

Regulations and other Acts

Gouvernement du Québec

O.C. 190-2010, 17 March 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 paragraph *f* of section 5 of the Transport Act (R.S.Q., c. T-12), the Government may, by regulation, determine the minimum or maximum term of a permit, prescribe that a permit is not renewable, exempt a permit from the renewal procedure provided in section 37.1 of the Act, prescribe the conditions on which a permit may be renewed or reinstated and determine the cases where a permit may be renewed by the administrator of the Commission des transports du Québec;

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 23 December 2009 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 without amendment;

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, par. *f*)

1. The Regulation respecting the brokerage of bulk trucking services is amended by replacing section 37.1 by the following:

“**37.1.** Every brokerage permit expiring on 31 March 2010 is automatically renewed for a one-year period ending on 31 March 2011.”.

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

9721

M.O., 2010

Order number AM 2010-03 of the Minister of Transport dated 26 February 2010

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

CONCERNING the use of three-wheeled motorcycles

THE MINISTER OF TRANSPORT,

CONSIDERING that section 633.2 of the Highway Safety Code (R.S.Q., c. C-24.2) provides that the Minister of Transport may, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of that Code or the regulations for the period specified by the Minister, if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety, and that the Minister may prescribe any rule, applicable when

* 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 219-2009 dated 12 March 2009 (2009, *G.O.* 2, 525A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

using the exemption, that ensures an equivalent level of safety in the Minister's opinion; the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1) does not apply to such an order;

CONSIDERING that the Société has been consulted;

CONSIDERING that effective 1 November 2009, Order number 2009-13 dated 28 May 2009 (*G.O.* 2, 1804) terminated participation by owners of three-wheeled motorcycles in the Pilot Project on Use of Three-Wheeled Motorcycles;

CONSIDERING that under that Order, those persons are no longer authorized as of 1 November 2009 to drive a three-wheeled motorcycle due to the fact that their participation in the pilot project has been terminated;

CONSIDERING that during their participation in the pilot project, those persons were subject to highway safety requirements, in particular the requirement to have successfully completed a driving course, approved by the Société, to operate a three-wheeled motorcycle, in order to obtain a class 5 driver's licence authorizing operation of a particular model of three-wheeled motorcycle;

CONSIDERING that holders of a class 5 driver's licence who have successfully completed a driving course, approved by the Société, to operate a three-wheeled motorcycle should be authorized to drive such a vehicle just like the persons who participated in the pilot project;

CONSIDERING that it is in the interest of the public to suspend the application of sections 65 and 209.1 of the Code until 31 December 2011 with regard to the operation of a three-wheeled motorcycle;

CONSIDERING that it is in the interest of the public, during the suspension, to prescribe rules that ensure an equivalent level of safety;

CONSIDERING that the suspension and the prescription of such rules are not likely to compromise highway safety;

ORDERS AS FOLLOWS:

1. The application of sections 65 and 209.1 of the Highway Safety Code (R.S.Q., c. C-24.2) is suspended until 31 December 2011 with regard to the operation of three-wheeled motorcycles.

2. In order to operate a three-wheeled motorcycle, a person must hold a class 5 driver's licence bearing an endorsement indicating that the Société de l'assurance automobile du Québec authorizes the licence holder

to drive that type of motorcycle or the person must hold a class 6A driver's licence, probationary licence or learner's licence.

The requirement of an endorsement does not apply to a person during the period the person is enrolled in a driving course, approved by the Société, to operate a three-wheeled motorcycle. A class 5 driver's licence authorizes the operation of that type of motorcycle notwithstanding the provisions of sections 28 and 28.7 to 28.10 of the Regulation respecting licences (Order in Council number 1421-91 dated October 16, 1991).

A person who contravenes the first paragraph is guilty of an offence and is liable to a fine of \$300 to \$360.

3. Where a class 5 driver's licence authorizing the operation of a three-wheeled motorcycle was issued under Order number 2008-06 dated 11 June 2008 (*G.O.* 2, 2339A) and Order number 2009-13 dated 28 May 2009 (*G.O.* 2, 1804) and was valid on 31 October 2009, the authorization to drive a three-wheeled motorcycle is once again valid until 31 December 2011 or until the expiry date of the licence, whichever comes first.

4. In order to obtain an initial class 5 driver's licence bearing an endorsement indicating that the Société authorizes the licence holder to operate a three-wheeled motorcycle, a person must hold a class 5 driver's licence and must have successfully completed a driving course, approved by the Société, to operate a three-wheeled motorcycle.

The requirement of a proficiency examination set forth in sections 67 and 81 of the Highway Safety Code does not apply to a person seeking to obtain such a licence.

5. In order to renew or replace a class 5 driver's licence bearing an endorsement indicating that the Société authorizes the licence holder to operate a three-wheeled vehicle, or in order to obtain a new driver's licence of that class and bearing that endorsement, a person must hold a class 5 driver's licence.

6. A class 5 driver's licence bearing an endorsement indicating that the Société authorizes the licence holder to operate a three-wheeled motorcycle consists of two parts produced on two documents, one of which contains the information determined in section 5 of the Regulation respecting licences, and the other of which, in addition to the endorsement, contains the following information:

- (1) the licence holder's file number;
- (2) the licence holder's surname and usual given name;

(3) the date the authorization comes into force and the date it expires;

(4) a note indicating that payment is due each year on the licence holder's birth date.

7. Where a class 5 driver's licence authorizing the operation of a three-wheeled motorcycle is issued under this Order, authorization to drive such a motorcycle is valid from the date the licence is issued until 31 December 2011 or until the expiry date of the licence, whichever comes first.

8. For the purposes of enforcing section 100 of the Highway Safety Code, a holder of a class 5 driver's licence authorizing the operation of a three-wheeled motorcycle may not serve as the accompanying rider for the holder of a learner's licence to drive a motorcycle.

A person who contravenes the first paragraph is liable to a fine of \$30 to \$60.

9. A peace officer who has reasonable grounds to believe that a person driving a three-wheeled motorcycle does not hold the licence prescribed in section 2 may, at the expense of the owner and on behalf of the Société, immediately seize the vehicle and have it impounded for 30 days.

Sections 209.3 to 209.26 of the Highway Safety Code apply to a seizure carried out pursuant to the first paragraph, adapted as required.

10. This Order comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on 1 January 2012.

JULIE BOULET,
Minister of Transport

9717

M.O., 2010

Order number AM 2010-008 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife, dated 3 March 2010

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the replacement of Schedule 87 and the repealing of Schedule 90 to Order in Council 573-87 dated 8 April, 1987 concerning the designation and delimitation of land in the domain of the State

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE AND THE MINISTER FOR NATURAL RESOURCES AND WILDLIFE,

CONSIDERING that the Government, by Order in Council 573-87 dated 8 April, 1987 and its subsequent modifications, designated and delimited the areas on land in the domain of the State described in Schedules 1 to 201 to that Order in Council in view to increasing utilization of wildlife resources;

CONSIDERING that under section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister may delimit areas on lands in the domain of the State in view of increased utilization of wildlife resources and the carrying on of recreational activities incidental there to;

CONSIDERING section 33 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29) which provides that orders made by the Government under section 85 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced by an order of the Minister;

CONSIDERING that it is expedient to replace Schedule 87 of Order in Council 573-87 dated 8 April, 1987;

CONSIDERING that it is expedient to repeal Schedule 90 of this same Order in Council;

ORDER THAT:

Schedule 87, attached hereto be substituted for Schedule 87 to Order in Council 573-87 dated 8 April, 1987.

Schedule 90 of Order in Council 573-87 dated 8 April, 1987 is repealed;

This Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 3 March 2010

SERGE SIMARD,
*Minister for Natural
Resources and Wildlife*

NATHALIE NORMANDEAU,
*Minister of Natural
Resources and Wildlife*