

**M.O., 2022****Order 2022-08 of the Minister of Transport  
dated 27 July 2022**

Highway Safety Code  
(chapter C-24.2)

Towing charges for road vehicles seized under the Highway Safety Code (chapter C-24.2)

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 that section 633.2;

CONSIDERING that a road vehicle may be seized and towed under the Highway Safety Code;

CONSIDERING that towing charges for a road vehicle are subject to the rates provided for in the Regulation respecting towing and impounding charges for seized road vehicles (chapter C-24.2, r. 26), indexed on 1 March 2022 in accordance with the third, fourth and fifth paragraphs of section 209.9 of the Highway Safety Code, as they read on 30 June 2022;

CONSIDERING that section 5.1 of the Regulation respecting towing and impounding charges for seized road vehicles, made by section 97 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions (2022, chapter 13) provides that towing charges are indexed annually as of 1 June 2023 and sets the terms and conditions therefor;

CONSIDERING that it is advisable to suspend the application of that section 5.1 in order to provide for an adjustment of towing charges on a monthly basis, in accordance with the rules prescribed by this Order, due to the significant rise in fuel prices;

CONSIDERING that the Minister of Transport considers that the suspension of section 5.1 of the Regulation respecting towing and impounding charges for seized road vehicles is in the interest of the public and is not likely to compromise highway safety;

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

ORDERS AS FOLLOWS:

1. The application of section 5.1 of the Regulation respecting towing and impounding charges for seized road vehicles (chapter C-24.2, r. 26) is suspended until 31 May 2023.

During that suspension, towing charges for a seized road vehicle are adjusted in accordance with sections 2 and 3 of this Order.

2. Towing charges set by the Regulation respecting towing and impounding charges for seized road vehicles (chapter C-24.2, r. 26) are adjusted on the date of coming into force of this Order and until 31 August 2022 according to the rate resulting from the following formula:

$$\{[(A \times \text{towing charges}) + (B \times \text{towing charges})] / \text{towing charges}\} - 1.$$

In the formula in the first paragraph,

(1) "A" is the part of the towing charges associated with the costs other than fuel, established at 88%;

(2) "B" is the part of the towing charges associated with fuel costs, established using the following formula:

$$21.1056\% \times \{1 + [(C - D) / D]\}.$$

In the formula in subparagraph 2 of the second paragraph,

(1) "C" is the posted average diesel price in Québec for 4 weeks, computed according to the weekly data published by the Régie de l'énergie du Québec in its Bulletin d'information sur les prix des produits pétroliers au Québec preceding 1 August 2022;

(2) "D" is the posted average diesel price in Québec for 4 weeks, computed according to the weekly data published by the Régie de l'énergie in its Bulletin d'information sur les prix des produits pétroliers au Québec preceding 1 July 2022.

3. Subsequently, towing charges are adjusted on the first day of the month according to the rate resulting from the formula provided for in the first paragraph of section 2, with the following adaptations:

(1) “B” is the part of the towing charges associated with fuel costs, established using the following formula:

$$E \times \{1 + [(F - G) / G]\}.$$

In the formula in the first paragraph,

(1) “E” is the part of the towing charges associated with fuel costs established under subparagraph 2 of the second paragraph of section 2 or, if towing charges have been adjusted since 1 August 2022, those corresponding to the last monthly adjustment;

(2) “F” is the posted average diesel price in Québec for 4 weeks, computed according to the weekly data published by the Régie de l’énergie in its Bulletin d’information sur les prix des produits pétroliers au Québec preceding the first day of the month;

(3) “G” is the posted average diesel price in Québec for 4 weeks, computed according to the weekly data published by the Régie de l’énergie in its Bulletin d’information sur les prix des produits pétroliers au Québec preceding the first day of the month for which towing charges have last been adjusted since 1 August 2022 or, failing such an adjustment, the posted average diesel price for 4 weeks, computed according to the weekly data published by the Régie de l’énergie in its Bulletin d’information sur les prix des produits pétroliers au Québec preceding 1 August 2022.

The monthly adjustment provided for in this section is without effect

(1) where the difference between the rate computed in the manner provided for in this section and the last adjustment rate is less than 1 percentage point; or

(2) where once that adjustment is applied, the towing charges are lower than those set by the Regulation respecting towing and impounding charges for seized road vehicles (chapter C-24.2, r. 26).

4. The Société de l’assurance automobile du Québec publishes on its website the rates applicable to towing charges for a seized road vehicle and the monthly adjustment related to fluctuations in fuel costs resulting from the application of sections 2 and 3 of this Order.

5. 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 1 June 2023.

Québec, 27 July 2022

FRANÇOIS BONNARDEL  
*Minister of Transport*

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