

## Regulations and other Acts

Gouvernement du Québec

### O.C. 1422-2023, 6 September 2023

Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02)

#### Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions

WHEREAS, under the first paragraph of section 3 of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02), when, on average, for three consecutive model years, more than 4,500 new motor vehicles are sold or leased in Québec by a motor vehicle manufacturer, that manufacturer must, for the model year that immediately follows the last of those three consecutive model years, accumulate credits whose number is determined according to the parameters, calculation method and conditions determined by government regulation;

WHEREAS, under section 4 of the Act, the Government may, by regulation, classify motor vehicle manufacturers by category and the parameters, calculation method and conditions referred to in section 3 may then vary according to the category of manufacturer to which they apply;

WHEREAS, under paragraph 1 of section 6 of the Act, a motor vehicle manufacturer may accumulate credits under section 3 of the Act by selling or leasing, in Québec, new motor vehicles whose number, for each model year, is established according to the calculation method determined by government regulation and which meet the conditions that the Government may determine in the Regulation;

WHEREAS, under paragraph 2 of section 6 of the Act, a motor vehicle manufacturer may accumulate credits under section 3 of the Act by selling or leasing, in Québec, reconditioned motor vehicles whose number, for each

model year, is established according to the calculation method determined by government regulation and which meet the same conditions as those which must be met by new motor vehicles under paragraph 1 and subparagraphs *a* and *b* of paragraph 2 of section 6 of the Act;

WHEREAS, under the second paragraph of section 7 of the Act, the alienation of a credit under the first paragraph must be reported to the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks by each party to the contract in the manner prescribed by government regulation;

WHEREAS, under the third paragraph of section 8 of the Act, a motor vehicle manufacturer that has not accumulated the number of credits required to fulfill its obligations under this Act or the regulations must, within three months after the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks sends a notice of claim, pay to the Minister a charge whose parameters, calculation method, conditions and terms of payment are determined by government regulation;

WHEREAS, under the fourth paragraph of section 8 of the Act, the Government determines, by regulation, the value of a credit for the purpose of calculating the charge;

WHEREAS, under section 10 of the Act, a motor vehicle manufacturer referred to in the first paragraph of section 3 of the Act must, not later than 1 September of each year, report to the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks, under oath, the information determined by government regulation; the regulation must also prescribe the manner in which the report is to be made;

WHEREAS, under sections 10 and 11 of the Regulations Act (chapter R 18.1), a Regulation to amend the Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions was published as a draft in Part 2 of the *Gazette officielle du Québec* of 3 May 2023 with notice that it may be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make that Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions, attached to this Order in Council, be made.

JOSÉE DE BELLEFEUILLE  
*Associate Secretary General and Assistant Clerk  
of the Secrétariat du Conseil exécutif*

## **Regulation to amend the Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions**

Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02, ss. 3, 4, 6 and 7, 2nd par., s. 8, 3rd and 4th pars., and s. 10)

**1.** The Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02, r. 1) is amended in section 1 by replacing “40,000” in subparagraph *b* of paragraph 3 of the definition of “reconditioned motor vehicle” by “100,000”.

**2.** Section 2 is amended

(1) in paragraph 1

(a) by inserting “if the type of model of the motor vehicle corresponds to one of those referred to in the first category indicated in the table in section 1961.2(a)(1) of Title 13 of the California Code of Regulations for model years 2020 to 2025 or to one of those referred to in section 1961.4(d)(2)(A)1 of Title 13 for 2026 and subsequent model years,” at the beginning;

(b) by striking out “as of the 2020 model year”;

(c) by replacing “SULEV20 or SULEV30 category” by “SULEV30 category or a category with a stricter standard”;

(2) in paragraph 2, by replacing “the values provided for in section 1976(b)(1)(G) of Title 13 of the California Code of Regulations” by “up to model year 2025 inclusively, the values provided for in section 1976(b)(1)(G) of Title 13 of the California Code of Regulations and, as of model year 2026, the values provided for in section 1976(b)(1)(G) and (H) of Title 13”.

**3.** Section 4 is amended

(1) in the first paragraph

(a) by striking out “category A” in paragraph 1;

(b) by striking out “category B” in paragraph 2;

(c) by striking out “category C” in paragraph 3;

(2) by adding the following paragraph at the end:

“As of the 2025 model year, intermediate volume manufacturers are considered to be large volume manufacturers and no reclassification between the two categories is possible.”

**4.** Section 5 is amended

(1) by striking out the first paragraph;

(2) by replacing “that is not required to submit such report” in the second paragraph by “that is not yet classified”.

**5.** Section 6 is amended by replacing “30” wherever it appears by “90”.

**6.** Section 9 is amended by adding the following paragraph at the end:

“(4) the manufacturer was initially classified in the “small volume manufacturer” category and, for a model year, the average of the manufacturer’s sales and leases of new motor vehicles, calculated in accordance with the second paragraph of section 4, is greater than 4,500 motor vehicles.”

**7.** Section 10 is amended

(1) by striking out “in accordance with section 47 of the Act” in the second paragraph;

(2) by adding the following paragraph at the end:

“A motor vehicle manufacturer that finds itself in the situation referred to in paragraph 4 of section 9 may be reclassified as of the model year concerned.”.

**8.** Section 12 is amended by replacing “30” by “90”.

**9.** Section 13 is amended by replacing the last line of the table in the third paragraph by the following:

“

2025	22.00%
2026	32.50%
2027	45.00%
2028	60.00%
2029	75.00%
2030	85.00%
2031	91.00%
2032	95.00%
2033	97.50%
2034	99.00%
2035 and subsequent	100.00%

**10.** Section 14 is amended

(1) by replacing “As of model year 2020, among the credits that a large volume automobile manufacturer must accumulate for a particular model year” at the beginning of the first paragraph by “Among the credits that a large volume motor vehicle manufacturer must accumulate for each of the 2020 to 2024 model years”;

(2) by striking out the last line of the table in the fourth paragraph.

**11.** Section 15 is amended

(1) by replacing the first paragraph by the following:

“A motor vehicle manufacturer may accumulate, for each group of 3 model years listed in the table below, by selling or leasing reconditioned motor vehicles, or by acquiring, from another motor vehicle manufacturer, RZEV, RLEV, RVRE or RLSV credits, at most, the percentage specified in the table of the total credits it must accumulate for the group of model years concerned:

Groups of 3 consecutive model years	Maximum percentage
2022-2024	30%
2025-2027	20%
2028-2030	15%
2031-2033	10%
Subsequent groups	0%

(2) by replacing “A” in the portion before subparagraph 1 of the second paragraph by “Up to the 2024 model year, a”.

**12.** Section 19 is amended

(1) by replacing the second paragraph by the following:

“The Minister may follow up on the motor vehicle manufacturer’s request if the manufacturer demonstrates, to the Minister’s satisfaction, that the request is based on one of the following situations:

(1) the total number of new motor vehicles of the model year covered by the request, that it sold or leased, has, for circumstances beyond its control and that it could not foresee, diminished by not less than 30% in relation to the preceding model year;

(2) the number of new motor vehicles of the model year covered by the request, that it sold or leased, makes it impossible to achieve the number of credits that the motor vehicle manufacturer must accumulate, even if the manufacturer sold only zero-emission motor vehicles.”;

(2) by replacing the fourth paragraph by the following:

“As of model year 2022, a request made under the first paragraph may only be submitted for 2 model years of a series of 8 consecutive model years, unless it is based on the situation referred to in subparagraph 2 of the second paragraph.”.

**13.** The following is inserted before section 20:

“§§1. Provisions applicable up to the 2024 model year

**19.1.** Sections 20 to 24 apply to zero-emission motor vehicles whose model year is prior to 2025.”.

**14.** Section 20 is amended by adding the following paragraph at the end:

“If the motor vehicle is registered in Québec after 1 September 2025, it gives entitlement to one credit.”

**15.** Section 21 is replaced by the following:

“**21.** The number of credits to which the sale or lease of a reconditioned zero-emission motor vehicle gives entitlement is determined by means of a percentage of the number of credits to which the sale or lease of a new zero-emission motor vehicle of the same model and the same model year gives entitlement. That percentage varies depending on the difference between the number representing the calendar year during which the vehicle was registered for the first time in Québec and the number representing its model year, according to the following table:

Difference between the number representing the calendar year during which the vehicle was registered for the first time in Québec and the number representing its model year	Percentage of the number of credits to which the sale or lease of a new zero-emission motor vehicle of the same model and the same model year gives entitlement
0 or less	100%
1	80%
2	70%
3	60%
4	50%

”.

**16.** Section 24 is amended by inserting “in accordance with sections 20 to 23,” after “gives entitlement.”

**17.** Section 25 is amended by replacing “This subdivision does not” by “Sections 20 to 24 do not”.

**18.** The following is inserted after section 25:

“§§2. Provisions applicable as of the 2025 model year

**25.1.** Sections 25.2 to 25.3 apply to zero-emission motor vehicles whose model year is 2025 or subsequent to 2025.

**25.2.** The sale or lease of a new zero-emission motor vehicle gives entitlement to 1 credit.

**25.3.** The number of credits to which the sale or lease of a reconditioned zero-emission motor vehicle gives entitlement is determined by means of a percentage of the number of credits to which the sale or lease of a new zero-emission motor vehicle of the same model and the same model year gives entitlement. That percentage varies depending on the difference between the number representing the calendar year during which the vehicle was registered for the first time in Québec and the number representing its model year, according to the following table:

Difference between the number representing the calendar year during which the vehicle was registered for the first time in Québec and the number representing its model year	Percentage of the number of credits to which the sale or lease of a new zero-emission motor vehicle of the same model and the same model year gives entitlement
0 or less	100%
1	80%
2	70%
3	60%
4	50%

”.

**19.** The following is inserted before section 26:

“§§1. Provisions applicable up to the 2024 model year

**25.4.** Sections 26 to 29 apply to low-emission motor vehicles whose model year is prior to 2025.”

**20.** Section 26 is amended by replacing “between 16 and 129 km” in the table in the first paragraph by “from 16 to 129 km”.

**21.** The following is inserted after section 27:

“**27.1.** If a new low-emission motor vehicle is registered in Québec after 1 September 2025, it gives entitlement to 0.5 credits.”

**22.** The following is inserted after section 29:

“§§2. Provisions applicable as of the 2025 model year

**29.1.** Sections 29.2 and 29.3 apply to low-emission motor vehicles whose model year is 2025 or subsequent to 2025.

**29.2.** The sale or lease of a new low-emission motor vehicle gives entitlement to 0.5 credits if the electric range of the vehicle is equal to or greater than 80 km.

The electric range of a motor vehicle referred to in sections 29.2 and 29.3 is obtained by multiplying the electric range of the vehicle in charge-depleting mode (“A” in the equation below) by factor 0.7.

For the model years 2025, 2026 and 2027, the sale or lease of a new low-emission motor vehicle whose electric range ( $A \times 0.7$ ) is equal to or greater than 50 km but less than 80 km gives entitlement to the number of credits determined using the following equation:

$$Nc \text{ LEV} = ((A \times 0.7) / 200) + 0.05$$

where

$Nc \text{ LEV}$  = the number of credits to which the sale or lease of a new low-emission motor vehicle whose electric range ( $A \times 0.7$ ) is equal to or greater than 50 km but less than 80 km for model years 2025, 2026 and 2027 gives entitlement;

$A$  = the electric range of the motor vehicle in charge-depleting mode, in kilometres, established in accordance with section 311-12(j)(4)(i) of Subpart D, Part 600, Subchapter Q, Chapter I, Title 40 of the Code of Federal Regulations, rounded to the first decimal or, if the number is equidistant by 2 consecutive decimals, to the highest of those numbers.

Despite the foregoing, the sale or lease of a new low-emission motor vehicle that is not covered under Part 600 – Fuel Economy and Greenhouse Gas Exhaust Emissions of Motor Vehicles of Subchapter Q, Chapter I, Title 40 of the Code of Federal Regulations gives entitlement to 0.5 credits irrespective of its electric range.

**29.3.** The number of credits to which the sale or lease of a reconditioned low-emission motor vehicle gives entitlement is determined by means of a percentage of the number of credits to which the sale or lease of a new low-emission motor vehicle of the same model and the same model year gives entitlement. That percentage varies depending on the difference between the number representing the calendar year during which the vehicle was registered for the first time in Québec and the number representing its model year, according to the following table:

Difference between the number representing the calendar year during which the vehicle was registered for the first time in Québec and the number representing its model year	Percentage of the number of credits to which the sale or lease of a new low-emission motor vehicle of the same model and the same model year gives entitlement
0 or less	100%
1	80%
2	70%
3	60%
4	50%

”.

**23.** Section 30 is amended by inserting “whose model year is prior to 2025” after “vehicle” in the first paragraph.

**24.** Section 31 is amended

(1) by replacing “For” at the beginning of the second paragraph by “Up to the period of 3 consecutive calendar years concerning the 2022 to 2024 model years, for”;

(2) by inserting the following after the second paragraph:

“As of the period of 3 consecutive calendar years concerning the 2025 to 2027 model years, for calculating the charge, the value of a credit is set at \$20,000. The value is adjusted on 1 January of each year using the rate calculated in the manner set out in section 83.3 of the Financial Administration Act (chapter A-6.001). The Minister publishes the result of the adjustment by means of a notice in the *Gazette officielle du Québec* or by any other means deemed appropriate by the Minister.”.

**25.** Section 33 is amended by inserting the following after paragraph 7:

“(7.1) the price paid for those credits or, as the case may be, the monetary value of the goods or services received or to be received in exchange for the credits;”.

**26.** Section 34 is amended by adding the following paragraph at the end:

“(6) the number of zero-emission and low-emission motor vehicles that the motor vehicle manufacturer submitting the report expects to sell for each of the 3 years following the year covered by the report.”.

**27.** Section 35 is amended by inserting the following after the first paragraph:

“However, for motor vehicles whose gross vehicle weight rating is equal to or greater than 3,856 kg, the values of the carbon dioxide emissions, in grams per kilometre, are determined according to the applicable methods and calculations provided for in the Heavy-duty Vehicle and Engine Greenhouse Gas Emission Regulations (SOR/2013-24).”.

**28.** 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. 1427-2023, 6 September 2023

Act respecting roads  
(chapter V-9)

### **Strategic bridges the management of which is under the responsibility of the Minister of Transport — Amendment to Order in Council 98-2003 dated 29 January 2003**

Amendment to Order in Council 98-2003 dated 29 January 2003 concerning strategic bridges the management of which is under the responsibility of the Minister of Transport

WHEREAS, under the third paragraph of section 2 of the Act respecting roads (chapter V-9), the Government may, by Order in Council published in the *Gazette officielle du Québec*, recognize the strategic character of certain bridges, the management of such bridges then being under the responsibility of the Minister of Transport and Sustainable Mobility;

WHEREAS Order in Council number 98-2003 dated January 29, 2003, and its subsequent amendments recognized the strategic character of certain bridges;

WHEREAS it is appropriate to amend the schedule of Order in Council number 98-2003 dated January 29, 2003, and its subsequent amendments again, with regard to the municipalities indicated, to add bridges, including their barrier systems, namely guardrails, so that they become under the management of the Minister of Transport and

Sustainable Mobility, to remove bridges so that they become under the management of the municipalities in the territory of which they are located, and to correct the description of certain bridges, as indicated in the schedule of this Order in Council;

IT IS ORDERED, accordingly, on the recommendation of the Minister of Transport and Sustainable Mobility:

THAT the schedule of Order in Council number 98-2003 dated January 29, 2003, and its subsequent amendments be amended again, with regard to the municipalities indicated, to add bridges, including their barrier system, namely guardrails, so that they become under the management of the Minister of Transport and Sustainable Mobility, to remove bridges so that they become under the management of the municipalities in the territory of which they are located, and correct the description of certain bridges, as indicated in the schedule of this Order in Council;

THAT this Order in Council be effective as of the date it is published in the *Gazette officielle du Québec*.

JOSÉE DE BELLEFEUILLE  
*Associate Secretary General and Assistant Clerk  
of the Secrétariat du Conseil exécutif*

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