

Reminder and details concerning the Regulation Respecting the Requirements Applicable to Shipping Documents, Leasing Contracts and Contracts for Services

In 2001, the Government of Québec enacted the *Regulation Respecting the Requirements Applicable to Shipping Documents, Leasing Contracts and Contracts for Services*. This Regulation arose from the implementation of the *Act Respecting Owners, Operators and Drivers of Heavy Vehicles*. The primary purpose of the Regulation was to facilitate the identification of operators who provide transportation. Since January 1st, 2007, the implementation of amendments to the *Act Respecting Owners, Operators and Drivers of Heavy Vehicles* has given enforcement officers a new procedure for identifying such operators. In cases where shipping documents are required, these documents now play a leading role in identifying the operator. To this end, the enforcement officers use a guide that is published by the ministère des Transports du Québec (MTQ), entitled [Guide d'application de la notion d'identification de l'exploitant en vertu du règlement d'application de la Loi PECVL](#). The Guide is available on the MTQ website, in French only.

In order to comply with this new procedure, some clarification is required with respect to the application of the *Regulation Respecting the Requirements Applicable to Shipping Documents, Leasing Contracts and Contracts for Services*.

Who is governed by the Regulation?

Section 3 of the *Regulation Respecting the Requirements Applicable to Shipping Documents, Leasing Contracts and Contracts for Services* stipulates as follows:

*"Documents concerning the shipping of goods shall be kept in the heavy vehicle used for the transportation of those goods, **for remuneration**, from their loading to their delivery."*

As defined in the Regulation, transportation for remuneration means for-hire transportations, or in other words, a carrier for whom transportation is its primary activity and is carried out for a third party. Therefore, companies that engage in transportation for their own account, or in other words, persons for whom transportation is ancillary to transporting their own goods or merchandise that they sell, are **not** governed by the regulatory requirement, even if the transportation is carried out for remuneration.

Therefore, shipping documents are only mandatory in the case of transportation for remuneration, within the meaning of the previous paragraph.

It is important to remember that a shipping document may consist of several documents, provided that there is a common number (order number, requisition number, etc) that shows that they are all related.

Hypothetical situations

The following hypothetical situations illustrate when the shipping document is required on board the vehicle.

Situation	Document required
ABC Transport a for-hire carrier. It delivers items for a shipper or a consignee.	Yes.
Gravel Transport Inc. delivers gravel using a dump truck.	No, this falls within the exemption provided for in Section 3 of the Regulation.
Using its own vehicle, ABC Hardware delivers supplies to a customer, who purchased them from its store.	No, this is a case of private transportation.
Using its own vehicle, ABC Orchard delivers its own produce to a customer.	No, this is a case of private transportation.
Using its own vehicle, and for a \$25 delivery fee, ABC Home Appliances delivers a fridge to a customer, who purchased the appliance from its store.	No, this is a case of private transportation.
ABC Towing tows a car for the vehicle's owner.	Yes.

Change in application

Section 4 of the Regulation stipulates the mandatory information that must appear on shipping documents. As the result of an assessment done in early 2007, the Regulation was amended with respect to the obligation to identify the person who identified the operator providing the transportation in question. An entry on the shipping document, in block letters, indicating the name of the person who identified the operator providing the transportation, now constitutes sufficient minimum information.

The Regulation is scheduled for review in 2008, for the specific purpose of reflecting the repeal of Section 19 of the *Act Respecting Owners, Operators and Drivers of Heavy Vehicles* and the new provisions concerning the identification of operators. An *Info camionnage* bulletin will be issued in early 2008 in order to advise you as to when you will be able to submit comments pertaining to that issue.