

NATIONAL ASSEMBLY  
Thirty-third Legislature, second session

1988, chapter 67  
**AN ACT TO AMEND THE TRANSPORT ACT**

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**Bill 76**

Introduced by Mr Marc-Yvan Côté, Minister of Transport

Introduced 15 November 1988

Passage in principle 29 November 1988

Passage 22 December 1988

**Assented to 23 December 1988**

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**Coming into force: on the date or dates fixed by the Government**

— 8 February 1989: ss. 1 to 6 and 8 to 10  
G.O., 1989, Part 2, p. 897

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**Act amended:**

Transport Act (R.S.Q., chapter T-12)



## CHAPTER 67

### An Act to amend the Transport Act

*[Assented to 23 December 1988]*

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. T-12, s. 1,  
am.

**1.** Section 1 of the Transport Act (R.S.Q., chapter T-12), amended by section 98 of chapter 97 of the statutes of 1987, is again amended by replacing the second paragraph by the following paragraph:

Transport  
brokerage

“For the purposes of this Act, the expression “transport brokerage” refers to the activities of a person acting as a broker for the transport of bulk material or acting on behalf of a permit holder in respect of such transport.”

c. T-12, s. 2,  
am.

**2.** Section 2 of the said Act, amended by section 99 of chapter 97 of the statutes of 1987, is again amended by replacing the third paragraph by the following paragraph:

Applicability  
of the Act

“This Act does not apply to transportation governed by the Act respecting truck transportation (1987, chapter 97), except to the extent provided for by the said Act, or to the carriage of any goods excluded pursuant to subparagraphs 3 to 7 and 9 to 11 of the second paragraph of section 1 of the said Act.”

c. T-12, s. 5,  
am.

**3.** Section 5 of the said Act, amended by section 100 of chapter 97 of the statutes of 1987, is again amended

(1) by replacing the word “thereto” in the second line of paragraph c by the words “to the activities requiring a permit”;

(2) by replacing paragraph o by the following paragraphs:

“(o) determine the duties, powers, rights and obligations of holders of brokerage permits and of holders of bulk material transport permit in relation to brokerage service;

“(o.1) prescribe standards of representativeness applicable to holders of brokerage permits;

“(o.2) prescribe administrative, financing and management standards applicable to brokerage corporations, especially with respect to the compulsory content of their by-laws, the production of budget estimates and audited financial statements and the qualifications required to hold the office of director;”.

c. T-12,  
ss. 36.1 to  
36.3, added

**4.** The said Act is amended by inserting, after section 36, the following sections:

Prohibition

**“36.1** No person may, subject to the exceptions prescribed by regulation, engage in transport brokerage unless he holds a brokerage permit issued by the Commission.

Permit not  
required

No permit is required, however, if no brokerage service can be obtained under a brokerage permit issued by the Commission, at the place of destination of the trip or on the site of road construction, repair or maintenance or of excavation, levelling or demolition work where transport services are required.

Permit not  
required

No permit is required for the employees of the holder of a bulk material transport permit with respect to services provided under the employer's permit. The same applies with respect to the officers of a corporation and the partners of a transport partnership with respect to services provided under the permit of the corporation or partnership.

Bulk mate-  
rial trans-  
port permit

**“36.2** No holder of a bulk material transport permit may cause a third person to effect any transport of bulk material that his permit authorizes him to provide before soliciting the services of the holder of a brokerage permit where there is a broker authorized by regulation to engage in such transport.

Brokerage  
zone

**“36.3** A brokerage permit shall be issued for a brokerage zone established by the Commission within a region defined by regulation of for any part of the territory of such a region not delimited as a brokerage zone.”

c. T-12,  
s. 39.1, added

**5.** The said Act is amended by inserting, after section 39, the following section:

Non-profit  
corporation

**“39.1** A brokerage permit shall be issued only to a corporation incorporated as a non-profit corporation or as a cooperative, composed of holders of bulk material transport permits.

Standards of  
representa-  
tiveness

To obtain a brokerage permit, the corporation must, in addition to meeting the conditions prescribed by regulation for the issue of the permit, satisfy the standards of representativeness prescribed by regulation, including the standard relating to the date on which the representative character of the corporation may be ascertained.”

c. T-12,  
ss. 40, am.

**6.** Section 40 of the said Act is amended by inserting, after subparagraph c of the first paragraph, the following subparagraphs:

“(d) has not paid the transport brokerage fees that are chargeable to him;

“(e) holds a brokerage permit and has a direct or indirect interest in an enterprise that might place his personal interest in conflict with that of the corporation, carries on an activity that might place him in a situation of conflict of interest or, without the prior authorization of the Commission, maintains in office a brokerage director who has such an interest or carries on such an activity.”

c. T-12,  
ss. 42.1, 42.2,  
added

**7.** The said Act is amended by inserting, after section 42, the following sections:

Payment

**“42.1** The holder of a brokerage permit may claim and receive payment in the name of the holders of bulk material transport permits he represents for the transport services provided at his request unless the transport contract or transport brokerage contract provides otherwise.

Deposit in  
trust account

He shall deposit in a trust account the sums he receives under the first paragraph and administer them in accordance with the administrative and management standards prescribed by government regulation.

Powers be-  
fore the  
Commission

**“42.2** The holder of a brokerage permit may act before the Commission in relation to any matter concerning transport brokerage or the transport of bulk material.”

c. T-12,  
s. 74.1, am.

**8.** Section 74.1 of the said Act is amended by inserting the words “, the first paragraph of section 36.1 or section 36.2” after the figure “36” in the first line.

Publication

**9.** The publication of the draft regulation to amend the Regulation respecting bulk trucking in the *Gazette officielle du Québec* of 7 December 1988 shall be in lieu of the publication formalities provided for in Division III of the Regulations Act (R.S.Q., chapter R-18.1).

Coming into  
force

**10.** This Act will come into force on the date or dates fixed by the Government.