

M.O., 2016**Order number 2016-01 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 26 February 2016**

Highway Safety Code
(chapter C-24.2)

Order to amend the Ministerial Order concerning the approval of weigh scales

In accordance with section 467 of the Highway Safety Code (chapter C-24.2), the Minister of Transport, designated Minister of Transport, Sustainable Mobility and Transport Electrification since 28 January 2016, approves the devices used to determine the axle load and the total loaded mass of road vehicles and combinations of road vehicles, and determines the manner in which they are to be used.

In accordance with sections 10 and 11 of the Regulations Act (chapter R18.1), a draft Order to amend the Ministerial Order concerning the approval of weigh scales was published in Part 2 of the *Gazette officielle du Québec* of 2 December 2015 with a notice that it could be made by the Minister of Transport on the expiry of 45 days following that publication.

Notice is hereby given that, under section 17 of the Regulations Act, Order 2015-15 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 18 November 2015, attached hereto, comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

JACQUES DAOUST,
*Minister of Transport, Sustainable
Mobility and Transport Electrification*

Order 2015-15 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 18 November 2015 to amend the Order of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 22 May 1990 concerning the approval of weigh scales

Highway Safety Code
(chapter C-24.2, s. 467)

1. Section 15.3 of the Order of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 22 May 1990 concerning the approval of weigh scales (chapter C-24.2, r. 4) is amended by inserting the following paragraph after the first paragraph:

“The operator may also weigh a category of axle in accordance with the manufacturer’s instructions.”.

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

102518

M.O., 2016**Order 2016-02 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 26 February 2016**

Highway Safety Code
(chapter C-24.2)

Access to the driving of heavy vehicles

THE MINISTER OF TRANSPORT, SUSTAINABLE
MOBILITY AND TRANSPORT ELECTRIFICATION,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C- 24.2), which provides that the Minister of Transport, Sustainable Mobility and Transport Electrification may, by order and after consultation with the Société de l’assurance automobile du Québec, suspend the application of a provision of the 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 may prescribe any rule, applicable when using the exemption, that ensures an equivalent level of safety in the Minister’s opinion;

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

CONSIDERING that the rules governing access to the driving of heavy vehicles hinder the learning process for young persons of 17 or 18 years of age;

CONSIDERING that holders of probationary licences authorizing the driving of passenger vehicles should be able, in conjunction with training and a special framework for the driving of a heavy vehicle, and provided that they have passed all the Société’s proficiency examinations, to do some driving alone during the probationary period for the driving of a passenger vehicle;

CONSIDERING that, under the Ministerial Order concerning access to the driving of heavy vehicles (chapter C-24.2, r. 0.1), the application of section 99 of the Code and of sections 44 to 46 of the Regulation respecting licences (chapter C-24.2, r. 34) was suspended for 3 years until 16 July 2014 in respect of 40 students participating in the Programme enrichi d'accès à la conduite de véhicules lourds and that, during that 3-year period, rules were prescribed to ensure an equivalent level of safety;

CONSIDERING that the low number of young persons who were able to take part in the program and its short duration do not make it possible to draw conclusions that could lead to a permanent legislative solution;

CONSIDERING that the rules governing access to the driving of heavy vehicles still hinder the learning process for young persons of 17 or 18 years of age;

CONSIDERING that it is in the public interest to again suspend the application of section 99 of the Code and of sections 44 to 46 of the Regulation respecting licences for 4 years in respect of students who participate in the new Programme enrichi d'accès à la conduite de véhicules lourds and, during that 4-year period, to prescribe rules that ensure an equivalent level of safety;

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

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted;

ORDERS AS FOLLOWS:

DIVISION I **PURPOSE**

1. The application of section 99 of the Highway Safety Code (chapter C-24.2) and of sections 44 to 46 of the Regulation respecting licences (chapter C-24.2, r. 34) is suspended until (*insert the date occurring 4 years after the date of coming into force of this Order*) in respect of students of 17 or 18 years of age or older who participate, on the conditions prescribed by this Order, in the Programme enrichi d'accès à la conduite de véhicules lourds so that they have earlier access to the driving of road vehicles covered by Class 1, Class 2 or Class 3 driver's licences.

2. The Programme enrichi d'accès à la conduite de véhicules lourds refers to either of the 2 programs of study referred to in section 3 and offered by the Commission scolaire des Premières-Seigneuries and the Commission scolaire de la Rivière-du-Nord, followed by a training period in an undertaking that is to last until the student has completed 24 months as the holder of a Class 5 probationary licence. The aim of the program is the participation of approximately 300 students.

3. Two programs of study are offered: the Transport par camion program and the Conduite d'autobus program, both recognized by the Ministère de l'Éducation et de l'Enseignement supérieur.

4. The Transport par camion program is followed by a training period in an undertaking as an apprentice driver of road vehicles covered by Class 1 or Class 3 licences.

5. The Conduite d'autobus program is followed by a training period in an undertaking as an apprentice driver of road vehicles covered by Class 2 licences.

DIVISION II **ACCESS TO THE DRIVING OF ROAD VEHICLES COVERED BY CLASS 1, CLASS 2 OR CLASS 3 DRIVER'S LICENCES**

6. To be admitted in the Programme enrichi d'accès à la conduite de véhicules lourds, a person must

(1) be 17 or 18 years of age;

(2) if the person is an unemancipated minor, obtain written authorization from the person having parental authority or, failing that, from the person who has legal custody of the minor for participation in the Programme enrichi d'accès à la conduite de véhicules lourds and for the communication and use of the personal information referred to in subparagraphs 11 and 12;

(3) hold a Class 5 probationary licence;

(4) not have seen his or her probationary licence or learner's licence suspended or revoked during the last 2 years;

(5) not have demerit points entered in his or her driver's record;

(6) be admitted to the Transport par camion program of study or the Conduite d'autobus program of study;

(7) in the case of admission to the Transport par camion program of study, have a training period promised by a participating undertaking as an apprentice driver of road vehicles covered by Class 1 or Class 3 licences;

(8) in the case of admission to the Conduite d'autobus program of study, have a training period promised by a participating undertaking as an apprentice driver of road vehicles covered by Class 2 licences;

(9) participate in at least 1 information session held by a school board referred to in section 2;

(10) provide a health examination or assessment report in accordance with section 73 of the Highway Safety Code (chapter C-24.2) and satisfy the medical requirements for a Class 1 or Class 3 learner's licence, in the case of admission to the Transport par camion program of study, or satisfy the medical requirements for a Class 2 learner's licence, in the case of admission to the Conduite d'autobus program;

(11) authorize in writing the communication of the personal information necessary for the administration of the Programme enrichi d'accès à la conduite de véhicules lourds between the school board where the person is registered, the participating undertaking where the person serves the training period, the Société de l'assurance automobile du Québec and the committees referred to in section 13; and

(12) authorize in writing the Société to consult and use the personal information related to the Programme enrichi d'accès à la conduite de véhicules lourds for all the duration of participation in that program, and for 4 years from the date of issue of the Class 1, Class 2 or Class 3 driver's licence, with a view to assessing the program.

7. Section 99 of the Highway Safety Code is suspended to the extent that all the requirements in paragraph 1 or 2 are met:

(1) the student has passed the proficiency examinations of the Société, holds an attestation to that effect issued by the Société and drives with the assistance of a teacher authorized by the Commission scolaire des Premières-Seigneuries or the Commission scolaire de la Rivière-du-Nord who is able to provide assistance and advice and who is seated beside the student or in an accompanying vehicle;

(2) the student is 18 years of age or older, has successfully completed all the stages of the program of study prior to going on the road without the assistance of an accompanying person and holds an attestation to that effect issued by the Société.

8. A student may not engage in transportation

(1) involving dangerous substances as defined in the Transportation of Dangerous Substances Regulation (chapter C-24.2, r. 43), when safety placards must be displayed on the road vehicle driven by the student in accordance with the provisions of Division IV of that Regulation;

(2) requiring the issue of a permit provided for in the Regulation respecting special permits (chapter C-24.2, r. 35), the Special Road Train Operating Permits Regulation (chapter C-24.2, r. 36) or section 633 of the Highway Safety Code;

(3) outside the territory of the province of Québec; or

(4) behind the wheel of a motorized road vehicle registered outside Québec.

9. The Société removes a student from the Programme enrichi d'accès à la conduite de véhicules lourds when

(1) the student fails to comply with the requirements of paragraphs 2, 6 to 8, 11 and 12 of section 6 and, if the student was 17 years of age upon admission, fails to provide the authorizations referred to in paragraphs 11 and 12 after reaching 18 years of age;

(2) the student's probationary licence or learner's licence is suspended or revoked;

(3) the student is the subject of an intervention under the Conduct Review Policy for Heavy Vehicle Drivers published on the Société's website and adopted under the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3); or

(4) the student fails to comply with the requirements of section 8 during his or her participation in the Programme enrichi d'accès à la conduite de véhicules lourds.

10. To obtain a Class 1 and Class 3 driver's licence, a student must

(1) have successfully completed the Transport par camion program of study;

(2) have successfully completed, in a participating undertaking, a training period as a driver of road vehicles covered by Class 1 or Class 3 until the student has completed a 24-month period as the holder of a Class 5 probationary licence;

(3) have been the holder of a Class 1 and Class 3 learner's licence under the Programme enrichi d'accès à la conduite de véhicules lourds, as of the theoretical examination until the end of the 24-month period as the holder of a Class 5 probationary licence; and

(4) meet the conditions provided for in the Highway Safety Code for the issue of a licence.

11. To obtain a Class 2 driver's licence, a student must

(1) have successfully completed the Conduite d'autobus program of study;

(2) have successfully completed, in a participating undertaking, a training period as a driver of road vehicles covered by Class 2 until the student has completed a 24-month period as the holder of a Class 5 probationary licence;

(3) have been the holder of a Class 2 learner's licence under the Programme enrichi d'accès à la conduite de véhicules lourds, as of the theoretical examination until the end of the 24-month period as the holder of a Class 5 probationary licence; and

(4) meet the conditions provided for in the Highway Safety Code for the issue of a licence.

DIVISION III
CONTROL OF ACCESS TO THE DRIVING
OF ROAD VEHICLES COVERED BY CLASS 1,
CLASS 2 OR CLASS 3 DRIVER'S LICENCES

12. The Société is authorized, for the purposes of this Order, to enter into agreements with the school boards referred to therein with respect to

(1) the terms and conditions for the implementation of and compliance with the Programme enrichi d'accès à la conduite de véhicules lourds;

(2) the collection of information on the administration of the Programme enrichi d'accès à la conduite de véhicules lourds; and

(3) the forwarding of such information and of information on the management of the Programme enrichi d'accès à la conduite de véhicules lourds.

Those agreements are published on the Société's website.

13. The Société is advised about the implementation and follow-up of the Programme enrichi d'accès à la conduite de véhicules lourds by a committee composed of 1 representative from each of the following organizations:

(1) the Association du camionnage du Québec inc. (ACQ);

(2) the Fédération des transporteurs par autobus (FTA);

(3) the Association des propriétaires de machinerie lourde du Québec inc. (APMLQ);

(4) Camo-route inc.;

(5) the Commission scolaire des Premières-Seigneuries (Centre de formation en transport de Charlesbourg CFTR);

(6) the Commission scolaire de la Rivière-du-Nord (Centre de formation du transport routier Saint-Jérôme CFTR).

A representative of the Société also sits on the committee. The Société is in charge of the governance of the committee. The Société may set up a subcommittee to assist it in the follow-up of the records of the students in the Programme d'accès à la conduite de véhicules lourds.

14. The school boards referred to in section 2 are responsible for the application of section 6, except paragraphs 3 to 5 and 10, which fall under the Société's responsibility.

15. To participate in the Programme enrichi d'accès à la conduite de véhicules lourds, an undertaking must be approved by the Société. The Société's decision to approve must be based on the following requirements:

(1) the undertaking must be registered in the Registre des propriétaires et des exploitants de véhicules lourds with a "satisfactory" safety rating under the Act respecting owners, operators and drivers of heavy vehicles;

(2) the undertaking must not have been the subject of any intervention by the Société in the last 2 years under the Conduct Review Policy for Heavy Vehicle Owners and Operators adopted under that Act and published on the Société's website;

(3) the undertaking has an employee who received training on the Programme enrichi d'accès à la conduite de véhicules lourds provided by one of the school boards referred to in section 2;

(4) the undertaking must implement a gradual employment integration program for the students it supervises;

(5) the undertaking has an employee who

(a) is in charge of accompanying a student during the training periods forming part of his or her program of study;

(b) is 25 years of age or older;

(c) has been the holder of a Class 1, Class 2 or Class 3 driver's licence for 60 months or more; and

(d) has been the holder of a Class 1, Class 2 or Class 3 driver's licence for 24 months or more, in relation to the road vehicle the student has to operate;

(6) the undertaking has an employee who

(a) is in charge of accompanying a student during the training period that follows the student's program of study and that lasts until the student has completed his or her probationary period as the holder of a probationary licence; and

(b) satisfies the conditions in subparagraphs *b* to *d* of paragraph 5; and

(7) the undertaking must have sufficient resources available to supervise all the students it receives.

16. A participating undertaking must receive students in keeping with its gradual employment integration program, make assessments of the student on the road and within the undertaking and provide the Société with the assessment reports it requires.

17. An undertaking must comply with the requirements of sections 15 and 16 during its participation in the Programme enrichi d'accès à la conduite de véhicules lourds. In case of non-compliance, the Société may remove the undertaking from the program.

18. This Order comes into force on the thirtieth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on (*insert the date occurring 4 years after the date of coming into force of the Order*).

JACQUES DAOUST,
*Minister of Transport, Sustainable
Mobility and Transport Electrification*

102519