



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 129

(2005, chapter 39)

An Act to amend the Act respecting owners and operators of heavy vehicles and other legislative provisions

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EXPLANATORY NOTES

The purpose of this bill is to harmonize the provisions of the Act respecting owners and operators of heavy vehicles with the new provisions of federal road transport legislation and regulations.

To this end, the bill adjusts the scope of the Act respecting owners and operators of heavy vehicles, in particular with regard to drivers and to the notions of “heavy vehicle” and “operator of a heavy vehicle”. It revises the safety-rating assignment and registration system applicable to operators, as well as the measures concerning the processing and exchange of information for the purpose of rating operators.

The bill also contains provisions intended to facilitate the application of the Act, especially as to the identification of heavy-vehicle operators and the powers of the Commission des transports du Québec to ensure that safety standards are met by heavy vehicles and their drivers.

In addition, the bill amends the Highway Safety Code to introduce new monitoring standards for heavy vehicles, including standards concerning circle checks and inspections specific to motor coaches.

Lastly, the bill contains a number of penal and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Act respecting the Ministère des Transports (R.S.Q., chapter M-28);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting owners and operators of heavy vehicles (R.S.Q., chapter P-30.3);
- Transport Act (R.S.Q., chapter T-12).

Bill 129

AN ACT TO AMEND THE ACT RESPECTING OWNERS AND OPERATORS OF HEAVY VEHICLES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of the Act respecting owners and operators of heavy vehicles (R.S.Q., chapter P-30.3) is replaced by the following title:

“An Act respecting owners, operators and drivers of heavy vehicles”.

2. Section 1 of the Act is amended by replacing “and operators” and “the road network” in the first paragraph by “, operators and drivers” and “those roads”, respectively.

3. Section 2 of the Act is amended

(1) by inserting “issued in Québec” after “certificate” in the second line of subparagraph 1 of the first paragraph;

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

“(2) an operator of a heavy vehicle is a person who controls the operation of a heavy vehicle;”;

(3) by replacing subparagraphs *a* to *c* of subparagraph 3 of the first paragraph by the following subparagraphs:

“(a) a road vehicle or combination of road vehicles, within the meaning of the Highway Safety Code, having a gross vehicle weight rating or gross combination weight rating of 4,500 kg or more;

“(b) a bus, minibus or tow truck, within the meaning of that Code;

“(c) a road vehicle subject to a regulation made under section 622 of that Code;”;

(4) by inserting the following subparagraphs after subparagraph 3 of the first paragraph:

“(4) “gross vehicle weight rating” means the value specified by the manufacturer as the loaded weight of a single vehicle and known as the “gross vehicle weight rating” (GVWR) or “poids nominal brut du véhicule” (PNBV);

“(5) unless otherwise provided, the drivers of heavy vehicles who are subject to this Act are those who hold a driver’s licence issued by the Société de l’assurance automobile du Québec.”

4. Section 3 of the Act is amended

(1) by inserting “drivers of heavy vehicles, certain” after the first occurrence of “certain” in the first line of paragraph 1;

(2) by replacing “net mass other than the net mass referred to” in paragraph 2 by “weight other than that referred to”;

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

“(3) prescribe notations to accompany the safety ratings referred to in section 12 and determine their effects.”

5. Section 5 of the Act is amended by replacing the first paragraph by the following paragraphs:

“**5.** Only owners of heavy vehicles who are registered in the Commission’s register may put into operation on a road open to public vehicular traffic a heavy vehicle whose registration certificate was issued in Québec.

Only operators of heavy vehicles who are registered in the Commission’s register may operate on a road open to public vehicular traffic a heavy vehicle whose registration certificate was issued in Québec. Only operators of heavy vehicles who hold a safety fitness certificate issued by another administrative authority under the Act to amend the Motor Vehicle Transport Act, 1987 (Statutes of Canada, 2001, chapter 13) and authorizing the holder to operate such vehicles, or who hold a similar document recognized under that Act, may operate on a road open to public vehicular traffic a heavy vehicle whose registration certificate was issued outside Québec. However, an operator of heavy vehicles who is registered in the Commission’s register may operate on a road open to public vehicular traffic a heavy vehicle whose registration certificate was issued outside Canada.

A heavy vehicle that is operated on a road open to public vehicular traffic is deemed to have been put into operation by its owner.”

6. Section 6 of the Act is replaced by the following section:

“**6.** Persons wishing to register as owners or operators must provide their names and addresses to the Commission and pay the fees set by government regulation.

The Commission assigns an identification number to each registered person.”

7. Section 7 of the Act is replaced by the following section:

“**7.** No registered person may put a heavy vehicle into operation or operate a heavy vehicle on a road open to public vehicular traffic unless

(1) the person has provided, as applicable, the names and addresses of the person’s directors and any other information required by the Commission under the conditions it determines;

(2) the person, in accordance with the intervals, terms and conditions determined by the Commission, has renewed the person’s registration and paid the fees set by government regulation;

(3) five years have elapsed since the date of any conviction for an indictable offence related to the operation of a heavy vehicle with respect to which a pardon has not been granted;

(4) where the law so requires, the person holds a licence under section 50.0.6 of the Fuel Tax Act (chapter T-1), is registered in the register established under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45) and is registered under section 290 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001); and

(5) the person has paid any fine not under appeal that was imposed under this Act, the Transport Act (chapter T-12), the Highway Safety Code, or a legislative or regulatory provision referred to in section 519.65 of that Code in respect of which an agreement has been entered into with the Société, or that was imposed outside Québec where a similar measure is applied.

If the Commission is informed that a registered person does not satisfy the conditions set forth in subparagraphs 1 to 5 of the first paragraph, it indicates in the register that the person’s right to put a heavy vehicle into operation or operate a heavy vehicle has been suspended.”

8. Sections 8 to 10 of the Act are repealed.

9. Section 12 of the Act is replaced by the following section:

“**12.** The Commission shall assign to registered persons one of the following safety ratings: “satisfactory”, “conditional” or “unsatisfactory”.

A “satisfactory” safety rating indicates that the registered person has an acceptable record of compliance with the applicable laws and regulations relating to safety and the preservation of the integrity of roads open to public vehicular traffic.

A “conditional” safety rating indicates that the registered person’s right to put a heavy vehicle into operation or operate a heavy vehicle is subject to specific conditions because of a record which, in the Commission’s opinion, reveals deficiencies that can be corrected by the imposition of certain conditions.

An “unsatisfactory” safety rating indicates that the registered person is judged unfit to put a heavy vehicle into operation or operate a heavy vehicle because of a record which, in the Commission’s opinion, reveals deficiencies that cannot be corrected by the imposition of conditions.”

10. Section 13 of the Act is repealed.

11. Section 14 of the Act is amended by striking out “, at least once a year,” in the first line.

12. The Act is amended by inserting the following sections after section 16:

“**16.1.** The Commission must refuse to register, or must cancel the registration of, a transport service intermediary who

(1) has been convicted within the past five years of an indictable offence related to the exercise of activities as a transport service intermediary;

(2) though the law requires it, is not registered in the register established under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons or is not registered under section 290 of the Act respecting industrial accidents and occupational diseases; or

(3) has failed to pay a fine imposed under this Act, the Transport Act or the Highway Safety Code.

“**16.2.** The Commission may refuse to register, or may cancel the registration of, a transport service intermediary that has been assigned an “unsatisfactory” safety rating as an owner or operator of a heavy vehicle.

“**16.3.** The Commission may cancel the registration of a transport service intermediary for a maximum of five years, or impose conditions for the maintenance of the registration, if the practices of the intermediary endanger the safety of the users of roads open to public vehicular traffic or threaten the integrity of those roads, or if the intermediary was convicted within the past three years of an indictable offence related to the use of a heavy vehicle.”

13. Section 19 of the Act is repealed.

14. Section 22 of the Act is amended

(1) by replacing “, a file on each owner and each operator” in the second and third lines by “or any other administrative authority, a file on each owner and each operator required to register and on each driver”;

(2) by replacing “and operators” in the fourth line of the first paragraph by “, operators and drivers whose conduct is exemplary as well as those”;

(3) by replacing “and the Highway Safety Code (chapter C-24.2)” in the seventh line of the first paragraph by “, the Highway Safety Code, any similar legislation administered by other administrative authorities, and the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)”;

(4) by inserting “, including drivers whose driver’s licence was issued by an authority other than the Société” after “persons” in the ninth line of the first paragraph.

15. Section 23 of the Act is amended by replacing “the road network” in the fifth line by “those roads” and by adding “as well as any contravention of similar legislative provisions administered by other administrative authorities or similar provisions of the Criminal Code” at the end.

16. Section 25 of the Act is amended

(1) by replacing “assessing” in the first line of the first paragraph by “examining”;

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

“(2) that the safety rating of the registered person be downgraded, or that it be maintained at “conditional” with the removal or replacement of an existing condition or the addition of a new one;

“(3) that the conduct of a heavy-vehicle driver be evaluated.”;

(3) by replacing “of roads open to public vehicular traffic or threatens the integrity of the road network” in the second paragraph by “of roads open to public vehicular traffic or threatens the integrity of those roads”.

17. Sections 26 to 32 of the Act are replaced by the following sections:

“26. The Commission may assess whether a person endangers or imperils the users of roads open to public vehicular traffic or threatens the integrity of those roads. It may also determine, for the purposes of sections 7, 16.1, 16.3 and 30, whether an indictable or criminal offence is related to the use of a heavy vehicle or to the exercise of activities as a transport service intermediary, as applicable.

“27. The Commission shall assign an “unsatisfactory” safety rating to a person, among other circumstances, if

(1) in its opinion, the person imperils the users of roads open to public vehicular traffic or significantly threatens the integrity of those roads;

(2) in its opinion, the person endangers the users of roads open to public vehicular traffic or threatens the integrity of those roads by repeatedly contravening a provision of this Act, the Highway Safety Code or other legislation referred to in section 23;

(3) the person fails to comply with a condition imposed in relation to a “conditional” safety rating, unless the person shows that other measures have resulted in the correction of the deficiencies for which the condition was imposed;

(4) an “unsatisfactory” safety rating has been assigned to any partner of the person or, in the case of a legal person, any director or officer judged by the Commission to have a determining influence;

(5) the Commission judges that, given the information it has at its disposal concerning the person, the person’s directors, partners, officers or employees, or an undertaking to which the second paragraph of section 32 applies, the person is unable to properly put a heavy vehicle into operation or operate a heavy vehicle.

The Commission may apply a registered person’s “unsatisfactory” safety rating to any of the person’s partners or directors judged by the Commission to have a determining influence.

In that case, the Commission shall enter such partners or directors or any other person in its register, if they are not already registered.

An “unsatisfactory” safety rating results in the registered person’s being prohibited from putting a heavy vehicle into operation or operating a heavy vehicle.

“28. When it assigns or maintains a “conditional” safety rating, the Commission may impose any condition it judges likely to correct the deficiencies observed, whether with regard to the heavy vehicles, the qualifications of partners, directors, officers and employees, or the management and operation of the undertaking or of any undertaking acquired by the registered person.

The Commission may also take any other measure it judges appropriate and reasonable, such as requiring as a condition that an administrative agreement entered into with the registered person be complied with.

“29. In the case of a person whose activities the Commission considers to be in the public interest and whose deficient conduct cannot, in the Commission’s opinion, be corrected by the imposition of conditions, the Commission may, for a period it determines and at the person’s expense,

appoint a director to exercise all the powers of the board of directors with regard to the use of any heavy vehicle.

“30. The Commission may suspend the right of a registered person to put a heavy vehicle into operation or operate a heavy vehicle on roads open to public vehicular traffic if

- (1) the person provided false or inaccurate information to the Commission;
- (2) the person was convicted within the past three years of an indictable offence related to the use of a heavy vehicle;
- (3) one of the person’s directors, partners, officers or employees was convicted within the past five years of an indictable offence related to the use of a heavy vehicle with respect to which a pardon has not been granted;
- (4) the person refuses to allow a place of business inspection to be conducted or hinders the work of a person authorized under this Act, the Highway Safety Code or the Transport Act to make such an inspection.

In the cases described in the first paragraph, the Commission shall indicate in the register that the person’s right to put a heavy vehicle into operation or operate a heavy vehicle has been suspended.

“31. The Commission may impose on a driver of a heavy vehicle any condition it judges likely to correct deficient conduct and may take any other measure it judges appropriate and reasonable.

When it judges that a driver of a heavy vehicle is unfit to drive a heavy vehicle because of deficient conduct that cannot, in its opinion, be corrected by the imposition of conditions, the Commission may order the Société to prohibit that person from driving a heavy vehicle. The person’s right to have the prohibition lifted is subject to the prior authorization of the Commission. The Société must execute the order of the Commission immediately upon receipt of a copy of the decision.

“32. The Commission may require of a registered person any information it judges necessary, including the number, class, assignment and habitual use made of the heavy vehicles owned or operated as well as a description of the transport services offered and any information it judges necessary as to the past conduct of the person or the person’s directors, partners, officers and employees regarding road safety and the integrity of public roads.

In the case of an amalgamation of undertakings, a change in the control of an undertaking or the acquisition of an undertaking by the owner or operator of a heavy vehicle, the Commission may require any information it judges necessary as to the past conduct of the person who operated or controlled the undertaking or of the undertaking’s directors, partners, officers and employees regarding road safety and the integrity of public roads.

“32.1. The Commission may, of its own initiative or after examining a proposal or request made by the Société or any other person, exercise the powers conferred on the Société or that person by this Act.”

18. Section 33 of the Act is amended by replacing “A person declared totally or partially disqualified” in the first line of the first paragraph by “A person that has been assigned an “unsatisfactory” or “conditional” safety rating by the Commission”.

19. Section 34 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“34. The Commission may change a safety rating it has assigned and replace or revoke a condition it has imposed.”;

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

“It may also withdraw an “unsatisfactory” safety rating that it has applied to a director or partner of a registered person under the second paragraph of section 27.”

20. Section 37 of the Act is amended

(1) by replacing “declaring a person disqualified” in the first paragraph by “assigning an “unsatisfactory” or “conditional” safety rating to a person”;

(2) by replacing “must” in the last sentence of the second paragraph by “may, of its own initiative,”.

21. Section 38 of the Act is amended by striking out “, except decisions refusing a registration under section 9,”.

22. Section 42 of the Act is amended by inserting “a driver or” after “practices of” in the third line and by replacing “road users or threatens the integrity of the road network” in the fourth line by “the users of roads open to public vehicular traffic or threaten the integrity of those roads”.

23. The Act is amended by inserting the following after section 42:

“DIVISION IV

“IDENTIFICATION OF OPERATOR

“42.1. The purpose of this division is to facilitate the identification of operators of heavy vehicles for the purposes of this Act, the Highway Safety Code and the Transport Act.

“42.2. All vehicles forming a combination of heavy vehicles are deemed to be operated by the operator of the motorized heavy vehicle of the combination.

“42.3. A person identified as the operator or the carrier on the most recent trip-document, the daily log or the circle-check report shown during a road check to a peace officer by the driver of a motorized heavy vehicle registered in Québec is presumed to control the operation of the vehicle.

For this presumption to be lifted, the person identified as the operator or carrier must produce a written document in which another person has acknowledged being the operator of the heavy vehicle subjected to the road check and must establish that this person in fact controlled the operation of the vehicle.

The Government may, by regulation, formulate rules for applying the means that can be used for the purposes of the first paragraph in the situations it determines.

“42.4. Where a heavy vehicle registered by another administrative authority is operated in Québec, the person presumed to control the operation of the vehicle is the person whose name or operator’s identification number appears on the vehicle registration certificate or is attested by some other document issued by that authority or indicated on the vehicle in accordance with a legislative or regulatory provision administered by that authority.

“42.5. A person identified as the operator or the carrier on the documents kept at the person’s place of business is presumed to control the operation of the vehicle identified in those documents.

“42.6. In the absence of a means of identifying the person who controls the operation of a motorized heavy vehicle, the owner or, in the case of a leased vehicle, the lessee is presumed to control the operation of the vehicle unless it can be established that another person actually does.”

24. Section 44 of the Act is amended by replacing “19 to 21 or section” by “20, 21 or” .

25. Sections 45 and 46 of the Act are repealed.

26. Section 48 of the Act is replaced by the following section:

“48. A person that

(1) contravenes section 5,

(2) puts a heavy vehicle into operation or operates a heavy vehicle on a road open to public vehicular traffic despite being prohibited from doing so, or

(3) fails to meet a condition related to the “conditional” safety rating assigned to that person,

is guilty of an offence and liable to a fine of \$500 to \$1,500 for a first offence and \$1,500 to \$2,500 for every subsequent offence.”

27. The Act is amended by adding the following sections to Chapter V, after section 48:

“48.1. A print-out of a computer file held by the Société concerning the registration of a heavy vehicle or a driver’s licence, or of a computer file held by the Commission concerning the Register of Owners and Operators of Heavy Vehicles, is admissible as proof of the identity of the driver, owner or operator of a heavy vehicle in proceedings instituted under this Act, the Highway Safety Code or the Transport Act, provided it bears the attestation of an inspector or peace officer to the effect that he or she actually made the print-out and that it originates from the Société or the Commission.

In the case of a heavy vehicle registered by another administrative authority, a computer-file print-out from that authority has the same probative force as that referred to in the first paragraph.

A copy of a document used to identify the driver, owner or operator of a motorized heavy vehicle and bearing the attestation of an inspector or peace officer to the effect that he or she made the copy, is admissible as proof in any proceedings instituted under this Act, the Highway Safety Code or the Transport Act without it being necessary to prove the authenticity of the signature or the official capacity of the signatory; in the absence of evidence to the contrary, such a copy has the probative force of an original document filed as evidence in the usual manner.

“48.2. The gross vehicle weight rating of a road vehicle is that appearing on the compliance label affixed to the vehicle by the manufacturer. It may also be determined by the Société by means of conversion software if the label is missing, inaccessible or illegible.

“48.3. Penal proceedings for an offence under this Act may be instituted by a municipality if the offence is committed on its territory.

Fines collected pursuant to this section belong to the prosecutor.

“48.4. Penal proceedings for an offence under this Act committed on the territory of a municipality may be instituted before the competent municipal court.

The costs relating to proceedings brought before a municipal court belong to the municipality under the jurisdiction of that court, except any part of the costs remitted by the collector to another prosecuting party under article 345.2

of the Code of Penal Procedure (chapter C-25.1) and any costs remitted to the defendant or imposed on the municipality under article 223 of that Code.”

28. Section 49 of the Act is amended by replacing the second paragraph by the following paragraph:

“The Commission and the Société may exchange information with another administrative authority concerning a person subject to this Act or the Motor Transport Act provided the information is necessary for the carrying out of that Act.”

29. Section 51 of the Act is repealed.

30. The Highway Safety Code (R.S.Q., chapter C-24.2) is amended by inserting the following section after the heading of Chapter II of Title VIII.1:

“**519.1.1.** For the purposes of this chapter, a “motor coach” is a bus whose characteristics are defined by regulation.”

31. Section 519.2 of the Code is amended

(1) by replacing “pre-departure inspection” and “inspection report” in the first paragraph by “circle check” and “circle-check report”, respectively;

(2) by replacing the second paragraph by the following paragraph:

“The operator may, however, designate another person to conduct the circle check. The person designated must comply with the obligations provided for in the first paragraph and must complete and sign the report prescribed in section 519.3 and note and report any mechanical defect in accordance with section 519.5.”

32. The Code is amended by inserting the following sections after section 519.2:

“**519.2.1.** No person may drive a heavy vehicle unless a circle check of the vehicle has been conducted within the time prescribed by regulation.

“**519.2.2.** No person may drive a motor coach unless the inspection specific to motor coaches has been conducted on the vehicle within the time prescribed by regulation.”

33. Section 519.3 of the Code is amended

(1) by replacing “complete and keep up to date the inspection report of” by “complete, sign and update the circle-check report for”;

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

“A driver must not have in his or her possession more than one report for each circle check of the vehicle.

If the circle check of a heavy vehicle was conducted by another person, the driver of the vehicle must countersign the circle-check report. The driver must send the original of the report to the operator within the time prescribed by regulation.”

34. Section 519.4 of the Code is replaced by the following section:

“519.4. A driver must keep on board the vehicle he or she is driving any defect list prescribed by regulation and applicable to the vehicle as well as the circle-check report and, if applicable, the motor-coach inspection report for the vehicle. The driver must surrender these documents for examination to any peace officer who asks to see them.

Once the lists and reports have been examined, they must be returned to the driver.”

35. The Code is amended by inserting the following section after section 519.4:

“519.4.1. No person may drive a heavy vehicle without keeping on board the circle-check report and, if applicable, the motor-coach inspection report for the vehicle.”

36. Section 519.5 of the Code is replaced by the following section:

“519.5. A driver who discovers a major mechanical defect that appears on an applicable defect list must note the defect in the circle-check report and report the defect without delay to the persons determined by regulation in accordance with the form, content and conditions prescribed by regulation.

A driver who discovers a minor mechanical defect that appears on an applicable defect list must note the defect in the circle-check report and report the defect before the next circle check to the persons determined by regulation in accordance with the form, content and conditions prescribed by regulation.”

37. Section 519.6 of the Code is amended by replacing “discovered during a pre-departure inspection” by “that appears on the defect lists applicable to the vehicle”.

38. Section 519.15 of the Code is amended by replacing the second paragraph by the following paragraph:

“Owners of motor coaches must conduct the inspection specific to motor coaches except in the case of vehicles to which a preventive maintenance program provided for in Chapter I.1 of Title IX applies. They must complete a motor-coach inspection report in accordance with the standards prescribed by

regulation for each vehicle under their responsibility, and must place the report in the vehicle.”

39. The Code is amended by inserting the following sections after section 519.15:

“519.15.1. An operator is required to ensure that the driver of a heavy vehicle under the operator’s responsibility or, if applicable, the designated person, conducts a circle check of the vehicle in accordance with the standards prescribed by regulation.

“519.15.2. An operator may not allow a heavy vehicle to be driven that has not undergone a circle check within the time prescribed by regulation.

In addition, an operator may not allow a motor coach to be driven that has not undergone the inspection specific to motor coaches within the time prescribed by regulation.”

40. Section 519.16 of the Code is replaced by the following section:

“519.16. In accordance with the terms and conditions prescribed by regulation, an operator must place the applicable defect lists in each heavy vehicle under the operator’s responsibility and ensure that the driver keeps them on board the vehicle.

In addition, an operator is required to ensure that the driver keeps on board the vehicle the circle-check report and, if applicable, the motor-coach inspection report, and that the driver and the designated person who conducts the circle check enter all information in these reports in accordance with the standards prescribed by regulation.

An operator may not allow a heavy vehicle to be driven if the circle-check report and, if applicable, the motor-coach inspection report, is not kept on board.

An operator that is not the owner of the vehicle must inform the owner immediately of any vehicle defect observed by or brought to the attention of the operator and must send a copy of the circle-check report to the owner.”

41. Section 519.17 of the Code is amended

(1) by striking out the last sentence of the first paragraph;

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

“An owner or operator may not allow a heavy vehicle that has a major defect to be operated or allow a heavy vehicle that has a minor defect to be operated after 48 hours.”

42. Section 519.18 of the Code is amended by replacing “inspection” by “circle-check”.

43. Section 519.35 of the Code is amended by replacing “rapporteur” wherever it occurs in the French text by “signaler”.

44. Section 519.38 of the Code is amended by replacing “section 248 or 519.3 by failing to maintain a pre-departure inspection report for the driver’s vehicle” by “section 248”.

45. Section 519.39 of the Code, amended by section 49 of chapter 2 of the statutes of 2004, is replaced by the following section:

“519.39. A driver of a heavy vehicle is guilty of an offence and liable to a fine of \$350 to \$1,050 if he or she contravenes

(1) section 519.2 by failing to conduct the required circle check in accordance with the standards prescribed by regulation or by failing to record his or her observations;

(2) section 519.2.1 by driving a heavy vehicle that has not undergone a circle check within the time prescribed by regulation;

(3) section 519.2.2 by driving a motor coach that has not undergone an inspection specific to motor coaches within the time prescribed by regulation;

(4) section 519.3 by not completing, failing to sign or countersign or failing to update a circle-check report, by having in his or her possession more than one report for the same circle check or by neglecting to send the original of the report to the proper party within the time prescribed by regulation;

(5) section 519.4 by failing to keep on board the vehicle the applicable defect lists, or by refusing to surrender those lists, the circle-check report and, if applicable, the motor-coach inspection report for examination to a peace officer who asks to see them;

(6) section 519.4.1 by driving a heavy vehicle without keeping on board the circle-check report and, if applicable, the motor-coach inspection report concerning the vehicle.”

46. Section 519.48 of the Code is amended by replacing “section 519.15” in the last paragraph by “section 519.15, 519.15.1 or 519.15.2”.

47. Section 519.52 of the Code is amended

(1) by replacing “the second paragraph of section 519.16” in the first paragraph by “the first paragraph of section 519.16 or the second paragraph of that section by failing to ensure that the driver or the designated person who

conducted the circle check entered all information in the circle-check report in accordance with the standards prescribed by regulation”;

(2) by replacing “first or third” in the second paragraph by “third or fourth”.

48. Section 621 of the Code is amended

(1) by replacing paragraph 38 by the following paragraphs:

“(38) establish standards for the circle check of heavy vehicles prescribed in section 519.2 and exempt certain drivers, owners and operators in the cases it determines;

“(38.1) define the characteristics of a motor coach for the purposes of Chapter II of Title VIII.1.”;

(2) by replacing paragraph 40 by the following paragraph:

“(40) determine the form, content, procedure for sending and rules for the retention of the circle-check report prescribed in section 519.3 or 519.4 and the motor-coach inspection report prescribed in section 519.15 and exempt certain drivers or persons designated by the operator in the cases it determines.”;

(3) by striking out “mechanical” in paragraph 40.1 and by replacing “rapport” in the French text of that paragraph by “signalement”.

49. Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 6 of chapter 2, section 80 of chapter 13, section 163 of chapter 15, section 266 of chapter 23 and section 198 of chapter 28 of the statutes of 2005, is again amended by replacing “of paragraph 5 of section 9 of the Act respecting owners and operators of heavy vehicles” in subparagraph *p* of the second paragraph by “of subparagraph 4 of the first paragraph of section 7 of the Act respecting owners, operators and drivers of heavy vehicles”.

50. Section 3 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended by inserting the following subparagraph after subparagraph *f* of the first paragraph:

“(f.1) see that the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3) is applied.”.

51. Section 47.13 of the Transport Act (R.S.Q., chapter T-12) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) an operator that has been assigned an “unsatisfactory” safety rating under the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3);”.

52. Unless the context requires otherwise, in any Act, statutory instrument or other document, a reference to the Act respecting owners and operators of heavy vehicles or to one of its provisions is a reference to the Act respecting owners, operators and drivers of heavy vehicles or to the corresponding provision of that Act.

53. The first regulation to amend the Regulation respecting the Act respecting owners and operators of heavy vehicles after 1 January 2006 is exempt from the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

54. This Act comes into force on 1 January 2006, except paragraph 2 of section 3 and sections 13 and 23, which come into force on 1 January 2007, and except the following provisions, which come into force on the date or dates to be set by the Government:

— section 3 insofar as it replaces subparagraph *a* of subparagraph 3 of the first paragraph of section 2 of the Act respecting owners and operators of heavy vehicles and insofar as it enacts subparagraph 4 of that paragraph;

— paragraph 2 of section 4, section 27 insofar as it enacts section 48.3, and sections 30 to 47.