

Regulations and other Acts

Gouvernement du Québec

O.C. 1248-2009, 25 November 2009

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

Winter driving
— **Use of tires specifically designed**
— **Amendments**

Regulation to amend the Regulation respecting the use of tires specifically designed for winter driving

WHEREAS the first paragraph of section 440.1 of the Highway Safety Code (R.S.Q., c. C-24.2), enacted by section 59 of the Act to amend the Highway Safety Code and the Regulation respecting demerit points (2007, c. 40) and replaced by section 48 of the Act to again amend the Highway Safety Code and other legislative provisions (2008, c. 14), provides that, between 15 December and 15 March, the owner of a taxi or a passenger vehicle registered in Québec may not put the vehicle into operation unless it is equipped with tires specifically designed for winter driving, in compliance with the standards prescribed by government regulation and the prohibition also applies to any person renting out passenger vehicles not equipped with that type of tires;

WHEREAS, under the second paragraph of that section, the government regulation may also prescribe the cases in which the prohibition in the first paragraph does not apply, the cases in which the prohibition is replaced by the obligation to obtain a certificate authorizing a taxi owner or person who owns or rents out a passenger vehicle to put the vehicle into operation in Québec without equipping it with tires specifically designed for winter driving, and the formalities required for obtaining the certificate, as well as the authority who may issue the certificate;

WHEREAS, by Order in Council 906-2008 dated 17 September 2008, the Government made the Regulation respecting the use of tires specifically designed for winter driving;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation to amend the Regulation respecting the use of tires specifically designed for winter driving was published in Part 2 of the *Gazette officielle du Québec* of

26 August 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication and that any interested person could make comments before the expiry of that period;

WHEREAS, it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting the use of tires specifically designed for winter driving, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the use of tires specifically designed for winter driving*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 440.1; 2007, c. 40, s. 59; 2008, c. 14, s. 48)

1. The Regulation respecting the use of tires specifically designed for winter driving is amended in section 2 by inserting the following after paragraph 3:

“(3.1) within 7 days of the end of the contract of lease of a passenger vehicle or taxi with a term of one year or more;”.

2. Section 3 is amended

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

“(4) when moving the vehicle from the establishment of a vehicle dealer to a site with a view to its sale at auction, or from such a site to the vehicle dealer’s establishment;

* The Regulation respecting the use of tires specifically designed for winter driving was made by Order in Council 906-2008 dated 17 September 2008 (2008, *G.O.* 2, 4669). The Regulation has not been amended since.

(5) when moving the vehicle to a site with a view to its judicial sale, or from such a site to its starting point;

(6) when putting the vehicle back into operation after the owner has elected not to operate the vehicle in accordance with the Regulation respecting road vehicle registration;

(7) upon cancellation of the contract of lease of the vehicle with a term of one year or more.”;

(2) by replacing “1 and 2” in the second paragraph by “1, 2 and 4 to 7”.

3. Section 6 is amended by replacing “in the case referred to in paragraph 3 of section 2, the sales contract of the vehicle or a copy of that contract” by “in the case referred to in paragraph 3 or 3.1 of section 2, the sales contract or the contract of lease of the vehicle, as the case may be, or a copy of that contract “.

4. Section 7 is amended

(1) by inserting, in subparagraph *a* of subparagraph 1 of the first paragraph:

(a) after subparagraph *iii*, the following:

“iii.1 “AT/S” or “AT-S”,”;

(b) after subparagraph *iv*, the following:

“iv.1 “Cresta”,”;

(c) after subparagraph *v*, the following:

“v.1 “INSA T1” or “INSA T2” or “INSA TT770”,”;

(d) after subparagraph *ix*, the following:

“ix.1 “Studdable”;

ix.2 “Studded”;

ix.3 Studless”;

ix.4 “TS”;

ix.5 “Ultra Grip”,”;

(2) by adding the following after subparagraph *b* of subparagraph 1 of the first paragraph:

“(c) it is a studded tire used in accordance with the Regulation respecting the use of non-skid devices on the

tires of certain road vehicles, made by Order of the Minister of Transport dated 5 November 1998;”;

(3) by adding, at the end of subparagraph 2 of the first paragraph, “and a studded tire used in accordance with the Regulation respecting the use of non-skid devices on the tires of certain road vehicles”.

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

9551