



CHAPTER 75

An Act to amend the Highway Code

[Assented to 22 December 1978]

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

R.S.,
c. 231, s. 1,
am.

1. Section 1 of the Highway Code (Revised Statutes, 1964, chapter 231), amended by section 29 of chapter 65 of the statutes of 1969, section 82 of chapter 55 of the statutes of 1972 and by section 1 of chapter 63 of the statutes of 1977, is again amended by replacing paragraph 15 by the following paragraph:

“total loaded mass”;

“(15) The words “total loaded mass” mean the mass of a motor vehicle or of a combination of motor vehicles, including accessories, equipment and load;”.

R.S.,
c. 231,
s. 49, am.

2. Section 49 of the said Code, amended by section 90 of chapter 55 of the statutes of 1972 and by section 1 of chapter 40 of the statutes of 1973 and replaced by section 1 of chapter 44 of the statutes of 1975, is amended:

(a) by replacing subparagraph ii of subparagraph *d* of the first paragraph by the following subparagraph:

“ii. the total loaded mass of motor vehicles and combinations of motor vehicles; and”;

(b) by replacing subparagraph *e* of the first paragraph by the following subparagraph:

“(e) reduce, during thaw periods and rainy periods, the maximum axle load and total loaded mass of motor vehicles authorized for operation on public highways, and fix speed limits for them in such periods;”;

(c) by replacing subparagraph *h* of the first paragraph by the following subparagraph:

“(h) take the steps required to regulate the dimensions and mass of any motor vehicle, load included, operating on a public highway.”

R.S.,
c. 231,
s. 49a,
am.

3. Section 49a of the said Code, enacted by section 90 of chapter 55 of the statutes of 1972 and replaced by section 2 of chapter 44 of the statutes of 1975, is amended by replacing paragraphs 1 and 2 by the following paragraphs:

“axle
load”;

“(1) the words “axle load” mean the mass measured under the wheels of an axle or of the axles included in one category, resulting from the distribution on such wheels of the mass of a motor vehicle or combination of motor vehicles, including accessories, equipment and load;

“total
loaded
mass”;

“(2) the words “total loaded mass” mean the mass of a motor vehicle or combination of motor vehicles, including accessories, equipment and load; such mass may be expressed as the aggregate of the axle loads;”.

R.S.,
c. 231,
s. 49b, am.

4. Section 49b of the said Code, enacted by section 90 of chapter 55 of the statutes of 1972 and amended by section 2 of chapter 40 of the statutes of 1973, by section 2 of chapter 37 of the statutes of 1974 and by section 1 of chapter 43 and section 3 of chapter 44 of the statutes of 1975, is again amended:

(a) by replacing subparagraph *b* of the first paragraph of subsection 12 by the following subparagraph:

“(b) the total loaded weight of which exceeds that fixed by the Lieutenant-Governor in Council, is guilty of an offence and liable, on summary proceeding, in addition to the payment of costs, to a minimum fine fixed in the following manner:

(i) where the factor of estimation of the fine is under one hundred and fifty, the fine is one dollar multiplied by the factor of estimation; however, it cannot be less than one hundred dollars;

(ii) where the factor of estimation of the fine is from one hundred and fifty to two hundred, the fine is one hundred and fifty dollars plus the product of two dollars multiplied by the difference between the factor of estimation and one hundred and fifty;

(iii) where the factor of estimation of the fine is from two hundred to two hundred and fifty, the fine is two hundred and fifty dollars plus the product of three dollars multiplied by the difference between the factor of estimation and two hundred;

(iv) where the factor of estimation of the fine is from two hundred and fifty to three hundred, the fine is four hundred dollars plus the product of four dollars multiplied by the difference between the factor of estimation and two hundred and fifty;

(v) where the factor of estimation of the fine is three hundred or over, the fine is six hundred dollars plus the product of five dollars multiplied by the difference between the factor of estimation and three hundred.”;

(b) by inserting, after the first paragraph of subsection 12, the following paragraph:

Factor of estimation.

“The factor of estimation of the fine is equal to the number of pounds exceeding the total loaded weight fixed, multiplied by 0.454 and divided by the product obtained by multiplying by ten the number of axles the wheels of which are in contact with the public highway at the time of the offence.”

R.S.,
c. 231,
s. 49b, am.

5. Section 49b of the said Code, enacted by section 90 of chapter 55 of the statutes of 1972 and amended by section 2 of chapter 40 of the statutes of 1973, by section 2 of chapter 37 of the statutes of 1974, by section 1 of chapter 43 and section 3 of chapter 44 of the statutes of 1975, and by section 4 of chapter 75 of the statutes of 1978, is again amended:

(a) by replacing the words “total loaded weight” wherever they appear by the words “total loaded mass”;

(b) by replacing subsection 8 by the following subsection:

Responsibility of carrier.

“(8) The part of the load removed to make the vehicle comply with the requirements as to axle load, total loaded mass and dimensions shall remain entirely the responsibility of the carrier or the owner of the load, according to any agreements made between them.”;

(c) by replacing the first four lines of subparagraph b of the first paragraph of subsection 12 by the following:

“(b) the total loaded mass of which exceeds that fixed by the Lieutenant-Governor in Council, is guilty of an offence and liable, on summary proceeding, in addition to the payment of costs, to a minimum fine fixed in the following manner.”;

(d) by replacing the second paragraph of subsection 12 by the following paragraph:

Factor of estimation.

“The factor of estimation of the fine equals the number of kilograms exceeding the total loaded mass fixed, divided by the product obtained by multiplying by ten the number of axles the wheels of which are in contact with the public highway at the time of the offence.”

R.S.,
c. 231,
s. 63, am.

6. Section 63 of the said Code, amended by section 91 of chapter 55 of the statutes of 1972, is again amended by replacing the first paragraph by the following paragraph:

Operating with excessive mass.

63. Any owner of a motor vehicle operating on a public highway, the mass whereof or total loaded mass whereof, as the case may be, is in excess of that declared in the application for the registration of such vehicle, is guilty of an offence and liable,

in addition to the costs and to the difference in fees which he should have paid, to a fine of one hundred dollars to five hundred dollars for the first offence; to a fine of three hundred dollars to six hundred dollars for the second offence; to a fine of five hundred dollars to one thousand dollars, for each subsequent offence."

R.S.,
c. 231,
s. 76, am.

7. Section 76 of the said Code, amended by section 5 of chapter 53 of the statutes of 1970 and by section 20 of chapter 35 of the statutes of 1976, is again amended by replacing paragraph 4 by the following paragraph:

Taxing
of heavy
vehicles.

"(4) Shall prevent the municipal council of a city or of a town from imposing a tax or a licence fee on every motor vehicle the mass of which, added to that indicated by its capacity, forms a total mass which exceeds the limits established by this act or by the regulations made thereunder, for use on a public highway outside of cities and towns; and every municipal council of a city or of a town is authorized to impose such a tax or licence. This paragraph does not apply to a motor vehicle which is registered under the authority of section 11 of this act. Such tax or such licence fee shall however be imposed only by the city or the town in which is situated the principal establishment the rolling stock of which includes such motor vehicle;"

Transi-
tional
measure
regarding
fines.

8. (1) In respect of an offence contemplated in subparagraph *b* of the first paragraph of subsection 12 of section 49*b* of the Highway Code committed after 31 December 1976 but before the coming into force of this act, the fine to which the offender is liable must be computed according to section 4, but only so far as the application of section 4 enables:

(*a*) the reimbursement of part of the fine, if a judgment has been rendered or if the fine has been paid following prior notice, where the fine has been fixed under subparagraph *b* of the first paragraph of subsection 12 of section 49*b* of the Highway Code as it read before the coming into force of section 4; or

(*b*) the fixing of a fine lower than that provided for in subparagraph *b* of the first paragraph of subsection 12 of section 49*b* of the Highway Code as it read before the coming into force of section 4 in other cases.

Reim-
burse-
ments.

(2) The Ministre des finances is entitled to pay the reimbursements resulting from this section out of the consolidated revenue fund.

Transi-
tional
measure
regarding
fines.

9. In respect of an offence contemplated in subparagraph *b* of the first paragraph of subsection 12 of section 49*b* of the Highway Code committed after the coming into force of this act but

before the coming into force of section 5, the fine to which the offender is liable must be computed according to section 4, notwithstanding the coming into force of section 5.

10. This act comes into force on the day of its sanction, except sections 2, 3, 5 and 7, which will come into force on the date fixed by proclamation of the Government.

Coming
into force.