

## “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-

port, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,  
*Minister of Transport*

## Regulation to amend the Regulation respecting safety standards for road vehicles<sup>1</sup>

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

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

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

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

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

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

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

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

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

**4.** Section 11 of the Regulation is amended by striking out “subject to mechanical inspection”.

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

**6.** Division I of Chapter IV is revoked.

**7.** Section 191 is revoked.

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

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

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

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

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

The inspection may be made in the 24 hours preceding any departure where the vehicle is a bus or a minibus used for urban transportation and subject to the Transport Act (R.S.Q., c. T-12) or a tow truck or emergency vehicle. Except for tow trucks and emergency vehicles, Saturdays, Sundays and legal holidays are not computed in the 24-hour period, provided that the vehicle remains stationary on such days.

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

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

(1) the date and time the pre-departure inspection of the vehicle was carried out;

(2) the licence plate number of the vehicle;

<sup>1</sup> The Regulation respecting safety standards for road vehicles was made by Order in Council 1483-98 dated 27 November 1998 (1998, G.O. 2, 4557) and has not been amended since that date

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

(4) the driver's name and signature.

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

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

**10.** Section 197 is revoked.

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

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

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

However, this exemption does not apply where those vehicles are subject to the provisions of the Transportation of Dangerous Substances Regulation made by Order in Council 674-88 dated 4 May 1988."

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

**14.** Section 199 is amended by substituting the word "heavy" for the word "motor".

**15.** Section 200 is amended

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

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

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

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

**16.** Section 201 is amended

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

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

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

**17.** Section 202 is revoked.

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

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

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

(1) a copy of the vehicle registration certificate;

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

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

(4) where applicable, each vehicle exchange report;

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

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

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

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

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

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

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

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

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

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

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

**21.** Section 205 is amended

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

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

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

**23.** Section 209 is amended

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

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

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

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

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

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

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

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

**29.** Schedule II to the Regulation is amended

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

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

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

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

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

2715

### Draft Regulation

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

#### Application of Title VIII.1 of Code — Exemptions

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 respecting exemptions from the application of Title VIII.1 of the Highway Safety Code, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

This draft Regulation is intended to adjust the scope of Title VIII.1 of the Highway Safety Code (R.S.Q., c. C-24.2) to take into account the Act respecting owners and operators of heavy vehicles (1998, c. 40). To that end, it exempts from the application of that Title certain vehicles such as heavy vehicles used in the event of disaster and vehicles used by individuals for personal purposes.

The draft Regulation will have no impact on the citizens and businesses concerned.

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; 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<sup>e</sup> étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,  
*Minister of Transport*

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

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

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

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

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

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

(3) a truck with two or three axles used mainly to transport raw farm, forest or fishing products, provided that the operator of the truck is also the producer; and

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

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

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