



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 29

(2004, chapter 2)

An Act to amend the Highway Safety Code and other legislative provisions

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EXPLANATORY NOTES

This bill amends the Highway Safety Code to harmonize the rules relating to the hours of service and hours of rest of heavy vehicle drivers with those of the other Canadian provinces. New rules are introduced for cases where heavy vehicles are driven by drivers whose driving ability is impaired or whose driving jeopardizes the safety or health of the public. In addition, new rules are introduced with respect to the load carried by heavy vehicles and the responsibility of shippers and other transportation stakeholders in the event of vehicle overloads.

The bill gives peace officers the power to require a driver to have a road vehicle's tinted windows inspected by the Société de l'assurance automobile du Québec. The bill also makes all asphalt-coated roads under the responsibility of the Ministère des Ressources naturelles subject to the provisions of the Highway Safety Code as regards the speed limits imposed on road vehicles.

Moreover, the bill amends the Police Act to subject highway controllers to the Code of ethics applicable to police officers when they act as peace officers.

Lastly, the bill introduces several amendments of a technical nature to the Highway Safety Code as well as concordance amendments.

LEGISLATION AMENDED BY THIS BILL :

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Police Act (R.S.Q., chapter P-13.1);
- Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011).

Bill 29

AN ACT TO AMEND THE HIGHWAY SAFETY CODE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 6 of chapter 8 of the statutes of 2003, is again amended by inserting the following definition before the definition of “health care professional”:

“ “farmer” means a natural person who is a member of an association certified under the Farm Producers Act (chapter P-28), a person who is the owner or the lessee of a farm and whose principal activity is agriculture, or an agricultural cooperative governed by the Cooperatives Act (chapter C-67.2) whose object is the use of agricultural equipment by its members;”.

2. Section 5 of the said Code is amended by adding “and the words “farm machine” include a farm tractor” at the end.

3. Section 14 of the said Code is amended

(1) by replacing “and determined by regulation” in paragraph 1 by “, other than a farm tractor used on a public highway”;

(2) by adding the following paragraphs at the end :

“(7) a self-propelled aerial basket other than one mounted on a truck chassis;

“(8) a road vehicle determined by regulation.”

4. Section 15 of the said Code is amended by striking out “, and a tractor owned by a farmer,” in paragraph 5.

5. Section 16 of the said Code is repealed.

6. The said Code is amended by inserting the following section after section 60.1:

“60.2. The provisions of this Title apply on public highways, on highways under the administration of or maintained by the Ministère des Ressources naturelles, on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed.”

7. Section 63.1 of the said Code is amended

(1) by replacing “Drivers’ licences and probationary licences” in the first paragraph by “Licences” and by striking out “Such licences shall be issued in plastic form.”;

(2) by striking out “and class” and “or that is in paper form” in the second paragraph.

8. Section 65 of the said Code, amended by section 6 of chapter 8 of the statutes of 2003, is again amended by striking out “on a public highway, on a highway under the administration of or maintained by the Ministère des Ressources naturelles, on a private road open to public vehicular traffic or on land occupied by shopping centres or other land where public traffic is allowed”.

9. Section 73 of the said Code is amended by striking out the fifth paragraph.

10. Section 81 of the said Code is amended by replacing “or an inspection sticker” in paragraph 5 by “, an inspection sticker or a photometric inspection certificate”.

11. Section 83 of the said Code is amended by striking out “to provide a photograph that meets the standards prescribed by regulation or” in paragraph 6.

12. Section 97 of the said Code is amended by striking out the second paragraph.

13. Section 98.1 of the said Code is amended by striking out “the fifth paragraph of section 73 or” in the second paragraph and by replacing “those sections” in that paragraph by “that section”.

14. Section 108 of the said Code is amended by striking out “issued in plastic form that bears his photograph but” in the first paragraph.

15. Section 180 of the said Code is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) subsection 1, 1.2 or 1.3 of section 252;”.

16. Section 188 of the said Code is amended by inserting “or photometric” after “to a mechanical” in the first line of paragraph 2 and by inserting “or the photometric inspection certificate” after “mechanical inspection” in the second line of that paragraph.

17. Section 194.3 of the said Code, enacted by section 8 of chapter 5 of the statutes of 2003, is amended by replacing “requests that the vehicle be put into storage” in the first and second lines by “who, in accordance with

subparagraph 2 of the first paragraph of section 194, is prohibited from putting into operation or putting back into operation any road vehicle registered in that owner's name requests".

18. Section 202.4 of the said Code is amended by inserting "or related to an offence under section 202.2 or 202.2.1" after "referred to in section 180" in the fifth line of the fourth paragraph.

19. The said Code is amended by inserting the following section after section 214:

"214.0.1. This Title does not apply to a self-propelled aerial basket."

20. Section 220.3 of the said Code is amended by striking out the second paragraph.

21. Section 240.2 of the said Code is amended by replacing "farm tractor" in the third line by "farm machine" and by striking out "within the meaning of section 16" in the fourth line.

22. Section 240.3 of the said Code is replaced by the following section:

"240.3. Every self-propelled farm machine must carry two white headlights and two red tail-lights.

A farmer who is the owner of a combination of farm vehicles as defined by regulation or of a farm machine, to the extent that any of the vehicles or the machine exceeds 2.6 metres, is subject to the safety standards prescribed by regulation and the driver of such a combination or machine, as well as the driver of the road vehicle escorting them, are subject to the traffic rules prescribed by regulation."

23. Section 244 of the said Code is amended by striking out "within the meaning of section 16" in the third line of the third paragraph and by replacing "a farm tractor" in the fourth line of that paragraph by "a farm machine".

24. Section 272 of the said Code is amended by striking out "of farm tractors and".

25. The said Code is amended by inserting the following section after section 282:

"282.1. The driver or owner of a farm machine or a combination of farm vehicles, or the driver of a road vehicle escorting them, who contravenes a regulatory provision the violation of which constitutes an offence under paragraph 20.5 of section 621 is guilty of an offence and is liable to a fine of \$60 to \$180, \$120 to \$360 or \$240 to \$720, according to the seriousness of the offence, as specified by regulation."

26. Section 303.1 of the said Code is amended by inserting “The installation of signs or signals is proof of that decision.” at the end of the second paragraph.

27. Section 328 of the said Code is amended

(1) by replacing “limited-access highways” at the end of subparagraph 4 of the first paragraph by “autoroutes”;

(2) by replacing “Subparagraph 3 of the first paragraph applies” in the first line of the last paragraph by “Subparagraphs 2, 3 and 4 of the first paragraph apply” and by replacing “increase the speed limit to 90 km/h” in the fourth line of that paragraph by “change the speed limit”.

28. Section 344 of the said Code is amended by replacing “a farm tractor or other” in the second line by “a”.

29. Section 368 of the said Code is amended by adding the following paragraph at the end:

“At a level crossing, the driver may proceed only after ascertaining that it is safe to proceed.”

30. Section 388 of the said Code is amended

(1) by striking out “either of the following stickers or plates:” in the second and third lines;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) a sticker, plate or permit displaying the international wheelchair symbol, issued by another administrative authority in Canada or a member country or associate member country of the European Conference of Ministers of Transport.”

31. Section 413 of the said Code is amended by replacing the first paragraph by the following paragraph:

“**413.** The driver of a bus, minibus or road vehicle carrying dangerous substances in quantities requiring the display of safety marks, as determined by a regulation under section 622, must stop the vehicle not less than 5 metres from any level crossing; the driver may proceed only after ascertaining that it is safe to proceed.”

32. Section 421.1 of the said Code is amended

(1) by inserting “under any of paragraphs 6 to 8 of section 14 or under section 15,” after “from registration” in the second line of the first paragraph;

(2) by adding the following paragraph after the second paragraph:

“A self-propelled aerial basket may be operated at the location where it is used to perform work but must be transported or towed to and from such a place.”

33. Section 517.1 of the said Code is amended by inserting “Subject to the provisions of the second paragraph of section 517.2,” at the beginning of the first paragraph.

34. Section 517.2 of the said Code is replaced by the following section:

517.2. Where the load of a heavy vehicle that is oversized with respect to the total loaded mass is considered to be a full load for the purposes of transportation and the shipper, consignee and transport service intermediary fail to provide written information to the operator of the heavy vehicle referred to in Title VIII.1 that enables the operator to determine the mass of the load, they are guilty of an offence and are liable to the same penalty as that prescribed for the operator in paragraph 5 of section 517.1, whether or not the operator has been prosecuted or convicted. The same applies to any person having entrusted the load to the operator in charge of transporting the load.

Where the mass determined on the basis of the information provided to the operator by one of the persons referred to in the first paragraph is less than that calculated by subtracting the net mass of the vehicle from the recorded total loaded mass, the person who provided the inaccurate information is guilty of an offence and is liable to either

(1) the same penalty as that prescribed in paragraph 5 of section 517.1 if the difference between the calculated mass and the mass previously determined is equal to or more than the overload; the operator may only in that case be found guilty of the offence referred to in section 513 or 517.1 if it is proven that the operator was aware of the overload; or

(2) a reduced penalty if the difference between the calculated mass and the determined mass is less than the overload; the fine that may be imposed on the operator under paragraph 5 of section 517.1 must in that case be reduced by the amount of the fine imposed under this paragraph.

For the purposes of subparagraph 2 of the second paragraph, the fine must be calculated by multiplying the amount of the penalty prescribed in paragraph 5 of section 517.1 by the result of the following operation, rounded off to the nearest dollar: the result obtained by subtracting the determined mass from the calculated mass, divided by the overload.

For the purposes of this section, a “load is considered to be a full load for the purposes of transportation” if all the goods making up the load are transported for one shipper only or to one destination only, or were loaded at the same place of shipment or consignment. In the absence of shipping

documents, a load shall always be so considered. Where an outsized vehicle is being operated under a special permit, this section applies only if the total loaded mass limit authorized under the permit is exceeded; in that case, the penalty is calculated by applying subparagraph 3 of the third paragraph of section 513 rather than paragraph 5 of section 517.1.

The information contained in any item that may constitute the shipping documents prescribed by the Regulation respecting the requirements applicable to shipping documents, leasing contracts and contracts for services, made by Order in Council 61-2001 (2001, G.O. 2, 1132) is sufficient, in the absence of evidence to the contrary, to identify the shipper, consignee, transport service intermediary and any person having entrusted the load to the operator, and to establish the place of shipping, consignment and destination. The information contained in the registration certificate of a vehicle is sufficient, in the absence of evidence to the contrary, to establish the net mass of a vehicle.

Copies of the items that may constitute the shipping documents, including printouts of computer files containing such items, are admissible as evidence of the information they contain in penal proceedings under this section, if the copies are dated and signed by the inspectors or peace officers who reproduced them. To be admissible as evidence for the purposes of the second paragraph, the written document containing the information allowing the mass of the load to be established must have been given to the peace officer when the vehicle was being weighed.”

35. Section 519.1 of the said Code is amended by replacing “and” in paragraph 2 by a comma and by adding “and, in specified cases, shippers and consignees” at the end of that paragraph.

36. The said Code is amended by inserting the following section after section 519.8:

“519.8.1. No driver shall drive

(1) if the driver’s driving ability is impaired to the point where it is unsafe for the driver to drive;

(2) if driving jeopardizes or is likely to jeopardize the safety or health of the public, the driver or the employees of the operator;

(3) if the driver is the subject of an out-of-service declaration under section 519.12; or

(4) other than in accordance with the provisions of sections 519.9 and 519.10.

A government regulation determines the circumstances under which subparagraph 2 of the first paragraph applies.”

37. Section 519.9 of the said Code is replaced by the following section :

“519.9. No driver shall drive in violation of the standards relating to hours of rest and hours of driving prescribed by regulation or in violation of the conditions attached to a permit issued or an authorization granted under section 519.31 or a permit issued by a director and approved by the Société.

No driver shall drive in violation of the standards relating to work cycles and hours of service prescribed by regulation.”

38. Section 519.10 of the said Code is replaced by the following section :

“519.10. Unless the conditions prescribed by regulation are met, a driver must, in the manner prescribed by regulation, maintain a daily log each day, in the form determined by regulation, that accounts for all of the driver’s hours of rest and hours of service for that day, as well as any other information required by regulation.

No driver shall keep more than one daily log in respect of any day.

No driver shall enter inaccurate information into a daily log or falsify, deface or mutilate a daily log or supporting documents.

No driver who is required to maintain a daily log shall drive unless the driver has the documents prescribed by regulation in the driver’s possession.

The driver must, in accordance with the standards prescribed by regulation, forward the daily log and supporting documents to the operator and any other person who supplies the driver’s services. Furthermore, the driver must surrender them for examination to a peace officer or inspector appointed under section 519.69, at the officer’s or inspector’s request. The daily log and documents must be returned to the driver after examination.”

39. Section 519.12 of the said Code is replaced by the following section :

“519.12. A peace officer may, in accordance with the standards prescribed by regulation, issue an out-of-service declaration in respect of a driver, for the duration and under the conditions determined by regulation.”

40. Section 519.13 of the said Code is repealed.

41. Section 519.21 of the said Code is amended by replacing “the Regulation respecting mechanical inspection and safety standards for road vehicles (R.R.Q., 1981, chapter C-24.1, r.21)” in the second paragraph by “the Regulation respecting safety standards for road vehicles, made by Order in Council 1483-98 (1998, G.O. 2, 4557)”.

42. The said Code is amended by inserting the following sections after section 519.21 :

“519.21.1. No operator, shipper, consignee or other person shall request, require or allow a driver to drive

(1) if the driver’s driving ability is impaired to the point where it is unsafe for the driver to drive;

(2) if driving jeopardizes or is likely to jeopardize the safety or health of the public, the driver or the employees of the operator;

(3) if the driver is the subject of an out-of-service declaration under section 519.12; or

(4) other than in accordance with the provisions of sections 519.9 and 519.10.

A government regulation determines the circumstances under which subparagraphs 1 to 4 of the first paragraph apply.

“519.21.2. Every operator shall monitor the compliance of each driver with the provisions of sections 519.8.1, 519.9, 519.10, 519.12, 519.67.1, 519.70 and 519.73. An operator that identifies non-compliance with those provisions shall take immediate remedial action and document the action taken.

“519.21.3. Unless the conditions prescribed by regulation are met, an operator shall require every driver to maintain a daily log each day that accounts for all the driver’s hours of rest and hours of service for that day.”

43. Sections 519.22 to 519.24 of the said Code are repealed.

44. Section 519.25 of the said Code is replaced by the following section:

“519.25. The operator shall file the daily logs and supporting documents at the place determined and in accordance with the standards prescribed by regulation. Where the daily logs and supporting documents have not been received by the operator at the place determined for their filing, the operator must forward them to that place and make sure they have been received within the time prescribed by regulation.

During working hours, the operator shall immediately place at the disposal of a peace officer or inspector appointed under section 519.69, at the request of and in the place specified by the peace officer or inspector, the daily logs, supporting documents and documents prescribed by regulation, for examination.

The peace officer shall send the operator an acknowledgement of receipt according to the procedures determined by regulation and return the daily logs, supporting documents and other documents prescribed by regulation within 14 days after receiving them.”

45. Section 519.26 of the said Code is replaced by the following section :

“519.26. An operator who uses the services of a driver must obtain the driver’s daily logs from the person who supplies the driver, in the manner prescribed by regulation.

A person in the business of supplying the services of a driver must transmit the driver’s daily logs to the operator in the manner prescribed by regulation.”

46. Section 519.31 of the said Code is replaced by the following section :

“519.31. At the request of an operator, the Société may, in accordance with the conditions and procedures determined by regulation, issue a permit authorizing the operator or a driver to depart from the standards and conditions relating to hours of driving and rest prescribed by regulation, and prescribe by regulation the conditions and procedures attached to the permit as well as

(1) the reasons for issuing the permit ;

(2) the duration of the permit, not exceeding one year ;

(3) the schedule that the driver must follow ; and

(4) any other condition required for the protection of the safety and health of the public, the driver or the employees of the operator.

The Société may, within the framework of a fatigue management program prescribed by regulation, grant to an operator that applies therefor an authorization to depart from the standards and conditions relating to work cycles and hours of driving, rest and service prescribed by regulation, and prescribe by regulation the standards, conditions and procedures applicable to such an authorization.”

47. The said Code is amended by inserting the following sections after section 519.31 :

“519.31.1. At the request of a director to whom a request for a permit is submitted relating to a heavy vehicle that will be operated in Québec, the Société may, in accordance with the conditions and procedures prescribed by regulation, approve the issuing of the permit.

“519.31.2. The Société may amend, revoke or suspend a permit issued under section 519.31 or withdraw approval in respect of a permit issued by another director, upon written notification to the operator, if

(1) the operator or driver of the heavy vehicle contravenes the conditions attached to the permit ; or

(2) the Société determines that the health and safety of the public, the driver or the employees of the operator are jeopardized or are likely to be jeopardized.

“519.31.3. Where a director of another province withdraws approval in respect of a permit issued by the Société, the Société shall amend the permit to remove the authorization to operate a heavy vehicle under the permit in the province for which the approval has been withdrawn.”

48. Section 519.34 of the said Code is amended by replacing “contravenes” in the first line of the second paragraph by “contravenes paragraph 3 of section 519.8.1 or an out-of-service declaration issued by a peace officer under”.

49. Section 519.39 of the said Code is amended by striking out “, or section 519.9” in the sixth and seventh lines.

50. Section 519.43 of the said Code is amended by striking out the first paragraph.

51. Section 519.44 of the said Code is amended

(1) by inserting “any of paragraphs 1, 2 and 4 of section 519.8.1 or” after “contravenes” in the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“Every person who contravenes any of sections 519.21.1 to 519.26 is guilty of an offence and is liable to a fine of \$700 to \$2,100.”;

(3) by striking out the second and third paragraphs.

52. Section 519.45 of the said Code is repealed.

53. Section 519.50 of the said Code is amended by replacing “any of sections 519.6, 519.7 and 519.13” by “section 519.6 or 519.7”.

54. Section 519.53 of the said Code is repealed.

55. Section 519.67 of the said Code is amended by adding the following paragraph:

“The rules of ethics applicable to police officers apply to highway controllers and any person having authority over highway controllers, pursuant to section 126 of the Police Act (chapter P-13.1).”

56. Section 519.72 of the said Code is amended by inserting “or a controller” after “inspector”.

57. The heading of Title IX of the said Code is amended by inserting “AND PHOTOMETRIC” after “MECHANICAL”.

58. The said Code is amended by inserting the following section after section 520.1 :

“520.2. The Société has jurisdiction to carry out a photometric inspection of the windows of road vehicles and has exclusive jurisdiction to issue photometric inspection certificates. For that purpose, the Société may, on the conditions it determines, authorize persons to carry out the photometric inspection of the windows of road vehicles on its behalf and authorize those persons to issue photometric inspection certificates in respect of those vehicles.

The persons so authorized must pay the fee prescribed by regulation.”

59. Section 521 of the said Code is amended by striking out “and farm trailers” in subparagraph 5 of the first paragraph.

60. Section 522 of the said Code is amended by striking out “frequency,”.

61. The said Code is amended by inserting the following sections after section 539:

“539.1. A peace officer who is unable to see the inside or the occupants of a road vehicle through the windows on each side of the driver’s compartment may issue a notice indicating the time within which the owner or driver of the vehicle must submit the windows of the vehicle to a photometric inspection.

The owner or driver referred to in the first paragraph must submit the vehicle to the inspection required.

Failure by the owner or driver to comply within the time prescribed constitutes an offence under this section.

“539.2. Following the photometric inspection, the Société or the person authorized to carry out the photometric inspection for the Société shall issue a photometric inspection certificate and notify the owner or the driver of the results of the inspection.

“539.3. A person authorized to carry out photometric inspections for the Société shall without delay forward to it a copy of every photometric inspection certificate issued by the person.

“539.4. A photometric inspection certificate must indicate whether the windows on each side of the driver’s compartment of a road vehicle admit less light than the standard prescribed by regulation.

“539.5. Where a photometric inspection certificate indicates that the windows on each side of the driver’s compartment of a road vehicle admit less light than the standard prescribed by regulation, the Société or the person authorized to carry out the photometric inspection for the Société shall issue to the owner or the driver of the vehicle a notice ordering the owner to make the necessary changes or cause such changes to be made within 48 hours.

At the expiry of that period, no person may put the vehicle back into operation unless a photometric inspection carried out by the Société or a person authorized to carry out the photometric inspection for the Société certifies that the windows on each side of the driver’s compartment of the vehicle admit light in accordance with the standard prescribed by regulation.

“539.6. The Société or a peace officer is authorized to impound a vehicle that was put back into operation in contravention of section 539.5, or have it impounded at the owner’s expense, until a photometric inspection carried out by the Société or a person authorized to carry out the inspection of vehicles for the Société certifies that the windows on each side of the driver’s compartment of the vehicle admit light in accordance with the standard prescribed by regulation.

“539.7. No person, unless authorized to do so by the Société in accordance with section 520.2, may issue a photometric inspection certificate.

“539.8. No person may issue a photometric inspection certificate containing false or inaccurate information on the condition of the windows inspected.”

62. Section 543.2 of the said Code is amended by replacing “to section 521” by “to a regulation made under paragraph 29 of section 621”.

63. Section 544 of the said Code is amended by inserting “or 539.3” after “528”.

64. Section 545 of the said Code is amended by inserting “or 539.5” after “531”.

65. Section 546 of the said Code is amended by inserting “, 539.1, 539.7, 539.8” after “539”.

66. Section 550 of the said Code is amended by striking out “, 519.61” in the first paragraph.

67. Section 560 of the said Code is amended by striking out “, 519.61” in paragraph 2.

68. Section 607 of the said Code is amended by inserting “, operator of a heavy vehicle” after “injury” in the first paragraph.

69. Section 618 of the said Code is amended

(1) by inserting “, according to the class or sub-class of road vehicles” after “determine” in paragraph 3;

(2) by striking out “registration certificate,” and “, temporary registration certificate” in paragraph 4;

(3) by inserting the following paragraph after paragraph 4:

“(4.1) determine, according to the class or sub-class of road vehicles, the information which must appear on the registration certificate and temporary registration certificate and their term of validity;”;

(4) by replacing “the farm machines that are exempt from registration and the cases where a vehicle to which the Act respecting off-highway (chapter V-1.2) applies, a tractor owned by a farmer,” in the first, second and third lines of paragraph 6 by “the cases where a vehicle to which the Act respecting off-highway vehicles (chapter V-1.2) applies.”.

70. Section 619 of the said Code is amended

(1) by striking out paragraph 6.0.1;

(2) by striking out “and class” and “or may issue a licence in paper form” in paragraph 6.0.2.

71. Section 621 of the said Code, amended by section 13 of chapter 5 of the statutes of 2003, is again amended

(1) by replacing paragraphs 12 to 12.2 by the following paragraphs:

“(12) prescribe the standards relating to work cycles, hours of rest, hours of driving and hours of service that the driver of a heavy vehicle is required to comply with to be allowed to drive, and, for that purpose, prescribe special standards for the installation and use of accessories and equipment on such vehicles as well as standards governing the driving of such vehicles;

“(12.0.1) define, for the purposes of sections 519.8.1, 519.9, 519.10, 519.12, 519.20, 519.21.1 to 519.26 and 519.31 to 519.31.3, the expressions “driver”, “cycle”, “out-of-service declaration”, “director”, “provincial director”, “supporting document”, “daily log”, “hour of driving”, “hour of rest”, “hour of service”, “day”, “permit” and “home terminal”;

“(12.0.2) prescribe the conditions and procedures according to which the Société may grant to an operator or a driver of a heavy vehicle, by means of a permit, the authorization to depart from the standards and conditions relating to hours of driving and hours of rest prescribed by a regulation made under paragraph 12, the conditions and procedures attached to the permit and the

conditions and procedures according to which the Société may approve the issuing of a permit by another director ;

“(12.1) prescribe the procedures according to which the driver of a heavy vehicle must maintain a daily log, determine the information the log must contain and its form, and establish rules governing the shipping, receiving and keeping of the daily log and supporting documents ;

“(12.2) determine the conditions according to which an operator does not have the obligation to require that all drivers maintain a daily log each day that accounts for all their hours of rest and hours of service for that day, the conditions according to which a driver is not required to maintain such a daily log and determine the documents that drivers required to maintain daily logs must have in their possession when driving ;

“(12.2.1) prescribe the procedures according to which the operator using the services of a driver must obtain the driver’s daily logs from the person providing the services ;

“(12.2.2) prescribe the procedures according to which a person providing the services of a driver must transmit the driver’s daily logs to the operator ;” ;

(2) by inserting the following paragraph after paragraph 12.3 :

“(12.4) determine the standards according to which a peace officer may issue an out-of-service declaration in respect of a driver of a heavy vehicle as well as the duration of and conditions applicable to that declaration ;” ;

(3) by replacing paragraph 20.4 by the following paragraphs :

“(20.4) prescribe safety standards and traffic rules relating to farm machines, combinations of farm vehicles and the road vehicles escorting them, and define the expression “combination of farm vehicles” ;

“(20.5) determine the provisions of a regulation related to farm machines, combinations of farm vehicles and the road vehicles escorting them, the violation of which constitutes an offence, and indicate for each offence the minimum and the maximum amounts of the fine to which the offender is liable ;” ;

(4) by inserting “, as well as the standards and procedures of the photometric inspection,” after “appraisal” in the second line of paragraph 29 ;

(5) by inserting “, the photometric inspection certificate” after “mechanical inspection” in paragraph 32.

72. Section 624 of the said Code is amended

(1) by striking out subparagraph 2 of the first paragraph ;

(2) by inserting the following subparagraph after subparagraph 9 of the first paragraph:

“(9.1) determine the amount of the fee for the photometric inspections it carries out;”;

(3) by inserting “, photometric inspection certificate” after “mechanical inspection” in subparagraph 10 of the first paragraph;

(4) by inserting the following subparagraph after subparagraph 16.1 of the first paragraph:

“(16.2) determine the amount of the fee payable by persons authorized to carry out the photometric inspection of windows of road vehicles under section 520.2;”;

(5) by replacing “whether the licence is issued in plastic form or paper form, and” in the second and third lines of the second paragraph by “the form in which the licence is issued or ”.

73. Section 626 of the said Code is amended by inserting the following paragraph after paragraph 5 :

“(5.1) prohibit, with or without exception, the use of the engine brake of a road vehicle on the roads it indicates and, where appropriate, for the period it fixes, provided that the prohibition is indicated by traffic signs;”.

74. Section 627 of the said Code is amended by inserting “, the use of the engine brake of heavy vehicles” after “vehicle construction” in the fifth line of the first paragraph.

75. Section 647 of the said Code is amended by replacing “paragraph 5 of the said section involves a truck or tool vehicle” in the second and third lines of the second paragraph by “paragraph 5 or 5.1 of the said section involves a heavy vehicle”.

76. Section 126 of the Police Act (R.S.Q., chapter P-13.1) is amended by replacing “and special constable” by “. It also applies to every special constable and every highway controller, and to any person having authority over highway controllers, with the necessary modifications”.

77. Section 143 of the said Act is amended by inserting “, a highway controller or a person having authority over highway controllers” after “special constable” in the fifth paragraph.

78. Section 17.1 of the Act respecting the Société de l’assurance automobile du Québec (R.S.Q., chapter S-11.011) is amended by replacing “or the Highway Safety Code (chapter C-24.2)” in the first paragraph by “, the Highway Safety

