



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 430

(1998, chapter 40)

**An Act respecting owners and operators
of heavy vehicles**

Introduced 14 May 1998

Passage in principle 26 May 1998

Passage 19 June 1998

Assented to 20 June 1998

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EXPLANATORY NOTES

This bill proposes a new framework for road transport in Québec aimed at increasing the safety of road users and preserving the integrity of the road network. The provisions of the bill are directed at the owners and operators of heavy vehicles that travel on roads open to public vehicular traffic, and at transport service intermediaries.

The bill introduces an administrative registration system for owners and operators that includes on-going conduct review. After receiving an application for registration, the Commission des transports du Québec will assign a safety rating to each owner and operator of heavy vehicles. The bill also provides for a list on which transport service intermediaries will have to be registered in order to carry on their business. The Commission will be authorized to impose administrative measures on persons assigned a conditional or unsatisfactory safety rating or on transport service intermediaries whose conduct is unlawful. The decisions of the Commission may be contested before the Administrative Tribunal of Québec.

The Société de l'assurance automobile du Québec is responsible for the on-going review of the conduct of the persons registered. In the event of violations of the Highway Safety Code or certain other legislative provisions, the Société will deal directly with the offending owner or operator and if need be, refer the person's file to the Commission.

The bill also amends the Highway Safety Code to bring the current rules governing the transportation of persons and goods into harmony with the proposed road transport framework and to make certain sections of the Code applicable to certain forest roads. Other rules pertaining to signs and signals are clarified and the fines imposed under various legislative provisions relating to road transport are harmonized according to the seriousness of the offence.

Lastly, the bill contains consequential amendments and repeals the Act respecting truck transportation.

LEGISLATION AMENDED BY THIS BILL :

— Automobile Insurance Act (R.S.Q., chapter A-25) ;

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Transport Act (R.S.Q., chapter T-12);
- Act respecting administrative justice (1996, chapter 54).

LEGISLATION REPEALED BY THIS BILL :

- Act respecting truck transportation (R.S.Q., chapter C-5.1).

Bill 430

AN ACT RESPECTING OWNERS AND OPERATORS OF HEAVY VEHICLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

SCOPE

1. This Act establishes special rules applicable to owners and operators of heavy vehicles with a view to increasing the safety of road users on roads open to public vehicular traffic and to preserving the integrity of the road network.

Land occupied by shopping centres and other land where public traffic is allowed shall be considered to be a road open to public vehicular traffic.

2. For the purposes of this Act,

(1) an owner of a heavy vehicle is a person whose name appears on the vehicle's registration certificate or a person who holds, in respect of the vehicle, a right within the meaning of section 2 of the Highway Safety Code (R.S.Q., chapter C-24.2);

(2) an operator of a heavy vehicle is a person who offers services related to the transportation of persons or goods or to vehicle assistance, or who operates a heavy vehicle for personal purposes or as a tool or equipment, whether the person is the owner of the vehicle or operates the vehicle pursuant to a leasing contract, regardless of whether the services of a driver are supplied by the lessor;

(3) "heavy vehicle" means

(a) a road vehicle or a combination of road vehicles, within the meaning of the Highway Safety Code, having a net mass in excess of 3,000 kg;

(b) a minibus or a tow truck, within the meaning of that Code, regardless of net mass;

(c) a road vehicle subject to the Transportation of Dangerous Substances Regulation made by Order in Council 674-88 (1988, G.O. 2, 2082).

In this Act and the regulations, unless otherwise indicated by the context, "person" means, in addition to a natural person and a legal person, a partnership.

3. The Government may, by regulation and subject to the conditions it determines,

(1) exempt certain heavy vehicles or certain classes of heavy vehicles from the application of all or part of this Act;

(2) prescribe, for the purpose of harmonizing this Act with the rules governing persons who operate heavy vehicles mainly outside Québec, a net mass other than the net mass referred to in subparagraph *a* of subparagraph 3 of the first paragraph of section 2, or determine a total loaded mass applicable to those persons.

CHAPTER II

REGISTER OF OWNERS AND OPERATORS OF HEAVY VEHICLES

4. A register in which owners and operators of heavy vehicles are to be registered and containing the information referred to in sections 7, 12 and 35 is hereby established at the Commission des transports du Québec under the name “Registre des propriétaires et des exploitants de véhicules lourds”.

The Government may, by regulation, exempt any group or any class of persons it determines from the requirement to be registered. The exemption may be subject to conditions and be granted for a limited period of time. Persons so exempted are deemed not to be governed by this Act insofar as the persons comply with the conditions, if any, imposed on them.

5. Only owners registered in the Commission’s register may put a heavy vehicle into operation on a road open to public vehicular traffic. Only operators registered in the register may operate or offer the services of a heavy vehicle on a road open to public vehicular traffic.

A person may register as both an owner and operator.

6. An application for registration must be in the form and tenor determined by the Commission and be made with payment of the fees fixed by regulation of the Government.

7. To register as an owner or operator a person must provide the following information:

(1) the person’s name and address and, where applicable, the names and addresses of the person’s directors;

(2) where heavy vehicles are currently registered or operated outside Québec, the identification number, if any, assigned by another administrative authority having jurisdiction over the operation of heavy vehicles in its territory;

(3) where applicable, the amount of any unpaid fine in respect of which no appeal has been filed, that was imposed under this Act, the Transport Act (R.S.Q., chapter T-12), the Highway Safety Code or a legislative or regulatory provision referred to in section 519.65 of that Code in respect of which an agreement has been entered into with the Société de l'assurance automobile du Québec.

The Commission may require a person applying for registration to furnish any information it considers relevant, including the number, class, assignment and habitual use made of the heavy vehicles owned or operated as well as a description of the proposed transport services.

8. The Minister or the Commission may, in accordance with the law, enter into a reciprocity agreement with another government or a department of that government or with any body, providing, in particular, for the recognition of the registrations granted and the decisions made by the Commission.

The agreement may provide for partial exemptions for any person from the application of this Act, recognize the registration of an owner or operator of heavy vehicles granted by another administrative authority and make applicable any administrative measure imposed as a sanction for conduct materially similar to conduct to which this Act applies.

The Commission is responsible for the implementation of such an agreement.

9. The Commission shall refuse to register a person if

(1) the person has not furnished the information required under the first paragraph of section 7 ;

(2) the person has been convicted of an indictable offence related to the operation of a heavy vehicle in the last five years and for which the person has not been granted a pardon ;

(3) at the time the application is made, the person or any of the person's directors is subject to a decision of the Commission prohibiting the person or director from putting a heavy vehicle into operation or from operating a heavy vehicle ;

(4) at the time the application is made, the person is subject to a decision of an administrative authority that is a party to an agreement under section 8 prohibiting the person from putting a heavy vehicle into operation or from operating a heavy vehicle ;

(5) the person does not hold the licence required under section 50.0.6 of the Fuel Tax Act (R.S.Q., chapter T-1), is not registered in the register established under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) or is not registered under section 290 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) ; or

(6) the person has not paid a fine imposed under this Act, the Transport Act, the Highway Safety Code or a legislative or regulatory provision referred to in section 519.65 of that Code in respect of which an agreement has been entered into with the Société, unless an appeal has been brought or the person's situation is regularized with the Commission.

10. The Commission may refuse an application for registration made by a person who fails or refuses to furnish to the Commission the information it requires under the second paragraph of section 7 or who furnishes inaccurate information.

11. The Commission may enter into any administrative agreement necessary for the purposes of this Act with any minister or body.

The Commission may enter into an administrative agreement with the Minister of Justice to allow the Commission, on the terms and conditions provided for in the agreement, to act in the capacity of mandatary to recover the fines covered by the agreement.

Following an agreement with any other minister or body, the Commission may, in particular, accept a mandate to collect the information required for the registration of a person who is subject to a special obligation imposed by that authority, and to collect the related fees and duties.

The Commission may, with the approval of the Minister and subject to the conditions it establishes, appoint and authorize persons to collect on its behalf the sums referred to in this section and to make any transaction it indicates relating to the application of this Act, and may determine the amount and method of compensation of the persons appointed.

12. The Commission shall assign an identification number and an initial rating to every person it registers. An initial rating must bear the word "satisfactory" unless, at the time the Commission is to issue the identification number, the person is subject to a decision of the Commission or of an administrative authority that is a party to an agreement under section 8 imposing conditions regarding the ownership or operation of a heavy vehicle. In such a case, the initial rating must bear the word "conditional".

13. A person registered must, to maintain the person's rights as an owner or operator, notify the Commission within 30 days of any change in the information required under the first paragraph of section 7.

The person must also pay, each year, to the Commission the registration renewal fees fixed by regulation of the Government, subject to the terms and conditions it fixes.

14. The Commission shall update, at least once a year, the information in the public register it maintains and in respect of which the Government may, by regulation, fix access fees.

15. The Commission shall establish and maintain a list of transport service intermediaries carrying on business in Québec. The list is public. The Commission shall also establish a file on each transport service intermediary who applies for registration.

Only intermediaries entered on the list may provide such services.

The expression “transport service intermediary” means any person who, for remuneration, acts directly or indirectly as an intermediary in a transaction between third persons the object of which is the transportation of persons or property by a heavy vehicle.

16. Every transport service intermediary must register or renew registration by filing an application with the Commission, in the form and tenor determined by the Commission, together with payment of the fees fixed by regulation of the Government.

Where such a person fails to register or renew registration, any contract entered into by the person is null by operation of law.

17. The Commission may require any information it considers pertinent from a person applying to be registered on the list of transport service intermediaries. A person who fails to provide such information shall be struck off the list.

18. The Société shall transmit to the Commission all the information it holds concerning a transport service intermediary. The Commission shall enter that information in the file of the intermediary concerned.

CHAPTER III

OBLIGATIONS

19. An operator of heavy vehicles must, if the operator is not the owner, keep in each vehicle a copy of the leasing contracts or contracts for services.

20. An owner of heavy vehicles who is not the operator must, if the owner is subject to an administrative measure prohibiting the putting into operation of all or certain of the owner’s heavy vehicles or imposing certain restrictions on their use, notify the operator by supplying the operator with a copy of the decision of the Commission. As well, an operator must notify the owner of the vehicles being operated in the event that the operator is subject to an administrative decision prohibiting or restricting the operation of the vehicles.

For the purposes of section 39, the owner is responsible for ascertaining that the operator is not subject to a measure imposing a prohibition or restriction and the operator is responsible for ascertaining that the owner is not subject to a measure imposing a prohibition.

21. No person shall lease a heavy vehicle to a person who is subject to an administrative measure prohibiting the operation of heavy vehicles or to a person who is not registered under this Act, or entrust such a person with the control of heavy vehicles except, in the latter case, if the person is exempt from the requirement to be registered.

CHAPTER IV

MONITORING AND CONTROL OF HEAVY VEHICLES

DIVISION I

POWERS OF THE SOCIÉTÉ

22. The Société shall maintain, using the information reported to it, in particular the information transmitted by the police forces and the Commission, a file on each owner and each operator of heavy vehicles. The Société shall, in accordance with its administrative policy, identify the owners and operators who require special monitoring because of conduct that presents a risk. For that purpose, the Société shall consider, in particular, contraventions of the provisions of this Act and the Highway Safety Code, reports and statements of offence or convictions in respect of those persons and the drivers of the heavy vehicles owned or operated by those persons, inspections and road check operations concerning them, even those that reveal no irregularity and any accident involving a heavy vehicle owned or operated by those persons.

The Société shall consider only reports and statements of offence or convictions in respect of an act done by a driver of heavy vehicles in performing work as a driver.

23. The Société shall also consider any contravention of a provision of an Act the application of which it is responsible for pursuant to section 519.65 of the Highway Safety Code if such a provision, as determined by the Government by regulation, concerns the safety of the users of roads open to public vehicular traffic or the integrity of the road network and an agreement has been entered into between the Société and the authority responsible for the application of that provision.

24. To establish or modify the administrative policy referred to in the first paragraph of section 22, the Société shall, according to the classes of road transport services it determines, consult representatives of the owners and operators of heavy vehicles and take into consideration, where relevant, the factors retained by the Commission in its decisions.

The Société shall publicize its administrative policy and any modification it makes to the policy in the manner it considers appropriate so that the rules to be used as a guide in assessing the conduct of owners and operators of heavy vehicles are known.

25. The Société may, after assessing the file, propose to the Commission

(1) that the rating of the person registered be replaced by a more favourable rating or that an additional condition attached to the person's registration be removed, if the person's conduct has improved; or

(2) that the rating of the person registered be replaced by an unfavourable rating, that the assigned rating be maintained but with an additional condition attached to the maintenance of the person's rights as an owner or operator, or that the person be declared disqualified, if the person's conduct presents a risk.

In the case of an emergency or a situation which, in the opinion of the Société, endangers the safety of the users of roads open to public vehicular traffic or threatens the integrity of the road network, the Société shall submit to the Commission, after a summary assessment, a report with its recommendations.

DIVISION II

POWERS OF THE COMMISSION

26. On its own initiative or after examining a proposal or a request made by the Société or any other person, the Commission may, if it has ascertained a contravention of the provisions of this Act, the Highway Safety Code or any other Act referred to in section 23, promptly take one or more of the following measures :

(1) prohibit the putting into operation or the operation of all or certain heavy vehicles owned or operated by a person;

(2) declare an owner or an operator of heavy vehicles totally or partially disqualified;

(3) make a total disqualification applicable to the partners of a partnership or the directors of a legal person who, in its opinion, had a determining influence;

(4) impose special conditions concerning, in particular, the class of heavy vehicles that may be used, their capacity and mechanical condition, the qualifications of drivers, hours of driving, loads and dimensions, reports to be filed, security to be furnished and the safety or monitoring equipment to be installed on heavy vehicles, as conditions for maintaining a person's rights as an owner or operator;

(5) in the case of a person whose activities are considered by the Commission to be in the public interest, appoint, for the period it fixes and at the expense of that person, a director who is deemed to exercise alone all the powers of the board of directors in relation to the operation of any heavy vehicle;

(6) appoint, for the period it fixes and at the expense of the person concerned, a supervisor who will report to the Commission on the putting into operation or operation of the heavy vehicles by the person concerned;

(7) identify from among the employees of a person concerned the employees who require training courses, at the expense of that person, within the time and on the conditions determined by the Commission, in various fields of activity related to safety in the transportation of persons or goods or to the protection of the road network;

(8) strike off transport service intermediaries from the list established under section 15 for a period of not more than five years or impose conditions for the maintenance of their registration if their practices endanger the safety of road users or threaten the integrity of the road network;

(9) enter into administrative agreements with any person registered; and

(10) take any other measure it considers appropriate and reasonable.

Owners, operators or transport service intermediaries may apply to the Commission to have the Commission consider their files, in particular for the purposes of an agreement under subparagraph 9 of this section.

27. The Commission shall declare totally disqualified any person who

(1) by actions or omissions has, in the Commission's opinion, placed the safety of the users of the road network at risk or significantly threatened the integrity of the road network;

(2) has furnished false information with regard to subparagraph 1 or 3 of the first paragraph of section 7;

(3) has contravened a decision of the Commission to which the person is subject or an administrative agreement entered into with the Commission;

(4) has been convicted of an indictable offence related to the operation of a heavy vehicle and for which the person has not been granted a pardon;

(5) has been subject to a decision of another administrative authority that is a party to an agreement under section 8 prohibiting the person from putting a heavy vehicle into operation or from operating a heavy vehicle.

28. The Commission shall also declare totally disqualified any person who, in the Commission's opinion, endangers the safety of the users of roads open to public vehicular traffic or threatens the integrity of the road network by repeated and habitual contravention of a provision of this Act, the Highway Safety Code or any other Act referred to in section 23.

29. The Commission shall declare partially disqualified any person who

(1) by actions or omissions has, in the Commission's opinion, endangered the safety of the users of the road network or threatened the integrity of the road network;

(2) is no longer the holder of a licence required under section 50.0.6 of the Fuel Tax Act, is not registered in the register established under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons or is not registered under section 290 of the Act respecting industrial accidents and occupational diseases;

(3) has failed to pay a fine imposed under this Act, the Transport Act, the Highway Safety Code or a legislative or regulatory provision referred to in section 519.65 of that Code in respect of which an agreement has been entered into with the Société, unless an appeal has been filed;

(4) has refused to allow an inspection to be conducted by or has hindered the work of a person authorized by law to make an inspection.

30. Where the Commission declares a person totally disqualified, the Commission shall assign to the person a rating of "unsatisfactory". Such a declaration operates to prohibit the putting into operation or the operation of heavy vehicles. The Commission shall notify its decision to the person concerned.

31. A person declared totally disqualified and, where applicable, the person's partners or directors referred to in subparagraph 3 of the first paragraph of section 26 may not apply for registration, personally or on behalf of a partnership or legal person they control or of which they are directors, before the time fixed by the Commission in that respect has expired. That time may not exceed five years.

32. Where the Commission declares a person partially disqualified, the Commission shall assign to the person a rating of "conditional" and attach such special conditions to the person's registration as it determines. The Commission shall notify its decision to the person concerned.

33. A person declared totally or partially disqualified shall not transfer or otherwise dispose of heavy vehicles registered in the person's name except with the consent of the Commission; the Commission shall withhold its consent if it considers that the transfer or disposal is to be made for the purpose of avoiding the imposed administrative measure.

34. The Commission may, of its own initiative or on request, change a rating it has assigned.

The Commission may reassess a rating assigned where it is of the opinion that the person registered has taken efficient action or implemented concrete measures that allow the Commission to reasonably believe that the unsafe conduct that was the subject of the administrative measure has been remedied and will not reoccur.

35. The ratings assigned by the Commission are public. The Commission shall make the ratings and its decisions available to the public in the manner it considers appropriate.

36. The Commission may, in exercising its powers, take into consideration any inspections and road check operations that have revealed no irregularity as well as any corrective measures taken by a person registered.

37. Before making a decision declaring a person disqualified or prohibiting the person from putting a heavy vehicle into operation or from operating a heavy vehicle, the Commission shall inform the owner or operator in writing as provided in section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the owner or operator at least 10 days to present observations. The same applies where the Commission proposes to strike off a transport service intermediary from the list or impose conditions for the maintenance of the intermediary's registration.

The Commission shall transmit a copy of the prior notice referred to in the first paragraph to the Société if the file was proposed or referred to the Commission by the Société, and inform the Société of the date of the meeting, if any, with the owner or operator. The Société must be represented at such a meeting.

An exception shall be made to such prior obligations if the decision is made in urgent circumstances or to prevent irreparable harm to users of the roads open to public vehicular traffic or to the integrity of the road network.

38. The decisions of the Commission, except decisions refusing a registration under section 9, may be reviewed under sections 17.2 to 17.4 of the Transport Act. Such decisions may also be contested before the Administrative Tribunal of Québec in accordance with sections 51 to 53 of that Act.

DIVISION III

SEIZURE, INSPECTION AND INQUIRY

39. A heavy vehicle being operated on a road open to public vehicular traffic in contravention of a measure prohibiting the putting of a heavy vehicle into operation or the operation of a heavy vehicle may be immediately seized by a peace officer and impounded for a period of 30 days. The seizure, to which the provisions of sections 209.3 to 209.10 of the Highway Safety Code apply, adapted as required and replacing therein, except in section 209.8, "Société" by "Commission", shall be effected on behalf of the Commission and the costs of the seizure shall be chargeable to the person subject to the prohibition.

Where the owner or the person subject to the prohibition is unaware of the prohibition, or where the seizure was effected by mistake, release may be

obtained in accordance with the provisions of sections 209.11 to 209.16 of the Highway Safety Code, adapted as required and replacing therein, except in sections 209.15 and 209.16, “Société” by “Commission”.

The provisions of sections 209.17 to 209.26 of that Code, adapted as required, also apply to a seizure.

40. The Commission may communicate, to any person who gives the number of a registered person, information about the entitlement of an owner or operator to put into operation or operate a heavy vehicle.

However, the information communicated must not reveal directly or indirectly the name or address of the person concerned.

41. An inspector or a peace officer may require that any registration number or any document to which this Act applies be communicated for examination.

42. The Commission may, of its own initiative or on request, make an inquiry to determine whether a person is contravening this Act or whether the operation of a heavy vehicle or the practices of a transport service intermediary endanger the safety of road users or threaten the integrity of the road network.

CHAPTER V

PENAL PROVISIONS

43. Every person who furnishes false information with regard to the first paragraph of section 7 is guilty of an offence and is liable to a fine of \$500 to \$1,500 and, in the case of a subsequent offence, \$1,500 to \$2,500.

44. Every person who fails to comply with an obligation under any of sections 19 to 21 or section 33, as the case may be, is guilty of an offence and is liable to a fine of \$500 to \$1,500 and, in the case of a subsequent offence, \$1,500 to \$2,500.

45. Every registered person who fails to notify the Commission of a change in the information furnished under the first paragraph of section 7 within 30 days of the event giving rise to the change is guilty of an offence and is liable to a fine of \$250 to \$750 and, in the case of a subsequent offence, \$750 to \$1,500.

46. The following are guilty of an offence and are liable to a fine of \$250 to \$750:

(1) every registered person who claims to have a rating other than the rating assigned under this Act;

(2) every person who falsely claims to be registered in compliance with this Act.

In the case of a subsequent offence, the fine is \$750 to \$1,500.

47. The following are guilty of an offence and are liable to a fine of \$350 to \$1,050 and, in the case of a subsequent offence, \$700 to \$2,100:

(1) every transport service intermediary who falsely claims to be registered in compliance with this Act;

(2) every transport service intermediary who offers transport services without being registered under this Act;

(3) every operator who makes a contract to which a transport service intermediary not registered in compliance with this Act is a party.

48. Every non-registered person who contravenes section 5 and every registered person who puts a heavy vehicle into operation or operates a heavy vehicle on a road open to public vehicular traffic while prohibited from doing so following a decision of the Commission is guilty of an offence and is liable to a fine of \$500 to \$1,500 and, in the case of a subsequent offence, \$1,500 to \$2,500.

CHAPTER VI

ACCESS TO INFORMATION AND RETENTION OF INFORMATION

49. The Société shall make available to the Commission any information the Commission requires to make a decision in a matter that it takes up or that is referred to it under this Act. As well, the Commission shall make available to the Société any information enabling the Société to monitor the operation of heavy vehicles on roads open to public vehicular traffic, whatever the source of the information.

The Commission may transmit to another administrative authority that is a party to an agreement under section 8 any information concerning a person subject to this Act if communication of the information is necessary for the purposes of such an agreement.

50. On payment of the fees fixed by the Société, a person registered in the Commission's register may have access to the information in a statement of offence or a conviction concerning acts done by drivers employed by the person or a person with whom the person registered is bound by a contract for the use of a heavy vehicle under the control of the person registered, provided that the acts were done in the performance of their work as drivers. However, the information communicated must reveal only the identity of the driver, the nature of the act and the time at which the act was done.

51. The Commission shall retain all the information concerning a registered person for a period of five years from the date on which the Commission declares the person's total disqualification. The same applies, from the same time, in the case of a person who is not registered but who is declared totally disqualified, from the date of the Commission's refusal in the case of a person who is not registered as a result of a refusal by the Commission, or from the date on which the payment referred to in section 13 became payable in the case of a registered person who ceased to be registered as a result of failure to maintain the person's rights as an owner or operator.

CHAPTER VII

AMENDING, TRANSITIONAL AND MISCELLANEOUS PROVISIONS

52. Section 87.1 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing "a carrier" in the first line of the first paragraph by "an owner or operator".

53. Section 186 of the said Act is amended by replacing "a carrier" in the second line of the first paragraph by "an owner or operator".

54. The Act respecting truck transportation (R.S.Q., chapter C-5.1) is repealed.

55. Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by inserting, after the definition of "taxi", the following definition :

"“tow truck” means a motor vehicle equipped to lift and tow a road vehicle or to load a road vehicle onto its platform.”;

(2) by inserting, before the definition of "minibus" and before the definition of "tow truck", respectively, the following definitions :

"“heavy vehicle” means a heavy vehicle within the meaning of the Act respecting owners and operators of heavy vehicles (1998, chapter 40) ;

"“tool vehicle” means a road vehicle, other than a vehicle mounted on a truck chassis, manufactured to perform work and the work station of which is an integral part of the driver's compartment. For the purposes of this definition, a truck chassis is a frame equipped with all the mechanical components required on a road vehicle designed for the transportation of persons, goods or equipment ;”.

56. Section 21 of the said Code is amended by adding, at the end of the third paragraph, the following : "or, in the case of an owner or operator of a heavy vehicle, is not a person registered in the Registre des propriétaires et des exploitants de véhicules lourds at the Commission des transports du Québec".

57. Section 35 of the said Code is amended by adding, at the end of the third paragraph, the following: “It also applies on highways under the administration of or maintained by the Ministère des Ressources naturelles.”

58. Section 39 of the said Code is amended

(1) by striking out “189,” in the third line of the first paragraph;

(2) by adding, at the end of the first paragraph, the following: “The same applies where the Société acts under section 189.”

59. Section 39.1 of the said Code is amended

(1) by striking out “189,” in the second line;

(2) by adding, at the end, the following: “The same applies where the Société acts under section 189.”

60. Section 59 of the said Code is amended by adding, at the end, the following:

“Every owner of a heavy vehicle who knowingly supplies false or misleading information on applying for registration or in respect of a change referred to in section 28 is guilty of an offence and is liable to a fine of \$500 to \$1,500.”

61. Section 65 of the said Code is amended by inserting “, on a highway under the administration of or maintained by the Ministère des Ressources naturelles,” after “highway” in the first line.

62. Section 80.3 of the said Code is repealed.

63. Section 97 of the said Code is amended by inserting “on highways under the administration of or maintained by the Ministère des Ressources naturelles,” after “applies” in the first line of the second paragraph.

64. Section 145 of the said Code is amended by adding, at the end, the following:

“Every operator of a heavy vehicle whose driver is liable to a fine under the first paragraph is also guilty of an offence and is liable to a fine of \$700 to \$2,100.”

65. Section 187.2 of the said Code is repealed.

66. Section 188 of the said Code is amended by inserting, after paragraph 4, the following:

“(4.1) the owner of the road vehicle has not complied, within 10 days, with the request of the Société or a peace officer to furnish a weighing certificate to establish the vehicle’s net mass;”.

67. Section 189 of the said Code is amended by inserting, after paragraph 1, the following :

“(1.1) the Commission des transports du Québec, in accordance with the Act respecting owners and operators of heavy vehicles, prohibits the heavy vehicles subject to the administrative measure it has taken from being put into operation;”.

68. Section 209.7 of the said Code is amended by replacing “carrier” in the first line by “owner or operator of a heavy vehicle”.

69. The said Code is amended by inserting, after section 212, the following :

“**212.1.** The Société may require the removal, repair or modification of any equipment on a road vehicle that has not been installed by the manufacturer of the road vehicle if the equipment presents a risk for road users.”

70. Section 213 of the said Code is amended by adding, at the end, the following :

“This section applies, in addition to public highways, to highways under the administration of or maintained by the Ministère des Ressources naturelles.”

71. Section 214.1 of the said Code is amended by adding, at the end of the first paragraph : “and the combination of road vehicles does not travel at a rate of speed of less than 40 km/h.”

72. Section 216 of the said Code is amended by striking out “as close as practicable to the top of the vehicle,” in the second line of subparagraph 5 of the first paragraph.

73. Section 218 of the said Code is repealed.

74. Section 220.2 of the said Code is amended by replacing “reflective stripe markers” in the first and second lines by “reflective material”.

75. The said Code is amended by inserting, after section 220.2, the following :

“**220.3.** Except for trailers designed exclusively for dwelling or office purposes, trailers and semi-trailers measuring at least 2.05 m in width and having a net mass in excess of 3,000 kg must be equipped with reflective material in accordance with the Motor Vehicle Safety Act.

The first paragraph applies from 1 January 1999 to every semi-trailer that is not less than 15.5 m and not more than 16.20 m in length and to every trailer or semi-trailer built on or after 1 December 1993. It applies from 1 January 2002 to every other trailer or semi-trailer.”

76. The said Code is amended by inserting, after section 226, the following :

“**226.1.** Only emergency vehicles designed to serve as a command and coordination post may be equipped with a green rotating light which may be used solely within the safety perimeter established by the person in charge of the emergency operation.”

77. Section 240.1 of the said Code is amended by replacing “prescribed under this chapter for the trailer or semi-trailer being towed” in the second and third lines by “on the road vehicle being towed. Detachable equipment may be used to replace the lights.”

78. The said Code is amended by inserting, after section 272, the following :

“**272.1.** A tractor truck is not required to be fitted with detachable mudguards if it is drawing a trailer or semi-trailer providing adequate protection against material being thrown towards the rear.”

79. Section 281 of the said Code is amended by adding, after the first paragraph, the following :

“Every person who uses a green rotating light in contravention of section 226.1 is guilty of an offence and is liable to a fine of \$175 to \$525.”

80. Section 284 of the said Code is amended by adding, at the end, the following :

“Every owner of a heavy vehicle who contravenes section 250 is guilty of an offence and is liable to a fine of \$350 to \$1,050.”

81. Section 285 of the said Code is amended by adding, at the end, the following :

“Every owner or operator of a heavy vehicle that does not comply with section 244 is guilty of an offence and is liable to a fine of \$350 to \$1,050.”

82. Section 286 of the said Code is amended by adding, at the end, the following :

“Every owner of a heavy vehicle who contravenes section 211 is guilty of an offence and is liable to a fine of \$700 to \$2,100.”

83. Section 289 of the said Code is replaced by the following :

“289. The meaning of a road or traffic sign message, whatever the medium, is the meaning assigned to the sign by the Minister in an order published to that effect in the *Gazette officielle du Québec*.

The manufacturing and installation standards for road signs or signals to be erected on a public highway are determined by the Minister and set out in a traffic control manual.

Every person responsible for the management or maintenance of public highways must comply with standards set out in the manual where a requirement to do so is indicated therein.

The Minister may remove, at the expense of the person responsible for the management of the road, any sign or signal that does not conform to the Minister’s manual.”

84. Sections 291 and 292 of the said Code are replaced by the following :

“291. The person responsible for the maintenance of a public highway may, by means of proper signs or signals, restrict or prohibit the use of the highway by all or certain heavy vehicles, in particular, heavy vehicles having dimensions or a number of axles that exceed the maximum limits authorized. Where that person is responsible for the maintenance of a bridge or viaduct, the person may also restrict or prohibit the use of the bridge or viaduct by heavy vehicles having a mass that exceeds the maximum limits authorized on the infrastructure.

In the case of a municipality, that power is exercised by by-law or, where the law so authorizes, by ordinance, the coming into force of which is subject to the approval of the Minister of Transport under section 627, except in an emergency; in the absence of approval, the Minister may remove the unauthorized sign or signal.

No person may drive a vehicle referred to in the first paragraph on a public highway on which traffic is restricted or prohibited unless the vehicle is used to maintain the highway or to install or maintain public utilities on the highway.

“291.1. A restriction or prohibition under section 291 may, by means of proper signs or signals, be partially removed for vehicles that must travel to a particular place in order to collect or deliver property, provide services, carry out work, be repaired or return to their base, and that cannot do so without entering a zone to which access is prohibited.

“292. The driver of a heavy vehicle must verify the condition of the vehicle’s brakes where the proper sign or signal requires a mandatory stop at a brake verification area.

“292.0.1. The person responsible for the maintenance of a public highway may, by means of proper signs or signals, designate a slow vehicle lane. Where such a lane has been designated, the driver of a slow vehicle must use that lane.”

85. Section 292.1 of the said Code is amended by replacing the second and third paragraphs by the following :

“In the case of a municipality, that power is exercised by by-law or, where the law so authorizes, by ordinance, the coming into force of which is subject to the approval of the Minister of Transport under section 627, except in an emergency; in the absence of approval, the Minister may remove the unauthorized sign or signal.

No person may drive a vehicle referred to in the first paragraph on a public highway on which traffic is restricted or prohibited unless the vehicle is used to maintain the highway or to install or maintain public utilities on the highway.”

86. Section 293.1 of the said Code is replaced by the following :

“293.1. The person responsible for the maintenance of a public highway may, by means of proper signs or signals and for reasons of safety, restrict or prohibit the operation on the highway of all road vehicles or certain road vehicles including the vehicles to which the Transportation of Dangerous Substances Regulation applies.

In the case of a municipality, that power is exercised by by-law or, where the law so authorizes, by ordinance, the coming into force of which is subject to the approval of the Minister of Transport under section 627, except in an emergency; in the absence of approval, the Minister may remove the unauthorized sign or signal.

No person may drive a vehicle referred to in the first paragraph on a public highway on which traffic is prohibited or restricted unless the vehicle is used to maintain the highway or to install or maintain public utilities on the highway.”

87. Section 295 of the said Code is amended by replacing “413” in the second line of paragraph 5 by “519.13”.

88. Section 314.1 of the said Code is amended by replacing the second paragraph by the following :

“However, where the traffic of heavy vehicles in transit is regulated by a sign or signal, every driver of a heavy vehicle who contravenes section 310 is guilty of an offence and is liable to a fine of \$175 to \$525.”

89. Section 315.1 of the said Code is replaced by the following :

315.1. Every driver of a vehicle who contravenes section 292 or the third paragraph of section 293.1 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

315.2. Every driver of a heavy vehicle who contravenes the third paragraph of section 291 is guilty of an offence and is liable to a fine of \$175 to \$525.

315.3. Every driver of a road vehicle who contravenes section 292.0.1 by failing to drive in a mandatory designated lane is guilty of an offence and is liable to a fine of \$90 to \$270.”

90. Section 316.1 of the said Code is replaced by the following :

316.1. Every driver of a passenger vehicle who contravenes the third paragraph of section 293.1 is guilty of an offence and is liable to a fine of \$300 to \$600.”

91. Section 320 of the said Code is amended by adding, at the end, the following :

“This section applies, in addition to public highways, to highways under the administration of or maintained by the Ministère des Ressources naturelles.”

92. Section 327 of the said Code is amended by inserting “on highways under the administration of or maintained by the Ministère des Ressources naturelles,” after “applies” in the first line of the second paragraph.

93. Section 328 of the said Code is amended by adding, at the end, the following :

“Subparagraph 3 of the first paragraph applies on highways under the administration of or maintained by the Ministère des Ressources naturelles. The Minister, on the recommendation of the Minister of Natural Resources, may by order increase the speed limit to 90 km/h on all or any part of such highways.”

94. Section 389 of the said Code is amended by replacing “a minibus or a commercial vehicle” in the third line by “a motor vehicle”.

95. Section 396 of the said Code is amended by adding, at the end, the following :

“This section applies, in addition to public highways, to highways under the administration of or maintained by the Ministère des Ressources naturelles.”

96. Section 397 of the said Code is amended by adding, at the end, the following :

“This section applies, in addition to public highways, to highways under the administration of or maintained by the Ministère des Ressources naturelles.”

97. Sections 413 and 414 of the said Code are repealed.

98. Section 437.1 of the said Code is replaced by the following :

“**437.1.** No person may draw a trailer or semi-trailer without using an adequate coupling device. Furthermore, the lights, braking system, chains, cables and any other safety device on the trailer or semi-trailer must be connected to the towing vehicle and be in proper working condition.

However, the obligations concerning the braking system referred to in the first paragraph do not apply to a tow truck which, on the request of a peace officer or for safety reasons, must move a trailer or semi-trailer that has a damaged braking system to the nearest safe area.

“**437.2.** No person may draw a combination of road vehicles unless, at the request of a peace officer or for safety reasons, the combination of road vehicles must be moved to the nearest safe area.”

99. Section 463 of the said Code is amended by replacing “carrier” in the first line of the first paragraph by “operator”.

100. Section 468 of the said Code is amended by replacing “owner’s expense” in the third line of the first paragraph by “expense of the owner, or of the operator in the case of a heavy vehicle,”.

101. Section 469 of the said Code is amended by replacing “carrier” in the second line by “operator of a heavy vehicle”.

102. Section 470 of the said Code is repealed.

103. Section 471 of the said Code is amended

(1) by striking out “, interferes with the stability or handling of the vehicle” in the second line of paragraph 2 ;

(2) by replacing paragraph 3 by the following :

“(3) that is placed, secured or covered in a manner that interferes with the stability or handling of the vehicle;”;

(3) by adding, after paragraph 3, the following :

“(4) that is not placed, secured or covered in accordance with the regulation respecting the securing of loads.”;

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

“Subparagraphs 1, 2 and 3 apply on highways under the administration of or maintained by the Ministère des Ressources naturelles.”

104. Section 472 of the said Code is amended by replacing “owner’s expense,” in the third line of the first paragraph by “expense of the owner or the operator of a heavy vehicle”.

105. Section 473 of the said Code is replaced by the following :

“**473.** No owner or lessee of a road vehicle or operator of a heavy vehicle shall allow a road vehicle or combination of road vehicles to be operated if its load or equipment exceeds its width, including the width of its mandatory accessories, or exceeds its length by more than 1 metre at the front or 2 metres at the rear.

However, a special permit may be issued

(1) to authorize equipment or a load of an indivisible nature where the person meets the requirements of a regulation under paragraph 20 of section 621 ;

(2) to authorize equipment or any load where the person meets the conditions of an authorization by the Minister under section 633.

This section does not apply to road vehicles used to level, clear or mark the roadway when they are being operated for construction or maintenance work on a public highway.”

106. Sections 475 and 476 of the said Code are repealed.

107. Section 509 of the said Code is amended by striking out “474,” in the fourth line.

108. The said Code is amended by adding, after section 509, the following :

“**509.1.** Every person who contravenes section 474 is guilty of an offence and is liable to a fine of \$90 to \$270.”

109. Section 510 of the said Code is amended

(1) by inserting “437.2,” after “437.1,” in the second line and by striking out “413,” and “471,” ;

(2) by replacing “section 473, the second paragraph of section 475, or section 497” in the third and fourth lines by “section 473 or 497” ;

(3) by adding, after the first paragraph, the following :

“Every driver of a heavy vehicle who contravenes the second paragraph of section 472 is guilty of an offence and is liable to a fine of \$350 to \$1,050.”

110. The said Code is amended by inserting, after section 510, the following:

“**510.1.** Every person who contravenes section 471 is guilty of an offence and is liable to a fine of

(1) \$175 to \$525 for an offence under paragraph 2 of that section;

(2) \$350 to \$1,050 for an offence under paragraph 1 or 3 of that section;

(3) \$90 to \$270, \$175 to \$525 or \$350 to \$1,050 for an offence under paragraph 4 of that section and according to the seriousness of the offence as specified by regulation.”

111. Section 512 of the said Code is replaced by the following:

“**512.** Every person who contravenes section 327 or 422 or, other than in the case of the driver of a heavy vehicle, the second paragraph of section 468 is guilty of an offence and is liable to a fine of \$300 to \$600.

Every driver of a heavy vehicle who contravenes the second paragraph of section 468 is guilty of an offence and is liable to a fine of \$700 to \$2,100.”

112. Section 513 of the said Code is replaced by the following:

“**513.** Every driver of a heavy vehicle who contravenes a regulatory provision the violation of which constitutes an offence under paragraph 35 of section 621 is guilty of an offence and is liable to a fine of \$90 to \$270, \$175 to \$525 or \$350 to \$1,050 according to the seriousness of the offence as specified by regulation. Every driver who fails to comply with a condition fixed under section 633 is guilty of an offence and is liable to a fine of \$175 to \$525.

Every holder of a special permit who contravenes a regulatory provision the violation of which constitutes an offence under paragraph 35 of section 621 is guilty of an offence and is liable to a fine of \$175 to \$525, \$350 to \$1,050 or \$700 to \$2,100 according to the seriousness of the offence as specified by regulation. Every holder who fails to comply with a condition fixed under section 633 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

However, the fine is

(1) \$175 plus \$75 per excess metre if the offence is for exceeding the length limit authorized in the special permit;

(2) \$175 plus \$75 per excess 10 centimetres if the offence is for exceeding the width or height limit authorized in the special permit;

(3) \$600 plus \$100 per excess 1,000 kg, not counting the first excess 1,000 kg, if the offence is for exceeding the axle load limit or the total loaded mass authorized in the special permit;

(4) an amount corresponding, under section 517.1, to the nature of the offence if a heavy vehicle is stopped on a public highway on which it is not authorized to travel as provided in the special permit, if the vehicle is being operated during the thaw period without special authorization, if the vehicle's configuration is not the configuration described in the special permit or if the vehicle is travelling on a bridge or viaduct on which the heavy vehicle is not authorized to travel according to a sign or signal specifying the limit on the structure.

Every holder of an escort permit who contravenes a regulatory provision the violation of which constitutes an offence under paragraph 20.3 of section 621 is guilty of an offence and is liable to a fine of \$175 to \$525, \$350 to \$1,050 or \$700 to \$2,100 according to the seriousness of the offence as specified by regulation.

The period of validity of a special permit or escort permit for a heavy vehicle in respect of which an offence was committed is suspended for a period of three months if the holder of the permit commits a second offence while the permit is valid. If a subsequent offence is committed during the same period of validity, the permit is suspended for three months, whether or not the vehicles covered by the permit were the subject of proceedings. The right to obtain a special permit or escort permit, for the same or another heavy vehicle is, for the operator, subject to the rules governing a second or subsequent offence.

If an offence relating to axle load or total loaded mass is committed while the vehicle is travelling on a bridge or viaduct where a sign or signal prohibits overweight vehicles, the fines prescribed in this section are doubled."

113. Section 515 of the said Code is repealed.

114. Section 517 of the said Code is replaced by the following :

"517. Every driver of a heavy vehicle who contravenes section 464 is guilty of an offence and is liable to a fine of \$175 to \$525."

115. Section 517.1 of the said Code is replaced by the following :

"517.1. Every owner or lessee of an outsized vehicle or, where applicable, every owner or operator of a heavy vehicle who contravenes section 463 is guilty of an offence and is liable to a fine of

(1) \$175 plus \$75 per excess metre if the vehicle is outsized as to length ;

(2) \$175 plus \$75 per excess 10 centimetres if the vehicle is oversized as to width or height;

(3) \$150 to \$450 if the vehicle does not conform to its authorized axle load but conforms to its authorized total loaded mass;

(4) \$300 to \$900 if the vehicle does not conform to its authorized axle load and also does not conform to its authorized total loaded mass;

(5) \$300 if the vehicle does not conform to its authorized total loaded mass, plus

(a) \$50 per excess 1,000 kg, up to 5,000 kg in excess;

(b) \$75 per excess 1,000 kg, where the excess is between 5,000 kg and 10,000 kg;

(c) \$100 per excess 1,000 kg, where the excess is greater than 10,000 kg;

(6) twice the amount of the fines under this section, if an offence relating to axle load or total loaded mass is committed while the vehicle is travelling on a bridge or viaduct where a sign or signal prohibits overweight vehicles;

(7) \$600 if the vehicle is travelling on a bridge or viaduct where the heavy vehicle is not authorized to travel according to a sign or signal specifying the limit on the structure, plus

(a) \$100 per excess 1,000 kg, up to 5,000 kg in excess;

(b) \$150 per excess 1,000 kg, where the excess is between 5,000 kg and 10,000 kg;

(c) \$200 per excess 1,000 kg where the excess is greater than 10,000 kg.”

116. Section 517.2 of the said Code is replaced by the following :

“517.2. Where a load considered to be a full load, attributable to a single person who requests transportation of the load, causes a heavy vehicle to be oversized, every person who requested or participated in the arranging of the transportation is guilty of an offence and is liable to a fine of

(1) \$175 plus \$75 per excess metre if the vehicle is oversized as to length;

(2) \$175 plus \$75 per excess 10 centimetres if the vehicle is oversized as to width or height;

(3) \$300 if the vehicle does not conform to its authorized total loaded mass, plus

- (a) \$50 per excess 1,000 kg, up to 5,000 kg in excess ;
- (b) \$75 per excess 1,000 kg, where the excess is between 5,000 kg and 10,000 kg ;
- (c) \$100 per excess 1,000 kg, where the excess is greater than 10,000 kg.

Proof of commission of the offence is, in the absence of evidence to the contrary, proof that the offence was committed with the authorization or consent of the person who requested or participated in the arranging of the transportation.”

117. Section 518 of the said Code is amended by adding, at the end, the following :

“An owner of a road vehicle must, at the request of the Société or a peace officer, furnish the weighing certificate within 10 days of the request to establish the net mass of the vehicle.”

118. Section 519 of the said Code is amended by inserting “or the operator of a heavy vehicle” after “vehicle” in the third line.

119. Title VIII.1 of the said Code is replaced by the following :

“TITLE VIII.1

“SPECIAL RULES RESPECTING OWNERS AND OPERATORS OF HEAVY VEHICLES

“CHAPTER I

“SCOPE

“519.1. This Title applies to heavy vehicles and to the owners and operators governed by the Act respecting owners and operators of heavy vehicles.

“CHAPTER II

“OBLIGATIONS OF DRIVERS AND OPERATORS OF HEAVY VEHICLES

“DIVISION I

“OBLIGATIONS OF DRIVERS

“519.2. A driver of a heavy vehicle must, in accordance with the standards prescribed by regulation, conduct a pre-departure inspection of the heavy vehicle to be driven and enter all observations of the mechanical condition of the vehicle in the vehicle’s inspection report.

However, in the case of a bus, the pre-departure inspection may be conducted by a person responsible for maintenance who is deemed to be the driver within the meaning of sections 519.2 to 519.5.

“519.3. A driver must, in accordance with the standards prescribed by regulation, complete and keep up to date the inspection report of the heavy vehicle being driven.

“519.4. A driver must keep on board the inspection report of the heavy vehicle being driven.

Only one inspection report for the vehicle being driven shall be kept in the driver's possession and must be surrendered for examination by the driver to any peace officer who so requests.

The report must be returned to the driver after examination.

“519.5. A driver who discovers a mechanical defect must report the defect without delay to the persons determined by regulation in the form, with the particulars and in the manner prescribed therein.

“519.6. No person shall drive a heavy vehicle which has a major defect discovered during a pre-departure inspection.

“519.7. A driver whose driver's licence or class authorizing the driving of a heavy vehicle has been modified, suspended or cancelled must without delay inform the operator, the owner and, where required, any person determined by regulation in the manner prescribed therein.

“519.8. A driver of a bus or minibus must distribute and secure freight, express and baggage, other than carry-on baggage, so as to ensure

(1) unrestricted freedom of movement for the driver and proper operation of the bus or minibus by the driver;

(2) unobstructed access by passengers to all exits;

(3) protection of passengers against injury caused by falling or shifting articles transported in the bus or minibus.

“519.9. No person shall exceed the number of hours of driving or hours of service prescribed by regulation or the number of hours of driving or hours of service specified in an authorization granted by the Société under section 519.31, or fail to comply with the standards, conditions and procedures established or provided in the regulation or authorization, as the case may be.

“519.10. A driver, including a relief driver, must keep a daily log of hours of driving and hours of service in accordance with the terms and conditions prescribed by regulation, and enter all required information therein.

No driver or relief driver shall be in possession of more than one daily log of hours of driving and hours of service.

A driver or relief driver must keep the daily logs and any other document prescribed by regulation in the vehicle. In addition, the driver or relief driver must surrender the daily logs for examination at the request of a peace officer or an inspector appointed under section 519.69. The daily logs as well as any other documents requested must be returned after examination to the driver or relief driver, as the case may be.

“519.11. A driver must, at the request of a peace officer or an inspector appointed under section 519.69, surrender the leasing contract or the contract for services.

The peace officer or inspector must return the documents to the driver after examination.

“519.12. A peace officer may, for the period corresponding to the number of hours of rest prescribed by regulation, remove the driver’s licence from any driver who has exceeded the number of hours of driving or hours of service prescribed by regulation or authorized by the Société, and take possession of the driver’s vehicle to have it driven to an appropriate place.

The driver must comply without delay with the directions of the peace officer and may recover the driver’s licence in the manner specified by the peace officer.

“519.13. A driver of a heavy vehicle must, unless exempted from doing so by regulation or by a sign or signal, stop the heavy vehicle at least five metres from any level crossing and then proceed only after ascertaining that it is safe to proceed.

The Minister of Transport may, by order published in the *Gazette officielle du Québec*, designate certain level crossings at which the driver of a heavy vehicle is not required to stop.

“519.14. A driver of a heavy vehicle shall drive the vehicle to a roadside inspection station and facilitate any inspection under this Code when so required by a peace officer or a sign or signal.

“DIVISION II

“OBLIGATIONS OF OPERATORS AND OWNERS

“519.15. Heavy vehicles must be maintained in good mechanical order by the owner of the vehicles who must comply with the maintenance standards and the inspection frequency and inspection procedure prescribed by regulation.

An operator must ensure that the driver or person responsible for maintenance conducts the pre-departure inspection of the heavy vehicle for which the operator is responsible.

“519.16. An operator must, subject to the conditions and in the manner prescribed by regulation, place only one inspection report in each heavy vehicle for which the operator is responsible.

The operator is also required to ensure that the driver keeps the inspection report on board and records all the information in accordance with the standards prescribed by regulation.

Where the operator is not the owner of the heavy vehicle, the operator must without delay inform the owner of any defect recorded and must forward a copy of the heavy vehicle’s inspection report to the owner.

“519.17. An owner must correct any defect which is reported to the owner. In the case of a minor defect, the owner must make the necessary repairs or have them made within 48 hours to preserve the right to maintain the vehicle in operation. In the case of a major defect, the vehicle may not be operated.

All repairs must be made in compliance with the maintenance standards prescribed by regulation.

“519.18. The owner of a heavy vehicle that is operated by an operator is responsible for obtaining a copy of the inspection report.

“519.19. An operator shall not allow a bus or minibus in which freight, express or baggage has not been distributed or secured in conformity with section 519.8 to be operated.

“519.20. An owner, operator or any other person who supplies the services of a driver must maintain the records, reports, files and other documents prescribed by regulation.

“519.21. An owner who is advised that a notice of defect has been issued by a vehicle manufacturer pursuant to the Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16) must without delay take the necessary measures to have the defect corrected as specified in the manufacturer’s directions or to have the vehicle repaired or modified so as to eliminate the defect.

Any minor or major defect listed in the Regulation respecting mechanical inspection and safety standards for road vehicles (R.R.Q., 1981, chapter C-24.1, r.21) constitutes a defect within the meaning of this section.

“519.22. An operator is responsible for ensuring that the driver, in accordance with the conditions and in the manner prescribed by regulation,

keeps on board the daily logs of hours of driving and hours of service and any other document prescribed by regulation and that the driver enters therein all the required information.

“519.23. Where a driver is exempted by regulation from the requirement to maintain a daily log of hours of driving and hours of service, the operator and any person who supplies the services of a driver must maintain a document in which the operator or person must enter all the information required by regulation.

“519.24. An operator is responsible for ensuring that the driver does not exceed the number of hours of driving or the number of hours of service prescribed by regulation or specified in an authorization granted by the Société under section 519.31, and complies with the standards, conditions and procedures established or set out in the regulation or authorization.

The operator is also responsible for ensuring that the driver forwards a copy of the daily logs of hours of driving and hours of service to the operator along with the documents required by regulation in accordance with the standards prescribed by regulation.

“519.25. An operator who uses the services of a driver must obtain from the person who supplies the driver the daily logs of the driver’s hours of driving and hours of service in the manner prescribed by regulation.

“519.26. A person in the business of supplying the services of a driver must transmit to the operator the daily logs of the driver’s hours of driving and hours of service in the manner prescribed by regulation.

“519.27. An operator is responsible for ensuring that the driver complies with the obligation to drive the vehicle to a roadside inspection station as provided in section 519.14.

“519.28. Where it is found by a peace officer that a regulation relating to the transportation of dangerous substances has been contravened, the peace officer may order that the vehicle be driven to an appropriate place and detained at the expense of the operator until the operator or the owner of the vehicle or of its load complies with the provisions of the regulation.

The driver must immediately comply with that order.

The vehicle and its load remain the responsibility of the operator, the owner of the vehicle or of the load, as the case may be.

“519.29. In a proceeding for an offence under this Title or under the second paragraph of section 145, proof that the offence was committed by an agent, a mandatary or an employee of an owner or operator is sufficient to establish that the offence was also committed by the owner or operator unless it is established by the owner or operator that due care was exercised by the

taking of all necessary measures to ensure compliance with this Act or a regulation.

“CHAPTER III

“POWERS AND OBLIGATIONS OF THE SOCIÉTÉ

“**519.30.** The Société may appoint, subject to the conditions it determines, an operator or heavy-vehicle driving school to administer the qualification examinations, except medical examinations, required for the issue of a class of licence authorizing the driving of a heavy vehicle.

“**519.31.** The Société may, within the framework of a fatigue management program prescribed by regulation or in the cases and on the conditions prescribed by any other regulation, grant to an operator who applies therefor an authorization to increase the number of hours of driving or hours of service of drivers to a number that is greater than the number prescribed by regulation, and specify therein standards, conditions and procedures other than those prescribed by regulation.

The Société shall grant such an authorization for a determined number of hours only.

“CHAPTER IV

“PENAL PROVISIONS

“**519.32.** Every person who contravenes a section of this Code to which a provision of this chapter applies is liable only to the fine imposed under this chapter.

“**519.33.** Every driver of a heavy vehicle that does not meet the requirements of any of sections 212, 213, 215 to 223, 225, 228, 234, the first paragraph of section 235, any of sections 236, 237, 254, 258, 261 to 265, 269, 270, 272 or 273 is guilty of an offence and is liable to a fine of \$90 to \$270.

Every owner or operator who operates or permits the operation of a heavy vehicle that does not meet the requirements of any of the sections referred to in the first paragraph is guilty of an offence and is liable to a fine of \$175 to \$525.

Every driver of a heavy vehicle that does not meet the requirements of section 441 is guilty of an offence and is liable to a fine of \$150 to \$450.

Every owner or operator who operates or permits the operation of a heavy vehicle that does not meet the requirements of section 441 is guilty of an offence and is liable to a fine of \$300 to \$900.

“519.34. Every driver of a heavy vehicle who contravenes any of sections 240.1, 274, 437.1, 437.2 and 519.8 is guilty of an offence and is liable to a fine of \$175 to \$525.

Every driver who contravenes section 519.12 or 519.28 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Every operator who contravenes any of sections 274, 437.1, 437.2 and 519.19 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

“519.35. Every driver of a heavy vehicle who contravenes section 519.5 is guilty of an offence and is liable to a fine of \$175 to \$525 if the driver fails or refuses to report a minor defect and to a fine of \$350 to \$1,050 if the driver fails or refuses to report a major defect.

“519.36. Every driver of a heavy vehicle that has not been registered as required under section 6, 7 or 8 is guilty of an offence and is liable to a fine of \$125 to \$375.

Every owner who operates or permits the operation of a heavy vehicle that does not meet the requirements of any of the sections referred to in the first paragraph is guilty of an offence and is liable to a fine of \$250 to \$750.

“519.37. Every driver of a heavy vehicle who contravenes section 474 is guilty of an offence and is liable to a fine of \$175 to \$525.

Every operator who contravenes section 474 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

“519.38. Every driver of a heavy vehicle who contravenes section 248 or 519.3 by failing to maintain a pre-departure inspection report for the driver's vehicle is guilty of an offence and is liable to a fine of \$175 to \$525.

“519.39. Every driver of a heavy vehicle and every person responsible for maintenance who contravenes section 519.2 by not making the pre-departure inspection or by not recording observations, section 519.3 by not filling out the pre-departure inspection report, section 519.4 by not keeping the pre-departure inspection report in the vehicle or by being in possession of more than one such report or refusing to surrender it to a peace officer for examination, or section 519.9 or 519.14 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

“519.40. Every owner who operates or permits the operation of a heavy vehicle carrying a registration plate for a class other than that vehicle's class, or who operates or permits the operation of a heavy vehicle registered for a use other than the use being made of the vehicle, or every driver who drives a heavy vehicle carrying a registration plate issued for another vehicle is guilty of an offence and is liable to a fine of \$250 to \$750.

“519.41. Every owner who contravenes section 266 or 268 is guilty of an offence and is liable to a fine of \$175 to \$525.

Every owner or operator who contravenes any of sections 214, 239, 240.1 and 260 or who permits the operation of a heavy vehicle that does not meet the requirements of section 423 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

“519.42. Every owner or operator who, notwithstanding proper notification in accordance with section 519.7, permits a heavy vehicle to be operated by a driver to whom that section applies is guilty of an offence and is liable to a fine of \$700 to \$2,100 if the driver of the vehicle is liable to the fine under sections 143 and 144.

“519.43. Every person who supplies the services of a driver and every operator who contravenes section 519.23 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Every owner or operator who contravenes the second paragraph of section 531 or section 532 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

“519.44. Every driver who contravenes section 519.10 or 519.11 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

Every operator who contravenes section 519.22 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Every person who contravenes section 519.26 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

“519.45. Where false or inaccurate information is entered in a daily log referred to in section 519.10, the following persons are guilty of an offence and are liable to the following fines:

- (1) \$350 to \$1,050 in the case of a driver of the heavy vehicle;
- (2) \$700 to \$2,100 in the case of an operator of the heavy vehicle;
- (3) \$700 to \$2,100 in the case of a person referred to in section 519.26 who supplies the services of a driver.

“519.46. Every owner who contravenes section 519.21 is guilty of an offence and is liable to a fine of \$350 to \$1,050 if the heavy vehicle in respect of which a notice was given has a minor defect, and to a fine of \$700 to \$2,100 if the heavy vehicle has a major defect.

“519.47. Every owner or operator who contravenes section 519.17 is guilty of an offence and is liable to a fine of

(1) \$350 to \$1,050 if the owner or operator permitted the heavy vehicle to be operated with a minor defect after 48 hours ;

(2) \$700 to \$2,100 if the owner or operator permitted the heavy vehicle to be operated with a major defect.

“519.48. Every owner or operator who operates or permits the operation of a heavy vehicle that does not meet the requirements of section 34 or who operates a vehicle to which a validation sticker issued for another vehicle has been affixed is guilty of an offence and is liable to a fine of \$250 to \$750.

Every owner or operator who attaches to a heavy vehicle a registration plate issued for another vehicle or who operates or permits the operation of a heavy vehicle carrying a registration plate issued for another vehicle is guilty of an offence and is liable to a fine of \$500 to \$1,500.

Every owner or operator who contravenes section 519.15 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

“519.49. Every driver of a heavy vehicle that does not meet the requirements of section 229 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

“519.50. Every driver who contravenes any of sections 519.6, 519.7 or 519.14 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

“519.51. Every operator who contravenes section 519.27 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Every owner who contravenes section 519.18 or 534 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

“519.52. Every operator who contravenes the second paragraph of section 519.16 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

Every operator who contravenes the first or third paragraph of section 519.16 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Every owner or operator who operates or permits the operation of a heavy vehicle whose braking system has been modified or altered in such a way as to reduce its effectiveness or who contravenes any of sections 473, 523, 538 and 539 is guilty of an offence and is liable to a fine of \$700 to \$2,100. In the case of an offence under section 471, the fine for which such an owner or operator is liable is

(1) \$350 to \$1,050 for an offence under paragraph 2 of section 471 ;

(2) \$700 to \$2,100 for an offence under paragraph 1 or 3 of that section ;

(3) \$175 to \$525 for an offence under paragraph 4 of that section.

Every person who supplies the services of a driver and every owner or operator who contravenes section 519.20 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

“519.53. Every operator who contravenes section 519.24 or 519.25 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

“519.54. In the case of an offence under the Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 (1988, G.O. 2, 2082), every person who requested or participated in the arranging of the transportation is guilty of an offence and is liable to a fine of \$700 to \$2,100.”

120. Section 519.64 of the said Code is amended by replacing “, under this Title,” in the second line by “under this Title, for the application of the Act respecting owners and operators of heavy vehicles and”.

121. Section 519.65 of the said Code is amended by striking out paragraph 1.

122. Section 519.67 of the said Code is amended by inserting “, of the Act respecting owners and operators of heavy vehicles” after “Code” in the fourth line.

123. Section 519.69 of the said Code is amended

(1) by replacing “of Title VIII.1, this Title” in the third line of the first paragraph by “of this Code, the Act respecting owners and operators of heavy vehicles”;

(2) by adding, at the end of the first paragraph, the following: “and sections 96 and 186 of the Automobile Insurance Act”.

124. Section 519.70 of the said Code is amended

(1) by replacing “of a carrier referred to in Title VIII.1” in the first and second lines of subparagraph 1 of the first paragraph by “of a person to whom a legislative provision governing the operation of a heavy vehicle applies or of an owner or operator of a heavy vehicle”;

(2) by replacing subparagraph 3 of the first paragraph by the following:

“(3) inspect any heavy vehicle and, for such purpose, order the immobilization of the vehicle if necessary, enter it, examine the registers and records referred to in subparagraph 2, open or cause to be opened any container or recipient and cause, if necessary, a vehicle that is not in storage or waiting to be repaired to be submitted to a mechanical inspection;”;

(3) by replacing “Title VIII.1 and” in the first line of subparagraph 4 of the first paragraph by “this Code and the”.

125. Section 519.73 of the said Code is amended by inserting “acting under this Code or an Act under the responsibility of the Société pursuant to section 519.64” after “duties” in the second line.

126. Section 519.75 of the said Code is amended by replacing “certificate” in the third line by “permit or certificate for occasional trips”.

127. Section 519.77 of the said Code is replaced by the following :

“**519.77.** Every person who contravenes the second paragraph of section 519.67.1, the second paragraph of section 519.70 or section 519.73 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

“**519.78.** Every person who contravenes section 519.75 is guilty of an offence and is liable to a fine of \$500 to \$1,500.”

128. Section 521 of the said Code is amended

(1) by replacing paragraph 5 by the following :

“(5) vehicles having a net mass in excess of 3,000 kg, except motor homes, house trailers, tool vehicles and farm trailers, farm machinery as well as construction trailers and farm trailers defined by regulation;”;

(2) by adding the following :

“Paragraphs 10 and 10.1 apply to vehicles being operated on highways under the administration of or maintained by the Ministère des Ressources naturelles, on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed.”

129. Section 532 of the said Code is amended by striking out the second paragraph.

130. The said Code is amended by inserting, after section 538, the following :

“**538.0.1.** The Société may revoke, for a period of two years, the certificate of competency referred to in section 543.3.1 of any mechanic who issues a certificate of mechanical inspection without being authorized to do so by the Société in accordance with section 520.”

131. Section 543.2 of the said Code is amended by inserting “periodic” before “mechanical” in the first line.

132. The said Code is amended by inserting, after section 543.3, the following :

“543.3.1. The Société, or a mandatary designated by the Société, shall issue a certificate of competency in the cases determined by regulation to any mechanic assigned to the preventive maintenance of road vehicles who has passed the examination established or recognized by the Société.

“543.3.2. The Société may exempt an owner of a road vehicle who files an application pursuant to section 543.2 from the requirement to comply with the minimum standards pertaining to the qualifications of mechanics assigned to the maintenance of road vehicles.

The Société may refuse such an exemption if, in the Société’s opinion, mechanics do not have qualifications equivalent to those required for a certificate of competency to be issued.”

133. The said Code is amended by inserting, after section 545.1, the following :

“545.2. Every person who contravenes section 543 is guilty of an offence and is liable to a fine of \$250 to \$750.”

134. Section 546 of the said Code is replaced by the following :

“546. Every person who contravenes the first paragraph of section 523 or any of sections 534, 538, 538.1 or 539 is guilty of an offence and is liable to a fine of \$300 to \$600.

Every driver of a heavy vehicle who contravenes section 523 or 534 is guilty of an offence and is liable to a fine of \$350 to \$1,050.”

135. Section 546.0.1 of the said Code is amended by replacing “or to a fine of \$300 to \$600 or of \$600 to \$2,000 if the owner is a carrier within the meaning of section 519.2 of this Code,” in the third, fourth and fifth lines by “or to a fine of \$350 to \$1,050 or of \$700 to \$2,100 if Title VIII.1 applies to the owner,”.

136. Section 546.0.2 of the said Code is amended by replacing “or to a fine of \$300 to \$600 if the owner is a carrier within the meaning of section 519.2” in the third and fourth lines by “or to a fine of \$350 to \$1,050 if Title VIII.1 applies to the owner”.

137. Section 546.0.3 of the said Code is replaced by the following :

“546.0.3. Every owner to whom Chapter I.1 of Title IX applies who contravenes section 543.6 is guilty of an offence and is liable to a fine of \$300 to \$600 or, in the case of an owner of a heavy vehicle, to a fine of \$700 to \$2,100.”

138. Section 546.0.4 of the said Code is amended by replacing “\$600 to \$2,000” in the second and third lines by “\$700 to \$2,100”.

139. Section 550 of the said Code is amended by replacing “and 519.61” in the first paragraph by “, 519.61 and 538.0.1 or the second paragraph of section 543.3.2”.

140. Section 560 of the said Code is amended by replacing “and 519.61” in paragraph 2 by “, 519.61 and 538.0.1 or the second paragraph of section 543.3.2”.

141. Section 587.1 of the said Code is amended

(1) by inserting “every statement issued and of” after “Société of” in the third line;

(2) by replacing “a carrier or driver relating to the use of a bus or commercial vehicle having a net mass of more than 3,000 kg” in the fourth and fifth lines by “an owner or operator to which Title VIII.1 applies or of a driver in relation to the operation of a heavy vehicle”.

142. Section 596.1 of the said Code is amended by adding, at the end, the following:

“Any person who fails to furnish to an owner or operator of heavy vehicles or who furnishes false or misleading or erroneous information, the knowledge or truth of which would have prevented an offence under this Code is liable to the same fine as the offender, whether or not the offender has been prosecuted or convicted.”

143. Section 609 of the said Code is amended by replacing “a carrier or a driver working for the carrier under their authority” in the second and third lines of the second paragraph by “an owner or operator of a heavy vehicle or a driver under their responsibility, who is under the authority of those persons, departments or agencies”.

144. Section 621 of the said Code is amended

(1) by replacing “bus, a minibus or a commercial vehicle” in the third line of paragraph 12 by “heavy vehicle or of a motor vehicle whose weight is 3,000 kg or less”;

(2) by adding, at the end of paragraph 12.0.1, “, “home base”, “sleeper berth” and “daily logs””;

(3) by replacing “a carrier” in the second line of paragraph 12.0.2 by “an operator”;

(4) by replacing paragraph 12.1 by the following:

“(12.1) prescribe the manner, the form, the content and the rules for the retention of the daily log of hours of driving and hours of service to be

maintained by a driver of a heavy vehicle or any other document required under a fatigue management program;”;

(5) by replacing paragraph 12.2 by the following:

“(12.2) determine, subject to the conditions it determines, in what cases a driver of a heavy vehicle is partially or totally exempted from the obligation of keeping a daily log of hours of driving and hours of service and from the obligation of retaining the daily logs as well as any other document concerning the trip in the driver’s possession while the driver is operating the vehicle or is at work;”;

(6) by inserting, after paragraph 12.2, the following:

“(12.3) determine the standards, conditions and manner of implementing a fatigue management program;”;

(7) by adding, at the end of paragraph 20.3, the following: “and indicate for each offence the minimum and the maximum amounts of the fine to which the offender is liable”;

(8) by inserting, at the end of paragraph 23, the following: “and indicate, for each offence, the minimum and maximum amounts to which the offender is liable, according to the seriousness of the offence, namely \$100 to \$200, or \$300 to \$600 for an owner to whom Chapter I.1 of Title IX applies or \$350 to \$1,050 or \$700 to \$2,100 if Title VIII.1 applies to the owner”;

(9) by inserting, after paragraph 25, the following:

“(25.1) define, for the purposes of the safety standards for road vehicles, classes and subclasses of road vehicles other than those provided for in this Code;”;

(10) by adding, at the end of subparagraph *d* of paragraph 32.1, the following: “and the cases in which they must be holders of a certificate of competency issued pursuant to section 543.3.1;”;

(11) by replacing “namely \$100 to \$200, \$300 to \$600, or \$600 to \$2,000, according to the seriousness of the offence and the identity of the offender” in the fourth and fifth lines of paragraph 32.8 by “according to the seriousness of the offence, namely \$100 to \$200, or \$300 to \$600 for an owner to whom Chapter I.1 of Title IX applies, or \$350 to \$1,050 or \$700 to \$2,100 if Title VIII.1 applies to the owner”;

(12) by adding, at the end of paragraph 35, the following: “and indicate, for each offence, the minimum and the maximum amounts of the fine to which the offender is liable”;

(13) by replacing “motor vehicles that are subject to Title VIII.1” in the first and second lines of paragraph 37 by “heavy vehicles” and by replacing “carriers” in the third line by “owners”;

(14) by replacing paragraph 38 by the following :

“(38) prescribe standards for the pre-departure inspection of a heavy vehicle referred to in section 519.2, and exempt certain drivers, owners and operators from making the inspection in the cases it indicates;”;

(15) by replacing paragraph 39 by the following :

“(39) determine the form, content and rules for the retention of the reports, daily logs, files or other documents referred to in Title VIII.1 and exempt certain owners, operators or persons who supply the services of a driver from retaining them in the cases it indicates;”;

(16) by inserting, after paragraph 39, the following :

“(39.1) fix the manner in which the daily logs must be transmitted to the operator by a person offering the services of a driver;”;

(17) by replacing paragraph 40 by the following :

“(40) determine the form, content and rules for the retention of the inspection report referred to in section 519.3 and exempt certain drivers from making the report in the cases it indicates;”;

(18) by inserting, after paragraph 40, the following :

“(40.1) determine the persons who must be informed of a mechanical defect found on a heavy vehicle and the form and content of the report referred to in section 519.5 and the manner of making the report;”;

(19) by striking out paragraph 41 ;

(20) by replacing “motor” in the second line of paragraph 42 by “heavy”;

(21) by inserting, after paragraph 42, the following :

“(42.1) exempt certain heavy vehicles from the obligation of stopping at a level crossing;”;

(22) by striking out paragraph 43 ;

(23) by replacing “a carrier” in the first line of paragraph 44 by “an operator or any other person it determines” and by replacing “motor vehicle subject to Title VIII.1” in the third line by “heavy vehicle”;

(24) by striking out paragraph 48.

145. Section 622 of the said Code is amended

(1) by replacing “to a person who requests the transportation of dangerous substances” in the second and third lines of subparagraph 7 of the first paragraph by “to a person who offers a dangerous substance for transport, to an owner or operator of a heavy vehicle, to a carrier or to a driver of a vehicle that transports dangerous substances”;

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

“(8) determine, among the provisions of a regulation under this section, those the violation of which constitutes an offence and prescribe for each offence the minimum and maximum amounts to which the following persons are liable:

(a) the person who offers dangerous substances for transport, the owner or the operator of the heavy vehicle or the carrier of dangerous substances, each amount to be from \$175 to \$525, \$350 to \$1,050 or \$700 to \$2,100, according to the seriousness of the offence;

(b) the driver of the vehicle that transports dangerous substances, each amount to be from \$90 to \$270, \$175 to \$525 or \$350 to \$1,050, according to the seriousness of the offence.”

146. Section 626 of the said Code is amended by inserting “, where the law so authorizes, by” after “by by-law or” in the first line.

147. Section 627 of the said Code is amended

(1) by inserting “, where the law so authorizes, every” after “every by-law, resolution or” in the second line of the first paragraph;

(2) by striking out “to by-laws, resolutions or ordinances passed or issued under section 293.1, or” in the first and second lines of the second paragraph.

148. Section 636 of the said Code is amended by inserting “and the Act respecting owners and operators of heavy vehicles” after “Code” in the second line.

149. Section 636.1 of the said Code is amended by inserting “on highways under the administration of or maintained by the Ministère des Ressources naturelles,” after “applies” in the first line of the second paragraph.

150. Section 636.2 of the said Code is amended

(1) by inserting “the Act respecting owners and operators of heavy vehicles,” after “Code” in the second line;

(2) by inserting “under the Act respecting owners and operators of heavy vehicles,” after “Code” in the fourth line;

(3) by replacing “its owner’s expense” in the seventh and eighth lines by “the expense of the owner or operator of a heavy vehicle, as the case may be”.

151. Section 643.2 of the said Code is amended by adding, after the first paragraph, the following :

“Every driver of a heavy vehicle who contravenes section 636 is guilty of an offence and is liable to a fine of \$700 to \$2,100.”

152. Section 645.1 of the said Code is repealed.

153. Article 158.1 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by replacing “is imputable to the owner or lessee of a commercial vehicle or bus within the meaning of the Highway Safety Code (chapter C-24.2) or to a carrier as defined in article 519.2 of that Code,” in the first, second and third lines of the first paragraph by “under the Highway Safety Code (chapter C-24.2) or the Act respecting owners and operators of heavy vehicles (1998, chapter 40) is imputable to the owner or operator of a heavy vehicle within the meaning of that Act,”.

154. Section 1 of the Transport Act (R.S.Q., chapter T-12) is amended by inserting “and except where the Commission acts under the Act respecting owners and operators of heavy vehicles (1998, chapter 40)” after “Within the meaning of this Act” in the first line of the second paragraph.

155. Section 2 of the said Act is amended by striking out the third paragraph.

156. Section 5 of the said Act is amended

(1) by replacing paragraph *n* by the following :

“(n) determine the requirements applicable to estimates, contracts, bills of lading and shipping documents in the case of a carrier or any person to whom the Act respecting owners and operators of heavy vehicles applies;”;

(2) by adding, after paragraph *q*, the following :

“(r) determine, among the provisions of a regulation under this section, those the violation of which constitutes an offence and prescribe for each offence the minimum and maximum amounts to which the offender is liable, namely from \$125 to \$375, \$250 to \$750 or \$500 to \$1,500, according to the seriousness of the offence and, where applicable, whether the offender is an owner or operator of heavy vehicles, a transport service intermediary, a carrier, a driver or a broker ;

“(s) determine the offences under this Act or a regulation thereunder for which a 72-hour notice may be issued.”

157. Section 17.2 of the said Act is amended by adding, at the end, the following:

“A decision containing an error in writing or in calculation or any other clerical error may be corrected by the Commission.”

158. Section 34.1 of the said Act is amended by striking out the second paragraph.

159. Section 35 of the said Act is amended by inserting, at the end, the following:

“This section does not apply to a person subject to the Act respecting owners and operators of heavy vehicles.”

160. Section 36 of the said Act is amended by adding, at the end, the following:

“In addition, this section does not operate to require an owner or operator of heavy vehicles, within the meaning of the Act respecting owners and operators of heavy vehicles, to obtain a permit under this Act except to the extent provided for therein.”

161. Section 48 of the said Act is amended by adding, at the end, the following:

“The Commission has all the powers necessary to publish, cause to be published at the expense of the person it designates or make public by any other means any decision or notice required under this Act or the Act respecting owners and operators of heavy vehicles.”

162. Section 49.2 of the said Act is amended

(1) by inserting “and on public highways as well as roads open to public vehicular traffic” after “duties,” in the second line of the second paragraph;

(2) by striking out “operated on a public highway” in the first and second lines of subparagraph 3 of the second paragraph.

163. Section 73 of the said Act is amended by replacing “\$325” and “\$1 400” in the second line by “\$700” and “\$2,100”, respectively.

164. Section 74 of the said Act is amended

(1) by inserting “section 42, the second paragraph of section 47.4 or” in the first line after “contravenes”;

(2) by replacing “\$75 nor more than \$700 in the case of a natural person, and of not less than \$75 nor more than \$1 400 in the case of an artificial person, for a first offence, and of not less than \$325 nor more than \$1 400 in the case of a natural person, and of not less than \$1 125 nor more than \$7 000 in the case of an artificial person for each second or subsequent conviction” in the sixth, seventh, eighth, ninth, tenth and eleventh lines by “\$125 nor more than \$375 for a first offence, and of not less than \$250 nor more than \$750 for a second or subsequent offence”.

165. Section 74.1 of the said Act is replaced by the following :

“**74.1.** Every person who contravenes section 36, the first paragraph of section 36.1 or section 43 is guilty of an offence and is liable for each day or part of a day during which the offence continues, to a fine of not less than \$500 nor more than \$1,500 for a first offence, and of not less than \$1,500 nor more than \$2,500 for a second or subsequent offence.

“**74.1.1.** Every person who contravenes any of sections 36.2, 42 and 47.3 or the first paragraph of section 47.4 is guilty of an offence and is liable, for each day or part of a day during which the offence continues, to a fine of not less than \$250 nor more than \$750 for a first offence, and of not less than \$750 nor more than \$2,250 for a second or subsequent offence.”

166. Section 74.2 of the said Act, amended by chapter 8 of the statutes of 1998, is again amended by replacing “74” by “74.1.1”.

167. Section 74.2.1 of the said Act is amended by replacing “\$200 nor more than \$300” in the second line by “\$250 nor more than \$750”.

168. Section 74.2.2 of the said Act is amended by replacing “\$30 nor more than \$60” in the second line by “\$250 nor more than \$750”.

169. Section 74.2.3 of the said Act is amended by replacing “\$100 nor more than \$200” in the second and third lines by “\$250 nor more than \$750”.

170. Section 74.2.4 of the said Act is amended by replacing “\$300 nor more than \$600” in the second line by “\$250 nor more than \$750”.

171. Section 80 of the said Act is amended by adding, at the end of the second paragraph, the following: “, at the owner’s expense”.

172. Schedule IV to the Act respecting administrative justice (1996, chapter 54) is amended by adding, at the end, the following :

“(29) section 26 of the Act respecting owners and operators of heavy vehicles.”

173. The experimental preventive maintenance programs certified by the Société de l’assurance automobile before (*insert here the date of coming into*

force of section 543.4 of the Highway Safety Code enacted by section 106 of chapter 56 of the statutes of 1996) are exempted from the certification under Chapter I.1 of Title IX of the Highway Safety Code but are subject to the other provisions of that chapter and to the regulatory provisions made for the application of the programs.

Programs in respect of which no decision on an application for certification has been made before the date mentioned in the first paragraph are subject to the provisions of that chapter.

174. The Commission shall, beginning on 1 August 1998 and on the basis of the information held by it as well as the information held by the Société, notify owners and operators of the rules prescribed by this Act.

Where the Commission is of the opinion that the information held by it is sufficient for it to make a decision and assign a rating of “satisfactory”, the Commission shall notify the person concerned that the person will be registered accordingly as of 1 April 1999 and that the person will be assigned a rating of “satisfactory” so long as the person’s situation remains unchanged.

Where the Commission is of the opinion that the information held by it is insufficient or would lead to a refusal or a declaration of disqualification, the Commission shall notify the person concerned and invite the person to make an application or to appear for a meeting before 1 April 1999.

175. Within 30 days of the date of a notice under the second paragraph of section 174, the person concerned must pay the registration fees fixed and send to the Commission the information required under the second paragraph of section 7 of the Act respecting owners and operators of heavy vehicles. Where the person fails to do so, the registration under section 174 is without effect.

176. For the purposes of section 174, the Commission may consider the information entered in a carrier’s file under the Regulation respecting carriers’ demerit points made by Order in Council 672-88 (1988, G.O. 2, 1988).

177. Every regulation made under a provision of the Highway Safety Code or the Transport Act that is replaced or amended by a provision of this Act shall remain in force until it is replaced, amended or repealed.

178. The first regulations made under section 3, the second paragraph of section 4, section 6, the second paragraph of section 13 and sections 14 and 23 of the Act respecting the owners and operators of heavy vehicles, the new provisions of the Highway Safety Code and of the Transport Act enacted by this Act are not subject to the publication requirement in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

179. Notwithstanding section 54 and until the Government, by order, prohibits the privilege or imposes terms and conditions for the maintenance of the privilege, a person who, on the date of coming into force of this section,

(1) was a person to whom section 124 of the repealed Act applied, may continue, where applicable, to benefit from the privilege conferred by sections 12.77 and 12.78 of Regulation 12 respecting bulk trucking continued by section 68 of the Regulation respecting bulk trucking (R.R.Q., c. T-12, r.3);

(2) was the holder of a trucking licence under the repealed Act continues to be authorized to transport, throughout Québec, wood for veneer and timber sawn across the grain or along the grain.

Section 54 shall not be construed as prohibiting a person from transporting a matter the person would have been authorized to transport under the repealed Act on the date of its repeal.

180. Sections 19 to 30 and Schedule II to the Trucking Regulation made by Order in Council 47-88 (1988, G.O. 2, 659), notwithstanding section 54 of this Act, shall remain in force until they are replaced by a regulation made under paragraph *n* of section 5 of the Transport Act. Contravention of a provision of that regulation is punishable as provided in section 74 of the Transport Act.

181. The Minister shall, on or before 20 June 2001, make a report to the Government on the implementation of this Act and the advisability of maintaining it in force and, if necessary, of amending it.

The report shall be tabled before the National Assembly within the following 15 days or, if the Assembly is not sitting, within 15 days of resumption.

182. The Minister of Transport is responsible for the administration of this Act.

183. The provisions of this Act come into force on the date or dates to be fixed by the Government.