

1986, chapter 92

AN ACT TO AMEND THE TRANSPORT ACT

Bill 144

Introduced by Mr Marc-Yvan Côté, Minister of Transport

Introduced 13 November 1986

Passage in principle 3 December 1986

Passage 18 December 1986

Assented to 18 December 1986

Coming into force: 18 December 1986

Act amended:

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



CHAPTER 92

An Act to amend the Transport Act

[Assented to 18 December 1986]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

1. Section 5 of the Transport Act (R.S.Q., chapter T-12), amended by section 3 of chapter 67 of the statutes of 1986, is again amended

(1) by replacing subparagraph *c* by the following subparagraph:

“(c) determine what activities require a permit, provide exceptions thereto as regards types of persons or goods carried, kinds of carriers, and, where such is the case, as regards the place of the main establishment of such carrier, the kinds of services, the means of transport or transport systems used and the territory or distance covered, and prescribe conditions for the carrying on of such an activity or the availing of such an exception and fix the duration of such exception;”;

(2) by replacing subparagraph *d* by the following subparagraph:

“(d) determine the nature and classes of permits, establish standards permitting the determination of the minimum and maximum number of permits, and prescribe the conditions on which a permit may be issued and those on which a person may hold a permit and provide for exceptions to those conditions;”;

(3) by replacing subparagraph *f* by the following subparagraph:

“(f) determine the minimum or maximum term of a permit, prescribe that a permit is not renewable, exempt a permit from the renewal procedure provided in section 37.1, prescribe the conditions

on which a permit may be renewed and determine the cases where a permit may be renewed by the administrator of the Commission;”.

c. T-12, s. 5.1, added **2.** The said Act is amended by inserting, after section 5, the following section:

Discretionary powers **“5.1** The Government may, by regulation under this Act, confer discretionary powers on the Commission for the issue, renewal or transfer of permits.

Criteria For such purpose, the Government may, where required, determine the principles, criteria or factors to be taken into account by the Commission in these matters.”

c. T-12, s. 32.1, added **3.** The said Act is amended by inserting, after section 32, the following section:

Refusal **“32.1** The Commission shall refuse to issue, renew or transfer a permit where the applicant is unable to prove his compliance with the conditions set out under this Act or the standards, if any, prescribed by regulation.

Grounds The same shall apply where the Commission has reasonable grounds to believe, in the exercise of its powers under section 5.1, that such a permit ought not to be issued, renewed or transferred.”

c. T-12, s. 34, am. **4.** Section 34 of the said Act is amended

(1) by striking out the second sentence;

(2) by adding the following paragraphs:

Classification **“The** Government may, by regulation, classify the clauses of the permits it indicates or the rights granted by those permits, fix the duration thereof and determine the conditions and rules applying thereto.

Hearing Where the classification is not done in the presence of the parties, the Commission shall notify them of it and give them an opportunity to be heard.”

c. T-12, s. 34.1, am. **5.** Section 34.1 of the said Act is amended by replacing the words “where there is no regulation” in the second paragraph by the words “subject to the regulations”.

c. T-12, s. 35.1, added **6.** The said Act is amended by inserting, after section 35, the following section:

Compilation
of informa-
tion

“35.1 The Commission shall compile the information determined by regulation of the Government respecting transport services, on the conditions determined thereby.”

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

7. Section 37 of the said Act is amended

(1) by striking out the words “, upon payment of the annual duties” in the third and fourth lines of the first paragraph;

(2) by striking out the second paragraph.

c. T-12, s.
37.1, repla-
ced; ss.
37.2 and
37.3 added

8. The said Act is amended by replacing section 37.1 by the following sections:

Permit
deemed re-
newed

“37.1 Unless otherwise prescribed by regulation, a permit is deemed renewed for one year if, before its expiry date,

(1) the Régie de l'assurance automobile du Québec issues a registration certificate to the permit holder for the road vehicle used to provide the transport service authorized by the permit;

(2) the permit holder furnishes the number of the registration marker of the vehicle used to the Commission.

Permit
deemed re-
newed

The permit of a holder who uses for his operation only those vehicles that are exempt from registration under an agreement made pursuant to the Highway Safety Code is also deemed renewed for one year if, before its expiry date, the permit holder has made full payment to the Régie de l'assurance automobile du Québec of the duties exigible under the agreement or the annual duties prescribed by regulation.

Revocation
of permit

“37.2 Where a permit has been renewed under section 37.1, the Commission may, in addition to the cases provided for in section 40, on its own initiative or upon request, revoke the permit on any ground provided in section 32.1 or amend it as in the case of a renewal.

Hearing

The Commission shall give the permit holder a prior opportunity to be heard.

Application
for renewal

“37.3 A renewable permit that is not renewable by the procedure in section 37.1 may be so renewed if an application is submitted to the Commission before its expiry date.

Permit in
force

The permit remains in force in such a case until the decision of the Commission becomes executory.”

- c. T-12, s. 38.2, am. **9.** Section 38.2 of the said Act is amended by striking out the words “in such cases and” in the second line.
- Bus transport **10.** Applications for bus transport permits submitted before 18 December 1986 in accordance with the Bus Transport Regulation made by Order 2004-85 dated 25 September 1985 and which have not been decided by the Commission des transports du Québec shall be decided in accordance with this Act and the first bus transport regulation that may be made by the Government after 18 December 1986.
- Validation of permits **11.** Permits issued and decisions rendered by the Commission des transports du Québec pursuant to the Bus Transport Regulation enacted by Order 2004-85 dated 25 September 1985 are hereby validated to the extent that the permits and decisions were based on clauses of regulations declared invalid.
- Regulation **12.** The first bus transport regulation that may be made by the Government after 18 December 1986 may be made without the publication of a proposed regulation in the *Gazette officielle du Québec*.
The regulation will be deemed to be in force from 18 December 1986.
- Retroactive effect
- Refusal to grant permit **13.** The Commission des transports du Québec may refuse to issue, renew or transfer a permit under the General Order on trucking (R.R.Q., c. T-12, r.2) where it is of opinion that the applicant has failed to establish that such a permit ought to be issued, renewed or transferred.
- Application This section applies until the said order is rescinded or replaced by a regulation of the Government in accordance with section 89 of the Transport Act.
- Authorization of expenditure **14.** Notwithstanding section 34 of chapter 31 of the statutes of 1985, the obligation to accompany an authorization of expenditure with a certificate of the treasurer in accordance with sections 291.34 and 306.13 of the Act respecting the Communauté urbaine de Montréal shall have effect only from 1 January 1988.
- Coming into force **15.** This Act will come into force on 18 December 1986.