

Draft Regulations

Draft Regulation

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

Hours of driving and hours of service — Amendments

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting hours of driving and hours of service, the text of which appears below, may be made by the Government upon expiry of 45 days following this publication.

The draft Regulation proposes to make the necessary adjustments following the adoption of the Act respecting owners and operators of heavy vehicles (1998, c. 40). The scope of the Regulation is amended so that it specifies which clientele it applies to and defines certain terms.

It also prescribes the obligations imposed upon the owners and operators of heavy vehicles and the agents who provide the services of a driver, with respect to the daily log of driving and on-duty hours and how long certain documents must be kept in the vehicle. Lastly, it includes the updated standards.

The newly covered businesses and individuals will incur costs for training, implementing and monitoring required by the new standards, in particular, for the purchase of new daily log sheets.

Further information may be obtained by contacting Ms. Sylvie Légaré, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C.P. 19600, Québec (Québec) G1K 8J6, tel. (418) 528-4729.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,
Minister of Transport

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

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

1. The title of the Regulation respecting hours of driving and hours of service is replaced by the following:

“REGULATION RESPECTING HOURS OF DRIVING, HOURS OF SERVICE AND THE HEAVY VEHICLE DRIVER’S RECORD”.

2. The following is substituted for section 1:

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

However, the following vehicles are exempt from the provisions of sections 519.9, 519.10, 519.12, 519.20 with respect to daily logs, of sections 519.22 to 519.26 of the Code and from the provisions of this Regulation:

- (1) urban transport vehicles;
- (2) emergency vehicles;

(3) combinations of road vehicles, each having a net weight of 3 000 kg or less, except where they are subject to the provisions of the Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 dated 4 May 1988; and

(4) tow trucks used for towing a maximum of two road vehicles at a time.”.

3. The following is substituted for section 2:

“**2.** In this Regulation,

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

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

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

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

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

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

4. Section 3 is amended

(1) by substituting the words “total on-duty time” and “13 hours of driving or 15 hours on duty” for “period of driving” and “13 hours” in the third paragraph;

(2) by substituting “Where the driver has a work cycle shown below, he may not drive if he has accumulated” for the part preceding subparagraph 1 of the fourth paragraph; and

(3) by substituting “at least 24 consecutive off-duty hours of rest before accumulating 75 on-duty hours”, for “24 consecutive hours of rest after 50 hours but before 70 hours of service”, in subparagraph 3 of the fourth paragraph.”.

5. Section 4 is amended by adding the following paragraph at the end:

“However, the rest period may not be shortened as provided for in the first paragraph if he has apportioned his hours of rest in accordance with the third paragraph of section 3.”.

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

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

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

9. The following is substituted for the heading of Chapter IV, after section 8: “DAILY LOG”.

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

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

(1) the current date;

(2) his name;

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

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

(5) the vehicle’s licence plate number;

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

(7) the driver’s work cycle;

(8) the name of the relief driver; and

(9) the time at the beginning of the 24-hour period, if it does not start at midnight.

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

The driver shall enter the information referred to in subparagraphs 1 and 2 and 5 to 9 of the first paragraph at the beginning of the shift. The information referred to in subparagraph 4 of the first paragraph and the driver’s signature must be entered at the end of the shift.

The daily log shall also contain the following grid:

Use local time at home base

Duty status	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total hours
OFF OUT																										
SLEEPER																										
DRIVING																										
ON DUTY NOT DRIVING																										
NOTES																										

The driver shall enter the status in chronological order, as it changes, in addition to the total number of hours for each item.

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

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

An operator or an agent who provides the services of a driver shall prepare a document on which is entered, each day, the beginning and end of the on-duty hours and the total number of on-duty hours.

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

11. Section 12 is amended

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

(2) by substituting the words "operator or an agent who provides the services of a driver" and "log" for "carrier" and "register" in the second paragraph."

12. The following is substituted for section 13:

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

13. The following is substituted for section 14:

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

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

(2) the device records and indicates

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

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

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

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

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

“DIVISION V DRIVER’S RECORD

14.1. The operator or the agent who provides the services of a driver shall record and keep the following information and documents:

- (1) a copy of the driver’s licence referred to in section 61 of the Code;
- (2) the hiring date;
- (3) a copy of the service contract between the agent providing the services of a driver and the operator;
- (4) if applicable, the driver’s signed statement referred to in section 519.7 of the Code, where the driver’s licence has been suspended, amended or cancelled; and
- (5) the daily logs and the documents referred to in the second paragraph of sections 10 and 11.

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

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

- (1) the date the driver’s contract ended, with respect to subparagraphs 1 to 3;
- (2) the date on which the suspension, amendment or cancellation of the driver’s licence ends, with respect to paragraph 4; and
- (3) the date entered on the daily log or on the document referred to in subparagraph 5.”.

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

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

2714

Draft Regulation

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

Safety standards for road vehicles

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation amending the regulation respecting safety standards for road vehicles, the text of which appears below, may be made by the Government upon the expiry of 45 days following the date of this publication.

The main purpose of the draft Regulation is to make the required adjustments following the adoption of the Act respecting owners and operators of heavy vehicles (1998, c. 40). Therefore, the draft Regulation proposes substituting the definition of “heavy truck” for the definition of “heavy vehicle” in order to distinguish it from the new definition of “heavy vehicle” contained in the Highway Safety Code. In addition, the scope is amended to specify the vehicles to which the Regulation applies. From now on, the pre-departure inspection and maintenance standards specified therein will apply to minibuses, tow trucks, vehicles carrying dangerous substances, emergency vehicles of more than 3 000 kg, certain cranes, concrete mixers, well-drills, concrete pumps and aerial lifts.

The draft Regulation also contains specific provisions for carrying out the pre-departure inspection of buses, minibuses, tow trucks and emergency vehicles. In addition, it contains provisions concerning the keeping of records relating to the maintenance of heavy vehicles. Finally, it proposes adjusting the fines in accordance with the amounts set out in the Act respecting owners and operators of heavy vehicles.

The newly covered businesses and individuals will incur expenses for the training, implementing and monitoring required by the new standards, in particular for the purchase of inspection reports.

Further information may be obtained by contacting Ms. Sylvie Légaré, Société de l’assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-22, C.P. 19600, Québec (Québec) G1K 8J6, telephone (418) 528-4729.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Trans-