

Regulations and other Acts

Gouvernement du Québec

O.C. 158-2011, 2 March 2011

Environment Quality Act
(R.S.Q., c. Q-2)

Heavy vehicles

— Environmental standards — Amendment

Regulation to amend the Regulation respecting environmental standards for heavy vehicles

WHEREAS subparagraphs *c*, *d* and *h* to *h.2* of the first paragraph of section 31, paragraphs *a* and *c* of section 53 and section 109.1 of the Environment Quality Act (R.S.Q., c. Q-2) entitle the Government to regulate the emission of contaminants into the environment;

WHEREAS the Government made the Regulation respecting environmental standards for heavy vehicles by Order in Council 1244-2005 dated 14 December 2005;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to amend the Regulation respecting environmental standards for heavy vehicles was published in Part 2 of the *Gazette officielle du Québec* of 23 June 2010 with a notice that it could be made by the Government on the expiry of 60 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 Sustainable Development, Environment and Parks:

THAT the Regulation to amend the Regulation respecting environmental standards for heavy vehicles, attached to this Order in Council, be made.

PIERRE REID,
Associate Secretary General

Regulation to amend the Regulation respecting environmental standards for heavy vehicles*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *c*, *d*, *h* to *h.2*, s. 53, pars. *a* and *c*, and s. 109.1)

1. The Regulation respecting environmental standards for heavy vehicles is amended by replacing section 2 by the following:

“**2.** This Regulation applies to vehicles referred to in subparagraphs *a* and *b* of subparagraph 3 of the first paragraph of section 2 of the Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., c. P-30.3), except

(1) vehicles referred to in paragraph 1 of section 1 of the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles, made by Order in Council 986-98 dated 21 July 1998;

(2) vehicles totally exempt from the application of that Act under section 2 of the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles.”

2. Section 4 is replaced by the following:

“**4.** Owners of heavy vehicles to which this Regulation applies are persons or municipalities whose name appears on the registration certificate of the vehicle and the persons or municipalities holding, in respect of the vehicle, a right within the meaning of section 2 of the Highway Safety Code (R.S.Q., c. C-24.2).”

3. The following is inserted after section 10:

“**10.1.** Roadside measurement of air emissions from heavy vehicles is performed by highway controllers of the Société de l'assurance automobile du Québec pursuant to an agreement under sections 519.64 to 519.66 of the Highway Safety Code.

In accordance with the agreement, the Société designates controllers authorized to use the opacimeters and analyzers referred to in sections 13 and 15.”

* The Regulation respecting environmental standards for heavy vehicles, made by Order in Council 1244-2005 dated 14 December 2005 (2005, *G.O.* 2, 5524), has not been amended.

4. The following is added at the end of section 11:

“The owner must keep the attestation for 2 years and, on the Minister’s request, produce it to the Minister.”.

5. Section 12 is amended by replacing the table by the following:

“

Model year	Opacity (%)
Until 30 April 2011	
1991 and newer	40
1990 and older	55
As of 1 May 2011	
1991 and newer	30
1990 and older	40

”.

6. Section 13 is replaced by the following:

“**13.** The opacity of emissions from diesel-powered heavy vehicles is measured

(1) by the roadside, using one of the following opacimeters:

- Red Mountain Engineering’s Smoke Check 1667;
 - Thermal-Lube’s EXL Diesel Emission Detector;
- or
- Thermal-Lube’s EXL Combo Opacimeter 5-Gas Analyzer;

(2) in an accredited establishment, using an opacimeter, in accordance with the Society of Automotive Engineers recommended practice J1667 Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles.”.

7. The first paragraph of section 16 is replaced by the following:

“**16.** The measurement of air emissions from heavy vehicles for which a repair notice has been notified by the Minister under section 11 is performed in an establishment accredited by the Minister under section 118.6 of the Environment Quality Act.”.

8. The following is inserted after section 21:

“**21.1.** The owner of a heavy vehicle not complying with this Regulation who offers the non-compliant vehicle for sale, sells it or otherwise places it at the disposal of another person without having obtained and kept the attestation prescribed by section 11, or who, after the 30-day period set by that section and without having obtained and kept the attestation prescribed by that section, uses or allows the use of the non-compliant vehicle is liable to a fine of

(1) \$1,250 to \$2,500, in the case of a natural person; and

(2) \$2,500 to \$5,000, in the case of a legal person.”.

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

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Gouvernement du Québec

O.C. 205-2011, 16 March 2011

Courts of Justice Act
(R.S.Q., c. T-16)

Commissioners for oaths

Regulation respecting commissioners for oaths

WHEREAS, under section 216 of the Courts of Justice Act (R.S.Q., c. T-16), the commissions contemplated in sections 214 and 215 of the Act are to be issued for such time only and for such fees as are determined by regulation of the Government;

WHEREAS, under section 214 of the Act, as amended by section 4 of chapter 8 of the Statutes of 2009, commissions issued for the administration of oaths entitle commissioners to administer oaths throughout 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 respecting commissioners for oaths was published in Part 2 of the *Gazette officielle du Québec* of 20 October 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;