

Draft Regulations

Draft Regulation

Transport Act
(R.S.Q., c. T-12)

Brokerage of bulk trucking services — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the brokerage of bulk trucking services, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation makes it possible, when assessing the representativeness of a non-profit legal person or a cooperative for the issue or renewal of a brokerage permit, to consider the subscriptions of all operators of heavy vehicles registered in the bulk trucking register that have had their principal establishment in the zone for which the permit is applied for since 1 November of the preceding year. In addition, it specifies that a contract for brokerage services entered into by an operator of heavy vehicles further to intimidation, threats or reprisals cannot be taken into account for establishing the representativeness of a legal person.

The draft Regulation also prescribes that, in 2011, a brokerage permit is to be issued or renewed for a term of not more than 1 year, expiring on 31 March 2012. Lastly, the draft Regulation provides for administrative simplifications.

Among the provisions of the draft Regulation, only the shortening of the term of the brokerage permit will have a minor financial impact on the clientele. The administrative simplifications will have a positive financial impact. The draft Regulation does not impose a significant administrative burden on brokerage agencies.

Further information may be obtained by contacting Yanick Blouin, Ministère des Transports, 700, boulevard René-Lévesque Est, 2^e étage, Québec (Québec) G1R 5H1; telephone: 418 644-4719, extension 2345; fax: 418 644-5178; e-mail: yanick.blouin@mtq.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

SAM HAMAD,
Minister of Transport

Regulation to amend the Regulation respecting the brokerage of bulk trucking services*

Transport Act
(R.S.Q., c. T-12, s. 5, pars. *b, d, e, f, m, n, n.1, o, o.1, o.2* and *q*)

1. The Regulation respecting the brokerage of bulk trucking services is amended in section 4

(1) by replacing “that have their principal establishment in the zone for which the permit is applied for and that are interested in subscribing to a brokerage service” in the first paragraph by “and that have had their principal establishment in the zone for which the permit is applied for since 1 November of the preceding year”;

(2) by striking out the third sentence in the second paragraph;

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

“A contract for brokerage services entered into by an operator of heavy vehicles further to intimidation, threats or reprisals cannot be taken into account for establishing the representativeness of a legal person.”.

2. Section 5 is amended by replacing subparagraph 1 of the first paragraph by the following:

* The Regulation respecting the brokerage of bulk trucking services, made by Order in Council 1483-99 dated 17 December 1999 (1999, *G.O.* 2, 5079), was last amended by the regulation made by Order in Council 190-2010 dated 10 March 2010 (2010, *G.O.* 2, 721). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

“(1) file with the Commission

(a) the application and the information that will establish its representativeness, using the appropriate forms;

(b) the originals of all brokerage contracts, upon request by the Commission;

(c) its revenue and expenditure forecasts with an application for the fixing of its brokerage fees;”.

3. Section 9 is replaced by the following:

“**9.** In 2011, a brokerage permit is to be issued or renewed for a term of not more than 1 year, expiring on 31 March 2012.”.

4. Section 12 is amended

(1) by replacing “no later than 1 March of each year” by “, upon request”;

(2) by striking out “updated to 10 February”.

5. Schedule 1 is amended by replacing the last paragraph of part 2 by the following:

“A copy of this contract must be filed in the transferor’s record. The record must be kept by the broker throughout the term of his or her permit. A copy of this contract must be provided to the Commission upon request.”.

6. The provisions of this Regulation come into force on 31 December 2010.