

GUIDE REGARDING THE ACT

Respecting Owners, Operators and Drivers
of Heavy Vehicles and its Regulations



This publication was prepared by the Direction du transport routier des marchandises and edited by the Direction des communications of the ministère des Transports, de la Mobilité durable et de l'Électrification des transports.

This publication is also available in French under the title *Guide sur la Loi concernant les propriétaires, les exploitants et les conducteurs de véhicules lourds et ses règlements*.

For more information, you can:

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Warning

This document provides information on the *Act respecting owners, operators and drivers of heavy vehicles* (OODHV Act) and on the associated regulations. This easy-to-read information guide is not legally binding. For more complete information on the Act, we invite you to consult the legal or regulatory documents on the website of Les Publications du Québec.

INTRODUCTION

In 1998, the Québec National Assembly adopted the Act respecting owners and operators of heavy vehicles¹ (OOHV Act). The purpose of the Act is to increase the safety of road users on roads open to public vehicular traffic and to preserve the integrity of those roads. The Act sets mechanisms to identify owners, operators and drivers of heavy vehicles who seem to have an unsafe behaviour in order to intervene with them. It establishes a safety rating system applicable to businesses involved in the road transportation of persons and goods.

In addition, the *Act respecting owners, operators and drivers of heavy vehicles* (OODHV Act) provides for a follow-up of the behaviour of owners, operators and drivers of heavy vehicles. During transportation, the identification of each party is essential to the efficient enforcement of the Act. Therefore, tools must be provided to peace officers to enable them to efficiently identify all the parties involved.

In order to solve issues concerning the identification of heavy vehicle operators, the gouvernement du Québec passed, in 2001, the Regulation respecting the requirements applicable to shipping documents and contract services². In 2006, amendments to the OOHV Act allowed to set a framework for heavy vehicles drivers and add new provisions to the Act and to the *Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles* to facilitate the identification of heavy vehicle operators.

The purpose of this guide is to provide a better understanding of the OODHV Act and the related regulations, to facilitate the identification of operators and to explain the documents used in the operator identification process during transportation.

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1. In 2006, legal amendments were made to the scope of the Act to include drivers. The name of the act was then changed to *Act respecting owners, operators and drivers of heavy vehicles*.
 2. On June 18, 2015, this regulation was amended. It is now referred to as the *Regulation respecting the requirements applicable to shipping documents*.

DEFINITIONS

Bill of lading: A writing which evidences a contract for the carriage of goods. It provides information on the shipper, receiver, shipment contents and shipping conditions.

Bulk transportation: Transportation of bulk material as defined in the *Regulation respecting the brokerage of bulk trucking services*.

Daily log: A document in which drivers enter all information relating to their daily activities such as hours of driving, hours of service and hours of rest.

Driver: Any natural person who drives a heavy vehicle and holds a driver's licence issued by the Société de l'assurance automobile du Québec (SAAQ).

Intermediary: A person or a business who, for remuneration, acts directly or indirectly as an intermediary in a transaction between third persons the object of which is the transportation of persons or goods by a heavy vehicle.

Lessee: Any person who leases a heavy vehicle.

If the vehicle is rented for more than a year or acquired by leasing, the lessee is also considered the owner.

Marking: Label affixed to a motorized heavy vehicle indicating the name and registration identification number (RIN) of the operator registered in the Register of owners and operators of heavy vehicles³ of the Commission des transports du Québec (CTQ).

Operator: A person or a business who controls the operation of a heavy vehicle.

Operators may own the vehicle(s) they use or rent them under a lease or subcontracting agreement.

Owner: A person or business who registers a vehicle under its name (whether it owns or leases the vehicle for more than a year) or who acquires a heavy vehicle under leasing.

3. The official designation is "Registre des propriétaires et des exploitants de véhicules lourds". In this document, it will be referred to as the "CTQ register".

Passenger transportation: Transportation of passengers by bus or minibus.

Shipping document: A document required under the *Regulation respecting the requirements applicable to shipping documents* which contains information related to goods, from the place they were taken to their destination.

Shipping documents can be composed of one or more documents (bill of lading, bill, waybill, delivery order, etc.).

Shipping document for dangerous substances: A shipping document containing additional information required under the *Transportation of Dangerous Substances Regulation*.

Transportation of goods for one's own account: Transportation **with or without remuneration** by a person whose main activity is not the transportation of goods.

Even if the person or business is paid to transport goods, transportation is not the main activity.

Transportation of goods for remuneration and for the account of others: Main activity of carriers who transport goods for the account of a client **for remuneration**.

► SCOPE OF THE OODHV ACT

The OODHV Act applies to all heavy vehicles, registered in Québec or not, travelling on roads open to public traffic⁴ in the province and to heavy vehicles registered in Québec travelling elsewhere in Canada. **Heavy vehicles** are road vehicles whose gross vehicle weight rating (GVWR) is 4 500 kg or more, or combinations of road vehicles having a gross combination weight rating of 4 500 kg or more. The following vehicles are also considered heavy vehicles, regardless of their GVWR⁵:

- ▶ Buses, minibuses;
- ▶ Tow trucks;
- ▶ Road vehicles transporting dangerous substances requiring the display of safety marks.

The parties covered by the OODHV Act are owners, operators, drivers and transport service intermediaries.

Unless otherwise specified, any person wishing to put into operation or operate, in Québec, a heavy vehicle registered in Québec or outside Canada must register in the CTQ register.

Exemptions to the Act

Exempted persons

The *Regulation respecting the act respecting owners, operators and drivers of heavy vehicles* exempts the following classes of persons from **registering in the CTQ register**:

- ▶ Heavy vehicle owners and operators using a heavy vehicle because it is required by an emergency service or in the case of a major or minor disaster⁶;
- ▶ Natural persons who conduct business other than a business with an organized financial structure;
- ▶ Lessees⁷ of heavy vehicles operating, free of charge or for their own account, heavy vehicles rented for a period of less than 15 consecutive days;

4. Land occupied by shopping centres and other land where public vehicular traffic is allowed are considered to be a road open to public traffic.

5. The GVWR is the net weight of a vehicle plus this vehicle's maximum load, according to the manufacturer's specifications. In French, it is referred to as the "poids nominal brut du véhicule" or "PNBV".

6. Within the meaning of section 2 of the *Civil Protection Act*.

7. Lessees must not be subject to an administrative measure of prohibition or restriction imposed by the Commission des transports du Québec.

- ▶ Lessors⁸;
- ▶ An owner and operator using a heavy vehicle only in the territory of some municipalities or entities⁹ in Québec.

Exempted vehicles

Not all heavy vehicles must comply with the OODHV Act. The following types of heavy vehicles are exempted:

- ▶ Tool vehicles¹⁰;
- ▶ Combinations of road vehicles where each vehicle has a gross vehicle weight rating of less than 4 500 kg, except combinations transporting dangerous substances that require the display of safety marks on the vehicle;
- ▶ Farm machines and farm trailers¹¹ owned by a farmer;
- ▶ Motorized road vehicles transporting dangerous substances whose gross vehicle weight rating is less than 4 500 kg on which it is not mandatory to display safety marks;
- ▶ Road vehicles which were issued a temporary registration certificate and vehicles on which a detachable licence plate having the prefix “X” is affixed¹²;
- ▶ Motorized road vehicles used by the holder of a taxi owner’s permit;
- ▶ Passenger vehicles used for passenger transportation for baptisms, weddings, civil unions or funerals;
- ▶ Antique passenger vehicles that are more than 30 years old and are used for passenger transportation.

8. Lessors must comply with section 519.21 of the *Highway Safety Code* regarding notices of defect issued by a vehicle manufacturer.

9. See the list of municipalities and entities concerned in Schedule 1 of the *Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles*.

10. Section 4 of the *Highway Safety Code*.

11. Farm trailers within the meaning of section 2 of the *Regulation respecting safety standards for road vehicles*.

12. *Regulation respecting road vehicle registration*.

▶ MECHANISMS OF THE OODHV ACT

The OODHV Act sets up mechanisms to monitor and evaluate the behaviour of owners, operators and drivers of heavy vehicles. The purpose is to identify persons exhibiting unsafe conduct to intervene with them and put a stop to their dangerous behaviour.

Entry mechanism

- ▶ **Owners or operators:** Unless otherwise indicated, to put in operation or operate a heavy vehicle, a person must first register in the CTQ register and comply with various administrative measures. Upon registration, the CTQ assigns the person a safety rating.
- ▶ **Drivers:** To drive a heavy vehicle in Québec, drivers must hold a driver's licence of the appropriate class issued by the SAAQ or by the administrative authority concerned. The SAAQ opens a record as soon as it is informed of an event involving a heavy vehicle driver on duty.

Monitoring mechanism

- ▶ **Owners or operators:** The SAAQ keeps a record on each person registered in the CTQ register and lists all events¹³ (offences, accidents, audits, out-of-service orders, etc.) that take place or are related to the operation or ownership of a heavy vehicle. The SAAQ intervenes gradually by sending information letters and notices to people exhibiting unsafe conduct. If the conduct keeps deteriorating, the record is forwarded to the CTQ for analysis.
- ▶ **Drivers¹⁴:** As for heavy vehicle owners and operators, the SAAQ intervenes gradually with heavy vehicle drivers who seem to exhibit unsafe conduct. If the conduct keeps deteriorating, the record is forwarded to the CTQ for analysis.

13. Events which take place in the province of Québec and involve owners and operators of heavy vehicles registered elsewhere in Canada are reported by the SAAQ to the authorities where the vehicle was registered.

14. Drivers concerned by the monitoring mechanism are drivers of heavy vehicles who hold a driver's licence issued by the SAAQ and who drive a heavy vehicle in Québec or elsewhere in Canada.

Penalty mechanism

- ▶ **Owners or operators:** The CTQ can determine whether a registered person endangers the safety of other road users or threatens the integrity of the road network. If it is the case, the CTQ can replace the “satisfactory” safety rating of the heavy vehicle owner or operator by a “conditional” or “unsatisfactory” safety rating.
- ▶ **Drivers:** The CTQ can impose on drivers any measure aimed at rectifying their behaviour. The CTQ can even order the SAAQ to prohibit a driver from driving a heavy vehicle.

▶ SAFETY RATINGS

The OODHV Act provides three safety ratings:

- ▶ **“Satisfactory”:** This indicates that the person has an acceptable record of compliance with the applicable laws and regulations and she passed a facility audit conducted by Contrôle Routier Québec (CRQ).
 - ▶ **“Unaudited’ notation:** Under the *Regulation respecting the act respecting owners, operators and drivers of heavy vehicles*, the “satisfactory” safety rating can be accompanied by an “unaudited” notation. As a rule, this notation is automatically applied at the time of registration in the CTQ register. It is removed once the person successfully passes a facility audit conducted by CRQ. However, the notation can be re-entered if the person fails a new facility audit conducted by CRQ.
- ▶ **“Conditional”:** This indicates that the person’s right to put a heavy vehicle into operation or operate a heavy vehicle is subject to specific conditions because of a record which, in the CTQ’s opinion, reveals deficiencies that can be corrected by the imposition of certain conditions.
- ▶ **“Unsatisfactory”:** This indicates that the person is judged unfit to put a heavy vehicle into operation or operate a heavy vehicle because of a record which, in the CTQ’s opinion, reveals deficiencies that cannot be corrected by the imposition of conditions.

The facility audit is an audit performed by CRQ in accordance with the *Conduct Review Policy for Heavy Vehicle Owners and Operators* of the SAAQ to verify the compliance of heavy vehicle owners and operators [HVOOs]. To meet the requirements, the audit must:

- ▶ enable the verification of all aspects of conformity applicable to HVOOs, whether they are owners and operators, owners only or operators only;
- ▶ have been completed in accordance with the sampling rules spelled out in the Review Policy.

▶ STAKEHOLDERS' RESPONSIBILITIES

The owner

The owner must:

- ▶ register in the CTQ register;
- ▶ register its vehicles to have the right to put them in operation;
- ▶ maintain its vehicles in good mechanical condition;
- ▶ repair any defects that are brought to his or her attention;
- ▶ comply with the maintenance programs;
- ▶ keep on file the documents necessary for maintaining each vehicle record;
- ▶ have its vehicles submitted to periodic mechanical inspections;
- ▶ comply with the authorized vehicle' size limits (excluding loads);
- ▶ entrust control of its vehicles only to operators registered in the CTQ register;
- ▶ comply with all other obligations related to the vehicle's ownership.

The operator

The operator must:

- ▶ register in the CTQ register;
- ▶ make sure that:
 - ▶ each driver holds a valid driver's licence;
 - ▶ each driver is a well-qualified, safe driver;
 - ▶ each vehicle undergoes a pre-departure inspection;
 - ▶ all standards for vehicle use are respected, particularly standards regarding load and size limits, driving and off-duty time, securement, transportation of dangerous substances and special permits;
 - ▶ all rules related to passenger transportation are respected;
 - ▶ all documents necessary for maintaining the records of the drivers it employs are kept on file;
 - ▶ the *Regulation respecting the requirements for bills of lading* is respected, if it applies;
 - ▶ the *Regulation respecting the requirements applicable to shipping documents* is respected, if it applies.

The driver

The driver must comply with the provisions of the *Highway Safety Code* and the regulation concerning:

- ▶ driving and off-duty time for heavy vehicle drivers;
- ▶ pre-departure inspections;
- ▶ vehicle load and size limits;
- ▶ cargo securement standards;
- ▶ transportation of dangerous substances;
- ▶ special permits.

The transport service intermediary

The intermediary must:

- ▶ register or renew its registration on the list of transport service intermediaries;
- ▶ provide complete and accurate information regarding transportation needs;
- ▶ comply with the authorized load limits for fully loaded vehicles;
- ▶ comply with the *Regulation respecting the requirements for bills of lading*.

The transport service intermediary can also be held responsible if he or she advises, encourages or induces another person to perform an act constituting an offence under the *Highway Safety Code* or other laws or regulations or, if by any act or omission, he or she helps another person to commit such offence.

► IDENTIFYING HEAVY VEHICLE OPERATORS DURING ROAD CHECKS

During transportation, heavy vehicle drivers must keep a certain number of documents in their vehicle. The type of documents required depends on the type of transportation made. All the documents will allow peace officers to identify operators during road check operations, according to the means specified in the *Regulation respecting the act respecting owners, operators and drivers of heavy vehicles*. The driver or any other person concerned must provide the documents required by the peace officer. The officer will analyze the documents and identify the heavy vehicle operator in accordance with the means stipulated in the Regulation.

Sections 42.1 to 42.6 of the Act establish the general principles designed to facilitate the identification of heavy vehicle operators during a road check:

- The heavy vehicle operator is the person identified as the operator or the carrier on the most recent trip document, the daily log or the circle-check report shown during a road check to a peace officer by the driver of a motorized heavy vehicle registered in Québec.
- The presumption can only be lifted upon presentation of a written document in which another person has acknowledged being the operator of the heavy vehicle, if the document proves that this person in fact controlled the operation of the vehicle.
- If the operator cannot be identified after analysis of all the documents, the peace officer can presume that the owner or lessee of the heavy vehicle is the operator of the transportation movement, unless it can be established that another person actually is.

If the documents listed according to the type of transportation are missing or do not meet the requirements, a statement of offence could be issued.

Transportation of goods for remuneration and for the account of others

Identification of the operator during a road check is done based on:

- ▶ the shipping document, which must meet the provisions of the *Regulation respecting the requirements applicable to shipping documents*;
- ▶ the marking written on the vehicle, which must meet the conditions set in section 2.2 of the *Regulation respecting the act respecting owners, operators and drivers of heavy vehicles*;
- ▶ any other trip document authorizing the driver to carry out transportation;
- ▶ the daily log referred to in section 519.10 of the *Highway Safety Code*;
- ▶ a written document in which another person acknowledges being the operator of the heavy vehicle subjected to the road check and which establishes that this person in fact controlled the operation of the vehicle;
- ▶ the presumption provided for under section 42.6 of the OODHV Act to designate the owner or lessee of the heavy vehicle, as the case may be, as the operator of the transportation movement.

The *Regulation respecting the requirements applicable to shipping documents* does not apply to the transportation of goods by bus or to the transportation of waste or recyclable materials for a municipality.

Transportation of goods for one's own account

Identification of the operator during a road check is done based on:

- ▶ the marking written on the vehicle, which must meet the conditions set in section 2.2 of the *Regulation respecting the act respecting owners, operators and drivers of heavy vehicles*;
- ▶ any other trip document authorizing the driver to carry out transportation;
- ▶ the daily log referred to in section 519.10 of the *Highway Safety Code*;
- ▶ a written document in which another person acknowledges being the operator of the heavy vehicle subjected to the road check and which establishes that this person in fact controlled the operation of the vehicle;
- ▶ the presumption provided for under section 42.6 of the OODHV Act to designate the owner or lessee of the heavy vehicle, as the case may be, as the operator of the transportation movement.

The *Regulation respecting the requirements applicable to shipping documents* does not apply to the transportation of goods for one's own account.

Bulk transportation

Identification of the operator during a road check is done based on:

- ▶ the marking written on the vehicle, which must meet the conditions set in section 2.2 of the *Regulation respecting the act respecting owners, operators and drivers of heavy vehicles*;
- ▶ any other trip document authorizing the driver to carry out transportation;
- ▶ the daily log referred to in section 519.10 of the *Highway Safety Code*;
- ▶ a written document in which another person acknowledges being the operator of the heavy vehicle subjected to the road check and which establishes that this person in fact controlled the operation of the vehicle;
- ▶ the presumption provided for under section 42.6 of the OODHV Act to designate the owner or lessee of the heavy vehicle, as the case may be, as the operator of the transportation movement.

The *Regulation respecting the requirements applicable to shipping documents* does not apply to bulk transportation.

Forest transportation

Forest transportation, whether from a public or private forest, is considered as transportation of goods for remuneration and for the account of others¹⁵.

In this case, identification of the operator during a road check is done based on:

- ▶ the shipping document, which must meet the provisions under the *Regulation respecting the requirements applicable to shipping documents* or a compliant authorization to transport wood [Autorisation de transport de bois]¹⁶;
- ▶ the marking written on the vehicle, which must meet the conditions set in section 2.2 of the *Regulation respecting the act respecting owners, operators and drivers of heavy vehicles*;
- ▶ any other trip document authorizing the driver to carry out transportation;
- ▶ the daily log referred to in section 519.10 of the *Highway Safety Code*;
- ▶ a written document in which another person acknowledges being the operator of the heavy vehicle subjected to the road check and which establishes that this person in fact controlled the operation of the vehicle;

15. Forest transportation can also be considered as transportation of goods for one's own account. In that case, refer to the section on the transportation of goods for one's own account on page 11.

16. Authorization to transport wood issued by the ministère de l'Énergie et des Ressources naturelles.

- ▶ the presumption provided for under section 42.6 of the OODHV Act to designate the owner or lessee of the heavy vehicle, as the case may be, as the operator of the transportation movement.

Passenger transportation

Identification of the operator during a road check is done based on:

- ▶ the most recent trip document;
- ▶ the daily log referred to in section 519.10 of the *Highway Safety Code*;
- ▶ a written document in which another person acknowledges being the operator of the heavy vehicle subjected to the road check and which establishes that this person in fact controlled the operation of the vehicle;
- ▶ the presumption provided for under section 42.6 of the OODHV Act to designate the owner or lessee of the heavy vehicle, as the case may be, as the operator of the transportation movement.

The *Regulation respecting the requirements applicable to shipping documents* does not apply to passenger transportation.

Vehicles registered outside Québec

Vehicles registered elsewhere in Canada

Identification of the operator during a road check is done based on:

- ▶ one of the following two documents: the registration certificate or a document provided by the administration authorities who issued the vehicle's registration certificate and that identifies the operator;
- ▶ the presumption provided for under section 42.6 of the OODHV Act to designate the owner or lessee of the heavy vehicle, as the case may be, as the operator of the transportation movement.

Vehicles registered in the United States

Identification of the operator during a road check is done based on:

- ▶ information displayed on both sides of the motorized vehicle which is the name of the carrier and its US DOT number;
- ▶ the presumption provided for under section 42.6 of the OODHV Act to designate the owner or lessee of the heavy vehicle, as the case may be, as the operator of the transportation movement.

► DOCUMENTS

Shipping document

Except under certain circumstances, when transporting goods for remuneration and for the account of others, drivers must have in their possession a shipping document complying with the requirements of the *Regulation respecting the requirements applicable to shipping documents*. This enables peace officers to identify the operator of the transportation movement during road check operations.

The information that must be found on a shipping document can be kept in electronic form. However, it must be possible to reproduce it in paper form and present it to a peace officer upon request during a road check.

A shipping document can be composed of several documents such as a bill of lading, a bill or a waybill. The set of documents must contain all the information required under the *Regulation respecting the requirements applicable to shipping documents*. If a bill of lading is used as a shipping document, it must also meet the requirements of the *Regulation respecting the requirements for bills of lading*.

During transportation, the shipping document must be kept in the vehicle. Heavy vehicle operators must keep a copy of all shipping documents for two years. If the shipping documents are in electronic form, operators must make sure that the information contained cannot be altered during that same time period.

The shipping document can be replaced by a marking that is compliant with the *Regulation respecting the act respecting owners, operators and drivers of heavy vehicles*.

Minimum required contents

- ▶ Quantity and description of goods
- ▶ Name of shipper and of receiver (or consignee)¹⁷
- ▶ Name and RIN of the operator
- ▶ Date and place of acceptance of goods
- ▶ Final destination
- ▶ Name and IN¹⁸ of transport service intermediary (if applicable)

Type of transportation concerned

- ▶ Transportation of goods for remuneration and for the account of others

Exemptions

- ▶ Transportation of goods for one's own account
- ▶ Passenger transportation
- ▶ Bulk transportation as defined in the Regulation respecting the brokerage of bulk trucking services
- ▶ Transportation of goods by bus
- ▶ Transportation of waste or recyclable materials for a municipality

In the absence of shipping documents in the vehicle, drivers are liable to a fine of \$125 to \$375, and operators are liable to a fine of \$250 to \$750.

When transporting dangerous substances, it is important to make sure that the shipping document also contains the information required under the *Transportation of Dangerous Substances Regulation*.

Marking

Marking is an alternative and an option to identify heavy vehicle operators. It is not mandatory. The objective is to remove the requirement of holding a shipping document that is compliant with the Regulation. Marking has the same role as a shipping document.

17. The consignee is the person who receives the goods on deposit.

18. Identification number of the transport service intermediary issued by the CTQ.

Marking requirements

- ▶ Name of a single operator;
- ▶ RIN assigned to the affixed name;
- ▶ RIN horizontally aligned and preceded by “Québec”, “QC”, “N.I.R.” or “NIR”;
- ▶ Marking on both sides of the outside surface of the passenger compartment or of the sleeper berth;
- ▶ Characters' height of at least 4 cm;
- ▶ Contrasting colour with that of the vehicle.

Type of transportation concerned

- ▶ Transportation of goods for remuneration and for the account of others
- ▶ Forest transportation
- ▶ Bulk transportation
- ▶ Transportation for one's own account

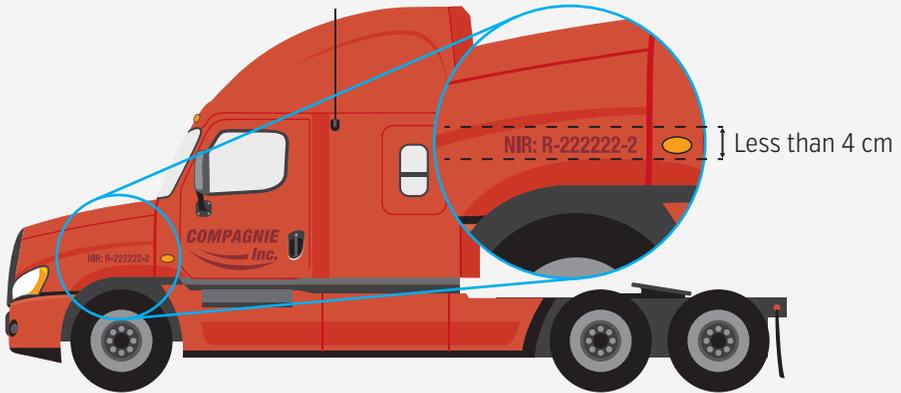
As marking is not mandatory, the peace officer can use the other previously listed elements to identify the operator according to the type of transportation.

Example of compliant marking



Examples of non-compliant marking

Marking is not compliant as the **layout, size and contrast** are incorrect



Marking is not compliant as the **RIN is missing**



If the marking is not compliant and without a shipping document, the heavy vehicle operator will be considered in breach of the regulations due to the absence of a shipping document.

Bill of lading

The bill of lading is a writing which evidences a contract for the transportation of goods. It must be identified by a specific number code and must clearly indicate the terms agreed to by the parties. Essentially, the bill of lading must be issued for each freight transportation movement made for remuneration and for the account of others. Unlike the shipping document, the bill of lading does not have to be kept inside the vehicle used to transport goods.

Minimum required contents

- ▶ Information and specifications contained in Schedules 1 and 2

Type of transportation concerned

- ▶ Transportation of goods for remuneration and for the account of others

Exemptions

- ▶ Transportation of goods listed in section 2 of the *Regulation respecting the requirements for bills of lading*. [See appendices]
- ▶ Transportation of goods for one's own account

A bill of lading can be used as a shipping document, provided that it meets the requirements regarding shipping documents.

Heavy vehicle operators failing to provide a bill of lading that meets the requirements of the *Regulation respecting the requirements for bills of lading* are liable to a fine between \$250 and \$750.

TIPS FOR OPERATORS

- ▶ Make sure that the regulated shipping document, if required, has been properly completed, identifies the operator and is kept inside the vehicle.
- ▶ Make sure that the operator is clearly identified in the daily log.
- ▶ In the case of an operator leasing a heavy vehicle for a short period of time (i.e. for less than a year), make sure that the leasing contract is kept in the vehicle and that it clearly indicates the name of the lessee operating the vehicle. Also make sure that the driver presents the document to the peace officer during an inspection.
- ▶ Make sure that the name of the operator indicated on any of the documents given to the peace officer, including marking, corresponds to the operator's exact name as indicated in the CTQ register.

▶ EXAMPLES OF SITUATIONS

This section presents examples of situations faced by heavy vehicle owners, operators and drivers. The objective is to equip them better and make it easier for them to comply with the legal requirements.

1. ABC Meubles is a family business that manufactures furniture. It owns two trucks that are used exclusively to deliver furniture purchased by their clients, for a fee of \$50 per delivery. During a delivery round, one of the company's drivers is stopped for inspection by a peace officer. Which documents must the driver give to the peace officer to help him identify the operator?

The trucks of ABC Meubles are used exclusively to transport goods manufactured by the company. They transport goods for their own account. In addition to the usual documents (driver's licence, registration certificate, evidence of insurance), the driver must give the peace officer any shipping document¹⁹ authorizing the driver to transport goods, and the driver's daily log, if applicable.

2. One of the trucks of ABC Meubles broke down. The company hires DEF Transport to deliver furniture for the week. The DEF Transport driver is stopped for inspection by a peace officer. What procedure must the peace officer follow to identify the operator?

DEF Transport is not a furniture manufacturer. It transports goods for remuneration and for the account of others. The operator identification procedure in that case will be the procedure indicated on page 11.

3. The DEF Transport driver is considering using the bill of lading as a shipping document although the RIN is not indicated on it. In that case, can the bill of lading be accepted as a shipping document?

The driver's bill of lading cannot be used as a shipping document because it is missing essential information ensuring the validity of a shipping document: the RIN. However, the driver could write the RIN on the bill of lading and present it as a shipping document.

19. See the section on the transportation of goods for one's own account on page 11.

4. During a road check, a peace officer can read the following marking on both sides of the truck cab:

DEF TRANSPORT
NIR-065498-7

Could the officer use the marking to identify the operator of the transportation movement?

The peace officer could use the marking to identify the operator because the marking is an alternative to a shipping document and it can be used to identify the operator of the transportation movement. However, the marking can only be accepted if it meets the requirements of the *Regulation respecting the act respecting owners, operators and drivers of heavy vehicles*.

5. IJK Transport is a Québec company specialized in transportation between Montréal and New York. On the company's trucks registered in Québec, the following indications are displayed in small characters (3 cm):

IJK Transport
US DOT 123456

Does the marking on the company's trucks meet the requirements of the regulation in force in Québec?

The indications on the company's trucks are not in compliance with the *Regulation respecting the act respecting owners, operators and drivers of heavy vehicles*. In Québec, the RIN is used to identify the operator. The US DOT number is used in the United States. To be compliant, the marking must only contain the name of the company and the RIN issued by the CTQ, and it must also have a minimum size of 4 centimeters.

6. John has a dump truck and transports bulk materials on construction sites. The following indications are displayed on the doors, on both sides of the truck:

Jean Transport inc.
NIR R-444444-4

Must the driver keep a shipping document in the vehicle each time he transports bulk materials?

The requirement related to shipping documents does not apply to bulk transportation within the meaning of the Regulation respecting the brokerage of bulk trucking services. In the case of a road check, the peace officer will use the marking on the vehicle to identify the operator, if the marking is compliant. As marking is not mandatory, the peace officer can use the other tools listed on page 12 of this document to identify the operator.

7. While checking a dump truck transporting stone on the road, a peace officer realizes that:
- ▶ The registration certificate identifies the vehicle owner as Compagnie Inc.
 - ▶ There is no shipping document [exemption for bulk transportation], no marking, no weigh-in coupon and no daily log [carrier operating within a zone of less than 160 km].

Who is the operator of this transportation movement?

Under section 42.6 of the OODHV Act, when it is impossible to identify the operator, the owner is presumed to control the operation of the vehicle. In this case, Compagnie Inc. will be designated as the operator.

8. Peter is a new intercity bus driver. He wonders which documents he must keep inside his vehicle to help identify the operator.

To help identify the operator, the driver must provide the peace officer with any document authorizing him to transport passengers, as well as his daily log.

▶ APPENDIX 1

Sample of a shipping document

Name of shipper	
Name of operator	RIN of operator

Name of receiver	Name of consignee (if applicable)
Final destination	
Intermediary (if applicable)	Identification number of intermediary

Quantity	Description of goods

Date and place of acceptance of goods

APPENDIX 2

Information and minimum specifications mandatory for a bill of lading

Information [front]

CONNAISSANCE NON NÉGOCIABLE BILL OF LADING NOT NEGOTIABLE						No de conn. : B/I/no.			
1. Expéditeur ou agent [nom et adresse] / Consigner or agent [name and address]		8. Recu au point d'origine, à la date et de l'expéditeur mentionné aux présentes les marchandises ci-après décrites en bon état apparent [le contenu des colis et sa condition étant inconnus] marquées, contresignées et destinées tel que ci-après mentionné, que le transporteur consent à transporter et à délivrer à leur consignataire au point de destination si ce point se trouve sur la route qu'il est autorisé à desservir, sinon à faire transporter et délivrer par un autre transporteur autorisé à ce faire et ce, aux taux et à la classification en vigueur à la date de l'expédition. Il est mutuellement convenu que chaque transporteur transporte lesdites marchandises en tout ou en partie sur le parcours entier ou une portion quelconque de celui-ci jusqu'à destination et que tout intéressé à ladite expédition pour tout service à effectuer en vertu des présentes est sujet à toutes les conditions imprimées ou écrites non prohibées par la loi, incluant les conditions contenues au verso des présentes qui sont acceptées par l'expéditeur pour lui-même et ses ayants droits. Received at the point of origin on the date specified, from the consignor mentioned herein, the property herein described, in apparent good order, except as noted [contents and conditions of contents of package unknown] marked, consigned and destined as indicated below, which the carrier agrees to carry and to deliver to the consignee at the said destination if on its own authorized route or otherwise to cause to be carried by another carrier on the route to said destination, subject to the rates and classification in effect on the date of shipment. It is mutually agreed, as to each carrier of all or any of the goods over all or any portion of the route to destination, and as to each party of any time interested in all or any of the goods, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, including conditions on back hereof, which are hereby agreed by the consignor and accept for himself and his assigns.							
2. No. cpte expéditeur / Consigner's acct no.	3. Date	4. No ref. expéditeur / Consigner's ref. no.							
5. Nom du transporteur / Name of carrier		6. No. ref. transporteur / Carrier's ref. no.							
7. Consignataire [nom et adresse] / Consignee [name and address]									
9. Partie à notifier - Courtier en douanes* / Notify party - Custom broker*									
10. POINT D'ORIGINE / POINT OF ORIGIN			12. VALEUR DÉCLARÉE / DECLARED VALUATION						
11. Et route / Destination and			Responsabilité maximum de 4.41 \$ / kg selon le poids total de l'expédition à moins qu'une valeur supérieure n'ait été déclarée au recto par l'expéditeur [Conditions 9 et 10 au verso]. Maximum liability of \$4.41 / kg, depending on the total weight of the shipment, unless the shipper has declared a higher value on the front of the bill of lading [Conditions 9 and 10 on back].						
13. Marques et numéros* / Marks and numbers*		14. Nombre total de colis* / Total no. of packages*		15. Description générale de l'expédition* / General description of shipment*					
16. N° du véhicule* / Vehicle No.*		17. Poids brut et cubage* / Total weight and cubage*							
18. Nombre et type de paquets / Number and type of packages		19. Description des marchandises et particularités / Particulars of goods, marks and exceptions		20. Poids / Weight					
				22. Montant / Amount					
				23. FRAIS DE TRANSPORT / FREIGHT CHARGES <input type="checkbox"/> À percevoir / Collect <input type="checkbox"/> Payés d'avance / Prepaid Les frais seront à percevoir à moins d'avis contraire / Freight charges will be collect unless marked prepaid					
				24. Si au risque de l'expéditeur, indiquez-le ici / If at consignor's risk, write or stamp here					
				25. Envoi contre remboursement / C.O.D. shipment Frais de recouvrement / Collection charges <input type="checkbox"/> À percevoir / Collect <input type="checkbox"/> Payés d'avance / Prepaid					
				Montant / Amount C. \$					
26. Entente spéciale entre l'expéditeur et le transporteur, y faire référence / Special agreement between consignor and carrier, advise here				Frais de recouvrement / Collection charges O. \$					
27. AVIS DE RÉCLAMATION		NOTICE OF CLAIM		TOTAL D.					
a) Le transporteur n'est responsable de pertes, de dommages ou de retards aux marchandises transportées qui sont décrites au connaissance, qu'à la condition qu'un avis écrit précisant l'origine des marchandises, leur destination, leur date d'expédition et le montant approximatif réclamé en réparation de la perte, des dommages ou du retard ne soit signifié au transporteur initial ou au transporteur de destination, dans les 60 jours suivant la date de livraison des marchandises ou dans les cas de non-livraison, dans un délai de 9 mois suivant la date de l'expédition;		a) No carrier is liable for loss, damage or delay to any goods carried under the Bill of Lading unless notice thereof setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage or delay is given in writing to the originating carrier or the delivering carrier, within 60 days after the delivery of the goods or, in the case of failure to make delivery, within 9 months from the date of shipment;		28. À l'arrivée* / Inbound* \$					
b) La présentation de la réclamation finale accompagnée d'une preuve du paiement des frais de transport doit être soumise au transporteur dans un délai de 9 mois suivant la date de l'expédition.		b) The final statement of the claim must be filed within 9 months from the date of shipment together with a copy of the paid freight bill.		29. Au-delà* / Beyond* \$					
30. N. B. VEUILLEZ PRENDRE CONNAISSANCE DES CONDITIONS AU VERSO, QUI SONT ACCEPTÉES PAR LES PRÉSENTES / N.B. NOTE CAREFULLY CONDITIONS ON BACK HEREOF WHICH ARE HEREBY ACCEPTED				31. Autres [précisez]* / Others [specify]* \$					
32. Expéditeur / Consignor Date* Pat/Per		33. Transporteur / Carrier Date* Pat/Per		34. Consignataire / Consignor Date* Pat/Per \$					
				35. Total des frais* / Total charges* \$					

*Information facultative / Optional information

D.1198-99, Ann. 1.

To meet the requirements of the *Regulation respecting the requirements for bills of lading*, a bill of lading must contain some minimal information and specifications. The information must be reproduced on the front page while specifications are indicated at the back of the document, as provided under Section 4 of the Regulation.

Minimum specifications *(back)*

I. CONDITIONS OF CARRIAGE

1. Liability of carrier: The carrier of the goods herein described is liable for any loss of or damage to goods accepted by him or his agent except as hereinafter provided.
2. Liability of originating and delivering carriers: Where a shipment is accepted for carriage by connecting carriers, the carrier issuing the bill of lading, hereinafter called the originating carrier, and the carrier who assumes responsibility for delivery to the consignee, hereinafter called the delivering carrier, in addition to any other liability hereunder, are liable for any loss of or damage to the goods while they are in the custody of any other carrier to whom the goods are or have been transferred and from which liability the other carrier is not relieved.
3. Recovery from connecting carrier: The originating carrier or the delivering carrier, as the case may be, is entitled to recover from any other carrier to whom the goods are or have been transferred, the amount of the loss or damage that the originating carrier or delivering carrier, as the case may be, may be required to pay hereunder, resulting from loss or damage to the goods while they were in the custody of such other carrier. When shipments are interlined between carriers, settlement of concealed damage claims shall be prorated on the basis of revenues received.
4. Remedy by shipper or consignee: Nothing in section 2 or 3 deprives a shipper or a consignee of any rights he may have against any carrier.
5. Exemptions from liability: The carrier shall not be liable for loss, damage or delay to any of the goods described in the bill of lading caused by superior force, the Queen's or public enemies, riots, strikes, a defect or inherent vice in the goods, the act or default of the shipper, owner or consignee, authority of law, quarantine or differences in weights of grain, seed, or other commodities caused by natural causes.
6. Time: No carrier is bound to transport goods by any particular vehicle or in time for any particular market or otherwise than with due dispatch, unless by agreement specifically endorsed on the bill of lading and signed by the parties thereto.
7. Routing by carrier: In case of physical necessity where the carrier forwards the goods by a conveyance that is not a licensed rental vehicle, the liability of the carrier is the same as though the entire carriage were by licensed rental vehicle.
8. Stoppage in transit: Where goods are stopped and held in transit at the request of the party entitled to do so, the goods are held at the risk of that party.
9. Valuation: Subject to section 10, the amount of any loss or damage for which the carrier is liable, whether or not the loss or damage results from negligence, shall be computed on the basis of:
 - a) the value of the goods at the time of shipment including the freight and other costs if paid; or
 - b) where a value lower than that referred to in paragraph a) has been represented in writing by the shipper or has been agreed upon, such lower value shall be the maximum liability.
10. Maximum liability: The amount of any loss or damage computed in accordance with the provisions of paragraph a) or b) of section 9 must not exceed \$4.41/kg, depending on the total weight of the shipment, unless the shipper has declared a higher value on the front of the bill of lading.
11. Shipper's risk: Where it is agreed that the goods are carried at the risk of the shipper of the goods, such agreement covers only such risks as are necessarily incidental to transportation and the agreement shall not relieve the carrier from liability for any loss or damage or delay which may result from any negligence to act or omission of the carrier, his agents or employees and the burden of proving absence of negligence shall be on the carrier.
12. Notice of Claim:
 - 1) No carrier is liable for loss, damage or delay to any goods carried under the bill of lading unless notice thereof setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage or delay is given in writing to the originating carrier or the delivering carrier within 60 days after the delivery of the goods, or, in the case of failure to make delivery, within 9 months from the date of shipment.
 - 2) The final statement of the claim must be filed within 9 months from the date of shipment together with a copy of the paid freight bill.
13. Articles of extraordinary value: No carrier is bound to carry any documents, specie or any other articles of extraordinary value unless by a special agreement to do so. If such goods are carried without a special agreement and the nature of the goods is not disclosed herein, the carrier shall not be liable for any loss or damage in excess of the maximum liability stipulated in section 10 above.
14. Freight charges:
 - 1) If required by the carrier, the freight and all other lawful charges accruing on the goods shall be paid before delivery and, if upon inspection, it is ascertained that the goods shipped are not those described in the bill of lading, the freight charges must be paid upon the goods actually shipped with any additional charges lawfully payable thereon.
 - 2) Freight charges are payable on delivery, unless otherwise specified by the shipper on the bill of lading.
15. Dangerous goods: Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full disclosure to the carrier as required by law, shall indemnify the carrier against all loss, damage or delay caused thereby, and such goods may be warehoused at the shipper's risk and expense.
16. Undelivered goods:
 - 1) where, through no fault of the carrier, the goods cannot be delivered, the carrier shall immediately give notice to the shipper and consignee that delivery has not been made, and shall request disposal instructions.
 - 2) pending receipt of such disposal instructions:
 - a) the goods may be stored in the warehouse of the carrier, subject to a reasonable charge for storage; or
 - b) provided that the carrier has notified the shipper of his intention, the goods may be removed to, and stored in public or licensed warehouse at the expense of the shipper without liability on the part of the carrier and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage.
17. Return of goods: Where notice has been given by the carrier in accordance with paragraph 1 of section 16, and no disposal instructions have been received within 10 days from the date of such notice, the carrier may return to the shipper, at the shipper's expense all undelivered shipments for which such notice has been given.
18. Alterations: Subject to section 19, any limitation on the carrier's liability on the bill of lading, and any alteration, or addition or erasure in the bill of lading shall be signed or initialled by the shipper or his agent and the originating carrier or his agent and unless so acknowledged shall be without effect.
19. Weights: It shall be the responsibility of the shipper to show correct shipping weights of the shipment on the bill of lading. Where the actual weight of the shipment does not agree with the weight shown on the bill of lading, the weight shown thereon is subject to correction by the carrier.
20. C.O.D. shipments:

A carrier shall not deliver a C.O.D. shipment unless payment is received in full. The charge for collecting and remitting the amount of C.O.D. bills for C.O.D. shipments must be collected from the consignee unless the shipper has otherwise so indicated and instructed on the bill of lading.

A carrier shall remit all C.O.D. monies to the shipper or his agent within 15 days after collection.

A carrier shall keep all C.O.D. monies separate from the other revenues and funds of his business in a separate trust fund or account.

A carrier shall include as a separate item in his tariff of rates the charges for collecting and remitting money paid by consignees.

II. OTHER SPECIFICATIONS

21. All other specifications agreed to by the parties shall be indicated on the bill of lading.

O.C. 1198-99, Sch. 2.

▶ APPENDIX 3

Sample of a daily log

This is a sample of a daily log as presented in the *Obligations of Heavy Vehicle Users Guide* of the Société de l'assurance automobile du Québec.

Driver's Daily Log

Day

Month

Year

Start of the day
(if different than midnight)

Odometer reading
Start of day

Odometer reading
End of day

Distance
driven

Cycle 1: 7 days
 Cycle 2: 14 days

Motor vehicle: registration plate number
Registration certificate unit number

Operator
Operator's establishment address
Home terminal address

Duty status
Total hours

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Off-duty time																									
Off-duty time in a sleeper berth																									
Driving time																									
On-duty time other than driving time																									
Remarks																									

Driver's name
Co-driver's name

Driver's signature

REFERENCE DOCUMENTS

[An Act respecting owners, operators and drivers of heavy vehicles](#)

[Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles](#)

[Regulation respecting the requirements applicable to shipping documents](#)

[Regulation respecting the requirements for bills of lading](#)

[Regulation respecting the brokerage of bulk trucking services](#)

These documents are available on the website of Les Publications du Québec at www.publicationsduquebec.gouv.qc.ca

QUESTIONS CONCERNING TRUCKING ?

Information available on the website of the ministère des Transports du Québec at www.transports.gouv.qc.ca

- Cargo securement
- Bulk trucking
- International trucking
- Load and size limits
- Shipping documents/bill of lading
- Act respecting owners, operators and drivers of heavy vehicles
- Dangerous substances
- Special permits
- Trucking network
- Road signs for heavy vehicles

Information available on the Québec 511 website at quebec511.gouv.qc.ca

- Hindrances related to load and size
- Vertical bridge clearance
- New roadwork sites
- Load limits on bridges and overpasses

