

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

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PROVINCE OF QUÉBEC

1st SESSION

36th LEGISLATURE

QUÉBEC, 3 JUNE 1999

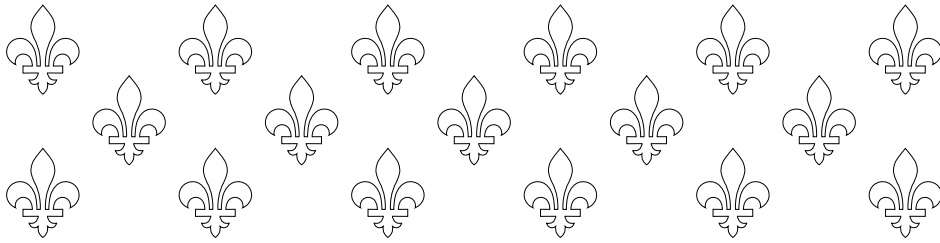
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 3 June 1999

This day, at six minutes past four o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to sanction the following bill:

201 An Act to amend the Act respecting the
Fédération des commissions scolaires du
Québec

To this bill the Royal assent was affixed by the Honourable the Administrator of Québec.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 201

(Private)

**An Act to amend the Act respecting
the Fédération des commissions
scolaires du Québec**

Introduced 23 March 1999

Passage in principle 2 June 1999

Passage 2 June 1999

Assented to 3 June 1999

**Québec Official Publisher
1999**

Bill 201

(Private)

AN ACT TO AMEND THE ACT RESPECTING THE FÉDÉRATION DES COMMISSIONS SCOLAIRES DU QUÉBEC

WHEREAS following the establishment of French and English language school boards, it is in the interest of the Fédération des commissions scolaires du Québec, incorporated by chapter 140 of the statutes of 1960-61, that certain amendments be made to that Act, in particular to the provisions relating to the designation of the board of directors, to those relating to the number of vice-chairmen and to the provision relating to the manner in which questions are decided;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 2 of the Act respecting the Fédération des commissions scolaires du Québec, chapter 140 of the statutes of 1960-61, amended by section 1 of chapter 102 of the statutes of 1969, section 1 of chapter 102 of the statutes of 1974 and section 1 of chapter 101 of the statutes of 1991, is again amended

(1) by replacing “board of directors” in paragraph 2 by “general board”;

(2) by replacing “or by the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14)” in paragraph 3 by “, by the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) or by the Act respecting the Commission scolaire du Littoral (1966-67, chapter 125)”;

(3) by striking out “and the members of the board of directors” in paragraph 4.

2. Section 9*b* of the said Act, enacted by section 1 of chapter 82 of the statutes of 1984 and amended by section 1 of chapter 119 of the statutes of 1997, is again amended

(1) by replacing “first and second vice-chairmen” in the first paragraph by “vice-chairman”;

(2) by replacing “vice-chairmen” in the third paragraph by “vice-chairman”;

(3) by replacing “board of directors” in the last paragraph by “general board”.

3. Section 10 of the said Act, enacted by section 5 of chapter 102 of the statutes of 1969 and amended by section 4 of chapter 102 of the statutes of 1974, is again amended

(1) by replacing “members of the board of directors and delegates of members” in the first paragraph by “delegates of the member school boards of the federation”;

(2) by replacing “first and second vice-chairmen” in the first paragraph by “vice-chairman”;

(3) by striking out the second paragraph.

4. Section 11 of the said Act, enacted by section 5 of chapter 102 of the statutes of 1974, is amended by replacing “board of directors” by “general board”.

5. Section 14 of the said Act, enacted by section 7 of chapter 102 of the statutes of 1974, is amended by replacing “first and the second vice-chairmen” by “vice-chairman”.

6. Section 15 of the said Act, enacted by section 8 of chapter 102 of the statutes of 1974, is amended

(1) by replacing “board of directors” by “general board”;

(2) by replacing “by the absolute majority of the votes cast and each delegate shall be entitled to one vote” by “in the manner determined by the general by-laws”.

7. This Act comes into force on 3 June 1999.

Coming into force of Acts

Gouvernement du Québec

O.C. 619-99, 2 June 1999

An Act to amend the Highway Safety Code and other legislative provisions (1996, c. 56) — Coming into force of certain provisions

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

WHEREAS the Act to amend the Highway Safety Code and other legislative provisions (1996, c. 56) was assented to on 23 December 1996;

WHEREAS under section 158 of that Act, its provisions came into force on 23 December 1996 except:

(1) sections 10, 11, 13 to 15, 22, 23, 25 to 27, 32 to 37, 42, 58, section 61 as regards sections 202.2, 202.3 and 202.8, section 62, paragraph 1 of section 115 as regards the reference to sections 203 to 205, sections 117, 120, paragraphs 1, 3 and 4 of section 133, paragraph 1 of section 138 and sections 151 to 155 which came into force on 30 June 1997;

(2) paragraphs 3 and 4 of section 2, paragraph 2 of section 5, sections 16 to 21, 30, 31, 38 to 41 and 54, paragraph 1 of section 55, sections 56, 57, 59 and 60, section 61 as regards sections 202.1 and 202.4 to 202.7, sections 65, 85, 116, 123 to 125, 128 to 132, paragraph 2 of section 133, sections 134, 135, 145 to 147 which came into force on 1 December 1997;

(3) sections 46, 51, 53, 82, 84, 93, 99 and 103, paragraph 1 of section 104, sections 106 to 108, 118, 119, 121, paragraph 6 of section 137, sections 149, 150 and 156 which came or will come into force on the date or dates fixed by the Government;

WHEREAS the coming into force of sections 46, 51 and 156 of that Act was fixed at 1 December 1997 by Order in Council 1421-97 dated 29 October 1997;

WHEREAS the coming into force of section 103, paragraph 1 of section 104 and sections 106 and 107 of that Act was fixed at 24 December 1998 by Order in Council 1482-98 dated 27 November 1998;

WHEREAS it is expedient to fix 1 July 1999 as the date of coming into force of sections 99 and 121 and paragraph 6 of section 137 of that Act;

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

THAT the provisions of sections 99 and 121 and paragraph 6 of section 137 of the Act to amend the Highway Safety Code and other legislative provisions (1996, c. 56) come into force on 1 July 1999.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

2881

Gouvernement du Québec

O.C. 620-99, 2 June 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 the 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 the word “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 at 21 July 1998 by Order in Council 985-98 dated 21 July 1998;

WHEREAS the coming into force of the provisions of paragraphs 9 and 10 of section 144 of that Act was fixed at 27 November 1998 and the coming into force of the provisions of sections 130, 131 and 132 of that Act was

fixed at 24 December 1998 by Order in Council 1481-98 dated 27 November 1998;

WHEREAS the coming into force of the provisions of the first and third paragraphs of section 15, the first paragraph of section 16 and sections 17 and 18 of that Act was fixed at 24 February 1999 by Order in Council 159-99 dated 24 February 1999;

WHEREAS the coming into force of the provisions of sections 5, 21, 50, paragraph 2 of section 55 as regards the definition of the word “heavy vehicle”, sections 56, 57, 60, 61, 63, 67, 70, 77, 80, 82, 84 to 86, 88 to 93, 95, 96, 98, 103, 107, 108, paragraph 1, except as regards the deletion of sections 413 and 471, and paragraph 3 of section 109, sections 111, 114, paragraphs 2 and 3 of section 124, section 127, paragraph 2 of section 128, sections 129, 133 to 140, 149, 151, 163 to 170 and 173 of that Act was fixed at 1 April 1999, the coming into force of the provisions of section 112 of that Act was fixed at 29 April 1999 and the coming into force of the provisions of the second paragraph of section 15, the second paragraph of section 16 and section 47 of that Act was fixed at 1 July 1999 by Order in Council 282-99 dated 24 March 1999;

WHEREAS it is expedient to fix 2 June 1999 as the date of coming into force of the provisions of section 83 and paragraphs 1 to 6, 11, 13 to 18, 20, 21 and 23 of section 144 of that Act;

WHEREAS it is expedient to fix 1 July 1999 as the date of coming into force of the provisions of sections 52, 53, 64, 68, 81, 99 to 102, 104 to 106, paragraph 2 of section 109, sections 118, 119, paragraph 1 of section 124, sections 141 to 143, paragraphs 19, 22 and 24 of section 144, section 145, paragraph 3 of section 150 and sections 152 and 153 of that Act;

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

THAT the provisions of section 83 and paragraphs 1 to 6, 11, 13 to 18, 20, 21 and 23 of section 144 of the Act respecting owners and operators of heavy vehicles (1998, c. 40) come into force on 2 June 1999;

THAT the provisions of sections 52, 53, 64, 68, 81, 99 to 102, 104 to 106, paragraph 2 of section 109, sections 118, 119, paragraph 1 of section 124, sections 141 to 143, paragraphs 19, 22 and 24 of section 144, section 145, paragraph 3 of section 150 and sections 152 and 153 of that Act come into force on 1 July 1999.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulations and other acts

Gouvernement du Québec

O.C. 621-99, 2 June 1999

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

Hours of driving and hours of service — Amendments

Regulation to amend the Regulation respecting hours of driving and hours of service

WHEREAS under paragraphs 12, 12.0.1, 12.0.2, 12.1, 12.2, 39, 39.1 and 42 of section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), amended by section 144 of Chapter 40 of the Statutes of 1998, the Government may make regulations respecting the matters stipulated therein;

WHEREAS by Order in Council 389-89 dated 15 March 1989, the Government made the Regulation respecting hours of driving and hours of service and it is expedient to amend it;

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 hours of driving and hours of service was published in Part 2 of the *Gazette officielle du Québec* of 24 March 1999 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting hours of driving and hours of service, with amendments;

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

THAT the Regulation to amend the Regulation respecting hours of driving and hours of service, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting hours of driving and hours of service*

Highway Safety Code

(R.S.Q., c. C-24.2, s. 519.7 and s. 621, pars. 12, 12.0.1, 12.0.2, 12.1, 12.2, 39, 39.1 and 42; 1998, c. 40, ss. 119 and 144)

1. The following is substituted for the title of the Regulation respecting hours of driving and hours of service:

“**Regulation respecting hours of driving, hours of work and the heavy vehicle driver’s record**”.

2. The following is substituted for section 1:

“**1.** This Regulation applies to heavy vehicles within the meaning of subparagraph 3 of the first paragraph of section 2 of the Act respecting owners and operators of heavy vehicles (1998, c. 40).

However, the following vehicles are exempt from the provisions of sections 519.9, 519.10, 519.12, 519.26 with respect to daily logs, of sections 519.22 to 519.26 of the Code and from the provisions of this Regulation:

(1) buses and minibuses used for urban transport under a contract with a public transport body, an intermunicipal transport commission, an intermunicipal board, a municipality or a group of municipalities;

(2) emergency vehicles;

(3) tow trucks used for emergency road service or for towing a maximum of two road vehicles at a time; and

(4) heavy vehicles that belong to a supplier of electricity or its subcontractor who is restoring electrical power; heavy vehicles used to drive back to the supplier’s or subcontractor’s place of business; in such instances, the driver shall provide a document attesting the reason for the trip upon request from a peace officer.”.

* The Regulation respecting hours of driving and hours of service was made by Order in Council 389-89 dated 15 March 1989 (1989, G.O. 2, 1531) and has not been amended since then.

3. The following is substituted for section 2:

“**2.** In this Regulation,

“home base” means the driver’s usual place of work or where the driver works for at least four consecutive days; (*port d’attache*)

“hours of driving” means the period of time during which the heavy vehicle is being driven; (*heures de conduite*)

“hours of work” means the period of time during which a driver is required by the operator or by the person offering the services of a driver to be on duty, including waiting and driving time; (*heures de travail*)

“off-duty hours” means any period during which the driver is not on duty; (*heures de repos*)

“sleeper compartment” means the cab compartment in which a permanent berth is installed for the driver or for the relief driver. (*couchette*)”.

4. Section 3 is amended by substituting the following for the fourth paragraph:

“Where the driver has one of the work cycles shown below, he may not drive if he has accumulated:

(1) 60 hours of work per period of 7 consecutive days;

(2) 70 hours of work per period of 8 consecutive days;

(3) 120 hours of work per period of 14 consecutive days; in that case, the driver must have had at least 24 consecutive hours of rest before he reaches a total of 75 hours of work.”.

5. Section 6 is amended by substituting the words “an operator” for “a carrier”.

6. Section 7 is amended by substituting the word “operator” for “carrier”.

7. Section 8 is amended by substituting the word “operator” for “carrier”.

8. The following is substituted for the heading of Chapter IV, after section 8:

“DAILY LOG”.

9. The following sections are substituted for sections 9, 10 and 11:

“**9.** The driver shall complete a daily log, made up of one original and a copy, on which he must enter:

(1) the current date;

(2) his name;

(3) the odometer reading upon departure and at the time the change of grid takes place as prescribed in the fourth paragraph, within the same shift;

(4) the distance driven during the period shown in the grid;

(5) the vehicle’s licence plate number or the unit number entered on the registration certificate;

(6) the operator’s name and main business address;

(7) the name of the relief driver;

(8) the time at the beginning of the 24-hour period, if it does not start at midnight; and

(9) the total hours for each item.

The information referred to in subparagraph 3 of the first paragraph shall be entered at the beginning of the shift and, where applicable, as soon as possible following a change of grid within the same shift.

The driver shall enter the information referred to in subparagraphs 1 and 2 and 5 to 8 of the first paragraph at the beginning of the shift. The driver shall enter the information referred to in subparagraphs 4 and 9 of the first paragraph at the end of the shift and sign the log.

The daily log shall also contain the following grid:

Use local time at home base

GRID DUTY STATUS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total hours
Off duty																									
Sleeper berth																									
Driving																									
On duty (not driving)																									
Notes																									

The driver shall enter the status in chronological order, as the changes take place.

In the "Notes", the driver shall indicate the location where each change in status took place and the number of hours of work during the 6, 7 or 13 days preceding the current date, depending on his work cycle, if he is exempt from completing the daily log during those days.

10. Notwithstanding section 9, the driver is exempt from completing the daily log if he travels within 160 km of his home base or if he returns within 15 hours.

An operator or any person who provides the services of a driver shall prepare a document on which is entered, each day, the beginning and end of the hours of work and the total number of hours of work.

11. The driver shall keep the daily log in the vehicle for 6, 7 or 13 days, in accordance with his work cycle, the daily log in progress and any documents concerning the trip, in particular, gas receipts, bill of lading and delivery slip."

10. Section 12 is amended

(1) by substituting the words "operator or to any person offering the services of a driver" for "carrier" and "daily log" for "register" in the first paragraph; and

(2) by substituting the words "operator or another person who offers the services of a driver" for "another

carrier" and "log to that operator or person" for "register to that carrier" in the second paragraph.

11. The following is substituted for section 13:

"**13.** The operator who hires a driver shall, at the time the driver begins work, obtain from the person offering the services of a driver and who must provide the documents, the daily log or the document stipulated in section 10 for the 6, 7 or 13 days prior to the current date, depending on the driver's work cycle."

12. The following is substituted for section 14:

"**14.** The driver may replace the daily log by a mechanical or electronic device to record his driving and hours of work, if the following conditions are complied with:

(1) the device automatically records the time, date and the vehicle's total travel time;

(2) the device records and indicates

(a) the hours of driving, hours of work and, as separate items, the off-duty hours, those in the sleeper berth and the chronological listing of these hours;

(b) the hours of work accumulated or remaining for the 6, 7, or 13 days prior to the current date, depending on the driver's work cycle; and

(c) the fact that it was turned off, if applicable; and

(3) the driver shall provide, at the request of an inspector or a peace officer, a printout of the daily logs for the current date and for the 6, 7 or 13 days prior to the current date, depending on the work cycle.”.

13. The Regulation is amended by adding the following division after section 14:

**“DIVISION V
DRIVER’S RECORD**

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

(1) a copy of the driver’s licence referred to in section 61 of the Code;

(2) the hiring date;

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

(4) if applicable, the driver’s signed statement referred to in section 519.7 of the Code, where the driver’s licence has been suspended, amended or cancelled; and

(5) the daily logs and the documents referred to in the second paragraph of sections 10 and 11.

However, where the driver’s services are leased by the operator, the latter shall record and keep for the said driver the documents referred to in subparagraphs 3 and 5 of the first paragraph.

14.2 The operator and the person offering the services of a driver shall keep the documents referred to in the first paragraph of section 14.1 for at least 12 months from one of the following dates:

(1) the date the driver’s contract ended, with respect to subparagraphs 1 to 3;

(2) the date on which the suspension, amendment or cancellation of the driver’s licence ends, with respect to subparagraph 4; and

(3) the date entered on the daily log or on the document referred to in subparagraph 5.”.

14. Division V of this Regulation, introduced by section 14, replaces section 1 of the Regulation respecting the registers and records of carriers made by Order in Council 147-91 dated 6 February 1991.

15. This Regulation comes into force on 1 July 1999.

2883

Gouvernement du Québec

O.C. 622-99, 2 June 1999

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

**Application of Title VIII.1 of the Code
— Exemptions**

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

WHEREAS under paragraph 42 of section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), amended by paragraph 20 of section 144 of Chapter 40 of the Statutes of 1998, the Government may by regulation determine, subject to the conditions it determines, the cases where a heavy vehicle is partially or totally exempt from the application of Title VIII.1 of the Code;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting exemptions from the application of Title VIII.1 of the Highway Safety Code was published in Part 2 of the *Gazette officielle du Québec* of 24 March 1999 with a notice that it could be submitted to the Government for adoption upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation respecting exemptions from the application of Title VIII.1 of the Highway Safety Code with amendments;

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

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

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

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

Highway Safety Code

(R.S.Q., c. C-24.2, s. 621, par. 42; 1998, c. 40, ss. 119 and 144, par. 20)

1. Unless otherwise indicated, a reference in this Regulation shall be read by taking into account any amendments that may be made to the text of the legislative and regulatory provisions to which reference is made.

2. The following heavy vehicles are exempt from the application of Title VIII.1 of the Highway Safety Code (R.S.Q., c. C-24.2):

(1) a heavy vehicle used during a disaster within the meaning of paragraph *d* of section 1 of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., c. P-38.1) and the vehicle used to return to the point of departure;

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

(3) a truck with two or three axles used mainly to transport raw farm, forest or fishing products, provided that the operator of the truck is also the producer and the truck used to return to the operator's premises after such transport; in the latter case, the truck shall be empty or transport products used in the exploitation of the farm, the forest or a natural body of water;

(4) a combination of road vehicles where the net mass of each vehicle in the combination is 3000 kg or less, provided that the length of the trailer or semi-trailer, including the coupling system, is 10 metres or less, except where the combination of vehicles is subject to the Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 dated 4 May 1988 and requires the display of safety marks in accordance with Division V of that Regulation;

(5) tool vehicles;

(6) a road vehicle subject to the Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 dated 4 May 1988, whose net mass is less than 3000 kg and that does not require the display of safety marks in accordance the Division V of that Regulation; and

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

3. This Regulation comes into force on 1 July 1999.

2884

Gouvernement du Québec

O.C. 623-99, 2 June 1999

Highway Safety Code

(R.S.Q., c. C-24.2)

Safety standards for road vehicles — Amendments

Regulation respecting safety standards for road vehicles

WHEREAS under paragraphs 1, 6 to 8, 11, 14, 24, 25, 28 to 32, 32.1 to 32.8, 37 to 40.1, 42 and 49 of section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), amended by section 144 of Chapter 40 of the Statutes of 1998, the Government may make regulations on the matters mentioned therein;

WHEREAS the Government made the Regulation respecting safety standards for road vehicles by Order in Council 1483-98 dated 27 November 1998;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting safety standards for road vehicles was published in Part 2 of the *Gazette officielle du Québec* of 24 March 1999 with a notice that it could be submitted to the Government for adoption upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting safety standards for road vehicles, with amendments;

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

THAT the Regulation to amend the Regulation respecting safety standards for road vehicles, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting safety standards for road vehicles*

Highway Safety Code

(R.S.Q., c. C-24.2, s. 621, pars. 1, 6 to 8, 11, 14, 24, 25, 28 to 32, 32.1 to 32.8, 37 to 40.1, 42 and 49, and s. 631; 1998, c. 40, s. 144)

1. Section 2 of the Regulation respecting safety standards for road vehicles is amended

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

“heavy truck” means a motor vehicle whose net weight is more than 3 000 kg and whose gross vehicle weight rating is 7 258 kg or more, with the exception of a motor home; (*poids lourd*);

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

“construction trailer” means a closed trailer used principally as an office, as a warehouse, or as sleeping or resting quarters and equipped with a drawbar but no kingpin; (*remorque de chantier*); and

(3) by deleting the definitions of “carrier”, “light emergency vehicle”, “medium-weight emergency vehicle”, “heavy emergency vehicle”, “medium-weight vehicle”, “light vehicle” and “heavy vehicle”.

2. Section 3 is amended by adding the following at the end of subparagraph *c* of paragraph 2: “, excluding road vehicles that were not designed to travel on public roads and for which the owner cannot obtain registration for travel on public roads”.

3. Section 6 is amended by adding “having a weight of 3 000 kg or less” at the end of paragraph 4.

4. Section 11 is amended by striking out “subject to mechanical inspection”.

5. The following is substituted for the heading of Chapter IV: “INSPECTION AND MAINTENANCE OF HEAVY VEHICLES AND KEEPING OF RECORDS UNDER TITLE VIII.1 OF THE CODE”.

6. Division I of Chapter IV is revoked.

7. The following is substituted for section 191:

“**191.** This Division does not apply to a fire department heavy vehicle owned by a municipality that is outside an urban community and that has a population of less than 25 000.”.

8. Section 192 is amended by substituting the following for the part preceding subparagraph 1 of the first paragraph:

“**192.** The pre-departure inspection of the mechanical condition of a heavy vehicle made under section 519.2 of the Code shall pertain to the following items, in accordance with the applicable safety standards below:”.

9. The following sections are substituted for sections 193 to 196:

“**193.** Every driver of a heavy vehicle shall inspect the vehicle immediately before the first departure of his shift.

Notwithstanding the preceding paragraph, where the driver uses the vehicle’s sleeper berth within the meaning of section 2 of the Regulation respecting hours of driving, hours of work and the heavy vehicle driver’s record made by Order in Council 389-89 dated 15 March 1989 in order to divide his shift into intermittent periods, the inspection of the vehicle shall be made in the 24 hours preceding any departure.

Where the vehicle is a bus, a minibus, a tow truck or an emergency vehicle, the driver shall make the inspection in the 24 hours preceding any departure or he shall examine the last inspection report and sign it on condition that the inspection was made within the previous 24 hours. Except for tow trucks and emergency vehicles, Saturdays, Sundays and legal holidays are not computed in the 24-hour period, provided that the vehicle remains stationary on such days.

193.1. The employee responsible for maintenance who makes the pre-departure inspection of a bus shall sign the inspection report and place it in the bus. The driver shall examine it and sign it before departing.

194. The inspection report for a heavy vehicle shall contain the following information:

(1) the date on which the pre-departure inspection of the vehicle was made;

(2) the licence plate number of the vehicle or the unit number entered on the registration certificate;

* The Regulation respecting safety standards for road vehicles was made by Order in Council 1483-98 dated 27 November 1998 (1998, G.O. 2, 4557) and has not been amended since that date.

(3) any defects discovered during the pre-departure inspection of the vehicle or any defects discovered during the trip and, if there are none, an indication to that effect; and

(4) the driver's name and signature.

195. A driver shall be exempt from completing the inspection report and keeping it up-to-date when he is travelling within 160 km of his home base within the meaning of section 2 of the Regulation respecting hours of driving, hours of work and the heavy vehicle driver's record and if no defect is discovered in the pre-departure inspection or during the trip.

This exemption does not apply where the driver elects to examine and sign the last inspection report in accordance with the third paragraph of section 193.

196. Where the driver of a heavy vehicle discovers a defect, he shall report it in the vehicle inspection report and shall, without delay, hand a copy of the report to the operator of the vehicle who shall sign it.”.

10. Section 197 is revoked.

11. The heading of Division III of Chapter IV is amended by substituting the words “OWNER OF THE HEAVY VEHICLE” for the word “CARRIER”.

12. The Regulation is amended by inserting the following section after the heading of Division III and before section 198:

“**197.1.** A combination of road vehicles each having a net weight of 3 000 kg or less is exempt from the application of the first paragraph of section 519.15 of the Code with respect to maintenance standards and frequency as well as from the provisions of this Division.

This exemption does not apply where those vehicles are subject to the provisions of the Transportation of Dangerous Substances Regulation made by Order in Council 674-88 dated 4 May 1988 and safety marks are required to be displayed in accordance with Division V of that Regulation.”.

13. Section 198 is amended by substituting the word “heavy” for the word “road” in the first and second paragraphs.

14. Section 199 is amended by substituting the word “heavy” for the word “motor”.

15. Section 200 is amended

(1) by substituting the words “of his heavy vehicles, the owner” for the words “road vehicle under his responsibility, the carrier” in the part preceding subparagraph 1;

(2) by substituting the word “owner” for the word “carrier” in subparagraph 2;

(3) by inserting the words “whose gross vehicle weight rating is 7 258 kg or more” after “heavy vehicles” in subparagraph 6; and

(4) by substituting the word “owner” for the word “carrier” in the second paragraph.

16. Section 201 is amended

(1) by striking out the words “spaces and” in the part preceding paragraph 1, “a space to enter” in paragraphs 1 and 3, “a space for” in paragraph 2 and “a space to indicate” in paragraphs 5 and 6;

(2) by inserting the word “heavy” before the word “vehicle” in paragraph 1; and

(3) by inserting the words “whose gross vehicle weight rating is 7 258 kg or more” after the words “heavy vehicles” in paragraph 6.

17. Section 202 is revoked.

18. The Regulation is amended by inserting the following Division after section 202:

**“DIVISION IV
KEEPING OF RECORDS BY OWNERS OR
OPERATORS OF HEAVY VEHICLES**

202.1. Owners shall keep, for each heavy vehicle, a record containing the following information and documents:

(1) a copy of the vehicle registration certificate;

(2) where applicable, a copy of the vehicle lease contract;

(3) the document certifying the conformity of the vehicle, where the vehicle was the subject of a recall;

(4) where applicable, each vehicle exchange report;

(5) a copy of the documents relating to the pre-departure inspection referred to section 519.2 of the Code;

(6) the information and documents relating to the maintenance of the vehicle referred to section 198; and

(7) the document certifying the repair of defects discovered during a pre-departure inspection or during the servicing required under section 198.

Operators shall also keep a copy of the documents referred to in subparagraphs 2 and 5 of the first paragraph.

202.2. The documents required under subparagraphs 1 to 5 and 7 of the first paragraph of section 202.1 shall be kept for at least 12 months from one of the following dates:

(1) with respect to the documents referred to in subparagraphs 1 to 3, the date of the transfer of ownership of the heavy vehicle or the termination date of the lease contract; or

(2) with respect to the documents referred to in subparagraphs 4, 5 or 7, the date of the vehicle exchange report, the date of the documents relating to the pre-departure inspection or the date of the document attesting to the repair.

The information and the documents referred to in subparagraph 6 of the first paragraph of section 202.1 shall be kept for the last two years the vehicle is in use and for 12 months after the date of the transfer of ownership of the vehicle.”.

19. Section 203 is amended by substituting the following for the part preceding paragraph 1:

“**203.** A mechanical inspection certificate and an inspection sticker issued for a heavy vehicle registered outside Québec are presumed to be valid within the meaning of the Code where the mechanical inspection was carried out in accordance with a compulsory periodic mechanical inspection program provided for in any of the following regulations:”.

20. Section 204 is amended by substituting the words “any other heavy vehicle” for the words “a road vehicle or a combination of road vehicles whose net mass is more than 3 000 kg”.

21. Section 205 is amended

(1) by substituting the word “heavy” for the word “road” in the first paragraph; and

(2) by striking out the words “or lessee” and the words “or the carrier referred to in Title VIII.1 of the Code who is responsible for it” in the second paragraph.

22. Section 208 is amended by inserting the word “periodic” before the word “mechanical” in the first paragraph.

23. Section 209 is amended

(1) by substituting the words “heavy trucks and trailers” for the words “road vehicles whose net mass is more than 3 000 kg and whose gross weight rating is at least 7 258 kg” in paragraph 3;

(2) by substituting the words “motor vehicles whose gross weight rating is less than 7 258 kg” for the words “light vehicles and medium-weight vehicles” in the part preceding subparagraph *a* of paragraph 4; and

(3) by substituting the words “heavy trucks and trailers” for the words “a heavy vehicle” in subparagraph *d* of paragraph 5.

24. Section 210 is amended by substituting the words “heavy trucks and trailers” for the words “heavy vehicles” in subparagraph 6 of the first paragraph.

25. Section 211 is amended by substituting the words “heavy trucks and trailers” for the words “heavy vehicles” in paragraph 7.

26. Section 216 is amended by substituting the words “heavy trucks and trailers” for the words “a heavy vehicle” in subparagraph 4 of the first paragraph.

27. Section 218 is amended by substituting the words “subject to Title VIII.1 of the Code” for the words “a carrier” and “\$700 to \$2100” for “\$600 to \$2000”.

28. Section 219 is amended by substituting the words “subject to Title VIII.1 of the Code” for the words “a carrier” and “\$350 to \$1050” for “\$300 to \$600”.

29. Schedule II to the Regulation is amended

(1) by substituting the words “Emergency vehicle whose GVWR is less than 7 258 kg, excluding fire department road vehicles” for the words “Light and medium-weight emergency vehicle”;

(2) by substituting the words “Emergency vehicle whose GVWR is 7 258 kg or more, excluding fire department road vehicles” for the words “Heavy emergency vehicle”; and

(3) by substituting the words “Motor vehicle with a net weight of more than 3 000 kg, excluding emergency vehicles” for the words “Heavy and medium-weight emergency vehicle”.

30. Division IV of Chapter IV of the Regulation respecting safety standards for road vehicles, introduced by section 18 of this Regulation, replaces the Regulation respecting the registers and records of carriers made by Order in Council 147-91 dated 6 February 1991, with the exception of section 1 of that Regulation.

31. This Regulation comes into force on 1 July 1999.
2885

Gouvernement du Québec

O.C. 624-99, 2 June 1999

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

Licences — Amendments

Regulation to amend the Regulation respecting licences

WHEREAS paragraph 44 of section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), amended by section 144 of Chapter 40 of the Statutes of 1998, enacts that the Government may, by regulation, prescribe the procedure according to which an operator or any other person it determines is informed by a driver whose driver's licence or class authorizing him to drive a heavy vehicle has been modified, suspended or cancelled;

WHEREAS by Order in Council 1421-91 dated 16 October 1991, the Government made the Regulation respecting licences and it is expedient to amend it;

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 licences was published in Part 2 of the *Gazette officielle du Québec* of 24 March 1999 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting licences without amendment;

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

THAT the Regulation to amend the Regulation respecting licences, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting licences*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 621, par. 44; 1998, c. 40, ss. 119 and 144, par. 23)

1. Section 54 of the Regulation respecting licences is amended by substituting the following for the part preceding paragraph 1:

“**54.** The procedure according to which an operator, an owner of a heavy vehicle and a person who provides the services of a driver under a leasing contract is informed by a driver referred to in section 519.7 of the Code is the following:”.

2. This Regulation comes into force on 1 July 1999.
2886

Gouvernement du Québec

O. C. 625-99, 2 June 1999

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

Carriers' demerit points — Revocation

Regulation to revoke the Regulation respecting carriers' demerit points

WHEREAS under section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government made the Regulation respecting carriers' demerit points by Order in Council 672-88 dated 4 May 1988;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to revoke the Regulation respecting carriers' demerit points was published in Part 2 of the *Gazette officielle du Québec* of 24 March 1999 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

* The Regulation respecting licences, made by Order in Council 1421-91 dated 16 October 1991 (1991, *G.O.* 2, 4146), was last amended by the Regulation made by Order in Council 1193-98 dated 16 September 1998 (1998, *G.O.* 2, 3951). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

WHEREAS it is expedient to make the Regulation to revoke the Regulation respecting carriers' demerit points without amendment;

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

THAT the Regulation to revoke the Regulation respecting carriers' demerit points, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to revoke the Regulation respecting carriers' demerit points*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 621, pars. 41 to 43 and 48)

1. The Regulation respecting carriers' demerit points is revoked.

2. This Regulation comes into force on 1 July 1999.

2887

Gouvernement du Québec

O.C. 626-99, 2 June 1999

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

Carrier — Revocation

Regulation to revoke the Regulation respecting the notion of "carrier"

WHEREAS under section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government made the Regulation respecting the notion of "carrier" by Order in Council 673-88 dated 4 May 1988;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to revoke the Regulation respecting the notion of "carrier" was published in Part 2 of the *Gazette officielle du Québec* of 24 March 1999 with a notice that it could be

submitted to the Government for adoption upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to revoke the Regulation respecting the notion of "carrier" without amendment;

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

THAT the Regulation to revoke the Regulation respecting the notion of "carrier", attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to revoke the Regulation respecting the notion of "carrier"*

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

1. The Regulation respecting the notion of "carrier" is revoked.

2. This Regulation comes into force on 1 July 1999.

2888

M.O., 1999

Order of the Minister of Health and Social Services dated 25 May 1999 to designate breast cancer detection centres

Health Insurance Act
(R.S.Q., c. A-29)

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING paragraph *b.3* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING the designation of breast cancer detection centres by Minister's order dated 5 February 1999;

* The Regulation respecting carriers' demerit points was made by Order in Council 672-88 dated 4 May 1988 (1988, *G.O.* 2, 1988) and has not been amended since then.

* The Regulation respecting the notion of "carrier", made by Order in Council 673-88 dated 4 May 1988 (1988, *G.O.* 2, 1994), has not been amended since it was made.

CONSIDERING that it is necessary to amend that Minister's order to remove the name of a detection centre that no longer meets a requirement necessary for its designation, that is certification based on the standards and criteria of the program;

ORDERS:

That the following breast cancer detection centre no longer be designated for the Bas-Saint-Laurent region:

Centre hospitalier d'Amqui
135, rue de l'Hôpital
Amqui (Québec)
G0J 1B0

Québec, 25 May 1999

PAULINE MAROIS,
*Minister of State for Health and Social Services and
Minister of Health and Social Services*

2879

Amendments to the Rules of practice of the Superior Court of Québec in civil matters

Notice is hereby given that the Rules to amend the Rules of practice of the Superior Court of Québec in civil matters, the text of which appears below, were made by the judges of the Superior Court of Québec by way of a consultation by mail, on May 3, 1999, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Montréal, 18 May 1999.

LYSE LEMIEUX,
Chief Justice

Rules amending the Rules of practice of the Superior Court of Québec in civil matters*

1. Rule 15 is amended by the deletion of the words "and shall include an attestation of the party he represents" in the fourth paragraph.

* The most recent amendments to the Rules of Practice of the Superior Court of Quebec in Civil Matters (R.R.Q. 1981, c. C-25, r.8) were effected by the Rules adopted on October 16, 1998 (1998, G.O. 2, 4370). For previous amendments, refer to the "Tableau des modifications et Index sommaire, Éditeur officiel du Québec", 1999, updated to 1 March 1999.

2. Form 2 is amended

(a) by replacing the beginning of Paragraph 9 (ATTESTATIONS AND OATHS) by:

A. PARTY REPRESENTED BY ATTORNEY

I, the undersigned, certify under my oath of office:

- the accuracy of the facts mentioned in paragraphs 1, 2, 3 and 4;
- that I have explained to the party I represent his obligation to communicate all exhibits in his possession which he intends to invoke at the hearing and the consequences of his failure to do so; and
- that these exhibits have been communicated to the other parties or will be so communicated within the delay provided by Article 331.8 of the Code of Civil Procedure.

(signature of attorney)

(b) and by stipulating in Part B (UNREPRESENTED PARTY) who must sign:

(signature of the party)

3. These rules come into force ten days after their publication in the *Gazette officielle du Québec*.

2880

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

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