



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 48

An Act concerning the environmental inspection of motor vehicles

Introduction

**Introduced by
Mr. Pierre Arcand
Minister of Sustainable Development, Environment and
Parks**

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EXPLANATORY NOTES

Under this bill, the owners of motor vehicles that, in the cases to be determined by government regulation, are a potential source of contamination of the atmosphere are obliged to have their vehicles undergo an environmental inspection by an establishment accredited for that purpose by the Minister of Sustainable Development, Environment and Parks in order to obtain a certificate of environmental compliance.

The Government is granted the power to determine by regulation the cases and the manner in which the Société de l'assurance automobile du Québec must refuse to register a motor vehicle that does not meet the standards for a certificate of environmental compliance or forbid its owner to put it in operation or put it back in operation.

The Minister may determine by regulation the conditions an establishment must meet to be accredited, the reasons that could lead to the refusal, suspension or revocation of accreditation and the fees payable to obtain and maintain accreditation. The Minister is given the power to delegate the administration of the regulatory standards to a person or a body.

Lastly, the Government is given the power to delegate to a person or a body the administration of all or part of any regulation made under the Environment Quality Act for the purpose of reducing or eliminating the emission of contaminants into the atmosphere by motor vehicles.

LEGISLATION AMENDED BY THIS BILL:

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Environment Quality Act (R.S.Q., chapter Q-2).

Bill 48

AN ACT CONCERNING THE ENVIRONMENTAL INSPECTION OF MOTOR VEHICLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 31 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing “analyses contemplated by paragraphs *h* and *h.1* shall be carried out in whole or in part” in subparagraph *h.2* of the first paragraph by “collecting or analyzing referred to in subparagraph *h* or *h.1* of the first paragraph be done in whole or in part by an establishment or in”.

2. Section 50 of the Act is amended

(1) by striking out “or motor vehicle” in the introductory clause;

(2) by striking out “or motor vehicle” in paragraph *b*.

3. Section 51 of the Act is amended

(1) by replacing “either an engine or a motor vehicle” in the introductory clause by “an engine”;

(2) by striking out “or motor vehicle” in paragraph *b*.

4. The Act is amended by inserting the following section after section 51:

“**51.1.** For the purposes of sections 52 to 52.3, “owner of a motor vehicle” includes the person defined in section 2 of the Highway Safety Code (chapter C-24.2).”

5. Section 52 of the Act is amended by adding the following paragraph:

“The owner must also, in the cases and on the conditions determined by regulation of the Government, have an environmental vehicle inspection of the motor vehicle carried out by an establishment accredited for that purpose by the Minister.”

6. The Act is amended by inserting the following sections after section 52:

“**52.1.** The accredited establishment that does the environmental inspection of a motor vehicle shall issue a certificate of environmental

compliance or a notice of environmental non-compliance to the owner of the motor vehicle and immediately forward a copy of the certificate or the notice to the Minister.

“52.2. Every owner of a motor vehicle who is issued a notice of environmental non-compliance under section 52.1 must, within the time limit and in accordance with the conditions prescribed by regulation of the Government, repair the vehicle or have it repaired, and have it inspected once again by an accredited establishment in order to obtain a certificate of environmental compliance from that establishment.

“52.3. When a certificate of environmental compliance is not issued for a motor vehicle, the Government may determine by regulation the cases and the manner in which the Société de l’assurance automobile du Québec must refuse to register the motor vehicle or forbid the owner to put it in operation or put it back in operation in accordance with the Highway Safety Code (chapter C-24.2).

“52.4. The Minister may accredit an establishment to proceed with the inspections that may be required for the purposes of sections 52 to 53.

The Minister shall determine by regulation the conditions an establishment must meet to be accredited, and the grounds that could result in the refusal, suspension or revocation of accreditation. The regulation may prescribe the fees payable to obtain and maintain accreditation.

“52.5. The Minister may, by agreement, delegate to a person or a body the administration of all or part of a regulation made under section 52.4 and the power to make any decision relating to the accreditation of an establishment.”

7. Section 53 of the Act is amended

(1) by inserting “, and in particular make the use of a motor vehicle subject to environmental inspection,” after “use” in paragraph *a*;

(2) by inserting “, sale or lease” after “use” in paragraph *b*;

(3) by inserting the following paragraphs after paragraph *c*:

“(c.1) determine the form and tenor of any certificate of environmental compliance and any notice of environmental non-compliance issued under section 52.1 or 52.2;

“(c.2) determine the fees an accredited establishment may charge to do the inspections that can be required for the purposes of sections 52 to 53;”;

(4) by adding the following paragraph at the end:

“The Government may, by agreement, delegate to a person or body the administration of all or part of any regulation made under this Act to reduce or eliminate the emission of contaminants into the atmosphere by motor vehicles.”

8. Section 118.6 of the Act is amended by replacing “a laboratory to make any analyses that may be required” by “an establishment or a laboratory to do any collecting or analyzing that may be required”.

AMENDING PROVISIONS

9. Section 21 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by adding the following subparagraph after subparagraph 6 of the first paragraph:

“(7) in respect of a vehicle referred to in a regulation made under section 52.3 of the Environment Quality Act (chapter Q-2), produce a certificate of environmental compliance.”;

(2) by adding the following paragraph at the end:

“No one may put into operation a vehicle whose owner has failed to obtain the certificate of environmental compliance required under a regulation made under section 52.3 of the Environment Quality Act (chapter Q-2).”

10. Section 59 of the Code is amended by replacing “fourth or fifth” in the first paragraph by “fourth, fifth or sixth”.

11. Section 189 of the Code is amended by adding the following subparagraph after subparagraph 5 of the first paragraph:

“(6) the vehicle is referred to in a regulation made under section 52.3 of the Environment Quality Act (chapter Q-2) and the owner has failed to obtain a certificate of environmental compliance.”

TRANSITIONAL AND FINAL PROVISIONS

12. The establishments accredited by the Minister under section 118.6 of the Environment Quality Act (R.S.Q., chapter Q-2) for the purpose of verifying the compliance of heavy vehicles with the environmental standards set out in the Regulation respecting environmental standards for heavy vehicles (R.R.Q., chapter Q-2, r. 33) are, as of (*insert the date of assent to this Act*), deemed accredited by the Minister in accordance with section 52.4 of the Environment Quality Act enacted by section 6.

13. This Act comes into force on (*insert the date of assent to this Act*).

