

An attestation of experience is considered to be a certificate of qualification for the purposes of sections 1 to 3, 8, 16, 17, 22 to 28, 30 and 31. Despite section 9, the holder is eligible for the qualification examination, on payment of the duties exigible, and sections 11 to 13 apply to the examination to which the holder is admitted, with the necessary modifications.

The application for an attestation of experience referred to in the first paragraph must be made not later than 31 March 2009.”.

**15.** Section 38 is amended by striking out the second paragraph.

**16.** This Regulation comes into force on 1 January 2009.

9054

Gouvernement du Québec

### O.C. 1147-2008, 10 December 2008

An Act respecting workforce vocational training and qualification (R.S.Q., c. F-5)

#### **Certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels — Amendments**

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels

WHEREAS, under section 30 of the Act respecting workforce vocational training and qualification (R.S.Q., c. F-5), the Government may make regulations to ensure the efficient carrying out of the Act and, in particular, determine the qualification required to carry on trades or vocations, render obligatory apprenticeship and the certificate of qualification for the carrying on of a trade or vocation, determine the conditions for admission to apprenticeship and to the examinations for qualification, for obtaining and renewal of certificates of qualification, and fix certain duties exigible;

WHEREAS the Government made the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels by Order in Council 280-2006 dated 29 March 2006;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels was published in the *Gazette officielle du Québec* of 1 October 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels\***

An Act respecting workforce vocational training and qualification (R.S.Q., c. F-5, s. 30, 1st par., subpars. *a* to *c*, *g*, *h* and *l* and s. 41.1, 1st par.; 2006, c. 58, s. 63)

**1.** The Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels is amended in section 1 by inserting the following definition in alphabetical order:

““mine” means the establishment, with or without a treatment or processing plant, in which exploration work is performed, except the drilling of an artesian well, or the extraction of soil or sub-soil for removing a mineral substance in order to obtain a commercial or industrial product, including the buildings, warehouses, garages and workshops located at the surface in which work is performed related to the exploration for or the extraction of a mineral substance; (*mine*)”.

\* The Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels, made by Order in Council 280-2006 dated 29 March 2006 (2006, *G.O.* 2, 1260), was amended once by the regulation made by Order in Council 1128-2007 dated 12 December 2007 (2007, *G.O.* 2, 3661A).

**2.** Section 2 is amended by replacing the second paragraph by the following:

“The Regulation does not apply to

(1) work carried out by a manufacturer in its workshops on the gas appliances and components of appliances it manufactures;

(2) work carried out by a manufacturer on the pressure vessels it manufactures;

(3) work for which a certificate of qualification in stationary engine mechanics is required when work is carried out in a mine and in a pellet plant or a mineral concentration plant related to a mine and also on any equipment necessary for the transportation of such a substance.”.

**3.** Section 3 is amended by replacing paragraph 6 by the following:

“(6) certificate in restricted gas appliance maintenance techniques (TERAG) for the start-up, maintenance, repair or removal of any type of gas appliance installed on the premises of the employer of the holder of the certificate;”.

**4.** Section 27 is amended by striking out the second paragraph.

**5.** Section 28 is amended

(1) by replacing “third” in the first paragraph by “fourth”;

(2) by replacing “for 2-year periods” in the first paragraph by “, without paying duties, for 4-year periods”;

(3) by striking out the second paragraph.

**6.** Section 29 is amended by replacing the first sentence by the following:

“If the holder of a certificate of qualification, referred to in this Regulation or in the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry, made by Order in Council 279-2006 dated 29 March 2006, qualifies for a new certificate, the new certificate is valid for the unexpired period of the first certificate.”.

**7.** Section 30 is replaced by the following:

“**30.** A certificate of qualification is renewed upon request by the holder, if the holder has taken the required training, if applicable, under section 31.”.

**8.** Section 31 is amended

(1) by replacing “complete” in the second paragraph by “take”;

(2) by striking out the third paragraph.

**9.** Section 32 is amended by replacing “has not been renewed for more than 4 consecutive years” by “has lapsed for more than 6 consecutive years”.

**10.** Section 33 is replaced by the following:

“**33.** A person whose certificate of qualification has lapsed for 6 consecutive years or less must comply with any training requirements that could have been required under section 31 for a certificate to be issued.”.

**11.** Section 34 is amended

(1) by replacing “apprenticeship card” in subparagraph 2 of the first paragraph by “one or more apprenticeship cards”;

(2) by striking out subparagraphs 6, 7 and 9 of the first paragraph;

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

“For the purposes of subparagraph 2 of the first paragraph, the apprenticeship cards issued under the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry are taken into account.”;

(4) by replacing “The duties” in the second paragraph by “The duties referred to in the first paragraph”.

**12.** Section 35 is amended by replacing “the construction industry commissioner” by “the Commission des relations du travail”.

**13.** The following is inserted after section 37:

“**37.1.** The employer must ensure that the work carried on by an apprentice is supervised as provided in the first and second paragraphs of section 21.

The employer must also ensure that the work is supervised in the manner set out in the situations referred to in the second paragraph of section 6, section 7 or section 8.”.

**14.** Section 48 is amended

(1) by replacing “pay the duties exigible for the renewal of a certificate of qualification prescribed by this Regulation to be issued a certificate” in the first paragraph by “apply for a certificate to be issued and comply with any training requirements that could have been required under section 25”;

(2) by replacing “second” in the first paragraph by “fourth”;

(3) by striking out the second paragraph;

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

“The application for a certificate of qualification referred to in the first paragraph must be made not later than 31 March 2009.”.

**15.** The following is added after section 48:

“**48.1.** Despite section 28, the certificate of qualification in cylinder and vehicle filling (RBV) issued before 1 January 2009 remains valid until its expiry date.

If applicable, before the first renewal in accordance with section 31, the holder must successfully complete the training required under section 31 within 4 years of the notice by the Minister to that effect.”.

**16.** Section 50 is amended by striking out the second paragraph.

**17.** This Regulation comes into force on 1 January 2009.

9053

**M.O., 2008****Order number AM 2008-12 of the Minister of Transport dated 15 December 2008**

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

Heavy vehicles whose speed limiter must be activated and set at a maximum speed of 105 km/h

THE MINISTER OF TRANSPORT,

CONSIDERING the first paragraph of section 519.15.3 of the Highway Safety Code (R.S.Q., c. C-24.2), according to which an operator may not allow a heavy vehicle to be driven unless the speed limiter with which the vehicle

has been equipped is activated and set at a maximum speed of 105 km/h and is in proper working order;

CONSIDERING the second paragraph of section 519.15.3, which provides that the section applies only to the heavy vehicles specified by an order of the Minister of Transport published in the *Gazette officielle du Québec*;

CONSIDERING that it is expedient to specify the heavy vehicles to which section 519.15.3 of the Highway Safety Code applies;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Minister’s Order respecting heavy vehicles whose speed limiter must be activated and set at a maximum speed of 105 km/h was published in Part 2 of the *Gazette officielle du Québec* of 29 October 2008 with a notice that it could be made by the Minister of Transport on the expiry of 45 days following that publication and that any person wishing to comment on the draft Minister’s Order was requested to submit comments within the 45-day period, and that it is expedient to make the Minister’s Order without amendment;

**ORDERS AS FOLLOWS:**

1. Heavy vehicles whose speed limiter must be activated and set at a maximum speed of 105 km/h are the heavy vehicles assembled after 31 December 1994 and whose gross vehicle weight rating is at least 11,794 kg, except emergency vehicles, tool vehicles, buses, trailers, semi-trailers, detachable axles and vehicles used for personal purposes.

“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).

2. This Order comes into force on 1 January 2009.

JULIE BOULET,  
*Minister of Transport*

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