

Regulations and other Acts

Gouvernement du Québec

O.C. 159-2018, 20 February 2018

Transport Act
(chapter T-12)

Brokerage of bulk trucking services —Amendment

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

WHEREAS, under paragraph *f* of section 5 of the Transport Act (chapter T-12), the Government may, by regulation, in particular 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 and prescribe the conditions on which a permit may be renewed or reinstated;

WHEREAS, under paragraph *o.2* of section 5 of the Act, the Government may, by regulation, in particular prescribe administrative, financing and management standards applicable to brokerage companies, especially with respect to the production of audited financial statements;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting the brokerage of bulk trucking services was published in Part 2 of the *Gazette officielle du Québec* of 29 November 2017 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, Sustainable Mobility and Transport Electrification:

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

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

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

Transport Act
(chapter T-12, s. 5)

1. The Regulation respecting the brokerage of bulk trucking services (chapter T-12, r. 4) is amended in section 5 by striking out the third paragraph.

2. Section 8 is replaced by the following:

“**8.** A brokerage permit may be renewed in accordance with section 37.3 of the Transport Act (chapter T-12).

A brokerage permit holder applying for renewal must comply with the conditions set out in subparagraph 1 and subparagraph *a* of subparagraph 2 of the first paragraph of section 5.

The permit holder must also submit to the Commission for approval any amendment to the by-laws referred to in section 8 of the Transport Act (chapter T-12), particularly those respecting disciplinary provisions, a description of the brokerage director’s duties and brokerage fees and the documents required under subparagraph *c* of subparagraph 2 of the first paragraph of section 5 allowing to ascertain compliance with the requirements of section 47.13.1 of the Transport Act.”.

3. Section 9 is replaced by the following:

“**9.** The brokerage permit is issued for a period of 3 years. It expires on 31 March of the third year.

Despite the first paragraph, where a permit is already issued in a zone, the expiry date of permits issued subsequently must be identical to the expiry date of the permit already issued for that zone.”.

4. Section 14 is amended by striking out “the first paragraph of” in subparagraph 6 of the first paragraph.

5. Section 17.2 is replaced by the following:

“**17.2.** Despite section 17, the operator may cancel the brokerage contract within 120 days following the coming into force of a by-law for which the brokerage permit holder obtained the approval provided for in section 8 of

the Transport Act (chapter T-12) and that provides that all the permit holder's by-laws in force concerning transport brokerage services under government contracts, and only those by-laws, also apply to contracts other than government contracts to which the permit holder is a party.”.

6. Section 21 is amended by replacing “third paragraph” in the portion before paragraph 1 by “fourth paragraph”.

7. The following is inserted after section 24:

“24.1. A brokerage permit holder must send to the Commission, before 31 May, audited financial statements for the preceding fiscal year ending on 31 December.

The financial statements must mention the auditing of the trust accounts and the compliance of the permit holder's books, registers and accounts with this Regulation.”.

8. The following is inserted after section 33.1:

“33.2. All brokerage permits in force on 1 January 2018 expire on 31 March 2018.”.

9. Sections 34 to 37.2 are revoked.

10. Schedule 1 is amended by replacing the fifth and sixth paragraphs of part 1.1 by the following:

“The operator may cancel the brokerage contract within 120 days following the coming into force of a by-law for which the brokerage permit holder obtained the approval provided for in section 8 of the Transport Act and that provides that all the permit holder's by-laws in force concerning transport brokerage services under government contracts, and only those by-laws, also apply to contracts other than government contracts to which the permit holder is a party.”.

11. 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. 160-2018, 20 February 2018

Highway Safety Code
(chapter C-24.2)

Commercial vehicle registration

—Reciprocal agreements between the Gouvernement du Québec and the Canadian provinces and territories, and certain American States

—Amendment

Regulation to amend the Regulation respecting reciprocal commercial vehicle registration agreements between the Gouvernement du Québec and the Canadian provinces and territories, and certain American States

WHEREAS, under section 6 of the Highway Safety Code (chapter C-24.2), every road vehicle must be registered except a vehicle exempt from registration under the Code;

WHEREAS the existence of similar legislation in other provinces or territories of Canada or in other American states has the effect of multiplying the registration fees related to the use of vehicles for international or interprovincial transport;

WHEREAS it is expedient to allow for greater flexibility in the operation of fleets of vehicles by not requiring that carriers obtain registration from each jurisdiction in which they travel;

WHEREAS the Société de l'assurance automobile du Québec became a member of the International Registration Plan (IRP) on 29 September 1999;

WHEREAS the International Registration Plan (IRP) is an agreement among Canadian provinces and territories, including Québec, and American States for the registration of vehicles travelling in at least one jurisdiction, province or state in addition to their base jurisdiction;

WHEREAS, under that agreement, the holder of the registration is not required to make full payment of the fees for each jurisdiction in which the holder's vehicles travel since that requirement is replaced by an apportioned registration system based on the number of kilometres travelled in the territory of the various jurisdictions;

WHEREAS the agreement replaces any reciprocal agreement or any form of agreement entered into between the member jurisdictions on a matter or several matters referred to in the agreement;