

Regulations and other Acts

M.O., 2021

Order 2021-22 of the Minister of Transport dated 17 November 2021

Highway Safety Code
(chapter C-24.2, s. 633.2)

Suspension, on certain conditions, of several provisions of the Highway Safety Code and of certain regulations to allow the operation on public highways of maintenance vehicles for off-highway vehicle trails

THE MINISTER OF TRANSPORT,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), which 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 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;

CONSIDERING that section 633.2 of the Code provides that the Minister may prescribe any rule, applicable when using the exemption, that ensures an equivalent level of safety in the Minister's opinion;

CONSIDERING that section 633.2 of the Code 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 section 633.2;

CONSIDERING that maintenance vehicles, as defined in paragraph 6 of section 2 of the Act respecting off-highway vehicles (chapter V-1.3), are not all equipped with the equipment required by the Highway Safety Code to be operated on public highways;

CONSIDERING that it is advisable to suspend, in respect of those vehicles, the application of several provisions of the Highway Safety Code concerning the equipment with which the vehicles must be equipped to be operated on public highways;

CONSIDERING that it is advisable to suspend the application of several provisions of the Highway Safety Code providing for requirements in respect of the drivers, owners and operators of such vehicles;

CONSIDERING that it is advisable to suspend, in respect of those vehicles, the application of certain provisions of the Vehicle Load and Size Limits Regulation (chapter C-24.2, r. 31) concerning maximum dimensions;

CONSIDERING that the Minister considers that the suspension of those provisions, in compliance with the conditions imposed, is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that the Minister is of the opinion that the rules the Minister prescribes to use the exemption ensure an equivalent level of safety;

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

ORDERS AS FOLLOWS:

CHAPTER I PRELIMINARY

1. In this Order, "maintenance vehicle" means a vehicle as defined in paragraph 6 of section 2 of the Act respecting off-highway vehicles (chapter V-1.3).

2. The provisions of this Order apply only when a maintenance vehicle is operated on a public highway in the circumstances and on the conditions set out in the second, fourth and fifth paragraphs of section 73 of the Act respecting off-highway vehicles (chapter V-1.3).

CHAPTER II PROVISIONS APPLICABLE TO A MAINTENANCE VEHICLE

3. Sections 215, 216, 219, 220 and 221 of the Highway Safety Code (chapter C-24.2) in respect of a maintenance vehicle whose motor vehicle is equipped with two white headlights and two red lights at the rear are suspended.

4. Sections 220.3, 240.1 and 272 and paragraph 5 of section 521 of the Highway Safety Code (chapter C-24.2) in respect of a maintenance vehicle are suspended.

5. Section 239 of the Highway Safety Code (chapter C-24.2) in respect of a maintenance vehicle equipped with a rotating light complying with section 60 of the Act respecting off-highway vehicles (chapter V-1.3) is suspended.

6. Sections 242 to 244 of the Highway Safety Code (chapter C-24.2) in respect of a maintenance vehicle equipped with a brake system complying with the requirements of the first paragraph of section 61 of the Act respecting off-highway vehicles (chapter V-1.3) are suspended.

7. Section 4 of the Vehicle Load and Size Limits Regulation (chapter C-24.2, r. 31) in respect of a maintenance vehicle that complies with the following conditions is suspended:

(1) the length of the motor vehicle is not more than 11 metres;

(2) the length of the component towed is not more than 12.5 metres;

(3) the total length of the combination of road vehicles is not more than 19 metres.

8. Section 10 of the Vehicle Load and Size Limits Regulation (chapter C-24.2, r. 31) in respect of a maintenance vehicle whose width is not more than 3.75 metres is suspended.

CHAPTER III

PROVISIONS APPLICABLE TO THE DRIVER OF A MAINTENANCE VEHICLE

9. The requirement for the driver of a maintenance vehicle provided for in section 310 of the Highway Safety Code (chapter C-24.2) to comply with the signs provided for in sections 24 and 25 of the Regulation respecting road signs (chapter C-24.2, r. 41) is suspended.

10. Section 239.1 of the Highway Safety Code (chapter C-24.2) in respect of the driver of a maintenance vehicle equipped with a rotating light complying with section 60 of the Act respecting off-highway vehicles (chapter V-1.3) is suspended.

11. Sections 519.2, 519.2.1 and 519.3 to 519.6 of the Highway Safety Code (chapter C-24.2) in respect of the driver of a maintenance vehicle on the condition that the driver, before the first use of the day of the vehicle, conducts a basic inspection to ensure the proper operation of the following elements of the vehicle are suspended:

(1) the brake system;

(2) the headlights, lights and rotating light;

(3) the caterpillar tracks or wheels and tires;

(4) the coupling device on the motor vehicle and any component towed.

During the inspection, the driver must also ensure that the warning sign referred to in section 274 of the Code is visible, free of any object and in good condition.

12. Sections 519.9 and 519.10 of the Highway Safety Code (chapter C-24.2) in respect of the driver of a maintenance vehicle are suspended.

CHAPTER IV

PROVISIONS APPLICABLE TO THE OWNER OF A MAINTENANCE VEHICLE

13. Section 239.1 of the Highway Safety Code (chapter C-24.2) in respect of the owner of a maintenance vehicle equipped with a rotating light complying with section 60 of the Act respecting off-highway vehicles (chapter V-1.3) is suspended.

14. Sections 473 and 519.20 of the Highway Safety Code (chapter C-24.2) in respect of the owner of a maintenance vehicle are suspended.

15. Sections 519.17 and 519.18 of the Highway Safety Code (chapter C-24.2) in respect of the owner of a maintenance vehicle whose driver has conducted the basic inspection provided for in section 11 are suspended.

CHAPTER V

PROVISIONS APPLICABLE TO THE OPERATOR OF A MAINTENANCE VEHICLE

16. Sections 473, 519.20, 519.21.2, 519.21.3, 519.25 and 519.26 of the Highway Safety Code (chapter C-24.2) in respect of the operator of a maintenance vehicle are suspended.

17. Sections 519.15.1, 519.15.2, 519.16 and 519.17 of the Highway Safety Code (chapter C-24.2) in respect of the operator of a maintenance vehicle whose driver has conducted the basic inspection provided for in section 11 are suspended.

CHAPTER VI

FINAL

18. This Order may be cited under the title “Order respecting maintenance vehicles for off-highway vehicle trails”.

19. 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 15 July 2023.

Québec, 17 November 2021

FRANÇOIS BONNARDEL
Minister of Transport

105382