

# Newsletter



Robinson Sheppard Shapiro  
Avocats • Lawyers

August 15, 2016

## Are you ready? Safety standards changes for road vehicles as of November 20, 2016

*New regulatory amendments on road vehicle safety standards will come into force on November 20, 2016. The coming into force of new road vehicle safety standards involves several changes. Here are the main ones:*

### 1. Circle checks replace pre-trip inspections (does not replace roadside inspections)

The amendments are aimed at harmonizing the pre-trip inspection with Canadian circle check standards.

#### Drivers' responsibilities

A. Before getting behind the wheel, drivers must make sure that a circle check of the vehicle was completed within the previous 24 hours.

B. The vehicle circle check can be performed by the driver or another person designated by the operator. In the latter case, the operator is accountable for the circle check and the driver can choose to either accept or refuse it.

- If the driver accepts the report, he or she makes sure that the circle check is valid (completed within the previous 24 hours) and co-signs the report to acknowledge it. Accepting the report does not render the

driver accountable for the circle check, but the driver must keep the report up to date and record any defects observed during the trip.

- If the driver refuses the report, he or she must carry out a new circle check.

### 1. Principal components to inspect during a circle check

A list of 20 components must be inspected during the circle check and the list is available upon demand.

### 2. Circle check report

The person who carries out the circle check must fill out the report and record his or her observations. The list of information that must be included in the report is available upon demand.

As the Quebec standards may not be the same as the US ones, you must comply with both standards. Ex.: mandatory written report which must be signed.



[Normand Laurendeau](#)

514 393-7473

[nlaurendeau@rsslex.com](mailto:nlaurendeau@rsslex.com)

Our newsletters aim to bring to your attention the contemporary legal issues which we believe are and should be of interest to the public at large and under no circumstances are they to be considered as legal opinions. The newsletters are merely intended to alert readers of interesting topics and/or new developments in law. © RSS 2016. No part of this newsletter may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, unless the identity of the RSS newsletter is mentioned in writing on the face of the reproduction.



### 3. Lists of defects

The list of defects is a checklist that enumerates the components to inspect and the defects that can be detected on a vehicle. It is used to determine whether defects noted during a circle check are minor or major. The list of defects that must be used during the circle check is available upon demand.

### 4. Operators' responsibilities

Operators (and carriers) must ensure:

- a circle check report is placed on board every vehicle
- the designated person carries out the circle check
- the driver keeps the circle check report on board the vehicle
- the driver signs the circle check report if there is a defect
- to immediately notify the owner of any defect
- to send the owner a copy of the circle check report

### 5. Owners' responsibilities

Owners are required to:

- maintain their vehicles in good condition
- correct any reported defects
  - minor defect: the owner has 48 hours to have any necessary repairs made in order to maintain the right to operate the vehicle
  - major defect: the vehicle is prohibited from being operated until the necessary repairs have been made

- obtain the circle check reports from the operator

### 6. Keeping the circle check report

- For every heavy vehicle, operators must keep
- a copy of the circle check documents for at least six months
- all documents related to the repair of defects for at least 12 months

### II. A new specific inspection of the mechanical condition of motor coaches

Information available on demand

### III. Better quality control of preventive maintenance programs (PMPs)

Only applies to recognized Preventive Maintenance Programs. information available on demand.

### IV. Changes and additions to the list of minor and major defects

Certain minor and major defects have been changed or added to the list of defects. Table of the new minor and major defects is available upon demand.

### *Regulation to amend the Regulation respecting safety standards for road vehicles, OC 370-2016, (2016) GOQ II, 2055*

Normand Laurendeau is a lawyer with more than 20 years of experience in transportation-related matters. He practices and provides advice in all matters related with the industry such as licensing, infractions, safety review hearings, in addition to practice in litigation.

