



> CONDUCT REVIEW POLICY

for Heavy Vehicle
Owners and Operators





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UPDATED EDITION

Direction de la formation, du soutien légal et des politiques

EDITING

Direction des communications

Legal deposit – Bibliothèque et Archives nationales du Québec, 4th quarter 2016

ISBN 978-2-550-75173-1 (PDF version)

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Original text in French

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FOREWORD

In the 1990s, the Québec government and the road transportation industry agreed to establish a mechanism to encourage heavy vehicle owners and operators (HVOOs¹) to comply with road transportation standards designed to ensure the safety of all road users and protect the integrity of the road network. As a result, the government, in concert with the road transportation industry, enacted the *Act respecting owners, operators and drivers of heavy vehicles* in 1998.²

To fulfill the requirements of the Act, the Société de l'assurance automobile du Québec (SAAQ) formulated the *Conduct Review Policy for Heavy Vehicle Owners and Operators* in collaboration with its governmental partners and associations in the road transportation industry. This Policy applies to owners and operators of heavy vehicles registered in Québec and outside Canada. It sets the rules for keeping records on HVOOs and the procedures for assessing their conduct. The purpose of the Policy is to identify any HVOO exhibiting unsafe conduct in respect of road safety or the integrity of the road network. It is then possible to intervene by contacting the HVOO in order to correct the problem as quickly as possible.

The Policy is periodically updated to reflect the goods and passenger transportation industry's needs and its economic and regulatory context, as well as the government's road safety objectives. For that purpose, an ongoing review mechanism was set up, resulting in the present update.

This updated edition takes into account amendments to the *Highway Safety Code* pursuant to chapter 39 of the Statutes of 2005, and the amendments to the *Regulation respecting safety standards for road vehicles* that came into force on November 20, 2016. More specifically, it covers:

- the integration and weighting of the new provisions of the *Highway Safety Code* concerning the circle check and the inspection specific to motor coaches;
- the integration of amendments to the current provisions of the *Highway Safety Code* concerning heavy vehicle circle checks and maintenance;
- the integration of amendments to the list of critical and unforeseen major mechanical defects.

In addition, a number of clarifications or corrections have been made so as to ensure a better application of the Policy.

1. In this document, HVOO (HVOOs in the plural) is used whenever a provision of the Policy applies equally to owners of heavy vehicles, operators of heavy vehicles, and owner-operators of heavy vehicles (i.e., persons who simultaneously fulfil both roles). The expressions "heavy vehicle owner" and "heavy vehicle operator" are used wherever a provision of the Policy applies to only one or the other.

2. Commonly referred to as Bill 430. Reference: R.S.Q., c. P-30.3.



TABLE OF CONTENTS

1. PURPOSE OF THE POLICY	7
2. WHO IS SUBJECT TO THE POLICY?	7
3. RESPONSIBILITIES OF OWNERS AND OPERATORS	8
3.1 Responsibilities of owners	8
3.2 Responsibilities of operators	8
4. CONDUCT RECORD	9
5. CONTINUITY OF THE CONDUCT RECORD	10
6. ASSESSMENT MECHANISM	10
6.1 Events considered	10
6.2 Conduct assessment tools	13
7. INTERVENTION PROCESS	26
7.1 Procedure for an intervention related to the ongoing conduct review	26
7.2 Procedure for an intervention related to a critical event or a failure on a facility audit	29
7.3 Forwarding record updates to the Commission	31
8. SPECIAL PROVISIONS REGARDING PUBLIC TRANSIT AUTHORITIES	32
9. ADJUSTMENTS TO RECORDS AND ADJUSTMENTS TO THE SIZE OF A HEAVY VEHICLE FLEET	33
9.1 Adjustment to events entered in a record	33
9.2 Adjustment to the size of a heavy vehicle fleet	33

10. ADAPTING THE POLICY TO THE SPECIAL CIRCUMSTANCES OF CERTAIN OPERATORS	35
10.1 High kilometrage logged in québec	35
10.2 Heavy vehicles operated on double shifts	36
11. EXCEPTIONAL CIRCUMSTANCES LEADING TO REFERRAL TO THE COMMISSION DES TRANSPORTS	39
12. POLICY REVIEW PROCESS	39
APPENDICES	
Appendix 1 Example of an HVOO’s Record	41
Appendix 2 Table of Offences With Their Weighting	47
Appendix 3 Critical Major Mechanical Defects and Unforeseen Major Mechanical Defects	57
Appendix 4 Calculating the Size of an HVOO’s Heavy Vehicle Fleet for Purposes of an Adjustment	63
Appendix 5 Proof of Non-Liability for an Accident	65
Appendix 6 Determining Threshold Values for Conduct Areas in the Ongoing Conduct Review of Heavy Vehicle Operators	73
Appendix 7 Table of Threshold Values for the Ongoing Conduct Review of Heavy Vehicle Operators	75
Appendix 8 List of Government Stakeholders	77
Appendix 9 List of Subjects Covered in the <i>Information Bulletin for Heavy Vehicle Drivers, Owners and Operators</i>	81
GLOSSARY	83

1. PURPOSE OF THE POLICY

The goal of the *Act respecting owners, operators and drivers of heavy vehicles* is to improve road safety and protect the integrity of the road network. Pursuant to the Act, the Société de l'assurance automobile du Québec must:

- compile a record on each HVOO required to register in the Commission's register to ensure that the conduct of all HVOOs is monitored and assessed;
- set up an administrative policy to identify HVOOs that represent a threat to road safety or to the integrity of the road network, and then intervene by contacting them; and
- transmit to the Commission the records of HVOOs exhibiting unsafe conduct so that it can analyze their conduct and, where necessary, impose measures and modify their safety rating.

This Policy describes the conduct review mechanism and the rules underlying the SAAQ's interventions, as well as the process by which they are applied and adjusted.

2. WHO IS SUBJECT TO THE POLICY?

The Policy applies to all HVOOs required to register in the Register of owners and operators of heavy vehicles of the Commission pursuant to the *Act respecting owners, operators and drivers of heavy vehicles* and its implementing regulation, that is:

- HVOOs that own or operate heavy vehicles registered in Québec, whether the vehicles are operated in Québec or in another Canadian jurisdiction; and
- operators of heavy vehicles that are registered outside Canada but operated in Québec.

The Policy does not apply to HVOOs that own or operate heavy vehicles registered in a Canadian jurisdiction other than Québec. In such cases, the conduct of HVOOs is monitored by the jurisdiction where the vehicle is registered.

3. RESPONSIBILITIES OF OWNERS AND OPERATORS

Assessment of conduct is based on the respective responsibilities of owners and operators. Where a single person is both an owner and an operator, conduct review is based on all of those responsibilities. The responsibilities of heavy vehicle owners and those of operators are determined by the laws and regulations of Québec and by the corresponding laws and regulations applicable in other Canadian jurisdictions to HVOOs operating elsewhere in Canada.

3.1 RESPONSIBILITIES OF OWNERS

Owners must comply with their obligations to maintain their heavy vehicles and ensure that they are in good mechanical condition. Pursuant to the *Regulation respecting safety standards for road vehicles*, these responsibilities include:

- complying with the requirements respecting mandatory mechanical maintenance;
- repairing mechanical defects observed during roadside inspections or mechanical inspections performed by a road vehicle inspection agent at the request of a peace officer; and
- repairing mechanical defects observed during a circle check and an inspection specific to motor coaches.

3.2 RESPONSIBILITIES OF OPERATORS

The responsibilities of operators are outlined below.

3.2.1 Driver's qualifications and conduct

Operators must ensure that all drivers whose services they use:

- hold a valid driver's licence of the appropriate class for the heavy vehicle they drive;
- have the necessary endorsements for the heavy vehicle they drive and comply with the conditions attached to their driver's licence;
- comply with traffic rules and the general requirements of the *Highway Safety Code*;
- comply with the provisions of the *Regulation respecting the hours of driving and rest of heavy vehicle drivers*;
- where applicable, comply with the requirements for driving a heavy vehicle transporting dangerous substances and, in particular, the requirements for appropriate training, holding a valid training certificate, and the prohibition on travelling in tunnels; and
- comply with the provisions of the *Criminal Code*.

3.2.2 Rules for the use of a heavy vehicle

Operators must comply with the following regulations and ensure that the drivers whose services they use also comply with these regulations:

- the *Regulation respecting safety standards for road vehicles* (in particular, the circle check and the inspection specific to motor coaches);
- the *Cargo Securement Standards Regulation*;
- the *Vehicle Load and Size Limits Regulation*;
- the *Transportation of Dangerous Substances Regulation*; and
- the *Regulation respecting special permits* (in respect of oversized vehicles).

3.2.3 Involvement of heavy vehicles in an “at-fault accident”

Operators are liable for “at-fault accidents” involving heavy vehicles they operate.

4. CONDUCT RECORD

The SAAQ keeps a conduct record on each HVOO required to register in the Commission’s register. The events considered in monitoring and assessing the conduct of HVOOs are entered in their record.

Where a person is simultaneously an owner and an operator of heavy vehicles, the SAAQ enters in the person’s record all events related to both sets of responsibilities. The events entered in the record are events involving a heavy vehicle registered in Québec and occurring in Québec or in another Canadian jurisdiction.

In addition, events involving a heavy vehicle registered outside Canada and occurring in Québec are entered in the record of the operator concerned.

Events occurring in Québec and involving heavy vehicles registered in another Canadian jurisdiction are transferred to the record kept by that jurisdiction.

It is the duty of HVOOs to check their record on a regular basis to verify the accuracy of the events listed and have any necessary corrections made, if need be.

An example of an HVOO’s record (French only) showing the different sections it contains is given in Appendix 1.

5. CONTINUITY OF THE CONDUCT RECORD

Events continue to be entered in the record and considered in assessing an HVOO's conduct even if the HVOO changes its corporate name. Events also continue to be recorded for any new company resulting from a merger.

Moreover, the SAAQ informs the Commission of any case where an owner sells off a substantial number of heavy vehicles and has reached or exceeded the first- or second-level of intervention. The information transmitted to the Commission includes, among other things, the identity of the seller and of the purchaser(s).

6. ASSESSMENT MECHANISM

6.1 EVENTS CONSIDERED

The events entered in the record and considered in assessing conduct are outlined below.

6.1.1 Offences

The offences considered in assessing the conduct of an **operator** are those observed on the road or in a facility:

- for which the operator or the driver has been served a statement of offence;
- that the operator or the driver has been convicted of (with statement of offence);
- that have been documented in a general offence report.

The offences considered in assessing the conduct of an **owner** are those observed in a facility:

- for which a statement of offence has been served on the owner;
- that the owner has been convicted of (with statements of offence);
- that have been documented in a general offence report.

The SAAQ considers an offence in its assessment as soon as it receives notification of the offence, even if there has not yet been a conviction or a guilty plea.

However, as soon as it receives notification, the SAAQ:

- omits from consideration in its assessment of an HVOO's conduct any offence:³
 - that has been cancelled or withdrawn;
 - for which the HVOO has been found not guilty; or
 - that was not reported by the prosecuting body within the prescription period; and
- corrects the information concerning the type of offence and its weighting, if need be, where an offence is modified in the course of the criminal justice process.

Important information

A single offence may result in the filing of two statements of offence or two general offence reports: one for the operator and one for the driver. In such cases, the document issued to the driver is considered in the assessment and is assigned the appropriate weighting. The document issued to the operator continues to be listed in the operator's record, but without any weighting. If the statement of offence or general offence report issued to the driver is cancelled or withdrawn, or if the driver is found not guilty, then the statement of offence or the general offence report issued to the operator is considered in the conduct assessment and assigned the appropriate weighting.

The offences considered in assessing conduct and the weighting assigned to them are listed in Appendix 2.

6.1.2 Events related to alcohol-impaired driving

Events related to alcohol-impaired driving provided under the *Highway Safety Code* and the *Criminal Code* are considered in the operator's conduct assessment as soon as a report suspending the driver's licence is issued by a peace officer pursuant to sections 202.4 and 202.5 of the *Highway Safety Code*, regardless of the final outcome of criminal or penal proceedings.

6.1.3 "Driver" out-of-service orders

Responsibility for "driver" out-of-service orders is assigned to the operator. Such orders are issued in response to a violation of certain provisions of the regulations on hours of driving and rest for heavy vehicle drivers.

Important information

If an out-of-service order is imposed and one or more statements of offence or general offence reports are issued for the offence directly related to the out-of-service order, only the out-of-service order is considered in the assessment and assigned the appropriate weighting. Statements of offence or general offence reports related to the same offence as the out-of-service order continue to be listed in the operator's record, but without any weighting.

3. Such offences continue to be listed in the HVOO's record, but without any weighting.



If an out-of-service order is issued to the main driver, and another is issued to the co-driver, both out-of-service orders are listed in the operator's record and considered in the conduct assessment with the appropriate weighting.

If a statement of offence or general offence report is issued to the operator or the driver for any offence other than the one directly related to the out-of-service order, it is considered in the assessment, with the appropriate weighting.

6.1.4 Accidents

An accident is entered in the operator's record and considered in assessing the operator's conduct as soon as the SAAQ receives the accident report. If the operator considers that it is not responsible for an accident involving one of its heavy vehicles, it can submit proof of non-liability for the accident or file a written application, as applicable. If the proof or the written application is accepted, the operator is relieved of liability in the assessment of its conduct; however, the accident continues to be listed in the operator's record, but without any weighting.

If more than one heavy vehicle under an operator's responsibility is involved in the same accident, only one accident is entered in the record and considered in the assessment of the operator's conduct.

The procedures for submitting proof of non-liability or filing an application to be relieved of liability for an accident are outlined in Appendix 5.

6.1.5 Results of a mechanical inspection carried out during a roadside inspection

The results of a mechanical inspection carried out during a roadside inspection performed by a peace officer, or carried out by a road vehicle inspection agent at the request of a peace officer, are considered in the record and in the assessment of an owner's conduct (see section 6.2.1 C).

6.1.6 Events occurring in other Canadian jurisdictions

Events (offences, accidents, results of mechanical inspections, etc.) occurring on the territory of other Canadian jurisdictions concerning a heavy vehicle registered in Québec are entered in the HVOO'S record as they were observed and transmitted by the jurisdiction concerned. Furthermore, these events are considered in the HVOO's conduct review based on the provisions of the Policy, in particular, the weighting listed in the Policy's table of offences presented in Appendix 2.

HVOOs who wish to have corrections made to a statement of offence, an accident report, a mechanical inspection certificate (report), etc. issued by a jurisdiction other than Québec must file an application with the jurisdiction concerned.

6.2 CONDUCT ASSESSMENT TOOLS

All HVOOs required to register in the Commission's register are assessed for their conduct. In making such assessments, the SAAQ uses three tools to identify the HVOOs representing the greatest threat to road safety or the integrity of the road network, and to intervene gradually so that they may correct their behaviour:

- the ongoing conduct review;
- facility audits; and
- critical events.

6.2.1 Ongoing conduct review

A - General procedure for the ongoing conduct review

The events considered in the ongoing conduct review are those observed on the road. All such events are entered in the HVOO's record and continue to be listed in the record throughout the two-year window covered by the review. As time moves forward, events that have been listed for more than two years are deleted from the record, and the most recent events are added as they occur.

Events related to alcohol-impaired driving remain in the record for a period of ten years.

Events are categorized according to five conduct areas. One conduct area concerns owners, and the other four concern operators (see the table on the following page).

Threshold values (i.e., levels that HVOOs must not reach or exceed) are set for each conduct area used in the ongoing conduct review. These values are determined based on the size of the operator's heavy vehicle fleet and are presented in the table in Appendix 7. The ongoing conduct review procedure for operators and for owners is explained in greater detail below in sections B and C.



CONDUCT AREA	EVENTS CONSIDERED
OWNERS	
Vehicle safety	The results of any mechanical inspections carried out by a peace officer during a roadside inspection, or by a road vehicle inspection agent at the request of a peace officer. ⁴
OPERATORS	
Operational safety	Any offence related to road safety. ⁵ This includes “driver” out-of-service orders.
Involvement in accidents	Any “at-fault accident” ⁶ with injuries, for which a peace officer completes an accident report. Any “at-fault accident” with property damage only, provided all the following conditions are met: <ul style="list-style-type: none"> • A peace officer files an accident report. • One of the vehicles involved in the accident has to be towed. • The property damage is more than \$2,000.
Load and size limits	Any offence related to load and size limits, as well as to the conditions of special travel permits. ⁷
Operator’s overall conduct	All of the events in the operator category.

Important information

- The threshold values applicable for transporting passengers are different from those applicable for transporting goods.
- The threshold values applicable to an HVOO that owns or operates both heavy vehicles engaged in transporting passengers and heavy vehicles engaged in transporting goods are based on the total number of heavy vehicles used by the HVOO. Also, the threshold values in such a case are the values applicable to the HVOO’s main activity (i.e., the activity that employs the greater number of vehicles), whether it be transporting goods or passengers. If the same number of vehicles is used for each of those activities, the applicable threshold values are those for transporting passengers.
- The “load and size limits” conduct area does not apply to transporting passengers. Consequently, the “operator’s overall conduct” conduct area does not take into account offences related to load and size limits for that type of transportation.

4. Certain major mechanical defects are not considered in the ongoing conduct review since they are defined as critical major mechanical defects (see Appendix 3).

5. Refer to the table of offences in Appendix 2. Certain road safety offences are not considered in the ongoing conduct review since they are defined as critical events (see section 6.2.3).

6. A fatal accident is defined as a critical event (see section 6.2.3).

7. Certain offences related to load and size limits, as well as to the conditions of a special travel permit, are defined as critical events (see section 6.2.3).

- Ambulance transport is associated with passenger transportation, except for the “involvement in accidents” conduct area (see the table in Appendix 7).

B - Procedure for the ongoing conduct review of operators

Basis of weighting

Operators are assessed based on the total number of points assigned for events in each conduct area. Each event considered in a conduct area is assigned a weighting based on its degree of severity.

(a) Weighting of accidents:

- Accidents with injuries: 4 points;
- Accidents with property damage only (PDO):
 - 1 point for a PDO accident occurring in the territory of the island of Montréal and the cities of Longueuil, Laval and Québec,⁸ or on the exclusive towing network (“réseau routier de remorquage exclusif”),⁹
 - 2 points for a PDO accident occurring outside the exclusive towing network, outside the territory of the island of Montréal and the aforementioned municipalities, or in other Canadian jurisdictions;

(b) Weighting of offences¹⁰ in the “operational safety” conduct area:

- Offences grouped in this conduct area are assigned a weighting of 1 to 3 points.
- “Driver” out-of-service orders are assigned a weighting of 3 points.
- *Criminal Code* offences are assigned a weighting of 5 points.

(c) Weighting of offences in the “load and size limits” conduct area:¹¹

- 1 to 5 points based on the difference between the maximum total loaded mass allowed and the total loaded mass observed (ss. 463 and 513).
- 1 to 5 points based on the difference between the axle load limit allowed and the axle load observed (ss. 463 and 513).

8. The territory of L’Ancienne-Lorette is included in the territory of the city of Québec.

9. Refers to the highway network in the Montréal metropolitan region.

10. Refer to the table of offences in Appendix 2.

11. *Information Bulletin for Heavy Vehicle Drivers, Owners and Operators*, January 2014 edition. Refer to the table of offences in Appendix 2 for more details.



- 5 points for a difference of less than 20,000 kg between the weight allowed and the weight observed on a bridge or an overpass that has load restrictions (s. 291, 3rd par.).
- 1 to 5 points based on the difference between the dimensions allowed and the dimensions observed (height, width, length, overhang – ss. 463 and 513).
- 1 to 5 points for an offence related to the conditions of a special travel permit, in particular as regards the fitting of required equipment, the use of escort vehicles or compliance with special traffic rules (ss. 464, 468, 473, 473.1, 474 and 513).

Interventions by the SAAQ

The SAAQ intervenes by contacting operators when their total number of points reaches or exceeds 50%, 75% or 100% of the threshold value for any of the relevant conduct areas. It also intervenes whenever a serious offence is observed (see section 7.1.5).

C - Procedure for the ongoing conduct review of owners

Basis of weighting

Owners are assessed based on the number of mechanical inspections carried out on their heavy vehicles during roadside inspections and the number of “vehicle” out-of-service orders resulting from such inspections. Mechanical inspections carried out by road vehicle inspection agents at the request of a peace officer, along with their results, are also considered.

For the purposes of the assessment:

- each heavy vehicle inspected counts as one mechanical inspection. If a combination of two heavy vehicles is inspected, this counts as two mechanical inspections;
- only **full**¹² mechanical inspections and **partial** mechanical inspections during which major or minor mechanical defects are detected are considered for assessment purposes;
- only one “out-of-service” order is taken into consideration during a single roadside intervention when several major mechanical defects are detected on the same vehicle. An “out-of-service” order is taken into consideration for the tractor truck and another for the trailer if major mechanical defects are detected on both the tractor truck and the trailer;
- a mechanical inspection in which only **unforeseen** major mechanical defects are detected counts as a compliant mechanical inspection and is included in the total number of mechanical inspections¹³ considered in assessing conduct (see section 3 of Appendix 3).

12. A full inspection covers all the main vehicle components, i.e. lights and signals; steering system; frame, underbody and coupling device (if any); suspension; brakes; fuel and engine control systems; exhaust system; windows and rearview mirrors; accessories; tires and wheels; body. Thus, a Commercial Vehicle Safety Alliance (CVSA) level 2 inspection is considered partial because the peace officer only checks components that can be inspected without physically going under the vehicle.

13. A “vehicle” out-of-service order imposed as a result of an unforeseen major mechanical defect is not considered in assessing the owner’s conduct.

Interventions by the SAAQ

The SAAQ intervenes by contacting owners when they reach or exceed a certain rate or number of “vehicle” out-of-service orders.

(a) Rate of “vehicle” out-of-service orders as of which an intervention is made

A certain number of roadside mechanical inspections is required to calculate a rate of “vehicle” out-of-service orders. This number varies according to the size of the owner’s heavy vehicle fleet, as indicated in Table 1.

Table 1: Minimum number of mechanical inspections

Number of heavy vehicles	1 to 18	19 to 22	23 to 26	27 to 32	33 to 40	41 to 50	51 to 64	65 to 85	86 to 121	122 to 192	193 to 413	414 to 500	501 or more
Minimum number of mechanical inspections	10	11	12	13	14	15	16	17	18	19	20	21	25

The rate of “vehicle” out-of-service orders is then determined by dividing the number of mechanical inspections resulting in a “vehicle” out-of-service order by the total number of mechanical inspections performed.

Example: An owner has eight trucks that have been subjected to fifteen mechanical inspections. “Vehicle” out-of-service orders were imposed as a result of the three most recent inspections. The rate of “vehicle” out-of-service orders can therefore be calculated, since the owner’s heavy vehicles have been subjected to fifteen inspections, i.e. five more than the minimum number required (ten in this case) to calculate the rate. The owner’s rate of “vehicle” out-of-service orders is 20% (three “vehicle” out-of-service orders out of fifteen inspections). As a result, the owner will be sent a first-level warning letter.

SAAQ interventions based on the rate of “vehicle” out-of-service orders the owner has reached are shown in Table 2.

Table 2: Interventions based on the rate of “vehicle” out-of-service orders

Transportation of goods	Transportation of passengers	Intervention ¹⁴
From 20% to 24%	From 10% to 14%	First-level warning letter
From 25% to 29%	From 15% to 19%	Second-level warning letter
30% or more	20% or more	Notice of referral to the Commission

14. The SAAQ will take the action indicated in this column only if the number of “vehicle” out-of-service orders entered in an owner’s record equals or exceeds that indicated in Table 3.1 (Transportation of goods) or Table 3.2 (Transportation of passengers) on the following page.

(b) Number of “vehicle” out-of-service orders as of which an intervention is made

Where the **number of mechanical inspections is insufficient** to calculate a rate of “vehicle” out-of-service orders, the SAAQ intervenes as soon as the owner reaches or exceeds a certain number of out-of-service orders.

This number of “vehicle” out-of-service orders as of which an intervention is made varies depending on the number of heavy vehicles in the owner’s fleet, as indicated in Table 3.1 for transporting goods and Table 3.2 for transporting passengers.

Table 3.1: Transportation of goods

NUMBER OF “VEHICLE” OUT-OF-SERVICE ORDERS AS OF WHICH AN INTERVENTION IS MADE					
Intervention	1 to 18 vehicles	19 to 50 vehicles	51 to 413 vehicles	414 to 500 vehicles	501 vehicles or more
First-level warning letter	2	3	4	5	5
Second-level warning letter	3	4	5	6	7
Notice of referral to the Commission	4	5	6	7	9

Table 3.2: Transportation of passengers

NUMBER OF “VEHICLE” OUT-OF-SERVICE ORDERS AS OF WHICH AN INTERVENTION IS MADE			
Intervention	1 to 18 vehicles	19 to 413 vehicles	414 vehicles or more
First-level warning letter	1	2	3
Second-level warning letter	2	3	4
Notice of referral to the Commission	3	4	5

Example: An owner owns three buses that have been subjected to seven mechanical inspections. As a result of the inspections, one of these buses was ordered out of service. A rate of “vehicle” out-of-service orders cannot be calculated for this owner, since these vehicles were subjected to only seven inspections, i.e. three inspections fewer than the minimum of ten required to calculate a rate of “vehicle” out-of-service orders (see Table 1).

Table 3.2 (Transportation of passengers) must therefore be used to determine how the SAAQ will intervene. In this case, the owner will receive a first-level warning letter, since there has been only one “vehicle” out-of-service order for these three buses.

D - Determining the size of a heavy vehicle fleet for purposes of the ongoing conduct review

(a) Operator's heavy vehicle fleet

For the first year, a new operator's heavy vehicle fleet corresponds to the number of its motorized heavy vehicles registered in Québec, as reported by the operator at the time it registers in the Commission's register.

In subsequent years, the operator's heavy vehicle fleet corresponds to the average number of its motorized heavy vehicles registered in Québec, as reported by the operator for the two most recent years when its registration is renewed with the Commission's register.

The following motorized heavy vehicles registered in Québec are considered to be included in an operator's heavy vehicle fleet:

- vehicles owned or leased by the operator for one year or longer;
- vehicles used by the operator under a subcontract (with a broker).

In addition, in each of the following cases, only one motorized heavy vehicle is counted when the operator reports:

- that it leased one or more motorized heavy vehicles for less than one year. For example, if an operator reports that it leased ten heavy vehicles for less than one year, the SAAQ counts them as only one vehicle in calculating the size of the heavy vehicle fleet;
- that it used one or more motorized road vehicles with a gross vehicle weight rating (GVWR) of less than 4,500 kg to transport dangerous substances requiring the display of safety marks;
- that it used one or more motorized road vehicles with a GVWR of less than 4,500 kg to pull a trailer or semi-trailer with a GVWR of 4,500 kg or more.

Where an operator's heavy vehicles are registered outside Canada, only the vehicles operating in Québec are counted in the operator's heavy vehicle fleet.

(b) Owner's heavy vehicle fleet

A new owner's heavy vehicle fleet corresponds to the number of motorized heavy vehicles, as well as trailers and semi-trailers with a GVWR of 4,500 kg or more, that are registered in the owner's name and authorized for operation, according to the SAAQ's registration records.

In subsequent years, an owner's heavy vehicle fleet corresponds to the total of the following:

- the average annual number of motorized heavy vehicles registered in Québec in the owner's name and authorized for operation, according to the SAAQ's registration records; and
- the average annual number of trailers and semi-trailers with a GVWR of 4,500 kg or more registered in Québec in the owner's name and not prohibited from operation.

The method used to calculate the heavy vehicle fleet for owners and operators is explained in greater detail in Appendix 4.

6.2.2 Facility audits

Facility audits are conducted by Contrôle routier Québec in the Québec establishments of an operator or an owner. The purpose of such audits is to ensure, primarily by verifying the records and documents that HVOOs are required to keep on file, that HVOOs fulfil their obligations with regard to the following:

- for **operators** (the operator category): the qualifications and the conduct of the drivers in their service (including whether their drivers hold a valid driver's licence of the appropriate class) and the use of heavy vehicles (including compliance with regulations concerning the hours of driving and rest for heavy vehicle drivers and the circle check, as well as the inspection specific to motor coaches, if applicable);
- for **owners** (the owner category): compliance with the mechanical maintenance requirements for their heavy vehicles, including the inspection specific to motor coaches, and repair of any mechanical defects observed.

A - Conditions for considering the results of a facility audit in assessing conduct

To consider the results of a facility audit in assessing an HVOO's conduct, both of the following conditions must be met:

- The audit must enable the carrier enforcement officer to verify all applicable categories (both the operator category AND the owner category in the case of an HVOO, or a single category in the case of an owner or an operator that does not fulfil both roles).
- The rules for sampling spelled out in the Policy must be respected (including, where applicable, the rules for increasing the size of a sample outlined in point F of this section).

Missing records

For sampling purposes, a missing record is considered to be an audited record. A record is considered missing where the **owner** is unable to provide any of the following documents:

- a copy of the circle check reports referred to in section 519.2 of the *Highway Safety Code*;
- a document certifying the repair of any mechanical defects observed during a circle check or the mechanical maintenance referred to in section 198 of the *Regulation respecting safety standards for road vehicles*;
- the information and documents referred to in section 198 of the *Regulation respecting safety standards for road vehicles* relating to the mechanical maintenance of a heavy vehicle; or
- a document certifying the compliance of a heavy vehicle, if the vehicle was subject to a recall.

A record is also considered missing when the operator cannot provide any of the following documents: documents covered in subparagraphs (2) and (5) of the first paragraph of section 41 and documents covered in subparagraph (2) of the second paragraph of section 35 of the *Regulation respecting the hours of driving and rest of heavy vehicle drivers*.

B - Company having more than one establishment

Where an HVOO keeps driver or vehicle records in more than one establishment in Québec, the facility audit may be carried out in one or more of those establishments, provided all of the following conditions are met:

- The audit enables the carrier enforcement officer to verify all applicable categories.
- The sampling takes into account all of the company's drivers and heavy vehicles in Québec.
- The rules for sampling spelled out in the Policy are respected for each of the applicable categories.

C - Approach used for a facility audit

(a) For the **operator** category, the carrier enforcement officer determines the number of drivers whose services were used by the operator during the period covered by the audit. This number corresponds to the total of all drivers in any of the following situations during that period:

- the operator, if he or she is also a driver of a heavy vehicle;
- drivers employed by the operator;
- drivers whose services are supplied to the operator under a leasing contract; and
- drivers whose services are supplied under a contract through which a company provides the operator with the use of a heavy vehicle.

(b) For the **owner** category, the carrier enforcement officer determines the total number of heavy vehicles that have been registered in Québec in the owner's name for at least one year during the period covered by the audit. This includes all heavy vehicles in any of the following situations:

- motorized heavy vehicles registered in Québec in the owner's name and authorized for operation; and
- trailers and semi-trailers with a GVWR of 4,500 kg or more registered in Québec in the owner's name and not prohibited from operation.



- (c) The carrier enforcement officer samples a certain number of driver and vehicle records, based on the number of drivers and heavy vehicles used by the company. The size of the sample to be taken is indicated in Table 4.
- (d) The carrier enforcement officer verifies the records selected and documents any statements of offence served and general offence reports issued in respect of the operator and owner categories. A number of points is assigned for each offence corresponding to its degree of seriousness, as indicated in the table in Appendix 2.
- (e) The points assigned are totalled separately for each category (operator and owner).

Important information

An offence observed during a facility audit is considered only for the purpose of determining whether the HVOO passes or fails the audit. It is not considered for purposes of the ongoing conduct review.

D - Failing a facility audit

- (a) The HVOO is considered to have failed the audit as soon as the number of points accumulated equals or exceeds the threshold of offence points in either the owner category or the operator category. Table 4 shows the threshold values for the operator and owner categories based on the sample size, that is, the number of driver and vehicle records verified during the audit.

Table 4: Sample size and number of offence points resulting in failure on an audit

Based on the number of drivers or heavy vehicles used by the carrier																									
	1	2	3	4	5	6	7 to 10	11 to 12	13 to 15	16 to 18	19 to 22	23 to 26	27 to 32	33 to 40	41 to 50	51 to 64	65 to 85	86 to 121	122 to 192	193 to 413	414 to 500	501 or more			
Number of records to be verified	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	25			
Number of offence points at or above which the carrier fails the audit (owner or operator category) ¹⁵																									
Transportation of goods	6	7	9	11	12	13	15	16	17	19	20	21	22	23	24	25	26	27	28	30	31	35			
Transportation of passengers	4	5	6	7	8	9	10	11	12	13	14	14	15	15	16	16	17	18	19	20	21	24			

15. The threshold value for failure on an audit of an HVOO that owns or operates both heavy vehicles engaged in transporting passengers and heavy vehicles engaged in transporting goods is based on the total number of heavy vehicles used by the HVOO. Also, the threshold value in such a case is the value applicable to the HVOO's main activity (i.e., the activity that employs the greater number of vehicles), whether it be transporting goods or passengers. If the same number of vehicles is used for each of those activities, the applicable threshold value is that for transporting passengers.

(b) The HVOO is also considered to have failed the audit if a certain number of driver records or vehicle records are missing, as shown in Table 5.

Table 5: Number of missing records resulting in failure on an audit

Sample size, based on the number of driver records or vehicle records the HVOO is required to keep	Number of missing driver records or vehicle records
1 to 5	1
6 to 10	2
11 to 15	3
16 to 20	4
21 to 25	5
26 or more	20% of the number of records sampled ¹⁶

E - Review of facility audit results

The offences observed during a facility audit may be modified in the course of the criminal justice process.

When this occurs, the SAAQ makes the appropriate changes to the results of the facility audit, following the rules outlined in section 6.1.1. If the adjustment lowers the number of offence points below the threshold value, the SAAQ informs the HVOO. The SAAQ also informs the Commission, if the record has already been referred to the Commission.

F - Increasing the size of the sample

When a carrier enforcement officer verifies more records than the number indicated in Table 4, the failure threshold is increased accordingly to correspond to the actual number of records verified. When a carrier enforcement officer verifies more than 25 records (the maximum number stipulated in the table), the failure threshold is determined as follows:

$$\text{Failure threshold} = \frac{\text{Failure threshold stipulated for 25 records} \times \text{Number of records verified}}{25}$$

G - Intervention resulting from failure on a facility audit

The type of intervention resulting from failure on a facility audit depends on the owner's or operator's overall record (see section 7.2).

¹⁶ Fractions are rounded up to the next whole number.

6.2.3 Critical events

HVOOs are also assessed based on the critical events entered in their conduct record. Because they are extremely serious, critical events result in an immediate intervention by the SAAQ. The type of intervention depends on the HVOO's overall record (see section 7.2).

The list of critical events is as follows (the corresponding sections of the *Highway Safety Code* are indicated in parentheses):

A - Critical events for which the operator is considered responsible

- Being involved in a fatal accident for which the operator is partially responsible;
- Speeding at 41 km/h or more above the speed limit (ss. 299, 303.2, 328 and 329);
- Driving or having the care or control of a heavy vehicle with a blood alcohol concentration over 80 mg of alcohol per 100 ml of blood (s. 253 of the *Criminal Code*);
- Driving or having the care or control of a heavy vehicle:
 - with a learner's licence or a probationary licence and with alcohol in his or her system (s. 202.2);
 - with alcohol in his or her system, if the driver is 21 years of age or younger (s. 202.2);¹⁷
 - with a blood alcohol concentration equal to or above 50 mg of alcohol per 100 ml of blood (s. 202.2.1.2), where the heavy vehicle is neither a bus nor a minibus;¹⁸
- Driving or having the care or control of a bus or minibus with alcohol in his or her system (s. 202.2.1.1);¹⁹
- Refusing to obey the order of a peace officer to provide a breath, blood or other sample or to submit to a physical coordination test (s. 202.3 of the *Highway Safety Code* or s. 254 of the *Criminal Code*);²⁰
- Operating a heavy vehicle:
 - overloaded by 20,000 kg or more above the maximum total loaded mass allowed on a bridge or an overpass that has load restrictions (s. 291, 3rd par.);²¹

17. *Information Bulletin for Heavy Vehicle Drivers, Owners and Operators*, April 2012.

18. *Information Bulletin for Heavy Vehicle Drivers, Owners and Operators*, June 2012.

19. *Information Bulletin for Heavy Vehicle Drivers, Owners and Operators*, June 2012.

20. Since May 4, 2013, the driver's licence of any person who fails a physical coordination test required by a peace officer is suspended for a period of 24 hours. This suspension is entered in the operator's record, but it is not considered (weighting of zero) in the ongoing conduct review, nor is it considered a critical event (*Information Bulletin for Heavy Vehicle Drivers, Owners and Operators*, July 2013).

21. *Information Bulletin for Heavy Vehicle Drivers, Owners and Operators* presenting an overview of the new assessment approach for the "load and size limits" conduct area (weighting, threshold values, etc.), January 2014.

- overloaded by 20% or more above the maximum total loaded mass for standard transport (s. 463) or indicated on the special permit on a public highway, a bridge or an overpass (s. 513);
- overloaded by 15% or more above the maximum total loaded mass indicated on a Minister's permit on a public highway, a bridge or an overpass (s. 513);
- overloaded by 10% or more above the maximum gross vehicle weight indicated on a Class 5 or 6 special permit on a public highway, a bridge or an overpass (s. 513);
- Operating an oversized vehicle without a police escort, where such an escort is a condition of a special permit (s. 513);
- Travelling in a tunnel with dangerous substances (s. 646);
- Exceeding the maximum size authorized for a heavy vehicle for standard transport (s. 463) or indicated on a special permit (s. 513), including the load, by:
 - 0.5 m or more, for height;
 - 1 m or more, for width;
 - 5 m or more, for length;
 - 2.5 m or more, for any overhang in the front, rear and sides of the vehicle.

B - Critical events for which the owner is considered responsible

- Any critical major mechanical defect observed during a roadside inspection or during a mechanical inspection carried out by a road vehicle inspection agent at the request of a peace officer.
- A "vehicle" out-of-service order resulting from three or more major mechanical defects affecting three different mechanical systems.

The list of critical major mechanical defects is presented in Appendix 3.

7. INTERVENTION PROCESS

All interventions by the SAAQ are systematically based on the assessment carried out under this Policy. The SAAQ intervenes in two ways.

Firstly, it intervenes based on the ongoing conduct review and in a series of gradually escalating steps. For HVOOs, these interventions aim to:

- keep them informed if their record deteriorates;
- make them aware of how important it is to correct unsafe conduct before their record is referred to the Commission; and
- provide them with any information or explanations, as needed.

Secondly, the SAAQ intervenes immediately when serious or critical events occur or when an HVOO fails a facility audit.

7.1 PROCEDURE FOR AN INTERVENTION RELATED TO THE ONGOING CONDUCT REVIEW

The SAAQ intervenes in a series of gradually escalating steps as the HVOO's record deteriorates. Depending on the level of intervention that the HVOO reaches, either a letter or a notice is sent to the HVOO, along with a copy of its record.

7.1.1 First-level warning letter

The SAAQ sends a first-level warning letter when an **operator** reaches or exceeds 50% of the threshold value in one of the conduct areas in the operator category. If an operator reaches or exceeds 50% of the threshold value in more than one conduct area at the same time, only one warning letter is sent.

The SAAQ sends a first-level warning letter when an **owner**:

- reaches a rate of "vehicle" out-of-service orders between 20% and 24% for transporting goods, or between 10% and 14% for transporting passengers; or
- reaches or exceeds a certain number of "vehicle" out-of-service orders.

If an HVOO reaches or exceeds 50% of the threshold value in more than one conduct area in the operator category and a rate or number of "vehicle" out-of-service orders in the owner category at the same time, a warning letter is sent for each of those categories.

7.1.2 Second-level warning letter

The SAAQ sends a second-level warning letter when an **operator** reaches or exceeds 75% of the threshold value in one of the conduct areas in the operator category. If an operator reaches or exceeds 75% of the threshold value in more than one conduct area at the same time, only one warning letter is sent.

The SAAQ sends a second-level warning letter when an **owner**:

- reaches a rate of “vehicle” out-of-service orders between 25% and 29% for transporting goods, or between 15% and 19% for transporting passengers; or
- reaches or exceeds a certain number of “vehicle” out-of-service orders.

If an HVOO reaches or exceeds 75% of the threshold value in more than one conduct area in the operator category and a rate or number of “vehicle” out-of-service orders in the owner category at the same time, a warning letter is sent for each of those categories.

7.1.3 Notice of referral to the Commission

A notice of referral to the Commission is sent:²²

- when an **operator** reaches or exceeds the threshold value in one of the conduct areas in the operator category; or
- when an **owner**
 - reaches a rate of “vehicle” out-of-service orders of 30% for transporting goods, or 20% for transporting passengers; or
 - reaches or exceeds a certain number of “vehicle” out-of-service orders.

The notice is used to inform an HVOO that the HVOO’s record has deteriorated to the point that the file must be referred to the Commission. The HVOO’s unsafe conduct will be examined and measures may be imposed. If necessary, the HVOO’s safety rating will be adjusted.

The notice is sent to the HVOO by registered mail. If the HVOO feels that an adjustment should be made to its record, an application to do so must be submitted within 15 business days from the mailing date of the notice (see section 9).

7.1.4 Information letter for accidents with injuries

The SAAQ sends an information letter to the operator as soon as an accident with injuries is entered on its record, even if the operator has not reached 50% of the threshold value for the “involvement in accidents” conduct area.²³

22. Section 7.2.2 discusses the sending of a notice of referral to the Commission in the case of a combination of events.

23. *Information Bulletin for Heavy Vehicle Drivers, Owners and Operators*, January 2013.

7.1.5 Information letter for serious offences

Serious offences do not constitute critical offences. However, they are sufficiently serious for the SAAQ to intervene immediately to make the operator aware of the problem posed by such unsafe conduct.

In such cases, the SAAQ sends an information letter to the operator, together with a copy of the operator's record, as soon as the SAAQ is informed that such an offence has been committed. A similar letter, together with a copy of the driver's record, is also sent to the driver who committed the offence.

Such offences are included in the ongoing conduct review in the "operational safety" conduct area and are assigned the appropriate weighting, in the same way as other offences.

When an information letter is sent, that fact is noted in the operator's record.

The following are serious offences²⁴ (the corresponding sections of the *Highway Safety Code* are indicated in parentheses):

- speeding at 31 to 40 km/h above the speed limit (ss. 299, 303.2, 328 and 329);
- driving without being accompanied by the holder of a licence of the appropriate class, where the driver holds a learner's licence (s. 99);
- failure to perform a duty or fulfil an obligation required of a driver involved in an accident (ss. 168, 169, 170 and 171);
- driving carelessly or at an unsafe speed (s. 327);
- zigzagging back and forth while passing multiple vehicles (s. 342);
- passing where prohibited in the lane reserved for oncoming traffic (s. 345);
- failure to yield to any emergency vehicle whose lights or sound producing devices are in operation (s. 406);²⁵
- failure to reduce speed or change lanes when an emergency vehicle or tow truck:
 - with its flashing or rotating lights activated is stopped in a lane of a public highway (s. 406.1),
 - with an activated yellow arrow light is stopped on a public highway (s. 406.1);
- operating a heavy vehicle overloaded by 20% or more above:²⁶
 - the axle load limit allowed on a public highway, a bridge or an overpass for standard transport (s. 463),
 - the axle load limit indicated on the special permit on a public highway, a bridge or an overpass (s. 513);

24. Offences considered as serious are those that are weighted at 4 demerit points or more (*Information Bulletin for Heavy Vehicle Drivers, Owners and Operators*, December 2006).

25. *Information Bulletin for Heavy Vehicle Drivers, Owners and Operators* regarding sections 406 and 406.1 (Move-Over Law), September 2012.

26. *Information Bulletin for Heavy Vehicle Drivers, Owners and Operators* presenting an overview of the new assessment approach for the "load and size limits" conduct area, January 2014.

- operating a heavy vehicle overloaded by 15% or more above the axle load limit indicated on the Minister's permit or the Class 5 or 6 special permit (s. 513);
- failure to stop at a level crossing (railroad crossing) when driving a bus, a minibus or a heavy vehicle transporting dangerous substances requiring the display of safety marks (s. 413);
- driving in a race or for a wager or stake (s. 422);
- tolerating that a person ride on the running board or on any outer part of a vehicle in motion, or ride in the box or dump body of a vehicle in motion (s. 433) or hang onto, or be pulled or pushed by, a moving road vehicle (s. 434);²⁷
- Failure to stop at a distance of more than 5 m from a bus or minibus used to carry school children with its flashing red lights turned on or its compulsory stop signal activated (s. 460).

7.2 PROCEDURE FOR AN INTERVENTION RELATED TO A CRITICAL EVENT OR A FAILURE ON A FACILITY AUDIT

The SAAQ intervenes immediately in the case of a critical event or a failure on a facility audit. The type of intervention varies based on the HVOO's record.

7.2.1 Warning letter

The SAAQ first sends a letter to notify the HVOO that a critical event or a failure on a facility audit has been entered in the HVOO's record, and to make the HVOO aware that it must improve its conduct.

A copy of the HVOO's record is sent along with the warning letter.

7.2.2 Notice of referral to the Commission

The SAAQ sends an HVOO a notice that the HVOO's record has been referred to the Commission when:

- a fatal accident is entered in the HVOO's record; or
- one of the combinations of events described in Table 6 is entered in the HVOO's record.

The owner category is treated separately from the operator category.

The notice is sent to the HVOO by registered mail. If the HVOO feels that an adjustment should be made to its record, an application to do so must be submitted within 15 business days from the mailing date of the notice (see section 9).

²⁷. *Information Bulletin for Heavy Vehicle Drivers, Owners and Operators*, July 2013

Table 6: Combinations of events resulting in the referral of the record to the Commission

COMBINATIONS OF EVENTS IN THE OWNER’S RECORD
A critical major mechanical defect or a failure on a facility audit (owner category) has occurred within the past year; AND The record has reached the stage of a second-level warning letter for the “vehicle safety” conduct area.
Two failures on facility audits (owner category) have occurred within a period of two years.
Two critical major mechanical defects have occurred within a period of one year.
A critical major mechanical defect and a failure on a facility audit (owner category) have occurred within a period of one year.
COMBINATIONS OF EVENTS IN THE OPERATOR’S RECORD
A critical event not related to alcohol-impaired driving ²⁸ or a failure on a facility audit (operator category) occurred within the previous year, or a critical event related to alcohol-impaired driving occurred within the last two years; AND The record has reached the stage of a second-level warning letter in one of the conduct areas in the operator category.
Two failures on facility audits (operator category) have occurred within a two-year period.
Two critical events not related to alcohol-impaired driving have occurred within a one-year period.
Two critical events related to alcohol-impaired driving have occurred within a two-year period.
A critical event not related to alcohol-impaired driving has occurred; AND A critical event related to alcohol-impaired driving occurred within the last two years.
A critical event related to alcohol-impaired driving has occurred; AND A critical event not related to alcohol-impaired driving occurred within the last year.
A driver was involved in two critical events related to alcohol-impaired driving within the last ten years and was employed by the operator on an ongoing basis during that ten-year period.
A failure on a facility audit (operator category) has occurred; AND A critical event not related to alcohol-impaired driving occurred within the last year.
A failure on a facility audit (operator category) has occurred; AND A critical event related to alcohol-impaired driving occurred within the last two years.
A critical event, whether related or not to alcohol-impaired driving, has occurred; AND A failure on a facility audit occurred within the last year.

28. These critical events are currently related to alcohol-impaired driving only.

7.3 FORWARDING RECORD UPDATES TO THE COMMISSION

The SAAQ may forward an update of a record already referred to the Commission in any of the following situations likely to influence the Commission's decision:

- Events have been added to the record since it was referred to the Commission.
- Any of the conditions described in section 7.1.3 or 7.2.2 are met (i.e. conditions that would have triggered the record being referred to the Commission if it had not already been referred).
- The HVOO reaches or exceeds 125% of a given threshold value. Note that a new update will subsequently be forwarded to the Commission each time the HVOO exceeds, by an additional increment of 25%:
 - the applicable rate or number of "vehicle" out-of-service orders, in the case of an owner; or
 - the prescribed threshold value, in the case of an operator.

8. SPECIAL PROVISIONS REGARDING PUBLIC TRANSIT AUTHORITIES

The assessment and intervention procedure applied to public transit authorities is different from that applied to other HVOOs. This procedure includes the following provisions:

Follow-up and intervention by the Commission

- (a) Every six months, the SAAQ forwards the records of public transit authorities to the Commission, along with a summary table of the accident data entered in the records. The public transit authorities are also required to transmit information twice a year to the Commission concerning changes in their transport volume and their involvement in accidents.
- (b) The Commission periodically analyzes public transit authorities' records and the indicators concerning their involvement in accidents so as to monitor their traffic accident records. It intervenes in any case where it determines that a public transit authority represents an elevated risk for road safety.
- (c) Every public transit authority undergoes periodic safety audits to verify the mechanisms they have implemented to ensure road safety.

Follow-up and intervention by the SAAQ

The SAAQ applies all of the other assessment and intervention procedures provided for under the Policy. Thus, the SAAQ refers the record of a public transit authority to the Commission if any of the following situations occur:

- The public transit authority reaches or exceeds the threshold value for either the "operational safety" or "vehicle safety" conduct area.
- The public transit authority is involved in a fatal accident for which it is partially responsible.
- One of the combinations of events for the owner category or operator category (see section 7.2.2) is entered in the public transit authority's record.

9. ADJUSTMENTS TO RECORDS AND ADJUSTMENTS TO THE SIZE OF A HEAVY VEHICLE FLEET

In certain circumstances, the SAAQ may find it necessary to make adjustments concerning the content of a record or the size of a heavy vehicle fleet. It may do so at any time, on its own initiative or at the request of an HVOO. When an HVOO asks to have an event in its record corrected, it must provide the SAAQ with the required information and proof in support of the proposed adjustment. Once an adjustment has been made, the SAAQ confirms it by sending a letter to the HVOO, along with a copy of the revised record.

9.1 ADJUSTMENT TO EVENTS ENTERED IN A RECORD

The SAAQ may make adjustments to an event entered in a record on its own initiative or at the request of an HVOO. Such an adjustment may be made whenever events entered in an HVOO's record have to be modified, corrected, or deleted from the record.

The HVOO must send a written adjustment request to the following address:

Service du suivi du privilège de circuler
Société de l'assurance automobile du Québec
Case postale 19600, succursale Terminus
Québec (Québec) G1K 8J6
Fax: 418 643-1896

9.2 ADJUSTMENT TO THE SIZE OF A HEAVY VEHICLE FLEET

9.2.1 Adjustment by the SAAQ

The SAAQ may, at any time, make verifications or adjustments concerning the size of a heavy vehicle fleet. It may do so, in particular, in the following situations:

- An operator applies for a higher threshold value for the “involvement in accidents” conduct area due to the high kilometrage logged or an increase in the size of its heavy vehicle fleet due to heavy vehicles being operated on double shifts (see section 10).
- As the result of a verification using the calculation method outlined in Appendix 4, a difference is detected between the size of the heavy vehicle fleet indicated in an HVOO's record and the fleet size reported in the Commission's register.
- A merger between HVOOs occurs. In such a case, the SAAQ adjusts the size of the heavy vehicle fleet by adding the number of heavy vehicles registered in Québec that are owned or operated by each of the HVOOs at the time of the merger. Thereafter, the calculation method outlined in Appendix 4 applies.



9.2.2 Adjustment requested by an HVOO

An HVOO may request an adjustment to the size of its heavy vehicle fleet when:

- it receives a second-level warning letter from the SAAQ; or
- it receives a notice of referral to the Commission.

9.2.3 Result of an adjustment

No request from an HVOO for an adjustment to the size of an HVOO's heavy vehicle fleet can be accepted unless the resulting change in fleet size is equal to at least one heavy vehicle, as determined by the calculation method outlined in Appendix 4.

The revised heavy vehicle fleet size is used in assessing the HVOO until the next updating of its registration in the Commission's register.

The data concerning the number of heavy vehicles in an HVOO's fleet is transmitted to the Commission so that it can be used in any updating of the HVOO's registration in the Commission's register.

Furthermore, if the SAAQ determines, based on the proof it has on file, that the HVOO made a false statement when it registered with the Commission or when it updated its registration, the SAAQ will so inform the Commission, which may then take appropriate measures.

10. ADAPTING THE POLICY TO THE SPECIAL CIRCUMSTANCES OF CERTAIN OPERATORS

There are two special provisions under the Policy to account for the higher level of risk to which certain operators are exposed due to:

- high kilometrage logged in Québec;
- heavy vehicles operated on double shifts.

10.1 HIGH KILOMETRAGE LOGGED IN QUÉBEC

An operator may apply to the SAAQ to raise the threshold for the “involvement in accidents” conduct area to 125%, if it has logged a high kilometrage in Québec.

10.1.1 Eligibility conditions

For such an application to be granted, the operator must:

- have reached or exceeded the threshold value for the “involvement in accidents” conduct area; and
- show that, over the 24-month period preceding the application, it had logged an average annual kilometrage per motorized heavy vehicle registered in Québec of at least 120,000 km for transporting goods or at least 70,000 km for transporting passengers.

The average annual kilometrage per motorized heavy vehicle registered in Québec is determined by means of the following calculation:

- Add together the annual kilometrage logged in Québec for each motorized heavy vehicle registered in Québec and used by the operator over the 24-month period preceding the application.
- Divide the total kilometrage obtained in the preceding step by the annual number of motorized heavy vehicles registered in Québec and used by the operator over the 24-month period preceding the application. The number of motorized heavy vehicles is determined using the calculation method outlined in section 2 of Appendix 4.

The SAAQ may ask the operator at any time to provide new proof of the kilometrage logged.

10.1.2 Filing an application

The operator must send a written application to the Service du suivi du privilège de circuler (SSPC) at the following address:

Service du suivi du privilège de circuler
Société de l'assurance automobile du Québec
Case postale 19600, succursale Terminus
Québec (Québec) G1K 8J6
Fax: 418 643-1896

The application must be signed by the operator or by the operator's authorized representative and include proof of the kilometrage logged in Québec to the SAAQ's satisfaction. Upon receiving the application, the SAAQ verifies the size of the operator's heavy vehicle fleet. The SAAQ may modify that data, if necessary.

10.1.3 Conditions for maintaining the 125% threshold

Once the 125% threshold has been granted for the "involvement in accidents" conduct area, it remains in force for two years (as of the date on which the application was granted), unless the operator reaches or exceeds that threshold within the two-year period. In that case, the threshold reverts to its previous level and the operator's record is referred to the Commission.

10.1.4 Renewal

The operator must submit a new application to the SSPC two years following the date the initial application was granted in order to renew the 125% threshold for the "involvement in accidents" conduct area.

10.2 HEAVY VEHICLES OPERATED ON DOUBLE SHIFTS

An operator may apply to the SAAQ to increase the size of its heavy vehicle fleet to take into account vehicles operated on double shifts.

Definition of a heavy vehicle operated on double shifts

A heavy vehicle operated on double shifts is a motorized heavy vehicle registered in Québec and used:

- primarily and regularly by at least two drivers;
- on roads open to public vehicular traffic;
- for 3,500 hours or more over a period of 12 consecutive months preceding the operator's application OR 7,000 hours or more over a period of 24 consecutive months preceding the operator's application, for a minimum of 3,500 hours each year.

The size of the heavy vehicle fleet is increased, as applicable, by:

- one-half of a heavy vehicle for each motorized heavy vehicle operated on double shifts during one year; and
- one heavy vehicle for each motorized heavy vehicle operated on double shifts during two years.

The threshold values for the different conduct areas in the operator category are then adjusted based on the increased size of the operator's heavy vehicle fleet, as determined by the calculation method outlined in Appendix 4.

10.2.1 Eligibility conditions

For such an application to be granted, the following conditions must be met:

- one or more heavy vehicles in the operator's fleet must meet the above-mentioned criteria defining a heavy vehicle operated on double shifts;
- the operator must have reached or exceeded 75% of the threshold value for one of the conduct areas in the operator category or have received a notice of referral to the Commission. In the latter case, the operator must submit the application within 15 business days (see section 7.1.3); and
- the operator must undertake to complete the trip sheets, which must be available for inspection on demand, for each of the heavy vehicles that the operator claims to operate on double shifts. These trip sheets will enable the SAAQ to reassess the eligibility of the heavy vehicles in question when the operator renews its application. The sheets must also remain available for inspection for a period of one year in case of a facility audit.

10.2.2 Filing an application

The operator must send a written application to the Service du suivi du privilège de circuler (SSPC) at the following address:

Service du suivi du privilège de circuler
Société de l'assurance automobile du Québec
Case postale 19600, succursale Terminus
Québec (Québec) G1K 8J6
Fax: 418 643-1896



The application must be signed by the operator or by the operator's authorized representative. In order to prove that a motorized heavy vehicle is operated on double shifts, the operator must transmit the following information with its written application:

- a description of its operations and activities substantiating its claim concerning the motorized heavy vehicles operated on double shifts; and
- a list of the motorized heavy vehicles it claims to operate on double shifts, indicating for each vehicle
 - its vehicle identification number;
 - its registration number; and
 - the number of hours it was operated each month during the reference years.

The SAAQ reserves the right to deny any application it judges to be non-compliant or incomplete.

10.2.3 Calculating the size of a motorized heavy vehicle fleet

Before validating a claim concerning motorized heavy vehicles operated on double shifts, the SSPC applies the calculation method outlined in Appendix 4 in order to revise the size of the operator's heavy vehicle fleet. Additional supporting documents may be required.

10.2.4 Renewal

The operator must submit a new application each year, since claims concerning heavy vehicles operated on double shifts must be re-examined annually.

10.2.5 Heavy vehicle fleet size reported in the Commission's register

When an operator renews its registration in the Commission's register, each vehicle (including vehicles operated on double shifts) must be reported as a single vehicle.

11. EXCEPTIONAL CIRCUMSTANCES LEADING TO REFERRAL TO THE COMMISSION DES TRANSPORTS

The assessment mechanism provided for in the *Act respecting owners, operators and drivers of heavy vehicles* is designed to identify all heavy vehicle owners and operators exhibiting unsafe conduct, based on certain criteria. The Act also provides that the SAAQ may, after a summary assessment, transmit to the Commission the record of any owner or operator in the case of:

- an emergency; or
- a situation that threatens the safety of users of the public road network or the integrity of that network.

12. POLICY REVIEW PROCESS

Section 24 of the *Act respecting owners, operators and drivers of heavy vehicles* stipulates that, in order to make any amendments to its conduct review policy, the SAAQ must:

- consult the representatives of the HVOOs, according to the classes of road transportation services that it determines; and
- take into account any relevant factors noted by the Commission in its decisions.

APPENDIX 1

EXAMPLE OF AN HVOO'S RECORD (AVAILABLE IN FRENCH ONLY)

Québec, le 21 novembre 2016

WXY TRANSPORT INC.
1464 BOUL DE LA SÉCURITÉ
QUÉBEC QC G1K 8J6
Numéro d'identification: 12345678

Alcohol-related events remain on record for ten years from the date of their occurrence. Other events remain on record for two years.

1. RENSEIGNEMENTS AU REGISTRE DES PROPRIÉTAIRES ET EXPLOITANTS DE VÉHICULES LOURDS

Statut : Propriétaire et exploitant Cote : Satisfaisant MENTION : Non audité Date de la cote : 2015-07-03

2. PÉRIODES D'ÉVALUATION DU COMPORTEMENT

- Pour les événements alcool : du 2006-11-22 au 2016-11-21
- Pour les autres événements : du 2014-11-22 au 2016-11-21

3. ÉVALUATION CONTINUE

Évaluation du propriétaire	Nombre d'inspections de véhicules			Nombre de mises hors service	
	Québec	Hors Québec	Total	Effectuées	À ne pas atteindre
Sécurité des véhicules (voir 7)	7	1	8	3	5

Évaluation de l'exploitant	Nombre d'événements considérés			Nombre de points	
	Québec	Hors Québec	Total	Au dossier	À ne pas atteindre
Sécurité des opérations (voir 8)	35	2	37	93 (67%)	138
Charges et dimensions (voir 9)	13	0	13	33 (49%)	68
Implication dans les accidents (voir 10)	6	0	6	14 (27%)	44
Comportement global de l'exploitant	54	2	56	140 (75%)	186

4. ÉVÉNEMENTS CRITIQUES

Date	Prov.	Volet	Description/ Référence	Conducteur	No plaque/ Défendeur	Référence Légale
2014-11-22 Émis	QC	Exploitant	SUSP. ADMIN. ALCOOL > 50 MG PV-D12345678	Imprudent,	Jean	L123456 CS(20244)
2016-01-06	QC	Propriétaire	Pneus 901234567	Imprudent,	Jean	L123456

A notice of referral of the record to the Commission des transports is sent to the HVOO if a critical event related to alcohol within a period of two years is entered in the HVOO's record and the HVOO has received a second-level warning for any conduct area in the operator's ongoing conduct review.

In this case, the number of out-of-service orders entered in the record for regard to the out-of-service threshold based on the number of heavy vehicles owned results in a first-level warning letter being sent.

A second-level warning letter is sent when the HVOO reaches 75% of the threshold value for any conduct area in the ongoing conduct review.

5. RÉSULTATS DES INSPECTIONS EN ENTREPRISE (voir 11)

Date	Lieu	Propriétaire		Exploitant	
		Inspection	À ne pas atteindre	Inspection	À ne pas atteindre
2016-03-03	218 JACQUES CARTIER SAINT-PIE	3 réussite	23	24 Échec	

A warning letter is sent after a failure in one of the categories inspected.

6. ACTIVITÉ PRINCIPALE ET PARC DE VÉHICULES

Le parc de véhicules est calculé selon la politique d'évaluation. Il peut être différent des véhicules déclarés lors de l'inscription à la CTQ.

ACTIVITÉ PRINCIPALE : Transport de biens

PARC DE VÉHICULES CONSIDÉRÉS À TITRE DE PROPRIÉTAIRE

Véhicules motorisés immatriculés : 15,0 véhicules - année
 Remorques et semi-remorques déclarés : 24,0 véhicules - année
 POUR UN TOTAL DE : 39,0 véhicules - année

PARC DE VÉHICULES CONSIDÉRÉS À TITRE D'EXPLOITANT :

Véhicules motorisés déclarés : 48 véhicules - année
 Véhicules en double poste de travail reconnus : 2 véhicules - année
 POUR UN TOTAL DE : 50 véhicules - année

Operators may request to have the size of their vehicle fleet increased if some of the vehicles are operated on double shifts. To do so, they must meet the conditions indicated in section 10.2 of the Policy.

7. SÉCURITÉ DES VÉHICULES

Date	Province	Composante défectueuse/ No certificat de vérification	Conducteur	Numéro de plaque	Statut	Nombre de défauts
2014-12-05	QC	Inspection conforme 9612345	Imprudent, Jean	RE123456		0
2014-12-24	QC	Suspension 1234567	Imprudent, Jean	L123456		1
2015-01-28	QC	Système de freinage 9612345	Imprudent, Jean	L123456	Fortuit	0
2015-04-01	QC	Défectuosité mineure 961234567	Imprudent, Jean	L123456		0
2015-06-02	ON	Inspection conforme ONEA12345678	Imprudent, Jean	R123456		0
2015-10-03	ON	Pneus/roues/essieux ONEA12345678	Imprudent, Jean	L123456		1
2016-04-04	QC	Défectuosité mineure 9612345	Imprudent, Jean	R123456		0
2016-05-06	QC	Direction 1234567	Imprudent, Jean	L123456		1
T O T A L ==>						3

An out-of-service order resulting from an unforeseen major mechanical defect is not considered in the assessment. However, the mechanical inspection will be considered in calculating the percentage or the threshold for out-of-service orders, as the case may be.

Only major mechanical defects result in a "vehicle" out-of-service order.

In this one roadside interception, the driver was served a statement of offence and a "driver" out-of-service order for the same offence. The "driver" out-of-service order (but not the offence statement) is weighted at 3 points.

Québec, le 21 novembre 2016
Numéro d'identification: 12345678

8. SÉCURITÉ DES OPÉRATIONS

Date	Prov	Description / No événement	Conducteur	No Plaque/ Défendeur	Référence Légale	Statut	Pondé- ration
2014-11-25	QC	Immobilisation non sécuritaire 1004002123456789	Imprudent, Jean	L123456 Autres	CS386 951	Coupable	1
2014-11-28	ON	Mise hors-service conducteur ONEA01234567	Imprudent, Jean	L123456			3
2014-12-01	QC	Excès de vitesse 1234567	Imprudent, Jean	L123456 Conducteur	CS328 41	Émis	2
2014-12-15	QC	Excès de vitesse 12345678	Imprudent, Jean	L123456 Conducteur	CS328 41	Coupable	2
2014-12-16	QC	Fiches journalières 1004001234567890	Imprudent, Jean	L123456 Conducteur	CS519.10 201	Émis Non pondéré	0
2014-12-16	QC	Mise hors-service conducteur S300710004123456	Imprudent, Jean	L123456	Rég. heure		3
2014-12-19	QC	Excès de vitesse 123456	Imprudent, Jean	L123456 Conducteur	CS328 41	Coupable	3
2014-12-20	QC	Excès de vitesse 12345678	Imprudent, Jean	L234567 Conducteur	CS303.2 11	Émis	3
2014-12-21	QC	Port de ceinture de sécurité 1234567	Imprudent, Jean	L123456 Autres	CS396 11	Émis	3
2015-06-02	QC	Excès de vitesse 123456789	Imprudent, Jean	L123456 Conducteur	CS329 11	Coupable	3
2015-03-26	QC	Marche arrière dangereuse 9812345678	Imprudent, Jean	L456789	CS417 Conducteur 51	Coupable	3
2015-04-21	QC	Classe de permis 100400098765	Imprudent, Jean	L678912 Conducteur	CS106 14	Émis	3
2015-04-21	QC	Classe de permis 10040098766	Imprudent, Jean	L678912 Exploitant	CS106 14	Émis Non pondéré	0
2015-06-03	QC	Port de ceinture de sécurité 1234567	Imprudent, Jean	L123456 Autres	CS396 11	Coupable	3
2015-06-04	QC	Panneau d'arrêt 1234567	Imprudent, Jean	L123456 Conducteur	CS368 11	Coupable	3
2015-06-07	QC	Mise hors-service conducteur S12345678901234	Imprudent, Jean	L123456	Rég. heure 40(3)		3
2015-06-08	QC	Cellulaire au volant 1234567	Imprudent, Jean	L500144 Conducteur	CS439.1 101	Émis	3
2015-06-09	QC	Excès de vitesse 123456789	Imprudent, Jean	L123456 Conducteur	CS328 41	Coupable	3
2015-07-10	QC	Signalisation non respectée 1004003123456789	Imprudent, Jean	L123456 Conducteur	CS310 14	Émis	2
2015-07-11	QC	Cellulaire au volant 1004003123456789	Imprudent, Jean	L123456 Conducteur	CS439.1 101	Coupable	3
2015-08-12	QC	Immobilisation non sécuritaire 123456789	Imprudent, Jean	L123456 Conducteur	CS386 951	Coupable	1
2015-08-13	QC	Virage dangereux 1234567	Imprudent, Jean	L123456 Conducteur	CS352 52	Émis	2

In this one roadside interception, the driver received a statement of offence for driving a heavy vehicle without having the required class of licence, and the operator received a statement of offence for allowing him or her to drive without the required licence. The statement of offence served on the driver (but not the statement of offence served on the operator) is weighted at 3 points.

2015-09-22	QC	Fiche journalière 79012345	Imprudent, Jean	L678912 Conducteur	CS519.10 101	Émis	3
2015-10-14	QC	Matières dangereuses 1004003123456789	Imprudent, Jean	L123456 Exploitant	CS646 4614	Coupable	3
2015-10-15	QC	Feu jaune 1234567	Imprudent, Jean	L123456 Conducteur	CS361 52	Émis	3
2015-11-16	QC	Panneau d'arrêt 123456789	Imprudent, Jean	L123456 Conducteur	CS368 11	Coupable	3
2015-11-17	QC	Excès de vitesse 100400123456789	Imprudent, Jean	L123456 Conducteur	CS329 11	Émis	3
2015-11-18	QC	Panneau d'arrêt 100400123456789	Imprudent, Jean	L123456 Conducteur	CS368 11	Émis	3
2015-11-22	ON	Vitesse ou action imprudente 1003001234567890	Imprudent, Jean	L123456	HT130 1A	Coupable	1
2015-11-30	ON	Mise hors-service conducteur ONEA01234567	Imprudent, Jean	L123456			3
2015-12-04	QC	Excès de vitesse 1234567	Imprudent, Jean	L123456 Conducteur	CS328 41	Coupable	3
2015-12-05	QC	Feu jaune 12345678	Imprudent, Jean	L123456 Conducteur	CS361 52	Coupable	3
2015-12-06	QC	Excès de vitesse 1003001234567890	Imprudent, Jean	L123456 Conducteur	CS328 41		
2016-01-07	QC	Non-respect des heures 1004001234567890	Imprudent, Jean	L123456 Conducteur	CS519. 1404		
2016-01-08	QC	Signalisation non respectée 1004001234567890	Imprudent, Jean	L123456 Conducteur	CS291 55		
2016-05-09	QC	Excès de vitesse 123456789	Imprudent, Jean	L123456 Conducteur	CS328 41		
2016-11-20	QC	Rapport de ronde de sécurité 1004001234567890	Imprudent, Jean	L234567 Conducteur	CS519. 51		

This section includes sections of the Highway Safety Code that refer to load, size, and other operating conditions related to special travel permits. Offences are weighted on a 5-point scale (See Appendix 2).

9. CHARGES ET DIMENSIONS

Date	Prov	Description / No événement	Conducteur	No Plaque/ Défendeur	Référence Légale	Statut	Pondération
2014-11-23	QC	Surcharge axiale 1004001234567890	Imprudent, Jean	L123456 Exploitant	CS463 152	Coupable	2
2014-11-25	QC	Surcharge axiale 1004001234567890	Imprudent, Jean	L123456 Exploitant	CS463 152	Coupable	3
		le 7890	Imprudent, Jean	L123456 Exploitant	CS463 152	Émis	4
		le 7890	Imprudent, Jean	L123456 Exploitant	CS463 151	Émis	1
		de circulation 7890	Imprudent, Jean	L123456 Autres	CS513 3421	Coupable	1
		ssive	Imprudent, Jean	L567812 Exploitant	CS463 63	Émis	1
2015-06-12	QC	Port du permis spécial	Imprudent, Jean	L456789 Conducteur	CS464 51		
2015-07-11	QC	Surcharge masse totale 1004001234567890	Imprudent, Jean	L123456 Exploitant	CS463 55		
2015-09-12	QC	Permis spécial de circulation 1004001234567890	Imprudent, Jean	L123456 Autres	CS513 3495		

Offences for exceeding the axle load limit are weighted on a 5-point scale on the basis of the percentage difference between the axle load limit allowed and the axle load observed.

Offences for exceeding the maximum total loaded mass are weighted on a 5-point scale on the basis of the percentage difference between the load allowed and the load observed.

Québec, le 21 novembre 2016
 Numéro d'identification: 12345678

Fatal accidents do not appear in this section. They are considered critical events and appear in Section 4 of this document.

2015-09-13	QC	Permis spécial de circulation 1004001234567890	Imprudent, Jean	L123456 Autres	CS5 13			
2015-11-14	QC	Surcharge masse totale 1004001234567890	Imprudent, Jean	L123456 Exploitant	CS291 51	Émis	2	
2016-01-28	QC	Permis spécial de circulation	Imprudent, Jean	L4567892 Exploitant	CS513 595	Coupable	2	
2016-06-28	QC	Signal avertisseur absent	Imprudent, Jean	L4567892 Exploitant	CS474 11	Coupable	3	
T O T A L ==>								33

10. IMPLICATION DANS LES ACCIDENTS

Date	Prov.	% responsabilité	No D'événement	Conducteur	Numéro plaque	Gravité	Statut	Pondé- ration
2014-11-01	QC	Non disponible	123456789010001	Imprudent, Jean	L123456	Blessés		4
2014-12-02	QC	100 %	123456789010001	Imprudent, Jean	L123456	Dommages matériels		2
2015-02-02	QC	Non disponible	123456789010001	Imprudent, Jean	L123456	Dommages matériels		2
2015-06-10	QC	Non disponible	123456789010001	Imprudent, Jean	L123456			
2015-10-11	QC	100 %	123456789010001	Imprudent, Jean	L123456			
2016-06-12	QC	100%	123456789010001	Imprudent, Jean	R123456			
T O T A L ==>								14

Accidents with property damage only are weighted at 1 or 2 points based on the region where they occurred.

11. INSPECTION(S) EN ENTREPRISE

Date	Description / No rapport d'infraction	Conducteur	No plaque/ Défendeur	Référence légale	Statut	Pondé- ration
Événements consignés à votre dossier à la suite de l'inspection en entreprise qui a eu lieu le 2016-03-03 à QUELQUE PART Lors de cette inspection, 17 dossier(s) de conducteur et 0 dossier(s) de véhicule ont été vérifiés.						
2016-03-03	Non-respect des heures 1004001234567890	Imprudent, Jean	L123456 Conducteur	CS519.8.1 1401	Émis	3
2016-03-03	Fiche journalière 1004001234567890	Imprudent, Jean	L123456 Conducteur	CS519.10 301	Coupable	3
2016-03-03	Copie des fiches des heures 1004001234567890	Imprudent, Jean	L123456 Exploitant	CS519.25 101	Coupable	3
2016-03-03	Défaut de tenir les fiches 1004001234567890	Imprudent, Jean	L6789123 Exploitant	CS519.20 13	Émis	3
2016-03-03	Entretien des véhicules 1004001234567890	Imprudent, Jean	L456789 Exploitant	CS519.15 51	Émis	3
2016-03-03	Absence de documents requis	Imprudent, Jean		CS519.20 11	Émis	3
2016-03-03	Absence de documents requis	Imprudent, Jean		CS519.20 12	Émis	3
2016-03-03	Absence de documents requis	Imprudent, Jean		CS519.20 14	Émis	3
TOTAL À TITRE D'EXPLOITANT == >						24

Québec, le 21 novembre 2016
Numéro d'identification: 12345678

2016-03-03 Entretien des véhicules

Section 12 includes offences for which the HVOO has been found not guilty, accidents for which the HVOO has been recognized as non-labile, and events that have occurred with a heavy vehicle that involved the HVOO but that are not part of the conduct review. This provides a more complete picture of an HVOO's conduct.

12. AUTRES ÉVÉNEMENTS AU DOSSIER POUR LA PÉRIODE DU 2014-11-22 au 2016-11-21

Date	Prov.	No. d'événement	Conducteur	No plaque/ Défendeur	Référence légale	Statut/ Gravité
RAPPORTS ET CONSTATS D'INFRACTION						
2014-11-25	QC	S620702071234560	Imprudent, Jean	L123456 Exploitant	TR14 11	
2014-12-22	QC	1004001234567890	Imprudent, Jean	L3456738 Propr.	CS463 152	Coupable
ACCIDENTS						
2015-01-31	QC	123450701040001	Imprudent, Jean	L123456		Dommages Matériels
VÉRIFICATIONS MÉCANIQUES EFFECTUÉES PAR LES EMPLOYÉS DE LA SAAQ ET HORS QUÉBEC (DÉFECTUOSITÉS MAJEURES)						
2014-11-30	ON	ONEA12345678	Imprudent, Jean	RV12345		Exclu
INSPECTIONS EN ENTREPRISE						
Événements consignés à votre dossier à la suite de l'inspection en entreprise qui a eu lieu le 2016-03-03						
2016-03-03	QC	1004001234567890	Imprudent, Jean	L123456	CS519.10	
Exploitant	401					

Pour tout renseignement relatif à votre état de dossier, vous pouvez communiquer avec la SAAQ à l'adresse ou aux numéros suivants:
Service du suivi du privilège de circuler
333 boul. Jean-Lesage, N-4-43
Case postale 19600
Québec (Québec) G1K 8J6
Téléphone : 1-800-554-4814 (sans frais)
Télécopieur : (418) 643-1896
Courrier électronique: courrier@saaq.gouv.qc.ca

This offence is not considered in the "load and size limits" conduct area because the statement of offence is not served on the operator.

Pour les besoins de ce document, la forme et le gabarit de cet exemple peuvent différer de l'état de dossier que vous pouvez vous procurer en tout temps et gratuitement en communiquant avec le service mentionné ci-dessus.

APPENDIX 2

TABLE OF OFFENCES WITH THEIR WEIGHTING

The following list indicates all of the sections of the *Highway Safety Code* (HSC) or the *Criminal Code* (CC) considered in assessing the conduct of HVOOs. They are grouped together according to who is responsible (the operator or the owner) and the seriousness of the associated offence (the number of points assigned). For a more detailed explanation of each offence, refer to the section cited.

OFFENCES CONSIDERED IN ASSESSING AN OPERATOR'S CONDUCT²⁹

HSC – Offences with a weighting of 1 point

SECTION	DESCRIPTION
228	Using a rotating or flashing amber light where the special permit is no longer required
228.1	Using improperly the signs or signals required for a special permit
281	Using improperly or illegally a white headlight at the rear of a vehicle or a green rotating light
281.1	Driving a road vehicle whose windshield and windows are not clear of all substances which might hinder the driver's ability to see
292.0.1	Driving a slow vehicle in a lane other than the lane designated by the person in charge of highway maintenance
299	Speeding in a municipality (11 to 20 km/h over the speed limit) ³⁰
303.2	Driving at a speed over the indicated speed limit in a road construction or maintenance zone (11 to 20 km/h over the speed limit)
328, 329	Driving at a speed over the prescribed or indicated speed limit (11 to 20 km/h over the speed limit)
366	Entering an intersection equipped with traffic lights where there is not enough space to cross without blocking the intersection
377	Using flashing emergency lights for reasons other than safety
379	Using rotating or flashing amber lights where not necessary
381	Leaving a road vehicle unattended without removing the ignition key and locking the doors
382 to 387	Stopping a heavy vehicle in a way that is unsafe, improper or illegal
415	Entering or leaving a limited access highway otherwise than at the proper entrances or exits
425	Failing to dim vehicle headlights
436	Braking suddenly without reason
439	Driving a heavy vehicle in which a television set or a display screen is placed in such a way that the image displayed is directly or indirectly visible to the driver
440	Wearing headphones or earphones while driving
442	Having a passenger, an animal or an object placed in such a way as to obstruct the driver's view or interfere with the proper handling of the vehicle
458	Misusing the flashing red lights or compulsory stop signal on a school bus
459	Using the flashing red lights or compulsory stop signal on a school bus when it is not carrying school children

29. Refer to the chart at the end of the table for explanations of the weighting of the offences indicated in green.

30. Since June 6, 2012, offences for speeding (ss. 299, 303.2, 327, 328 and 329) or for failing to obey a red light (s. 359) recorded with a radar device or a camera surveillance system are no longer considered in the operator's conduct assessment.

463	<ul style="list-style-type: none"> Exceeding by less than 4% the maximum total loaded mass allowed on a public highway Exceeding by less than 10% the axle load limit allowed on a public highway, a bridge or an overpass Exceeding the height limit by less than 0.1 m Exceeding the width limit by less than 0.2 m Exceeding the length limit by less than 1 m
471, subpar. 4	Driving a vehicle carrying a load that is not placed, secured or covered in accordance with regulatory standards (according to the amount of the fine)
513	<ul style="list-style-type: none"> Exceeding by less than 4% the maximum total loaded mass indicated on the special travel permit on a public highway Exceeding by less than 10% the axle load limit indicated on the special travel permit on a public highway, a bridge or an overpass Exceeding the height limit by less than 0.1 m Exceeding the width limit by less than 0.2 m Exceeding the length limit by less than 1 m Exceeding the overhang limit by less than 0.5 m Failing to abide by the other conditions of the special travel permit (equipment, escort vehicle, traffic rules and regulations, etc.) (according to the amount of the fine)
646	Violating any of the standards under the <i>Transportation of Dangerous Substances Regulation</i> (according to the amount of the fine)

HSC – Offences with a weighting of 2 points

SECTION	DESCRIPTION
107	Failing to return one's licence, when requested to do so by the SAAQ, on the date that the revocation or suspension of the licence takes effect or on any later date fixed by the SAAQ
274	Failing to use a warning sign on a slow moving vehicle
291, 3rd par.	Driving an outsized or overloaded vehicle on a public highway where prohibited by signs or signals
293	Driving a vehicle where prohibited by signs or signals (special events, sports events)
299	Speeding in a municipality (21 to 30 km/h over the speed limit)
303.2	Driving at a speed over the indicated speed limit in a road construction or maintenance zone (21 to 30 km/h over the speed limit)
310	Failing to obey traffic signs or signals
312	Driving on private property to avoid a traffic sign or signal
320 to 324	Using traffic lanes improperly
325	Failing to use the right-hand lane when travelling at less than the normal speed of traffic
326	Crossing the median strip or other separation anywhere other than at the places provided for that purpose
328, 329	Driving at a speed over the prescribed or indicated speed limit (21 to 30 km/h over the speed limit)
330	Failing to reduce vehicle speed where conditions so require (darkness, fog, rain or other precipitation, or when the roadway is slippery or obstructed)
331	<ul style="list-style-type: none"> Driving a heavy vehicle at a low speed that may impede or obstruct normal traffic Failing to use emergency lights while driving at a low speed that may impede traffic
335, 336	Tailgating
340	Speeding up while being passed
341	Passing a bicycle in an unsafe manner
349, 350	Failing to yield the right of way
351 to 358	Making an unsafe or illegal turn
372 to 376	Failing to properly signal one's intention (to change direction, make a turn, etc.)
395	Driving a vehicle in which the seat belt has been removed, modified or rendered inoperative
418	Driving on the shoulder of a public highway

423	Driving a road vehicle equipped with white lights projecting a light beam toward the rear
424	Driving without turning on the headlights where conditions require them to be turned on
426	Carrying more passengers than there are seating positions equipped with seat belts or seats available for them to sit
432	Failing to stop a bus or minibus in the zones provided for that purpose, or on the far right-hand side of the roadway, when taking on or discharging passengers
437.1	Pulling a trailer or semi-trailer without using an adequate coupling device (lights, braking system, chains, cables, etc.)
437.2	Pulling a combination of road vehicles unless it is at the request of a peace officer or for reasons of safety
455	Carrying passengers who are not seated (a school bus while in motion)
463	<ul style="list-style-type: none"> • Exceeding by 4% to less than 8% the maximum total loaded mass allowed on a public highway • Exceeding by less than 4% the maximum total loaded mass allowed on a bridge or an overpass • Exceeding by 10% to less than 15% the axle load limit allowed on a public highway, a bridge or an overpass • Exceeding the height limit by 0.1 m to less than 0.2 m • Exceeding the width limit by 0.2 m to less than 0.4 m • Exceeding the length limit by 1 m to less than 2 m
471, subpar. 2	Carrying a load that reduces the driver's field of vision or blocks the vehicle's lights
471, subpar. 4	Carrying a load that is not placed, secured or covered in accordance with regulatory standards (according to the amount of the fine)
498	Allowing snow, ice or any other substances to fall from a vehicle while it is in motion
513	<ul style="list-style-type: none"> • Exceeding by 4% to less than 8% the maximum total loaded mass indicated on the special travel permit on a public highway • Exceeding by less than 4% the maximum total loaded mass indicated on the special travel permit on a bridge or an overpass • Exceeding by 10% to less than 15% the axle load limit indicated on the special travel permit on a public highway, a bridge or an overpass • Exceeding the height limit by 0.1 m to less than 0.2 m • Exceeding the width limit by 0.2 m to less than 0.4 m • Exceeding the length limit by 1 m to less than 2 m • Exceeding the overhang limit by 0.5 m to less than 1 m
519.5, 2nd par.	Failing to report a minor mechanical defect
519.8	Failing to distribute and secure freight, express and baggage hauled by a bus or minibus in compliance with the Code
519.15.3	Driving with a speed limiter that has not been activated, is not set at a maximum speed of 105 km/h, ³¹ is in poor working condition or does not allow the programming data to be read
519.16, 1st par.	Failing to place the applicable defect lists in the heavy vehicle or failing to ensure that the driver keeps them on board the vehicle
519.16, 2nd par.	<p>Failing to ensure that:</p> <ul style="list-style-type: none"> • the driver keeps the circle check report or the motor coach inspection report on board the vehicle • the driver or the designated person enter all information in the circle check report or the motor coach inspection report in accordance with standards prescribed by regulation
519.17, 2nd par.	Allowing a heavy vehicle that has a minor mechanical defect to be operated after 48 hours
519.19	Allowing the operation of a bus or minibus on which the freight, express and baggage are not distributed and secured in compliance with the Code
646	Violating any of the standards set forth in the <i>Transportation of Dangerous Substances Regulation</i> (according to the amount of the fine)

31. Offences related to the speed limiter are entered in the record, but are not currently weighted and considered in the assessment.

HSC – Offences with a weighting of 3 points

SECTION	DESCRIPTION
65	Driving a vehicle without holding a licence of the proper class or without having the prescribed endorsements
94	Holding more than one learner's licence, more than one probationary licence or more than one driver's licence of the same class
96	Allowing another person to drive using one's own driver's licence, or driving using another person's licence
98	Failing to comply with the conditions attached to a driver's licence
99	<ul style="list-style-type: none"> • Driving a vehicle while holding a learner's licence without being assisted by a person holding the proper licence • Driving a vehicle while holding a learner's licence and being assisted by a person who does not hold the proper licence
102	Refusing to surrender one's driver's licence to a peace officer
105	Driving a road vehicle while being under penalty
106	Allowing a person to drive who does not hold a licence of the appropriate class or whose licence is cancelled or suspended
146	Using a false document that could be mistaken for a licence
168	Failing to discharge the various obligations required of a driver involved in an accident
169	Failing to call for a peace officer when involved in an accident causing bodily injury
170	Failing, as a driver involved in an accident, to provide the information required
171	Failing to notify a peace officer in case of an accident, in certain circumstances
238	Failing to clean the headlights, lights and reflectors when ordered to do so by a peace officer
251	Installing or introducing a radar warning device in a vehicle, or any object that interferes with the functioning of a photo radar device or a red light camera system
267	Failing to clean the windshield and windows when ordered to do so by a peace officer
292	Failing to check the brakes where a sign or signal requires a mandatory stop at a brake verification area
292.1	Driving on a highway where signs or signals prohibit overloaded vehicles not equipped with a braking system prescribed by regulation
293.1, 3rd par.	Driving on a highway where prohibited by signs or signals for reasons of safety
299	Speeding in a municipality (31 to 40 km/h over the speed limit)
303.2	Driving at a speed over the indicated speed limit in a road construction or maintenance zone (31 to 40 km/h over the speed limit)
311	Failing to obey orders or signals given by a person in authority (school crossing guard, flag person or peace officer)
326.1	Crossing a solid line marking off lanes, where prohibited
327	Driving carelessly or at an unsafe speed
328, 329	Driving at a speed over the prescribed or indicated speed limit (31 to 40 km/h over the speed limit)
333	Driving a vehicle equipped with a radar warning device, or on which is placed any object or to which is applied any material capable of interfering with the operation of a radar device or a red light camera system
339	Carrying out an improper passing manoeuvre
342, 345 to 348	Carrying out an unsafe passing manoeuvre
359	Failing to obey a red light
359.1	Turning right at a red light where prohibited by a sign or signal or, if permitted by a sign or signal, turning right without first stopping
360	Failing to obey a flashing red light

361	Failing to stop at an intersection with an amber light
362	Failing to reduce speed or to yield the right of way at a flashing amber light
363, 364	Failing to yield the right of way at a green light or green arrow
365	Driving in a lane other than the lane indicated by a green arrow pointing downwards
367	Failing to stop at a traffic light that is defective or not in operation
368 to 370	Failing to obey a stop sign
371	Failing to yield the right of way to vehicles already travelling in the lane one is about to enter
396	Wearing an improperly fastened seat belt in a moving vehicle
402 to 405	Failing to yield the right of way
406	Failing to yield the right of way to an emergency vehicle with its lights or sound producing device in operation
406.1	Failing to reduce speed or change lanes when an emergency vehicle or tow truck with its flashing or rotating lights activated, or a road vehicle with an activated yellow arrow light signal, are stopped on a public highway
407 to 410	Failing to yield the right of way
411	Failing to stop one's vehicle at least 5 m from a railway
412	Entering a level crossing without sufficient space
413	Failing to stop at a level crossing when driving a bus, a minibus or a heavy vehicle transporting dangerous substances requiring the display of safety marks
416	Backing up where prohibited on a limited access highway
417	Backing up where such a manoeuvre is dangerous or obstructs traffic
421	Driving a vehicle to which a restrictive or prohibitive measure applies
422	Driving in a race or for a wager or stake
433	Tolerating that a person ride on the running board or on any outer part of a vehicle in motion, or in the box or dump body of a vehicle in motion
434	Tolerating that a person hang on to, or be pulled or pushed by, a moving road vehicle
437	Pulling another vehicle whose wheels remain on the ground, but without using a bar to solidly secure the vehicle
439.1	Using a hand-held device that includes a telephone function while driving ³²
456	Failing to use the flashing red lights or compulsory stop signal when stopping to take on or discharge passengers (bus or minibus used to carry school children)
457	Failing to use the flashing red lights or compulsory stop signal (bus or minibus used to carry school children stopped in single file)
460	Failing to stop one's vehicle at a distance of more than 5 metres from a bus or minibus used to carry school children with its flashing red lights turned on or its compulsory stop signal activated
463	<ul style="list-style-type: none"> • Exceeding by 8% to less than 12% the maximum total loaded mass allowed on a public highway • Exceeding by 4% to less than 8% the maximum total loaded mass allowed on a bridge or an overpass • Exceeding by 15% to less than 18% the axle load limit allowed on a public highway, a bridge or an overpass • Exceeding the height limit by 0.2 m to less than 0.3 m • Exceeding the width limit by 0.4 m to less than 0.6 m • Exceeding the length limit by 2 m to less than 3 m
464	Driving an oversized vehicle without carrying a special permit
470.1	Failing to drive one's vehicle to an inspection station and to facilitate inspection of the vehicle when ordered to do so by a peace officer or when required by a sign or signal

32. This prohibition does not apply to drivers of emergency vehicles in the exercise of their duties.

471, sub- pars. 1 and 3	Carrying a load that shifts around on the vehicle or falls from the vehicle, or interferes with its stability or handling
471, subpar. 4	Carrying a load that is not placed, secured or covered in accordance with regulatory standards (according to the amount of the fine)
472, 2nd par.	Failing to drive a vehicle with a load presenting a hazard to a suitable place when ordered to do so by a peace officer
473.1	Driving an outsized vehicle without carrying a special permit
474	Driving a road vehicle or combination of road vehicles without a warning device indicating that the load or equipment extends beyond the rear of the road vehicle or combination of road vehicles by more than one metre
513	<ul style="list-style-type: none"> • Exceeding by 8% to less than 12% the maximum total loaded mass indicated on the special travel permit on a public highway • Exceeding by 4% to less than 8% the maximum total loaded mass indicated on the special travel permit on a bridge or an overpass • Exceeding by less than 5% the maximum total loaded mass indicated on the Minister's permit on a public highway, a bridge or an overpass • Exceeding by 15% to less than 18% the axle load limit indicated on the special travel permit on a public highway, a bridge or an overpass • Exceeding by less than 10% the axle load limit indicated on the Minister's permit or the Class 5 or 6 special permit • Exceeding the height limit by 0.2 m to less than 0.3 m • Exceeding the width limit by 0.4 m to less than 0.6 m • Exceeding the length limit by 2 m to less than 3 m • Exceeding the overhang limit by 1 m to less than 1.5 m • Failing to abide by the other conditions of the special travel permit (equipment, escort vehicle, traffic rules and regulations, etc.) (according to the amount of the fine)
519.2	Failing to conduct a circle check of the heavy vehicle or to record observations in the circle check report
519.2.1	Driving a heavy vehicle for which a circle check has not been conducted
519.2.2	Driving a motor coach for which an inspection specific to motor coaches has not been conducted
519.3, 1st par.	Failing to complete, sign or update the circle check report
519.3, 2nd par.	Possessing more than one report for the same circle check
519.3, 3rd par.	Failing to countersign the circle check report or neglecting to send the original of the report to the proper party within the time prescribed by regulation
519.4	Failing to keep on board the vehicle the applicable defect lists, the circle check report or the motor coach inspection report, or refusing to surrender any of these documents to a peace officer
519.4.1	Driving a heavy vehicle without keeping the circle check report or the motor coach inspection report on board the vehicle
519.5, 1st par.	Failing to report a major mechanical defect
519.6	Driving a heavy vehicle with a major mechanical defect
519.7	Failing to inform the persons concerned that one's licence is not valid
519.8.1	<p>Failing to obey a prohibition from driving, particularly in the case of a driver:</p> <ul style="list-style-type: none"> • whose ability to drive is impaired • who is subject to an out-of-service order • who fails to comply with the standards respecting hours of driving and rest or the conditions attached to a permit

519.10	<ul style="list-style-type: none"> • Failing to keep the daily logs or to record the required information in them • Possessing more than one log for each day • Failing to keep the daily logs on board the vehicle • Entering inaccurate information • Failing to surrender the daily logs to an inspector or a peace officer
519.11	Failing to surrender the leasing contract or service contract to a peace officer
519.15.1	Failing to ensure that a circle check has been conducted
519.15.2, 1st par.	Allowing a heavy vehicle to be driven for which a circle check has not been conducted
519.15.2, 2nd par.	Allowing a motor coach to be driven for which an inspection specific to motor coaches has not been conducted
519.16, 3rd par.	Allowing a heavy vehicle to be driven where the circle check report or the motor coach inspection report was not kept on board the heavy vehicle
519.16, 4th par.	Failing to inform the owner of the heavy vehicle of mechanical defects observed or brought to the attention of the operator, or to send a copy of the circle check report to the owner
519.17, 2nd par.	Allowing a heavy vehicle that has a major mechanical defect to be operated
519.20	Failing to keep the records, reports, files and other documents prescribed
519.21.1	Requesting, requiring or allowing a driver to drive: <ul style="list-style-type: none"> • if the driver's ability to drive is impaired • if driving jeopardizes the safety or health of the public, the driver or the employees of the operator • if the driver is subject to an out-of-service order • if the driver fails to comply with section 519.9 (hours of driving and rest) and 519.10 (daily logs) of the <i>Highway Safety Code</i>
519.21.2	Failing to ensure that a driver complies with certain provisions of the <i>Highway Safety Code</i> respecting hours of driving and rest and daily logs
519.21.3	Failing to require a driver to maintain a daily log
519.25	Failing to file the daily logs and supporting documents at the place determined and in accordance with the standards prescribed by regulation
519.27	Failing to ensure that a driver drive the vehicle to an inspection station when required
519.28	Failing to drive one's heavy vehicle to an appropriate place (dangerous substances)
519.42	Failing to intervene to prevent a driver with an invalid licence from driving
519.52, 3rd par.	Operating, or failing to intervene to prevent a driver from operating, a vehicle whose braking system has been modified in such a way as to reduce its effectiveness
519.70, 2nd par.	Failing to comply with a carrier enforcement officer's order while having a road vehicle in one's care, possession or control
519.71	Failing to surrender books, registers, accounts, records or other documents to the person responsible for inspecting them or failing to cooperate so as to facilitate such an inspection
636	Failing to stop one's vehicle when ordered to do so by a peace officer
638.1	Hindering a peace officer in the performance of the officer's duties, namely: <ul style="list-style-type: none"> • misleading a peace officer by concealment or false statements • refusing to provide a peace officer with any information or document the officer is entitled to demand or examine • concealing or destroying any document or property relevant to an inspection
646	Violating any of the standards set forth in the <i>Transportation of Dangerous Substances Regulation</i> (according to the amount of the fine)

HSC – Offences with a weighting of 4 points

SECTION	DESCRIPTION
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463	<ul style="list-style-type: none">• Exceeding by 12% to less than 16% the maximum total loaded mass allowed on a public highway• Exceeding by 8% to less than 16% the maximum total loaded mass allowed on a bridge or an overpass• Exceeding by 18% to less than 20% the axle load limit allowed on a public highway, a bridge or an overpass• Exceeding the height limit by 0.3 m to less than 0.4 m• Exceeding the width limit by 0.6 m to less than 0.8 m• Exceeding the length limit by 3 m to less than 4 m
513	<ul style="list-style-type: none">• Exceeding by 12% to less than 16% the maximum total loaded mass indicated on the special travel permit on a public highway• Exceeding by 8% to less than 16% the maximum total loaded mass indicated on the special travel permit on a bridge or an overpass• Exceeding by 5% to less than 10% the maximum total loaded mass indicated on the Minister's permit on a public highway, a bridge or an overpass• Exceeding by less than 5% the maximum total loaded mass indicated on the Class 5 or 6 special permit on a public highway, a bridge or an overpass• Exceeding by 10% to less than 20% the axle load limit indicated on the special travel permit on a public highway, a bridge or an overpass• Exceeding by 10% to less than 15% the axle load limit indicated on the Minister's permit or the Class 5 or 6 special permit on a public highway, a bridge or an overpass• Exceeding the height limit by 0.3 m to less than 0.4 m• Exceeding the width limit by 0.6 m to less than 0.8 m• Exceeding the length limit by 3 m to less than 4 m• Exceeding the overhang limit by 1.5 m to less than 2 m

HSC – Offences with a weighting of 5 points

SECTION	DESCRIPTION
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291, 3rd par.	Exceeding by less than 20,000 kg the maximum total loaded mass allowed on a bridge or an overpass with load restrictions
463	<ul style="list-style-type: none">• Exceeding by 16% to less than 20% the maximum total loaded mass allowed on a public highway, a bridge or an overpass• Exceeding by 20% or more the axle load limit allowed on a public highway, a bridge or an overpass• Exceeding the height limit by 0.4 m to less than 0.5 m• Exceeding the width limit by 0.8 m to less than 1 m• Exceeding the length limit by 4 m to less than 5 m
468, 2nd par.	Refusing to drive an oversized vehicle to a suitable place when ordered to do so by a peace officer
473	Driving with an oversized load or equipment without having a special travel permit for that purpose

513	<ul style="list-style-type: none"> • Exceeding by 16% to less than 20% the maximum total loaded mass indicated on the special travel permit on a public highway • Exceeding by 16% to less than 20% the maximum total loaded mass indicated on the special travel permit on a bridge or an overpass • Exceeding by 10% to less than 15% the maximum total loaded mass indicated on the Minister's permit on a public highway, a bridge or an overpass • Exceeding by 5% to less than 10% the maximum total loaded mass indicated on the Class 5 or 6 special permit on a public highway, a bridge or an overpass • Exceeding by 20% or more the axle load limit indicated on the special travel permit on a public highway, a bridge or an overpass • Exceeding by 15% or more the axle load limit indicated on the Minister's permit or the Class 5 or 6 special permit on a public highway, a bridge or an overpass • Exceeding the height limit by 0.4 m to less than 0.5 m • Exceeding the width limit by 0.8 m to less than 1 m • Exceeding the length limit by 4 m to less than 5 m • Exceeding the overhang limit by 2 m to less than 2.5 m • Failing to abide by the other conditions of the special travel permit (equipment, escort vehicle, traffic rules and regulations, etc.) (according to the amount of the fine)
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CC – Offences with a weighting 5 points

SECTION DESCRIPTION

220, 221	Criminal negligence (death or bodily harm)
236	Manslaughter
249(1)(a)	Dangerous operation of a vehicle
249(3) and (4)	Dangerous operation of a vehicle causing bodily harm or death
249.1	Failure to stop one's vehicle when pursued by a peace officer, without reasonable cause and in order to evade the officer
252(1)	Failure to stop one's vehicle when involved in an accident
253	Impaired driving (alcohol, drugs or medications)
254(5)	Failure or refusal to provide a breath sample, blood sample or other type of sample, or to submit to a physical coordination test or an evaluation
255(2) and (3)	Impaired driving causing bodily harm or death

Weighting and fines for the offences indicated in green

Weighting of offences with regard to load securing standards (section 471, 4th par.) and the transportation of dangerous substances (section 646), according to the applicable fine

Driver		Operator	
Weighting	Fine	Weighting	Fine
1 point	\$90	1 point	\$175
2 points	\$175	2 points	\$350
3 points	\$350	3 points	\$700

Weighting of offences for failing to comply with the conditions attached to a special permit (section 513), according to the applicable fine

Driver		Operator	
Weighting	Fine	Weighting	Fine
1 point	\$90	1 point	\$150 or \$175
3 points	\$175	3 points	\$300 or \$350
5 points	\$350	5 points	\$600 or \$700

Important information

Section 513 of the *Highway Safety Code*

Under section 513 of the *Highway Safety Code*, a statement of offence may be served on the driver of a heavy vehicle, as well as on the holder of a special travel permit. The holder of the permit acts in the capacity of operator and must comply with all of the conditions attached to the special permit, including those that concern the installation of required equipment, the compliant use of escort vehicles or the observance of special traffic rules. When a statement of offence is served on the holder of a special permit, the offence is entered in the record of that permit holder as an operator and assigned the appropriate weighting³³.

Codes entitled “de situation”, “défendeur” and “véhicule”

These codes have no legal meaning and therefore cannot be interpreted in a restrictive manner. They appear on statements of offence for information purposes to assist prosecutors in their administrative duties.

OFFENCES CONSIDERED IN ASSESSING AN OWNER’S CONDUCT

Among the offences attributed to the owner, only the statements of offence and general offence reports served during a facility audit are considered. Assessment of an owner’s on-road conduct is based exclusively on the number of mechanical inspections and “vehicle” out-of-service orders.

HSC – Offences with a weighting of 2 points

SECTION	DESCRIPTION
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519.17, 2nd par.	Allowing a heavy vehicle that has a minor mechanical defect to be operated after 48 hours
519.21	Failing to correct a minor mechanical defect after receiving a notice from the manufacturer
531, 2nd par.	Resuming operation of a vehicle with a minor mechanical defect

HSC – Offences with a weighting of 3 points

SECTION	DESCRIPTION
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519.15, 1st par.	Failing to maintain one’s vehicles in good mechanical order or to respect maintenance standards
519.15, 2nd par.	Failing to conduct an inspection specific to motor coaches, to fill out the motor coach inspection report in accordance with standards prescribed by regulation or to leave the report on board the vehicle
519.17, 2nd par.	Allowing a heavy vehicle that has a major mechanical defect to be operated
519.18	Failing to obtain a copy of the circle check report
519.20	Failing to keep the records, reports, files and other documents prescribed
519.21	Failing to comply with a notice of a (major) mechanical defect from the manufacturer
519.71	Failing to surrender books, registers, accounts, records or other documents to the person responsible for inspecting them or failing to cooperate so as to facilitate such an inspection
534	Resuming operation of a vehicle with a major mechanical defect
638.1	Hindering a peace officer in the performance of the officer’s duties, namely: <ul style="list-style-type: none">• misleading a peace officer by concealment or false statements• refusing to provide a peace officer with any information or document the officer is entitled to demand or examine• concealing or destroying any document or property relevant to an inspection

33. This provision appeared in the December 2005 edition of the *Information Bulletin for Heavy Vehicle Drivers, Owners and Operators* (vol. 2, No. 1), and a reminder was published in the January 2013 edition of the *Information Bulletin for Heavy Vehicle Drivers, Owners and Operators*.

APPENDIX 3

CRITICAL MAJOR MECHANICAL DEFECTS AND UNFORESEEN MAJOR MECHANICAL DEFECTS

1. CRITICAL MAJOR MECHANICAL DEFECTS

The *Regulation respecting safety standards for road vehicles* defines all the major mechanical defects that are likely to be detected on a road vehicle. Certain major mechanical defects are considered to be critical defects because they can have a more serious impact on road safety.

Furthermore, it is important to specify that a combination of three major mechanical defects or more observed in at least three different mechanical systems of a heavy vehicle become a critical major mechanical defect.

Major mechanical defects or combinations of major mechanical defects observed outside of Québec are not considered critical. These major mechanical defects are entered in the owner's record as they were observed and transmitted by another Canadian jurisdiction.

The following list presents the major mechanical defects defined in the *Regulation respecting safety standards for road vehicles* that become critical major mechanical defects.³⁴

1.1 Chassis frame and body³⁵

Critical major mechanical defect when a heavy vehicle has any of the following major mechanical defects:

- A component of the chassis frame is broken, cracked or sags in a way that makes a mobile part and body touch, or any other condition indicating that a side rail will likely break down (s. 169, 1st par.);
- A component of the chassis frame is so cracked or broken that it hampers the good working order or reduces the solidity of a steering, suspension, coupling, engine or transmission component (s. 169, 2nd par.).

1.2 Steering

Critical major mechanical defect when the play in the steering wheel exceeds 50% or more of the values set forth in the Regulation, for a vehicle with a GVWR of 4,500 kg or more (s. 167, 7th par.), namely:

- Power steering:
 - **131**³⁶ mm where the diameter of the steering wheel is 500 mm or less;
 - **150** mm where the diameter of the steering wheel is more than 500 mm.

34. References to sections of the *Regulation respecting safety standards for road vehicles* are indicated in parentheses after each defect.

35. The names of mechanical components and their order may differ from previous versions of the Policy as a result of the harmonization with other documents concerning mechanical inspections.

36. Values defined on the basis of play in excess of 50% are rounded off to the next higher whole number.

- Standard steering:
 - **210** mm where the diameter of the steering wheel is 500 mm or less;
 - **294** mm where the diameter of the steering wheel is more than 500 mm.

1.3 Tires

Critical major mechanical defect where three or more tires of a heavy vehicle show any of the following major mechanical defects:

- A single tire or dual tires (both tires) in the same wheel assembly that are cut, worn or have any other damage exposing the cord, steel belt or tires designed for off-road driving (s. 170, 1st par.);
- A tire that has a bulge due to a defect in the carcass (s. 170, 3rd par.);
- A tire that is leaking air, is flat, is inflated only to 50% or less of the maximum pressure indicated on the sidewall (s. 170, 3rd par.);
- A single tire or dual tires (both tires) in the same wheel assembly having foreign material embedded in the tread or sidewall that could cause a puncture (s. 170, 3rd par.);
- A tire is touching a fixed part of the vehicle (s. 170, 4th par.).

1.4 Wheels, hubs and fasteners

Critical major mechanical defect where one or more of the following major mechanical defects are present on two or more wheels of a heavy vehicle:

- A wheel fastener is missing, cracked, broken or not securely fixed (s. 170, 6th par.);
- A wheel was repaired by welding or has a crack, a breach or an elongated bolt hole (s. 170, 7th par.);
- The oil of the wheel bearing is absent or is not visible through a sight glass (s. 170, 8th par.).

1.5 Suspension

Critical major mechanical defect where a heavy vehicle shows any of the following major mechanical defects:

- 50% or more of the leaf springs of an assembly are broken or missing (s. 168, 2nd par.);
- An air spring in a pneumatic suspension is absent (s. 168, 6th par.).

1.6 Exhaust system

Critical major mechanical defect where there is a leakage of exhaust gases from gasoline (does not apply to a gaseous fuel or diesel engine) under the passenger compartment where the floor is perforated or in the engine compartment (s. 171, 4th par.).

1.7 Hydraulic brake system

Critical major mechanical defect where two or more major mechanical defects are present on a heavy vehicle:

- A drum or disc is cracked (s. 164, 3rd par.);
- A wheel or combination of wheels are contaminated by oil or grease on the friction surface of a drum, disc or brake linings or are deeply rusted on both sides of the friction surface of a disc (s. 164, 6th par.);
- The level of the fluid in the reservoir of the master cylinder is lower than one-quarter of the maximum level specified by the manufacturer (s. 165, 2nd par.);
- The brake fluid leaks along the system, excluding oozing, whether or not the service brake is applied (s. 165, 3rd par.).

1.8 Pneumatic brake system

Critical major mechanical defect where three or more wheels, or three or more wheel assemblies, or 50% or more of the wheels or wheel assemblies of a heavy vehicle show any of the following major mechanical defects:

- A drum or disc is cracked (s. 164, 3rd par.);
- One of the components of the system is insecurely mounted, missing, crimped, damaged, deteriorated or worn in a way that considerably reduces the good working order of the brakes (s. 164, 5th par.);
- A wheel or combination of wheels are contaminated by oil or grease on the friction surface of a drum, disc or brake linings or are deeply rusted on both sides of the friction surface of a disc (s. 164, 6th par.);
- The travel of the control rod of a brake chamber exceeds by 6.4 mm or more the maximum setting value provided by the manufacturer (s. 166, 9th par.).

2. UNFORESEEN MAJOR MECHANICAL DEFECTS

The SAAQ recognizes that certain major mechanical defects may not be foreseeable and should not negatively influence the assessment of an owner's conduct.

The major mechanical defects listed below are considered to be unforeseen provided all of the following conditions are met:

- The mechanical defect is not attributable to the owner having neglected to see that mandatory maintenance is performed on the heavy vehicle;
- A circle check of the heavy vehicle was conducted, in accordance with regulatory standards;
- The mechanical defect is associated with one or more of the following situations:
 - it is unforeseeable,
 - it is caused by a factor unrelated to the vehicle, either an accident or an electrical problem that has just occurred.

No major mechanical defect observed outside Québec and transmitted by another jurisdiction can be considered unforeseen.

Important information

In the course of a trip, a driver must immediately cease operating a heavy vehicle as soon as a major mechanical defect is observed, even if it is unforeseen. The prohibition from operating the vehicle stems from the fact that the mechanical defect is major, regardless of whether it is foreseeable. In such a case, the driver must bring the vehicle to an immediate stop.

If the driver continues to operate the vehicle even after he or she becomes aware of an unforeseen major mechanical defect, it can no longer be considered unforeseen. A mechanical inspection conducted by a peace officer and the resulting “vehicle” out-of-service order will then be considered in the assessment of the owner’s conduct.

2.1 Engine control system

Unforeseen major mechanical defect where the engine does not return to idle when the accelerator is released, due to improper operation of the electric control system (s. 171, 1st par.).

2.2 Steering

Unforeseen major mechanical defect where:

- The power steering is out of order for any of the following reasons (s. 167, 3rd par.):
 - mechanical failure of the pump,
 - major leakage or oil missing as a result of an accidental line rupture;
- A line has a cut likely to cause an imminent break (s. 167, 4th par.).

2.3 Windshield wipers and windshield washer

Unforeseen major mechanical defect where driver’s side windshield wiper is not working as a result of an electrical problem (s. 163, 8th par.).

2.4 Headlights and lights

Unforeseen major mechanical defect where:

- A heavy vehicle is not equipped with at least one low beam in good working order (s. 163, 1st par.);
- A single-unit vehicle or the last vehicle in a combination of vehicles is not equipped with at least one rear parking light in good working order (s. 163, 1st par., subpar. 1);
- A single-unit vehicle or the last vehicle in a combination of vehicles is not equipped with at least one brake light in good working order (s. 163, 1st par., subpar. 1);
- A single-unit vehicle or the last vehicle in a combination of heavy vehicles is not equipped with at least one turn signal light located at the rear right or rear left in good working order (s. 163, 1st par., subpar. 2).

2.5 Tires

Unforeseen major mechanical defect where:

- A single tire or dual tires in the same wheel assembly are cut (s. 170, 1st par.);
- Dual tires in the same wheel assembly show wear below standards as a result of emergency braking (wheel lock) (s. 170, 2nd par.);
- A tire has a bulge due to a defect in the carcass (s. 170, 3rd par.);
- A tire is leaking air, is inflated to only 50% or less of the maximum pressure indicated on the sidewall (s.170, 3rd par.);
- A single tire or dual tires in the same wheel assembly have foreign material embedded in the tread or sidewall that could cause a puncture (s. 170, 3rd par.);
- A tire is touching a fixed part of the vehicle (s. 170, 4th par.).

2.6 Doors and other openings

Unforeseen major mechanical defect where an emergency exit warning light or buzzer is out of order (s. 163, 4th par.).

2.7 Glass and mirrors

Unforeseen major mechanical defect where the windshield is so damaged that the driver's visibility of the road and road signs is considerably reduced (s. 163, 7th par.).

2.8 Suspension

Unforeseen major mechanical defect where:

- A master leaf is broken (s. 168, 2nd par.);
- A leaf spring or a coil spring is so out of place that it touches a moving part (s. 168, 3rd par.);
- A torsion bar or a coil spring is broken and the vehicle is completely sagged (s. 168, 4th par.);
- An air leak in the pneumatic suspension cannot be made up for by the compressor where the engine is idling (s. 168, 5th par.).

2.9 Fuel system

Unforeseen major mechanical defect where there is a fuel leak, other than oozing from the fuel tank, along the fuel system as a result of an accidental rupture of a fuel line (s. 171, 2nd par.).

2.10 Hydraulic brake system

Unforeseen major mechanical defect where:

- A disc brake lining is missing, and the shoe touches the disc when the brakes are applied (s. 164, 4th par.);
- A flexible line bulges when under pressure (the line must not show any signs of wear or deterioration on its surface) (s. 165, 1st par.);
- The level of fluid in the reservoir of the master cylinder is lower than one-quarter of the maximum level specified by the manufacturer as a result of a leak in the system (s. 165, 2nd par.);
- The brake fluid leaks along the system, excluding oozing, whether or not the service brake is applied (s. 165, 3rd par.);
- The power brake is not working or not able to assist the driver for a brake application for any of the following reasons (s. 165, 7th par.):
 - Vacuum brake booster:
 - a line is ruptured;
 - Hydraulic power brake:
 - mechanical breakdown of the pump,
 - significant oil leak or shortage as a result of a line rupture,
 - electric pump does not work when the engine is turned off.

2.11 Pneumatic brake system

Unforeseen major mechanical defect where:

- No braking with the trailer as a result of a frozen relay valve (s. 164, 1st par.);
- A disc brake lining is missing, and the shoe touches the disc when the brakes are applied (s. 164, 4th par.);
- A flexible line bulges when under pressure, provided the line does not show any signs of wear or deterioration on its surface) (s. 166, 1st par.);
- An air pressure loss exceeds the standard as a result of a broken line or a brake chamber diaphragm (s. 166, 5th par.).

APPENDIX 4

CALCULATING THE SIZE OF AN HVOO'S HEAVY VEHICLE FLEET FOR PURPOSES OF AN ADJUSTMENT

1. FOR AN OWNER

An owner's heavy vehicle fleet corresponds to the average annual number of motorized heavy vehicles, as well as trailers and semi-trailers, with a gross vehicle weight rating of 4,500 kg or more registered in Québec in the owner's name. The following calculation method is used when determining the size of an owner's heavy vehicle fleet or when an adjustment becomes necessary.

1.1 Calculating the average annual number of motorized heavy vehicles registered in Québec

-
- Step 1 Identify all the motorized heavy vehicles registered in Québec in the owner's name for the two-year period covered by the assessment.
-
- Step 2 Determine the number of days each of those motorized heavy vehicles was authorized to be operated.
- Example: For a heavy vehicle authorized to be operated for the entire two-year period covered by the assessment, the number of days obtained is 730 (2 years x 365 days).*
-
- Step 3 Multiply the number of days calculated in the preceding step by the corresponding number of heavy vehicles.
- Example: For two heavy vehicles authorized to be operated for the entire two-year period covered by the assessment, the number of days obtained is 1,460 (2 vehicles x 730 days = 1,460 days).*
-
- Step 4 Total the number of days obtained in the preceding step.
- Example: For a heavy vehicle authorized to be operated for the entire two-year period and another heavy vehicle authorized to be operated for only one year, the number of days obtained is 1,095 (1 vehicle x 730 days) + (1 vehicle x 365 days) = 1,095 days.*
-
- Step 5 Divide the total obtained in the preceding step by 730 days (the number of days in the period covered by the assessment) to obtain the annual average. Fractions are rounded off to the nearest whole number.
- Another example: A person owned two motorized heavy vehicles throughout the period covered by the assessment (2 years = 730 days). However, one of those vehicles was put in storage for seven months (213 days). The average annual number of heavy vehicles in the owner's fleet for that two-year period is 1.7:*

$$\frac{(1 \text{ vehicle} \times 730 \text{ days}) + 1 \text{ vehicle} \times (730 - 213 \text{ days})}{730 \text{ days}} = 1.7 \text{ vehicles}$$

Rounded off to the nearest whole number, the final result is 2 heavy vehicles.

1.2 Calculating the average annual number of trailers and semi-trailers registered in Québec

The first step is to identify all the trailers and semi-trailers with a GVWR of 4,500 kg or more registered in Québec in the owner's name and not prohibited from operation during the two-year period covered by the assessment. The calculation method then follows the same steps as the one used for the owner's motorized heavy vehicles.

2. FOR AN OPERATOR

The size of an operator's heavy vehicle fleet is determined by calculating the average of the two most recent years as reported by the operator when updating its registration in the Commission's register. However, when an adjustment is made, the size of the operator's heavy vehicle fleet is the average annual number of motorized heavy vehicles registered in Québec and authorized for operation, calculated as follows:

-
- | | |
|--------|--|
| Step 1 | Identify all the motorized heavy vehicles that were registered in Québec, authorized for operation and operated during the period covered by the assessment (2 years). |
| Step 2 | Determine the number of days during which each of those motorized heavy vehicles was operated. |
| Step 3 | Multiply the number of motorized heavy vehicles by the number of days during which each of those vehicles was operated. |
| Step 4 | Total the results obtained in the preceding step. |
| Step 5 | Divide the total obtained in the preceding step by 730 days (the two-year period covered by the assessment) to obtain the annual average. Fractions are rounded off to the nearest whole number. |
-

Example: A person operates six motorized heavy vehicles that he owned throughout the period covered by the assessment. The person also leased four other vehicles for seven months (213 days) during the same period. The average annual number of heavy vehicles operated in Québec by that operator during those two years is 7.16.

$$\frac{(6 \text{ vehicles} \times 730 \text{ days}) + (4 \text{ vehicles} \times 213 \text{ days})}{730 \text{ days}} = 7.16 \text{ vehicles}$$

Rounded off to the nearest whole number, the final result is 7 vehicles.

APPENDIX 5

PROOF OF NON-LIABILITY FOR AN ACCIDENT

The SAAQ has implemented a program under which operators may be relieved of liability for accidents in the conduct assessment. An operator may file an application to have liability for any type of accident withdrawn from its record. Various options are available to the operator, depending on whether the event was a fatal accident, an accident with injuries or an accident with property damage only (PDO).

1. PROOF OF NON-LIABILITY PROVIDED BY AN INSURER

In the case of a fatal accident, an accident with injuries or an accident with property damage only, an operator may transmit a notice of non-liability provided by the insurer in order to be relieved of liability in its conduct assessment.

If the application is denied, the SAAQ notifies the operator of its decision in writing and informs the operator about the procedure to follow should it wish to appeal that decision.

2. ACCIDENTS WITH PROPERTY DAMAGE ONLY (PDO)

In the case of an accident with property damage only, the operator may submit a written application to be relieved of liability for the accident in its conduct assessment without having to provide a notice from its insurer.

2.1 Written application

The operator must send a written application to be relieved of liability for the accident to the SSPC at the following address:

Service du suivi du privilège de circuler
Société de l'assurance automobile du Québec
Case postale 19600, succursale Terminus
Québec (Québec) G1K 8J6
Fax: 418 643-1896

The SAAQ will analyze the application based on the accident report.

- If it is granted, the operator will be relieved of liability for the accident in the conduct assessment.
- If the application is denied, the SAAQ will notify the operator in writing. If the operator nevertheless maintains its claim of non-liability, it must submit a notice of non-liability from its insurer or from an independent claims adjuster registered with the Autorité des marchés financiers du Québec. The procedure for submitting a notice from a claims adjuster is outlined in point 3.3

2.2 Towing carried out on the exclusive towing network

An accident with property damage only is weighted at 1 point, rather than 2 points, for an accident occurring on the exclusive towing network of the Montréal metropolitan region.

If 2 points were entered in the record for that accident, the operator must submit a written request to the SSPC for the accident to be weighted at 1 point (instead of 2 points) and, if possible, enclose a copy of the towing invoice. The SSPC will check whether the accident described in the accident report is on the exclusive towing network.

3. FATAL ACCIDENTS OR ACCIDENTS WITH INJURIES

In the case of a fatal accident or an accident with injuries, an operator may submit an application to be relieved of liability for an accident from the conduct assessment without having to provide a notice from its insurer. To be sure to submit all of the required information, the operator may base its application on the *Notice of Non-Liability for an Accident* form (an example of that form is enclosed at the end of this appendix).

3.1 “SAAQ cases”

The SAAQ has determined that the operator is not responsible in certain specific accident situations, which are called “SAAQ cases.” In those situations, the operator may submit a written application to the SSPC to be relieved of liability for an accident in the conduct assessment.

In order for such an application to be accepted, the accident report must clearly indicate that the accident corresponds to one of the 13 following situations:

1. a collision between a moving vehicle and a legally parked heavy vehicle;
2. a collision between a vehicle and the rear end of a heavy vehicle it is following in its lane;
3. a collision between a vehicle and the rear end of a heavy vehicle, where the heavy vehicle is stopped in its lane because of traffic signs or signals (stop lights, stop signs, etc.), or signals given by a peace officer or by any other person assigned to control traffic (during road construction, for example);
4. a collision between a vehicle and the rear end of a heavy vehicle stopped in its lane to make a turn;
5. a collision between a moving vehicle and a stopped school bus or minibus with its red lights flashing and stop sign deployed;
6. a collision between a vehicle and the rear end of a heavy vehicle that is required to stop at a level crossing;
7. a collision between a heavy vehicle and an object fallen from another vehicle;
8. a collision between a heavy vehicle and another vehicle backing up or making a U-turn;
9. a collision between a heavy vehicle and an animal, with no other vehicle involved;

10. a side collision between a heavy vehicle travelling in its lane and another vehicle travelling in the same direction and changing lanes;
11. a collision between a heavy vehicle travelling in its lane and another vehicle merging with traffic;
12. a rear-end or side collision between a vehicle and an emergency or road maintenance vehicle that is stopped on a public road for emergency or work-related reasons;
13. a collision between a vehicle and the rear end of a bus that is stopped at a location reserved for buses (bus stop, passenger drop-off zone).

3.2 Proof of non-liability provided by the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)

The operator may submit a letter or a document from the CNESST (formerly the CSST) to be relieved of liability for an accident in the conduct assessment. The letter or document must clearly indicate that the driver of the heavy vehicle involved in the accident was not at fault.

3.3 Proof of non-liability provided by a motor vehicle claims adjuster

In order to be accepted, the proof provided by a claims adjuster must contain the following information:

- the applicable number in the *Drivers' Fault Chart* of the *Direct Compensation Agreement for the Settlement of Automobile Claims*;
- information about the claims adjuster, particularly the number of the adjuster's certificate issued by the Autorité des marchés financiers du Québec;
- information about the company, the accident and the documents consulted in order to determine the driver's non-liability; and
- in the case of an accident involving a pedestrian or a cyclist, the reasons why the driver involved was not at fault.

4. AN OPERATOR AUTHORIZED TO TRANSMIT ITS OWN PROOF OF NON-LIABILITY

An operator may submit its own proof if it is authorized to do so, except in the case of fatal accidents (see section 4.2.2).

4.1 Conditions to be met in order to become an authorized operator

- The company's internal accident investigation procedure must be evaluated to determine whether it complies with accepted practice in the insurance field. The evaluation must be done at the operator's expense by an independent claims adjuster duly certified by the Autorité des marchés financiers du Québec.
- A certificate of compliance issued by the claims adjuster who evaluated the accident investigation procedure must be sent to the SAAQ, along with a copy of the certificate signed by the officers of the company.
- The operator must meet the following requirements in respect of its record with the SAAQ for the two-year period preceding the date on which the application is received by the SAAQ:
 - The operator must not have reached the first-level threshold (50% of the threshold value) for the "involvement in accidents" conduct area.³⁷
 - The operator must have maintained a "satisfactory" safety rating.
 - The operator must not have failed a facility audit.

If an administrative unit is responsible for transmitting proof on behalf of a group of companies, the entire group of companies, both current and future, automatically qualifies as an authorized operator. However, each company must meet the above-mentioned eligibility conditions.

4.2 Transmitting proof of non-liability

The information required varies according to the type of accident.

4.2.1 Accidents with injuries or with property damage only

For accidents with injuries and accidents with property damage only, the operator must submit proof that contains the following information:

- the applicable number in the *Drivers' Fault Chart* of the *Direct Compensation Agreement for the Settlement of Automobile Claims*;
- information about the company, the accident and the documents consulted in order to determine that the driver was not at fault; and
- in the case of an accident involving a pedestrian or a cyclist, the reasons why the driver involved was not at fault.

37. For a public transit authority, the requirements for becoming an operator authorized to submit its own proof of non-liability for accidents are the following: It must have a "satisfactory" safety rating and not have failed a facility audit.

4.2.2 Fatal accidents

For fatal accidents, an operator must submit proof provided by its insurer or an independent claims adjuster duly certified by the Autorité des marchés financiers du Québec.

The operator must retain the documents used to determine non-liability for an accident until receiving notification from the SAAQ that the proof has been accepted. This precaution is necessary in case the SAAQ requires additional information to validate the proof submitted.

4.3 Conditions required for an operator to retain its authorization

To continue to retain its authorization, the operator must continue to meet all of the following conditions:

- The operator must not reach the first-level threshold for the “involvement in accidents” conduct area.
- The operator must maintain a “satisfactory” safety rating.
- The operator must not fail a facility audit.
- The operator must not submit more than two proofs that are subsequently rejected.

An operator may lose its authorization if more than two of the proofs of non-liability it has submitted are subsequently rejected when analyzed by an SAAQ claims adjuster within a period of two years or less (see Appendix 7).

A group of companies may lose its authorization if one of the companies no longer meets any of the conditions listed above.

4.4 Renewal of the authorization

The authorization must be renewed every three years. To renew its authorization, an operator must provide the SAAQ with a new certificate of compliance in respect of its internal accident investigation procedure issued by an independent claims adjuster duly certified by the Autorité des marchés financiers du Québec.

5. DECISION BY THE SAAQ AND POTENTIAL RECOURSE

5.1 Disputable proof of non-liability for an accident

Proof of non-liability for an accident may be analyzed by an SAAQ claims adjuster if the SAAQ considers that the proof is disputable. Proof is considered disputable if:

- the information in the proof provided by the operator does not match the information in the accident report;
- the information in the accident report or in the proof provided by the operator is vague or ambiguous; or
- the operator or the operator's claims adjuster's findings did not clearly indicate whether or not the heavy vehicle driver involved in the accident was at fault.

If the SAAQ's expert finds that the heavy vehicle driver involved in the accident was at fault, liability for the accident will be maintained in the assessment of the operator's conduct. The SAAQ will send the operator written notification of its decision, and also inform the operator of the procedure for appealing the decision.

5.2 Appealing a decision

To appeal a decision, the operator must file a written application for appeal within ten days of receiving the notice from the SAAQ. The SAAQ will then have the proof of non-liability analyzed by another independent claims adjuster, who will inform the operator in writing of the results of the analysis.

If the claims adjuster upholds the SAAQ's decision, the operator must pay the claims adjuster's professional fees. However, if the claims adjuster finds that the driver was not at fault, the SAAQ will pay the professional fees.

Accidents occurring outside Québec

An operator wishing to be relieved of liability for an accident with injuries or a fatal accident occurring outside Québec must also transmit proof of non-liability for the accident, unless the accident is an "SAAQ case." For an accident with property damage only that occurred outside Québec, the operator may transmit a written application in the same way as for an accident that occurred in Québec.

Notice of Non-Liability for an Accident

Before completing this form, you should read the support information that appears on [page 2](#).

Authorized operator
(Fill out sections 1, 2, 3, 4 and 6)

Operator doing business with a certified claims adjuster
(Fill out all sections)

Section 1 – INFORMATION ON OPERATOR

Corporate name (or name) of operator			Last name and first name of respondent authorized by operator, if applicable		
Address	Number	Apt., office or floor	Street	P.O. box	Postal station
City, town, village or municipality			Province	Postal code	
Telephone		Fax	Email		

Section 2 – INFORMATION ON ACCIDENT

Accident report number	Date of accident	Year-Month-Day	Licence plate number of vehicle involved in accident
Last name and first name of operator's driver involved in the accident			

Section 3 – DETERMINATION OF LIABILITY FOR THE ACCIDENT (Section A or B)

a) Collision between two or more vehicles

– Indicate the case of the Driver's Fault Chart¹ of the Compensation Agreement that applies to the accident. Fault Chart Case

– Check off the percentage of liability of the driver involved in the accident. 0% 50% 100%

Reasons why the driver is not at fault. (Use a separate piece of paper if required.)

b) Collision with a pedestrian or cyclist

– The Driver's Fault Chart¹ of the Compensation Agreement does not apply.

– Check off the percentage of liability of the driver involved in the accident. 0% 50% 100%

Reasons why the driver is not at fault. (Use a separate piece of paper if required.)

Section 4 – INDIVIDUALS AND DOCUMENTS CONSULTED (Check off where appropriate)

Police accident report Internal accident report Driver's account or testimony

Witnesses' account Position of insurer of the other party involved

Other documents Specify: _____

Section 5 – INFORMATION ON CERTIFIED CLAIMS ADJUSTER (Notice provided by a claims adjuster)

Last name and first name of certified claims adjuster			Name of claims adjuster's firm (if applicable)		
Address	Number	Apt., office or floor	Street	P.O. box	Postal station
City, town, village or municipality			Province	Postal Code	
Telephone		Fax	E-mail		
Autorité des marchés financiers du Québec certificate number					
					Signature of claims adjuster

Section 6 – SIGNATURE

I have read this document and am aware of the information to be submitted to the Société de l'assurance automobile du Québec as (SAAQ) well as the [support information](#) on the back.

Date (Year-Month-Day) Signature of operator or authorized respondent

1. The Driver's Fault Chart of the Direct Compensation Agreement for the Settlement of Automobile Claims generally applies to collisions involving two or more vehicles. The ordinary rules of law apply in all other accident cases.

Support Information

You may use the **Notice of Non-Liability for an Accident** form as is or a version modified to suit your needs to transmit the required information to the **Société de l'assurance automobile du Québec (SAAQ)**. A model notice form is available on the SAAQ's Web site at www.saaq.gouv.qc.ca under the heading "Heavy Vehicles."

Operators who use the services of a certified claims adjuster, or who are authorized to submit their own proof, must establish the non-liability of the heavy vehicle driver involved in an accident. For that purpose, they must rely on internal and police drawn accident reports, the Driver's Fault Chart of the Direct Compensation Agreement for the Settlement of Automobile Claims as well as the position of the insurer of the other parties involved in the accident and witness accounts, if applicable. These documents must be consulted where a collision between two or more vehicles has occurred. Where the collision involved a pedestrian or cyclist, all of these documents must also be consulted, except for the Driver's Fault Chart of the Direct Compensation Agreement, which does not apply in such cases.

Fees charged by a certified claims adjuster are at the operator's expense.

Operators are responsible for ensuring that the claims adjuster has a valid certificate issued by the **Autorité des marchés financiers du Québec**.

To process proof or requests submitted by an operator, the SAAQ must have received all the information required on this form. Where information is missing, the SAAQ shall inform the operator of the time limit in which to submit the missing information before it can continue processing the case. Liability for an accident remains on record until the SAAQ receives the missing information.

The SAAQ reserves the right to require additional information or documents to clarify proof received or a request. Accordingly, please be sure to keep all relevant documents. Liability for an accident remains on record until the SAAQ receives the additional information requested.

Proof of non-liability for an accident may be analyzed by an SAAQ claims adjuster if the SAAQ disputes the proof submitted. Proof may be disputed where:

- information on the proof provided by the operator does not match information in the accident report;
- information in the accident report or on the proof provided by the operator is vague or ambiguous; or
- the operator or claims adjuster has been unclear as to the non-liability of the heavy vehicle driver involved in the accident.

If the claims adjuster finds that the heavy vehicle driver involved in the accident is liable, liability for the accident may stay on record. In that event, the SAAQ will inform you in writing of its decision and the procedure for appealing the decision.

To appeal a decision, you must file a written application for appeal within ten days of receiving the SAAQ's notice.

The SAAQ will then have your proof of non-liability analyzed again by an independent claims adjuster serving as a third party. The claims adjuster will inform you in writing of the decision. If the adjuster finds that the driver is liable for the accident, you will be required to pay the professional fees. However, if the adjuster finds that the driver is non-labile, the SAAQ will pay the fees.

Protection of Personal Information

All information gathered by authorized Société de l'assurance automobile du Québec personnel is handled confidentially. The Société requires this personal information to apply the *Automobile Insurance Act* and the *Highway Safety Code*. Under the *Act respecting Access to documents held by public bodies and the Protection of personal information*, it may be conveyed to Government departments or agencies, or used for statistical, survey, study, audit or investigative purposes. Failure to provide information can result in a refusal of service on the Société's part. Individuals may consult or correct any personal information concerning them held in Société records.

For more information, consult the Policy on Privacy on the Société's Web site at www.saaq.gouv.qc.ca or contact the Société's call centre.

Mail your notice to:

Service du suivi du privilège de circuler, N-4-43
Société de l'assurance automobile du Québec
Case postale 19600, succursale Terminus
Québec (Québec) G1K 8J6

Or

Send by fax at

418 643-1896

APPENDIX 6

DETERMINING THRESHOLD VALUES FOR CONDUCT AREAS IN THE ONGOING CONDUCT REVIEW OF HEAVY VEHICLE OPERATORS

1. DETERMINING THRESHOLD VALUES

For each conduct area in the operator category, the procedure for determining the threshold values is as follows:

- Identify all operators that have events associated with the relevant conduct area in their record.
- Assign those events the weighting determined in the Policy.
- Determine the average number of points accumulated over a two-year period for each operator, based on the size of the operator's vehicle fleet (e.g. one vehicle, two vehicles, three vehicles, etc).
- Determine the standard deviation from the overall average for each heavy vehicle fleet.
- Determine, based on the results obtained in the preceding step for each heavy vehicle fleet, a threshold value at or above which an operator's record should be considered at risk.

Where an operator is engaged in transporting goods and reaches or exceeds the number of points established as the average plus four times the standard deviation, the operator's record is referred to the Commission.

Where an operator is engaged in transporting passengers, the threshold value for referral to the Commission is the average plus three times the standard deviation.

For the purpose of determining threshold values, the average and the standard deviation are calculated taking into account only those operators that have events associated with the relevant conduct area entered in their record.

2. SPECIAL PROVISIONS

When threshold values are determined or updated, certain adjustments are required.

2.1 Adjustment to threshold values

Threshold values are rounded off to the nearest whole number. For example, a value calculated at 12.2 is rounded down to 12, and a value calculated at 12.5 or above is rounded up to 13.

2.2 Percentage of accidents taken into account in determining the threshold values for the “involvement in accidents” conduct area

Studies show that motor carriers are responsible for approximately 40% of the accidents they are involved in. This fact is reflected in the SAAQ’s method for calculating the threshold values for the “involvement in accidents” conduct area to ensure that these values are based exclusively on accidents that could be considered “at-fault accidents.” The accidents excluded from the calculation are selected at random, and the percentage of accidents so excluded is the same for all three accident categories: fatal accidents, accidents with injuries and accidents with property damage only.

APPENDIX 7

TABLE OF THRESHOLD VALUES FOR THE ONGOING CONDUCT REVIEW OF HEAVY VEHICLE OPERATORS³⁸

Number of vehicles	Transportation of Goods				Transportation of Passengers		
	Accident	Operations	Load and size	Overall	Accidents	Operations	Overall
1	10	13	11	15	8	9	10
2	11	19	13	22	8	10	11
3	12	24	16	29	9	11	12
4	13	29	18	35	9	12	13
5	13	33	20	41	10	13	14
6	14	37	22	46	10	13	14
7	15	40	23	52	11	14	15
8	16	44	25	57	11	15	17
9	16	47	27	61	12	15	18
10	17	50	28	66	12	15	19
11	18	53	30	70	12	16	19
12	18	56	31	75	13	16	20
13	19	59	33	79	13	17	21
14	20	62	34	83	14	17	21
15	21	65	36	87	14	17	22
16	21	67	37	91	15	18	23
17	22	70	38	95	15	18	23
18	23	72	40	98	16	18	24
19	23	75	41	102	16	18	24
20	24	77	42	106	17	19	25
21	25	80	44	109	17	19	26
22	25	82	45	113	17	19	26
23	26	85	46	116	18	19	28
24	27	87	48	120	18	19	28
25	28	89	49	123	19	20	29
26	28	91	50	126	19	20	29
27	29	94	52	130	20	20	30
28	30	96	53	133	20	20	30
29	30	98	54	136	21	20	31
30	31	100	55	139	21	20	32
31	32	102	57	142	21	21	32
32	32	104	57	145	22	21	33
33	33	106	58	147	22	22	33
34	34	108	59	150	23	22	34
35	34	110	59	152	23	22	34
36	35	112	60	155	24	23	35
37	36	114	61	157	24	23	35
38	36	116	61	159	25	23	36
39	37	118	62	162	25	24	36
40	38	120	63	164	26	24	37
41	38	122	63	166	26	25	37
42	39	124	64	169	27	25	39
43	40	126	64	171	27	25	39

38. For ambulance transport, the threshold values for the “involvement in accidents” conduct area correspond to the values determined for transporting passengers, multiplied by 2.5. The “operator’s overall conduct” conduct area is adjusted accordingly, i.e. the threshold values for transporting passengers are multiplied by 2.35.

Number of vehicles	Transportation of Goods				Transportation of Passengers		
	Accident	Operations	Load and size	Overall	Accidents	Operations	Overall
44	40	127	65	173	28	26	39
45	41	129	66	175	28	26	40
46	42	131	66	177	29	26	40
47	42	133	67	179	29	27	41
48	43	135	67	182	30	27	41
49	44	136	68	184	30	28	42
50	44	138	68	186	31	28	42
51	45	140	69	188	31	28	43
52	45	142	69	190	31	29	43
53	46	143	70	192	32	29	44
54	47	145	70	194	32	29	44
55	47	147	71	196	33	30	45
56	48	148	71	198	33	30	45
57	48	150	72	200	34	30	46
58	49	152	72	202	34	31	46
59	50	153	73	204	34	31	46
60	50	155	73	206	35	31	47
61	51	157	74	207	35	32	47
62	51	158	74	209	36	32	48
63	52	160	75	211	36	32	48
64	53	161	75	213	37	33	50
65	53	163	76	215	37	33	50
66	54	165	76	217	37	33	51
67	54	166	77	218	38	34	51
68	55	168	77	220	38	34	51
69	55	169	77	222	39	35	52
70	56	171	78	224	39	35	52
71	56	172	78	226	40	35	53
72	57	174	79	227	40	35	53
73	58	175	79	229	40	36	54
74	58	177	80	231	41	36	54
75	59	179	80	233	41	36	54
76	59	180	80	234	42	37	55
77	60	182	81	236	42	37	55
78	60	183	81	238	42	37	56
79	61	184	82	239	43	38	56
80	61	186	82	241	43	38	57
81	62	187	82	243	44	38	57
82	63	189	83	244	44	39	57
83	63	190	83	246	44	39	58
84	64	192	84	248	45	39	58
85	64	193	84	249	45	40	59
86	65	195	84	251	46	40	59
87	65	196	85	253	46	40	59
88	66	198	85	254	46	41	61
89	66	199	85	256	47	41	61
90	67	200	86	257	47	41	62
91	67	202	86	259	48	42	62
92	68	203	87	261	48	42	63
93	68	205	87	262	48	42	63
94	69	206	87	264	49	42	63
95	69	207	88	265	49	43	64
96	70	209	88	267	50	43	64
97	70	210	88	268	50	43	65
98	71	212	89	270	50	44	65
99	71	213	89	271	51	44	65
100	72	214	89	273	51	44	66

For vehicle fleets of more than 100 heavy vehicles, go to the SAAQ website.

APPENDIX 8

LIST OF GOVERNMENT STAKEHOLDERS

THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

The Société de l'assurance automobile du Québec is responsible for the following areas:

- Records on owners, operators and drivers of heavy vehicles
- Driver fatigue prevention
- Hours of driving and rest
- Vehicle registration
- Safety standards for road vehicles
 - Mandatory mechanical maintenance
 - Circle check
 - Inspection specific to motor coaches
- Driver's licences
- Special travel permits (Classes 1 to 5)
- The *Conduct Review Policy for Heavy Vehicle Drivers*
- The *Conduct Review Policy for Heavy Vehicle Owners and Operators*
- The *Excellence Program for Heavy Vehicle Drivers*

Contrôle routier Québec

- Enforcement of the laws and regulations that apply to vehicles used for the transportation of goods or passengers
- Monitoring road transportation and conducting facility audits
- The preventative maintenance program
- Network of road vehicle inspection agents

For information or documentation on these subjects, contact the SAAQ via the following channels:

Internet

saaq.gouv.qc.ca
crq.gouv.qc.ca

Mailing address

Société de l'assurance automobile du Québec
Case postale 19600, succursale Terminus
Québec (Québec) G1K 8J6

Telephone

- Québec area: 418 643-7620
- Montréal area: 514 873-7620
- Elsewhere: 1 800 361-7620 (Québec, Canada, United States)

THE COMMISSION DES TRANSPORTS DU QUÉBEC

The Commission des transports has the following responsibilities in connection with heavy vehicles:

- Safety rating for owners and operators of heavy vehicles
- Assessing the conduct of drivers of heavy vehicles
- Assessing the conduct of owners and operators of heavy vehicles
- The list of transport service intermediaries
- Mediation and arbitration
- Corrective measures and penalties imposed on owners, operators and drivers of heavy vehicles who are at risk
- Bulk trucking service brokerage permits
- Bus transport permits
- The Register of owners and operators of heavy vehicles
- The bulk trucking register

For information or documentation on these subjects, contact the Commission via the following channels:

Internet

ctq.gouv.qc.ca

Mailing address

Commission des transports du Québec

200, chemin Sainte-Foy, 7^e étage
Québec (Québec) G1R 5V5

Commission des transports du Québec

545, boulevard Crémazie Est
10^e étage, bureau 1000
Montréal (Québec) H2M 2V1

Telephone

- 1 888 461-2433 (from anywhere in Québec)

THE MINISTÈRE DES TRANSPORTS, DE LA MOBILITÉ DURABLE ET DE L'ÉLECTRIFICATION DES TRANSPORTS

The Ministère des Transports, de la Mobilité durable et de l'Électrification des transports is responsible for the following areas:

- Vehicle load and size limits
- Truck travel on the road network
- Thaw period – load restrictions
- Shipping documents and bills of lading
- Harmonization of trucking regulations in North America
- The *Act respecting owners, operators and drivers of heavy vehicles*
- Standards for securement of cargo
- Special travel permits (Classes 6, 7 and double road train)
- Policy on Road Freight Transport
- Road signs and traffic signals
- Transportation of dangerous substances
- Bulk trucking

For information or documentation on these subjects, contact the Ministère via the following channels:

Internet

www.transports.gouv.qc.ca

Mailing address

Direction des communications Ministère des Transports

700, boulevard René-Lévesque Est,
27^e étage
Québec (Québec) G1R 5H1

Direction des communications Ministère des Transports

500, boulevard René-Lévesque Ouest,
bureau 4.010
Montréal (Québec) H2Z 1W7

Telephone

- Throughout Québec: 511
- Elsewhere: 1 888 355-0511 (Canada, United States)

Fax

- Québec area: 418 643-4121
- Montréal area: 514 864-9939



This series of information bulletins is intended for the trucking industry (manufacturers, shippers, carriers, etc.). Its objective is to provide plain language explanations of regulatory and technical changes in this field as they occur.

REVENU QUÉBEC

Revenu Québec is responsible for the following areas:

- International Fuel Tax Agreement (IFTA)
- Fuel tax

For information or documentation on these subjects, contact Revenu Québec via the following channels:

Internet

www.revenuquebec.ca

Telephone

International Fuel Tax Agreement

- Québec area: 418 652-4382
- Elsewhere: 1 800 237-4382 (Québec, Canada, United States)

Fuel tax

- Québec area: 418 659-4692
- Montréal area: 514 873-4692
- Elsewhere: 1 800 567-4692 (Québec, Canada, United States)

THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DE LA LUTTE CONTRE LES CHANGEMENTS CLIMATIQUES

- The *Environment Quality Act*
- The *Regulation respecting environmental standards for heavy vehicles*

For information or documentation on these subjects, contact the Ministère via the following channels:

Internet

- info@mddelcc.gouv.qc.ca
- www.mddelcc.gouv.qc.ca

Telephone

- Québec area: 418 521-3830
- Elsewhere: 1 800 561-1616

APPENDIX 9

LIST OF SUBJECTS COVERED IN THE *INFORMATION BULLETIN FOR HEAVY VEHICLE DRIVERS, OWNERS AND OPERATORS*

2016

- Amendments to the *Regulation respecting safety standards for road vehicles*

2014

- Amendments to the “compliance with load limits” conduct area

2013

- Launch of the North American Fatigue Management Program
- Car surfing
- Street racing
- Physical coordination tests
- Condition W
- Updated “involvement in accidents” conduct area
- Consideration of offences related to a special travel permit

2012

- Two-way radios, Move Over law and photo surveillance devices
- Pre-trip inspection reports in electronic format
- New measures regarding alcohol – bus, minibus, taxi (zero alcohol)
- New measures regarding alcohol – other heavy vehicles (0.05)
- Zero alcohol for drivers aged 21 or younger

2011

- Electronic on-board recorders: a growing trend

2010

- Amendments to the definition of a “heavy vehicle” (owners and operators registered in the CTQ register before January 1, 2011)
- Amendments to the definition of a “heavy vehicle” (new owners and operators)

NOTE: Editions of the *Information Bulletin for Heavy Vehicle Drivers, Owners and Operators* prior to the December 2010 edition were published in French only. The following subject descriptions have been translated for information purposes.

- Driver fatigue and hours of driving and rest of heavy vehicle drivers
- Examples of daily logs and registers (abridged and detailed forms)
- Correction to the notion of “missing records” in the *Conduct Review Policy for Heavy Vehicle Owners and Operators* (HVOOs)
- Coming into force of the *Conduct Review Policy and Excellence Program for Heavy Vehicle Drivers*
- New provisions in the *Regulation respecting accident reports*

2009

- Mechanical inspections considered in the ongoing conduct assessment of heavy vehicle owners
- Updated list of offences (ss. 291, 303.2)
- Addition of critical events (alcohol)
- Consideration of offences recorded by a camera surveillance device

2008

- Consideration of property damage only
- Prohibition from using a cell phone while driving
- Repeal of section 519.73 and application of sections 638.1 and 519.71 of the *Highway Safety Code*
- Application of the provisions of the *Act respecting owners, operators and drivers of heavy vehicles* by police forces

2007

- Consideration of “driver” out-of-service orders in the conduct review of HVOOs
- Amendments to certain offences and critical events that occur outside Québec

2006

- Amendments to the *Conduct Review Policy for Heavy Vehicle Owners and Operators* with regard to critical events
- Addition of accident situations in the list of “SAAQ cases”
- Amendments to the weighting of offences under section 513 of the *Highway Safety Code* with regard to special permits and other subjects
- Amendments to Bill 430

2005

- Amendments to the *Conduct Review Policy for Heavy Vehicle Owners and Operators* (s. 513)
- Vehicles used on double shifts

2004

- Coming into force of the measure concerning facility audits
- Amendments to the definition of an accident
- Vehicles used on double shifts
- Addition to the section concerning unforeseen mechanical defects
- Amendment to the HVOO’s record
- Review of the fleet size considered in the case of an operator
- Results of a facility audit
- Overloaded vehicles
- Combinations of events

2002

- Failure on a facility audit resulting from a missing record
- Unforeseen major mechanical defects

GLOSSARY

Accident

An accident for which a peace officer fills out an accident report in a case where:

- a heavy vehicle's load, its equipment or any of its parts falls from the vehicle or shifts around on the vehicle;
- a heavy vehicle overturns, goes out of control or goes off the road; or
- a collision occurs between a heavy vehicle and another vehicle, an animal, a stationary object or a person outside the heavy vehicle.

For the purposes of the Policy, an accident is also defined as an accident with property damage only, provided all the following conditions are met:

- The peace officer files an accident report;
- One of the vehicles involved in the accident has to be towed; and
- Property damage exceeds \$2,000.³⁹

Adjustment to a record

An adjustment by the SAAQ intended to correct, modify, withdraw or add events or data to an HVOO's record.

Adjustment to the size of a heavy vehicle fleet

An adjustment by the SAAQ intended to correct or modify the number of heavy vehicles of an HVOO considered in assessing the HVOO's conduct.

At-fault accident

An accident for which the driver of the heavy vehicle is responsible or which is caused by mechanical defects in the heavy vehicle.

Commission des transports du Québec

The Commission des transports du Québec, which is responsible, in particular, for keeping the Register of owners and operators of heavy vehicles, assigning safety ratings, assessing the conduct of HVOOs, as well as imposing measures and penalties on HVOOs and heavy vehicle drivers.

³⁹. Property damage consists of damage to any of the vehicles involved in the accident, as well as to their content and load. Property damage also includes damage to federal, provincial or municipal property and damage to property that belongs to any person, organization, company or corporation.

Conduct area

A set of events grouped together based on their nature and used as a basis for the ongoing conduct review of HVOOs.

Conviction or guilty plea

An admission of guilt by a person having committed an offence, or a finding of guilt by a court of law in respect of such a person.

Critical event

An event that constitutes a high-level threat to road safety or the integrity of the road network. A fatal accident, an event related to alcohol-impaired driving, certain major mechanical defects and certain traffic violations have the characteristics of a critical event. When a critical event is entered in an HVOO's record, this results in an immediate intervention by the SAAQ.

Critical major mechanical defect

A major mechanical defect presenting an even greater threat to road safety than a major mechanical defect. This may be because the mechanical defect is especially serious or because it affects more than just one of the heavy vehicle's components or mechanical systems.

"Driver" out-of-service order

An order temporarily prohibiting a driver from driving a heavy vehicle as a result of the driver's failure to comply with certain provisions of the *Regulation respecting the hours of driving and rest of heavy vehicle drivers*.

Event

An accident, an offence, a "driver" out-of-service order, an event related to alcohol-impaired driving, or the result of a facility audit or mechanical inspection of a heavy vehicle carried out as part of a roadside inspection or performed by a road vehicle inspection agent at the request of a peace officer.

Event outside Québec

An event occurring in another Canadian jurisdiction involving a heavy vehicle registered in Québec. Such events are taken into account in assessing an HVOO's conduct, which is not the case for events occurring outside Canada.

Facility audit

An inspection carried out by a peace officer at an HVOO's facility located in Québec.

First-level warning, second-level warning, warning letter and notice of referral to the Commission

Interventions by the SAAQ addressed to an HVOO exhibiting unsafe conduct, and notifying the HVOO to modify its conduct and comply with the applicable legal and regulatory requirements. The type of letter sent in any particular instance is determined by how far the HVOO's record has deteriorated.

General offence report

A document by which a peace officer informs the appropriate body of an offence. A statement of offence will be served, if necessary.

Gross vehicle weight rating (GVWR)

The vehicle weight, including its maximum load capacity, according to the manufacturer's specifications (i.e., net weight + maximum load capacity).

Heavy vehicle

A road vehicle defined as a heavy vehicle in section 2 of the *Act respecting owners, operators and drivers of heavy vehicles*. The *Regulation respecting the act respecting owners, operators and drivers of heavy vehicles* exempts certain types of heavy vehicles from the application of the Act.

Heavy vehicle driver

A driver whose services are used by an operator. This expression refers to one or more of the following:

- an operator who is the person who actually drives the heavy vehicle;
- a driver who is an employee of the operator;
- a driver whose services are leased by the operator; or
- a driver whose services are stipulated in a contract with a firm that provides a heavy vehicle to the operator.

Heavy vehicle fleet

The number of heavy vehicles owned or operated by an HVOO and considered in assessing the HVOO's conduct.

Heavy vehicle operated on double shifts

A heavy vehicle used primarily and regularly by at least two drivers during a period of hours determined by the SAAQ.

High kilometrage in Québec

A number of kilometres determined by the SAAQ that allows an operator to apply for a higher threshold for the “involvement in accidents” conduct area if the heavy vehicles operated by the operator have logged that many kilometres in Québec.

HVOO

A heavy vehicle owner or operator.

HVOO’s record

The recording and compiling of data and events for the purpose of monitoring an HVOO’s conduct. The SAAQ keeps a record on each HVOO required to register in the Commission’s register using data and events reported by police forces, the Commission or any other entity with administrative authority over road transportation. Records are also kept on operators of heavy vehicles registered outside Canada (United States, Mexico) and operated in Québec, since they are required to register with the Commission.

Major mechanical defect

A mechanical defect that poses a threat to road safety.

Mandatory maintenance

All mechanical maintenance operations provided for in the *Regulation respecting safety standards for road vehicles* and intended to maintain a heavy vehicle in good operating condition at all times.

Measure

A corrective, penalty, condition or obligation imposed on an HVOO by the Commission.

Ministère des Transports, de la Mobilité durable et de l’Électrification des transports

The Ministère des Transports du Québec, which is responsible, in particular, for the *Act respecting owners, operators and drivers of heavy vehicles*.

Notice of referral to the Commission des transports

A letter sent by the SAAQ by registered mail to an HVOO to inform the HVOO that its record has deteriorated and is about to be referred to the Commission des transports.

Ongoing conduct review

The review of each HVOO's conduct carried out continuously over a period of two years.

Operator

A person who controls the operation of a heavy vehicle.

Other Canadian jurisdictions

The Canadian jurisdictions other than Québec, namely, Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, Saskatchewan, the Northwest Territories, Nunavut and the Yukon.

Owner

Any person fulfilling either of the following conditions:

- The person's name appears on the registration certificate of a heavy vehicle issued in Québec; or
- The person holds a right in respect of a heavy vehicle within the meaning of section 2 of the *Highway Safety Code* (CQLR, c. C-24.2).

Peace officer

A police officer of the Sûreté du Québec or the various municipal police forces, a carrier enforcement officer of Contrôle routier Québec, or a police officer or carrier enforcement officer in another Canadian jurisdiction.

Person

A natural person, a legal person or a corporation.

Proof of non-liability for an accident

Proof of non-liability or, in certain cases, a written application submitted to the SAAQ by an operator to be relieved of liability for accidents in the assessment of its conduct.

Registration

The entering of the information required about a road vehicle and its owner in the SAAQ's register of road vehicles, in accordance with the *Regulation respecting road vehicle registration*.

Register of owners and operators of heavy vehicles (Commission's register)

The register kept by the Commission des transports in which all HVOOs that own or operate a heavy vehicle registered in Québec must register before they can be authorized to operate their vehicle. Operators of heavy vehicles registered outside Canada but being operated in Québec must also be registered in the Commission's register.

Right to put a road vehicle into operation (right to operate)

The privilege granted to a person, in exchange for payment of the fees, charges and contributions set by regulation, to operate a vehicle registered in Québec.

Road open to public vehicular traffic

The type of road on which the Policy applies to HVOOs. This type of road is considered to include the grounds of a shopping centre and any other land on which the public is permitted to travel.

Roadside inspection

An inspection of a heavy vehicle carried out by a peace officer of Québec or any other Canadian authority while the vehicle is travelling through territory monitored by that officer or authority.

Road vehicle inspection agent

A person authorized by the SAAQ to carry out mechanical inspections of road vehicles and issue mechanical inspection certificates and inspection stickers. The road vehicle inspection agent is paid for performing these services.

Safety rating

A safety rating assigned by the Commission to all HVOOs registered in the Register of owners and operators of heavy vehicles on the basis of their safety record. This rating is public information. An HVOO is rated at one of the following levels:

- **“Satisfactory”** indicates that the HVOO has an acceptable record of compliance with the applicable laws and regulations governing road safety and protection of the road network. In the great majority of cases, this is the rating initially assigned to HVOOs when they first register with the Commission.
- **“Conditional”** indicates that an HVOO’s right to operate heavy vehicles is subject to special conditions because, in the Commission’s opinion, the HVOO’s record shows deficiencies that can be corrected by imposing certain measures.
- **“Unsatisfactory”** indicates that an HVOO is judged unfit to operate heavy vehicles because, in the Commission’s opinion, the HVOO’s record shows deficiencies that cannot be corrected by imposing measures.

Serious offence

An offence which, although it is not a critical event, may significantly increase the risk of accidents, such as certain traffic violations. When a serious offence is entered in an HVOO’s record, this results in an information letter being sent by the SAAQ. A similar letter is also sent to the driver who committed the offence.

Service du suivi du privilège de circuler (SSPC)

The SAAQ’s Service du suivi du privilège de circuler (i.e., the service monitoring the privilege to operate), which is responsible for managing and processing the records of HVOOs and heavy vehicle drivers.

Société de l'assurance automobile du Québec

The Société de l'assurance automobile du Québec (SAAQ), which is responsible, in particular, for the *Conduct Review Policy for Heavy Vehicle Owners and Operators*, the *Conduct Review Policy for Heavy Vehicle Drivers*, the *Excellence Program for Heavy Vehicle Drivers*, as well as for keeping records on HVOOs and heavy vehicle drivers.

Statement of offence

A document used by a peace officer to serve notice of an offence in order to institute penal proceedings. It records the information relevant for prosecuting the offence.

Statement of suspension of a driver's licence

A statement of suspension of a driver's licence considered in recording events related to alcohol-impaired driving under the *Highway Safety Code* and *Criminal Code* in a heavy vehicle operator's record.

Threshold

The maximum number of points in each conduct area considered in the ongoing conduct review. This number is determined on the basis of the size of an HVOO's heavy vehicle fleet. Where an operator reaches or exceeds any of the threshold values, the operator's record is referred to the Commission. The term "threshold" also refers to the rate or number of "vehicle" out-of-service orders required for an owner's record to be referred to the Commission.

Unforeseen major mechanical defect

A major mechanical defect that cannot be foreseen, subject to certain conditions.

"Vehicle" out-of-service order

An order prohibiting a heavy vehicle with a major mechanical defect from being operated until the necessary repairs have been made.

Weighting

The point value assigned to events considered in the ongoing conduct review and to offences observed during facility audits. An event's weighting depends on the severity of the impact on road safety and the integrity of the road network.



Société de l'assurance
automobile

Québec

