

THAT the Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice

Code of Civil Procedure  
(chapter C-25.01, s. 273)

Code of Penal Procedure  
(chapter C-25.1, s. 367, par. 7)

Act respecting payment of certain witnesses  
(chapter P-2.1, s. 2, par.1)

**1.** The Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (chapter C-25.01, r. 0.5) is amended in section 2

(1) in paragraph 1

(a) by replacing “per necessary day of absence from his home” by “per day”;

(b) by replacing “the necessary leave of absence from his home” by “the loss of time of the witness”;

(2) in paragraph 2

(a) by replacing “per necessary day of absence from his home” by “per day”;

(b) by replacing “absence from his home” by “the witness’s loss of time”;

(3) by replacing “necessary day of absence from their home” in the second subparagraph of paragraph 2 by “day of absence”.

**2.** The following is added after section 2:

### “2.1. Calculation of the loss of time:

(1) The loss of time of a witness who appears remotely from his or her home or place of work is calculated from the time the witness is called to attend at court to the time the witness receives permission to leave.

(2) The loss of time of a witness who appears in person at a hearing or of a witness who appears remotely from a place other than his or her home or place of work is calculated from the time the witness leaves his or her home to the time the witness returns to his or her home.

(3) The loss of time of a witness who appears remotely may not exceed the loss of time the witness would have incurred if he or she had appeared in person at the hearing.”.

**3.** Section 3 is amended

(1) by replacing “(C.T. 202754, 2005-08-30)” by “(C.T. 227502, 2022-12-13) and its subsequent amendments”;

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

“In the case of a witness who appears remotely from a place other than his or her home or place of work, allowances are calculated on the basis of a trip of a distance not greater than that between the home of the witness and the courthouse to which the witness would have been summoned if he or she had appeared in person at the hearing.”.

**4.** Section 4 is replaced by the following:

“4. A witness who appears remotely from his or her home or place of work receives no allowance.”.

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106788

## M.O., 2024

### Order 2024-08 of the Minister of Transport and Sustainable Mobility dated 19 February 2024

Highway Safety Code  
(chapter C-24.2)

Pilot project concerning the recording of hours of driving and rest by the driver of a heavy vehicle that carries goods or persons in the ordinary course of business of a film or television production enterprise

THE MINISTER OF TRANSPORT AND SUSTAINABLE MOBILITY,

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that, after consultation with the Société de

l'assurance automobile du Québec, the Minister of Transport and Sustainable Mobility may, by order, authorize the implementation of pilot projects to study, test or innovate in respect of any matter relevant to the Code, that, for the purposes of road safety, the Minister may in particular develop new rules on traffic or vehicle use, that the Minister sets the rules and conditions for the implementation of a pilot project, that the Minister may also, as part of a pilot project, authorize any person or body to use a vehicle in compliance with the standards and rules prescribed by the Minister and that the provisions of a pilot project prevail over any inconsistent provision of the Code and its regulations;

CONSIDERING the fourth paragraph of section 633.1 of the Code, which provides that pilot projects are conducted for a period of up to three years, or five years when they relate to autonomous vehicles, which the Minister may extend by up to two years if the Minister considers it necessary, that the Minister may modify or terminate a pilot project at any time, that the Minister may also determine the provisions of an order made under section 633.1 the violation of which is an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$200 or more than \$3,000;

CONSIDERING the fifth paragraph of section 633.1 of the Code, which 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 633.1 of the Highway Safety Code, and that an order under the second or third paragraph of section 633.1 is published in the *Gazette officielle du Québec*;

CONSIDERING that, under subparagraph 1 of the first paragraph of section 519.21.3 of the Highway Safety Code, the operator of a heavy vehicle within the meaning of section 2 of the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3) shall ensure in particular that each heavy vehicle under the operator's responsibility is equipped with an electronic logging device that meets the requirements prescribed by regulation;

CONSIDERING that the second paragraph of section 519.10 of the Highway Safety Code provides that the information that must be recorded by the driver of a heavy vehicle, in particular hours of driving and hours of rest, must be recorded using an electronic logging device that meets the requirements prescribed by regulation;

CONSIDERING that, under the first paragraph of section 30.1 of the Regulation respecting the hours of driving and rest of heavy vehicle drivers (chapter C-24.2, r. 28), the operator of a heavy vehicle shall require the driver of

the vehicle to record all the information associated with the records of duty status using an electronic logging device, in accordance with the Technical Standard, and that the driver is required to comply with that requirement;

CONSIDERING that the driver of a heavy vehicle that carries goods or persons in the ordinary course of business of a film or television production enterprise may, during the course of the same day, drive the vehicles of one or more different operators, each of which must be equipped with a separate electronic logging device, and that the information recorded by the driver, on each of those devices, cannot be shared from one operator to the next, which obligates the driver to record the same information in more than one device;

CONSIDERING that, subject to certain conditions for the purpose of ensuring highway security, the hours of driving and rest may be recorded otherwise than with the use of an electronic logging device;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted regarding the implementation of the Pilot project concerning the recording of hours of driving and rest by the driver of a heavy vehicle that carries goods or persons in the ordinary course of business of a film or television production enterprise;

CONSIDERING that it is expedient to authorize the implementation of the Pilot project concerning the recording of hours of driving and rest by the driver of a heavy vehicle that carries goods or persons in the ordinary course of business of a film or television production enterprise;

ORDERS AS FOLLOWS:

## CHAPTER I GENERAL

1. The implementation of the Pilot project concerning the recording of hours of driving and rest by the driver of a heavy vehicle that carries goods or persons in the ordinary course of business of a film or television production enterprise is hereby authorized for the following purposes:

(1) test the conditions according to which hours of driving and rest can be recorded otherwise than with an electronic logging device, where a heavy vehicle carries goods or persons in the ordinary course of business of a film or television production enterprise;

(2) gather information on the operating context of film or television production enterprises to ascertain and understand their operational reality;

(3) collect information in respect of that testing to evaluate the impact on highway safety and the opportunity to establish special standards for the recording of hours of driving and rest in the context of this type of transportation.

2. The administration and evaluation of the pilot project are entrusted to the Société de l'assurance automobile du Québec.

3. For the purposes of the pilot project, “operator” means a natural or legal person, or the representative thereof, who operates a film or television production enterprise.

## CHAPTER II PREREQUISITES

4. Prior to participating in the pilot project, the operator of a heavy vehicle must notify the Société in writing of its participation and identify the heavy vehicles that will be operated as part of the pilot project by indicating in particular the registration plate number of those vehicles to the Société.

The Société will transmit to the operator, as an acknowledgement of receipt, a document containing the information provided in accordance with the first paragraph, hereinafter called the “document relating to the pilot project”.

## CHAPTER III CONDITIONS APPLICABLE FOR THE PURPOSES OF THE PILOT PROJECT

### SECTION I CONDITIONS APPLICABLE TO THE OPERATOR

5. For the purposes of the pilot project, subparagraph 1 of the first paragraph of section 519.21.3 of the Highway Safety Code (chapter C-24.2) and sections 28.1 and 30.1 of the Regulation respecting the hours of driving and rest of heavy vehicle drivers (chapter C-24.2, r. 28) do not apply to the operator of a heavy vehicle where that vehicle carries goods or persons in the ordinary course of business of a film or television production enterprise.

That operator must however

(1) keep the Société informed of any changes to the information transmitted pursuant to section 4 regarding the heavy vehicles operated as part of the pilot project;

(2) maintain a safety rating of “satisfactory” in the Register of owners and operators of heavy vehicles established at the Commission des transports du Québec under the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3);

(3) place in each heavy vehicle under its responsibility a copy of the document relating to the pilot project, ensure that the driver keeps the copy in the vehicle and not allow a heavy vehicle to be driven if the copy is not kept in the vehicle;

(4) keep at its establishment, within the meaning of the Regulation respecting the hours of driving and rest of heavy vehicle drivers, a copy of the document relating to the pilot project and, in respect of that copy, comply with the second paragraph of section 519.25 of the Highway Safety Code;

(5) monitor the compliance of each driver with the requirements of the pilot project and, if the operator considers that the requirements are not complied with, take measures without delay to correct the situation and document the intervention;

(6) conduct a periodic analysis of accident reports involving the heavy vehicles being operated and, in the case of an accident involving a vehicle driven as part of the pilot project, evaluate whether the accident arose from non-compliance with the restrictions relating to the hours of driving and rest provided for in the Highway Safety Code or the Regulation respecting the hours of driving and rest of heavy vehicle drivers, or from non-compliance with the requirements provided for in the pilot project and, in such a case, take measures without delay to correct the situation and document the intervention;

(7) transmit to the Société, each year and at the end of the operator’s participation in the pilot project, a report containing

(a) a summary of the analysis and, if applicable, the evaluation provided for in subparagraph 6; and

(b) an overview of the manner in which the operator’s activities were conducted in the context of the pilot project, in particular the means taken to ensure compliance with the requirements of the pilot project;

(8) respond to surveys or requests for information by the Société concerning the progression of the pilot project;

(9) notify the Société if the operator wants to terminate participation in the pilot project.

## SECTION II

### CONDITIONS APPLICABLE TO THE DRIVER

6. For the purposes of the pilot project, the second paragraph of section 519.10 of the Highway Safety Code (chapter C-24.2) and section 30.1 of the Regulation respecting the hours of driving and rest of heavy vehicle drivers (chapter C-24.2, r. 28) do not apply to the driver of a heavy vehicle of an operator by which the driver is employed where that vehicle carries goods or persons in the ordinary course of business of a film or television production enterprise.

That driver must however

(1) keep in that heavy vehicle a copy of the document relating to the pilot project and remit the copy to a peace officer for examination when so requested, which copy must be remitted to the driver after examination;

(2) record hours of driving and rest in accordance with the second and third paragraphs of section 31 and section 32 of the Regulation respecting the hours of driving and rest of heavy vehicle drivers.

## CHAPTER IV

### PENALTIES

7. Every operator who contravenes any of subparagraphs 1 and 3 to 5 of the second paragraph of section 5 is liable to a fine of \$200 to \$300.

8. Every driver who contravenes subparagraph 1 of the second paragraph of section 6 is liable to a fine of \$200 to \$300.

9. The operator can no longer participate in the pilot project if

(1) the operator fails to comply with one of the requirements provided for in subparagraphs 2, 7 and 8 of the second paragraph of section 5; or

(2) the health and safety of the public, of the driver of a heavy vehicle under the responsibility of the operator or of the operator's employees are jeopardized.

The Société will transmit a notice to that effect to the operator, who must so inform without delay every driver who is likely to drive a heavy vehicle that is under the responsibility of the operator and carries goods or persons in the ordinary course of business of a film or television production enterprise.

## CHAPTER V

### FINAL

10. This Ministerial Order comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked as of the third anniversary of the date of its coming into force.

Québec, 19 February 2024

GENEVIÈVE GUILBAULT  
*Minister of Transport and Sustainable Mobility*

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