

Required Documents :

- Document identifying the shipper and other parties ;
- Written document facilitating the calculation of the load mass (shipper's certification) ;
- Document indicating the net mass of the vehicle(s) (registration certificate).

Missing Information :

- When the identification of the shipper and other parties are not indicated, the penalty is imposed on the operator ;
- When the load mass is not indicated, the penalty is imposed on the operator and the shipper ;
- When the net mass of the vehicle(s) is not indicated, the penalty is imposed on the operator.

The operator has a vested interest in driving with the three documents on board the vehicle to ensure that responsibility is transferred to or distributed among the other parties.

The operator must make sure that the information regarding the net mass of his vehicle(s) is accurate.

Amount of the penalty :

- The 5th sub-paragraph of section 517.1 of the Highway Safety Code is applicable when the vehicle is driven without a special permit ;
- The 3rd sub-paragraph of the 3rd paragraph of section 513 of the Highway Safety Code is applicable when the vehicle is driven without a special permit ;
- The 2nd sub-paragraph of the 2nd paragraph and the 3rd paragraph of section 517.2 of the Highway Safety Code concerns the calculation of the distribution of the penalty between the operator and the shipper.

Example of penalty calculation

(according to the 5th sub-paragraph of section 517.1 of the Highway Safety Code)



(1 t = 1000 kg)

Authorized total loaded mass :	55 t
Total loaded mass measured :	60 t
Net Mass :	20 t
Load Mass =	60 t - 20 t = 40 t

Case 1 Established Mass =	42 t
Overload =	5 t
Discrepancy = 40 t - 42 t =	-2 t
Operator penalty	(\$ 675)

Case 2 Established Mass =	38 t
Overload =	5 t
Discrepancy = 40 t - 38 t =	2 t
Operator penalty	(\$ 405)
Shipper penalty	(\$ 270)

Case 3 Established Mass =	34 t
Overload =	5 t
Discrepancy = 40 t - 34 t =	6 t
Shipper penalty	(\$ 675)

For further information about this provision of the Highway Safety Code, about the loading standards and dimensions of vehicles or to access the program for calculating the amount and distribution of penalties, you may consult the ministry's website at www.mtq.gouv.qc.ca. You may also call **1 888 355-0511** or e-mail your inquiry to communications@mtq.gouv.qc.ca.

OVERLOADING

of the total
loaded mass

New distribution
of responsibilities among
the various parties
involved in
freight hauling



New distribution of responsibilities among the various parties involved in freight hauling when overloading of the total loaded mass occurs



In April 2004, the Québec National Assembly added a new section to the Highway Safety Code that establishes a better definition of the responsibilities of those involved in the interception of a vehicle that is overloaded with regard to its total loaded mass. Application of this section will assure a more equitable distribution of responsibilities among the parties involved as well as better protection of highway infrastructures. The implementation of this new section, which must be added through order, is expected in 2006.

This document is intended to sensitize the industry to this new approach.

When the load of an oversized heavy vehicle (in regard to the total loaded mass) is considered, for the purposes of transport, to be a full load the shipper, the consignee, and the agent of the transport service who fail to provide the vehicle's operator with the written documentation that facilitates the establishment of the load mass have committed an offence and are liable for the same penalty as that of an operator, whether or not the operator has been charged or found guilty. The same applies to anyone who has entrusted the loading to the operator responsible for hauling the load.

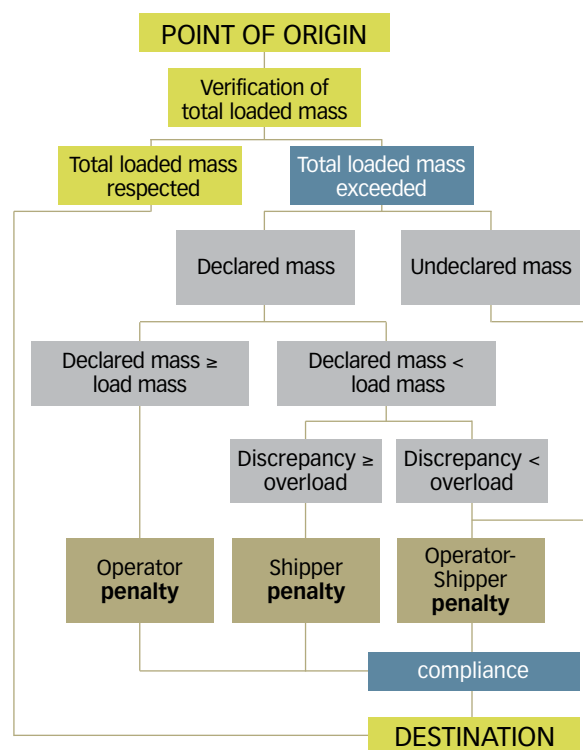
Scope of Application

The new section applies to any oversized heavy vehicle in regard to its total loaded mass, with or without a special permit, whose load is considered to be a full load. A full load is comprised of goods hauled on behalf of a single shipper or to a single destination, or when the goods are loaded at a common place of shipment or consignment.

Individuals Affected¹

Those affected are: the shipper, the consignee, the agent of the transportation service, and any individual who has entrusted the loading to the operator responsible for hauling the load.

Diagram of Distribution of Responsibilities



¹ In an effort to simplify the text, the term "shipper" refers to all such individuals in this leaflet.

Movement of goods from point of origin to destination with verification of total loaded mass

If, upon verification, an operator is found to be transporting a load that exceeds the authorized total loaded mass, the Highway Safety Code assigns different distributions of responsibilities among the parties involved in the hauling of freight.

If, according to the operator, the declared mass (or "established mass") is:

- greater than or equal to the load mass, the penalty is imposed on the operator;
- less than the load mass and the discrepancy between the declared mass and the load mass is greater than or equal to the overload, the penalty is imposed on the shipper;
- less than the load mass and the discrepancy between the declared mass and the load mass is less than the overload, the penalty is imposed on the operator and the shipper according to a formula that takes into account each individual's responsibility.

The shipper has a vested interest in the transmission of information that facilitates the evaluation of the load mass and in providing the most precise information possible. If he cannot establish the load mass, he must take measures to ensure that the operator is not overloaded.