

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 the vehicle used to return to the point of departure;

(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 the truck used to return to the operator's premises after such transport; in the latter case, the truck shall be empty or transport products used in the exploitation of the farm, the forest or a natural body of water;

(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 Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 dated 4 May 1988 and requires the display of safety marks in accordance with Division V of that Regulation;

(5) tool vehicles;

(6) a road vehicle subject to the Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 dated 4 May 1988, whose net mass is less than 3000 kg and that does not require the display of safety marks in accordance the Division V of that Regulation; and

(7) a farm tractor and farm machinery within the meaning of the Regulation respecting road vehicle registration, made by Order in Council 1420-91 dated 16 October 1991, and a farm trailer within the meaning of the Regulation respecting safety standards for road vehicle, made by Order in Council 1483-98 dated 27 November 1998.

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

2884

Gouvernement du Québec

O.C. 623-99, 2 June 1999

Highway Safety Code

(R.S.Q., c. C-24.2)

Safety standards for road vehicles

— Amendments

Regulation respecting safety standards for road vehicles

WHEREAS under paragraphs 1, 6 to 8, 11, 14, 24, 25, 28 to 32, 32.1 to 32.8, 37 to 40.1, 42 and 49 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 on the matters mentioned therein;

WHEREAS the Government made the Regulation respecting safety standards for road vehicles by Order in Council 1483-98 dated 27 November 1998;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting safety standards for road vehicles 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 to amend the Regulation respecting safety standards for road vehicles, with amendments;

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

THAT the Regulation to amend the Regulation respecting safety standards for road vehicles, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting safety standards for road vehicles*

Highway Safety Code

(R.S.Q., 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 40.1, 42 and 49, and s. 631; 1998, c. 40, s. 144)

1. Section 2 of 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, as a warehouse, or as sleeping or resting quarters and equipped with a drawbar but no kingpin; (*remorque de chantier*)”; and

(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 to 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 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. The following is substituted for section 191:

“**191.** This Division does not apply to a fire department heavy vehicle owned by a municipality that is outside an urban community and that has a population of less than 25 000.”.

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

“**192.** The pre-departure inspection of the mechanical condition of a heavy vehicle made 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.

Notwithstanding the preceding paragraph, where the driver uses the vehicle’s sleeper berth within the meaning of section 2 of the Regulation respecting hours of driving, hours of work 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.

Where the vehicle is a bus, a minibus, a tow truck or an emergency vehicle, the driver shall make the inspection in the 24 hours preceding any departure or he shall examine the last inspection report and sign it on condition that the inspection was made within the previous 24 hours. 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 makes the pre-departure inspection of a bus shall sign the inspection report and place it in the bus. The driver shall examine it and sign it before departing.

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

(1) the date on which the pre-departure inspection of the vehicle was made;

(2) the licence plate number of the vehicle or the unit number entered on the registration certificate;

* 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 160 km of his home base within the meaning of section 2 of the Regulation respecting hours of driving, hours of work and the heavy vehicle driver's record and if no defect is discovered in the pre-departure inspection or during the trip.

This exemption does not apply where the driver elects to examine and sign the last inspection report in accordance with the third paragraph of section 193.

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 section after the heading of Division III and before section 198:

“**197.1.** A combination of road 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 Division.

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 and safety marks are required to be displayed in accordance with Division V of that Regulation.”.

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 lease 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 carried out 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.
2885

Gouvernement du Québec

O.C. 624-99, 2 June 1999

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

Licences — Amendments

Regulation to amend the Regulation respecting licences

WHEREAS paragraph 44 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, enacts that the Government may, by regulation, prescribe the procedure according to which an operator or any other person it determines is informed by a driver whose driver's licence or class authorizing him to drive a heavy vehicle has been modified, suspended or cancelled;

WHEREAS by Order in Council 1421-91 dated 16 October 1991, the Government made the Regulation respecting licences 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 licences 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 licences without amendment;

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

THAT the Regulation to amend the Regulation respecting licences, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting licences*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 621, par. 44; 1998, c. 40, ss. 119 and 144, par. 23)

1. Section 54 of the Regulation respecting licences is amended by substituting the following for the part preceding paragraph 1:

“**54.** The procedure according to which an operator, an owner of a heavy vehicle and a person who provides the services of a driver under a leasing contract is informed by a driver referred to in section 519.7 of the Code is the following:”.

2. This Regulation comes into force on 1 July 1999.
2886

Gouvernement du Québec

O. C. 625-99, 2 June 1999

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

Carriers' demerit points — Revocation

Regulation to revoke the Regulation respecting carriers' demerit points

WHEREAS under section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government made the Regulation respecting carriers' demerit points by Order in Council 672-88 dated 4 May 1988;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to revoke the Regulation respecting carriers' demerit points 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;

* The Regulation respecting licences, made by Order in Council 1421-91 dated 16 October 1991 (1991, *G.O.* 2, 4146), was last amended by the Regulation made by Order in Council 1193-98 dated 16 September 1998 (1998, *G.O.* 2, 3951). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.