

Gouvernement du Québec

**O.C. 1713-97, 17 December 1997**

Transport Act  
(R.S.Q., c. T-12)

**Bulk trucking  
— Amendments**

Regulation to amend the Regulation respecting bulk trucking

WHEREAS under paragraph *c* of section 5 of the Transport Act (R.S.Q., c. T-12), the Government may, by regulation, provide exceptions to the activities requiring a permit as regards types of goods carried, kinds of carriers, and, where such is the case, as regards the place of the main establishment of such carriers, the kinds of services, the means of transport or transport systems used and the territory or distance covered, and prescribe conditions for the carrying on of such an activity or the availing of such an exception and fix the duration of such exceptions;

WHEREAS under paragraph *o* of section 5 of the Act, the Government may, by regulation, determine the rights and obligations of holders of brokerage permits;

WHEREAS it is expedient to provide an exception to the obligation to obtain a bulk trucking permit in respect of carriers from the other provinces to ensure a transition period before the repeal of Part III of the Motor Vehicle Transport Act, 1987 (R.S.C., 1985, c. M-12.01);

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made notwithstanding the publication requirement of section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force

of the Regulation to amend the Regulation respecting bulk trucking, attached to this Order in Council:

— to get support from the Ministers of Transport of Canada and the other provinces for the request of Québec to postpone the repeal of Part III of the Motor Vehicle Transport Act, 1987, to 1 January 2000, it is expedient to facilitate access to the local bulk trucking market, as of 1 January 1998, for carriers from the other provinces which have opened their trucking market;

WHEREAS it is expedient to make the Regulation;

WHEREAS the boundary between Québec and Labrador has not yet been delimited or demarcated and it is expedient to keep all the rights of Québec in that respect;

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

THAT the Regulation to amend the Regulation respecting bulk trucking, attached to this Order in Council, be made;

THAT all the rights of Québec as regards the delimitation and demarcation of the boundary between Québec and Labrador be kept.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting bulk trucking<sup>(1)</sup>**

Transport Act  
(R.S.Q., c. T-12, s. 5, pars. *c*, *h* and *o*)

**1.** The Regulation respecting bulk trucking is amended by substituting the following for section 7.1:

“**7.1** No permit is prescribed, in respect of a carrier whose principal place of business is situated in Canada, outside the boundaries of Québec,

(1) to transport a bulk material referred to in Group 3; or

(2) to transport a bulk material referred to in Groups 1 or 7 to a plant in order to be processed.

<sup>1</sup> The Regulation respecting bulk trucking (R.R.Q., 1981, c. T-12, r. 3) was last amended by the Regulation made by Order in Council 529-95 dated 12 April 1995 (1995, *G.O.* 2, 1328). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

**7.2** No permit is prescribed, in respect of a carrier whose principal place of business is situated in the Newfoundland part of Labrador, to transport sand, earth, stone, bituminous concrete including planed asphalt and recyclable and non-recyclable asphalt, snow and ice:

- (1) within the limits of region 9; or
- (2) between the Newfoundland part of Labrador and region 9.

**7.3** No permit is prescribed, in respect of a carrier whose principal place of business is situated on the northern peninsula of Newfoundland, to the municipality of Wiltondale inclusive, to transport sand, earth, stone, bituminous concrete including planed asphalt and recyclable and non-recyclable asphalt, snow and ice in the municipalities of Blanc-Sablon and Bonne-Espérance.

**7.4** To benefit from an exception provided for in sections 7.1, 7.2 or 7.3, all the following conditions must be met:

- (1) the road vehicle used and, in the case of a combination of road vehicles, the tractor and semi-trailer must have been registered in the name of the carrier, before 1 December 1997, in the province where it has its principal place of business;
- (2) the carrier has no place of business in Québec; and
- (3) the carrier registered with the Commission by identifying the vehicles it uses in Québec and paid the registration fees of \$71.

The carrier registered with the Commission in accordance with subparagraph 3 of the first paragraph is subject to the same rights and obligations as the holder of a bulk trucking permit in respect of the rates and tariffs for bulk trucking.”

**2.** The Regulation is amended by substituting the following for section 12:

“**12.** A holder of a bulk trucking permit is authorized to provide the following bulk trucking services, whatever the point of origin or the final destination of the good transported and whether or not the route is situated, in whole or in part, in the region to which the permit refers:

- (1) the transport of wood for veneer and timber sawn across the grain or along the grain;
- (2) the transport of a bulk material referred to in Group 3; and

(3) the transport of a bulk material referred to in Groups 1 or 7 to a plant in order to be processed.”

**3.** Section 35 is amended by adding the following paragraph:

“The rate and tariff standards for bulk trucking do not apply to the following bulk trucking services:

- (1) the transport of a bulk material referred to in Group 3; and
- (2) the transport of a bulk material referred to in Groups 1 or 7 to a plant in order to be processed.”

**4.** Section 48 is amended by inserting the following paragraph after the second paragraph:

“For the purposes of the first paragraph, a carrier registered with the Commission in accordance with subparagraph 3 of the first paragraph of section 7.4 may become a member of the brokerage service of the place where it is authorized to carry out bulk trucking without having a place of business there.”

**5.** This Regulation comes into force on 1 January 1998.

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Gouvernement du Québec

**O.C. 1722-97**, 17 December 1997

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

### **Reciprocal commercial vehicle registration agreements**

#### **— Certain American States — Amendment**

Regulation to amend the Regulation respecting reciprocal commercial vehicle registration agreements

WHEREAS under section 6 of the Highway Safety Code (R.S.Q., c. C-24.2), every road vehicle must be registered except a vehicle exempt from registration under the Code;

WHEREAS the existence of similar legislation in other states has the effect of multiplying the registration duties and costs related to the use of vehicles for international transport;