

## Regulations and other acts

Gouvernement du Québec

### O.C. 621-99, 2 June 1999

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

#### Hours of driving and hours of service — Amendments

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

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

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

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

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

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

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

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

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

Highway Safety Code

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

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

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

**2.** The following is substituted for section 1:

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

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

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

(2) emergency vehicles;

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

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

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

**3.** The following is substituted for section 2:

“**2.** In this Regulation,

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

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

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

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

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

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

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

- (1) 60 hours of work per period of 7 consecutive days;
- (2) 70 hours of work per period of 8 consecutive days;
- (3) 120 hours of work per period of 14 consecutive days; in that case, the driver must have had at least 24 consecutive hours of rest before he reaches a total of 75 hours of work.”.

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

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

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

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

“DAILY LOG”.

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

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

- (1) the current date;
- (2) his name;
- (3) the odometer reading upon departure and at the time the change of grid takes place as prescribed in the fourth paragraph, within the same shift;
- (4) the distance driven during the period shown in the grid;
- (5) the vehicle’s licence plate number or the unit number entered on the registration certificate;
- (6) the operator’s name and main business address;
- (7) the name of the relief driver;
- (8) the time at the beginning of the 24-hour period, if it does not start at midnight; and
- (9) the total hours for each item.

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

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

The daily log shall also contain the following grid:

Use local time at home base

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

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

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

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

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

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

**10.** Section 12 is amended

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

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

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

**11.** The following is substituted for section 13:

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

**12.** The following is substituted for section 14:

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

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

(2) the device records and indicates

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

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

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

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

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

**“DIVISION V  
DRIVER’S RECORD**

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

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

(2) the hiring date;

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

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

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

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

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

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

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

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

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

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

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Gouvernement du Québec

**O.C. 622-99, 2 June 1999**

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

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

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

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

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

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

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

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

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*