



CONDUCT REVIEW POLICIES

Heavy Vehicle Owners, Operators and Drivers

Changes that come into force on February 17, 2023

ONGOING REVIEW OF CONDUCT ON THE ROAD

BEFORE	AS OF 2023
“OPERATIONAL SAFETY” CONDUCT AREA	
Composition of the conduct area	<p>Offences related to traffic rules, offences related to use of a heavy vehicle and “driver” out-of-service orders are all grouped together under a single conduct area.</p> <p>The “Operational Safety” conduct area is replaced by two separate conduct areas, each with its own threshold value (the number of points that must not be reached).</p> <ul style="list-style-type: none"> • “Traffic Rules” conduct area: any offences relating to traffic rules, including those relating to speed, stop signs, road signs and traffic signals; • “Use of a Heavy Vehicle” conduct area: any offences relating to rules governing the use of a heavy vehicle, such as the hours of driving and off-duty time, the circle check, cargo securement and the transportation of dangerous substances, as well as all “driver” out-of-service orders.
Weighting scale	<ul style="list-style-type: none"> • 1 to 3 points for offences in the “Operational Safety” conduct area, with the exception of <i>Criminal Code</i> offences; • 1 to 5 points for offences in the “Load and Size Limits” conduct area; • 3 points for “driver” out-of-service orders; • 5 points for <i>Criminal Code</i> offences. <p>1 to 5 points for offences in any of the conduct areas, with the exception of critical offences and <i>Criminal Code</i> offences;</p> <p>5 points for “driver” out-of-service orders;</p> <p>6 points for <i>Criminal Code</i> offences and critical offences.</p> <p><i>Note: Critical alcohol- or drug-related offences are not assigned a weighting in the driver's record because they result in the immediate referral of the driver's record to the Commission des transports du Québec (CTQ).</i></p>
Differentiated weighting for certain offences	<p>None. Offences committed by the driver are given the same weighting in both the driver's record and the operator's record.</p> <p>Certain offences committed by heavy vehicle drivers are assigned a higher weighting in the driver's record than in the heavy vehicle operator's record, as they are primarily the driver's responsibility. Such offences relate to:</p> <ul style="list-style-type: none"> • not having a valid driver's licence of the appropriate class; • not complying with seat belt requirements; • driving while under penalty; • using a cell phone; • alcohol- or drug-related driving events.
“Driver” out-of-service orders	<p>“Driver” out-of-service orders are entered in the driver's record and the operator's record and assigned the appropriate weighting even if:</p> <ul style="list-style-type: none"> • the operator or driver is found not guilty of the offence that resulted in a “driver” out-of-service order; • the related offence is cancelled or withdrawn; • the general offence report is not served within the one-year limitation period. <p>Withdrawal of the weighting associated with a “driver” out-of-service order in certain situations</p> <p>The “driver” out-of-service order remains on record but is not assigned a weighting when the following two conditions are met:</p> <ul style="list-style-type: none"> • the operator or the driver is found not guilty of the offence directly related to the “driver” out-of-service order, or the offence is cancelled or withdrawn or is the subject of a refusal to prosecute, or the general offence report is not served within the one-year limitation period; and • no other statements of offence or general offence reports directly related to the out-of-service order have been served. <p><i>Note: Does not apply in the case of “driver” out-of-service orders imposed in other Canadian jurisdictions.</i></p>
Offences committed under a municipal by-law	<p>Not taken into consideration.</p> <p>Taken into consideration, provided there is an equivalent <i>Highway Safety Code</i> offence and the offence in question results in demerit points. Such offences are assigned the same weighting as the equivalent offence under the <i>Highway Safety Code</i> and are entered in the applicable conduct area. These offences are related to:</p> <ul style="list-style-type: none"> • speeding; • speed or careless action; • passing vehicles in a zigzag pattern; • failing to obey a red traffic light; • failing to obey a stop sign.
Legislation taken into consideration (offences)	<ul style="list-style-type: none"> • <i>Highway Safety Code</i>; • <i>Criminal Code</i>. <ul style="list-style-type: none"> • <i>Highway Safety Code</i>; • <i>Criminal Code</i>; • <i>Act respecting owners, operators and drivers of heavy vehicles</i>; • <i>Transport Act</i>; • <i>Regulation respecting road vehicles used for the transportation of school children</i>; • <i>Regulation respecting road vehicles adapted for the transportation of handicapped persons</i>; • Municipal by-laws with equivalent provisions in the <i>Highway Safety Code</i>.
“INVOLVEMENT IN ACCIDENTS” CONDUCT AREA	
Weighting of accidents resulting in injury	<p>4 points.</p> <ul style="list-style-type: none"> • Requiring transportation by ambulance: 4 points; • Not requiring transportation by ambulance: 2 points.
“VEHICLE SAFETY” CONDUCT AREA	
<p>The SAAQ intervenes when the owner reaches or exceeds a certain rate or number of out-of-service orders, as applicable.</p> <p>Only one “vehicle” out-of-service order is taken into consideration per roadside intervention, even if several major mechanical defects are found on the same vehicle.</p> <p>Other aspects:</p> <ul style="list-style-type: none"> • Unforeseen major mechanical defects are not taken into consideration. • Critical major mechanical defects can result in a record being referred to the CTQ under certain circumstances. 	<p>New approach that takes into consideration and assigns a weighting to:</p> <ul style="list-style-type: none"> • all major mechanical defects detected, based on the equipment and mechanical systems involved: <ul style="list-style-type: none"> • brake system: 5 points, • tires and wheels: 4 points, • other mechanical systems: 3 points; • offences related to requirements regarding mandatory vehicle maintenance, the obligation to ensure that all equipment and mechanical systems are in good working order, and the transportation of dangerous substances, as well as any offences committed under the <i>Act respecting owners, operators and drivers of heavy vehicles</i>. <p>The threshold value (number of points that must not be reached) is established based on the size of the heavy vehicle fleet, as is also the case for the conduct areas in the “Operator” category.</p> <p>Other aspects:</p> <ul style="list-style-type: none"> • Unforeseen major mechanical defects are not taken into consideration. • The notion of critical major mechanical defects no longer exists.

ONGOING REVIEW OF CONDUCT ON THE ROAD (continued)

BEFORE	AS OF 2023
ALL CONDUCT AREAS (EXCEPT FOR THE "INVOLVEMENT IN ACCIDENTS" CONDUCT AREA)	
Age of events	<p>Not taken into consideration. Events keep the same weighting throughout the entire two-year period in which they are taken into consideration as part of the ongoing conduct review.</p> <p>The weighting of several events is decreased by half once they have been in a heavy vehicle owner or operator (HVOO)'s record or a driver's record for more than a year after the date of the event.</p> <p>This notion applies to:</p> <ul style="list-style-type: none"> • offences committed in Québec or elsewhere in Canada that are taken into consideration in any of the applicable conduct areas of the ongoing conduct review; • "driver" out-of-service orders; • major mechanical defects. <p>This notion does not apply to:</p> <ul style="list-style-type: none"> • accidents; • critical offences.
Repeat offences of the same nature	<p>Not taken into consideration.</p> <p>When the number of repeat offences of the same nature exceeds the applicable limit, additional points are entered in the HVOO's record or the driver's record.</p> <p>Repeat offences of the same nature are any offences committed under the same section of a law and assigned the same weighting (certain rules apply).</p> <p>This notion applies to:</p> <ul style="list-style-type: none"> • offences committed in Québec or elsewhere in Canada that are taken into consideration in any of the applicable conduct areas. <p>This notion does not apply to:</p> <ul style="list-style-type: none"> • offences assigned a weighting of 1 or 2 points; • "driver" out-of-service orders; • major mechanical defects; • accidents. <p>In the case of HVOOs, a limit for repeat offences of the same nature is determined based on each HVOO's heavy vehicle fleet size. When an HVOO exceeds the applicable limit, additional points are added to its record. In the case of heavy vehicle drivers, the limit is one offence. This means that additional points for repeat offences are assigned as soon as two offences of the same nature have been entered in the driver's record.</p> <p>When the limit for repeat offences of the same nature is exceeded, additional points are added to both the applicable conduct area and the overall conduct area, as follows:</p> <ul style="list-style-type: none"> • additional points equal to 20% of the threshold value (the number of points that must not be reached) for the applicable conduct area are added to the points already accumulated for that conduct area; <p>and</p> <ul style="list-style-type: none"> • additional points equal to 20% of the threshold value for the overall conduct area are added to the points already accumulated for that conduct area.
Critical events	<p>Critical events are not given the same weighting as other events. Two critical events or a critical event combined with other events or situations immediately results in the referral of a record to the CTQ. In the case of HVOOs, the size of an HVOO's heavy vehicle fleet makes no difference.</p> <p>A new approach applies that takes into account the heavy vehicle fleet size in the case of HVOOs. This new approach does not apply to fatal accidents.</p> <ul style="list-style-type: none"> • Critical events no longer serve as a separate assessment tool. They are now taken into consideration as part of the ongoing review of conduct on the road. • Critical event combinations that previously led to a record being referred to the CTQ no longer apply, with the exception of critical event combinations having to do with alcohol- or drug-related driving offences in the case of HVOOs (where 2 such offences are committed by the same heavy vehicle driver within a 10-year period). • Critical offences are assigned a weighting of 6 points and entered in the applicable conduct area. In the case of HVOOs, the threshold value (the number of points that must not be reached) for each conduct area takes into account the HVOO's heavy vehicle fleet size. <p><i>Note: Critical alcohol- or drug-related driving offences are not assigned a weighting in the heavy vehicle driver's ongoing conduct review, given that such offences continue to result in the immediate referral of the driver's record to the CTQ.</i></p> <ul style="list-style-type: none"> • Critical major mechanical defects no longer exist. • New critical offences have been added (related to <i>Criminal Code</i> offences and to failing to comply with a prohibition from driving or from operating a heavy vehicle).
FACILITY AUDITS (HVOOS ONLY)	
BEFORE	AS OF 2023
Audit results taken into consideration	<ul style="list-style-type: none"> • In the case of an HVOO that is both an operator and an owner, facility audit results are only taken into consideration when the audit covers both categories ("Owner" and "Operator").
Event combinations related to failing a facility audit that result in a referral of an HVOO's record to the CTQ	<p>Four event combinations result in an HVOO's record being referred to the CTQ.</p> <p>New event combinations</p> <ul style="list-style-type: none"> • The HVOO fails the same facility audit in both the "Owner" and the "Operator" category. • The HVOO fails two different facility audits, regardless of the category ("Owner" or "Operator") covered by each audit, within a period of two years. <p>Updated event combinations</p> <ul style="list-style-type: none"> • The HVOO has failed a facility audit in the "Operator" category within the last year. • The HVOO has failed a facility audit in the "Owner" category within the last year.
Failure thresholds	<p>The same failure thresholds (number of points as of which an HVOO fails a facility audit) apply to both categories ("Operator" and "Owner").</p> <p>Separate failure thresholds apply to each category ("Operator" and "Owner").</p> <p>The table of failure thresholds has been updated in order to take into account:</p> <ul style="list-style-type: none"> • the updated list of offences and their weighting ("Operator" category); • new offences that have been added to the "Vehicle Safety" conduct area ("Owner" category).

Original text in French

