

Gouvernement du Québec

O.C. 1110-2010, 8 December 2010

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

**Brokerage of bulk trucking services
— Amendments**

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

WHEREAS, under paragraphs *b, d, e, f, m, n, o, o.1, o.2* and *g* of section 5 of the Transport Act (R.S.Q., c. T-12), the Government may, by regulation,

(1) authorize the Commission to establish and delimit territorial divisions in the cases and on the conditions it determines;

(2) prescribe the conditions on which a permit may be issued and those on which a person may hold a permit and provide for exceptions to those conditions;

(3) prescribe conditions for the maintaining, assignment or transfer of a permit where there is a transfer of ownership or change of control of a means of transport or a transport system;

(4) determine the minimum or maximum term of a permit, exempt a permit from the renewal procedure provided in section 37.1 and prescribe the conditions on which a permit may be renewed;

(5) fix the requirements applicable to contracts in the case of a carrier;

(6) determine the duties, powers, rights and obligations of holders of brokerage permits;

(7) prescribe standards of representativeness applicable to holders of brokerage permits

(8) prescribe administrative and management standards applicable to brokerage companies, the production of budget estimates and audited financial statements;

(9) prescribe the necessary forms for the administration of the Transport Act;

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 the brokerage of bulk trucking services was published in Part 2 of the *Gazette officielle du Québec* of 8 October 2010 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 amendments;

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

THAT the Regulation to amend the Regulation respecting the brokerage of bulk trucking services, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**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, o, o.1, o.2* and *g*)

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:

* 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 October 2010.

“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:

“(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.

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Gouvernement du Québec

O.C. 1114-2010, 8 December 2010

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20)

Commission de la construction du Québec — Levy

Levy Regulation of the Commission de la construction du Québec

WHEREAS under subparagraph *c* of the 1st paragraph of section 82 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), the Commission de la construction du Québec may, by way of a regulation approved by the Government and published in the *Gazette officielle du Québec*, levy upon the employer alone or upon both the employer and the employee or upon the employee alone or, as the case maybe, upon the independent contractor, the amounts required for its administration and fix a minimum amount which an employer is bound to pay per monthly period;

WHEREAS after consulting with the Joint Committee on Construction in accordance with section 123.3 of the Act, the Commission made the Levy Regulation for the year 2011;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Levy Regulation was published in Part 2 of the *Gazette officielle du Québec* of October 13th, 2010 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS no comment was received following that publication and there is reason to approve the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Levy Regulation of the Commission de la construction du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif