

**14.** Section 73.10 is amended by replacing “A driver’s licence holder” in the part preceding paragraph 1 by “The holder of a driver’s licence or of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2)”.

**15.** Section 75.1 is amended by inserting “referred to in section 118 of the Highway Safety Code (chapter C-24.2)” after “restricted licence”.

**16.** The following is inserted after section 75.1:

“**75.2.** The holder of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2) who requests the cancellation of his licence is entitled to a reimbursement of a portion of the duties paid, calculated according to section 84.3.1.”

**17.** Section 76 is amended by replacing “83 and 84.2” by “83, 84.2 and 84.3.2”.

**18.** Section 77 is amended by replacing “82 and 84.1” in the first paragraph by “82, 84.1 and 84.3.1”.

**19.** Section 78 is amended by replacing “84 and 84.3” in the first paragraph by “84, 84.3 and 84.3.3”.

**20.** Sections 84.1, 84.2 and 84.3 are amended by inserting “referred to in section 118 of the Highway Safety Code (chapter C-24.2)” after “restricted licence”.

**21.** The following is inserted after section 84.3:

“**84.3.1.** In the case of cancellation or revocation of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2), other than a licence exclusively in class 8, the amount of the reimbursement of the duties is the product obtained by multiplying the monthly duties calculated in accordance with the third paragraph of section 73.4.1 by the number of months, excluding parts of a month, between the date of cancellation or revocation and the due date for the payment of the amounts referred to in the first paragraph of section 93.1 of the Highway Safety Code had the licence not been cancelled or revoked, or the date on which the licence was to expire, whichever occurs first.

“**84.3.2.** In the case of death of a holder of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2), other than a licence exclusively in class 8, the amount of the reimbursement of the duties is the product obtained by multiplying the monthly duties calculated in accordance with the third paragraph of section 73.4.1 by the number of months, excluding parts of a month, between the date of death and the due date for the payment of the amounts referred to in the first paragraph

of section 93.1 of the Highway Safety Code had the licence not been cancelled or revoked, or the date on which the licence was to expire, whichever occurs first.

“**84.3.3.** the case of suspension of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2), other than a licence exclusively in class 8, the amount of the reimbursement of the duties is the product obtained by multiplying the monthly duties calculated in accordance with the third paragraph of section 73.4.1 by the number of months, excluding parts of a month, between the date of the suspension and the date on which the suspension is lifted.”

**22.** Section 84.5 is amended by replacing “84.3” by “84.3.3”.

**23.** Despite section 73.4.1 of the Regulation respecting licences (chapter C-24, r. 34), enacted by section 11 of this Regulation, and section 73.5 of the Regulation respecting licences, as amended by section 12 of this Regulation, no annual duties are payable for a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2) issued before 1 January 2023.

**24.** Despite sections 75.2, 84.3.1, 84.3.2 and 84.3.3 of the Regulation respecting licences (chapter C-24, r. 34), enacted by sections 16 and 21 of this Regulation, sections 75.1, 76 to 78, 84.1, 84.2, 84.3 and 84.5 of the Regulation respecting licences, as they read on 31 December 2022, continue to apply to a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2) issued before 1 January 2023.

**25.** This Regulation comes into force on 1 January 2023, except section 1, which comes into force on 12 July 2023.

105436

## Draft Regulation

Act respecting occupational health and safety  
(chapter S-2.1)

### Occupational health and safety — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting occupational health and safety, appearing below, may be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail and submitted to the Government

for approval, in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1), on the expiry of 45 days following this publication.

The draft Regulation replaces the definition of “enclosed area” by a definition with a greater focus on atmospheric hazards and those related to free flow materials. The draft Regulation also adds new provisions relating to the safer layout of new enclosed areas and those that must be renovated to integrate equipment and installations that make it possible to work from outside such spaces or better control the related risks. Lastly, the draft Regulation updates certain provisions to take into account developments in best practices.

Study of the draft Regulation shows an economic impact on all Québec enterprises of \$6 million per year for close to 375 new enclosed areas that could be installed annually. The regulatory changes make it possible to reduce the number of occupational injuries, in particular deaths related to work in enclosed areas. In addition, the provisions that eliminate work in enclosed areas represent productivity gains and savings for those enterprises.

Further information on the draft Regulation may be obtained by contacting François R. Granger, engineer and agrologist, expert advisor in prevention and inspections, Direction générale de la gouvernance et du conseil stratégique en prévention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue de Bleury, 7<sup>e</sup> étage, Montréal (Québec) H3B 3J1; telephone: 514 906-3010, extension 2019; email: francoisr.granger@cnesst.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Luc Castonguay, Vice President, Prevention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1600, avenue D'Estimauville, 7<sup>e</sup> étage, Québec (Québec) G1J 0H7.

MANUELLE OUDAR  
*Chief Executive Officer and Chair of the board  
of directors of the Commission des normes, de l'équité,  
de la santé et de la sécurité du travail*

## Regulation to amend the Regulation respecting occupational health and safety

Act respecting occupational health and safety  
(chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 11, 19  
and 42, and 2nd par.)

**1.** The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 1 by replacing the definition of “enclosed area” by the following:

““enclosed area” means any area that is completely or partially enclosed, such as a reservoir, a silo, a vat, a hopper, a chamber, a vault, a ditch, including a ditch and a temporary manure storage ditch, a sewer, a pipe, a chimney, an access shaft, a truck or freight car tank, or a wind turbine blade, and that presents one or more of the following risks due to the confinement:

- (1) a risk of asphyxia, intoxication, loss of consciousness or judgment, fire or explosion associated with the atmosphere or internal temperature;
- (2) a risk of being buried;
- (3) a risk of drowning or being carried away due to the level or flow of a liquid;”

**2.** The following is inserted after the heading of Division XXVI:

“**296.1 Scope:** This Division applies to all enclosed areas and all work performed in an enclosed area.”

**3.** The following is inserted after section 297:

“**297.1 Layout of an enclosed area:** In the case of a new enclosed area or the renovation of an existing enclosed area, its layout must integrate equipment and installations that make it possible to intervene from the outside. In addition, the corresponding work methods, taking into account the risks around the enclosed area, must be developed and be available on the work site before the enclosed area is put into service.

Where it is impossible, in the cases provided for in the first paragraph, to integrate equipment and installations that make it possible to intervene from the outside, the layout of the enclosed area must allow for the efficient control of the risks identified according to the gathering of information prescribed in section 300. In addition, that layout must in particular integrate equipment and installations that make it possible to

- (1) control the atmospheric risks, the risk of being buried or the risk of drowning;
- (2) facilitate entry and exit, movements inside, as well as rescue;
- (3) control access to the enclosed area and prevent falls;
- (4) control the other risks that could compromise the health or safety of a worker.”

**4.** Section 298 is amended by inserting “aged 18 or over and” after “those workers”.

**5.** Section 300 is replaced by the following:

**“300. Gathering information and preventive measures before performing work:** Before any work or task is performed in an enclosed area, the following information must be available, in writing, on the work premises:

(1) information on the risks associated with the atmosphere, including those that may be introduced during the work, and that concern

(a) a lack or an excess of oxygen;

(b) contaminants, inflammable or toxic gases or vapours, or combustible dust;

(c) the materials present that may emit gases or vapours, or consume oxygen;

(d) heat stress;

(e) an insufficiency of natural or mechanical ventilation;

(2) information on the risks associated with the free flow materials that are present and that can cause the worker to be buried or to drown, such as sand, grain or a liquid;

(3) information on the other risks that could compromise the safety or evacuation of a worker and that concern

(a) the means of entering or leaving the interior configuration, lighting conditions and communications;

(b) energies such as electricity, moving mechanical parts, noise and hydraulic energy;

(c) ignition sources such as open flames, lighting, welding and cutting, grinding, static electricity or sparks;

(d) other categories of contaminants likely to be present in the enclosed area or nearby;

(e) any other special circumstances such as the presence of vehicles, animals or insects;

(4) the preventive measures to be taken to protect the health of workers and ensure their safety and physical well-being, in particular those concerning

(a) safe methods and techniques to carry out the work;

(b) appropriate and necessary work equipment to carry out the work;

(c) the personal or collective protective means and equipment that the worker must use when working;

(d) the rescue methods in the rescue plan provided for in section 309.

The information referred to in subparagraphs 1, 2 and 3 of the first paragraph must be gathered by a qualified person.

The preventive measures referred to in subparagraph 4 of the first paragraph must be determined by a qualified person and be implemented.”

**6.** Section 301 is amended by replacing “1 and 2” by “1 to 4”.

**7.** Section 302 is amended

(1) by replacing “19.5%” in subparagraph 1 of the first paragraph by “20.5%”;

(2) by replacing “10%” in subparagraph 2 of the first paragraph by “5%”.

**8.** Section 305 is revoked.

**9.** Section 306 is amended

(1) by inserting “atmospheric” before “readings” in the heading;

(2) by replacing “Readings of” in the portion before subparagraph 1 of the first paragraph by “Where risks associated with the atmosphere are identified, readings of”;

(3) by adding the following at the end of the first paragraph:

“(4) when an atmospheric risk other than those identified in accordance with section 300 is identified and likely to modify the internal atmosphere of the enclosed area, such as the introduction of a product or material that may emit toxic or flammable gases or vapours.”

**10.** Sections 308 and 309 are replaced by the following:

**“308. Monitor:** When a worker is present in an enclosed area, a person designated by the employer as a monitor must be positioned outside and near the entrance in order to initiate, if necessary, rescue procedures. The monitor must

(1) have the necessary skills and knowledge;

(2) remain in contact with the worker using a 2-way communication system;

(3) be able to order the worker, if necessary, to evacuate the enclosed area.

**308.1 Unforeseen situation:** The monitor must prohibit entry and, where applicable, order the evacuation of an enclosed area if the monitor, a qualified person or a qualified worker identifies a risk for the safety of a worker, other than those identified in accordance with section 300.

**308.2 Resumption of work:** Work that is interrupted pursuant to section 308.1 may resume only if a qualified person reviews the gathered information and determines the appropriate preventive measures in accordance with section 300.

**309. Rescue plan:** A rescue plan, which includes the equipment and methods to rapidly rescue any worker performing work in an enclosed area, must be developed.

The equipment required by a rescue plan and any accessories must be

(1) adapted to the intended use and to the specific conditions of the work and the enclosed area;

(2) inspected and kept in good order;

(3) present and easily accessible near the enclosed area for a rapid intervention.

The rescue plan must include a call and communication protocol to initiate rescue operations. In addition, a specific person must be appointed in the rescue plan to direct the rescue operations.

The workers who are assigned to the application of rescue procedures must have received training developed by a qualified person, including techniques for avoiding putting the safety of those workers and that of other workers in danger.

The rescue plan must be tested with exercises that allow in particular workers to become familiar with their role, the communication protocol and the use of the rescue equipment concerned.”

**II.** Sections 311 and 312 are replaced by the following:

**“311. Precautions regarding free flow solid materials:** No person may enter an enclosed area used to store free flow solid materials.

Where it is indispensable for a worker to enter such an enclosed area, one of the safety measures provided for in section 33.2 must be used so that the worker cannot fall or be buried in the stored materials. In addition, that worker may not enter

(1) when filling or emptying operations are taking place, and precautions such as the closing and locking of feeder gates or the application of energy control measures, have not been taken to prevent an accidental resumption of those operations;

(2) without first verifying and eliminating the risks associated with

(a) cavities that may be present under the surface of the stored materials;

(b) the shifting of piled materials or falling pieces of agglomerated materials;

(3) from under an arch formed by the materials present in the enclosed area.

**312. Precautions regarding liquid materials:** No person may enter an enclosed area where there is a risk of drowning without applying an isolation procedure for the section where the work is taking place or a liquid flow control procedure to prevent the influx or an increase in the level of a liquid.

The procedure to isolate the section or control the flow of liquid may in particular provide for the drainage or deviation of the liquid, closing off pipes or closing and locking valves.”

**12.** This Regulation comes into force six months after the date of its publication in the *Gazette officielle du Québec*.

105457

## Draft Regulation

Highway Safety Code  
(chapter C-24.2)

### Road vehicle registration — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting road vehicle registration, appearing below, may be made by the Government on the expiry of 45 days following this publication.