

**18.** Sections 15 to 17 do not apply to a claim for a death benefit.

**19.** The committee must, in addition, request the opinion of an expert physician where, in the opinion of a member of the committee, the opinion is required for medical evaluation of the victim or to establish the probability of the causal link between the injury sustained and the vaccination.

**20.** The committee must give the victim or claimant the opportunity to provide any relevant information or documents to complete his or her file.

**21.** The recommendations of the committee must be adopted by a majority vote and reasons must be given.

Any dissenting member may attach his or her own recommendations and reasons to the majority recommendations.

**22.** The Minister shall give a decision in writing, after studying the recommendations of the committee and of any dissenting member.

Where an application appears, however, on its face, to be prescribed or inadmissible for a reason other than a reason of a medical nature, the Minister may render a decision without the application having been studied by an evaluation committee.

The same applies where the Minister must render a new decision or an additional decision on a claim and the decision does not involve any reason of a medical nature.

**23.** The Minister shall send the decision to the claimant by mail and shall send a copy to the members of the committee.

The decision has effect from the date of mailing.

**24.** Any compensation unpaid at the time of the victim's death shall be paid to the victim's estate.

**25.** Where the prescription period provided for in the Act expires on a day on which the Minister's offices are not open, the time period is extended to the next working day, and the application for compensation may be validly made on that day.

**26.** No proceeding under this Division may be considered void and disallowed for defect of form or procedural irregularity.

**27.** If there is an interruption in postal service, the Minister may accept or use any other method of filing or service.

**28.** The Minister may enter into an agreement with the Société de l'assurance automobile du Québec respecting the application of this Division, in particular respecting payment by the Société of the compensation provided for in this Division and reimbursement by the Minister of the cost of the compensation and the administrative costs related thereto.

**29.** Sections 4 to 28 replace Chapter X of the Regulation respecting the application of the Public Health Protection Act (R.R.Q., 1981, c. P-35, r.1).

**30.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 786-2003, 16 July 2003**

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

### **International Registration Plan Road vehicle registration — Amendments**

International Registration Plan and Regulation to amend the Regulation respecting road vehicle registration

WHEREAS the International Registration Plan is an agreement among Canadian provinces and American states for the registration of vehicles travelling in at least one jurisdiction, province or state other than their base jurisdiction;

WHEREAS, under the agreement, the holder of registration does not have to pay fees in full to each jurisdiction in whose territory the holder's vehicles travel since that obligation is replaced by an apportioned registration system based on the number of kilometres travelled in the territory of the different jurisdictions;

WHEREAS participation in the agreement is subject, among other requirements, to the filing of an application with International Registration Plan, Inc., a legal person responsible for the application of the agreement, and to the unanimous consent of the parties to the agreement;

WHEREAS, under section 629 of the Highway Safety Code (R.S.Q., c. C-24.2), the Minister of Transport or the Société de l'assurance automobile du Québec may, according to law, enter into an agreement with any government, department, or body respecting any matter referred to in the Code;

WHEREAS on 28 May 1999, the Société de l'assurance automobile du Québec filed an application with International Registration Plan, Inc. for membership in the International Registration Plan, which was accepted on 29 September 1999;

WHEREAS the International Registration Plan is exempt from the application of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30) and the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1) under Order in Council 951-2000 dated 26 July 2000;

WHEREAS, under section 631 of the Highway Safety Code, the Government may, by regulation, adopt the necessary measures to give effect to an agreement under section 629 of the Code;

WHEREAS the Regulation to amend the Regulation respecting road vehicle registration was made by Order in Council 951-2000 dated 26 July 2000 to give effect to the International Registration Plan;

WHEREAS it is expedient to again amend the Regulation respecting road vehicle registration to give effect to the International Registration Plan;

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

THAT the Regulation to amend the Regulation respecting road vehicle registration, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting road vehicle registration\*

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 631)

**1.** Section 2 of the Regulation respecting road vehicle registration is amended by adding the following after the first paragraph:

“For the purposes of this Regulation,

“administrative authority” means the District of Columbia or a state of the United States or province or territory of Canada that is a member of the International Registration Plan; (*autorité administrative*)

“fleet of road vehicles” means one or more road vehicles; (*parc de véhicules routiers*)

“operational records” means documents substantiating the content of the apportioned registration application; (*dossier d'exploitation*)

“owner-operator” means a lessor who leases the road vehicle with the services of a driver to a carrier. (*sous-traitant*”).

**2.** Section 2.2 is amended

(1) by replacing “a Canadian province or an American state” in the text preceding paragraph 1 by “an administrative authority”;

(2) by inserting “of road vehicles” after “fleet” in paragraph 6.

**3.** Section 2.3 is amended

(1) by striking out “or a combination of road vehicles” in the text preceding paragraph 1 and by replacing “a Canadian province or by an American state is deemed” by “an administrative authority is presumed to be”;

(2) by replacing “province or state” in paragraph 3 by “administrative authority”.

\* The Regulation respecting road vehicle registration, made by Order in Council 1420-91 dated 16 October 1991 (1991, *G.O.* 2, 4111), was last amended by the regulation made by Order in Council 451-2003 dated 21 March 2003 (2003, *G.O.* 2, 1364). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

**4.** Section 3.1 is amended

(1) by replacing “fleet number” in paragraph 4 by “number of the fleet of road vehicles”;

(2) by replacing “rental company” in paragraph 6 by “legal person or the partnership renting vehicles” and by replacing “company” by “legal person or partnership”;

(3) by replacing paragraph 11 by the following:

“(11) the list of administrative authorities in which the road vehicle is apportioned according to gross vehicle weight or number of axles indicated for each administrative authority; the weight is indicated in kilograms for provinces and territories and in pounds for states and the District of Columbia.”.

**5.** Section 60.1 is replaced by the following:

“**60.1.** Despite section 3 of the Highway Safety Code, the holder of an apportioned registration of a road vehicle is liable for any offence attributable to the owner of the vehicle under the Code.

However, if an owner-operator is registered on the IRP registration certificate, the owner-operator is liable for any offence attributable to the owner of the vehicle under the Code, except offences under Title I.”.

**6.** Section 60.4 is replaced by the following:

“**60.4.** The Société shall deny apportioned registration of a road vehicle and any operation related thereto if the applicant

(1) is unable to establish ownership as owner or joint owner of the vehicle, that the vehicle is the property of the partnership of which the applicant is a partner, or consent from the owner to register the vehicle or to apply for any operation related to the registration; or

(2) refuses or fails to provide, at the request of the Société or the person authorized by the Minister of Revenue pursuant to section 38 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), information or a document relating to the operational records of any fleet of road vehicles under apportioned registration in the applicant’s name or for which the applicant is applying for apportioned registration.”.

**7.** Section 60.9 is amended by replacing “in at least one other Canadian province or American state” in the text preceding subparagraph 1 by “in the territory of at least one other administrative authority”.

**8.** Section 60.10 is replaced by the following:

“**60.10.** The owner or carrier of a road vehicle may apply for apportioned registration of the vehicle provided that an established place of business is owned or leased in Québec where at least one of the vehicles of the owner or carrier accrues kilometres.

In addition, the establishment must be designated by a street number or road location, be open at least from 9:00 a.m. to 4:00 p.m., Monday to Friday, and have located within it at least

(1) a telephone whose number is listed in a telephone book under the name of the applicant;

(2) a person in charge of the owner’s fleet of road vehicles; and

(3) the operational records of the fleet of vehicles unless they can be made available for audit in another location; if the audit must be carried out in the territory of another administrative authority where the operational records are preserved, the holder of the apportioned registration shall reimburse the Minister of Revenue for travel and living expenses incurred for the audit of the operational records.”.

**9.** Section 60.11 is amended

(1) by replacing “Canadian provinces and American states” in subparagraph 4 by “administrative authorities”;

(2) by replacing “in each Canadian province and American state” in subparagraph 5 by “in the territory of each administrative authority”;

(3) by replacing “fleet operation” in subparagraph 6 by “operation of the fleet of road vehicles”.

**10.** Section 60.13 is amended

(1) by inserting “road” before “vehicles” in the text preceding paragraph 1 and by replacing “Canadian province and each American state” by “administrative authority”;

(2) by replacing paragraph 1 by the following:

“(1) by dividing the number of kilometres travelled by the vehicles in the territory of the administrative authority concerned by the number of kilometres travelled in the territory of all the administrative authorities during the preceding year;”;

(3) by replacing “province or state in question” in paragraph 2 by “administrative authority concerned”.

**11.** Section 60.17 is amended by replacing “Canadian provinces and American states” in the third paragraph by “administrative authorities”.

**12.** Section 60.19 is amended by replacing “Canadian provinces or American states eliminated” by “territory of the administrative authorities where the holder’s road vehicles cease to travel”.

**13.** Section 60.20 is amended

(1) by replacing “a Canadian province or an American state” by “an administrative authority”;

(2) by replacing “that territory” by “the territory of the administrative authority concerned”;

(3) by replacing “province or state” by “administrative authority”.

**14.** Section 60.21 is amended

(1) by replacing “a Canadian province or in an American state” in the text preceding paragraph 1 by “the territory of an administrative authority”;

(2) by replacing “that province or state” in paragraph 2 by “the administrative authority” and by replacing “province or state” by “territory of the administrative authority”.

**15.** Section 60.22 is amended

(1) by replacing “a Canadian province or in an American state” in the text preceding paragraph 1 by “the territory of an administrative authority”;

(2) by replacing “any province or state” in paragraph 1 by “the territory of any administrative authority”;

(3) by replacing “for a province or state” in paragraph 2 by “in the territory of an administrative authority” and by replacing “that province or state” by “the territory of the administrative authority”;

(4) by replacing “for a province or state” in paragraph 3 by “in the territory of an administrative authority”, by replacing “that province or state” by “the territory of the administrative authority” and by replacing “all the provinces and states” by “the territory of all the administrative authorities”.

**16.** Section 60.24 is amended by replacing “a Canadian province or an American state” by “an administrative authority”.

**17.** Section 60.25 is amended

(1) by replacing “all the Canadian provinces and American states” in the first paragraph by “the territory of all the administrative authorities” and by replacing “each province or state” by “the territory of each administrative authority”;

(2) by replacing “a province or state” in the second paragraph by “the territory of an administrative authority” and by replacing “that province or state” by “the territory of the administrative authority”.

**18.** Section 60.26 is amended

(1) by adding “of road vehicles” at the end of the first paragraph;

(2) by deleting the second paragraph.

**19.** Section 60.28 is amended by inserting “of road vehicles” after “fleet” in the first and second paragraphs.

**20.** Section 60.30 is amended

(1) by inserting “the services of” after “without” in the first paragraph and by replacing “Canadian province or an American state” by “other administrative authority”;

(2) by inserting “of road vehicles” after “fleet” in the second and third paragraphs.

**21.** Section 60.31 is amended by replacing “province or state” in paragraph 1 by “territory of the administrative authority”.

**22.** Section 60.32 is amended by replacing “all the provinces and states” in paragraph 1 by “the territory of all the administrative authorities”.

**23.** Section 60.33 is amended by replacing “all the provinces and states” in paragraph 1 by “the territory of all the administrative authorities”.

**24.** Section 60.35 is amended by inserting “of road vehicles” after “fleet” wherever it appears.

**25.** Section 60.36 is amended by replacing “provinces and states in question” by “administrative authorities concerned”.

**26.** Section 60.37 is amended

- (1) by inserting “road” before “vehicles”;
- (2) by inserting “de” after “cours” in the French text.

**27.** The following is inserted after section 60.38:

“**60.38.1.** The holder of an apportioned registration must maintain operational records for the apportioned fleet of road vehicles that contain

(1) documents supporting the total distance travelled in the territory of each administrative authority concerned and the total number of kilometres travelled, including fuel reports, trip sheets and drivers’ daily logs as well as documents concerning trips, such as gas receipts, bills of lading and delivery slips; and

(2) the individual fleet vehicle distance record, unless the on-board recording device is used in conjunction with an information technology system designed to produce, at the request of a person authorized by the Minister of Revenue, a distance record of each trip for each fleet vehicle.

**60.38.2.** An individual road vehicle distance record for a trip must contain the following information:

- (1) date of departure and date of arrival;
- (2) trip origin and destination;
- (3) route of travel;
- (4) beginning and ending odometer or hubodometer reading of the trip;
- (5) distance travelled in the territory of each administrative authority and total distance travelled;
- (6) vehicle identification number, except in the case of a trailer, or power unit number in the case of a combination of road vehicles;
- (7) trip stops;
- (8) road vehicle fleet number;
- (9) name of the holder of the apportioned registration; and
- (10) driver’s name and identification code.”.

**28.** Section 60.39 is replaced by the following:

“**60.39.** The holder of an apportioned registration must preserve the operational records of the apportioned fleet of road vehicles for five years from 1 July preceding the current registration year. The holder must also make operational records available to the person authorized by the Minister of Revenue for auditing purposes at that person’s request.”.

**29.** Section 60.40 is amended by replacing “another Canadian province or American state” by “an administrative authority other than Québec”.

**30.** The following is inserted after section 60.40:

“**60.41.** The distance accounting system of the holder of an apportioned registration must account for the information required under this Division to calculate the number of kilometres of road vehicle trips and substantiate the data in the apportioned registration application. Supporting documents must contain the information required to identify all the trips made by the vehicles. In addition, the distance accounting system must allow the production of summaries for each vehicle and for the territory of each administrative authority concerned.

**60.42.** The holder of an apportioned registration may, for operational records keeping purposes, use handwritten trip reports, an on-board recording device or a combination of the two, or use an on-board recording device in conjunction with an information technology system. To complement the data gathering methods or to verify the data collected, the holder may use road vehicle monitoring devices, such as those which transmit or may be interrogated as to vehicle location or travel.

**60.43.** The holder of an apportioned registration may not use an on-board recording device or such a device in conjunction with an information technology system unless

- (1) the holder obtains a certificate from the manufacturer certifying that the device has been sufficiently tested to meet the requirements of paragraphs 2 to 11;
- (2) the on-board recording device and associated support systems do not permit altering of the information collected;
- (3) the editing of copies of the original information collected is identified and the edited and original data are recorded and retained;

(4) the on-board recording device warns the driver visually or audibly that the device has ceased to function;

(5) the recording device time and date stamps all data recorded;

(6) the recording device does not allow data to be overwritten before the data has been extracted;

(7) the recording device warns the driver visually or audibly that the device's memory is full and can no longer record data;

(8) the recording device automatically updates a life-to-date odometer when the vehicle is placed in motion or the operator enters the current vehicle odometer reading when the on-board recording device is connected to the vehicle;

(9) the recording device provides a method for the driver to confirm that driver-entered data is correct;

(10) the recording device collects the following data on each trip:

(a) date of departure and date of arrival;

(b) trip origin and destination;

(c) route of travel;

(d) beginning and ending odometer or hubodometer reading of the trip;

(e) total distance travelled;

(f) distance travelled in the territory of each administrative authority;

(g) power unit number or vehicle identification number; and

(h) trip stops; and

(11) the recording device collects the following data:

(a) road vehicle fleet number;

(b) name of the holder of the apportioned registration;

(c) trailer number; and

(d) driver's name and identification code.

**60.44.** The trip reports printed by the on-board recording device used alone must be preserved by the holder of an apportioned registration for auditing purposes. The holder must, on the basis of the reports, prepare trip summaries for each road vehicle and for the fleet of road vehicles showing the kilometres travelled in the territory of each administrative authority.

Where the recording device is used in conjunction with an information technology system, the holder of an apportioned registration is required to comply with the requirements set out in the first paragraph unless the system is capable of producing the following reports at the request of a person authorized by the Minister of Revenue:

(1) for each trip, an individual vehicle distance record report that includes the information required by section 60.38.2;

(2) a report indicating when the on-board recording device was last calibrated and the calibration method used;

(3) an exception report identifying all edited data, omissions of required data, system failures, non-continuous life-to-date odometer readings, travel to territories of non-contiguous administrative authorities and trips where the location of the beginning trip is not the location of the previous trip;

(4) a monthly, quarterly, and annual summary of vehicle trips by vehicle number indicating the total distance travelled in the territory of each administrative authority; and

(5) monthly, quarterly, and annual summaries of all trips for each fleet indicating the total distance travelled in the territory of each administrative authority.

**60.45.** For the purposes of this Division, all distances travelled by a loaded, empty, deadhead or bobtail road vehicle and the distances travelled by a vehicle for which a trip permit has been issued must be recorded.

**60.46.** The holder of the apportioned registration of the road vehicle must recalibrate the on-board recording device when tire size changes, the vehicle drive-train is modified or any other modification is made to the vehicle which affects the accuracy of the device. The holder must also maintain and calibrate the device in accordance with the manufacturer's specifications.

In addition, the holder must maintain and preserve a calibration record for five years from 1 July preceding the current registration year.

**60.47.** The holder of an apportioned registration must ensure that the drivers of the road vehicles registered in the holder's name

(1) have been trained in the use of the information technology system;

(2) note any failure of the on-board recording device and prepare manual trip reports until the device is again operational.

**60.48.** The holder of an apportioned registration must retain a back-up copy of the electronic files related to the holder's operational records for five years from 1 July preceding the current registration year.

**60.49.** Each administrative authority may carry out operational records audits of a fleet of road vehicles apportioned in that authority or whose vehicles have travelled in the territory of the authority.

**60.50.** At least 30 days prior to conducting an audit, the auditor authorized by the Minister of Revenue shall advise the holder of the apportioned registration of the registration years to be audited, the audit date and the holder's obligation to make the operational records available for the audit.

**60.51.** After the audit, the auditor authorized by the Minister of Revenue shall assess the findings with the holder of the apportioned registration. The auditor shall communicate the preliminary audit findings, the post-audit process, information on the reporting procedures, rights of appeal, and any remarks and recommendations for improving operational records keeping.

Failure to inform the holder is not effective against the Société if it is impossible for the auditor authorized by the Minister of Revenue to meet the holder. The reasons shall be recorded in the audit report.

**60.52.** Where the auditor authorized by the Minister of Revenue determines that operational records are inadequate, the auditor shall give a notice to the holder of the apportioned registration enjoining the holder to comply with the provisions of this Division within 30 days after receiving the notice and stating that failure to comply may result in the payment of registration fees in addition to the fees payable pursuant to this Regulation at the time of registration and in the payment of costs for expenses incurred by the Société for the operational records audit and the management of the registration record resulting from the audit.

**60.53.** After assessing the responsibility of the holder of an apportioned registration for payment of the registration fees, the Société may require the holder to pay the fees and costs for expenses incurred by the Société for the operational records audit and the management of the registration record resulting from the audit

(1) if the holder does not make operational records available to the auditor authorized by the Minister of Revenue within 30 days after receiving a written request to that effect; or

(2) if the holder fails to maintain operational records in accordance with the provisions of this Division more than 30 days after receiving a notice from the auditor authorized by the Minister of Revenue to the effect that the operational records are inadequate.

After the assessment, the Société may require payment in full of the Québec registration fees if it is impossible for the Société to determine the amount of the fees payable. The Société may also not take into consideration any credit calculated in respect of an administrative authority concerned.

The assessment is based on the information provided by the holder, the information collected by the Société and the auditor authorized by the Minister of Revenue as well as the information the Société has on operations of fleets of road vehicles similar to the holder's fleet.

**60.54.** The Société shall transmit the findings of the audit and give an account of the audit conducted and its impact on the amount of the registration fees to the holder of an apportioned registration and to the administrative authorities where road vehicles in the fleet are apportioned or in whose territory road vehicles in the fleet have accrued kilometres. A copy of the findings shall be kept in the audit file.

The findings shall include

(1) name and address of the holder of the apportioned registration;

(2) IRP file number and number of the fleet of road vehicles;

(3) registration years audited;

(4) number of apportioned vehicles;

(5) according to the apportioned registration application and the audit results, total distance travelled;

(6) according to the apportioned registration application and the audit results, distance travelled in the territory of each administrative authority, percentage that the distance represents in relation to the total distance travelled and percent changes for each administrative authority;

(7) net fees payable, fees to be reimbursed or credits to be given for each administrative authority;

(8) audit methods used, findings, remarks and recommendations of the auditor authorized by the Minister of Revenue, including a description of the types of records audited and audit methods used;

(9) identification of any vehicle withdrawn from the fleet for which registration fees payable have been taken into account in the Société's assessment; and

(10) date of audit findings and name of auditor authorized by the Minister of Revenue.

The audit findings must also indicate whether the distance accounting system of the holder of the apportioned registration is satisfactory as regards the consistency with which the system meets the standards set out in this Division.

**60.55.** The holder of an apportioned registration may, within 30 days after receiving the audit findings, apply in writing to the Société for a review.

**60.56.** An administrative authority in which apportioned vehicles in the fleet of road vehicles of the registration holder are registered or in whose territory such road vehicles have accrued kilometres may, within 45 days after receiving the audit findings, notify the Société and the holder of any error and the administrative authority's intent to re-examine the holder's operational records.

**60.57.** Re-examination must be based on the same sample period as the period used for the audit. It must be carried out within a reasonable time with the cooperation of the Société and the Minister of Revenue.

The Société shall notify the administrative authorities that a re-examination will be held.

The findings of a re-examination must be reconciled with the original audit findings.

**60.58.** The Société shall transmit to the holder of an apportioned registration and the administrative authorities in which apportioned fleet road vehicles are registered or in whose territory such road vehicles have accrued kilometres, the revised audit findings in accordance with section 60.54."

**31.** Section 165.2 is replaced by the following:

"**165.2.** The cases of reimbursement determined in this Chapter also apply to the holder of an apportioned registration of a road vehicle but only as regards the portion of the fees paid by the holder to travel in Québec.

The reimbursement of the portion of the fees paid to travel in the territory of another administrative authority is determined by the administrative authority of the territory.

**165.3.** Despite section 165.2 and the second paragraph of section 180, the holder of an apportioned registration of a road vehicle is entitled to reimbursement of a portion of the fees paid to travel in Québec and in the territory of another administrative authority if the findings of the Société in the audit of the holder's operational records indicate an overpayment of fees. The amount of the reimbursement is the amount determined in the audit findings."

**32.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

### **O.C. 798-2003, 16 July 2003**

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

#### **Comité paritaire des agents de sécurité — Attendance allowance and travelling expenses of the members**

Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité

WHEREAS, under paragraph 1 of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), a parity committee may, by regulation approved with or without amendment by the Government, determine the amount of the attendance allowance to which its members are entitled in addition to their actual travelling expenses;

WHEREAS the Regulation respecting the attendance fees of the Comité paritaire des agents de sécurité in the Montréal region was approved by Order in Council No. 2928-81 dated 20 October 1981;