

18. The merchant may be exempted from the requirement of section 11 and may refuse to allow the consumer to drive the automobile to have it inspected as provided in section 12, if the consumer cannot demonstrate to the merchant that he or she holds a valid driver's licence.

7904

Gouvernement du Québec

O.C. 1144-2006, 12 December 2006

An Act respecting owners, operators and drivers of heavy vehicles
(R.S.Q., c. P-30.3; 2005, c. 39)

Regulation — Amendments

Regulation to amend the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles

WHEREAS, under section 4 of the Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., c. P-30.3), the Government may, by regulation, exempt any group or any class of persons it determines from the requirement to be registered in the Registre des propriétaires et des exploitants de véhicules lourds;

WHEREAS, under section 42.3 of that Act, made by section 23 of chapter 39 of the Statutes of 2005, the Government may, by regulation, formulate rules for applying the means that can be used for the purposes of the first paragraph of that section in the situations it determines;

WHEREAS, under section 53 of chapter 39 of the Statutes of 2005, the first regulation to amend the Regulation respecting the Act respecting owners, operators and drivers 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., c. R-18.1);

WHEREAS it is expedient to make the Regulation;

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 the Act respecting owners, operators and drivers of heavy vehicles, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles*

An Act respecting owners, operators and drivers of heavy vehicles
(R.S.Q., c. P-30.3, ss. 4 and 42.3; 2005, c. 39, s. 23)

1. The Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles is amended by inserting the following before section 1:

“DIVISION I EXEMPTIONS”.

2. Section 1 is amended

(1) by replacing paragraph 1 by the following:

“(1) an owner and operator using a heavy vehicle required by an emergency service or in the case of a major disaster or a minor disaster within the meaning of section 2 of the Civil Protection Act (R.S.Q., c. S-2.3);”;

(2) by replacing paragraph 5 by the following:

“(5) an owner and operator using a heavy vehicle only in a municipality or territory listed in Schedule 1.”.

3. Section 2 is amended

(1) by replacing “except those on which safety marks must be displayed in accordance with Division V of the Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 dated 4 May 1988, as it reads at the time of its application and except those carrying dangerous substances in containers of 454 litres or over” in paragraph 2 by “except combinations that require the display of safety marks in accordance with Division IV of the Transportation of Dangerous Substances Regulation made by Order in Council 866-2002 dated 10 July 2002”;

(2) by replacing “in accordance with Division V of the Transportation of Dangerous Substances Regulation, except minibuses, tow trucks and vehicles carrying dangerous substances in containers of 454 litres or over” in paragraph 4 by “in accordance with Division IV of the Transportation of Dangerous Substances Regulation”;

* The Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles, made by Order in Council 986-98 dated 21 July 1998 (1998, *G.O.* 2, 3303), has been amended once by the regulation made by Order in Council 1197-99 dated 20 October 1999 (1999, *G.O.* 2, 3750).

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

“(6) motorized road vehicles used by the holder of a taxi owner’s permit.”.

4. The following is inserted after section 2:

**“DIVISION II
MEANS USED FOR OPERATOR IDENTIFICATION**

2.1. The means used for operator identification referred to in the first paragraph of section 42.3 of the Act respecting owners, operators and drivers of heavy vehicles, enacted by section 23 of chapter 39 of the Statutes of 2005, must be used in the following order:

(1) a shipping document that meets the provisions of sections 3 and 4 of the Regulation respecting the requirements applicable to shipping documents, leasing contracts and contracts for services made by Order in Council 61-2001 dated 24 January 2001 must first be used;

(2) failing a shipping document, any other trip-document that allows the driver to carry out transportation may be used;

(3) failing a trip-document, a daily log referred to in section 519.10 of the Highway Safety Code may be used and, after the coming into force of section 33 of chapter 39 of the Statutes of 2005, a circle-check report referred to in section 519.3 of the Code may be used failing a daily log.

Despite the first paragraph, in the case of a bus or minibus, a daily log must be used or, failing a daily log, a circle-check report referred to in subparagraph 3 of the first paragraph.

**DIVISION III
FEES”.**

5. The following Schedule is added at the end:

**“SCHEDULE I
(s. 1, par. 5)**

LIST OF MUNICIPALITIES OR TERRITORIES

- Akulivik (Nord-du-Québec)
- Aupaluk (Nord-du-Québec)
- Baie-des-Moutons (Côte-Nord)
- Blanc-Sablon (Côte-Nord)
- Brador Bay (Côte-Nord)
- Cann (Mauricie)
- Casey (Mauricie)

- Chevery (Côte-Nord)
- Chisasibi (Nord-du-Québec)
- Clova (Mauricie)
- Deception Bay (Nord-du-Québec)
- Eastmain (Nord-du-Québec)
- Etamamiou (Côte-Nord)
- Harrington Harbour (Côte-Nord)
- Hibbard (Mauricie)
- Hunter’s Point (Abitibi-Témiscamingue)
- Île aux Lièvres (Bas-Saint-Laurent)
- Île-d’Entrée (Îles-de-la-Madeleine)
- Île du Bic (Bas-Saint-Laurent)
- Île Saint-Barnabé (Bas-Saint-Laurent)
- Inukjuak (Nord-du-Québec)
- Ivujivik (Nord-du-Québec)
- Kangiqsujuaq (Nord-du-Québec)
- Kangisualujjuaq (Nord-du-Québec)
- Kangirsuk (Nord-du-Québec)
- Kawawachikamach (Nord-du-Québec)
- Kegaska (Nord-du-Québec)
- Keyano (Nord-du-Québec)
- Kiggaluk (Nord-du-Québec)
- Killiniq (Nord-du-Québec)
- Kitcisakik (Abitibi-Témiscamingue)
- Kuujjuaq (Nord-du-Québec)
- Kuujuarapik (Nord-du-Québec)
- Lac-John (Côte-Nord)
- Lac-Rapide (Outaouais)
- Langlade (Abitibi-Témiscamingue)
- La Romaine (Côte-Nord)
- La Tabatière (Côte-Nord)
- Lourdes-de-Blanc-Sablon (Côte-Nord)
- Manawan (Lanaudière)
- Matimekosh (Côte-Nord)
- Middle Bay (Côte-Nord)
- Monet (Abitibi-Témiscamingue)
- Musquaro (Côte-Nord)
- Nitchequon (Nord-du-Québec)
- Notre-Dame-des-Sept-Douleurs (île Verte) (Bas-Saint-Laurent)
- Obedjiwan (Mauricie)
- Oskelaneao River (Mauricie)
- Oujé-Bougoumou (Nord-du-Québec)
- Pakuashipi (Côte-Nord)
- Port-Menier (île d’Anticosti) (Côte-Nord)
- Poste de la Baleine (Nord-du-Québec)
- Purtuniqu (Nord-du-Québec)
- Puvirnituk (Nord-du-Québec)
- Quaqtaq (Nord-du-Québec)
- Radisson (Nord-du-Québec)
- Rivière-Saint-Paul (Côte-Nord)
- Saint-Antoine-de-l’Isle-aux-Grues (Chaudière-Appalaches)
- Saint-Augustin (Basse-Côte-Nord)
- Sakami (Nord-du-Québec)
- Salluit (Nord-du-Québec)

- Sanmaur (Mauricie)
- Schefferville (Côte-Nord)
- Tasiujaq (Nord-du-Québec)
- Tête-à-la-Baleine (Côte-Nord)
- Umiujaq (Nord-du-Québec)
- Vandry (Mauricie)
- Vieux-Fort (Côte-Nord)
- Waskaganish (Nord-du-Québec)
- Wemotaci (Mauricie)
- Whapmagoostui (Nord-du-Québec)
- Windigo (Mauricie)
- Wolf Bay (Côte-Nord)”.

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

7902

Gouvernement du Québec

O.C. 1149-2006, 12 December 2006

Taxation Act
(R.S.Q., c. I-3)

An Act respecting the Ministère du Revenu
(R.S.Q., c. M-31)

An Act respecting the Québec Pension Plan
(R.S.Q., c. R-9)

An Act respecting the Québec sales tax
(R.S.Q., c. T-0.1; 2006, c. 31)

Fuel Tax Act
(R.S.Q., c. T-1)

Various regulations of a fiscal nature — Amendments

Various regulations to amend regulations of a fiscal nature

WHEREAS, under subparagraphs *e*, *e.2* and *f* of the first paragraph of section 1086 of the Taxation Act (R.S.Q., c. I-3), the Government may make regulations to establish classes of property for the purposes of section 130 of the Act, to require any person included in one of the classes of persons it determines to file any return it may prescribe relating to any information necessary for the establishment of an assessment provided for in the Act and to send, where applicable, a copy of the return or of a part thereof to any person to whom the

return or part thereof relates and to whom it indicates in the regulation, and to generally prescribe the measures required for the application of the Act;

WHEREAS, under the second paragraph of section 31 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), the Government may, after obtaining the opinion of the Commission d'accès à l'information, make regulations to determine that a refund owing to a person by reason of the application of a fiscal law may also be allocated to the payment of any amount for which that person is in debt to the State under an Act other than a fiscal law;

WHEREAS the Commission d'accès à l'information gave its opinion on that measure on 15 November 2006;

WHEREAS, under the first paragraph of section 96 of that Act, the Government may make regulations, in particular to prescribe the measures required to carry out that Act and to exempt from the duties provided for by a fiscal law, under the conditions which it prescribes, the persons referred to in the first paragraph;

WHEREAS, under paragraph *a* of section 81 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), the Government may make regulations prescribing anything that by Title III of that Act is to be prescribed;

WHEREAS, under the first paragraph of section 541.47 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1), for the purposes of an agreement referred to in section 541.45 of that Act, the Government may make regulations to enact any provision necessary to give effect to the agreement and its amendments, specify the provisions of that Act that do not apply and take any other measures necessary to implement the agreement and its amendments;

WHEREAS, under the first paragraph of section 677 of that Act, amended by section 112 of chapter 31 of the Statutes of 2006, the Government may make regulations to prescribe the measures required for the purposes of that Act;

WHEREAS subparagraph *q* of the first paragraph of section 1 of the Fuel Tax Act (R.S.Q., c. T-1) provides that “regulation” means any regulation made by the Government under that Act;

WHEREAS the second paragraph of section 10.2 of that Act provides that the Government may make regulations to define “Indian”, for the purposes of that section;