

Regulations and other Acts

M.O., 2021

Order number 2021-08 of the Minister of Transport dated 20 April 2021

Highway Safety Code
(chapter C-24.2)

Suspension of the axle load and total loaded mass limits applicable during a period of thaw or rain to certain tow trucks

THE MINISTER OF TRANSPORT,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport may, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of the Code or the regulations for the period specified by the Minister, if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that section 633.2 of the Code also provides that the Minister may prescribe any rule, applicable when using the exemption, that ensures an equivalent level of safety in the Minister's opinion;

CONSIDERING that section 633.2 of the Code provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under section 633.2;

CONSIDERING section 18 of the Regulations Act, which provides that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it and the reason justifying such coming into force must be published with the regulation;

CONSIDERING that it is appropriate to suspend the axle load and total loaded mass limits applicable during a period of thaw or rain to a tow truck that complies with the axle load and total loaded mass limits in a normal period, does not tow a vehicle and transports on its platform only one road vehicle, without a load, that has been in an accident or has broken down, been seized or abandoned;

CONSIDERING that the Minister considers that the suspension of such limits, in compliance with the conditions imposed, is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that the Minister is of the opinion that the rules the Minister prescribes to use the exemption ensure an equivalent level of safety;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted on the suspension;

CONSIDERING that the Minister of Transport is of the opinion that the urgency to temporarily suspend the axle load and total loaded mass limits applicable during a period of thaw or rain to a tow truck that complies with the axle load and total loaded mass limits in a normal period, does not tow a vehicle and transports on its platform only one road vehicle, without a load, that has been in an accident or has broken down, been seized or abandoned is due to the following circumstances and justifies a coming into force on the date of its publication in the *Gazette officielle du Québec*:

— the Minister of Transport determined, by Order 2021-05 dated 17 March 2021, that the thaw period for zones 1 and 2 for 2021 begins on 22 March 2021 and ends on 21 May 2021 and, by Order 2021-06 dated 24 March 2021, that the thaw period for zone 3 for 2021 begins on 29 March 2021 and ends on 28 May 2021;

— the axle load and total loaded mass limits established by Divisions III and IV of the Vehicle Load and Size Limits Regulation (chapter C-24.2, r. 31) and applicable during a period of thaw or rain to a tow truck do not allow travel of the tow truck on public highways when transporting a road vehicle;

— the limits make it such that certain vehicles that have been in an accident or have broken down, been seized or abandoned, may no longer be transported from one location to another during a period of thaw or rain because it is not possible to tow them because of their design or condition;

— where the vehicle to be towed is on a public highway, it is important that it be moved to ensure the safety of the users of that highway;

— the suspension of those standards is therefore necessary to maintain towing services during a period of thaw or rain and urgent because of the current thaw period thereby ensuring the transportation of vehicles that cannot travel otherwise and the clearing of public highways where circumstances so require;

ORDERS AS FOLLOWS:

1. Divisions III and IV of the Vehicle Load and Size Limits Regulation (chapter C-24.2, r. 31) that establish the maximum axle load and maximum total loaded mass applicable during a period of thaw or rain to a tow truck when it does not tow a vehicle and transports on its platform only one road vehicle, without a load, that has been in an accident or has broken down, been seized or abandoned are suspended.

2. To use the exemption provided for in section 1, the tow truck must comply with the maximum axle load and maximum total loaded mass applicable to the tow truck in a normal period under Divisions III and IV of the Vehicle Load and Size Limits Regulation (chapter C-24.2, r. 31).

3. This Order comes into force on the date of its publication in the *Gazette officielle du Québec*. It is revoked on 1 July 2022.

Québec, 20 April 2021

FRANÇOIS BONNARDEL
Minister of Transport

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