

(5) Disability rate: Nil

(6) Proportion of married persons at retirement:

Age	Male	Female
18 - 64 years old	85%	65%
65 - 79 years old	80%	30%
80 - 109 years old	60%	10%
110 years old	0%	0%

(7) Age difference between spouses at retirement:

— the male spouse of the member is assumed to be one year older;

— the female spouse of the member is assumed to be four years younger.”.

6. This Regulation comes into force on 1 January 2006.

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Gouvernement du Québec

O.C. 1244-2005, 4 December 2005

Environment Quality Act
(R.S.Q., c. Q-2)

Heavy vehicles — Environmental standards

Regulation respecting environmental standards for heavy vehicles

WHEREAS sections 31, 53 and 109.1 of the Environment Quality Act (R.S.Q., c. Q-2) confer on the Government the power to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, the draft Regulation respecting environmental standards for heavy vehicles was published in Part 2 of the *Gazette officielle du Québec* of 11 May 2005 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments, considering the comments received following publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Regulation respecting environmental standards for heavy vehicles, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting environmental standards for heavy vehicles

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a*, *c*, *d*, *e*, *h*, *h.1*, *h.2* and *l*, s. 53, pars. *a*, *b* and *c*, and ss. 109.1, 118.6 and 124.0.1)

CHAPTER I SCOPE AND INTERPRETATION

1. The purpose of this Regulation is to set environmental standards for heavy vehicles. The standards apply to the pollution control devices and systems on heavy vehicles and to the testing of heavy vehicle emissions.

For the purposes of this Regulation, roadside testing to assess compliance with the standards is to be conducted on public highways within the meaning of section 4 of the Highway Safety Code (R.S.Q., c. C-24.2).

2. The heavy vehicles to which this Regulation applies are

(1) heavy vehicles within the meaning of subparagraph *a* of subparagraph 3 of the first paragraph of section 2 of the Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., c. P-30.3), except farm tractors within the meaning of section 2 of the Regulation respecting road vehicle registration made by Order in Council 1420-91 dated 16 October 1991; and

(2) buses, minibuses and tow trucks referred to in subparagraph *b* of subparagraph 3 of section 2 of that Act having a net mass in excess of 3,000 kg.

3. This Regulation does not apply to heavy vehicles when they are participating in an automobile contest, show or race on a track or other location closed to all other automobile traffic.

4. Owners of heavy vehicles to which this Regulation applies are those referred to in subparagraph 1 of section 2 of the Act respecting owners, operators and drivers of heavy vehicles.

5. A laboratory accredited by the Minister of Sustainable Development, Environment and Parks under section 118.6 of the Environment Quality Act (R.S.Q., c. Q-2) includes an establishment accredited to assess the compliance of heavy vehicles with the environmental standards prescribed by this Regulation.

CHAPTER II POLLUTION CONTROL DEVICES AND SYSTEMS

6. Every heavy vehicle being operated in the part of the territory of Québec situated south of the 55th parallel and every heavy vehicle sold, leased, placed at the disposal of a person for valuable consideration or offered in any way to be sold, leased or placed at the disposal of a person for valuable consideration must be equipped with a pollution control device or system in working order that reduces the emission of hydrocarbons, carbon monoxide, nitrogen oxide or particles into the atmosphere.

This section does not apply to heavy vehicles that, with regard to the contaminants referred to in the first paragraph, comply with the emission standards prescribed by the regulations under the Motor Vehicle Safety Act (S.C. 1993, c. 16) or the Canadian Environmental Protection Act (S.C. 1999, c. 33) without being equipped with a pollution control device or system.

7. No owner of a heavy vehicle may allow a heavy vehicle pollution control device or system to be removed or modified and no person may remove or modify such a device or system, except to replace a defective device or system.

8. A replacement pollution control device or system installed on a heavy vehicle must conform to the device or system used as a replacement device or system by the vehicle manufacturer. The identification code of the manufacturer of the replacement system or device must be indicated on the device or system.

9. Sections 6 to 8 do not apply to heavy vehicles modified to operate solely on propane gas or natural gas.

CHAPTER III HEAVY VEHICLE EMISSIONS

DIVISION I GENERAL

10. Heavy vehicles being operated in the part of the territory of Québec situated south of the 55th parallel must comply with the emission standards set out in this Chapter that apply to a vehicle powered by diesel, gasoline or gas.

11. The owner of a non-compliant heavy vehicle is required within 30 days after receiving a repair notice from the Minister to repair the vehicle or have it repaired and to obtain an attestation from an accredited establishment certifying that the heavy vehicle complies with the emission standards.

DIVISION II EMISSIONS FROM DIESEL-POWERED HEAVY VEHICLES

12. No air emission from a diesel-powered heavy vehicle may exceed the opacity percentages listed in the following table, based on the vehicle model year:

Model year	Opacity (%)
For two years following the date of coming into force of this Regulation	
1991 and later	45
1990 and earlier	60
For subsequent years	
1991 and later	40
1990 and earlier	55

13. The opacity of emissions from diesel-powered heavy vehicles is measured using an opacimeter in accordance with the Society of Automotive Engineers recommended practice J1667 Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles.

DIVISION III EMISSIONS FROM GASOLINE OR GAS-POWERED HEAVY VEHICLES

14. No gasoline, natural gas or propane gas-powered heavy vehicle may emit hydrocarbons (HC) and carbon monoxide (CO) into the atmosphere in excess of the values listed in the following table, based on the vehicle model year:

Model year	HC (ppm)	CO (%)	Visible emissions (s/min)
≥ 1998	200	1	5
1988-97	220	1.2	5
1980-87	300	3	5
1975-79	400	4	5
1970-74	800	6.5	5
≤ 1969	1000	8	5

In addition, the sum of carbon dioxide (CO₂) and carbon monoxide (CO) concentrations must not be less than 6%.

15. Hydrocarbon, carbon dioxide and carbon monoxide concentration in gasoline or gas-powered vehicle emissions is measured using a four-gas or five-gas analyzer in accordance with the Preconditioned Two Speed Idle Test Procedure [USEPA Publication EPA-AA-TSS-I/M-90-3 January 1991 – Recommended I/M Short Test Procedures for the 1990's: Six Alternatives] and published by the United States Environmental Protection Agency.

CHAPTER IV ACCREDITED ESTABLISHMENTS

16. An accredited establishment must measure emissions from a heavy vehicle for which a repair notice has been notified by the Minister following roadside testing by highway controllers of the Société de l'assurance automobile du Québec pursuant to an agreement under sections 519.64 to 519.66 of the Highway Safety Code.

If the test results meet the requirements set out in Chapter III, the establishment issues an attestation to the owner of the heavy vehicle certifying that the heavy vehicle is in compliance with environmental standards at the time of the emission measurement.

The attestation must indicate, in addition to its number,

- (1) the licence plate number;
- (2) the name of the driver;

(3) the name of the person who performed the emission measurement, the person's number, if any, the address or location of the measurement and the date and time of the measurement;

(4) the emission measurement result and the signature of the person who performed the measurement;

(5) the environmental standards that apply to the vehicle; and

(6) that the vehicle complies with the standards on the date and at the time of the emission measurement.

The establishment must send a copy of the attestation to the Minister using media-based information technology not later than the working day that follows the working day on which the attestation is issued.

CHAPTER V PENALTIES

17. Every owner of a heavy vehicle being operated in the part of the territory of Québec situated south of the 55th parallel when the vehicle does not conform to section 6 is liable to a fine of

- (1) \$300 to \$600, in the case of a natural person; and
- (2) \$600 to \$1,200, in the case of a legal person.

Every person who sells, leases, places at the disposal of a person for valuable consideration or offers in any way to sell, lease or place at the disposal of a person for valuable consideration a heavy vehicle that does not conform to section 6 is liable to the fine under the first paragraph.

18. Every owner of a heavy vehicle who allows a pollution control device or system to be removed or modified contrary to section 7 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.

Every person who removes or modifies a pollution control device or system contrary to section 7 is liable to the fine under the first paragraph.

19. Every person who installs a replacement pollution control device or system that does not conform to section 8 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.

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.

7354

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