

20. Every owner of a heavy vehicle that does not comply with section 10 is liable to a fine of

- (1) \$100 to \$200, in the case of a natural person; and
- (2) \$200 to \$400, in the case of a legal person.

21. Every owner of a heavy vehicle who does not comply with the requirements of section 11 is liable to a fine of

- (1) \$750 to \$1,500, in the case of a natural person; and
- (2) \$1,500 to \$3,000, in the case of a legal person.

22. In the case of a second or subsequent offence committed by the same offender, with the same vehicle, within two years following a conviction for an offence under the same provision as that for which the greater penalty is requested, the fines provided in this Chapter are doubled.

23. This Regulation comes into force on 1 June 2006, except sections 17 to 22 which come into force on 1 September 2006.

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Gouvernement du Québec

O.C. 1246-2005, 14 December 2005

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

Road vehicle registration — Amendments

Regulation to amend the Regulation respecting road vehicle registration

WHEREAS, under paragraphs 3, 4.1, 7, 8.5, 8.7, 8.8, 11, 11.2 and 12 of section 618 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation establish standards on the matters governed by those provisions, in particular on additional duties exigible for obtaining the registration of a road vehicle, the right to put a road vehicle into operation and retain the right to operate it;

WHEREAS, under section 619.4 of the Code, the Government may determine, by regulation, a class of road vehicles which are seven years old or less, whose value

exceeds \$40,000 and in respect of which an additional duty corresponding, on an annual basis, to 1% of the value of the vehicle in excess of \$40,000 is payable, as well as the rules for the calculation of the additional duty and the age of a vehicle and the rules for the determination of the value of a vehicle, which value determination rules may refer to a price or value fixed by another government, a body or a person specified by the regulation;

WHEREAS, under section 619.5 of the Code, the Government may establish, by regulation, a class of road vehicles equipped with an engine with a displacement it determines in respect of which an additional duty is payable and fix the amount of the additional duty according to the vehicle's engine displacement or determine the methods to calculate the additional duty;

WHEREAS, under section 47 of the Act respecting the Société de financement des infrastructures locales du Québec (R.S.Q., c. S-11.0102), the first regulation made under sections 618, 619.4 and 619.5 of the Highway Safety Code to determine the rules governing the application of the additional duty in respect of road vehicles equipped with an engine with a displacement determined by regulation is not subject to the publication requirement or the date of coming into force provided in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1); such Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* and has effect from the date or dates set in the regulation but not prior to 1 November 2004;

WHEREAS the Regulation respecting road vehicle registration was made by Order in Council 1420-91 dated 16 October 1991;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting road vehicle registration;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport and Minister responsible for the Capitale-Nationale region:

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. 618, pars. 3, 4.1, 7, 8.5, 8.7, 8.8, 11, 11.2 and 12, ss. 619.4 and 619.5)

1. Section 2 of the Regulation respecting road vehicle registration is amended

(1) by inserting the following definition after the definition of “legal person” in the first paragraph :

““model year” means the year used by the manufacturer of a road vehicle to designate a particular vehicle model irrespective of the calendar year in which the vehicle was produced; the model year is indicated by a code in the vehicle serial number in accordance with the Motor Vehicle Safety Act (S.C. 1993, c. 16); (*année de modèle*)”;

(2) by replacing the definition of “commercial vehicle” by the following :

““commercial vehicle” means a motor vehicle owned by a legal person, other than a truck, a bus, a minibus or a vehicle referred to in subparagraphs 2 to 11 of the first paragraph of section 102; (*véhicule commercial*)”.

2. Section 2.1 is amended

(1) by replacing “The additional duty exigible for obtaining the registration of a road vehicle and the right to operate it and the additional duty exigible to retain that right applies solely to a motor vehicle” by “The category of road vehicles which are seven years old or less, whose value exceeds \$40,000 and in respect of which an additional duty is payable consists of motor vehicles”;

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

“For the purposes of this section, the age of a motor vehicle is the number of years between the model year

of the vehicle and the current calendar year inclusively, and a vehicle whose model year is the same as or subsequent to the current calendar year is considered to be a vehicle less than one year old.”.

3. The following is inserted after section 2.1 :

“**2.1.1.** The category of road vehicles having a large engine displacement in respect of which an additional duty is payable consists of motor homes, commercial vehicles and passenger vehicles equipped with an engine with a displacement of 4 litres or greater. Engine displacements of 3.95 to 3.99 litres are deemed to be engine displacements of 4 litres.

However, the category of road vehicles having a large engine displacement referred to in the first paragraph does not include

(1) a road vehicle referred to in section 98 or 99 ;

(2) a road vehicle owned by a person referred to in section 122 or 123 ;

(3) a road vehicle specially adapted for the transportation of a person requiring the use of a rigid frame wheelchair or a 3-wheel or 4-wheel scooter ;

(4) a taxi ;

(5) a farm motor vehicle ;

(6) a road vehicle used in a locality not linked to the Québec highway system ;

(7) a road vehicle used exclusively on private lands or roads and that is not intended for operation on public highways ;

(8) a hand-crafted vehicle ;

(9) a road vehicle whose model year is prior to 1995 ;
or

(10) a road vehicle used exclusively in stations, ports and airports.”.

4. Section 3 is amended by striking out “in the case of a motorcycle or moped” in paragraph 7.

5. Section 13 is amended by replacing “cylinder displacement in the case of a motorcycle or moped” in subparagraph *d* of paragraph 6 by “engine displacement”.

* 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 909-2005 dated 4 October 2005 (2005, *G.O.* 2, 4495). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

6. The following is inserted after section 18.1:

“**18.2.** For the purpose of calculating the additional duty payable in respect of a road vehicle in the category of road vehicles referred to in the first paragraph of section 2.1.1, the engine displacement is rounded off to the nearest decilitre and if the engine displacement is equidistant between two decilitres, it is rounded off to the higher decilitre.”.

7. Section 19 is amended by replacing “the additional duty” in the first paragraph by “the additional duties”.

8. Section 20 is amended by replacing “the additional duty” by “the additional duties”.

9. Section 21 is amended by replacing “the additional duty” by “the additional duties”.

10. Section 24 is amended by replacing “the additional duty” in the part preceding paragraph 1 by “the additional duties”.

11. Section 24.1 is amended by replacing “the additional duty” in the first paragraph by “the additional duties”.

12. Section 47 is amended by adding the following sentence at the end of the first paragraph: “The engine displacement must be provided only in the case of a motorcycle or moped.”.

13. Section 55.1 is revoked.

14. Section 61.1 is amended by replacing “In addition to the fees fixed in this Division, if a motor vehicle is 7 years old or less and valued at more than \$40,000, an additional duty is payable for registration of that vehicle and the right to operate it. The duty” by “In respect of a road vehicle in the category of road vehicles referred to in section 2.1, the additional duty payable for registration of the vehicle and the right to operate it”.

15. The following is inserted after section 61.1:

“**61.2.** In respect of a road vehicle in the category of road vehicles referred to in the first paragraph of section 2.1.1, the additional duty payable for registration of the vehicle and the right to operate it is calculated by multiplying the monthly duty fixed in section 90.1.1 by the number of full months, plus one, between the date on which registration is applied for and the last day of the month preceding the last month during which the amounts provided for in the first paragraph of section 31.1 of the Highway Safety Code next become due.”.

16. Section 67 is amended

(1) by replacing “the additional duty” in the first paragraph by “the additional duties”;

(2) by inserting “payable in respect of a road vehicle in the category of road vehicles referred to in section 2.1” after “duty” in the fifth paragraph;

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

“The additional duty payable in respect of a road vehicle in the category of road vehicles referred to in the first paragraph of section 2.1.1 is calculated by multiplying the monthly duty fixed in section 90.1.1 by the number of full months, plus one, which comprise the part of the 12-month period not affected by the election.”.

17. Section 68 is amended by replacing “the additional duty provided for in section 142.1” in the first paragraph by “the additional duties provided for in sections 142.1 and 142.2”.

18. Section 69 is amended by replacing “the additional duty provided for in section 142.1” in the first paragraph by “the additional duties provided for in sections 142.1 and 142.2”.

19. Section 72 is amended

(1) by replacing “the additional duty” in the first paragraph by “the additional duties”;

(2) by inserting “payable in respect of a road vehicle in the category of road vehicles referred to in section 2.1” after “duty” in the sixth paragraph;

(3) by adding the following paragraph at the end:

“The additional duty payable in respect of a road vehicle in the category of road vehicles referred to in the first paragraph of section 2.1.1 is calculated by multiplying the monthly duty fixed in section 90.1.1 by the number of full months, plus one, which comprise the part of the 12-month period preceding registration cancellation. If the duty is paid upon issue of new registration, the applicant for registration must also pay the additional duty prescribed by section 61.2.”.

20. Section 73 is amended

(1) by replacing “the additional duty” in the first paragraph by “the additional duties”;

(2) by inserting “payable in respect of a road vehicle in the category of road vehicles referred to in section 2.1” after “duty” in the fifth paragraph;

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

“The additional duty payable in respect of a road vehicle in the category of road vehicles referred to in the first paragraph of section 2.1.1 is calculated by multiplying the monthly duty fixed in section 90.1.1 by the number of full months, plus one, between the date of the lifting of the prohibition and the following due date for payment of the duty.”.

21. Section 74 is amended

(1) by replacing “the additional duty” in the first paragraph by “the additional duties”;

(2) by inserting “payable in respect of a road vehicle in the category of road vehicles referred to in section 2.1” after “duty” in the fifth paragraph;

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

“The additional duty payable in respect of a road vehicle in the category of road vehicles referred to in the first paragraph of section 2.1.1 is calculated by multiplying the monthly duty fixed in section 90.1.1 by the number of full months, plus one, which comprise that part of the 12-month period.”.

22. Section 75 is amended

(1) by replacing “the additional duty” in the first paragraph by “the additional duties”;

(2) by inserting “payable in respect of a road vehicle in the category of road vehicles referred to in section 2.1” after “duty” in the fifth paragraph;

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

“The additional duty payable in respect of a road vehicle in the category of road vehicles referred to in the first paragraph of section 2.1.1 is calculated by multiplying the monthly duty fixed in section 90.1.1 by the number of full months, plus one, between the date of the lifting of the prohibition and the following due date for payment of the duty.”.

23. Section 76 is amended

(1) by replacing “the additional duty” in the first paragraph by “the additional duties”;

(2) by inserting “payable in respect of a road vehicle in the category of road vehicles referred to in section 2.1” after “duty” in the sixth paragraph;

(3) by adding the following paragraph at the end:

“The additional duty payable in respect of a road vehicle in the category of road vehicles referred to in the first paragraph of section 2.1.1 is calculated by multiplying the monthly duty fixed in section 90.1.1 by the number of full months, plus one, which comprise the part of the 12-month period preceding registration cancellation. If the duty is paid upon issue of registration, the applicant for registration must also pay the additional duty prescribed by section 61.2.”.

24. Section 77 is amended

(1) by replacing “the additional duty” in the first paragraph by “the additional duties”;

(2) by inserting “payable in respect of a road vehicle in the category of road vehicles referred to in section 2.1” after “duty” in the fifth paragraph;

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

“The additional duty payable in respect of a road vehicle in the category of road vehicles referred to in the first paragraph of section 2.1.1 is calculated by multiplying the monthly duty fixed in section 90.1.1 by the number of full months, plus one, which comprise that part of the 12-month period.”.

25. Section 90.1 is amended by replacing “The” in the first paragraph by “In respect of a road vehicle in the category of road vehicles referred to in section 2.1, the”.

26. The following is inserted after section 90.1:

“**90.1.1.** In respect of a road vehicle in the category of road vehicles referred to in the first paragraph of section 2.1.1, the additional monthly duty is calculated by dividing the duty fixed in section 142.2 based on the vehicle’s engine displacement by 12.”.

27. The title of Division XII of Chapter IV is replaced by the following: “**ADDITIONAL DUTIES PAYABLE TO RETAIN THE RIGHT TO OPERATE A ROAD VEHICLE**”.

28. Section 142.1 is amended by replacing “In addition to the fees fixed in this chapter, if a vehicle is 7 years old or less and is valued at more than \$40,000, an additional annual duty is payable to retain the right to operate the vehicle. The right” by “In respect of a road vehicle in the category of road vehicles referred to in section 2.1, the additional annual duty payable to retain the right to operate the vehicle”.

29. The following is inserted after section 142.1:

“**142.2.** The additional annual duty payable to retain the right to operate a road vehicle in the category of road vehicles referred to in the first paragraph of section 2.1.1 is shown opposite the vehicle’s engine displacement:

Engine displacement (litres)	Additional annual duty
4	\$30
4.1	\$40
4.2	\$50
4.3	\$60
4.4	\$70
4.5	\$80
4.6	\$90
4.7	\$100
4.8	\$110
4.9	\$120
5	\$130
5.1	\$140
5.2 or greater	\$150

30. Section 162 is amended by replacing “the additional duty” in the first paragraph by “the additional duties”.

31. Section 163 is amended by replacing “the additional duty” by “the additional duties”.

32. Section 164 is amended by replacing “the additional duty” in the first paragraph by “the additional duties”.

33. Section 170.1 is amended

(1) by inserting “in respect of a road vehicle in the category of road vehicles referred to in section 2.1” after “the additional duty”;

(2) by replacing “motor vehicle” by “road vehicle”.

34. The following is inserted after section 170.1:

“**170.2.** The reimbursement of the additional duty in respect of a road vehicle in the category of road vehicles referred to in the first paragraph of section 2.1.1 is determined by multiplying the additional monthly duty applicable to the road vehicle concerned by the number of full months from the date of the application for reimbursement or, in the cases referred to in section 169, from the date of the event or the date of the new registration to the expiry date of the period for which the additional duty was paid.”.

35. Section 179 is amended by replacing the words “additional duty” wherever they appear by “additional duties”.

36. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* and has effect from 1 November 2004, except sections 14 to 18 and 22 to 24 which have effect from 1 January 2005.

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Gouvernement du Québec

O.C. 1247-2005, 14 December 2005

Automobile Insurance Act
(R.S.Q., c. A-25)

**Determination of income and employment
and payment of the indemnity in section 83.30
— Amendments**

CONCERNING the Regulation to amend the Regulation respecting the determination of income and employment and the payment of the indemnity in section 83.30 of the Act

WHEREAS under paragraph 11 of section 195 of the Automobile Insurance Act (R.S.Q., c. A-25) the Société de l’assurance automobile du Québec may, by regulation, establish the method for computing the net income of a victim and the amount equivalent to the income tax;