner is covered by any of paragraphs 1 to 8 of section 47 is \$122.94.”.

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

2699

Gouvernement du Québec

O.C. 162-99, 24 February 1999

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

Fees exigible — Amendment

Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects

WHEREAS under subparagraph 9 of the first paragraph of section 624 of the Highway Safety Code (R.S.Q., c. C-24.2), the Société de l'assurance automobile du Québec may by regulation determine, according to the various road vehicles that are subject to mechanical inspection, the amount of the fee exigible for the mechanical inspection performed by it;

WHEREAS under section 625 of the Code, every regulation made by the Société is subject to the approval of the Government;

WHEREAS by Order in Council 646-91 dated 8 May 1991, the Government approved the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects and it is expedient to amend it;

WHEREAS at the meeting of the board of directors held on 15 September 1998, the Société adopted the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects was published in Part 2 of the *Gazette officielle du Québec* of 16 December 1998 with a notice that it could be submitted to the Government for approval upon 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 Transport:

THAT the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 624, par. 9 of the first par.)

1. Section 5 of the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects is amended by substituting the following for subparagraph *c* of paragraph 2:

“(c) trucks and equipment transport vehicles as defined in the Regulation respecting road vehicle registration, as well as tool vehicles, that are designated by a peace officer under paragraph 10 of section 521 of the Highway Safety Code;”.

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

2700

* The last amendment to the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, approved by Order in Council 646-91 dated 8 May 1991 (1991, *G.O.* 2, 1695), was made by the regulation approved by O.C. 799-98 dated 10 June 1998 (1998, *G.O.* 2, 2224). For prior amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

M.O., 98023**Order of the Minister for Wildlife and Parks
dated 25 February 1999**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the establishment of the Rivière-Petit-Saguenay controlled zone

THE MINISTER FOR WILDLIFE AND PARKS,

CONSIDERING the establishment of the Rivière-Petit-Saguenay Wildlife Reserve under section 81.2 of the Wild-life Conservation Act (R.S.Q., c. C-61) made by the Regulation respecting the salmon river wildlife sanctuaries of Cap-Chat, Matane, Matapédia, Patapédia, Petite-Cascapédia, Petit-Saguenay, Port-Daniel, Ristigouche, Sainte-Anne et Saint-Jean (R.R.Q., 1981, c. C-61, r. 79);

CONSIDERING THAT the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) was substituted for the Wild-life Conservation Act;

CONSIDERING THAT under section 186 of the Act respecting the conservation and development of wildlife, every provision of a regulation, order in council or order made by the Government under the Wild-life Conservation Act continues to be in force to the extent that it is consistent with the Act;

CONSIDERING THAT under section 184 of the Act, the provisions of the Wild-life Conservation Act are replaced by the corresponding provisions of the Act respecting the conservation and development of wildlife;

CONSIDERING THAT under section 111 of the Act respecting the conservation and development of wildlife amended by section 18 of Chapter 29 of the Acts of 1998, the Minister for Wildlife and Parks may establish, after consultation with the Minister of Natural Resources, wildlife reserves on lands in the public domain and dedicate them to the conservation, development and utilization of wildlife;

CONSIDERING THAT under section 191.1 of the Act respecting the conservation and development of wildlife, amended by section 27 of Chapter 29 of the Acts of 1998, regulations made by the Government under section 111 of the Act before January 1, 1987 continue to be in force until, as of June 17, 1998, they are replaced or repealed by an order of the Minister;

CONSIDERING THAT under section 33 of the Act modifying the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29), every order in council made by the Government under sections 111 and 191.1 of the Act respecting the conservation and development of wildlife before June 17, 1998 continues to be in force until it is replaced or repealed by an order of the Minister;

CONSIDERING THAT under section 104 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by section 17 of Chapter 29 of the Acts of 1998, the Minister may establish, after consultation with the Minister of Natural Resources, controlled zones on lands in the public domain for the development, harvesting or conservation of wildlife or a species of wildlife;

CONSIDERING THAT it is expedient to establish the Rivière-Petit-Saguenay controlled zone for the development or conservation of the Atlantic salmon on the territory of the Rivière-Petit-Saguenay Wildlife Reserve;

CONSIDERING THAT the Minister of Natural Resources has been consulted on the issue;

ORDERS THE:

Establishment of the Rivière-Petit-Saguenay controlled zone, whose territory is described on the plan attached hereto;

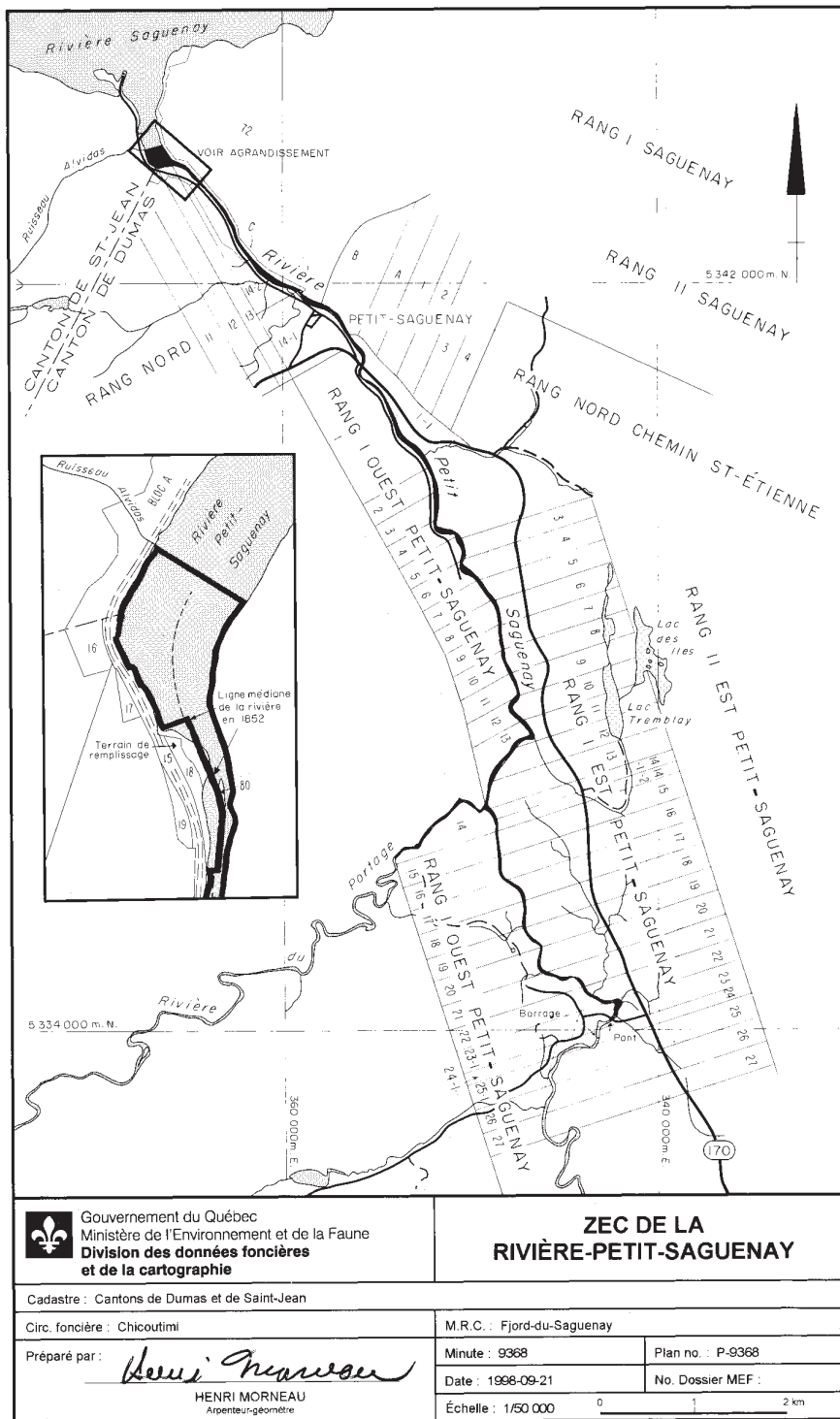
Repeal of subsection 1*h* and Schedule H of the Regulation respecting the salmon river wildlife sanctuaries of Cap-Chat, Matane, Matapédia, Patapédia, Petite-Cascapédia, Petit-Saguenay, Port-Daniel, Ristigouche, Sainte-Anne et Saint-Jean (R.R.Q., 1981, c. C-61, r. 79).

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

Québec, 25 February 1999

GUY CHEVRETTE,
Minister for Wildlife and Parks

SCHEDULE



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