

## Regulations and other Acts

### M.O., 2013

#### Order number 2013-10 of the Minister of Transport dated 5 September 2013

Highway Safety Code  
(chapter C-24.2)

Use on public highways of flooded road vehicles

THE MINISTER OF TRANSPORT,

CONSIDERING the first paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2),

— which provides that the Minister of Transport may, by order, after consultation with the Société de l'assurance automobile du Québec, restrict or prohibit, for up to 180 days, the use on public highways of any model or class of vehicle that endangers the safety of persons and property;

— which provides the right for any interested party to submit comments to the person designated in the order within 90 days after its publication in the *Gazette officielle du Québec*;

— which provides that, at the expiry of 180 days, the Minister may, by order, make the restriction or prohibition permanent;

— which provides that a restriction or prohibition under that paragraph comes into force on the date the order is published in the *Gazette officielle du Québec*;

CONSIDERING the fourth paragraph of that section, which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under that section;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec*, on 27 March 2013, of Minister's Order 2013-02 dated 11 March 2013 temporarily prohibiting the use on public highways of immersed road vehicles;

CONSIDERING section 3 of that Minister's Order, which provided that any interested party could submit comments on the Order before 25 June 2013 to the person designated therein;

CONSIDERING that comments were received following that Minister's Order;

CONSIDERING that it appears, after consultation with the Société, that it is expedient to permanently prohibit the use of road vehicles that have been flooded on public highways, because they endanger the safety of persons or property;

CONSIDERING that it is expedient to permanently prohibit the use on public highways of road vehicles that have been flooded for the reasons raised by the Société;

ORDERS AS FOLLOWS:

1. The use on public highways is prohibited for the following road vehicles manufactured after 1980 and registered or having to be registered in Québec:

(1) vehicles that were flooded to the junction of the engine wall and the floor of the passenger compartment or up to a higher level;

(2) vehicles that were flooded up to a level that could have affected one of the major components of their electrical system, subject to section 2;

(3) vehicles that were flooded and that represent a health hazard, particularly because of the presence of mold or bacteria;

(4) vehicles that were flooded and that were declared total loss by the insurer or by the person referred to in paragraph 4 of section 2;

(5) vehicles of which a part has been replaced by a similar part that comes from a vehicle referred to in subparagraphs 1 to 4 and that may represent a health hazard, such as a part made of foam or fabric;

(6) vehicles of which a major component of the electrical system has been replaced by a similar component from a vehicle referred to in subparagraphs 1 to 4.

For the purposes of the first paragraph, a vehicle from outside Québec is considered as having been flooded if it shows signs of damage attributable to a flood or if it is described by another jurisdiction as having been flooded, in all cases, regardless of the flood level.

2. The prohibition provided for in section 1 does not apply to vehicles referred to in subparagraph 2 of the first paragraph of that section where the following conditions are met:

- (1) the vehicle does not come from outside Québec;
- (2) the vehicle was flooded by unsalted water;
- (3) only major components of the vehicle's electrical system located outside the passenger compartment were damaged;
- (4) the damage to the vehicle is covered by an insurance contract or the owner of the vehicle is a person exempt under section 101 of the Automobile Insurance Act (chapter A-25) or a regulation made under that Act from the obligation to hold the insurance contract provided for therein;
- (5) the repair of the vehicle eliminated any risk related to the flooding and, for that purpose,
  - (a) the damaged major components have been replaced by new genuine components and the insurer or the person referred to in paragraph 4 has implemented control mechanism to make sure that that is the case;
  - (b) the vehicle has been repaired by a person whose expertise and knowledge have been deemed sufficient by the insurer or the person referred to in paragraph 4 for the repair to be carried out according to the rules of the trade.

3. For the purposes of this Order,

- (1) "flooded road vehicle" means a road vehicle that has been impregnated with water or another liquid as a result of a flood, an accident, rain, a sewer overflow, or any other sinister;
- (2) "major component of the electrical system of a vehicle" means
  - (a) a fuse panel or breaker panel;
  - (b) an electronic component of the occupant supplemental restraint system;
  - (c) an electronic component of the compartment's heating, air conditioning or ventilation system;
  - (d) an electronic component of the defogging or defrosting system;
  - (e) an electronic component that controls an element of the drivetrain system;

(f) an electronic component of the self-diagnostic system;

(g) an electronic component of the braking, acceleration or steering system or of any other system affecting the drivability of the vehicle, its stability or safety; or

(h) electrical wiring with unsealed connections inside the passenger compartment.

4. This Order does not apply to

(1) tool vehicles, farm tractors, snowblowers as well as trailers and semi-trailers other than those laid out, in whole or in part, for dwelling or office purposes; and

(2) vehicles registered in Québec that have been rebuilt in accordance with the standards provided for in the Highway Safety Code (chapter C-24.2) and for which a certificate of technical compliance and a certificate of mechanical inspection have been issued before 27 March 2013.

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

SYLVAIN GAUDREAU,  
*Minister of Transport*

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