

## **THE NEW LEGAL DEFINITION OF HEAVY VEHICLE WILL COME INTO EFFECT IN 2010**

Upon the adoption of Bill 125 (*Act to amend the Act respecting owners, operators and drivers of heavy vehicles*), the Gouvernement du Québec launched a process to amend legal definition of a heavy vehicle, mainly with the aim of harmonizing Québec's legislation with that of other North American jurisdictions. The application of this amendment, initially scheduled to come into force for September 1, 2009, is postponed to winter or spring 2010, subject to approval by the government of the required regulatory amendments. Until the new definition comes into force, the current rules concerning the definition of heavy vehicles continue to apply.

Effective from the date this amendment comes into force, motorized road vehicles with a gross weight rating of 4,500 kg or more will be considered heavy vehicles. The gross vehicle weight rating (GVWR) means the net mass of a vehicle, to which we add the maximum load that the vehicle can carry.

As of that same date, combinations of road vehicles (van with trailer, tractor with semitrailer, etc.) in which at least one of the vehicles has a GVWR of 4,500 kg or more will be considered heavy vehicles. Please note that the length of the trailer or the semitrailer will no longer be taken into consideration in the definition of a heavy vehicle.

### **How can you tell the gross weight rating of your motorized vehicle?**

The GVWR is determined by the manufacturer. It is indicated on the vehicle's compliance label. The compliance label is a plate on which you find technical data, such as the name of the manufacturer, the year of manufacturing, the vehicle's serial number, and the GVWR.

The compliance label on heavy vehicles is usually placed on the frame of the door on the driver's side. It can also be placed on the left side of the dashboard.

### **How can you tell the gross weight rating of your trailer or semitrailer?**

For a trailer or a semitrailer, the compliance label is usually placed on the forward left part and is pointed outwards, so that it is easy to read the information without moving any part.

If there is no compliance label on your trailer or semitrailer, the gross weight rating can be confirmed through an engineer's report. Failing this, the GVWR can also be determined as follows:

For a trailer (which is defined as a road vehicle, including a semitrailer with its front end resting on a dolly, hitched to the towing vehicle by a coupling system other than a fifth wheel), add up the load capacity of the vehicle's tires, increased by 10%;

For a semitrailer (which is defined as a road vehicle with its front end resting on the fifth wheel of the vehicle hauling it), add up the load capacity of the vehicle's tires, increased by 25%.

## **Vehicles targeted by the amendment**

The coming into effect of this new definition will add new vehicles into the “heavy vehicles” category, while excluding others from it.

Motorized road vehicles with a net mass over 3,000 kg and a GVWR under 4,500 kg will no longer be considered heavy vehicles.

Road vehicles with a net mass of 3,000 kg or less and a GVWR of 4,500 kg or more will be considered heavy vehicles from now on.

As for trailers and semitrailers, the main effect of the new definition is that it will add a certain number of combinations of road vehicles into the “heavy vehicles” category. On the one hand, some trailers and semitrailers with a net mass under 3,000 kg have a GVWR over 4,500 kg, and will therefore be considered heavy vehicles from now on. On the other hand, most trailers and semitrailers with a net mass over 3,000 kg have a GVWR of 4,500 kg or more, and will therefore continue to be considered heavy vehicles.

## **Registration in the Registre des propriétaires et des exploitants de véhicules lourds**

When the new definition comes into force, upon the renewal of their registration in the Registre des propriétaires et des exploitants de véhicules lourds, the owners and operators of heavy vehicles will have to modify the number of registered vehicles in accordance with the new definition of a heavy vehicle. If they no longer own vehicles belonging to the “heavy vehicles” category due to the amendment, they will not be required to register in the Registre anymore.

### Maintained exceptions

The categories of motorized vehicles for which registration was compulsory, without consideration of their mass, will still have to be registered. These include buses and minibuses, tow trucks, and vehicles used for the transport of hazardous materials.

The categories of motorized vehicles that were exempt from the application of the *Act respecting owners, operators and drivers of heavy vehicles* (and from registration in the Registre) will continue to be exempt. These categories include tool vehicles, farm machinery and farm trailers belonging to a farmer, and vehicles for which certain temporary registration certificates have been issued.

The persons who are exempt from registration in the Registre des propriétaires et des exploitants de véhicules lourds will also remain exempt. These are mainly individuals who use their vehicles solely for personal reasons, outside the context of any economic or professional activity.

## **Impacts on the regulations governing the road transportation of people and goods**

The definition of a heavy vehicle will also be amended in the regulations governing the road transportation of goods in order to harmonize it with the new definition in the *Act respecting owners, operators and drivers of heavy vehicles*.

However, the exceptions provided for in these regulations will remain effective. Vehicles that are currently exempt from these regulations, regardless of their weight, will therefore remain exempt. Similarly, vehicles that are governed by these regulations, regardless of their weight, will remain governed by them.

The main regulations to which the new definition will apply are the following:

*Regulation respecting the hours of driving and rest of heavy vehicle drivers*

- Daily log
- Driver's record

*Regulation respecting safety standards for road vehicles*

- Pre-departure inspection
- Mandatory maintenance
- Mechanical inspection

*Regulation respecting road signs*

- Stopping at truck weight stations
- Zone prohibited for trucks

***Regulation respecting road vehicle registration***

The *Regulation respecting road vehicle registration* (RRVR) is amended so that the GVWR becomes mandatory information for the registration of a heavy vehicle. However, the definitions of road vehicles in this regulation will not be modified by the new definition of a heavy vehicle. Therefore, after the date the new definition comes into force, licence plates will continue to be issued in accordance with the current rules.