

# CONDUCT REVIEW POLICY

for Heavy Vehicle Owners  
and Operators



## FOREWORD

In the 1990s, the Québec government and the road transportation industry agreed to establish a mechanism to encourage heavy vehicle owners and operators (HVOOs<sup>1</sup>) to comply with road transportation standards in order 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.<sup>2</sup>

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* (hereinafter the “Policy”) in collaboration with its government partners and associations in the road transportation industry. This Policy sets the rules for keeping records on HVOOs and the procedures for assessing their conduct. The purpose of this Policy is to identify HVOOs that present a risk in terms of road safety or the integrity of the road network and to intervene with them as quickly as possible, in order to improve both their compliance with the rules and the road safety record as regards accidents involving a heavy vehicle.

In 2018 and 2019, the Policy’s conduct review and intervention procedures were entirely revised to take into account the economic and regulatory context of the freight and passenger transportation industry, as well as the government’s goals regarding road safety and the integrity of the road network. The main goal of this revision was to better identify the HVOOs that present the greatest risk.

Numerous consultations took place to learn more about the concerns of associations in the freight and passenger transportation industry, HVOOs, independent heavy vehicle drivers, and government partners. These consultations were held as part of an ongoing and constructive dialogue, which has led to a consensus on the main principles and directions that have guided the Policy revision process. The SAAQ wishes to extend its sincere thanks to the participants for their invaluable collaboration throughout this revision process.

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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 fulfill both roles). The expressions “heavy vehicle owner” and “heavy vehicle operator” are used whenever a provision of the Policy applies to only one or the other.

2 Commonly referred to as Bill 430. Reference: CQLR c. P-30.3.

Several amendments to the Policy's conduct review and intervention procedures have resulted from this revision exercise. The most important of these changes are the following:

- incorporating the notion of “age of events”;
- introducing a new approach to assessing critical offences;
- introducing a new offence weighting scale;
- incorporating the notion of “repeat offences of the same nature”;
- separating the “Operational Safety” conduct area into two distinct conduct areas, i.e., “Traffic Rules” and “Use of a Heavy Vehicle”;
- introducing a new approach to reviewing owner conduct under the “Vehicle Safety” conduct area;
- taking into consideration the results of facility audits that cover a single category, even if both categories (“Owner” and “Operator”) apply;
- incorporating new prevention and awareness-raising measures;
- incorporating a program to recognize good HVOO conduct.

Several points have also been clarified to ensure better understanding and application of the Policy.

In addition, the SAAQ will closely monitor the effects of the amendments to the Policy over a period of two years after the amendments come into force. The SAAQ will also share its findings with regard to these effects with the various associations and its partners and adjust any conduct review and intervention procedures as required.

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# 1. Purpose of the Policy

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

- compile a record on each heavy vehicle owner and operator (HVOO) required to register in the Commission des transports du Québec (CTQ)'s register of owners and operators of heavy vehicles in order to monitor and assess that HVOO's conduct;
- implement an administrative policy to identify HVOOs that represent a risk to road safety or the integrity of the road network, and then intervene by contacting them; and
- refer to the CTQ the records of HVOOs that are at risk so that it can analyze their conduct and, where necessary, impose measures and change their safety rating.

The *Conduct Review Policy for Heavy Vehicle Owners and Operators* (Policy) describes the conduct review mechanism and the rules that serve as a basis for the SAAQ's interventions, as well as the process by which they are applied.

# 2. Who Is Subject to the Policy?

The Policy applies to all HVOOs required to register in the CTQ's register of owners and operators of heavy vehicles 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 another Canadian jurisdiction; and
- operators of heavy vehicles registered outside Canada that are 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 vehicles are registered.

## 3. Responsibilities of Owners and Operators

The conduct review is based on the respective responsibilities of heavy vehicle owners and operators. Where a single person is both an owner and an operator, the conduct review is based on all of these responsibilities. The responsibilities of heavy vehicle owners and those of operators are determined by the laws and regulations of the government and municipalities of Québec, and by similar laws and regulations in other Canadian jurisdictions that apply 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*, this component includes:

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

### 3.2 Responsibilities of operators

The responsibilities of operators are outlined below.

#### 3.2.1 Drivers' 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 any conditions that appear on 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*;
- comply, where applicable, with the requirements for driving a heavy vehicle transporting dangerous substances; and
- comply with the provisions of the *Criminal Code*.

### 3.2.2 Rules that govern the use of a heavy vehicle

Operators must comply with the following regulations and ensure that the drivers whose services they use do so as well:

- the *Regulation respecting safety standards for road vehicles* (in particular, the rules regarding 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* (with regard to 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 CTQ's register. The events considered in monitoring and assessing the conduct of HVOOs are entered in their record.

Where a person is both an owner and operator of heavy vehicles, the SAAQ enters in that 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 that have occurred in Québec or in another Canadian jurisdiction.

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

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

HVOOs are responsible for checking their record on a regular basis to stay abreast of any events that may have been entered, and for having any corrections made, if need be.

*An example of an HVOO record showing the different sections it contains is provided in Appendix 1. In addition, Appendix 9 describes how an HVOO can request a copy of its HVOO record.*

## 4.1 Continuity of the conduct record

Events continue to be entered in the record and taken into consideration in the conduct review of HVOOs that change their corporate name. Events also continue to be attributed to any new company created from a corporate merger.

# 5. Conduct Review Mechanism

The conduct of all HVOOs required to register in the CTO's register is assessed. In this regard, the Policy provides for two assessment tools to identify HVOOs that present a higher risk to road safety and the integrity of the road network in order to intervene with them through a series of gradually escalating steps so they can correct their conduct.

These assessment tools are:

- the ongoing review of conduct on the road; and
- conduct assessment as part of a facility audit.

## 5.1 Ongoing review of conduct on the road

The ongoing conduct review considers **events observed on the road** (offences, major defects, "driver" out-of-service orders and accidents). Each event observed is given a **weighting** associated with its severity. All events and their respective weighting are entered in the HVOO's record and remain there for the **sliding period of two years** covered by the conduct review. As this period moves forward in time, events that have been listed for more than two years are withdrawn, and more recent events are added.

However, **alcohol- or drug-related** driving offences are taken into consideration in the conduct review **for a period of 10 years**.

### 5.1.1 Conduct areas considered in the ongoing review of conduct on the road

The events taken into consideration in the ongoing review fall into six broad conduct areas. These six conduct areas belong to either the "Owner" category or the "Operator" category, based on the respective responsibilities of operators and owners.

The conduct areas in the "**Operator**" category are:

- Traffic Rules;
- Use of a Heavy Vehicle;
- Involvement in Accidents;
- Load and Size Limits;
- Operator's Overall Conduct.

The conduct area in the “Owner” category is:

- Vehicle Safety.

Table 1 summarizes the events included in each conduct area.

**Table 1**

**Conduct Areas and Events Taken Into Consideration in the Ongoing Review of an HVOO’s Conduct on the Road**

Conduct Area	Events Taken Into Consideration
<b>“OPERATOR” CATEGORY</b>	
Traffic Rules	Any offence related to the various traffic rules, such as rules regarding speed, stop signs, road signs and traffic signals.
Use of a Heavy Vehicle	Any offence related to the various rules that govern the use of a heavy vehicle, such as hours of driving and off-duty time, the circle check, cargo securement and transportation of dangerous substances, any violation of the obligations set forth in the <i>Act respecting owners, operators and drivers of heavy vehicles</i> , as well as any “driver” out-of-service orders.
Involvement in Accidents <sup>3</sup>	Any “at-fault accident” resulting in injury, for which a peace officer has filed an accident report. Any “at-fault accident” with property damage only, provided all the following conditions are met: <ul style="list-style-type: none"> <li>• A peace officer has filed an accident report.</li> <li>• One of the vehicles involved in the accident had to be towed.</li> <li>• The property damage is higher than \$2,000.</li> </ul>
Load and Size Limits	Any offence related to load and size limits, or to the conditions of a special travel permit.
Operator’s Overall Conduct	The sum of all events entered in the operator’s record.
<b>“OWNER” CATEGORY</b>	
Vehicle Safety	Any major mechanical defect detected by a peace officer during a roadside inspection or during a mechanical inspection carried out by a road vehicle inspection agent at the request of a peace officer. Any offence related to mandatory vehicle maintenance and the obligation to ensure that all equipment and mechanical systems are in good working order, as well as any offence related to the responsibilities of owners as regards mandatory equipment, transportation of dangerous substances, transportation of school children, transportation of people with disabilities and the <i>Act respecting owners, operators and drivers of heavy vehicles</i> .

3 Fatal “at-fault” accidents are not weighted and are not considered in the “Involvement in Accidents” conduct area, as they result in the record being immediately referred to the CTQ.

## 5.1.2 Procedure for the ongoing review of conduct on the road

The ongoing review of an HVOO's conduct on the road is based on the total number of points related to events in each conduct area. Each event (offence, accident, "driver" out-of-service order, major defect, etc.) taken into consideration in a conduct area is assigned a weighting based on its severity (see Section 5.1.3).

The number of points that must not be reached (called a "threshold value") is established for each conduct area in order to identify HVOOs that present a greater risk to road safety and the integrity of the road network. The SAAQ then intervenes with these HVOOs through a series of gradually escalating steps so they can correct their behaviour. These threshold values are determined on the basis of either the size of the operator's heavy vehicle fleet in the case of conduct areas that fall under the "Operator" category, or the size of the owner's heavy vehicle fleet in the case of the "Vehicle Safety" conduct area, which falls under the "Owner" category.

### Interventions by the SAAQ

The SAAQ intervenes with owners or operators when they reach or exceed 50%, 75% or 100% of the threshold value (the number of points that must not be reached) for any of the conduct areas that concern them, whereas it intervenes immediately in other situations (see the intervention procedures in Section 6.1).

### Clarifications about the threshold values

The threshold values that apply to the transportation of passengers are different from those that apply to the transportation of goods.

The threshold values that apply to an HVOO that owns or operates both heavy vehicles engaged in the transportation of passengers and heavy vehicles engaged in the transportation of goods are based on the total number of heavy vehicles used by the HVOO. In addition, the threshold values in such cases are those that apply to the HVOO's main activity (whether it be the transportation of passengers or the transportation of goods), that is, the activity that employs the greatest number of vehicles. If the same number of vehicles is used for each of these activities, the threshold values that apply are those for the transportation of passengers.

The "Load and Size Limits" conduct area does not apply to the transportation of passengers. As a result, the "Operator's Overall Conduct" conduct area does not take it into consideration. Moreover, any offences committed under the "Load and Size Limits" conduct area by an operator involved in the transportation of passengers are entered in its record, but are not weighted.

*Appendix 5 presents the manner in which the size of an HVOO's vehicle fleet is calculated to determine the threshold values.*

*The threshold values (number of points that must not be reached) for the conduct areas in the "Owner" and "Operator" categories are listed in the table of threshold values in Appendix 8.*

### 5.1.3 Nature and weighting of events taken into consideration

The events taken into consideration in the ongoing conduct review and their respective weightings are listed in the following subsections.

Each event is assigned a weighting on the basis of the risk it represents to the safety of road users and the integrity of the road network.<sup>4</sup>

Events are generally weighted on a scale of 1 to 5 points. Critical events, however, are assigned a weighting of 6 points.

#### 5.1.3.1 Offences

In addition to offences committed under the *Highway Safety Code*, other offences are taken into consideration in the ongoing conduct review of the **operator**<sup>5</sup> and the **owner**. These are offences that concern road safety, the integrity of the road network, mechanical maintenance, or the requirement to maintain systems and equipment in good working order. These offences are violations of the provisions set forth in the following laws and regulations:

- *Criminal Code*;
- *Act respecting owners, operators and drivers of heavy vehicles*;
- *Transportation Act*;
- *Regulation respecting road vehicles used for the transportation of school children*;
- *Regulation respecting road vehicles adapted for the transportation of handicapped persons*;
- Municipal by-laws with equivalencies in the *Highway Safety Code*.

The offences taken into consideration are offences observed **on the road**:

- that were the subject of a statement of offence served on the operator, owner or driver;

OR

- of which the operator, owner or driver has pleaded or been found guilty;

OR

- that were the subject of a general offence report.

The SAAQ takes these offences into consideration in the ongoing conduct review as soon as it is informed of their existence, even if they have not yet been the subject of a conviction or guilty plea.

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<sup>4</sup> Fatal accidents are not weighted, as they result in the immediate referral of the record to the CTQ.

<sup>5</sup> Offences committed by a driver are also entered in the operator's record and are taken into consideration in the ongoing review of the operator's conduct.

However, the SAAQ:

- no longer considers, in an HVOO's ongoing conduct review, offences:
  - that have been the subject of a cancellation, a withdrawal or a refusal to prosecute,
  - of which the HVOO or heavy vehicle driver has been found not guilty,
  - for which no general offence report was served by the prosecuting body within the limitation period;
- makes concordance amendments as to the nature of the offence and its weighting, if applicable, when an offence is amended during the penal process.

The above adjustments are made as soon as the SAAQ receives notification of any of these developments.

The offences taken into consideration are **weighted on a scale of 1 to 6 points** and entered in the corresponding conduct area in the HVOO's ongoing conduct review.

*The offences taken into consideration in the conduct review and their weighting are listed in Appendix 2.*

Certain offences are events that are considered serious enough in terms of road safety or the integrity of the road network to be qualified as **serious offences**, as they significantly increase the risk of accident. These offences are assigned a weighting of **3, 4 or 5 points** and are entered in the corresponding conduct area. They are presented *in italics* in Appendix 2.

### **Differentiated weighting**

Certain offences are assigned one weighting in the conduct record of the driver and a different weighting in the conduct record of the operator. As such, certain offences committed by drivers are assigned a higher weighting in the driver's conduct review, as they are primarily the driver's responsibility. These are offences related to:

- not having a valid driver's licence of the appropriate class;
- not complying with seat belt requirements;
- driving while under penalty;
- using a cell phone or any other mobile device;
- alcohol- or drug-related driving events.

*For the weighting differences between operators and drivers for these offences, refer to the list of offences taken into consideration in Appendix 2.*

### **Special provision**

A single offence can result in two statements of offence or two general offence reports being served by a Québec peace officer during the same intervention: one served on the operator, and another one served on the driver. In such cases, the one served on the driver is considered in the driver's conduct review and assigned the appropriate weighting, and the one served

on the operator is entered in the operator’s record without any weighting. If the statement of offence or general offence report served on the driver is cancelled or withdrawn, or if the driver is found not guilty, the statement of offence or general offence report served on the operator is then considered in the operator’s conduct review and assigned the appropriate weighting. This provision applies to offences in the same conduct area so that the operator is not penalized more than once for the same offence.

Moreover, this provision does not apply to offences taken into consideration in both the “Owner” and “Operator” categories, given that the respective responsibilities of the owner and operator are not the same.

This provision does not apply to statements of offence served by another Canadian jurisdiction on an HVOO or a driver of a heavy vehicle registered in Québec.

### Critical offences

Critical offences are very serious offences that represent a high risk to road safety or the integrity of the road network. They are **assigned a weighting of 6 points** and entered in the appropriate conduct area in the HVOO’s conduct review.

The critical offences are listed in Table 2. These are offences under the *Highway Safety Code* (HSC), the *Act respecting owners, operators and drivers of heavy vehicles* (AOODHV), and the *Criminal Code* (CC). Certain critical offences provided for under the *Highway Safety Code* have an equivalency in certain municipal by-laws.

**Table 2**  
**Critical Offences by Conduct Area**

Section	“Traffic Rules” Conduct Area <sup>6</sup>
HSC 106	Allowing a heavy vehicle to be driven by a person under a penalty
HSC 299	Exceeding the speed limit by 41 km/h or more
HSC 303.2	Exceeding the speed limit by 41 km/h or more
HSC 328, 329	Exceeding the speed limit by 41 km/h or more
CC 220, 221	Criminal negligence (causing death or bodily harm)
CC 236	Involuntary manslaughter

<sup>6</sup> **Transportation-related offences** committed under sections of the *Criminal Code* that were in force before December 18, 2018 (249, 249.1, 252, 253, 254 and 255) are also considered critical offences. A conviction under any of these sections received after the coming into force of this Policy is entered in the “Traffic Rules” conduct area and assigned a weighting of 6 points.

Section	“Traffic Rules” Conduct Area <sup>6</sup>
CC 320.13(1)	Dangerous driving
CC 320.13(2)	Dangerous driving causing bodily harm
CC 320.13(3)	Dangerous driving causing death
CC 320.16(1)	Failing to stop after an accident
CC 320.16(2) and (3)	Failing to stop after an accident resulting in bodily harm or death
CC 320.17	Driving while being pursued by a peace officer and without a reasonable excuse for fleeing or failing to stop the vehicle

Section	“Use of a Heavy Vehicle” Conduct Area
HSC 519.6	Driving a heavy vehicle with a major mechanical defect
HSC 519.8.1, subpar. (3) of the 1st par.	Failing to abide by a driving prohibition while being the subject of a “driver” out-of-service order
HSC 519.17, 2nd par.	Allowing a heavy vehicle that has a major mechanical defect to be operated
HSC 519.21.1, subpar. (3) of the 1st par.	Having requested, required or allowed a driver to drive while the driver was the subject of a “driver” out-of-service order under section 519.12
HSC 519.34	Failing to abide by a “driver” out-of-service order issued by a peace officer
HSC 646	Travelling with dangerous substances in a tunnel
A00DHV 48	Operating or driving a heavy vehicle despite being prohibited from doing so

Section	“Load and Size Limits” Conduct Area
HSC 291, 3rd par.	Exceeding by 20,000 kg or more the maximum total loaded mass allowed on a bridge or an overpass that has load restrictions
HSC 463	Exceeding the maximum total loaded mass for standard transport by 20% or more
HSC 513	Exceeding the maximum total loaded mass indicated on a special permit by 20% or more
HSC 513	Exceeding the maximum total loaded mass indicated on a Minister’s permit by 15% or more

Section	“Load and Size Limits” Conduct Area
HSC 513	Exceeding the maximum total loaded mass indicated on a Class 5 or 6 special permit by 10% or more
HSC 513	Operating an oversized vehicle without a police escort, where such an escort is a condition of a special permit
HSC 463 or 513	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: <ul style="list-style-type: none"> <li>• 0.5 metres or more, for the height</li> <li>• 1 metre or more, for the width</li> <li>• 5 metres or more, for the length</li> <li>• 2.5 metres or more, for any overhang in the front, rear and sides of the vehicle</li> </ul>

Section	“Vehicle Safety” Conduct Area
HSC 519.17, 2nd par.	Allowing a heavy vehicle that has a major defect to be operated
A00DHV 48	Operating or driving a heavy vehicle despite being prohibited from doing so

### Critical alcohol- or drug-related driving offences

The alcohol- or drug-related driving offences provided for under the *Highway Safety Code* and the *Criminal Code* are taken into consideration in the operator’s conduct review as soon as a statement of suspension (procès-verbal) suspending the driver’s licence (sections 202.4, 202.4.1 and 202.5 of the *Highway Safety Code*) is served on the driver of a heavy vehicle, regardless of the final outcome of any criminal or penal proceedings.<sup>7</sup>

These offences, which are considered critical offences, are **assigned a weighting of 6 points** and entered in the “Traffic Rules” conduct area. The weighting applies for two years. After the second year<sup>8</sup> and up until the tenth year, the event is no longer assigned a weighting, but it remains in the record to allow for monitoring during this period.

*These offences are listed in Table 3.*

7 If the SAAQ is notified of a criminal or penal conviction for an alcohol- or drug-related driving offence where no statement of suspension (procès-verbal) suspending the driver’s licence was served on the driver upon being intercepted, or where no such statement appears in the record, the offence is considered in the operator’s conduct review.

8 As of the 731st day.

**Table 3**  
**Critical Alcohol- or Drug-Related Driving Offences**

Section <sup>9</sup>	“Traffic Rules” Conduct Area <sup>10</sup>
HSC 202.2 (202.4, subpar. (2) of the 1st par.)	Driving or having the care or control of a heavy vehicle with a learner’s licence or a probationary licence and with alcohol in one’s body
HSC 202.2 (202.4, subpar. (2) of the 1st par.)	Driving or having the care or control of a heavy vehicle with alcohol in one’s body, if the driver is 21 years of age or younger
HSC 202.2.1.1 (202.4, subpar. (3) of the 1st par.)	Driving or having the care or control of a bus or minibus with alcohol in one’s body
HSC 202.2.1.2 (202.4, subpar. (4) of the 1st par.)	Driving or having the care or control of a heavy vehicle with a blood alcohol concentration equal to or above 50 mg of alcohol per 100 ml of blood, where the heavy vehicle is neither a bus nor a minibus
HSC 202.3 (202.5)	Failing or refusing to obey the order of a peace officer, in particular to submit to physical coordination tests or to provide a breath or blood sample
HSC 202.4, subpar. (1) of the 1st par.	Driving or having the care or control of a vehicle with a blood alcohol concentration equal to or above 80 mg of alcohol per 100 ml of blood
HSC 202.4.1, subpar. (1) of the 1st par.	Driving with the presence of drugs in one’s body (evaluating officer)
HSC 202.4.1, subpar. (2) of the 1st par. <sup>11</sup>	Driving with the presence of drugs in one’s body (saliva test)
HSC 443	Driving while having consumed an alcoholic beverage, cannabis or other drugs (on board a heavy vehicle)
CC 320.14(1)(a)	Driving or having the care or control of a vehicle while impaired
CC 320.14(1)(b)	Driving a vehicle with a blood alcohol concentration equal to or above 80 mg of alcohol per 100 ml of blood
CC 320.14(1)(c)	Operating a vehicle with a blood drug concentration above the prescribed limit
CC 320.14(1)(d)	Operating a vehicle with a blood alcohol concentration and blood drug concentration above the prescribed limits where both alcohol and a drug are present
CC 320.14(4)	Operating a vehicle while impaired by a drug (lower concentration)

9 Sections in parentheses refer to administrative penalties applied on the spot for these offences (length of the driver’s licence suspension period).

10 Sections of the *Criminal Code* repealed since December 18, 2018 (249, 249.1, 252, 253, 254 and 255) are also considered critical offences. A conviction under any of these sections received after the coming into force of this Policy is entered in the “Traffic Rules” conduct area and assigned a weighting of 6 points.

11 This section was not in force on this edition’s date of publication.

Section <sup>9</sup>	“Traffic Rules” Conduct Area <sup>10</sup>
CC 320.14(2)	Operating a vehicle while impaired, and causing bodily harm
CC 320.14(3)	Operating a vehicle while impaired, and causing death
CC 320.15	Failing or refusing to obey an order from a peace officer made under section 320.27 or 320.28

### Offences for which a statement of offence was served or a plea entered under a municipal by-law

Offences for which a statement of offence was served or a plea entered under a municipal by-law are taken into consideration in the conduct review of the **operator** or the **owner**. They concern the following offences:

- offences committed under a municipal by-law;
- offences committed under the *Highway Safety Code* but for which a plea was entered under a municipal by-law.

To be taken into consideration, such offences must have an equivalent *Highway Safety Code* offence and result in demerit points<sup>12</sup> under the *Regulation respecting demerit points*. Offences that result in demerit points<sup>13</sup> are related to:

- speeding (sections 299, 303.2, 328 and 329 of the *Highway Safety Code*);
- speed or careless action (section 327 of the *Highway Safety Code*);
- passing vehicles in a zigzag pattern (section 342 of the *Highway Safety Code*);
- failing to obey a red traffic light (sections 359 and 360 of the *Highway Safety Code*);
- failing to obey a stop sign (sections 368, 369 and 370 of the *Highway Safety Code*).

These offences are assigned a **weighting of 1 to 5 points**, which is the same as the weighting for the equivalent offence under the *Highway Safety Code* provided in Appendix 2. These offences are entered in the corresponding conduct area in the operator’s conduct review.

#### 5.1.3.2 “Driver” out-of-service orders

Responsibility for “driver” out-of-service orders is assigned to the operator. They are issued as a result of violations of certain provisions of the *Regulation respecting the hours of driving and rest of heavy vehicle drivers*. These out-of-service orders are assigned a **weighting of 5 points** and entered in the “Use of a Heavy Vehicle” conduct area.

If an out-of-service order is imposed on the principal driver and another on the co-driver, both out-of-service orders are entered in the operator’s record and considered in the conduct review. Each out-of-service order is assigned a weighting of 5 points.

<sup>12</sup> See section 111 of the *Highway Safety Code*.

<sup>13</sup> For the complete list of offences that result in demerit points, refer to the *Regulation respecting demerit points*.

## Special provisions

If a “driver” out-of-service order is imposed and one or more statements of offence or general offence reports are served for the offence directly related to the out-of-service order during the same intervention, only the out-of-service order is considered in the conduct review and assigned the weighting of 5 points. Statements of offence or general offence reports related to the same offence as the out-of-service order are entered in the operator’s record in the applicable conduct area without any weighting.

If a statement of offence or general offence report is served on the operator or the driver for any offence other than the one directly related to the out-of-service order, it is taken into consideration in the conduct review and assigned the appropriate weighting.

However, a “driver” out-of-service order is entered in an operator’s record but is not assigned any weighting when both of the following conditions are fulfilled:

- The operator or driver is found not guilty of the offence directly related to the “driver” out-of-service order, or the offence was cancelled, withdrawn, or was the subject of a refusal to prosecute, or no general offence report was served for that offence within the one-year limitation period.
- No other statements of offence or general offence reports directly related to the out-of-service order were served.

The special provisions of this section do not apply to “driver” out-of-service orders imposed by another Canadian jurisdiction, or to statements of offence served by another Canadian jurisdiction in relation to the hours of driving and rest. These special provisions also do not apply when a “driver” out-of-service order is imposed alone, without a statement of offence being served. In that case, the out-of-service order is assigned the weighting of 5 points.

### 5.1.3.3 Accidents

An accident is entered in the operator’s record in the “Involvement in Accidents” conduct area and taken into consideration in the operator’s conduct review as soon as the SAAQ receives an accident report concerning any of the following situations:

- A heavy vehicle’s load or a portion thereof or any of its equipment, or a piece of a heavy vehicle component or part, or a portion of a combination of road vehicles, falls or breaks off or shifts position.
- A heavy vehicle rolls over, goes out of control or exits the road.
- A heavy vehicle hits another vehicle, an animal, a fixed object or a person outside the heavy vehicle.

In addition, accidents with property damage only must combine all of the following characteristics:

- A peace officer filled out an accident report.
- One of the vehicles involved in the accident had to be towed away.
- The property damage is valued at more than \$2,000.<sup>14</sup>

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<sup>14</sup> Property damage refers to any material damage caused to any of the vehicle units involved in the accident, including their contents and their loads. Property damage also includes damage caused to federal, provincial and municipal property, as well as damage caused to the property of any individual, organization, company or corporation.

## Accidents are assigned a weighting as follows:

- Accidents with property damage only:
  - **1 point** for an accident with property damage only that occurs on the territory of the island of Montréal, in the municipalities of Longueuil, Laval and Québec,<sup>15</sup> or on the exclusive towing network (“réseau routier de remorquage exclusif”);<sup>16</sup>
  - **2 points** for an accident with property damage only that occurs outside the exclusive towing network, the territory of the island of Montréal or the aforementioned municipalities, or that occurs in another Canadian jurisdiction.
- Accidents resulting in injury:

Accidents resulting in injury are assigned a weighting based on whether or not the indication “transport par ambulance” (ambulance transportation) appears in the accident report:

  - If the accident report indicates that ambulance transportation was provided to any of the individuals involved in the accident, the accident is assigned a weighting of **4 points**.
  - If the accident report does not indicate that ambulance transportation was provided, the accident is assigned a weighting of **2 points**.

This provision concerning ambulance transportation does not apply to accidents resulting in injury that occur in another Canadian jurisdiction, as no information about ambulance transportation is sent to the SAAQ. As a result, accidents resulting in injury that occur in another Canadian jurisdiction are assigned a weighting of **4 points**.

- Fatal accidents:

**No weighting is assigned to fatal accidents**, as they are subject to an immediate intervention: the record is referred to the CTQ (see the intervention procedure presented in Section 6.1).

## Proof of non-liability for an accident

An accident is considered to be an “at-fault” accident if any part of it is the fault of the driver or caused by mechanical defects of the heavy vehicle.

Operators who consider that they are not liable for an accident involving one of their heavy vehicles can provide proof of non-liability for an accident or send a written application to that effect to the SAAQ.<sup>17</sup> If the proof or written application is accepted, the accident will no longer be considered in the operator’s conduct review. The accident will remain in the operator’s record with no weighting.

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<sup>15</sup> The territory of L’Ancienne-Lorette is included in that of Québec City.

<sup>16</sup> In reference to the highway network of the metropolitan region of Montréal.

<sup>17</sup> If part of the fault is a result of a mechanical defect of a heavy vehicle, the accident is considered to be an “at-fault” accident and considered in the conduct review.

A single accident is entered in an operator's record and considered in its conduct review if more than one heavy vehicle under its responsibility is involved in the same accident.

*The procedure to have liability for an accident withdrawn from a conduct review is provided in Appendix 7.*

#### **5.1.3.4 Major mechanical defects**

Major mechanical defects detected by a peace officer during a roadside inspection, or by a road vehicle inspection agent during a mechanical inspection carried out at the request of a peace officer, are taken into consideration in a heavy vehicle owner's ongoing conduct review.

The major mechanical defects taken into consideration during the owner's conduct review are those detected:

- during a full or partial mechanical inspection;
- on each unit of a combination of heavy vehicles (tractor and trailer or semi-trailer).

#### **Weighting of major mechanical defects**

The weighting assigned to these major mechanical defects is determined on the basis of the mechanical system involved:

- brake system: 5 points;
- tires and wheels: 4 points;
- other mechanical systems: 3 points.

#### **Unforeseen major mechanical defects**

Certain major mechanical defects cannot be foreseen and must not be considered in the owner's ongoing conduct review.

The major mechanical defects described in Appendix 4 are considered to be unforeseen provided all of the following conditions are met:

- The major 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 standards.
- The major mechanical defect is associated with one or both of the following situations:
  - It is of an unpredictable nature.
  - It is caused by a factor unrelated to the vehicle – either an accident or an electrical problem that has just occurred.

A major mechanical defect considered to be unforeseen is entered in the owner's record with no weighting.

No major mechanical defects detected outside Québec and transmitted by another jurisdiction can be considered unforeseen.

### **Important information**

During a trip, a driver must immediately cease operating a heavy vehicle as soon as a major mechanical defect is detected, even if it is unforeseen. The prohibition from operating the vehicle stems from the fact that the mechanical defect is major, regardless of whether or not 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 after becoming aware of a major mechanical defect, the defect in question will not be considered unforeseen.

#### **5.1.3.5 Events occurring in other Canadian jurisdictions**

Events (offences, accidents, major mechanical defects, "driver" out-of-service orders) occurring in other Canadian jurisdictions concerning a heavy vehicle registered in Québec are entered in the HVOO's record as they were reported by the peace officers and transmitted by the jurisdiction concerned. In addition, these events are considered in the HVOO's conduct review in accordance with the provisions set forth in the Policy.

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

*Appendix 3 presents the table of equivalency codes established by the Canadian Council of Motor Transport Administrators (CCMTA) for offences, along with the corresponding weighting that applies in Québec.*

#### **5.1.4 Notion of "age of events"**

The notion of "age of events" has the effect of decreasing the weighting of events by half when they have appeared in an HVOO's record for more than one year (as of the 366th day after the date of an event until the 730th day).

This notion applies to:

- any offences and "driver" out-of-service orders considered in the **operator's** ongoing conduct review that occurred in Québec or elsewhere in Canada;
- any offences and major mechanical defects considered in the "Vehicle Safety" conduct area for the **owner** that occurred in Québec or elsewhere in Canada.

This notion does not apply to:

- critical offences in the “Operator” or “Owner” categories; or
- accidents entered in the “Involvement in Accidents” conduct area.

*For example, an offence for which 4 points were entered in an HVOO’s record is assigned a weighting of 2 points one year after the date on which it was committed.*

If the decrease in the weighing results in a fraction, the fraction is used. For example, 1 divided by 2 equals 0.5 points.

## 5.15 Notion of “repeat offences of the same nature”

This notion has the effect of entering additional points if “repeat offences of the same nature” are committed. It applies to any offences<sup>18</sup> of the same nature committed in Québec or elsewhere in Canada that have been taken into consideration in the **operator’s** ongoing conduct review.

As for the **owner’s** ongoing conduct review, the notion applies to offences<sup>18</sup> of the same nature committed in Québec or elsewhere in Canada that have been taken into consideration in the “Vehicle Safety” conduct area.

This notion does not apply to:

- offences assigned a weighting of 1 or 2 points;
- “driver” out-of-service orders;
- major mechanical defects entered in the “Vehicle Safety” conduct area;
- accidents entered in the “Involvement in Accidents” conduct area.

### 5.1.5.1 Definition of the expression “offences of the same nature”

An offence is deemed to be of the same nature if it was committed **under the same section of a law and assigned the same weighting**<sup>19</sup> as another offence already entered in the driver’s conduct record. For certain types of offences, however, special provisions apply (see subsections A to D below).

*For example, an offence committed under section 359 of the Highway Safety Code for failing to stop at a red light and another offence committed under section 360 of the Highway Safety Code for failing to stop at a flashing red light are not considered repeat offences of the same nature, even if they are assigned the same weighting of 5 points, as they are not offences committed under the same section of the Highway Safety Code.*

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<sup>18</sup> Offences for which statements of offence or general offence reports have been served or for which guilty pleas have been entered or guilty verdicts rendered.

<sup>19</sup> Refer to the initial weighting of the offence established in Appendix 2 of this Policy, and not the decreased weighting assigned after applying the age-of-events notion (5.1.4).

## Special Provisions

### A) Offences related to speeding

The notion of “repeat offences of the same nature” applies to speeding-related offences that are assigned the same weighting, regardless of the section of the law under which they were committed (299, 303.2, 328, 329 of the *Highway Safety Code* or equivalent sections of a municipal by-law).

*For example, an offence committed under section 299 of the Highway Safety Code for exceeding the speed limit that was assigned a weighting of 3 points and another offence under section 303.2 for exceeding the speed limit that was also assigned a weighting of 3 points are considered repeat offences of the same nature.*

### B) Offences related to load and size limits and the conditions of special permits (sections 463 and 513 of the *Highway Safety Code*)

The notion of “repeat offences of the same nature” applies to offences related to load and size limits and the conditions of a special permit committed under the same section of a law and assigned the same weighting, provided they also belong to the same subgroup, from among the following:

- Offences under section 463 of the *Highway Safety Code* (load and size limits) are divided into two subgroups:
  - offences related to axle loads and total loaded mass, regardless of the type of overload (axle or total mass);
  - offences related to size limits.

*For example, an axle load offence under section 463 and another offence for total loaded mass under the same section of the Highway Safety Code that are each assigned a weighting of 4 points are considered repeat offences of the same nature.*

- Offences under section 513 of the *Highway Safety Code* (special permits) are divided into four sub-groups:
  - offences related to axle loads and total loaded mass, regardless of the type of overload (axle or total mass);
  - offences related to size limits;
  - offences related to the operation of a road train;
  - offences related to the conditions of a special permit.

*For example, an axle load offence under section 513 that is assigned a weighting of 4 points and another offence related to the conditions of a special permit under section 513 that is also assigned a weighting of 4 points are not considered repeat offences of the same nature.*

### C) Offences committed outside Québec

The notion of “repeat offences of the same nature” also applies to offences committed outside Québec with the same equivalency code and the same weighting. The equivalency codes are presented in Appendix 3.

### D) Alcohol- or drug-related driving offences

The notion of “repeat offences of the same nature” applies to alcohol- or drug-related driving offences that are assigned the same weighting, regardless of the section of the *Highway Safety Code* or *Criminal Code* under which they were committed (see Table 3 for the list of these offences).

#### 5.1.5.2 Limits for “repeat offences of the same nature”

In order for the SAAQ to intervene when an HVOO commits repeat offences of the same nature, a limit for the number of “repeat offences of the same nature” has been determined based on vehicle fleet size. This limit establishes the number of offences of the same nature<sup>20</sup> beyond which additional points are assigned.

**Table 4**

#### Limits for Repeat Offences of the Same Nature

Heavy Vehicle Fleet Size (“Owner” or “Operator”)	Limit for Repeat Offences of the Same Nature	Offence as of Which the Limit Is Exceeded
1 to 2	1	2nd offence
3 to 5	2	3rd offence
6 to 10	3	4th offence
11 to 15	4	5th offence
16 to 20	5	6th offence
21 to 30	6	7th offence
31 to 50	7	8th offence
51 to 75	8	9th offence
76 to 100	9	10th offence

<sup>20</sup> Offences of the same nature committed by different drivers within the same conduct review period are included in the calculation of the number of repeat offences of the same nature entered in an HVOO’s record.

Heavy Vehicle Fleet Size ("Owner" or "Operator")	Limit for Repeat Offences of the Same Nature	Offence as of Which the Limit Is Exceeded
101 to 125	10	11th offence
126 to 150	11	12th offence
151 to 175	12	13th offence
176 to 200	13	14th offence
201 to 250	14	15th offence
251 to 300	15	16th offence
301 to 350	16	17th offence
351 to 400	17	18th offence
401 to 450	18	19th offence
451 to 500	19	20th offence
501 to 550	20	21st offence
551 to 600	21	22nd offence
601 to 675	22	23rd offence
676 to 750	23	24th offence
751 to 850	24	25th offence
851 to 950	25	26th offence
951 to 1,050	26	27th offence
1,051 to 1,150	27	28th offence
1,151 to 1,250	28	29th offence
1,251 to 1,350	29	30th offence
1,351 to 1,450	30	31st offence
1,451 to 1,600	31	32nd offence
1,601 to 1,750	32	33rd offence
1,751 to 1,900	33	34th offence
1,901 to 2,050	34	35th offence

Heavy Vehicle Fleet Size (“Owner” or “Operator”)	Limit for Repeat Offences of the Same Nature	Offence as of Which the Limit Is Exceeded
2,051 to 2,200	35	36th offence
2,201 to 2,350	36	37th offence
2,351 to 2,500	37	38th offence
2,501 to 2,650	38	39th offence
2,651 to 2,800	39	40th offence
2,801 to 2,950	40	41st offence
2,951 to 3,100	41	42nd offence
3,101 to 3,250	42	43rd offence
3,251 to 3,400	43	44th offence
3,401 to 3,600	44	45th offence
3,601 to 3,800	45	46th offence
3,801 to 4,000	46	47th offence
4,001 to 4,250	47	48th offence
4,251 to 4,500	48	49th offence
4,501 to 4,750	49	50th offence
4,751 to 5,000	50	51st offence

### 5.1.5.3 Additional points for exceeding the limit for repeat offences of the same nature

When an HVOO exceeds the limit for repeat offences of the same nature that was assigned based on the size of its vehicle fleet (see Table 4), additional points are added to the corresponding conduct area. These additional points are equivalent to 20% of the threshold value (the number of points that must not be reached) for that conduct area, and are added to the points already accumulated for that conduct area.

*For example, an operator has a fleet of 10 trucks, which means the threshold value for the “Load and Size Limits” conduct area is 28 points. The limit for repeat offences of the same nature is 3, given the size of that operator’s heavy vehicle fleet. A fourth offence under section 463 of the Highway Safety Code related to axle loads is entered in the operator’s record during the two-year period covered by the Policy. As a result, 5.6 points (20% of 28 points) are added to those already accumulated in the “Load and Size Limits” conduct area.*

*Here is another example: An owner has 3 buses, which means the threshold value for the “Use of a Heavy Vehicle” conduct area is 15 points, and the limit for repeat offences of the same nature is 2, given the size of the owner’s heavy vehicle fleet. If the owner commits a third offence of the same nature, such as failing to conduct an inspection specific to motor coaches, 3 points (20% of 15 points) will be added to the points the owner has already accumulated in the “Use of a Heavy Vehicle” conduct area.*

### **Information in an HVOO’s record**

Information concerning repeat offences of the same nature appear in an HVOO’s record for each applicable conduct area included in the ongoing conduct review.

*The Heavy Vehicle Owner or Operator Record is presented in Appendix 1.*

### **5.1.6 Important information about the “Operator’s Overall Conduct” conduct area**

If the limit for repeat offences of the same nature is exceeded for any of the “Operator” conduct areas, additional points are also added to the “Operator’s Overall Conduct” conduct area. These additional points are equivalent to 20% of the threshold value (the number of points that must not be reached) for the “Operator’s Overall Conduct” conduct area, and are added to the points already accumulated in that conduct area.

*For example, an operator with a fleet of 10 heavy vehicles has 4 offences of the same nature in its record in the “Traffic Rules” conduct area. Thus, 12.4 points (20% multiplied by 62 [threshold value for that conduct area]) will be added to the points already accumulated in the “Traffic Rules” conduct area. The operator will also have 14 points (20% multiplied by 70 [threshold value for the “Operator’s Overall Conduct” conduct area]) added to the points already accumulated in the “Operator’s Overall Conduct” conduct area.*

## **5.2 Assessing HVOO conduct during a facility audit**

Facility audits are conducted by Contrôle routier Québec in an HVOO’s establishments in Québec. The purpose of such audits is to ensure, primarily by checking the records and documents that HVOOs are required to keep, that HVOOs fulfill their obligations, as follows:

- **Operators** (the “Operator” category): Operators are required to verify and monitor 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), as well as the proper 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).
- **Owners** (the “Owner” category): Owners are required to ensure compliance with the mechanical maintenance requirements for their heavy vehicles, including the inspection specific to motor coaches, and repair any major or minor mechanical defects detected.

## 5.2.1 Nature and weighting of the offences taken into consideration

Offences committed under the *Highway Safety Code* are taken into consideration in the conduct assessment of the **operator** and the **owner** during facility audits.

These are offences observed **in the establishment** (facility):

- that were the subject of a statement of offence served on the operator, the owner or the driver;
- of which the owner, the operator or the driver has pled guilty or has been found guilty;
- that were the subject of a general offence report.

*The offences considered in a facility audit and the weighting they are assigned are described in Appendix 2.*

### Special provision

A single offence can result in two statements of offence or two general offence reports being served by a Québec peace officer during a single facility audit: one served on the operator and the other served on the driver. In such a case, the one served on the driver is assigned the appropriate weighting and is considered in the calculation<sup>21</sup> of the number of accumulated points for offences to determine whether the operator passes or fails the facility audit, and the one served on the operator remains in its record without any weighting. However, if the statement of offence or the general offence report served on the driver is cancelled or withdrawn, or if the driver is found not guilty, it is then the statement of offence or general offence report served on the operator that is assigned the appropriate weighting for the purposes of calculating the total number of points for offences in order to determine whether the HVOO has passed or failed the facility audit in the “Operator” category.

### Important information

The notions of “age of events” and “repeat offences of the same nature” do not apply in the conduct review of the **operator** and the **owner** during a facility audit.

An offence observed during a facility audit is only taken into consideration to determine whether the operator or owner has passed or failed the facility audit, in accordance with Section 5.2.5.1 of this Policy. It is not considered in the ongoing review of the HVOO’s conduct on the road.

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<sup>21</sup> See Section 5.2.5.1.

## 5.2.2 Conditions for considering the results of a facility audit

Facility audit results (pass or fail) are taken into consideration in an HVOO's conduct review when:

- the audit covers both categories ("Operator" and "Owner") and the HVOO is an owner **and** operator of heavy vehicles that fulfills both roles;

OR

- the audit covers only one category ("Operator" or "Owner"), and the HVOO is an owner **and** operator of heavy vehicles that fulfills both roles;

OR

- the audit covers only one category ("Operator" or "Owner"), and the HVOO is an owner **or** an operator that fulfills only the role in question.

The rules for record sampling set forth in this Policy must be respected for the results of the facility audits to be taken into consideration in an HVOO's conduct review, including the rules related to extending the sample, if applicable, as described in Section 5.2.4. Table 5 lists the number of records that must be audited (the "sample size") based on the number of drivers or heavy vehicles.

### Companies with 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 these establishments, on condition that:

- the sampling takes into account all of the company's drivers and heavy vehicles in Québec;
- the rules for sampling set forth in this Policy are respected for each of the audited categories.

## 5.2.3 Approach used to determine the number of records to audit

### 5.2.3.1 "Operator" category: number of drivers

The carrier enforcement officer determines the number of drivers whose services the operator used during the period covered by the facility audit. This number corresponds to the total number of drivers in any of the following situations during that period:

- a driver who is also the operator;
- drivers employed by the operator;
- drivers whose services are provided to the operator under a leasing contract;
- drivers whose services are provided under a contract through which a company provides the operator with the use of a heavy vehicle.

### 5.2.3.2 “Owner” category: number of heavy vehicles

The carrier enforcement officer determines the total number of heavy vehicles registered in Québec in the name of the owner or the long-term lessee that appears on the registration certificate during the period covered by the audit. This includes the following heavy vehicles:

- motorized heavy vehicles registered in Québec in the name of the owner or the long-term lessee that appears on the registration certificate and authorized for operation;
- trailers and semi-trailers with a gross vehicle weight rating (GVWR) of 4,500 kg or more registered in Québec in the owner’s name and not prohibited from operation.

### 5.2.3.3 Sampling of the “driver” and “vehicle” records to be audited

For the audit sample, the carrier enforcement officer selects a certain number of “driver” and “vehicle” records, based on the number of drivers and heavy vehicles determined in accordance with the procedures set forth in Sections 5.2.3.1 and 5.2.3.2. The size of the sample to be taken into consideration is presented in Table 5.

The carrier enforcement officer audits the selected records and takes note of any statements of offence and general offence reports served for offences observed under the “**Operator**” and “**Owner**” categories. Each offence observed is assigned a number of points based on the table of offences presented in Appendix 2.

**Table 5****Size of the Sample of “Driver” or “Vehicle” Records to Be Audited During a Facility Audit AND****Number of Points as of Which an HVOO Fails a Facility Audit (“Failure Threshold”)**

Number of Drivers or Heavy Vehicles	Number of Records to Audit (Sample Size)	Failure Threshold for the “Operator” Category		Failure Threshold for the “Owner” Category	
		Transportation of Goods	Transportation of Passengers	Transportation of Goods	Transportation of Passengers
1	1	8	5	7	5
2	2	9	7	8	6
3	3	12	8	10	7
4	4	14	9	13	8
5	5	16	10	14	9
6	6	17	12	15	10
7 to 10	7	20	13	17	12
11 to 12	8	21	14	18	13
13 to 15	9	22	16	20	14
16 to 18	10	25	17	22	15
19 to 22	11	26	18	23	16
23 to 26	12	27	18	24	16
27 to 32	13	29	20	25	17
33 to 40	14	30	20	26	17
41 to 50	15	31	21	28	18
51 to 64	16	33	21	29	18
65 to 85	17	34	22	30	20
86 to 121	18	35	23	31	21
122 to 192	19	36	25	32	22
193 to 413	20	39	26	35	23
414 to 500	21	40	27	36	24
501 or more	25	46	31	40	28

## 5.2.4 Extending the sample

When a carrier enforcement officer audits a greater number of records than the number indicated in Table 5, the failure threshold is increased to correspond to the number of records actually audited. When a carrier enforcement officer audits more than 25 records, i.e., the largest sample size provided in Table 5, the failure threshold must be calculated based on the number of records actually audited, as follows:

$$\text{Failure threshold} = \frac{\begin{array}{c} \text{Threshold value} \\ \text{for 25 records} \end{array} \times \begin{array}{c} \text{Number of records} \\ \text{actually audited} \end{array}}{25}$$

## 5.2.5 Situations leading to a failure during a facility audit

A failure during a facility audit can be a result of either of the following situations:

- The number of points accumulated is equal to or higher than the number of points as of which the HVOO is deemed to have failed the facility audit (the “failure threshold”).
- Too many records are missing.

### 5.2.5.1 Number of points equal to or higher than the failure threshold

An HVOO is deemed to have failed a facility audit as soon as the number of points for offences is equal to or exceeds the failure threshold for either the “Owner” or the “Operator” category. Table 5 indicates the failure thresholds for the “Owner” and “Operator” categories, based on the size of the sample (i.e., the number of “driver” or “vehicle” records to be audited).

Points are added separately for the “Operator” category and the “Owner” category, as the failure thresholds for the operator are different from those for the owner (see Table 5).

In the case of an HVOO that owns or operates heavy vehicles for both the transportation of passengers and the transportation of goods, the failure threshold is based on the total number of vehicles in that HVOO’s fleet. In addition, that HVOO’s failure threshold corresponds to the failure threshold for its main activity i.e., the one that uses the greatest number of vehicles, whether it be the transportation of passengers or the transportation of goods. If the same number of vehicles is used for the transportation of goods as for the transportation of passengers, the failure threshold that applies is the one for the transportation of passengers.

### 5.2.5.2 Too many missing records

An HVOO is also deemed to have failed a facility audit when a certain number of “driver” or “vehicle” records are missing, as indicated in Table 6.

**Table 6****Number of Missing Records as of Which an HVOO Is Deemed to Have Failed a Facility Audit**

Number of Records to Audit (Sample Size)	Number of Missing “Driver” 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 <sup>22</sup>

In the sampling procedure, a missing record is considered to be an audited record.

For the “**Owner**” category, a record is considered missing when 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 detected during a circle check or during the mechanical maintenance referred to in section 198 of the *Regulation respecting safety standards for road vehicles*;
- the information and documents related to the mechanical maintenance of a heavy vehicle referred to in section 198 of the *Regulation respecting safety standards for road vehicles*;
- a document that certifies the compliance of a heavy vehicle, if that vehicle was subject to a recall.

For the “**Operator**” category, a record is considered missing when the operator is unable to provide any of the following documents:

- a document, signed by the driver, informing the operator that his or her licence has been modified, suspended or cancelled, as provided for under section 519.7 of the *Highway Safety Code*;
- the records of duty status and information (registers) referred to in paragraph (4) of section 30 of the *Regulation respecting the hours of driving and rest of heavy vehicle drivers*;
- the supporting documents required under the *Regulation respecting the hours of driving and rest of heavy vehicle drivers*.

<sup>22</sup> Fractions are rounded up to the next whole number.

### 5.2.6 Review of facility audit results

Offences observed during a facility audit may be amended as part of the penal process.

As soon as it is informed of such amendments, the SAAQ:

- no longer considers, when assessing an HVOO's conduct during a facility audit, any offences:
  - that have been the subject of a cancellation, a withdrawal or a refusal to prosecute,
  - of which the HVOO or the heavy vehicle driver has been found not guilty,
  - for which no general offence report was served by the prosecuting body within the limitation period;
- undertakes the concordance amendments with regard to the nature of the offence and its weighting, if applicable, when an offence is amended as part of the penal process;
- adjusts the results of the facility audit accordingly. If applicable, the SAAQ informs the HVOO that it has no longer reached the failure threshold as a result of these adjustments. The SAAQ also informs the CTQ of that fact, if the HVOO's record has already been referred to it.

## 6. Intervention Process

The SAAQ systematically intervenes on the basis of an HVOO's conduct review carried out under this Policy. The SAAQ intervenes in two ways:

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

- notify them that their record has deteriorated;
- make them aware of the importance of changing their risky conduct before their record is referred to the CTQ; and
- notify them that their record will be referred to the CTQ, as applicable.

Secondly, the SAAQ intervenes immediately in certain situations, such as when a fatal accident occurs, or when an HVOO fails a facility audit.

As part of each of these interventions, the SAAQ sends the HVOO either a letter or a notice, along with its conduct record.

## 6.1 Intervention procedure related to the ongoing review of conduct on the road

The SAAQ's interventions related to the ongoing review of conduct on the road are based on the degree, expressed as a percentage, to which an HVOO has reached the threshold value for any of the applicable conduct areas. These threshold values are determined on the basis of the size of the owner's or operator's vehicle fleet.

The SAAQ intervenes in a series of gradually escalating steps as the HVOO's record deteriorates and as the HVOO presents an increasingly greater risk.

The SAAQ also intervenes immediately in certain situations.

### 6.1.1 First-level warning letter

The SAAQ sends a first-level warning letter to an **operator** that reaches or exceeds 50% of the threshold value (the number of points that must not be reached) for any of the conduct areas in the "Operator" category.

The SAAQ sends a first-level warning letter to an **owner** that reaches or exceeds 50% of the threshold value (the number of points that must not be reached) for the "Vehicle Safety" conduct area.

### 6.1.2 Second-level warning letter

The SAAQ sends a second-level warning letter to an **operator** that reaches or exceeds 75% of the threshold value (the number of points that must not be reached) for any of the conduct areas in the "Operator" category.

The SAAQ sends a second-level warning letter to an **owner** that reaches or exceeds 75% of the threshold value (the number of points that must not be reached) for the "Vehicle Safety" conduct area.

### 6.1.3 Notice that the HVOO's record is being referred to the CTQ

Notice that its HVOO record is being referred to the CTQ is sent:

- to an **operator** in any of the following situations:
  - The operator has reached or exceeded the threshold value (the number points that must not be reached) for any of the conduct areas in the "Operator" category.
  - A fatal accident has been entered in the operator's record.
  - A driver was involved in two critical alcohol- or drug-related driving offences within a period of 10 years, regardless of whether or not the driver was employed by the operator on a continuous basis during this 10-year period.
- to an **owner** that has reached or exceeded the threshold value (the number of points that must not be reached) for the "Vehicle Safety" conduct area.

This notice is sent to notify the HVOO that its HVOO record has deteriorated to the point where it must be referred to the CTQ. The CTQ then analyzes the HVOO's conduct and may order the HVOO to a hearing and impose measures. If necessary, the CTQ will also adjust the HVOO's safety rating.

The notice is sent to the HVOO by registered mail. The HVOO may then submit an application to have its record adjusted, if applicable, within 15 business days of the notice's postmark date (see Section 10).

## **6.2 Intervention procedure related to having failed a facility audit**

Failing a facility audit results in an immediate intervention by the SAAQ.

### **6.2.1 Warning letter**

The SAAQ sends a warning letter to an HVOO as soon as a failure in the "Owner" or "Operator" category is entered in its record as a result of a facility audit. The HVOO's record is enclosed with the warning letter.

### **6.2.2 Notice that the HVOO's record is being referred to the CTQ**

The SAAQ sends an HVOO a notice that its record is being referred to the CTQ when the HVOO fails more than one facility audit, or when failing a facility audit is combined with reaching or exceeding 75% of the threshold value for any of the conduct areas in the HVOO's ongoing conduct review. The various event combinations related to failing a facility audit that result in a referral of the HVOO's record to the CTQ are presented in Table 7.

The notice is sent to the HVOO by registered mail. The HVOO may then submit an application to have its record adjusted, if applicable, within 15 business days of the notice's postmark date (see Section 10).

## **Table 7**

### **Event Combinations Related to Failing a Facility Audit that Result in the Referral of an HVOO's Record to the CTQ**

A failure in the "Owner" category and a failure in the "Operator" category have occurred in the same facility audit.
The HVOO has failed two different facility audits, regardless of the category ("Owner" or "Operator") covered by each audit, within a period of two years.
The HVOO has failed a facility audit in the "Operator" category within the last year, and the HVOO's record has reached the stage of a second-level warning letter (reaching or exceeding 75% of a threshold value) for any of the conduct areas in the "Operator" category.
The HVOO has failed a facility audit in the "Owner" category within the last year, and the HVOO's record has reached the stage of a second-level warning letter (reaching or exceeding 75% of the threshold value) for the "Vehicle Safety" conduct area.

## **6.3 Intervention procedures for prevention and awareness-raising**

Information letters intended to raise the awareness of owners or operators are sent when the situations described below occur (either during the ongoing review of conduct on the road or during a facility audit).

### **6.3.1 Information letter for accidents resulting in injury**

The SAAQ sends an information letter to the operator as soon as an accident resulting in injury is entered in its record, even if the operator has not reached 50% of the threshold value for the “Involvement in Accidents” conduct area.

### **6.3.2 Information letter for critical offences**

The SAAQ sends an information letter to the **operator** or the **owner** as soon as a critical offence is entered in its record, as this type of offence represents a high risk to road safety or the integrity of the road network. The SAAQ also sends a letter to the driver who has committed the offence, along with his or her driving record.

### **6.3.3 Information letter for serious offences**

The SAAQ sends an information letter to the operator as soon as it is informed that such an offence has been committed, as this type of offence represents a serious risk to road safety or the integrity of the road network. The SAAQ also sends a letter to the driver who has committed the offence, along with his or her driving record.

### **6.3.4 Information letter for repeat offences of the same nature**

This measure has been introduced in the Policy to make HVOOs aware of the fact that repeat offences of the same nature may be a sign of a road safety management problem or poor driving practices, and to allow the HVOO to implement any required corrective measures.

An information letter is thus sent to an HVOO that exceeds 50%, 75% or 100% of the limit for repeat offences of the same nature that applies to that HVOO based on the size of its vehicle fleet, as indicated in Table 8.

**Table 8****Information Letter Sent for Having Exceeded 50% or 75% of the Limit for Repeat Offences of the Same Nature**

Heavy Vehicle Fleet Size (“Owner” or “Operator”)	Limit for Repeat Offences of the Same Nature	Exceeding 50% of the Limit for Repeat Offences of the Same Nature	Exceeding 75% of the Limit for Repeat Offences of the Same Nature
1 to 2	1		
3 to 5	2		2nd offence
6 to 10	3	2nd offence	3rd offence
11 to 15	4	3rd offence	4th offence
16 to 20	5	3rd offence	4th offence
21 to 30	6	4th offence	5th offence
31 to 50	7	4th offence	6th offence
51 to 75	8	5th offence	7th offence
76 to 100	9	5th offence	7th offence
101 to 125	10	6th offence	8th offence
126 to 150	11	6th offence	9th offence
151 to 175	12	7th offence	10th offence
176 to 200	13	7th offence	10th offence
201 to 250	14	8th offence	11th offence
251 to 300	15	8th offence	12th offence
301 to 350	16	9th offence	13th offence
351 to 400	17	9th offence	13th offence
401 to 450	18	10th offence	14th offence
451 to 500	19	10th offence	15th offence
501 to 550	20	11th offence	16th offence
551 to 600	21	11th offence	16th offence
601 to 675	22	12th offence	17th offence

Heavy Vehicle Fleet Size ("Owner" or "Operator")	Limit for Repeat Offences of the Same Nature	Exceeding 50% of the Limit for Repeat Offences of the Same Nature	Exceeding 75% of the Limit for Repeat Offences of the Same Nature
676 to 750	23	12th offence	18th offence
751 to 850	24	13th offence	19th offence
851 to 950	25	13th offence	19th offence
951 to 1,050	26	14th offence	20th offence
1,051 to 1,150	27	14th offence	21st offence
1,151 to 1,250	28	15th offence	22nd offence
1,251 to 1,350	29	15th offence	22nd offence
1,351 to 1,450	30	16th offence	23rd offence
1,451 to 1,600	31	16th offence	24th offence
1,601 to 1,750	32	17th offence	25th offence
1,751 to 1,900	33	17th offence	25th offence
1,901 to 2,050	34	18th offence	26th offence
2,051 to 2,200	35	18th offence	27th offence
2,201 to 2,350	36	19th offence	28th offence
2,351 to 2,500	37	19th offence	28th offence
2,501 to 2,650	38	20th offence	29th offence
2,651 to 2,800	39	20th offence	30th offence
2,801 to 2,950	40	21st offence	31st offence
2,951 to 3,100	41	21st offence	31st offence
3,101 to 3,250	42	22nd offence	32nd offence
3,251 to 3,400	43	22nd offence	33rd offence
3,401 to 3,600	44	23rd offence	34th offence
3,601 to 3,800	45	23rd offence	34th offence
3,801 to 4,000	46	24th offence	35th offence
4,001 to 4,250	47	24th offence	36th offence

Heavy Vehicle Fleet Size (“Owner” or “Operator”)	Limit for Repeat Offences of the Same Nature	Exceeding 50% of the Limit for Repeat Offences of the Same Nature	Exceeding 75% of the Limit for Repeat Offences of the Same Nature
4,251 to 4,500	48	25th offence	37th offence
4,501 to 4,750	49	25th offence	37th offence
4,751 to 5,000	50	26th offence	38th offence

### 6.3.5 Notices of non-compliance issued for information and awareness-raising purposes

Notices of non-compliance are issued for information purposes to HVOOs by carrier enforcement officers during roadside interventions or facility audits, with a view to helping them better meet their obligations as users of heavy vehicles.

**These notices of non-compliance are not considered in the ongoing conduct review and they do not appear in the HVOO’s record.**

Notices of non-compliance appear in their own statement, entitled *Statement Concerning Notices of Non-Compliance Issued to a Heavy Vehicle Owner or Operator*, that is separate from the HVOO record. This statement contains information on the notices of non-compliance the HVOO has been issued, including the number and nature of such notices. The procedure to obtain this statement is the same as the procedure to request the *Heavy Vehicle Owner or Operator Record* presented in Appendix 9. Third parties who wish to obtain this statement must obtain a power of attorney from the HVOO indicating the statement may be issued to the third party in question.

#### 6.3.5.1 During a roadside intervention

To raise an HVOO’s awareness, and for information purposes only, the events resulting in notices of non-compliance are assigned the same weighting as if a statement of offence or a general offence report had been served, instead of a notice of non-compliance issued.

As part of this awareness-raising exercise, the *Statement Concerning Notices of Non-Compliance Issued to a Heavy Vehicle Owner or Operator* includes, for each conduct area in the “Operator” or “Owner” category, both the points associated with the notices of non-compliance, and the points assigned for any actual offences entered in the *Heavy Vehicle Owner or Operator Record*. This provides an idea of what the HVOO’s conduct review would look like if the events resulting in notices of non-compliance had actually been taken into consideration in assessing the HVOO’s conduct.

When a warning letter provided for in Section 6.1 of this Policy is sent to an HVOO for having reached or exceeded 50% or 75% of a threshold value for a given conduct area, the HVOO may also be informed, if applicable, that it would have reached a higher level of intervention for that conduct area had the notices of non-compliance it was issued also been taken into consideration. In such cases, the *Statement Concerning Notices of Non-Compliance Issued to a Heavy Vehicle Owner or Operator* is included with the warning letter.

### 6.3.5.2 During a facility audit

For information purposes only, the events resulting in notices of non-compliance are assigned the same weighting as if a statement of offence or a general offence report had been served, instead of a notice of non-compliance issued. As part of this awareness-raising exercise, the section regarding facility audits on the *Statement Concerning Notices of Non-Compliance Issued to a Heavy Vehicle Owner or Operator* includes both the points associated with the notices of non-compliance, and the points assigned for any actual offences. This provides an idea of what the result of the facility audit would have been if the events resulting in notices of non-compliance had actually been taken into consideration.

An awareness-raising letter is sent to an HVOO when it would have failed a facility audit if the events resulting in notices of non-compliance had actually been taken into consideration. That letter is sent along with the *Statement Concerning Notices of Non-Compliance Issued to a Heavy Vehicle Owner or Operator*.

## 6.4 Sending HVOO record updates to the CTQ

The SAAQ may send the CTQ an update of an HVOO's record that has already been referred to the CTQ in order to point out any of the following situations that are likely to provide additional grounds for the CTQ's decisions:

- Events have been added to the HVOO's record since it was referred to the CTQ.
- A new reason for referring the record to the CTQ has been added.
- The HVOO has reached or exceeded 125% of the threshold value for any of the conduct areas in the "Operator" or "Owner" categories. A new update is subsequently sent to the CTQ each time the HVOO further exceeds the threshold value by an additional 25%.

## 6.5 HVOO record referred to the CTQ and flagged for special monitoring following a hearing

This measure has been implemented to monitor the conduct of HVOOs whose records are referred to the CTQ for an evaluation of their conduct, where that conduct is considered to present a risk pursuant to the conduct review procedures set forth in this Policy.

This "special monitoring" applies to HVOOs that have been called to a hearing before the CTQ after their record was referred by the SAAQ pursuant to the conduct review and intervention procedures set forth in this Policy.

The monitoring procedure after a hearing before the CTQ:

- starts as of the date of the hearing before the CTQ;
- only takes into account events that have occurred after the date of the hearing; and
- takes place over a period of one year following the date of the hearing before the CTQ.<sup>23</sup>

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<sup>23</sup> The HVOO's ongoing conduct review, which is carried out over a period of two years as indicated in this Policy, takes place independently of this special monitoring.

### 6.5.1 Interventions by the SAAQ

The SAAQ notifies the CTQ when any of the following situations occur in the year that follows the date of the HVOO's hearing before the CTQ, regardless of the reason for which the HVOO's record was previously referred:

- The HVOO reaches or exceeds 50% of the threshold value (the number of points that must not be reached) for any conduct area.
- The HVOO fails a facility audit.

A letter is sent to the CTQ, along with the conduct record of the HVOO concerned. The HVOO receives a certified copy of this letter.

The CTQ then decides whether the HVOO concerned is to be called to another hearing. The CTQ can impose measures or penalties on the HVOO, as applicable, and adjust its safety rating.

## 7. Referring an HVOO Record to the CTQ in Exceptional Situations

The conduct review procedure provided for under the *Act respecting owners, operators and drivers of heavy vehicles* aims to identify all heavy vehicle owners and operators who present a risk based on the conduct review and intervention procedures set forth in this Policy. The second paragraph of section 25 of the *Act respecting owners, operators and drivers of heavy vehicles* also provides that the SAAQ may, after a summary assessment, submit to the CTQ the record of any owner or operator:

- in the case of an emergency;
- when a situation has endangered the safety of the users of roads open to public vehicular traffic or threatened the integrity of those roads.

## 8. Special Provisions Regarding Public Transit Authorities

The conduct review and intervention procedures that apply to public transit authorities are different from the ones that apply to other HVOOs. These procedures include the following provisions.

### 8.1 Monitoring and intervention by the CTQ

- a) Every six months, the SAAQ forwards the records of public transit authorities to the CTQ, along with a summary table of the accident data entered in those records. The public transit authorities are also required to transmit a variety of information to the CTQ twice a year concerning changes in the scope of their transportation services and their involvement in accidents.
- b) The CTQ periodically analyzes public transit authorities' records and various 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 to road safety.
- c) The CTQ audits all of the means each public transit authority implements to ensure road safety and compliance with its legal obligations. Public transit authorities are subject to follow-up regarding the recommendations from the previous road safety audit conducted by the CTQ, and to additional audits and interventions as deemed necessary.

### 8.2 Monitoring and interventions by the SAAQ

All of the other conduct review and intervention procedures provided for under the Policy apply to public transit authorities and are implemented by the SAAQ. The SAAQ therefore refers the record of a public transit authority to the CTQ if any of the following situations occur:

- The public transit authority reaches or exceeds the threshold value for either the “Traffic Rules” or “Use of a Heavy Vehicle” conduct area under the “**Operator**” category, or the “Vehicle Safety” conduct area under the “**Owner**” category.
- The public transit authority is involved in a fatal accident for which it is partially liable.
- A driver working for the public transit authority is involved in two critical alcohol- or drug-related driving offences within a 10-year period, regardless of whether or not that driver was continuously employed by that operator during the 10-year period.
- Any of the event combinations related to failing a facility audit are entered in the public transit authority's record.

## 9. Special Provisions Regarding the Particular 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 or another Canadian jurisdiction; and
- heavy vehicles operated on double shifts.

### 9.1 High kilometrage logged in Québec or another Canadian jurisdiction

An operator may submit an application to the SAAQ to raise the threshold value for the “Involvement in Accidents” conduct area to 125% if it logs high kilometrage in Québec or another Canadian jurisdiction.

#### 9.1.1 Eligibility conditions

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

- have reached or exceeded 75% of the threshold value for the “Involvement in Accidents” conduct area; and
- show that, over the 24-month period preceding the application, the operator logged an average annual kilometrage per motorized heavy vehicle registered in Québec of at least 120,000 kilometres if it was transporting goods, or at least 70,000 kilometres if it was transporting passengers.

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

- adding together the annual kilometrage logged in Québec or another Canadian jurisdiction for each motorized heavy vehicle registered in Québec and used by the operator over the 24-month period preceding the application;
- dividing the kilometrage obtained in the preceding step by the average 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 6.

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

### 9.1.2 Submitting an application

The operator must send a written application to the SAAQ's Direction des politiques, de la performance et des relations avec le milieu at the following address:

#### **Direction des politiques, de la performance et des relations avec le milieu**

Société de l'assurance automobile du Québec  
333, boulevard Jean-Lesage, E-4-32  
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 or another Canadian jurisdiction to the SAAQ's satisfaction. Upon receiving the application, the SAAQ verifies the size of the operator's heavy vehicle fleet and may modify it if necessary.

### 9.1.3 Conditions for maintaining the increased threshold value

Once the 125% threshold value has been granted for the "Involvement in Accidents" conduct area, it remains in effect for a period of two years (as of the date on which the application was granted), unless the operator reaches that threshold value before the end of that period. In such a case, the threshold value reverts to its initial level and the operator's record is referred to the CTQ.

### 9.1.4 Renewing the application

The operator must submit a new application to the Direction des politiques, de la performance et des relations avec le milieu two years after the date on which the initial application was granted in order for the increase of the threshold value for that conduct area to continue to be in effect.

## 9.2 Heavy vehicles operated on double shifts

An operator may submit an application to the SAAQ to have the size of its heavy vehicle fleet increased to take into account vehicles operated on double shifts.

### **What is 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 the period of 12 consecutive months preceding the operator's application **OR** for 7,000 hours or more over the period of 24 consecutive months preceding the operator's application, in which case it must be used for a minimum of 3,500 hours in each of those two years.

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

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

The threshold values for the different conduct areas in the “Operator” category are then adjusted on the basis of the increased size of the operator’s heavy vehicle fleet, as determined by the calculation method presented in Appendix 6.

### 9.2.1 Eligibility conditions

For such an application to be granted, an operator must satisfy both of the following conditions:

- One or more heavy vehicles in the operator’s fleet must meet the criteria indicated above that define 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 CTQ. In the latter case, the operator must submit the application within 15 business days (see Section 6.1.3).

The SAAQ may at any time ask the operator to provide supporting documents to ascertain that heavy vehicles are being used on double shifts.

### 9.2.2 Submitting an application

The operator must send a written application to the Direction des politiques, de la performance et des relations avec le milieu at the following address:

#### **Direction des politiques, de la performance et des relations avec le milieu**

Société de l’assurance automobile du Québec  
333, boulevard Jean-Lesage, E-4-32  
Case postale 19600, succursale Terminus  
Québec (Québec) G1K 8J6  
Fax: 418-643-1896

The application must be signed by the operator or the operator’s authorized representative. In order to prove that one or more motorized heavy vehicles are operated on double shifts, the operator must provide the following information along with the application:

- a description of the operations and activities that prove that the motorized heavy vehicles in question are indeed operated on double shifts; and
- a list of the motorized heavy vehicles reported to be operated on double shifts that includes the following details for each vehicle:
  - the vehicle identification number,
  - the licence plate number,

- the number of hours it was operated each month during the reference years.

The SAAQ may deny any application it deems non-compliant or incomplete.

### 9.2.3 Calculating the size of a motorized heavy vehicle fleet

Before validating the motorized heavy vehicles that have been reported as being operated on double shifts, the Direction des politiques, de la performance et des relations avec le milieu applies the calculation method presented in Appendix 6 to revise the size of the operator's heavy vehicle fleet. Additional supporting documents may be required.

### 9.2.4 Renewing the application

The operator must submit a new application every year, as heavy vehicles reported as being operated on double shifts must be reassessed annually in order to continue to be recognized as such.

### 9.2.5 Heavy vehicle fleet size reported in the CTQ's register

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

## 10. Adjusting Records and Heavy Vehicle Fleet Sizes

The SAAQ may have to make adjustments to the contents of an HVOO's record or vehicle fleet size. It can do so at any time, either on its own initiative or at an HVOO's request.

When an HVOO applies to have a correction made to an event that appears in its record or to its vehicle fleet, it must fill out the form entitled *Application to Have a Conduct Record Adjusted – Heavy Vehicle Owners, Operators or Drivers*, which is provided in Appendix 11. The HVOO must also provide the SAAQ with the required information or proof in support of its application. The HVOO then receives confirmation of any adjustments made in a letter, along with its revised HVOO record.

### 10.1 Adjustments to events entered in an HVOO's record

Adjustments to events entered in an HVOO's record may be made by the SAAQ or further to an application filed by the HVOO. A record may be adjusted at any time when events entered in the record must be amended, corrected or withdrawn.

HVOOs must send a written application for an adjustment to:

### **Direction des politiques, de la performance et des relations avec le milieu**

Société de l'assurance automobile du Québec  
333, boulevard Jean-Lesage, E-4-32  
Case postale 19600, succursale Terminus  
Québec (Québec) G1K 8J6  
Fax: 418-643-1896

## **10.2 Adjustments to a heavy vehicle fleet size**

### **10.2.1 Adjustments made by the SAAQ**

The SAAQ may at any time verify and adjust the size of an HVOO's vehicle fleet, in particular when:

- an operator applies for an increase in the threshold value for the "Involvement in Accidents" conduct area as a result of high kilometrage, or for an increase in the size of its vehicle fleet as a result of vehicles being operated on double shifts (see Section 9);
- the SAAQ detects, after verification, a difference in the size of the vehicle fleet reported in an HVOO's record and the size reported in the CTQ's register, in accordance with the calculation method presented in Appendix 6;
- two or more companies are the subject of a merger. The SAAQ then adjusts the heavy vehicle fleet size by adding together the number of heavy vehicles registered in Québec that are owned or operated by each of the companies at the time of the merger. The calculation method presented in Appendix 6 is subsequently applied.

### **10.2.2 Adjustments requested by an HVOO**

HVOOs may apply for an adjustment to the size of their heavy vehicle fleet when they receive:

- a second-level warning letter from the SAAQ;
- a notice that their HVOO record will be referred to the CTQ.

In the latter case, the HVOO must submit the application within 15 business days.

### **10.2.3 Results of the adjustment**

To be accepted, an application to adjust the size of a heavy vehicle fleet submitted by an HVOO must result in an adjustment of the vehicle fleet that is equal to or higher than one heavy vehicle, in accordance with the calculation method presented in Appendix 6.

The revised heavy vehicle fleet is taken into consideration in the HVOO's conduct review until the next update of the HVOO's registration in the CTQ's register.

If, based on the evidence it holds, the SAAQ considers that the HVOO has made a false statement when registering or updating its registration in the CTQ's register, it notifies the CTQ of the situation and the CTQ may then undertake any appropriate measures.

## 11. Coming Into Force and Transitional Provisions

This new edition of the Policy comes into force on February 17, 2023. The new conduct review and intervention procedures will apply retroactively to all of the events already entered in an HVOO's record. However, application of the following conduct review and intervention procedures will begin on the date the new edition of the Policy comes into force:

- taking into consideration offences which have an equivalency in the *Highway Safety Code* and that result in demerit points for which a statement of offence has been served or a plea entered pursuant to a municipal by-law;
- adjusting the weighting assigned to accidents resulting in injury based on whether or not the accident report<sup>24</sup> makes reference to ambulance transportation;
- assessing facility audits on the basis of the new table of failure thresholds (the number of points as of which an HVOO fails a facility audit);
- prevention and awareness-raising interventions in connection with notices of non-compliance.

## 12. HVOO Good Conduct Recognition Program

### 12.1 Program objectives

The HVOO Good Conduct Recognition Program has been implemented, in accordance with section 22 of the *Act respecting owners, operators and drivers of heavy vehicles*, to recognize any HVOO whose conduct has not been identified as presenting a risk to road safety and the integrity of the road network. Good conduct is determined in accordance with the conduct review and intervention procedures set forth in the Policy.

This program also aims to contribute to improving the road safety record of heavy vehicles and the compliance of HVOOs with all of their obligations, by focusing monitoring efforts on the HVOOs that present the greatest risk.

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<sup>24</sup> For accidents resulting in injury that occurred before February 17, 2023, HVOOs may submit an application to have their record adjusted to correct the weighting assigned to the accident if they can demonstrate, by providing a copy of the accident report, that there was no ambulance transportation.

## 12.2 For whom is the program intended?

The HVOO Good Conduct Recognition Program is intended for all HVOOs registered in the CTQ's register of owners and operators of heavy vehicles for at least **two years**, namely:

- HVOOs that own or operate heavy vehicles registered in Québec; and
- operators of heavy vehicles registered outside Canada that are operated in Québec.

## 12.3 When does an HVOO qualify for one of the program's good conduct categories?

No registration is required. All HVOOs identified as demonstrating good conduct are systematically listed by the SAAQ in one of the four categories presented below on the basis of their conduct record.

This categorization depends on the events that have been entered in their conduct record.<sup>25</sup>

### 12.3.1 HVOOs that do not qualify for any category

An HVOO whose conduct has been identified as presenting a risk cannot be listed in any of the good conduct categories. At the time their eligibility is assessed, these HVOOs find themselves in any of the following situations:

- They have been involved in a fatal accident for which they are liable.
- They have failed a facility audit.
- They have reached or exceeded 50% of the threshold value for any of the conduct areas in the "Operator" or "Owner" category.
- They have reached or exceeded 75% of the threshold value for any of the conduct areas in the "Operator" or "Owner" category.
- They have reached or exceeded 100% of the threshold value for any of the conduct areas in the "Operator" or "Owner" category.
- One of their drivers was involved in two critical alcohol- or drug-related driving offences within a period of 10 years, and the most recent offence occurred within the previous two years.
- They have received a "conditional" or "unsatisfactory" safety rating.
- They have reached or exceeded, for any of the conduct areas that are taken into consideration for the purposes of the program, the percentage of the threshold value that must not be reached. In this case, the "percentage of the threshold value that must not be reached" is the percentage of the threshold value for the conduct area in question as of which an HVOO no longer qualifies for any of the good conduct categories (see Section 12.3.2).
- They are awaiting a hearing before the CTQ following the referral of their conduct record.

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<sup>25</sup> When an HVOO is an owner and not an operator, only events related to the "Vehicle Safety" conduct area are taken into consideration. When an HVOO is a heavy vehicle operator and not an owner, only events in the "Operator's Overall Conduct" and "Involvement in Accidents" conduct areas are taken into consideration.

Qualification for the program is assessed on the basis of an HVOO's conduct record as of a given date and takes into consideration the events that have occurred over the two previous years (sliding period). As a result, this assessment is dependent on the events that are entered and withdrawn from the HVOO's record during that sliding period. HVOOs that do not qualify on a given date could later qualify for one of the good conduct categories if one or more events are withdrawn and they no longer find themselves in any of the situations listed above. Conversely, HVOOs that qualify on a given date may no longer qualify or may change categories when one or more new events are entered in their record, as explained in Section 12.4.

### 12.3.2 Qualification criteria for the program's good conduct categories

The program is composed of four good conduct categories: **Platinum**, **Gold**, **Silver** and **Bronze**.

These four categories take into consideration the number of years an HVOO has been registered in the CTQ's register, as well as the two applicable conduct areas in the "Operator" category and the applicable conduct area in the "Owner" category.

- "Operator's Overall Conduct" conduct area ("Operator" category);
- "Involvement in Accidents" conduct area ("Operator" category);
- "Vehicle Safety" conduct area ("Owner" category).

For each of these conduct areas, the percentage of the threshold value that must not be reached in order to qualify for a given good conduct category is determined on the basis of the size of the heavy vehicle fleet.

The minimum number of years during which an HVOO must be registered in the CTQ's register in order to qualify for each of these categories has also been determined. The HVOO's registration in the CTQ's register must be valid at the time the assessment is carried out in order for the HVOO to qualify for any of the categories. In addition, any period during which this registration was not valid for more than 179 days in the previous two years disqualifies the HVOO from being listed in any category.

#### Qualification criteria for each category

The following criteria have been established for each category and apply equally to the transportation of goods and the transportation of passengers.

### Platinum Category\*

- Number of years in the CTQ register: 6

### Percentage of the Threshold Value That Must Not Be Reached for the Applicable Conduct Areas, Based on Fleet Size

Conduct Area	Fleet Size		
	2 to 9	10 to 44	≥ 45
“Operator’s Overall Conduct”	0%	5%	20%
“Involvement in Accidents”	0%	0%	0%
“Vehicle Safety”	0%	5%	20%

\* This category does not apply to HVOOs with only one heavy vehicle.

### Gold Category

- Number of years in the CTQ register: 5

### Percentage of the Threshold Value That Must Not Be Reached for the Applicable Conduct Areas, Based on Fleet Size

Conduct Area	Fleet Size		
	< 10	10 to 44	≥ 45
“Operator’s Overall Conduct”	5%	10%	30%
“Involvement in Accidents”	0%	5%	15%
“Vehicle Safety”	5%	10%	30%

### Silver Category

- Number of years in the CTQ register: 3

### Percentage of the Threshold Value That Must Not Be Reached for the Applicable Conduct Areas Based on Fleet Size

Conduct Area	Fleet Size		
	< 10	10 to 44	≥ 45
“Operator’s Overall Conduct”	15%	20%	35%
“Involvement in Accidents”	10%	15%	25%
“Vehicle Safety”	15%	20%	35%

## Bronze Category

- Number of years in the CTQ register: 2

### Percentage of the Threshold Value That Must Not Be Reached for the Applicable Conduct Areas, Based on Fleet Size

Conduct Area	Fleet Size		
	< 10	10 to 44	≥ 45
“Operator’s Overall Conduct”	30%	45%	49%
“Involvement in Accidents”	15%	20%	30%
“Vehicle Safety”	30%	45%	49%

#### 12.3.3 Additional criterion for operators of heavy vehicles registered outside of Canada

Given that the SAAQ is not notified of events related to the “Vehicle Safety” conduct area and the results of facility audits, these operators can only qualify for the Silver or Bronze categories.

#### 12.3.4 New HVOOs as a result of a merger or the creation of a new subsidiary

In certain situations, a new company (a new HVOO), for which a new CTQ register identification number (RIN) has been assigned, is a result of a **merger** of two or more existing companies (HVOOs). Under Section 4.1 of the Policy, which deals with the continuity of the conduct record, events continue to be attributed to the newly merged company. As such, the new company will be categorized on the basis of the program’s qualification criteria and in taking into consideration the number of years the original companies were listed in the CTQ’s register.

However, a new company created as a **subsidiary** of an existing company (HVOO) for which a new RIN has been assigned does not keep the existing company’s categorization. Section 4.1 on the continuity of the conduct record does not apply to such a company, and its conduct record is blank at the time the subsidiary is created. The SAAQ therefore does not have any information that can be used to assess the company’s conduct and list it in a good conduct category, given that the qualification criteria for each good conduct category are based on the conduct review and intervention procedures set forth in the Policy. The SAAQ will categorize this new subsidiary once it has been registered in the CTQ register for two years.

## **12.4** Moving from one category to another or disqualification from all categories

A categorization is not static. The sliding two-year period in which an HVOO is assessed is used to establish the categorization, which is dependent on the events that are entered in or withdrawn from the HVOO's conduct record during that period.

*For example, an HVOO in the Silver category could move up to the Gold or Platinum category once an event has been withdrawn from that HVOO's record. Conversely, that same HVOO may drop down to a lower category or be disqualified from all categories should a new event be entered in that HVOO's conduct record.*

## **12.5** Advantages of recognition for good conduct

In recognition of good conduct and to encourage them to maintain this performance (or improve it further), HVOOs that qualify for any of the good conduct categories are granted certain privileges. These privileges depend on the category in which the HVOOs are listed.

The better an HVOO's conduct, the less likely that HVOO is to be monitored via roadside inspections or inspections at control stations, or to be subjected to facility audits.

The category in which an HVOO is listed is entered in its record. In addition, other positive mentions could be added to its record in connection with the number of compliant mechanical inspections and the absence of any events (accidents, out-of-service orders, offences, etc.) in its record.

# APPENDIX 1

## HEAVY VEHICLE OWNER OR OPERATOR RECORD

New heavy vehicle owner or operator (HVOO) Good Conduct Recognition Program (see page 51). In this example, the HVOO is not listed in any of the categories, as at least one eligibility requirement has not been met.

\*\*\* DESTINÉ A UN USAGE EXCLUSIF HORS QUEBEC \*\*\*

**Société de l'assurance automobile Québec** Heavy Vehicle Owner or Operator Record

Avec vous, au cœur de votre sécurité

Good Conduct Recognition Program: Not categorized  
Category you were in on the date this record was issued

<b>Date (Year-Month-Day)</b> 2023-05-31	<b>Identification number</b> 12345678
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**WXV TRANSPORT INC.**  
1464, BOUL. DE LA SÉCURITÉ  
QUÉBEC (QUÉBEC) G1K 8J6

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**1. Information in the register of owners and operators of heavy vehicles**

Type of registration: Owner-operator      Registration date: 2019-04-04  
 Safety rating: Conditional      Notation:  
 Date safety rating was assigned: 2022-11-14

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**2. Conduct review periods**

Alcohol- or drug-related events: from 2013-06-01 to 2023-05-31.  
 Other events: from 2021-06-01 to 2023-05-31.

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**3. Ongoing review**

	Number of events taken into consideration			Number of points			
	In Québec	Outside Québec	Total	For events	For repeat offences <sup>1</sup>	Total	Threshold value (must not be reached)
<b>"Owner" category</b>							
"Vehicle Safety" (see Section 7)	20	0	20	26.5	9.2	35.7 (77%)	46
<b>"Operator" category</b>							
"Traffic Rules" (see Section 8)	15	0	15	34	0	34 (73%)	46
"Use of a Heavy Vehicle" (see Section 9)	10	0	10	27	0	27 (71%)	38
"Load and Size Limits" (see Section 10)	0	0	0	0	0	0 (0%)	23
"Involvement in Accidents" (see Section 11)	2	0	2	6	S.O.	6 (35%)	17
"Operator's Overall Conduct" <sup>2</sup>	27	0	27	67	0	67 (128%)	52

1. Based on the size of your vehicle fleet, you may not exceed 2 offences of the same nature in the "Owner" category and 3 offences of the same nature in the "Operator" category. If you exceed this number, additional points equal to 20% of the threshold value (the number of points that must not be reached) are added to the corresponding conduct area.

2. In the "Operator" category, additional points equal to 20% of the threshold value are also added to the "Operator's Overall Conduct" conduct area when points for repeat offences have been added to any of the other "Operator" conduct areas.

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This column lists any additional points entered for repeat offences of the same nature (new measure, see page 24). In this example, 9.2 additional points (20% X 46) have been entered, as the HVOO has committed more than two offences of the same nature in the "Vehicle Safety" conduct area. When additional points for repeat offences of the same nature are entered in any of the "Operator" conduct areas, additional points are also entered in the "Operator's Overall Conduct" conduct area.

The threshold values (number of points that must not be reached) that apply in the ongoing conduct review of owners and operators have been modified (see the table in Appendix 8).

New events considered in Section 7: the number or percentage of out-of-service orders has been replaced by the number of events (mechanical inspection certificates and offences).

The numbering of the sections has changed. Section 8 – "Operational Safety" – has been separated into two new conduct areas: "Traffic Rules" (8) and "Use of a Heavy Vehicle" (9) (see Table 1 on page 11).

The number of offences of the same nature that must not be exceeded is indicated here on the basis of the size of the heavy vehicle fleet.

The title and events that appear in Section 4 have changed. The critical events in this section are not weighted, as they result in an immediate referral of the HVOO's record to the CTQ. The other critical events are assigned a weighting of 6 points and appear in their respective conduct area (Section 7, 8, 9 or 10).

The types of events that can be entered in each section (Section 4 and Sections 7 to 14) are listed at the beginning of that section.

The conditions for considering the results of a facility audit have changed: Facility audit results (pass or fail) for only one category are now taken into consideration (see page 31). Event combinations related to failing a facility audit that result in the referral of an HVOO's record to the CTQ are listed in Table 7 on page 38.

Société de l'assurance automobile



## Heavy Vehicle Owner or Operator Record

Avec vous,  
au cœur de votre sécurité

Date (Year-Month-Day)

2023-05-31

Identification number

12345678

WXY TRANSPORT INC.

### 4. Critical events triggering an immediate referral to the Commission des transports du Québec (CTQ)

This section includes:

- fatal accidents;
- critical alcohol- or drug-related driving offences committed by the same driver within a 10-year period.

No events.

### 5. Summary of facility audits (see Section 12)

Date	Address	Owner		Result	Operator		Result
		Number of points			Number of points		
		Received during the audit	Threshold value (must not be reached)		Received during the audit	Threshold value (must not be reached)	
2021-06-23	1464 BOUL. DE LA SÉCURITÉ QUÉBEC QC G1K8J6	3.00	12.00	Success - Owner	0.00	15.00	Success - Operator

### 6. Main activity and size of the vehicle fleet

The size of the vehicle fleet is calculated using the method set out in the conduct review policy. As a result, the size of the vehicle fleet as it appears here may differ from the size reported when registering with the CTQ.

Main activity: Transport of goods

Size of the vehicle fleet "Owner" category

Motorized heavy vehicles: **5.1** vehicles per year  
Trailers and semi-trailers: **0.0** vehicles per year  
**Total: 5.1** vehicles per year

Size of the vehicle fleet "Operator" category

Motorized heavy vehicles: **6.0** vehicles per year  
Recognized heavy vehicles operated on double shifts: **0.0** vehicles per year  
**Total: 6.0** vehicles per year

Société de l'assurance automobile du Québec

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Avec vous, au cœur de votre sécurité

Date (Year-Month-Day)

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WXY TRANSPORT INC.

7. "Vehicle Safety" conduct area

This section includes:

- mechanical defects detected by a peace officer during a roadside inspection, or during a mechanical inspection carried out by a road vehicle inspection agent at the peace officer's request;
- offences related to mandatory vehicle maintenance and the obligation to ensure that all equipment and mechanical systems are in good working order;
- offences related to an owner's road safety responsibilities.

You underwent 3 Level I or Level V CVSA inspections and 67% of them did not reveal any major defects.

Date	Prov./ Terr.	Mechanical inspection certificate (MIC) number Defective system-Component <sup>1</sup>	Driver	Licence plate	CVSA Level Unforeseen defect	Weighting
2021-07-02	QC	991234567 Tires and Wheels – 275 Tire	Jean Imprudent	L123456	2 X	0.0
2021-10-20	QC	991234568 Minor Defect	Jean Imprudent	L123456	3	0.0
2022-01-07	QC	991234569 Lights and Signals – 006 Parking light	Jean Imprudent	L123456	0 X	0.0
2022-02-01	QC	991234570 Minor Defect	Jean Imprudent	L123456	0	0.0
2022-06-03	QC	991234571 Minor Defect	Jean Imprudent	L123456	0	0.0
2022-07-11	QC	991234572 Suspension – 083 Leaf spring	Jean Imprudent	L123456	1	3.0
2022-09-06	QC	991234573 Lights and Signals – 006 Parking light	Jean Imprudent	L123456	2 X	0.0
2022-09-06	QC	991234573 Minor Defect	Jean Imprudent	L123456	2	0.0
2022-09-26	QC	991234574 Minor Defect	Jean Imprudent	L123456	1	0.0
2022-09-26	QC	991234575 Minor Defect	Jean Imprudent	L123456	1	0.0
2022-12-09	QC	931234567 Minor Defect	Jean Imprudent	L123456	2	0.0
2023-01-25	QC	931234568 Minor Defect	Jean Imprudent	L123456	2	0.0

This statement refers to complete and compliant Level I or V vehicle mechanical inspections carried out in accordance with the Commercial Vehicle Safety Alliance (CVSA)'s North American Standard Inspection Program).

This column includes the details and weighting of each major defect based on the mechanical system involved (see page 22).

1. Applies only in the case of MICs issued in Québec.

Total points for MICs > 3.0

Date	Prov./ Terr.	Description	Driver	Licence plate Defendant	Event number Legal reference <sup>1</sup>	Status	Weighting
2021-10-20	QC	Substandard tires	Jean Imprudent	L123456 Owner	1004001234567890 HSC 270 111	Guilty	1.0

When an event has been listed for more than one year, its weighting is decreased by half (see Section 5.1.4 on page 23).

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Heavy Vehicle Owner or Operator Record

Avec vous, au cœur de votre sécurité

WXY TRANSPORT I NC.

<b>Date (Year-Month-Day)</b>	2023-05-31
<b>Identification number</b>	12345678

7. "Vehicle Safety" conduct area (continued)

Date	Prov./ Terr.	Description	Driver	Licence plate Defendant	Event number Legal reference <sup>1</sup>	Status	Weighting
2022-02-01	QC	Minor defect	Jean Imprudent	L123456 Owner	1004001111111111 HSC 531 151	Issued	1.0
2022-02-01	QC	Major defect	Jean Imprudent	L123456 Owner	1004002222222222 HSC 534 51	Issued	1.5
2022-02-21	QC	Minor defect	Jean Imprudent	L123456 Owner	1004003333333333 HSC 531 151	Guilty	1.0
2022-07-11	QC	Vehicle maintenance	Jean Imprudent	L123456 Owner	1004004444444444 HSC 519 15 51	Guilty	4.0

Offences that fall into the "Owner" category are now listed and weighted in this section.

Repeat offences of the same nature				Number of repeat offences that must not be exceeded			2
Number of repeat offences: 3				Percentage of the repeat offence limit that has been reached <sup>2</sup>			150 %
2022-09-06	QC	Mechanical inspection	Jean Imprudent	L123456 Owner	1004005555555555 HSC 523 51	Guilty	5.0
2023-03-02	QC	Mechanical inspection	Eric Imprudent	L123456 Owner	1004006666666666 HSC 523 51	Issued	5.0
2023-03-21	QC	Mechanical inspection	Patrick Imprudent	L123456 Owner	1004007777777777 HSC 523 51	Issued	5.0

1. In the case of offences outside Québec, the Canadian Council of Motor Transport Administrators (CCMTA) equivalency code appears in parentheses.						<b>Total points for offences</b>	<b>23.5</b>
2. Percentage of the repeat offence limit that has been reached = Number of repeat offences/Repeat offence limit.						<b>Additional points for repeat offences</b>	<b>9.2</b>
						<b>Total</b>	<b>35.7</b>

Critical alcohol- or drug-related driving offences are entered and assigned a weighting of 6 points in Section 8. However, if a second such offence is entered for the same driver, both offences are moved to Section 4 and the HVOO's record is referred to the CTQ.

8. "Traffic Rules" conduct area

This section includes:

- offences related to traffic rules, such as speed limits, stop signs and other road signs, and traffic signals;
- critical alcohol- or drug-related driving offences.

Date	Prov./ Terr.	Description Reported/allowed	Driver	Licence plate Defendant	Event number Legal reference <sup>1</sup>	Status	Weighting
2021-08-31	QC	Driver's licence class	Jean Imprudent	L123456 Driver	1004001234567890 HSC 65 51	Guilty	1.0
2022-06-26	QC	Driver's licence class	Jean Imprudent	L123456 Driver	1004001234567891 HSC 65 51	Guilty	2.0
2022-08-02	QC	Cellphone / portable device	Jean Imprudent	L123456 Driver	12345678 HSC 443.1	Guilty	3.0

The total number of additional points for repeat offences of the same nature now appears at the end of each section, if applicable. In this case, the owner committed three offences under section 523 of the Highway Safety Code whereas no more than two offences of the same nature could be tolerated based on the size of the owner's vehicle fleet.

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Repeat offences of the same nature are grouped together and appear at the end of each section concerned. In this example, even though the operator committed repeat offences of the same nature, no additional points have been entered, as the operator has not exceeded the tolerated number of offences of the same nature, i.e. 3.

**Heavy Vehicle Owner or Operator Record**

WXY TRANSPORT I NC.

Date (Year-Month-Day)  
 2023-05-31  
 Identification number  
 12345678

**8. "Traffic Rules" conduct area (continued)**

Date	Prov./ Terr.	Description Reported/allowed	Driver	Licence plate Defendant	Event number Legal reference <sup>1</sup>	Status	Weighting
2022-09-06	QC	Driving without a licence	Jean Imprudent	L123456 Driver	1004001234567892 HSC 97 51	Guilty	0.0
2022-10-05	QC	Speed over limit 80/70	Jean Imprudent	L123456 Driver	12345679 HSC 329 11	Guilty	0.0
2023-01-14	QC	Vehicle unattended	Jean Imprudent	L123456 Owner	123456789 HSC 381	Issued	1.0

Repeat offences of the same nature Number of repeat offences that must not be exceeded **3**  
 Number of repeat offences: 2 Percentage of the repeat offence limit that has been reached<sup>2</sup> 67 %

2021-10-19	QC	Speed over limit 50/30	Jean Imprudent	L123456 Driver	12345680 HSC 299	Guilty	1.5
2022-07-11	QC	Speed over limit 88/70	Michael Imprudent	L123456 Driver	1004001234567893 HSC 329 11	Guilty	3.0

Number of repeat offences: 3 Percentage of the repeat offence limit that has been reached<sup>2</sup> 100 %

2021-10-07		Speed over limit 71/50	Marc-Olivier Imprudent	L123456 Driver	812345678 HSC 299 11	Guilty	2.0
2022-02-11		Speed over limit 96/70	Jean Imprudent	L123456 Driver	11234567 HSC 329 11	Guilty	2.0
2022-08-30	QC	Speed over limit 53/30	Guillaume Imprudent	L123456 Driver	21234567 HSC 299 11	Issued	4.0

Number of repeat offences: 2 Percentage of the repeat offence limit that has been reached<sup>2</sup> 67 %

2022-08-11	QC	Stop sign	Marc Imprudent	L123456 Driver	877777777 HSC 368	Guilty	5.0
2022-08-30	QC	Stop sign	Jean Imprudent	L123456 Driver	2123456 HSC 368 11	Guilty	5.0

Number of repeat offences: 2 Percentage of the repeat offence limit that has been reached<sup>2</sup> 67 %

2022-05-07	QC	Seat belt use	Marc-Antoine Imprudent	L123456 Driver	888888888 HSC 396 11	Guilty	1.5
2022-06-25	QC	Seat belt use	Patrick Imprudent	L123456 Driver	899999999 HSC 396 11	Guilty	3.0

1. In the case of offences outside Québec, the CCMTA equivalency code appears in parentheses.  
 2. Percentage of the repeat offence limit that has been reached = Number of repeat offences/Repeat offence limit.  
 3. Section of the Highway Safety Code corresponding to a municipal by-law.

Total points for offences **34.0**  
 Additional points for repeat offences **0.0**  
 Total **34.0**

Offences for which a statement of offence was served or a plea entered under a municipal by-law are now taken into consideration in the conduct review of the operator or the owner. The equivalent section of the Highway Safety Code appears in the legal reference column (see page 19).

Recorded and authorized speeds now appear in the HVOO's record.

Repeat offences of the same nature are listed by the corresponding statute section and initial weighting. In this group for section 396 of the Highway Safety Code, the initial weighting of 3 points is considered in determining whether the offence is a repeat offence of the same nature, rather than the weighting decreased by half after one year.

Avec vous,  
au cœur de votre sécurité

Date (Year-Month-Day)

2023-05-31

Identification number

12345678

WXY TRANSPORT I NC.

### 9. "Use of a Heavy Vehicle" conduct area

This section includes:

- offences related to the various rules governing the use of a heavy vehicle, including those that concern hours of driving and off-duty time, the circle check, cargo securement and the transportation of dangerous substances;
- "driver" out-of-service orders.

Date	Prov./ Terr.	Description	Driver	Licence plate Defendant	Event number Legal reference <sup>1</sup>	Status	Weighting
2022-11-15	QC	Driver out-of-service	Jean Imprudent	L123456	S12345678901234 Reg. hours 40.2		5.0
2022-11-15	QC	Did not comply with HOS rules	Jean Imprudent	L123456 Operator	1004001234567894 HSC 519.21.1 1443	Guilty	0.0

**Repeat offences of the same nature** **Number of repeat offences that must not be exceeded** 3

Number of repeat offences: 3 Percentage of the repeat offence limit that has been reached<sup>2</sup> 100 %

2022-01-11	QC	Failure to obey sign/signal	Bryan Imprudent	L123456 Professional driver	5123456 HSC 291 55	Guilty	1.5
2022-06-16	QC	Failure to obey sign/signal	Jean Imprudent	L123456 Professional driver	1004001234567895 HSC 291 55	Guilty	3.0
2023-01-25	QC	Failure to obey sign/signal	Marc Imprudent	L123456 Professional driver	1004001234567896 HSC 291 55	Guilty	3.0

Number of repeat offences: 2 Percentage of the repeat offence limit that has been reached<sup>2</sup> 67 %

2022-02-01	QC	List of defects	Jean Imprudent	L123456 Operator	1004001234567897 HSC 519.16 51	Issued	1.5
2022-12-09	QC	Circle check report	Marc Imprudent	L123456 Operator	1004001234567898 HSC 519.16 55	Issued	3.0

Number of repeat offences: 3 Percentage of the repeat offence limit that has been reached<sup>2</sup> 100 %

2021-07-02	QC	Circle check report	Jean Imprudent	L123456 Professional driver	1004001234567899 HSC 519.4 55	Guilty	2.5
2022-02-21	QC	Circle check report	Patrick Imprudent	L123456 Professional driver	1004001234567900 HSC 519.4 55	Guilty	2.5
2023-03-21	QC	List of defects	Patrick Imprudent	L123456 Professional driver	1004001234567901 HSC 519.4 54	Guilty	5.0

1. In the case of offences outside Québec, the CCMTA equivalency code appears in parentheses.

2. Percentage of the repeat offence limit that has been reached = Number of repeat offences/Repeat offence limit.

<b>Total points for offences</b>	<b>27.0</b>
<b>Additional points for repeat offences</b>	<b>0.0</b>
<b>Total</b>	<b>27.0</b>

Avec vous,  
au cœur de votre sécurité

Date (Year-Month-Day)

2023-05-31

Identification number

12345678

WXY TRANSPORT INC.

### 10. "Load and Size Limits" conduct area

This section includes offences related to load and size limits, as well as compliance with the conditions of a special travel permit.

No events.

### 11. "Involvement in Accidents" conduct area

This section includes:

- accidents resulting in injury for which a peace officer filed an accident report;
- accidents involving only damage to property for which a peace officer filed an accident report, where the conditions provided for in the *Conduct Review Policy for Heavy Vehicle Owners and Operators* are met.

Date	Prov./Terr.	Event number	Driver	Licence plate	Severity	Weighting
2022-09-20	QC	12345678901234567	Jean Imprudent	L123456	Injury	4.0
2022-12-11	QC	12345678901234568	Martin Imprudent	L123456	Property damage	2.0
<b>Total</b>						<b>6.0</b>

A new severity code has been introduced for accidents that occurred after February 17, 2023: "Injury with ambulance transportation."

Injury: 2 points

Injury with ambulance transportation: 4 points

### 12. Facility audits

This section includes facility audits carried out in Québec by Contrôle routier Québec, in accordance with the provisions of the *Conduct Review Policy for Heavy Vehicle Owners and Operators*.

The events below were entered in your record further to the facility audit carried out on June 23, 2021, during which 7 driver records and 5 vehicle records were audited.

Date	Description	Driver	Licence plate	Event number	Status	Weighting
2021-06-23	Lack of required documents	Jean Imprudent	L123456 Owner	S88123456789012 HSC 519.20.51	Guilty	3.0
<b>Total points – "Owner" category</b>						<b>3.0</b>
<b>Total points – "Operator" category</b>						<b>0.0</b>

### 13. Other events

This section includes events involving a heavy vehicle that are not taken into consideration as part of the conduct review.

#### Accidents

Date	Prov./Terr.	Event number	Driver	Licence plate	Severity	Status
2022-01-15	QC	12345678901234569	Jean Imprudent	L123456	Property damage	

Previously Section 12. Section 13 will now always appear in the HVOO's record.

New section that will only appear if the HVOO was called to a hearing before the CTQ in the previous year. It provides an account of the HVOO's conduct since the hearing (see page 43).

#### 14. Special monitoring following the hearing held on 2022-01-11

This section provides an overview of the ongoing conduct review since the hearing before the CTQ. Only those events that have occurred since the hearing are taken into consideration.

	Number of events taken into consideration			Number of points			
	In Québec	Outside Québec	Total	For events	For repeat offences <sup>1</sup>	Total	Threshold value (must not be reached)
<b>"Owner" category</b>							
"Vehicle Safety" (see Section 7)	16	0	16	25.5	9.2	34.7 (75%)	46
<b>"Operator" category</b>							
"Traffic Rules" (see Section 8)	12	0	12	29.5	0	29.5 (64%)	46
"Use of a Heavy Vehicle" (see Section 9)	8	0	8	23	0	23 (60%)	38
"Load and Size Limits" (see Section 10)	0	0	0	0	0	0 (0%)	23
"Involvement in Accidents" (see Section 11)	2	0	2	6	0	6 (35%)	17
"Operator's Overall Conduct" <sup>2</sup>	22	0	22	58.5	0	58.5 (112%)	52

- Based on the size of your vehicle fleet, you may not exceed 2 offences of the same nature in the "Owner" category and 3 offences of the same nature in the "Operator" category. If you exceed this number, additional points equal to 20% of the threshold value (the number of points that must not be reached) are added to the corresponding conduct area.
- In the "Operator" category, additional points equal to 20% of the threshold value are also added to the "Operator's Overall Conduct" conduct area when points for repeat offences have been added to any of the other "Operator" conduct areas.

For information concerning the *Heavy Vehicle Owner or Operator Record* document, please contact the SAAQ.

Mailing address: **Direction des politiques, de la performance et des relations avec le milieu**  
Société de l'assurance automobile du Québec  
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Société de l'assurance automobile du Québec

# APPENDIX 2

## TABLE OF OFFENCES WITH THEIR WEIGHTING, AS THEY APPLY TO A HEAVY VEHICLE OWNER OR OPERATOR (HVOO) OR A HEAVY VEHICLE DRIVER (HVD)<sup>26</sup>

The list that follows includes all the sections of the *Highway Safety Code* (HSC), the *Transport Act* (Act T-12), the *Act respecting owners, operators and drivers of heavy vehicles* (AOODHV), the *Regulation respecting road vehicles used for the transportation of school children* (T-SC), and the *Criminal Code* (CC) that are considered in assessing the conduct of HVOOs. The sections are grouped together according to the conduct areas they fall under in the ongoing conduct review of operators and owners,<sup>27</sup> and according to the severity of the associated offences (number of points assigned). For a more detailed description of each offence, refer to the section cited.

### Weighting scale

Offences are weighted on a scale from 1 to 6 points according to their severity. Critical offences have a weighting of 6 points, whereas serious offences, shown in italics in the table,<sup>28</sup> have a weighting of 3, 4 or 5 points, as the case may be.

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<sup>26</sup> Refer to the chart at the end of the table for explanations of the weighting of the offences indicated in green.

<sup>27</sup> The offences referred to in statements of offence and in general offence reports served during facility audits are assigned the same weighting as that assigned to the offences listed in the following table. In the case of facility audits, the number of points accumulated serves to determine the results of the facility audit.

<sup>28</sup> Serious offences appear in italics in the sections of this table that concern the following conduct areas: "Traffic Rules," "Use of a Heavy Vehicle" and "Load and Size Limits."

## “Traffic Rules” Conduct Area

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
<b>1 point</b>			
107	Failing to return one’s licence, when requested to do so by the SAAQ, on the date that the cancellation or suspension of the licence takes effect or on any later date fixed by the SAAQ	1	2
281	Using improperly or illegally a white headlight at the rear of a vehicle or a green rotating light	1	1
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	1	1
292.0.1	Driving a slow vehicle in a lane other than the lane designated by the person in charge of highway maintenance	1	1
366	Entering an intersection equipped with traffic lights where there is not enough space to cross without blocking the intersection	1	1
377	Using flashing emergency lights for reasons other than safety	1	1
378	<ul style="list-style-type: none"> <li>Using flashing or rotating lights, the sound-producing device or the traffic-light-changing device where not required by circumstances or in the performance of duties</li> <li>Failing to ensure that non-compliance with a prescribed rule can be done safely</li> </ul>	1	1
379	Using rotating or flashing amber lights where not necessary	1	1
381	Leaving a road vehicle unattended without removing the ignition key and locking the doors	1	1
382 to 387	Stopping a heavy vehicle in a way that is unsafe, improper or illegal	1	1
415	Entering or leaving a limited access highway otherwise than at the proper entrances or exits	1	1
423	Driving a road vehicle equipped with white lights projecting a light beam toward the rear	1	1

29 The section number displayed in this column refers to a section of the *Highway Safety Code*, except if the number is preceded by one of the following abbreviations:

- Act T-12 for the *Transport Act*;
- AOODHV for the *Act respecting owners, operators and drivers of heavy vehicles*;
- CC for the *Criminal Code*;
- T-SC for the *Regulation respecting road vehicles used for the transportation of school children*.

30 The weighting displayed in this column is the weighting set out in the *Monitoring of Heavy Vehicle Driver Conduct* document. Certain offences are weighted more severely for drivers than for HVOOs (the weighting is highlighted in yellow in such cases).

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
425	Failing to dim vehicle headlights	1	1
436	Braking suddenly without reason	1	1
438	Removing or towing a damaged road vehicle without also removing any object detached from it	1	1
441	Using tires equipped with non-skid studs or another device that may damage the roadway	1	1
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	1	1
443.2	Wearing more than one earphone or headphone	1	1
500	Occupying the roadway, shoulder or any other part of the right of way of or approaches to a public roadway, or placing an obstacle thereon so as to obstruct vehicular traffic	1	1
<b>2 points</b>			
65	Driving a vehicle without holding a licence of the proper class or without having the prescribed endorsements	2	4
94	Holding more than one learner's licence, more than one probationary licence or more than one driver's licence of the same class	2	4
95	Failing to inform the SAAQ of any change to be made to the information that appears on the driver's licence	0	2
96	Allowing another person to drive using one's own driver's licence, or driving using another person's licence	2	4
97	Failing to carry one's licence while driving	0	2
293	Driving a vehicle where prohibited by signs or signals (special events, sports events)	2	2
312	Driving on private property to avoid a traffic sign or signal	2	2
320 to 324	Using traffic lanes improperly	2	2
325	Failing to use the right-hand lane when travelling at less than the normal speed of traffic	2	2
326	Crossing the median strip or other separation anywhere other than at the places provided for that purpose	2	2

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
331	<ul style="list-style-type: none"> <li>Driving a heavy vehicle at a slow speed that may impede or obstruct normal traffic</li> <li>Failing to use emergency lights while driving at a low speed that may impede traffic</li> </ul>	2	2
373, 374	Failing to signal one's intention by manual signals	2	2
418	Driving on the shoulder of a public roadway	2	2
424	Driving without turning on the headlights where conditions require them to be turned on	2	2
430	Opening the door of a road vehicle before the vehicle has come to a stop or without ascertaining that it can be done safely	2	2
519.7	Failing to inform the persons concerned that one's licence is not valid	2	4
<b>3 points</b>			
98	Failing to comply with the conditions attached to a driver's licence	3	4
99	<ul style="list-style-type: none"> <li>Driving a vehicle while holding a learner's licence without being assisted by person holding the proper licence</li> <li>Assisting a learner driver without holding the proper licence to provide such assistance</li> </ul>	3	3
142	Giving false or misleading information knowingly when applying for a licence or when notifying any change of information	0	3
146	Using a document that could be mistaken for a licence	3	6
238	Failing to clean the headlights, lights and reflectors when ordered to do so by a peace officer	3	3
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	3	3
267	Failing to clean the windshield and windows when ordered to do so by a peace officer	3	3
293.1, 3rd par.	Driving on a highway where prohibited by signs or signals for reasons of safety	3	3
299 <sup>31</sup>	Speeding in a municipality (11 to 20 km/h over the speed limit)	3	3
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)	3	3

31 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.

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
310	Failing to obey traffic signs or signals	3	3
311	Failing to obey orders or signals given by a person in authority (school crossing guard, flag person or peace officer)	3	3
328, 329	Driving at a speed over the prescribed or indicated speed limit (11 to 20 km/h over the speed limit)	3	3
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	3	3
335, 336	Tailgating	3	3
340	Speeding up while being passed	3	3
341.1	Failing to reduce the speed of one's vehicle when approaching an oncoming group of participants in an exceptional event or sports event or competition escorted by vehicles, or failing to obey a traffic rule that applies when in the presence of a group of participants	3	3
358.1	<ul style="list-style-type: none"> <li>When approaching a traffic circle, failing to slow down and to yield the right of way to users already in the circle before entering</li> <li>Failing to move in a counter-clockwise direction after entering the traffic circle</li> </ul>	3	3
361	Failing to stop at an intersection with an amber light	3	3
362	Failing to reduce one's speed or yield the right of way at a flashing amber light	3	3
363, 364	Failing to yield the right of way when facing a green light or green arrow	3	3
365	Driving in a lane other than the lane indicated by a green arrow pointing downwards	3	3
375	Failing to signal one's intention without interruption and over a sufficient distance	3	3
396	Wearing an improperly fastened seat belt in a moving vehicle	3	5
406.2	Changing lanes when approaching or when in an intersection	3	3
416	Backing up where prohibited on a limited access highway	3	3
421	Driving a heavy vehicle to which a restrictive or prohibitive measure applies	3	3

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
443.1	Using a cell phone or any other portable electronic device indicated in section 443.1 of the HSC	3	5
496.4	Driving a road vehicle on a shared street at a speed over 20 km/h	3	3
496.6	Failing to yield the right of way to a pedestrian using a shared street	3	3
496.7	Driving a road vehicle on a bicycle boulevard at a speed over 30 km/h	3	3
498	Disposing of, depositing or abandoning any objects or substances on a public roadway	3	3
498.1	Driving a vehicle covered with ice, snow, or any other matter that may detach from the vehicle and constitute a hazard for other road users	3	3
<b>4 points</b>			
168	<i>Failing to discharge the various obligations required of a driver involved in an accident</i>	4	4
169	<i>Failing to call for a peace officer when involved in an accident causing bodily injury</i>	4	4
170	<i>Failing, as a driver involved in an accident, to provide the information required</i>	4	4
171	<i>Failing to notify a peace officer when involved in an accident, in certain circumstances</i>	4	4
299	Speeding in a municipality (21 to 30 km/h over the speed limit)	4	4
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)	4	4
311.1	Failing to reduce one's speed or to switch to another other lane or, in the absence of another lane, to the shoulder when approaching a yellow arrow light signal that is mounted on a moving road vehicle and directs a lane change	4	4
326.1	Crossing a solid line marking off lanes, where prohibited	4	4
327	<i>Driving carelessly or at an unsafe speed</i>	4	5
328, 329	Driving at a speed over the prescribed or indicated speed limit (21 to 30 km/h over the speed limit)	4	4
330	Failing to reduce one's speed where conditions so require (darkness, fog, rain or other precipitation, or when the roadway is slippery or not completely cleared)	4	4

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
339	Carrying out an improper passing manoeuvre	4	4
341	Passing a bicycle or a pedestrian in an unsafe manner	4	4
342	<i>Successively passing two or more vehicles in a zigzag pattern</i>	4	4
345	<i>Passing where prohibited in the lane reserved for oncoming traffic</i>	4	4
346 to 348	Passing in an unsafe manner	4	4
349, 350	Failing to yield the right of way	4	4
351 to 358	Making an unsafe or illegal turn	4	4
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	4	4
371	Failing to yield the right of way to vehicles already travelling in the lane one is about to enter	4	4
372, 376	Failing to signal one's intentions using the turn-signal lights, or failing to make sure a turn can be made safely	4	4
395	Driving a vehicle in which the seat belt has been removed, modified or rendered inoperative	4	4
402 to 405	Failing to yield the right of way	4	4
406	<i>Failing to yield the right of way to an emergency vehicle with its lights or sound-producing device in operation</i>	4	4
406.1	<i>Failing to reduce one's 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, is stopped on a public roadway</i>	4	4
407 to 410	Failing to yield the right of way	4	4
411	Failing to stop one's vehicle at least 5 metres from a railway	4	4
412	Entering a level crossing without sufficient space	4	4
417	Backing up where such a manoeuvre is dangerous or obstructs traffic	4	4
422	Driving in a race or for a wager or stake	4	4

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
433	<i>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</i>	4	4
434	<i>Tolerating that a person hang on to, or be pulled or pushed by, a moving road vehicle</i>	4	4
460	<i>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</i>	4	4
<b>5 points</b>			
102	Refusing to surrender one's driver's licence to a peace officer	0	5
105	Driving a road vehicle while being under penalty	5	6
106	Allowing a person to drive who does not hold a licence of the appropriate class	5	N/A
202.1.4	Failing a physical coordination test administered by a peace officer	5	5
299	<i>Speeding in a municipality (31 to 40 km/h over the speed limit)</i>	5	5
303.2	<i>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)</i>	5	5
328, 329	<i>Driving at a speed over the prescribed or indicated speed limit (31 to 40 km/h over the speed limit)</i>	5	5
359	Failing to obey a red light	5	5
360	Failing to obey a flashing red light	5	5
367	Failing to stop at a traffic light that is defective or not in operation	5	5
368 to 370	Failing to obey a stop sign	5	5
519.42	Failing to intervene to prevent a driver with an invalid licence from driving	5	N/A

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
<b>Critical Offences (6 points)<sup>32</sup></b>			
106	Allowing a person whose licence is suspended or revoked to drive	6	N/A
202.2 (202.4, subpar. (2) of the 1st par.)	Driving or having the care or control of a heavy vehicle with a learner's licence or a probationary licence and with alcohol in one's body	6	Referral to the CTQ <sup>33</sup>
202.2 (202.4, subpar. (2) of the 1st par.)	Driving or having the care or control of a heavy vehicle with alcohol in one's body, if the driver is 21 years of age or younger	6	Referral to the CTQ
202.2.1.1 (202.4, subpar. (3) of the 1st par.)	Driving or having the care or control of a bus or minibus with alcohol in one's body	6	Referral to the CTQ
202.2.1.2 (202.4, subpar. (4) of the 1st par.)	Driving or having the care or control of a heavy vehicle, other than a bus or a minibus, with a blood alcohol concentration equal to or above 50 mg of alcohol per 100 ml of blood	6	Referral to the CTQ
202.3 (202.5)	Failing or refusing to obey the order of a peace officer, in particular to submit to physical coordination tests or to provide a breath or blood sample	6	Referral to the CTQ
202.4, subpar. (1) of the 1st par.	Driving or having the care or control of a vehicle with a blood alcohol concentration equal to or above 80 mg of alcohol per 100 ml of blood	6	Referral to the CTQ
202.4.1, subpar. (1) of the 1st par.	Driving with the presence of drugs in one's body (evaluating officer)	6	Referral to the CTQ
202.4.1, subpar. (2) of the 1st par.	Driving with the presence of drugs in one's body (saliva test) <sup>34</sup>	6	Referral to the CTQ

32 The sections between parentheses in this column refer to administrative penalties that are applied on the spot for these offences (length of the driver's licence suspension period).

33 "Referral to the CTQ" means that the offence is not weighted, because the heavy vehicle driver's conduct record is referred to the Commission des transports du Québec (CTQ).

34 This section was not in force at the time of publication.

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
299	Speeding in a municipality (41 km/h or more over the speed limit)	6	6
303.2	Driving at a speed over the indicated speed limit in a road construction or maintenance zone (41 km/h or more above the speed limit)	6	6
328, 329	Driving at a speed over the prescribed or indicated speed limit (41 km/h or more above the speed limit)	6	6
443	Driving while having consumed an alcoholic beverage, cannabis or other drugs (on board a heavy vehicle)	6	Referral to the CTQ
CC 220, 221	Criminal negligence (causing death or bodily harm)	6	6
CC 236	Involuntary manslaughter	6	6
CC 320.13(1)	Dangerous driving	6	6
CC 320.13(2)	Dangerous driving causing bodily harm	6	6
CC 320.13(3)	Dangerous driving causing death	6	6
CC 320.14(1) (a)	Driving or having the care or control of a vehicle while impaired	6	Referral to the CTQ
CC 320.14(1) (b)	Driving a vehicle with a blood alcohol concentration equal to or above 80 mg of alcohol per 100 ml of blood	6	Referral to the CTQ
CC 320.14(1) (c)	Operating a vehicle with a blood drug concentration above the prescribed limit	6	Referral to the CTQ
CC 320.14(1) (d)	Operating a vehicle with a blood alcohol concentration and blood drug concentration above the prescribed limits where both alcohol and a drug are present	6	Referral to the CTQ
CC 320.14(4)	Operating a vehicle while impaired by a drug (lower concentration)	6	Referral to the CTQ
CC 320.14(2)	Operating a vehicle while impaired, and causing bodily harm	6	Referral to the CTQ
CC 320.14(3)	Operating a vehicle while impaired, and causing death	6	Referral to the CTQ
CC 320.15	Failing or refusing to obey an order from a peace officer made under section 320.27 or 320.28	6	Referral to the CTQ
CC 320.16(1)	Failing to stop after an accident	6	6

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
CC 320.16(2) and (3)	Failing to stop after an accident resulting in bodily harm or death	6	6
CC 320.17	Driving while being pursued by a peace officer and without a reasonable excuse for fleeing or failing to stop the vehicle	6	6

### “Use of a Heavy Vehicle” Conduct Area

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
<b>1 point</b>			
228	Using a rotating or flashing amber light where the special permit is no longer required	1	1
228.1	Using the signs or signals required for a special permit improperly	1	1
239	Operating a heavy vehicle that is illegally equipped with alternately flashing white headlights, flashing or rotating lights or, where such lights are authorized, flashing or rotating lights of another colour than the colour authorized	1	N/A
239.1	Operating a road vehicle referred to in section 239.1 of the HSC without carrying one's certificate of recognition	1	1
239.2	In the case of a driver referred to in sections 239.1 and 239.1.1 of the HSC, failing to surrender the certificate that the driver is required to have under those sections upon request by a peace officer	1	1
Act T-12 48.14	Operating a bus or minibus used for the transportation of school children without carrying one's certificate of competence	0	1
T-SC 30, 2nd par.	Operating a school bus whose inscription indicating to the drivers of other vehicles that they must stop when the red lights are flashing is missing or does not comply with the prescribed format	1	N/A
T-SC 31	Using a school bus on which is affixed an unauthorized inscription or announcement	1	N/A
T-SC 44.1	Failing to turn on the alternately flashing yellow lights	1	1
T-SC 44.2	Failing to turn on the flashing emergency lights when required	1	1

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
<b>2 points</b>			
213	Using a heavy vehicle whose equipment prescribed by the HSC was not kept in good working order at all times	2	N/A
274	Failing to use a warning sign on a slow moving vehicle	2	2
432	Failing to stop a bus or a minibus in the zones provided for that purpose or on the far right-hand side of the roadway when taking on or discharging passengers	2	2
458	Misusing the flashing red lights or compulsory stop signal on a school bus	2	2
459	Using the flashing red lights or compulsory stop signal on a school bus when it is not carrying school children	2	2
531, 2nd par.	Putting back into operation a heavy vehicle that has a minor mechanical defect after 48 hours without having proved to the SAAQ that the vehicle meets standards	2	N/A
621, subpar. (2.1) of the 1st par.	When driving a bus or minibus intended for the transportation of handicapped persons, failing to: <ul style="list-style-type: none"> <li>• activate hazard lights when the vehicle is stopped for taking on or discharging passengers</li> <li>• ensure that all wheelchairs are properly secured</li> <li>• ensure that seat belts are properly fastened</li> </ul>	2	2
Act T-12 48.12	Driving a bus or minibus used for the transportation of school children without holding a certificate of competence	2	4
T-SC 45	Exiting a vehicle, in the case of a driver, when there are school children on board, or failing to turn off the engine, remove the switch key and apply the hand brake to assist a handicapped school child	2	2
T-SC 46	Authorizing or tolerating, in the case of a driver, more than three school children on the seat of a school bus	2	2
T-SC 49, subpar. (2) of the 1st par.	Failing, in the case of a driver, to immobilize a wheelchair or to ensure that the seat belt that must be worn by a handicapped school child is buckled	2	2
T-SC 49, subpar. (4) of the 1st par.	Failing, in the case of a driver, to refuse to transport a handicapped school child whose wheelchair cannot be immobilized or who cannot sit on a seat	2	2

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
<b>3 points</b>			
291, 3rd par.	Driving an outsized or overloaded vehicle on a public roadway where prohibited by signs or signals	3	3
292.1	Driving an overloaded vehicle that is not equipped with the prescribed braking system on a roadway where doing so is prohibited by signs or signals	3	3
364.1	In the case of a bus driver facing a bus traffic light, failing to ensure that the bus may proceed in the authorized direction safely	3	3
406.2	In the case of the driver of a bus authorized by a bus traffic light to enter an intersection, failing to ensure that the manoeuvre can be done safely	3	3
418.2	Driving a bus on a section of the shoulder of an expressway or other limited access highway even though all the conditions set out in section 418.2 of the HSC have not been met	3	3
418.3	Driving a bus on a shoulder section under section 418.2 of the HSC and exceeding the speed of road traffic in the traffic lane contiguous to the shoulder by more than 20 km/h	3	3
426	Carrying more passengers than there are seating positions equipped with seat belts or seats available for them to sit on	3	3
437	Pulling another vehicle whose wheels remain on the ground, but without using a bar to firmly secure the vehicle	3	3
437.1	Pulling a trailer or semi-trailer without using an adequate coupling device or system (lights, braking system, chains, cables, etc.)	3	3
437.2	Pulling a combination of road vehicles unless it is at the request of a peace officer or for reasons of safety	3	3
455	Carrying passengers who are not seated (a school bus while in motion)	3	3
471, subpar. (4) of the 1st par.	Driving a vehicle carrying a load that is not placed, secured or covered in accordance with load securement standards	3	3
497	Driving a snowblower whose net mass is more than 900 kg in a residential area where the speed limit is 50 km/h or less without the supervision of a person walking in front of the vehicle	3	3
519.3, 1st par.	Failing to complete, sign or update the circle check report	3	3

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
519.3, 3rd par.	Failing to countersign the circle check report or neglecting to send the report to the operator within the time prescribed by regulation	3	3
519.4	Failing to keep on board the vehicle the applicable defect lists, the circle check report or the motor coach inspection report	3	3
519.4.1	Driving a heavy vehicle without keeping the circle check report or the motor coach inspection report on board the heavy vehicle	3	3
519.5, 2nd par.	Failing to report a minor mechanical defect	3	3
519.8	Failing to distribute and secure freight, express and baggage hauled by a bus or minibus in compliance with standards	3	3
519.10	<ul style="list-style-type: none"> <li>Failing to record all of the information required by regulation in the record of duty status</li> <li>Failing to have the documents determined by regulation in one's possession</li> <li>Failing to make available or forward the record of duty status, supporting documents and information determined by regulation to the operator and any other person who supplies the driver's services</li> </ul>	3	3
519.15.3	Driving with a speed limiter that has not been activated, is not set at a maximum speed of 105 km/h, is in poor working condition or does not allow the programming data to be read	3	N/A
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	3	N/A
519.16, 2nd par.	<p>Failing to ensure that:</p> <ul style="list-style-type: none"> <li>the driver keeps the circle check report or the motor coach inspection report on board the vehicle</li> <li>the driver or the designated person enters all information in accordance with standards into the circle check report or the motor coach inspection report</li> </ul>	3	N/A
519.16, 3rd par.	Allowing a heavy vehicle to be driven where the circle check report or the motor coach inspection report is not kept on board the heavy vehicle	3	N/A
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 failing to send a copy of the circle check report to the owner	3	N/A
519.17, 2nd par.	Allowing a heavy vehicle that has a minor mechanical defect to be operated after 48 hours	3	N/A

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
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 standards	3	N/A
519.20	Failing to keep the records, reports and other documents prescribed by regulation	3	N/A
519.25	<ul style="list-style-type: none"> <li>Failing to forward, deposit and keep the records of duty status, the register containing the information in connection with the working order and use of each electronic logging device (ELD), the supporting documents and any other document determined by regulation at the place determined</li> <li>Failing to make sure the records of duty status, the register or other required documents are received within the time prescribed by regulation</li> <li>Failing to make available or forward to a peace officer, for inspection purposes, the records of duty status, the register or the other required documents</li> </ul>	3	N/A
519.26, 1st par.	Failing to obtain the driver's records of duty status when using the services of a driver	3	N/A
519.26, 2nd par.	Providing the services of a driver without transmitting that driver's records of duty status to the operator	3	N/A
<b>646</b>	<b>Violating any of the standards set forth in the <i>Transportation of Dangerous Substances Regulation</i> (according to the amount of the fine)</b>	<b>3</b>	<b>3</b>
A00DHV 5	Putting a heavy vehicle into operation without being registered in the CTQ's register	3	N/A
A00DHV 20	Failing to notify the owner of an administrative measure prohibiting the putting into operation of a heavy vehicle or restricting its use	3	N/A
A00DHV 21	Leasing or entrusting a heavy vehicle to a person who is not registered in the CTQ's register or who is subject to an administrative measure prohibiting the operation of heavy vehicles	3	N/A
A00DHV 33	Transferring or disposing of a heavy vehicle without the consent of the CTQ	3	N/A
T-SC 1	Transporting school children by a means other than those set out in section 1 of the <i>Regulation respecting road vehicles used for the transportation of school children</i>	3	N/A
T-SC 47	Failing to ensure that school children are seated safely and that the aisle is free of obstructions	3	3

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
<b>4 points</b>			
292	Failing to check the brakes where a sign or signal requires a mandatory stop at a brake verification area	4	4
413	<i>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</i>	4	4
471, subpar. (2) of the 1st par.	Carrying a load that reduces the driver's field of vision or blocks the vehicle's lights	4	4
471, subpar (4) of the 1st par.	Carrying a load that is not properly secured or installed or where the capacity of equipment is insufficient	4	4
474.1	Failing to surrender for examination the documents prescribed by regulation concerning the vehicle's load and the documents establishing the driver's qualifications for the transportation of dangerous substances at a peace officer's request	4	5
519.2	Failing to conduct a circle check of the heavy vehicle or to record observations in the circle check report	4	4
519.10	<ul style="list-style-type: none"> <li>Failing to record in a record of duty status all the hours of rest and hours of service for that day</li> <li>Failing to record the required information using an ELD</li> <li>Producing more than one record of duty status per day</li> <li>Using more than one ELD at the same time or for the same period</li> <li>Entering inaccurate information in the record of duty status</li> </ul>	4	4
519.15.1	Failing to ensure that the circle check has been conducted	4	N/A
519.21.3	<ul style="list-style-type: none"> <li>Failing to ensure that the heavy vehicles are equipped with an ELD</li> <li>Failing to require that each driver fill out the record of duty status in which the hours of rest and hours of service for each day are entered</li> <li>Failing to ensure that the ELD is maintained and kept in good working order in accordance with the manufacturer's standards</li> <li>Failing to maintain the system of each ELD used to identify the users of the device</li> <li>Failing to maintain a register concerning the working order and use of each device</li> <li>Failing to repair or replace a defective ELD</li> </ul>	4	N/A
519.21.4	Entering inaccurate information in the record of duty status or the supporting documents	4	4

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
<b>646</b>	<b>Violating any of the standards set forth in the <i>Transportation of Dangerous Substances Regulation</i> (according to the amount of the fine)</b>	<b>4</b>	<b>4</b>
A00DHV 43	Providing false information to the CTQ	4	N/A
Act T-12 48.15	Failing to hand over one's certificate of competence for driving a bus or minibus used for the transportation of school children for inspection at the request of a peace officer	0	4
Act T-12 48.16	Allowing a person who does not hold a certificate of competence to drive a bus or minibus used for the transportation of school children	4	N/A
<b>5 points</b>			
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)	5	5
457	Failing to use the flashing red lights or compulsory stop signal where two or more buses or minibuses used to carry school children are stopped in single file and any of the other buses or minibuses is taking on or discharging passengers	5	5
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	5	5
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	5	5
471, subpar. (1) and (3) of the 1st par.	Carrying a load that shifts around on the vehicle or falls from the vehicle, or interferes with its stability or handling	5	5
519.2.1	Driving a heavy vehicle for which a circle check has not been conducted	5	5
519.2.2	Driving a motor coach for which an inspection specific to motor coaches has not been conducted	5	5
519.3, 2nd par.	Possessing more than one report for the same circle check	5	5
519.4	Refusing to surrender the applicable defects list, the circle check report or the motor coach inspection report to a peace officer for examination	5	5
519.5, 1st par.	Failing to report a major defect	5	5

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
519.8.1, subpar. (1), (2) and (4) of the 1st par.	Driving: <ul style="list-style-type: none"> <li>while the driver's driving ability is impaired</li> <li>if driving jeopardizes or is likely to jeopardize the safety or health of the public, the driver or the employees of the operator</li> <li>while failing to comply with the provisions of section 519.9 (hours of driving and rest) and 519.10 (records of duty status) of the HSC</li> </ul>	5	5
519.10	<ul style="list-style-type: none"> <li>Falsifying, defacing, mutilating or otherwise impairing the integrity of the records of duty status or supporting documents</li> <li>Refusing to make available or forward the records of duty status and supporting documents determined by regulation for examination at a peace officer's request</li> </ul>	5	5
519.11	Failing to surrender the leasing contract or service contract to a peace officer	5	5
519.15.2, 1st par.	Allowing a heavy vehicle that has not undergone a circle check to be driven	5	N/A
519.15.2, 2nd par.	Allowing a motor coach that has not undergone the inspection specific to this type of vehicle to be driven	5	N/A
519.21.1, subpar. (1), (2) and (4) of the 1st par.	Requesting, requiring or allowing a driver to drive: <ul style="list-style-type: none"> <li>while the driver's driving ability is impaired</li> <li>if driving jeopardizes or is likely to jeopardize the safety or health of the public, the driver or the employees of the operator</li> <li>if the driver fails to comply with the provisions of section 519.9 (hours of driving and rest) and 519.10 (records of duty status) of the HSC</li> </ul>	5	N/A
519.21.2	Failing to ensure that a driver complies with the provisions respecting hours of driving and off-duty time and records of duty status	5	N/A
519.21.2	Failing to ensure that a driver complies with the provisions of sections 519.70, 519.71 and 638.1 of the HSC	5	N/A
519.21.4	<ul style="list-style-type: none"> <li>Falsifying, defacing or making illegible the records of duty status and supporting documents or otherwise impairing their integrity</li> <li>Disabling, deactivating, blocking or degrading the signal reception or transmission of an ELD, or re-engineering, reprogramming or altering the device, so as to prevent it from accurately recording or entering the required information</li> </ul>	5	5
519.27	Failing to ensure that the driver drives the vehicle to an inspection station when required	5	N/A
519.28	Failing to drive one's heavy vehicle to an appropriate place (dangerous substances)	5	5

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
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	5	N/A
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	5	5
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	5	N/A
636	Failing to stop one's vehicle when ordered to do so by a peace officer	5	5
638.1	Hindering a peace officer in the performance of the officer's duties, namely: <ul style="list-style-type: none"> <li>misleading the peace officer by concealment or false declarations</li> <li>refusing to provide any information or document the peace officer is entitled to require or examine</li> <li>concealing or destroying any document or property relevant to an inspection</li> </ul>	5	5
<b>646</b>	<b>Violating any of the standards set forth in the <i>Transportation of Dangerous Substances Regulation</i> (according to the amount of the fine)</b>	<b>5</b>	<b>5</b>
Act T-12 50	Hindering the work of a member of the CTQ, a designated person, a person authorized to act as an inspector, a peace officer or an investigator of the Department in the discharge of that person's duties: <ul style="list-style-type: none"> <li>by misleading that person by concealment or false declarations</li> <li>by refusing to give the person information or a document that he or she is entitled to require or examine</li> <li>by concealing or destroying any document or property pertaining to an inquiry</li> </ul>	5	5
<b>Critical Offences (6 points)</b>			
519.6	Driving a heavy vehicle with a major mechanical defect	6	6
519.8.1, subpar. (3) of the 1st par.	Failing to obey a prohibition from driving in the case of a driver who is subject to an out-of-service order	6	6
519.17, 2nd par.	Allowing a heavy vehicle that has a major mechanical defect to be operated	6	N/A
519.21.1, subpar. (3) of the 1st par.	Requesting, requiring or allowing a driver to drive if the driver is subject to an out-of-service order under section 519.12	6	N/A

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30</sup>
519.34	Contravening a “driver” out-of-service order issued by a peace officer	6	6
646	Travelling in a tunnel with dangerous substances	6	6
A00DHV 48	Operating or driving a heavy vehicle despite being prohibited from doing so, or failing to meet a condition	6	6

### “Load and Size Limits” Conduct Area

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30, 35</sup>
<b>1 point</b>			
463	<ul style="list-style-type: none"> <li>Exceeding by less than 4% the maximum total loaded mass allowed on a public roadway</li> <li>Exceeding by less than 10% the axle load limit allowed on a public roadway, a bridge or an overpass</li> <li>Exceeding the height limit by less than 0.1 metres</li> <li>Exceeding the width limit by less than 0.2 metres</li> <li>Exceeding the length limit by less than 1 metre</li> </ul>	1	N/A
513	<ul style="list-style-type: none"> <li>Exceeding by less than 4% the maximum total loaded mass indicated on the special permit on a public roadway</li> <li>Exceeding by less than 10% the axle load limit indicated on the special permit on a public roadway, a bridge or an overpass</li> <li>Exceeding the height limit by less than 0.1 metres</li> <li>Exceeding the width limit by less than 0.2 metres</li> <li>Exceeding the length limit by less than 1 metre</li> <li>Exceeding the overhang limit by less than 0.5 metres</li> </ul>	1	1
513	<b>Failing to abide by the other conditions of the special permit (equipment, escort vehicle, traffic rules and regulations, etc.) (according to the amount of the fine)</b>	1	1

35 Offences committed by a driver with regard to load and size limits are entered in the “Use of a Heavy Vehicle” conduct area in the driver’s conduct review, given that the “Load Size and Limits” conduct area does not exist in the driver’s conduct review.

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30, 35</sup>
<b>2 points</b>			
463	<ul style="list-style-type: none"> <li>Exceeding by 4% to less than 8% the maximum total loaded mass allowed on a public roadway</li> <li>Exceeding by less than 4% the maximum total loaded mass allowed on a bridge or an overpass</li> <li>Exceeding by 10% to less than 15% the axle load limit allowed on a public roadway, a bridge or an overpass</li> <li>Exceeding the height limit by 0.1 metres to less than 0.2 metres</li> <li>Exceeding the width limit by 0.2 metres to less than 0.4 metres</li> <li>Exceeding the length limit by 1 metre to less than 2 metres</li> </ul>	2	N/A
513	<ul style="list-style-type: none"> <li>Exceeding by 4% to less than 8% the maximum total loaded mass indicated on the special permit on a public roadway</li> <li>Exceeding by less than 4% the maximum total loaded mass indicated on the special permit on a bridge or an overpass</li> <li>Exceeding by 10% to less than 15% the axle load limit indicated on the special permit on a public roadway, a bridge or an overpass</li> <li>Exceeding the height limit by 0.1 metres to less than 0.2 metres</li> <li>Exceeding the width limit by 0.2 metres to less than 0.4 metres</li> <li>Exceeding the length limit by 1 metre to less than 2 metres</li> <li>Exceeding the overhang limit by 0.5 metres to less than 1 metre</li> </ul>	2	2
<b>3 points</b>			
463	<ul style="list-style-type: none"> <li>Exceeding by 8% to less than 12% the maximum total loaded mass allowed on a public roadway</li> <li>Exceeding by 4% to less than 8% the maximum total loaded mass allowed on a bridge or an overpass</li> <li>Exceeding by 15% to less than 18% the axle load limit allowed on a public roadway, a bridge or an overpass</li> <li>Exceeding the height limit by 0.2 metres to less than 0.3 metres</li> <li>Exceeding the width limit by 0.4 metres to less than 0.6 metres</li> <li>Exceeding the length limit by 2 metres to less than 3 metres</li> </ul>	3	N/A
464	Driving an oversized vehicle without carrying a special permit	3	3
473.1	Driving an oversized vehicle without carrying a special permit	3	3

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30, 35</sup>
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	3	3
513	<ul style="list-style-type: none"> <li>Exceeding by 8% to less than 12% the maximum total loaded mass indicated on the special permit on a public roadway</li> <li>Exceeding by 4% to less than 8% the maximum total loaded mass indicated on the special permit on a bridge or an overpass</li> <li>Exceeding by less than 5% the maximum total loaded mass indicated on the Minister's permit on a public roadway, a bridge or an overpass</li> <li>Exceeding by 15% to less than 18% the axle load limit indicated on the special permit on a public roadway, a bridge or an overpass</li> <li>Exceeding by less than 10% the axle load limit indicated on the Minister's permit or the Class 5 or 6 special permit</li> <li>Exceeding the height limit by 0.2 metres to less than 0.3 metres</li> <li>Exceeding the width limit by 0.4 metres to less than 0.6 metres</li> <li>Exceeding the length limit by 2 metres to less than 3 metres</li> <li>Exceeding the overhang limit by 1 metre to less than 1.5 metres</li> </ul>	3	3
513	<b>Failing to abide by the other conditions of the special permit (equipment, escort vehicle, traffic rules and regulations, etc.) (according to the amount of the fine)</b>	3	3
<b>4 points</b>			
463	<ul style="list-style-type: none"> <li>Exceeding by 12% to less than 16% the maximum total loaded mass allowed on a public roadway</li> <li>Exceeding by 8% to less than 16% the maximum total loaded mass allowed on a bridge or an overpass</li> <li>Exceeding by 18% to less than 20% the axle load limit allowed on a public roadway, a bridge or an overpass</li> <li>Exceeding the height limit by 0.3 metres to less than 0.4 metres</li> <li>Exceeding the width limit by 0.6 metres to less than 0.8 metres</li> <li>Exceeding the length limit by 3 metres to less than 4 metres</li> </ul>	4	N/A

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30, 35</sup>
513	<ul style="list-style-type: none"> <li>Exceeding by 12% to less than 16% the maximum total loaded mass indicated on the special permit on a public roadway</li> <li>Exceeding by 8% to less than 16% the maximum total loaded mass indicated on the special permit on a bridge or an overpass</li> <li>Exceeding by 5% to less than 10% the maximum total loaded mass indicated on the Minister's permit on a public roadway, a bridge or an overpass</li> <li>Exceeding by less than 5% the maximum total loaded mass indicated on the Class 5 or 6 special permit on a public roadway, a bridge or an overpass</li> <li>Exceeding by 18% to less than 20% the axle load limit indicated on the special permit on a public roadway, a bridge or an overpass</li> <li>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 roadway, a bridge or an overpass</li> <li>Exceeding the height limit by 0.3 metres to less than 0.4 metres</li> <li>Exceeding the width limit by 0.6 metres to less than 0.8 metres</li> <li>Exceeding the length limit by 3 metres to less than 4 metres</li> <li>Exceeding the overhang limit by 1.5 metres to less than 2 metres</li> </ul>	4	4
<b>5 points</b>			
291, 3rd par.	Exceeding by less than 20,000 kg the maximum total loaded mass allowed on a load-restricted bridge or overpass	5	N/A
463	<ul style="list-style-type: none"> <li>Exceeding by 16% to less than 20% the maximum total loaded mass allowed on a public roadway, a bridge or an overpass</li> <li><i>Exceeding by 20% or more the axle load limit allowed on a public roadway, a bridge or an overpass</i></li> <li>Exceeding the height limit by 0.4 metres to less than 0.5 metres</li> <li>Exceeding the width limit by 0.8 metres to less than 1 metre</li> <li>Exceeding the length limit by 4 metres to less than 5 metres</li> </ul>	5	N/A
468, 2nd par.	Refusing to drive an outsized vehicle to a suitable place when ordered to do so by a peace officer	5	5
473	Carrying an outsized load or equipment without having the required special permit	5	N/A

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30, 35</sup>
513	<ul style="list-style-type: none"> <li>Exceeding by 16% to less than 20% the maximum total loaded mass indicated on the special permit on a public roadway</li> <li>Exceeding by 16% to less than 20% the maximum total loaded mass indicated on the special permit on a bridge or an overpass</li> <li>Exceeding by 10% to less than 15% the maximum total loaded mass indicated on the Minister's permit on a public roadway, a bridge or an overpass</li> <li>Exceeding by 5% to less than 10% the maximum total loaded mass indicated on the Class 5 or 6 special permit on a public roadway, a bridge or an overpass</li> <li><i>Exceeding by 20% or more the axle load limit indicated on the special permit on a public roadway, a bridge or an overpass</i></li> <li><i>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 roadway, a bridge or an overpass</i></li> <li>Exceeding the height limit by 0.4 metres to less than 0.5 metres</li> <li>Exceeding the width limit by 0.8 metres to less than 1 metre</li> <li>Exceeding the length limit by 4 metres to less than 5 metres</li> <li>Exceeding the overhang limit by 2 metres to less than 2.5 metres</li> </ul>	5	5
513	<b>Failing to abide by the other conditions of the special permit (equipment, escort vehicle, traffic rules and regulations, etc.) (according to the amount of the fine)</b>	5	5
<b>Critical Offences (6 points)</b>			
291, 3rd par.	Exceeding by 20,000 kg or more the maximum total loaded mass allowed on a load-restricted bridge or overpass	6	N/A
463	Exceeding by 20% or more the maximum total loaded mass allowed for standard transport	6	N/A
513	Exceeding by 20% or more the maximum total loaded mass indicated on the special permit	6	6
513	Exceeding by 15% or more the maximum total loaded mass indicated on the Minister's permit	6	6
513	Exceeding by 10% or more the maximum total loaded mass indicated on the Class 5 or 6 special permit	6	6
513	Operating an oversized vehicle without a police escort, where an escort is a condition of a special permit	6	6

Section <sup>29</sup>	Description	HVOO Weighting	HVD Weighting <sup>30, 35</sup>
463 or 513	Exceeding the maximum size authorized for a heavy vehicle in the case of standard transport (s. 463) or indicated on a special permit (s. 513), including the load, by: <ul style="list-style-type: none"> <li>• 0.5 metres or more, for height</li> <li>• 1 metre or more, for width</li> <li>• 5 metres or more, for length</li> <li>• 2.5 metres or more, for any overhang (front, rear or sides of the vehicle)</li> </ul>	6	6 <sup>36</sup>

### “Vehicle Safety” Conduct Area

Section <sup>29</sup>	Description	Owner Weighting <sup>30</sup>
<b>1 point</b>		
213	Failing to maintain lights or headlights, any prescribed stop signals, the horn or any prescribed audible warning devices, mudguards, the exhaust system, windshield wipers and washers, rear-view mirrors, the speedometer or the odometer in good working order	1
213	Failing to maintain in good working order the equipment for applying the brakes to a trailer or semi-trailer that is pulled or for attaching the chain, cable or safety device	1
223	Operating a vehicle whose back-up light remains on when the vehicle is moving forward	1
235	Operating a vehicle whose white headlight is not firmly attached or properly adjusted	1
265	Operating a vehicle whose windshield or any other window does not conform to the prescribed standards or is not free of any material that might reduce visibility for the driver	1
269	Operating a vehicle whose bumper is not solidly attached	1
621, subpar. (2.1) of the 1st par.	Operating a bus or minibus adapted for the transportation of handicapped persons whose door or emergency exit cannot be manually opened	1
621, subpar. (2.1) of the 1st par.	Failing to maintain the equipment of a bus or minibus adapted for the transportation of handicapped persons in good working order	1
621, subpar. (2.1) of the 1st par.	Operating a bus or minibus adapted for the transportation of handicapped persons that is not equipped with safety or emergency equipment (lamps, fluorescent triangles and reflectors, chemical extinguisher, seat belt cutter, first-aid kit)	1

<sup>36</sup> Only section 513 applies to heavy vehicle drivers.

Section <sup>29</sup>	Description	Owner Weighting <sup>30</sup>
621, subpar (32.8) of the 1st par.	Failing to fill in or have filled in the spaces provided on the maintenance sheets in accordance with the applicable regulation (preventive maintenance program)	1
621, subpar (32.8) of the 1st par.	Maintaining one's heavy vehicles or having them maintained in a location that does not comply with the standards prescribed by regulation (preventive maintenance program)	1
T-SC 41, par. (1)	<ul style="list-style-type: none"> <li>Failing to ensure that the inscriptions prescribed in section 30 of the <i>Regulation respecting road vehicles used for the transportation of school children</i> are legible and complete</li> <li>Failing to maintain the interior of the passenger compartment</li> </ul>	1
T-SC 44	Failing to provide the school bus with the following items or to ensure that they are kept in good condition: three triangle reflectors, an extinguisher, and a first-aid kit	1
<b>2 points</b>		
213	Failing to keep equipment prescribed by the HSC in good working order at all times	2
270	Operating a vehicle with tires that do not conform to the standards prescribed by regulation	2
519.21	Failing to correct a minor mechanical defect or failing to repair or modify a heavy vehicle further to a notice issued by the manufacturer	2
531, 2nd par.	Putting back into operation a heavy vehicle that had a minor mechanical defect after 48 hours without having proved to the SAAQ that it meets standards	2
532	Failing to prove within 48 hours that the defects discovered on the vehicle during the mechanical inspection have been repaired	2
<b>3 points</b>		
257.1	Failing, as the owner of a heavy vehicle with a dump body whose height exceeds the maximum height prescribed by regulation, to equip the vehicle with a flashing red warning light and an audible warning device that activate automatically when the dump body is not completely lowered	3
519.17, 2nd par.	Allowing a heavy vehicle that has a minor defect to be operated after 48 hours	3
519.18	Failing to obtain a copy of the circle check report	3
519.20	Failing to keep the records and other documents prescribed by regulation	3
534	Putting back into operation a heavy vehicle without proving that its major defect has been repaired	3
538	Issuing a certificate of mechanical inspection or affixing an inspection sticker to a heavy vehicle without having the authorization of the SAAQ (preventive maintenance program)	3

Section <sup>29</sup>	Description	Owner Weighting <sup>30</sup>
538.1	Affixing to a heavy vehicle a sticker that could be confused with an inspection sticker (preventive maintenance program)	3
543.6	Affixing a preventive maintenance program inspection sticker without holding the certificate issued by the SAAQ	3
621, subpar. (32.8) of the 1st par.	Maintaining heavy vehicles or having them maintained by a mechanic whose qualifications do not meet the conditions set out by regulation (preventive maintenance program)	3
<b>646</b>	<b>Transporting dangerous substances in a tank truck that does not meet standards (according to the amount of the fine)</b>	<b>3</b>
A00DHV 5	Putting a heavy vehicle into operation without being registered in the CTQ's register	3
A00DHV 20	Failing to notify the operator of an administrative measure prohibiting the putting into operation of a heavy vehicle or restricting its use	3
A00DHV 21	Leasing or entrusting a heavy vehicle to a person who is not registered in the CTQ's register or who is subject to an administrative measure prohibiting the operation of heavy vehicles	3
A00DHV 33	Transferring or disposing of a heavy vehicle without the consent of the CTQ	3
T-SC 43	Failing to ensure that the driving wheels are equipped with tires designed for driving on snow-covered road surfaces	3
<b>4 points</b>		
250	Putting into operation a vehicle with a seat belt that has been removed, altered or rendered inoperative	4
519.15, 1st par.	Failing to maintain a heavy vehicle in good mechanical condition or failing to comply with the maintenance standards and the inspection frequency and inspection procedure prescribed by regulation	4
519.15, 2nd par.	Failing to conduct the inspection specific to motor coaches, to fill out the motor coach inspection report according to standards or to keep it in the heavy vehicle	4
539	Issuing a certificate of mechanical inspection containing false or inaccurate information on the condition of an inspected heavy vehicle	4
A00DHV 43	Furnishing false information to the CTQ	4

Section <sup>29</sup>	Description	Owner Weighting <sup>30</sup>
<b>5 points</b>		
519.21	Failing to correct a mechanical defect or to repair or modify a vehicle further to a notice of a major defect issued by the manufacturer	5
523	Failing to have the heavy vehicle undergo the required mechanical inspection or to remit the vehicle's registration certificate or one's driver's licence to the SAAQ or a peace officer upon request	5
543.8	Failing to maintain a heavy vehicle covered by the preventive maintenance program in good mechanical condition	5
543.14	Failing to give the person conducting the inspection access to any documents that person requires or to facilitate the examination thereof	5
<b>646</b>	<b>Transporting dangerous substances by a tank truck that is not equipped with either one of the systems required under section 40 of the <i>Transportation of Dangerous Substances Regulation</i> or failing to present a document attesting to the installation of this system (according to the amount of the fine)</b>	<b>5</b>
<b>Critical Offences (6 points)</b>		
519.17, 2nd par.	Allowing a heavy vehicle that has a major mechanical defect to be operated	6
A00DHV 48	Putting a heavy vehicle into operation despite being prohibited from doing so or failing to meet a condition	6

## Weighting and fines associated with the offences displayed in green in the table above

Weighting of the offences concerning the transportation of dangerous substances (**section 646**) according to the amount of the fine:

Driver		Operator	
Weighting	Fine	Weighting	Fine
3 points	\$90	3 points	\$175
4 points	\$175	4 points	\$350
5 points	\$350	5 points	\$700

Weighting of the offences concerning a failure to comply with any of the conditions of a special permit (**section 513**) according to the amount of the 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 and the holder of a special permit. The permit holder acts in the capacity of operator and must comply with all the conditions attached to the special permit, including the conditions concerning the installation of required equipment, the proper use of escort vehicles and compliance with 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 weighting.

### Codes entitled “de situation” (situational), “défendeur” (defendant) and “véhicule” (vehicle)

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.

# APPENDIX 3

## TABLE OF EQUIVALENCY CODES ESTABLISHED BY THE CANADIAN COUNCIL OF MOTOR TRANSPORT ADMINISTRATORS (CCMTA) FOR OFFENCES AND THEIR WEIGHTING IN QUÉBEC

### “Traffic Rules” Conduct Area

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
1	Driving at a speed greater than is reasonable and prudent; speed too fast for conditions	4	4
4	Exceeding posted speed limit	2	2
5	Speeding 1-10 km/hour over posted speed limit	0	0
6	Speeding 11-20 km/hour over posted speed limit	3	3
7	Speeding 21-30 km/hour over posted speed limit	4	4
8	Speeding 31-40 km/hour over posted speed limit	5	5
9	Speeding 41-49 km/hour over posted speed limit	6	6
10	Speeding 50 km/hour or greater over the posted speed limit	6	6
12	Speeding up on being overtaken	3	3
13	Speed less than minimum impeding normal flow of traffic	2	2
14	Racing vehicles; contest of speed	4	4
16	Driving without due care and/or driving without reasonable consideration for others using roadway	4	5
19	Stunting	4	5
20	Use of a radar detection device where prohibited	3	3
100	Failing to stop when flashing red light at intersection or crosswalk	5	5

<sup>37</sup> The description of the equivalencies listed here is abbreviated in the HVOO record.

<sup>38</sup> Note that some offences (equivalencies) are weighted more severely for the driver (in those cases, the weighting is highlighted in yellow).

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
101	Failing to stop when flashing red light at place other than intersection	5	5
102	Failure to obey stop sign; stop signal	5	5
104	Disobeying or passing a red light	4	4
105	Disobey amber light	3	3
107	Fail to yield	4	4
108	Failure to stop on request of peace officer/police	5	5
109	Disobey police/peace officer directive or instruction	3	3
110	Passing school bus; not stopping for school bus	4	4
112	Failure to obey railroad crossing instructions	4	4
113	Failure to obey railroad gates signs or signals	4	4
114	Disobey emergency vehicle signal	4	4
200	Failing to report accident	4	4
201	Failing to stop at accident scene; leaving the scene of an accident	4	4
203	Failing to render assistance to injured person	4	4
204	No person holding driver's licence may hold a driver's licence issued by another jurisdiction	2	4
205	Misuse licence	2	4
206	Operating a class of vehicle other than that specified on licence	2	4
207	Not complying with licence restrictions or conditions	3	4
210	False statement or fail to furnish information	2	4
212	Violation involving the use of a seat belt; allowing more passengers than seat belts available	3	5
213	Fail to produce documentation, or to surrender revoked or suspended licence	3	5

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
214	Driving or allowing to drive a vehicle with a revoked or suspended licence	5	6
215	Towing a trailer or semi-trailer not attached with the prescribed safety device(s) to the towing vehicle	3	3
216	Failing to affix on the vehicle a slow speed warning sign	2	2
217	Driving a vehicle in which a television set is visible to the driver or while using headphones or earphones	1	1
218	Inappropriate or dangerous stopping or leaving unattended a vehicle without removing the ignition key and locking the doors	1	1
220	Possess or use a licence issued to another person	2	4
222	Possess or use a fictitious licence	3	6
226	Using hand-operated device while driving	3	5
300	Improper passing	4	4
301	Improper overtaking and passing on right of another vehicle	4	4
303	Drive on left	2	2
304	Passing on left when unsafe	4	4
308	Passing on left of solid line(s)	3	3
313	Fail to overtake vehicle properly	4	4
314	Fail to yield to overtaking vehicle	3	3
315	Passing in no passing zone	3	3
316	Failure to slow down or move over near stopped official vehicle	4	4
317	Fail to obey traffic control device	2	2

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
318	Overtaking and passing vehicle stopped at crosswalk	3	3
320	Following vehicle too closely	3	3
322	Improper use; insufficient or no signal	2	2
323	Improper or inappropriate use of lights or lighting devices	1	1
324	Failure to turn on lights when required	2	2
325	Failure to turn on school bus flashing lights when prescribed	5	5
326	Inappropriate use of school bus flashing lights	2	2
327	Failure to ascertain whether occupants of a school bus are seated when prescribed	3	3
328	Improper lane or location	2	2
329	Improper, dangerous or illegal turn; crossing a median strip or separation	4	4
330	Driving contrary to sign direction	3	3
331	Backing up when unsafe	3	3
332	Obstruct or block intersection	1	1
333	Entering or leaving a limited access highway at places other than the ones prescribed	1	1
334	View of driver obstructed	1	1

**“Traffic Rules” Conduct Area**  
**Criminal Code (offences committed before December 18, 2018)**

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
1100	Criminal negligence causing death, s. 220	6	6
1101	Criminal negligence causing injury, s. 221	6	6
1102	Manslaughter, s. 236	6	6
1103	Dangerous driving, s. 249(1)(a)	6	6
1104	Dangerous driving causing injury, s. 249(3)	6	6
1105	Dangerous driving causing death, s. 249(4)	6	6
1106	Leaving the scene of an accident, s. 252(1)	6	6
1107	Impaired driving, s. 253(1)(a)	6	Referral to CTQ
1108	Blood alcohol exceeds .08, s. 253(1)(b)	6	Referral to CTQ
1109	Refuse breath/blood sample, s. 254(5)	6	Referral to CTQ
1110	Impaired driving causing injury, s. 255(2)	6	Referral to CTQ
1111	Impaired driving causing death, s. 255(3)	6	Referral to CTQ
1116	Failure to stop for a peace officer, s. 249.1(1)	6	6
1120	Refuse breath/blood sample, when causing injury, s. 255(2.2)	6	Referral to CTQ
1121	Refuse breath/blood sample, when causing death, s. 255(3.2)	6	Referral to CTQ
1122	BAC over limit, causing injury, s. 255(2.1)	6	Referral to CTQ
1123	BAC over limit, causing death, s. 255(3.1)	6	Referral to CTQ
1124	Failing to stop during flight from the police causing bodily harm or death, s. 249.1(3)	6	6

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
1125	Failure to stop at scene of accident involving bodily harm, s. 252(1.2)	6	6
1126	Failure to stop at scene of accident involving bodily harm or death, s. 252(1.3)	6	6
1127	Blood Drug Concentration exceeds the prescribed limit, s. 253(3)(a)	6	Referral to CTQ
1128	Blood Drug Level exceeds prescribed lower limits, s. 253(3)(b)	6	Referral to CTQ
1129	Drug/Alcohol combination exceeds prescribed limit, s. 253(3)(c)	6	Referral to CTQ

### “Traffic Rules” Conduct Area

#### *Criminal Code (offences committed on or after December 18, 2018)*

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
1130	Criminal negligence causing death, s. 220	6	6
1131	Criminal negligence causing injury, s. 221	6	6
1132	Motor manslaughter, s. 236	6	6
1133	Dangerous operation, s. 320.13(1)	6	6
1134	Dangerous operation causing bodily harm, s. 320.13(2)	6	6
1135	Dangerous operation causing death, s. 320.13(3)	6	6
1136	Failure to stop at scene of accident, s. 320.16(1)	6	6
1137	Operation while impaired, s. 320.14(1)(a)	6	Referral to CTQ
1138	Operation with 80 mg or more of alcohol per 100 ml of blood, s. 320.14(1)(b)	6	Referral to CTQ
1139	Fail/refuse to comply with demand, s. 320.15(1)	6	Referral to CTQ
1140	Impaired operation causing bodily harm, s. 320.14(2)	6	Referral to CTQ

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
1141	Impaired operation causing death, s. 320.14(3)	6	Referral to CTQ
1146	Flight from peace officer causing bodily harm or death, s. 320.17	6	6
1150	Fail/refuse to comply with demand - bodily harm, s. 320.15(2)	6	Referral to CTQ
1151	Fail/refuse to comply with demand - death, s. 320.15(3)	6	Referral to CTQ
1152	Blood concentration level over legal limit - bodily harm, s. 320.14(2)	6	Referral to CTQ
1153	Blood concentration level over legal limit - death, s. 320.14(3)	6	Referral to CTQ
1155	Failure to stop at scene of accident involving bodily harm, s. 320.16(2)	6	6
1156	Failure to stop at scene of accident involving bodily harm or death, s. 320.16(2) or (3)	6	6
1157	Operation with blood drug concentration equal to or exceeding prescribed amount, s. 320.14(1)(c)	6	Referral to CTQ
1158	Operation with low blood drug concentration, s. 320.14(4)	6	Referral to CTQ
1159	Operation with blood drug concentration equal to or exceeding prescribed amount in instances where alcohol and drug are combined, s. 320.14(1)(d)	6	Referral to CTQ

## “Traffic Rules” Conduct Area

### Administrative Suspension of a Driver’s Licence

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
1304	Administrative, 24 hour: Issued by a Peace Office for roadside DWI related circumstances	6	Referral to CTQ
1307	Administrative DWI: Register (provincial, territorial or state) imposed disqualification or suspension specifically related to criminal convictions / prohibitions	6	Referral to CTQ
1308	Administrative DWI roadside: 3 or 6 month suspensions where a Peace Officer has reasonable and probable grounds to believe that a person is driving while impaired	6	Referral to CTQ

## “Use of a Heavy Vehicle” Conduct Area

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
400	Exceeding maximum driving hours prescribed by regulation. (daily driving hours and on-duty hours)	5	5
401	Failing to maintain and update the daily log as prescribed in the regulation	3	3
402	Fraud – having two or more logs for the same period, of falsifying logs or other documents	5	5
403	Hindering a peace officer or an inspector in the performance of his duties, misleading him or refusing to provide him with any information or document he is entitled to require, regarding the hours of service requirements	5	5
404	When the driver has exceeded the maximum number of driving hours, refusal to surrender licence and to allow a peace officer to take possession of the vehicle	5	5
405	Failing to keep at the prescribed location the daily logs and log related documents	3	N/A
406	Fail to have the daily log and/or supporting documents in his/her possession while driving the vehicle	4	4

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407	Fail to produce daily log and/or supporting documents	4	4
408	Drive when driver's faculties are impaired to point of unsafe	5	5
409	Drive when driving would jeopardize public safety or health	5	5
410	Drive when subject to an out of service declaration	6	6
411	Drive when not in compliance with these regulations	5	5
412	Fail to take 8 consecutive off-duty hours after 13 hours of driving time	5	5
413	Fail to take 8 consecutive off-duty hours after 14 hours of on-duty driving	5	5
414	Drive after 16 hours have elapsed between off-duty periods	5	5
415	Fail to comply with off-duty hours – at least 24 consecutive in 14 days.	5	5
416	Fail to comply with off-duty hours – at least 10 in a day	5	5
417	Fail to take off-duty hours – at least 2 aside from 8 consecutive	5	5
418	Fail to comply with off-duty hours – after 13 of driving or 15 on-duty (logging trucks)	5	5
419	Excessive driving or on-duty hours (logging trucks)	5	5
420	Fail to comply with off-duty hours – at least 3 periods off-duty during 24 days	5	5
421	Fail to comply with off-duty hours – at least 72 consecutive hours off-duty	5	5
422	Fail to take 8 consecutive hours	5	5
423	Fail to comply with off-duty hours – when not splitting daily off-duty time (single driver)	5	5
424	Fail to comply with off-duty hours – when not splitting daily off-duty time (team of drivers)	5	5
425	Fail to follow cycle 1 or cycle 2	5	5

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
426	Excessive hours – cycle 1	5	5
427	Excessive hours – cycle 2	5	5
428	Fail to comply with off-duty hours – 24 consecutive hours after 70 hours on-duty	5	5
429	Drive after accumulating 120 hours of on-duty time during any 14 day period	5	5
430	Driver after accumulating 70 hours of on-duty time during any 7 day period	5	5
431	Switch from cycle 1 to cycle 2 without required off-duty hours	5	5
432	Switch from cycle 2 to cycle 1 without required off-duty hours	5	5
433	Fail to place copy of exemption in vehicle	4	4
434	Fail to provide a list of exempted commercial motor vehicles to the director	4	4
435	Fail to provide daily log and/or supporting documents for commercial motor vehicle in respect of which exemption applies	4	4
436	Fail to notify the director of an accident involving exempted commercial vehicles	3	3
437	Fail to comply with conditions of exemption by director	5	5
438	Fail to monitor compliance	5	N/A
439	Fail to take immediate remedial action for non-compliance	5	5
440	Fail to have in possession the preceding 14 days of daily logs	4	4
441	Fail to make record	5	N/A
442	Fail to forward/produce/deposit/distribute daily logs and/or supporting documents as prescribed in the regulation	3	3
443	Drive after 13 hours of accumulated driving time	5	5

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
444	Drive after 14 hours of accumulated on-duty time	5	5
445	Failure to comply with terms and conditions of a permit under these regulations	5	5
446	Carrier request/require/permit driver to drive when log book not up to date	5	5
447	Fail to provide information on electronic recording device	4	4
448	Allow operation of a commercial vehicle without a certified Electronic Logging Device as required	4	4
500	Failing to inspect vehicles or to have vehicle inspected or maintained according to regulation requirements	4	4
501	Failure to enter complete information on trip inspection report	3	3
502	Failing to keep trip inspection report in the vehicle	3	3
503	Failing to forward inspection report	3	3
504	Failing to report to the carrier any minor defects found on the vehicle or failing (carrier) to repair any minor defect reported by driver	3	3
505	Failing to report to the carrier any major defects found on the vehicle or failing (carrier) to repair any major defect reported by driver	5	5
506	Driving a vehicle which has a major defect discovered during an inspection	6	6
507	Putting back into operation after the prescribed repair delay a vehicle that carries minor defect discovered during a trip inspection	3	3
508	Failing to keep at the prescribed location, the trip inspection reports or the maintenance register, the proofs of repair and the other related documents	3	N/A

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
509	Hindering a peace officer or an inspector in the performance of their duties, misleading them or refusing to provide them with any information or document they are entitled to require regarding the trip inspection or maintenance requirements	5	5
510	Failure to ensure that a minor defect of which the carrier is notified by a notice of defect issued by a vehicle manufacturer, is repaired in the prescribed delay	2	N/A
511	Failure to ensure that a major defect of which the carrier is notified by a notice of defect issued by a vehicle manufacturer, is repaired in the prescribed delay	5	N/A
512	Failure to provide a paper or equivalent electronic copy of the required inspection report(s) on demand of an officer.	5	5
513	Failure to retain the original copy of each vehicle inspection report and certification of repairs for at least 6 months from the date the report was prepared	3	N/A
900	Carrying a load that is placed, secured or covered in violation of the security of load requirements	3	3
901	Failing to comply with the request of a peace officer requiring that a vehicle, of which the load may present a hazard, be impounded in a suitable place	6	6
1000	Any violation to the dangerous goods regulations	4	4
1200	Failure, by a carrier, to have a NSC certificate or failure to use the NSC number that has been assigned to the carrier	3	N/A
1201	Failure to surrender, return or keep at the prescribed location, driver and vehicle related documents or records (other than hours of service or trip inspection)	3	N/A
1202	Hindering a peace officer or an inspector in the performance of their duties, misleading or refusing to provide the officer with any information or document that the officer is entitled to require regarding driver related documents or records (other than hours of service or trip inspection)	5	5
1203	Failure to comply with restrictions/conditions placed on a safety certificate	6	6

**“Use of a Heavy Vehicle” Conduct Area for Heavy Vehicle Drivers**  
**“Load and Size Limits” Conduct Area for HVOOs**

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD	WEIGHTING OF THE EQUIVALENCY IN THE HEAVY VEHICLE DRIVER RECORD <sup>38</sup>
700	Operating an overweight or oversize vehicle without a special permit or while contravening special permit conditions	1	1
701	Failing to carry the special permit issued for an oversized vehicle while driving the vehicle	3	3
702	Refusal to drive a vehicle to a weighting station or any other suitable place, when requested by a sign, signal or peace officer	5	5
703	Failing to install a red flag, a reflector panel or a red light at the farthest point of a load extending beyond the rear of the vehicle	3	3
705	Operate a vehicle for which weight (either gross or axle) exceeds the maximum allowed in the jurisdiction by more than 2000 kg	1	1
706	Operate a vehicle which load exceeds the maximum dimensions allowed in the jurisdiction	1	1
707	Operate a vehicle with a size that exceeds the maximum dimension allowed in the jurisdiction	1	1

**“Vehicle Safety” Conduct Area**

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD <sup>38</sup>
600	Missing, faulty or inadequate light equipment, causing vehicle to be placed out of service	3
601	Missing, faulty or inadequate brakes, causing vehicle to be placed out of service	5
602	Defective or inadequate tires causing vehicle to be placed out of service	4
603	Trailer or semitrailer not equipped with the prescribed chains, cables or other safety attachment devices, causing the vehicle to be placed out of service	3
604	Any other major defect, causing the vehicle to be placed out of service	3

EQUIVALENCY CODE ESTABLISHED BY THE CCMTA	VERBATIM WORDING OF THE EQUIVALENCY ESTABLISHED BY THE CCMTA <sup>37</sup>	WEIGHTING OF THE EQUIVALENCY IN THE HVOO RECORD <sup>38</sup>
610	Missing, faulty or inadequate light equipment not causing vehicle to be put out of service	1
611	Faulty or inadequate brakes, not causing vehicle to be put out of service	2
612	Defective or inadequate tires, not causing vehicle to be put out of service	2
613	Improper window glazing, or obstructed or crowded view, or improper windshield wiper or washer, not causing vehicle to be put out of service	1
614	Missing, faulty or inadequate muffler, not causing vehicle to be put out of service	1
615	Missing or inadequate mudguard, not causing vehicle to be put out of service	1
616	Missing or inadequate horn, or unnecessary use of horn, not causing vehicle to be put out of service	1
617	Missing speedometer or odometer, not causing vehicle to be put out of service	1
618	Missing bumpers, or bumpers not solidly attached to the vehicle, not causing vehicle to be put out of service	1
619	Seat belt removed, altered or put out of service, not causing vehicle to be put out of service	4
620	Any other missing, defective or inadequate equipment, not causing vehicle to be put out of service	2
630	Failure to submit the vehicle to the required mechanical inspection, or operating a vehicle without valid inspection sticker	5
631	Putting back into operation after the prescribed repair delay a vehicle that has not been repaired	3
632	Putting back into operation a vehicle that has a major defect that has not been repaired	5
633	Delivering a confusing or false inspection certificate or sticker, or delivering such a document without the required authority	3

# APPENDIX 4

## UNFORESEEN MAJOR MECHANICAL DEFECTS

*List of major mechanical defects that can be deemed unforeseen in accordance with the provisions set forth in Section 5.1.3.4 of this Policy. The legal references in parentheses refer to sections of the Regulation respecting safety standards for road vehicles.*

### 1. Engine control system

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

### 2. Steering

Unforeseen major mechanical defect where:

- the power steering is out of order for any of the following reasons (s. 167, par. (3)):
  - mechanical failure of the pump,
  - major oil leak or shortage as a result of an accidental line rupture.
- a line has a cut or cracks that are likely to cause an imminent break (s. 167, par. (4)).

### 3. Windshield wipers and windshield washer (accessories)

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

### 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, par. (1));
- a single-unit heavy vehicle or the last vehicle in a combination of vehicles is not equipped with at least one taillight in good working order (s. 163, subpar. (1.1) of par. (1));
- a single-unit heavy 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, subpar. (1.1) of par. (1));
- a single-unit heavy 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, subpar. (1.2) of par. (1)).

## 5. Tires and wheels

Unforeseen major mechanical defect where:

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

## 6. Doors and other openings (body)

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

## 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, par. (7)).

## 8. Suspension

Unforeseen major mechanical defect where:

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

## 9. Fuel system

Unforeseen major mechanical defect where there is a fuel leak, other than sweating from the fuel tank, along the fuel system as a result of an accidental rupture of a fuel line (s. 171, 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, par. (4));
- a flexible line bulges when under pressure (the line must not show any signs of wear or deterioration on its surface (s. 165, par. (1)));
- 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, par. (2));
- the brake fluid leaks along the system, excluding oozing, whether or not the service brake is applied (s. 165, par. (3));
- 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, par. (7)):
  - 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.

## 11. Pneumatic brake system

Unforeseen major mechanical defect where:

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

# APPENDIX 5

## DETERMINATION OF THE SIZE OF AN HVOO'S HEAVY VEHICLE FLEET TO ESTABLISH THE THRESHOLD VALUE (THE NUMBER OF POINTS THAT MUST NOT BE REACHED) FOR EACH CONDUCT AREA

The size of an owner's or an operator's heavy vehicle fleet (number of heavy vehicles) that is used to establish the number of points that must not be reached for each conduct area in the ongoing conduct review is determined as follows.

### **Size of an owner's heavy vehicle fleet**

For the first year, the size of a new owner's heavy vehicle fleet corresponds to the number of motorized heavy vehicles, as well as the number of trailers and semi-trailers with a gross vehicle weight rating (GVWR) of 4,500 kg or more, that are registered in the owner's name and authorized to be operated according to the SAAQ's vehicle registration records.

For subsequent years, the size of the owner's heavy vehicle fleet is determined by calculating, for the two-year period covered by the conduct review, the total of:

- the average annual number of motorized heavy vehicles registered in Québec in the owner's name and authorized to be operated according to the SAAQ's vehicle 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 authorized to be operated according to the SAAQ's vehicle registration records.

The determination of the size of an owner's heavy vehicle fleet does not take into consideration any heavy vehicles that are non-compliant as regards the mandatory mechanical inspection, even if they are authorized to be operated according to the SAAQ's vehicle registration records. The method used to calculate the size of an owner's or an operator's heavy vehicle fleet is presented in greater detail in Appendix 6.

## Size of an operator's heavy vehicle fleet

For the first year, the size of 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 CTQ's register.

For subsequent years, the size of 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 in the CTQ's register is renewed.

The motorized heavy vehicles registered in Québec that are taken into consideration to determine the size of the operator's heavy vehicle fleet are those:

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

In addition, **only one motorized heavy vehicle** is counted when an operator reports:<sup>39</sup>

- that it leased one or more motorized heavy vehicles for less than one year;
- that it used one or more motorized road vehicles with a 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 of Canada (for example, by an American operator), only the vehicles operated in Québec are counted to determine the size of its heavy vehicle fleet.

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<sup>39</sup> The operator can submit an application to the SAAQ to have the size of its vehicle fleet adjusted in accordance with Section 10 of this Policy, if it can show that it operates more than one heavy vehicle for these situations. With regard to rented or leased motorized heavy vehicles, the operator must submit the rental contracts or lease agreements in support of its application. The SAAQ then calculates the size of the heavy vehicle fleet in accordance with the procedure described in Appendix 6.

# APPENDIX 6

## CALCULATING THE SIZE OF AN HVOO'S HEAVY VEHICLE FLEET

### 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 (GVWR) 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 conduct review.

**Step 2:** Determine the number of days each of those motorized heavy vehicles was authorized to be operated, excluding the number of days the heavy vehicles were non-compliant as regards the mandatory mechanical inspection.

*Example: For a heavy vehicle authorized to be operated for the entire two-year period covered by the conduct review, the number of days 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 conduct review, the number of days is 1,460 (2 heavy vehicles x 730 days = 1,460 days).*

**Step 4:** Add the results from the previous 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 is 1,095 [(1 heavy vehicle x 730 days) + (1 heavy 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 conduct review) to obtain the annual average. Fractions are rounded off to the nearest decimal.

*Example: An HVOO owned two motorized heavy vehicles throughout the period covered by the conduct review (2 years = 730 days). However, one of those vehicles was put into storage for 7 months (213 days). The average annual number of heavy vehicles in the owner's fleet for that two-year period is 1.7 vehicles:*

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

## **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 being operated during the two-year period covered by the conduct review. The calculation method then follows the same steps as the one used for the owner's motorized heavy vehicles.

The final result of the calculation of the size of an owner's heavy vehicle fleet (1.1 and 1.2) is rounded off to the nearest whole number.

## **2. For an Operator**

The size of an operator's heavy vehicle fleet is determined by calculating the average number of vehicles for the two most recent years as reported by the operator when updating its registration in the CTQ'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 two-year period covered by the conduct review.

**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:** Add the results of the preceding step.

**Step 5:** Divide the total obtained in the preceding step by 730 days (the two-year period covered by the conduct review) to obtain the annual average. Fractions are rounded off to the nearest whole number.

*Example: An HVOO operates six motorized heavy vehicles of which it was also the owner throughout the two-year period covered by the conduct review (730 days). The HVOO also leased four other heavy vehicles for seven months (213 days) during the same period. The average annual number of heavy vehicles operated in Québec by that HVOO during those two years is 7.2:*

$$\frac{(6 \text{ heavy vehicles} \times 730 \text{ days}) + (4^* \text{ heavy vehicles} \times 213 \text{ days})}{730 \text{ days}} = 7.2 \text{ vehicles}$$

\*In this example, the SAAQ considers the four vehicles leased for 213 days in its calculation, as the HVOO provided the rental contracts or lease agreements with the application for an adjustment of the size of its heavy vehicle fleet. Had that not been the case, only one leased vehicle would have been considered, as specified in Appendix 5.

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

# APPENDIX 7

## PROOF OF NON-LIABILITY FOR AN ACCIDENT

The SAAQ has implemented a program under which operators may have liability for an accident withdrawn from their conduct review.<sup>40</sup> Various options are available to the operator, depending on whether the event was an accident with property damage only, an accident corresponding to an “SAAQ case,” an accident resulting in injury or a fatal accident. In addition, an operator can become an operator that is authorized to submit its own proof of non-liability.

### 1. Accidents with Property Damage Only

In the case of an accident with property damage only, the operator may submit a written application to have liability for the accident withdrawn from its conduct review. The operator must demonstrate that it was not liable for the accident, but is not required to provide a notice from its insurer or other proof of non-liability for the accident.

#### 1.1 Written application

The operator must send a written application to be relieved of liability for the accident to the Direction des politiques, de la performance et des relations avec le milieu at the following address:

#### **Direction des politiques, de la performance et des relations avec le milieu**

Société de l'assurance automobile du Québec  
333, boulevard Jean-Lesage, E-4-32  
Case postale 19600, succursale Terminus  
Québec (Québec) G1K 8J6  
Fax: 418-643-1896

The application will be evaluated based on the information in the accident report.

- If the application is accepted, liability for the accident will be withdrawn from the operator's conduct review.
- If the application is denied, the SAAQ will notify the operator in writing. If the operator wants to appeal the decision, it must submit a notice of non-liability from its insurer or a claims adjuster registered with the Autorité des marchés financiers du Québec. The procedure for submitting a notice of non-liability from a claims adjuster is presented in Section 3.3.

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<sup>40</sup> If a portion of liability can be attributed to mechanical defects of the heavy vehicle, the operator is deemed liable, and the accident is taken into consideration in its conduct review.

## 2. “SAAQ Cases”

The SAAQ has determined that the operator is not considered liable in certain specific accident situations, which are called “SAAQ cases.” In those situations, the operator may submit a written application to have liability for an accident withdrawn from its conduct review.

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 vehicle collided with a legally parked heavy vehicle.
2. A vehicle collided with the rear of a heavy vehicle travelling in the same lane.
3. A vehicle collided with the rear of a heavy vehicle that had come to a stop in the same lane for either of the following reasons:
  - The heavy vehicle was making a mandatory stop because of traffic signs or signals (traffic lights, stop signs).
  - The heavy vehicle was making a mandatory stop in order to comply with signals given by a peace officer or anyone else responsible for directing traffic (near a road work site, for example).
4. A vehicle collided with the rear of a heavy vehicle that had come to a stop in the same lane in order to make a turn.
5. A vehicle collided with a school bus or minibus that had come to a stop with its red lights flashing and stop sign deployed.
6. A vehicle collided with the rear of a heavy vehicle in the same lane while the heavy vehicle was making its mandatory stop at a railway crossing.
7. An object fell from another vehicle and struck a heavy vehicle.
8. A vehicle that was backing up or making a U-turn collided with a heavy vehicle.
9. A heavy vehicle collided with an animal, and no other vehicle was involved.
10. A vehicle travelling in the same direction collided with the side of a heavy vehicle when attempting to change lanes (the heavy vehicle had remained in its own lane).
11. A vehicle attempting to merge with traffic collided with a heavy vehicle (the heavy vehicle had remained in its own lane).
12. A vehicle collided with the rear or the side of an emergency vehicle or a road maintenance vehicle that was stopped on a public road for emergency or work-related purposes.
13. A vehicle collided with the rear of a bus that had come to a stop at a bus stop, at a passenger drop-off zone or at any other location reserved for buses.

The procedure to submit a written application to have an “SAAQ case” recognized as such is described in Section 1 above.

### 3. Fatal Accidents or Accidents Resulting in Injury

In the case of a fatal accident or an accident resulting in injury, the operator may submit an application to have liability for an accident withdrawn from its conduct review by providing one of the following types of proof of non-liability.

#### 3.1 Proof of non-liability provided by an insurer

The operator may submit a notice of non-liability for the accident provided by its insurer.

The SAAQ will notify the operator in writing if its application is denied and inform the operator of the procedure to follow if it wants to appeal the decision.

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

The operator may also submit proof of non-liability for the accident provided by a motor vehicle claims adjuster. To be admissible, the proof provided by a claims adjuster must contain the following information:

- the applicable number from the *Driver's Fault Chart* of the *Direct Compensation Agreement for the Settlement of Automobile Claims* from the Groupement des assureurs automobiles;
- 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 that the driver was not liable for the accident; and
- in the case of an accident involving a pedestrian or a cyclist, the reasons why the driver involved was not at fault.

In order to be sure to submit all of the information required to establish proof of non-liability, the operator can use the *Notice of Non-Liability for an Accident* form, a copy of which is presented at the end of this appendix.

#### 3.3 Proof of non-liability provided by the CNESST

The operator may submit a letter or a document from the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) to be relieved of liability for an accident. In order for this proof of non-liability to be accepted, however, the letter or document must clearly indicate that the driver of the heavy vehicle involved in the accident was not liable for the accident.

### **3.4 Proof of non-liability provided by the coroner**

The operator may submit a coroner's report. In order for this proof of non-liability to be accepted, however, the coroner's report must clearly indicate that the driver of the heavy vehicle involved in the accident was not liable for the accident.

## **4. Operator Authorized to Submit Its Own Proof of Non-Liability**

An operator may submit its own proof of non-liability 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 following conditions must be met in order for the SAAQ to accept an application 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 carried out 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 Direction des politiques, de la performance et des relations avec le milieu. The certificate must be signed by that claims adjuster and the officers of the company.
- The operator must meet the following requirements with regard to its operator record for the two-year period preceding the date on which the application is received by the SAAQ:
  - The operator must not have reached or exceeded the number of points associated with the first-level intervention (50% of the threshold value) for the "Involvement in Accidents" conduct area.<sup>41</sup>
  - The operator must have maintained a "satisfactory" safety rating.
  - The operator must not have failed a facility audit.

### **4.2 Submitting proof of non-liability for an accident by an authorized operator**

The information required varies according to the type of accident.

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<sup>41</sup> 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.

#### **4.2.1 Accidents resulting in injury or with property damage only**

For accidents resulting in injury or with property damage only, the operator must submit proof that contains the following information:

- the applicable number from the *Driver's 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 liable for the accident;
- in the case of an accident involving a pedestrian or a cyclist, the reasons why the driver involved was not liable for the accident.

In order to be sure to submit all of the information required to establish proof of non-liability, the operator can use the *Notice of Non-Liability for an Accident* form, a copy of which is presented at the end of this appendix.

#### **4.2.2 Fatal accidents**

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

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

### **4.3 Conditions for an operator to maintain its authorization**

To remain authorized to submit its own proof of non-liability for an accident, an authorized operator must continue to meet all of the following conditions:

- The operator must not reach or exceed the number of points associated with the first-level intervention (50% of the threshold value) for the “Involvement in Accidents” conduct area.
- The operator must maintain a “satisfactory” safety rating.
- The operator must not fail a facility audit.

An operator may lose its authorization if, on more than two occasions within a period of two years or less, it submits proof of non-liability for an accident that is subsequently rejected further to an analysis by an SAAQ claims adjuster.

### **4.4 Renewal of the authorization**

The authorization must be renewed every five years. To do so, an operator must provide the SAAQ with a new certificate of compliance with regard to its internal accident investigation procedure issued by an independent claims adjuster duly certified by the *Autorité des marchés financiers du Québec*.

## 5. Analysis of the Proof, the Decision Rendered by the SAAQ and Recourse Options

### 5.1 Analysis of the proof received by the SAAQ

If the SAAQ has received all of the required information, it will analyze the proof of non-liability for an accident or the application to have liability for an accident withdrawn. If it has not received all of the required information, the SAAQ will notify the operator of the missing information and the deadline to submit this information. Liability for an accident will be maintained in the operator's conduct review as long as the SAAQ has not received the missing information.

The SAAQ also reserves the right to require additional information or documents in support of the proof received or the application filed. Liability for an accident will be maintained in the operator's conduct review as long as the SAAQ has not received the additional required information.

### 5.2 Disputable proof of non-liability for an accident

The SAAQ may consider that the proof of non-liability for an accident provided by an operator 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, ambiguous or incomplete;
- the operator or the operator's claims adjuster has not clearly indicated whether or not the heavy vehicle driver involved was liable for the accident.

If the SAAQ finds the proof to be disputable, it will notify the operator and liability for the accident will be maintained in the operator's conduct review. The SAAQ will also inform the operator of the procedure to follow should it want to appeal the decision (see Section 5.3).

The SAAQ may also ask its claims adjuster to analyze the proof considered disputable. If the claims adjuster concludes that the operator's driver involved in the accident was liable for the accident, liability for the accident will be maintained in the operator's conduct review. The SAAQ will notify the operator in writing and inform the operator of the procedure to follow should it want to appeal the decision (see Section 5.3).

### **5.3** Appealing a decision

To appeal a decision, the operator must file a written application for review within 15 days of receiving the SAAQ's decision. The SAAQ will then have the proof of non-liability analyzed by its claims adjuster or another independent claims adjuster, who will inform the operator in writing of the results of the analysis.

If the claims adjuster upholds the liability for the accident, the operator must pay the claims adjuster's professional fees. However, if the independent claims adjuster concludes that the driver was not liable for the accident, the SAAQ will pay the professional fees.

## **6. Accidents Occurring Outside Québec**

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





## Notice of Non-Liability for an Accident

Before completing this form, you should read the "Additional Information" section on [Page 2](#).

**Authorized operator** (Fill out sections 1, 2, 3, 4 and 6)
  **Operator doing business with a claims adjuster** (Fill out all sections)

### Section 1 – OPERATOR

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

### Section 2 – ACCIDENT

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

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

▶ **a) Collision between two or more vehicles**

Provide the applicable number from the *Driver's Fault Chart* of the *Direct Compensation Agreement for the Settlement of Automobile Claims*. Check off the driver's percentage of liability for the accident.

Number from *Driver's Fault Chart*

0%  50%  100%

Reasons why the driver is not at fault. (Use an additional sheet of paper if required.)

---

▶ **b) Collision with a pedestrian or cyclist**

The *Driver's Fault Chart*<sup>1</sup> of the *Direct Compensation Agreement for the Settlement of Automobile Claims* does not apply. Check off the driver's percentage of liability for the accident.

0%  50%  100%

Reasons why the driver is not at fault. (Use an additional sheet of paper if required.)

---

### Section 4 – INFORMATION AND DOCUMENTS CONSULTED (Check the appropriate boxes)

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

Eyewitness accounts
  Position of the insurer of any other party involved in the accident

Other documents ▶ Specify: \_\_\_\_\_

### Section 5 – CLAIMS ADJUSTER (if this notice is completed by a claims adjuster)

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

### Section 6 – SIGNATURE

I have read the information to be submitted to the Société de l'assurance automobile du Québec (SAAQ), as well as the [Additional Information](#) on the next page.

---

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

<sup>1</sup> 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.

## Additional Information

You may file the *Notice of Non-Liability for an Accident* form, or use it as a model and submit the required information to the Société de l'assurance automobile du Québec (SAAQ) in another format. You can find this form on the SAAQ website ([saaq.gouv.qc.ca](http://saaq.gouv.qc.ca)) in the "Transportation of Goods" section.

Operators who use the services of a claims adjuster, or who are authorized to submit their own proof, must determine whether or not the heavy vehicle driver is liable for the accident. To do so, they must rely on accident reports prepared internally or provided by the police, 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 any eyewitness accounts. These documents must be consulted where a collision between two or more vehicles has occurred. If the collision involved a pedestrian or cyclist, all of these documents must also be consulted, except for the *Driver's Fault Chart*, which does not apply in such cases.

Fees charged by a 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 applications submitted by an operator, the SAAQ must receive all the information requested on this form. Where information is missing, the SAAQ shall inform the operator of the deadline for submitting the missing information so that it can continue processing the file. 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 an application. 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 disputed by the SAAQ in the following cases:

- information in the documents the operator submitted as proof does not match the information in the accident report;
- information in the accident report or in the documents the operator submitted as proof is vague, ambiguous or incomplete; or
- the operator or the operator's claims adjuster has not clearly stated whether or not the heavy vehicle driver involved in the accident is liable for the accident.

If the SAAQ disputes the proof provided, it will inform the operator. In such cases, liability for the accident will remain in the operator's conduct record for the purposes of the operator's ongoing conduct review. The SAAQ will also let the operator know what it must do to contest the decision.

The SAAQ may also ask its own claims adjuster to analyze the disputed proof. If the claims adjuster finds that the heavy vehicle driver involved in the accident is liable, liability for the accident will remain in the operator's conduct record for the purposes of the operator's ongoing conduct review. In that event, the SAAQ will inform the operator in writing of its decision and the procedure for appealing the decision.

To appeal a decision, an operator must file a written application for review within 15 days of receiving the SAAQ's decision.

The SAAQ will then have its own claims adjuster or an independent claims adjuster, as applicable, analyze the proof of non-liability submitted by the operator. The independent claims adjuster will inform the operator in writing of the results of this analysis. If the claims adjuster finds that the driver is liable for the accident, the operator will be required to pay the adjuster's professional fees. However, if the independent claims adjuster finds that the driver is not liable, the SAAQ will pay the fees.

### Protection of Personal Information

The SAAQ only collects personal information that is necessary for it to exercise its powers and apply the laws it administers. All personal information gathered by authorized personnel is handled confidentially. This information may be shared with its licensing agents and certain government departments or agencies, including those located outside Québec, in accordance with the *Act respecting Access to documents held by public bodies and the Protection of personal information*. It may also be used for statistical, survey, study, audit or investigative purposes. Failure to provide this information can result in a refusal of service. You may consult, correct or obtain a copy of any personal information concerning you.

For more information, consult the Policy on Privacy on the SAAQ's website at [saaq.gouv.qc.ca/privacy](http://saaq.gouv.qc.ca/privacy) or contact the SAAQ's call centre.

Mail this form to



**Direction des politiques, de la performance et  
des relations avec le milieu, E-4-32**  
Société de l'assurance automobile du Québec  
Édifice Jean-Lesage  
333, boulevard Jean-Lesage  
Case postale 19600, succursale Terminus  
Québec (Québec) G1K 8J6

OR

Fax it to



**418-643-1896**

# APPENDIX 8

## TABLE OF THRESHOLD VALUES USED IN THE ONGOING CONDUCT REVIEW OF AN HVOO<sup>42</sup>

Number of Vehicles	TRANSPORTATION OF GOODS						TRANSPORTATION OF PASSENGERS				
	Accidents	Use of a Heavy Vehicle	Traffic Rules	Load and Size Limits	Operator's Overall Conduct	Vehicle Safety	Involvement in Accidents	Use of a Heavy Vehicle	Traffic Rules	Operator's Overall Conduct	Vehicle Safety
1	11	17	17	14	19	30	9	12	13	14	19
2	12	23	23	15	25	36	10	14	15	16	20
3	13	26	28	16	32	38	11	15	17	19	22
4	14	32	36	20	41	43	11	16	20	21	23
5	16	35	42	21	47	46	12	17	22	23	24
6	17	38	46	23	52	49	13	17	24	26	26
7	18	40	50	24	57	51	15	18	26	27	27
8	20	42	54	25	61	53	15	18	28	29	28
9	21	44	58	26	66	55	16	19	30	31	28
10	22	46	62	28	70	57	17	19	31	33	29
11	23	48	65	28	74	59	18	19	33	34	30
12	24	49	69	29	78	60	19	20	34	36	31
13	25	51	72	30	82	62	20	20	36	37	31
14	25	52	75	31	85	63	20	20	37	39	32
15	26	54	78	32	89	65	21	21	38	40	32
16	27	55	81	33	92	66	22	21	39	41	33
17	28	56	84	33	96	67	22	21	41	42	33
18	29	57	87	34	99	68	23	21	42	44	34
19	29	59	90	35	102	70	24	22	43	45	34
20	30	60	93	35	105	71	24	22	44	46	35
21	31	61	95	36	108	72	25	22	45	47	35
22	31	62	98	37	111	73	26	22	46	48	36
23	32	63	101	37	114	74	26	22	47	49	36
24	33	64	103	38	117	75	27	22	48	50	36

42 For heavy vehicle fleets of more than 100 vehicles, the threshold values are available on the SAAQ website.

Number of Vehicles	TRANSPORTATION OF GOODS						TRANSPORTATION OF PASSENGERS				
	Accidents	Use of a Heavy Vehicle	Traffic Rules	Load and Size Limits	Operator's Overall Conduct	Vehicle Safety	Involvement in Accidents	Use of a Heavy Vehicle	Traffic Rules	Operator's Overall Conduct	Vehicle Safety
25	33	65	106	39	120	76	27	23	49	51	37
26	34	66	108	39	123	77	28	23	50	52	37
27	35	67	111	40	126	78	28	23	51	53	38
28	35	68	113	40	128	79	29	23	52	54	38
29	36	69	115	41	131	79	29	23	53	55	38
30	36	70	118	41	134	80	30	23	54	56	39
31	37	71	120	42	136	81	30	24	54	57	39
32	37	72	122	42	139	82	31	24	55	58	39
33	38	73	125	43	141	83	31	24	56	59	39
34	39	73	127	43	144	83	32	24	57	59	40
35	39	74	129	44	146	84	32	24	58	60	40
36	40	75	131	44	149	85	33	24	59	61	40
37	40	76	133	44	151	86	33	24	59	62	41
38	41	77	135	45	154	86	33	25	60	63	41
39	41	77	137	45	156	87	34	25	61	64	41
40	42	78	140	46	158	88	34	25	62	64	41
41	42	79	142	46	161	88	35	25	62	65	42
42	43	80	144	47	163	89	35	25	63	66	42
43	43	80	146	47	165	90	36	25	64	67	42
44	44	81	148	47	167	90	36	25	65	67	42
45	44	82	150	48	170	91	36	25	65	68	43
46	44	82	152	48	172	92	37	25	66	69	43
47	45	83	153	49	174	92	37	26	67	70	43
48	45	84	155	49	176	93	38	26	67	70	43
49	46	84	157	49	178	94	38	26	68	71	44
50	46	85	159	50	180	94	38	26	69	72	44
51	47	86	161	50	183	95	39	26	69	72	44
52	47	86	163	50	185	95	39	26	70	73	44
53	48	87	165	51	187	96	39	26	71	74	44

Number of Vehicles	TRANSPORTATION OF GOODS						TRANSPORTATION OF PASSENGERS				
	Accidents	Use of a Heavy Vehicle	Traffic Rules	Load and Size Limits	Operator's Overall Conduct	Vehicle Safety	Involvement in Accidents	Use of a Heavy Vehicle	Traffic Rules	Operator's Overall Conduct	Vehicle Safety
54	48	88	167	51	189	96	40	26	71	74	45
55	48	88	168	51	191	97	40	26	72	75	45
56	49	89	170	52	193	98	41	26	73	76	45
57	49	90	172	52	195	98	41	27	73	76	45
58	50	90	174	52	197	99	41	27	74	77	46
59	50	91	175	53	199	99	42	27	75	78	46
60	50	91	177	53	201	100	42	27	75	78	46
61	51	92	179	53	203	100	42	27	76	79	46
62	51	92	181	54	205	101	43	27	76	80	46
63	52	93	182	54	207	101	43	27	77	80	46
64	52	94	184	54	209	102	43	27	78	81	47
65	52	94	186	55	211	102	44	27	78	82	47
66	53	95	187	55	212	103	44	27	79	82	47
67	53	95	189	55	214	103	44	27	79	83	47
68	53	96	191	56	216	104	45	27	80	83	47
69	54	96	192	56	218	104	45	28	80	84	48
70	54	97	194	56	220	105	45	28	81	85	48
71	55	97	196	57	222	105	46	28	82	85	48
72	55	98	197	57	224	105	46	28	82	86	48
73	55	98	199	57	225	106	46	28	83	86	48
74	56	99	201	57	227	106	47	28	83	87	48
75	56	100	202	58	229	107	47	28	84	87	49
76	56	100	204	58	231	107	47	28	84	88	49
77	57	101	205	58	233	108	47	28	85	89	49
78	57	101	207	59	234	108	48	28	85	89	49
79	57	102	208	59	236	109	48	28	86	90	49
80	58	102	210	59	238	109	48	28	87	90	49
81	58	103	211	59	240	109	49	28	87	91	50
82	58	103	213	60	241	110	49	28	88	91	50
83	59	103	215	60	243	110	49	29	88	92	50
84	59	104	216	60	245	111	50	29	89	92	50

Number of Vehicles	TRANSPORTATION OF GOODS						TRANSPORTATION OF PASSENGERS				
	Accidents	Use of a Heavy Vehicle	Traffic Rules	Load and Size Limits	Operator's Overall Conduct	Vehicle Safety	Involvement in Accidents	Use of a Heavy Vehicle	Traffic Rules	Operator's Overall Conduct	Vehicle Safety
85	59	104	218	60	247	111	50	29	89	93	50
86	60	105	219	61	248	112	50	29	90	93	50
87	60	105	221	61	250	112	50	29	90	94	50
88	60	106	222	61	252	112	51	29	91	94	51
89	61	106	224	61	253	113	51	29	91	95	51
90	61	107	225	62	255	113	51	29	92	96	51
91	61	107	227	62	257	113	52	29	92	96	51
92	62	108	228	62	258	114	52	29	93	97	51
93	62	108	229	62	260	114	52	29	93	97	51
94	62	109	231	63	262	115	52	29	94	98	51
95	62	109	232	63	263	115	53	29	94	98	52
96	63	109	234	63	265	115	53	29	95	99	52
97	63	110	235	63	266	116	53	29	95	99	52
98	63	110	237	64	268	116	53	29	96	100	52
99	64	111	238	64	270	117	54	30	96	100	52
100	64	111	239	64	271	117	54	30	96	101	52

# APPENDIX 9

## REQUESTING A HEAVY VEHICLE OWNER OR OPERATOR RECORD

HVOOs should review their conduct record periodically in order to stay abreast of any events entered in their record and have any corrections made, as applicable.

HVOOs receive their conduct record:

- at any time, simply by submitting a request;
- as part of an intervention by the SAAQ.

### Procedure for an HVOO to obtain a copy of its conduct record

#### 1. Online

HVOOs can now obtain a copy of their conduct record via “SAAQclic Entreprises.”

To access the online services, a business’s managers or officers must be authorized to consult records in clicSÉCUR.

Conduct records are updated whenever adjustments are made, with the updated version ready for download the following day.

#### 2. In person, at a service centre.

#### 3. By telephone:

1-800-554-4814

- Monday, Tuesday, Thursday and Friday, from 8:30 a.m. to 4:30 p.m.
- Wednesday, from 9:30 a.m. to 4:30 p.m.

#### 4. By email:

[courrier@saaq.gouv.qc.ca](mailto:courrier@saaq.gouv.qc.ca)

## 5. By mail:

### **Direction des politiques, de la performance et des relations avec le milieu**

Société de l'assurance automobile du Québec  
333, boulevard Jean-Lesage, E-4-32  
Case postale 19600, succursale Terminus  
Québec (Québec) G1K 8J6

### **Request for an HVOO record by a third party**

An HVOO may authorize another person to request a copy of its conduct record by filling out the form entitled *Authorization for the Disclosure of a Heavy Vehicle Owner or Operator Record by the Société de l'assurance automobile du Québec*, available on the SAAQ website.

The request, along with the authorization form, must be sent either:

by mail:

### **Direction des politiques, de la performance et des relations avec le milieu**

Société de l'assurance automobile du Québec  
333, boulevard Jean-Lesage, E-4-32  
Case postale 19600, succursale Terminus  
Québec (Québec) G1K 8J6

or

by fax:  
418-643-1896

An HVOO may make it possible for its attorney to access its clicSÉCUR account. The attorney may then obtain the HVOO record via the "SAAQclic Entreprises" online services.

# APPENDIX 10

## LIST OF GOVERNMENT STAKEHOLDERS

### 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,
  - the circle check and the inspection specific to motor coaches;
- driver's licences;
- the *Conduct Review Policy for Heavy Vehicle Drivers*;
- the *Conduct Review Policy for Heavy Vehicle Owners and Operators*.

Contrôle routier Québec is responsible for the following operational areas:

- enforcement of the laws and regulations that apply to vehicles used in the transportation of goods or passengers (roadside inspections and facility audits);
- the preventive maintenance program;
- the network of road vehicle inspection agents.

For information or to receive documents on these subjects, refer to the SAAQ website or contact the SAAQ via the following channels:

#### Online

A secure email address is available on the following web page to submit a request for information:

[saaq.gouv.qc.ca/en/reach-us](http://saaq.gouv.qc.ca/en/reach-us)

#### Newsletter

The *Le Relayeur* newsletter (in French only) provides information to stakeholders in the freight and passenger transportation industry about various topics concerning heavy vehicles, including laws and regulations, the road safety record and road safety. To subscribe to the newsletter, go to [saaq.gouv.qc.ca/en/transportation-goods/le-relayeur](http://saaq.gouv.qc.ca/en/transportation-goods/le-relayeur).

## **Mailing address**

### **Société de l'assurance automobile du Québec**

333, boulevard Jean-Lesage  
Case postale 19600, succursale Terminus  
Québec (Québec) G1K 8J6

## **Telephone**

- Québec area: 418-643-7620;
- Montréal area: 514-873-7620;
- toll-free: 1-800-361-7620 (Québec, Canada, United States);
- Info-PECVL line (in French only): 1-800-554-4814.

## ***Obligations of Heavy Vehicle Users guide***

This document is intended for the various users of heavy vehicles. It contains information on the principal road safety rules and requirements that govern their activities. It is a simplified guide about rules and regulations that allows all stakeholders in the freight and passenger transportation industry to quickly find answers to many of their questions. Please contact the SAAQ to obtain a copy.

## **THE COMMISSION DES TRANSPORTS DU QUÉBEC (CTQ)**

The CTQ is responsible for the following areas in connection with heavy vehicles:

- safety ratings for owners and operators of heavy vehicles;
- assessing the conduct of heavy vehicle drivers;
- assessing the conduct of heavy vehicle owners and operators;
- the list of transport service intermediaries;
- mediation and arbitration;
- corrective measures and penalties imposed on heavy vehicle owners, operators and drivers who present a risk;
- bulk trucking service brokerage permits;
- bus transportation permits;
- the register of owners and operators of heavy vehicles;
- the bulk trucking register.

For information or to receive documents on these subjects, refer to the CTQ website or contact the CTQ via the following channels:

## **Online**

A secure email address is available on the following web page to submit a request for information:

[ctq.gouv.qc.ca/english/to-reach-us](http://ctq.gouv.qc.ca/english/to-reach-us)

## **Mailing address**

### **Commission des transports du Québec**

200, chemin Sainte-Foy, 7<sup>e</sup> étage  
Québec (Québec) G1R 5V5

### **Commission des transports du Québec**

140, boulevard Crémazie Ouest  
11<sup>e</sup> étage, bureau 1100  
Montréal (Québec) H2P 1C3

## **Telephone**

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

## **MINISTÈRE DES TRANSPORTS (QUÉBEC)**

Québec's Ministère des Transports is responsible for the following trucking-related areas:

- road noise and engine brakes;
- road vehicle load and size limits;
- heavy vehicle travel and the trucking network;
- thaw period – load restrictions;
- shipping documents and bills of lading;
- energy efficiency of heavy vehicles;
- road trains;
- harmonization of trucking regulations in North America;
- the *Act respecting owners, operators and drivers of heavy vehicles*;
- cargo securement standards;
- special travel permits and oversized vehicles;
- Sustainable Mobility Policy - 2030 – Road Freight Transportation Intervention Framework;
- heavy vehicle safety;
- road signs and traffic signals;
- transportation of dangerous substances;
- bulk trucking.

For information or to receive documents on these subjects, refer to the Ministère des Transports (Québec) website or contact the Ministère via the following channels:

**Online**

An online form is available on the following web page to submit a request for information.

[transports.gouv.qc.ca/en/contact-us](http://transports.gouv.qc.ca/en/contact-us)

**Mailing address**

**Ministère des Transports**

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

**Telephone**

From anywhere in Québec: 511

From elsewhere: 1-888-355-0511 (Canada, United States)





# GLOSSARY

## **Adjustment to a record**

An adjustment made by the SAAQ intended to correct, amend, withdraw or add events or data to an HVOO record.

## **Adjustment to the size of a heavy vehicle fleet**

An adjustment made by the SAAQ intended to correct or amend the number of heavy vehicles taken into consideration for the purposes of an HVOO's conduct review.

## **Age of events**

A notion the effect of which is to decrease by half the weighting of events once they have been entered in an HVOO record for longer than one year (as of the 366th day after the date of an event until the 730th day).

## **AOODHV**

The *Act respecting owners, operators and drivers of heavy vehicles*.

## **At-fault accident**

An accident for which a portion of the liability is assigned to the driver or to mechanical defects in the heavy vehicle.

## **CC**

The *Criminal Code*.

## **Commission des transports du Québec (CTQ)**

The CTQ is responsible, in particular, for maintaining the register of owners and operators of heavy vehicles, assigning safety ratings to HVOOs, and assessing the conduct of and imposing measures and penalties on HVOOs and heavy vehicle drivers.

## **Conduct area**

A category 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 guilty verdict rendered by a court of law in respect of such a person.

## **Direction des politiques, de la performance et des relations avec le milieu**

The SAAQ's Direction des politiques, de la performance et des relations avec le milieu is responsible for managing and processing the records of HVOOs and heavy vehicle drivers.

### **“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, a major mechanical defect, a critical offence or the result of a facility audit or of a mechanical inspection of a heavy vehicle carried out as part of a roadside intervention 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 consideration 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.

### **General offence report**

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

### **Gross vehicle weight rating (GVWR)**

A vehicle’s weight, including its maximum load capacity, according to the manufacturer’s specifications (net weight + maximum load capacity).

### **Heavy vehicle**

A road vehicle within the meaning of 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:

- a driver who is also the operator;
- a driver who is an employee of the operator;
- a driver whose services are leased by the operator;
- a driver whose services are stipulated in a contract with a company that provides a heavy vehicle to the operator.

### **Heavy vehicle operated on double shifts**

A heavy vehicle used primarily and regularly by at least two drivers during a specific number of hours determined by the SAAQ, over a 12-or 24-month period.

### **High kilometrage travelled in Québec or another Canadian jurisdiction**

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

### **HSC**

The *Highway Safety Code*.

### **HVD**

A heavy vehicle driver.

### **HVOO**

A heavy vehicle owner or operator.

### **HVOO record**

The document in which data and events are compiled for the purpose of monitoring an HVOO’s conduct. The SAAQ keeps a record on each HVOO required to register in the CTQ’s register using data and events reported by police forces, the CTQ 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 in the CTQ’s register.

### **Limits for repeat offences of the same nature**

The maximum number of offences of the same nature determined on the basis of the size of an HVOO’s vehicle fleet beyond which additional points are added to those already accumulated for the corresponding conduct area and for the “Operator’s Overall Conduct” conduct area.

### **Major mechanical defect**

A mechanical defect that poses a threat to road safety.

### **Mandatory maintenance**

All of the mechanical maintenance operations provided for in the *Regulation respecting safety standards for road vehicles*, which aim to keep heavy vehicles in good mechanical condition at all times.

### **Measure**

A corrective requirement, a penalty, a condition or an obligation imposed on an HVOO by the Commission des transports du Québec.

### **Ministère des Transports (Québec)**

The Québec government body responsible for, among other things, the *Act respecting owners, operators and drivers of heavy vehicles*.

### **Ongoing conduct review**

The review of each HVOO’s conduct on the road 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 who meets either of the following conditions:

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

## **Peace officer**

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

## **Person**

A physical 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 have liability for an accident withdrawn from its conduct review and from the conduct review of the driver involved.

## **Register of owners and operators of heavy vehicles of the Commission des transports du Québec (CTQ register)**

The register kept by the Commission des transports du Québec (CTQ), in which all HVOOs that own or operate a heavy vehicle registered in Québec must register in order to be authorized to operate their heavy vehicle. Operators of heavy vehicles registered outside Canada but operated in Québec must also be registered in the CTQ register.

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

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

## **RIN**

The register identification number in the CTQ's register of owners and operators of heavy vehicles.

### **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 intervention**

An intervention with an HVOO carried out by a peace officer of Québec or any other Canadian jurisdiction while the vehicle is travelling through territory monitored by that officer or jurisdiction.

### **Road vehicle inspection agent**

A person certified 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**

The safety rating assigned by the CTQ to all HVOOs registered in the CTQ's 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 the integrity of the road network. In the vast majority of cases, this is the rating initially assigned to HVOOs when they first register in the CTQ's register. The notation “unaudited” usually accompanies this initial “satisfactory” safety rating until the HVOO passes a facility audit carried out by Contrôle routier Québec. For an HVOO to be considered to have passed a facility audit and have the “unaudited” notation withdrawn from its record, the facility audit must:
  - have allowed for an audit of **all compliance categories that apply to the HVOO**, based on whether the HVOO is an owner and operator, an owner only or an operator only; and
  - have been carried out in accordance with the sampling rules provided for in this Policy.
- **“Conditional”** indicates that an HVOO's right to operate heavy vehicles is subject to special conditions because, in the CTQ's opinion, the HVOO's record shows deficiencies that can be corrected by imposing certain measures.
- **“Unsatisfactory”** indicates that an HVOO is deemed unfit to operate heavy vehicles because, in the CTQ'S opinion, the HVOO's record shows deficiencies that cannot be corrected by imposing measures.

### **Société de l'assurance automobile du Québec (SAAQ)**

The SAAQ is responsible for, among other things, the *Conduct Review Policy for Heavy Vehicle Owners and Operators*, the *Conduct Review Policy for Heavy Vehicle Drivers*, and monitoring the records of HVOOs and heavy vehicle drivers.

### **Statement of offence**

A document used by a peace officer or prosecuting body to serve notice of an offence in order to institute penal proceedings. It contains the information required to prosecute the offence.

### **Statement of suspension (of a driver's licence)**

The statement of suspension (procès-verbal) served on a driver, which has for effect to suspend that driver's licence, serves as the basis for entering critical alcohol-or drug-related driving offences committed under the *Highway Safety Code* and the *Criminal Code* in a heavy vehicle operator's record.

### **Threshold value (number of points that must not be reached)**

The number of points that must not be reached for each conduct area considered in the ongoing review of conduct on the road. This number is determined on the basis of the size of an HVOO's vehicle fleet. Where an owner or operator reaches or exceeds any of the threshold values, its record is referred to the CTQ.

### **Unforeseen major mechanical defect**

A major mechanical defect of an unpredictable nature. Certain conditions must all be present for an unpredictable major mechanical defect to be considered unforeseen.

### **Vehicle fleet**

The number of heavy vehicles owned or operated by an HVOO, and which are taken into consideration in its ongoing conduct review.

### **Vehicle registration**

The record that includes 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*.

### **Weighting**

A point value assigned to events taken into consideration in the ongoing review of conduct on the road, and to offences observed during facility audits. An event's weighting depends on its severity in terms of the risk to road safety or to the integrity of the road network.

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**Société de l'assurance  
automobile**

**Québec** 

Avec vous,  
au cœur de votre sécurité