



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 62

An Act to amend the Act respecting transportation by taxi

Introduction

**Introduced by
Mr Sam L. Elkas
Minister of Transport**

**Québec Official Publisher
1992**

EXPLANATORY NOTES

This bill amends the Act respecting transportation by taxi in order to better regulate transportation by taxi as well as transportation by limousine and “de grand luxe” limousine.

More particularly, the bill confers on the Commission des transports du Québec increased powers as regards the specialization of taxi permits for transportation by limousine or “de grand luxe” limousine, and allows it to issue restricted specialized taxi permits which will be limited to transportation for special occasions.

The bill clarifies the conditions under which transportation supplied as part of a charitable initiative may be exempted from the application of the Act, introduces certain conditions relating to the offer of services and prohibits persons who do not hold a taxi permit from offering, simultaneously, a motor vehicle for rental and the services of a person to drive it.

The bill also recognizes certain cases where persons have sufficient interest to intervene before the Commission during its hearings, permits a regional authority to collect new duties, provides for the revision of the number of limousines which may be operated by certain permit holders and introduces measures concerning equipment and the training of taxi drivers.

Lastly, the bill contains a number of amendments of a technical nature or to ensure concordance.

Bill 62

An Act to amend the Act respecting transportation by taxi

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended

(1) by replacing the words “remuneration required is no more than a contribution toward the cost of using the automobile” in the third and fourth lines of paragraph 3 of the second paragraph by the words “total remuneration for such transportation is no more than a contribution which may not exceed an amount calculated according to the maximum amount of variable costs fixed by the Commission des transports”;

(2) by replacing paragraph 4 of the second paragraph by the following paragraph:

“(4) transportation of persons on the occasion of funerals where the funeral enterprise is the owner of the automobile or has custody of the automobile within the meaning of section 2 of the Highway Safety Code;”.

2. Section 3 of the said Act is amended by adding the following paragraph:

“In all publicity, a person must mention the number of taxi permits that he holds and, in the case of a firm, association or body which supplies services of publicity, distribution of calls or other services of a similar nature, the number of participating permit holders. All publicity that no longer satisfies the prescribed requirements must be removed or, as the case may be, adjusted within six months.”

3. Section 18 of the said Act is amended

- (1) by striking out the first paragraph;
- (2) by replacing the words “the taxi” in the first line of the second paragraph by the words “a taxi”;
- (3) by replacing the words “Specialized “luxury” transportation” in the first line of the third paragraph by the words “Specialized transportation by limousine or by “de grand luxe” limousine”, and by replacing the word “second” in the third line of the said paragraph by the word “first”;
- (4) by replacing the words “ “luxury” transportation” in the third and fourth lines of paragraph 2 of the fourth paragraph by the words “transportation by limousine or by “de grand luxe” limousine”.

4. The said Act is amended by inserting, after section 18, the following section:

“18.1 Notwithstanding the second paragraph of section 18, any taxi permit issued for the territory of the urban areas of Montréal or the territory of the urban areas of Québec which is specialized for transportation by “de grand luxe” limousine may be used over all the territory of Québec if the place of business of the undertaking and the place where its “de grand luxe” limousine is kept for storage and maintenance are at all times located in the urban area for which the permit was originally issued.

The Commission shall mention this place on the holder’s permit and on every certificate.”

5. The said Act is amended by inserting, after section 20, the following section:

“20.1 Where a taxi permit holder whose undertaking has been authorized under section 18 to supply specialized transportation ceases to meet the conditions for obtaining such a specialization or where he is convicted of an offence under section 18.1, section 4 or 45 or under a regulatory provision determined under paragraph 27 of section 60, the Commission shall revoke the specialization.

A permit holder whose specialization is revoked is not authorized to file another application for specialization before the lapse of a period of 6 months from the date of revocation.”

6. Section 26 of the said Act is amended by replacing the words “of a taxi driver’s permit” in the fourth and fifth lines of the first paragraph by the words “of the licence and permit referred to in section 4”.

7. The said Act is amended by inserting, after section 32.1, the following section:

“32.2 No specialized taxi permit referred to in section 18 may be the subject of a request for a transfer authorization before the lapse of at least 2 years from the date of specialization.”

8. The said Act is amended by inserting, after section 33.1, the following section:

“33.2 Every municipality whose territory is not part of the territory of a regional authority exercising regulatory power and control over transportation by taxi possesses sufficient interest to intervene at any time before the Commission with respect to an application for the issue of a taxi permit in its territory.”

9. Section 37 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“37. The Commission may authorize the transfer of a taxi permit if

(1) the assignee satisfies the requirements prescribed by regulation for being a taxi permit holder;

(2) the assignor establishes, in the case of a new taxi permit issued after 31 March 1993, that he used the permit continuously during the 24 months following its issue.”;

(2) by adding, after the second paragraph, the following paragraph:

“Subparagraph 2 of the first paragraph does not apply to a permit issued under section 91 or 94.0.1.”

10. The said Act is amended by inserting, after section 41.4, the following section:

“41.4.01 No person who carries on the occupation of taxi driver in the territory indicated by a regulation made under paragraph 17.2 of section 60 or under paragraph 4.2 of section 62 may renew his taxi driver's permit unless he has attended the training course prescribed by regulation under either of the said sections, passed the qualifying examination, satisfied the other conditions and paid the duties and costs prescribed by or under section 40.”

11. The said Act is amended by inserting, after section 42, the following section:

“42.1 Where the Commission fixes rates and scales for transportation by taxi, the holder of a limousine permit or a permit for a “de grand luxe” limousine possesses sufficient interest to intervene at any time in order to present pertinent evidence concerning the establishment of the hourly rate for the taxi service.”

12. Section 50.1 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“It may also, for the same reasons, intervene at any time before the Commission in matters pertaining to the transportation of persons for remuneration by minibus within the meaning of the Highway Safety Code.”

13. Section 60 of the said Act is amended

(1) by inserting, after paragraph 6, the following paragraphs:

“(6.1) prescribe the conditions and procedure with which the holder of a taxi permit must comply when applying to the Commission for authorization to specialize in transportation by limousine or “de grand luxe” limousine;

“(6.2) establish the factors that the Commission must take into account when prescribing ratios enabling it to determine the maximum number of taxi permits that may specialize in transportation by limousine or “de grand luxe” limousine;”;

(2) by inserting the words “, for the urban areas or the regions it specifies,” after the word “establish” in the first line of paragraph 12;

(3) by replacing paragraph 13 by the following paragraph:

“(13) prescribe the makes, models and years of manufacture of automobiles that may be used to supply the type of transportation by taxi it specifies;”;

(4) by inserting, after paragraph 14, the following paragraph:

“(14.1) establish a difference, in percentage, between the rates and scales for the types of transportation it specifies and, where applicable, for the territory and according to the procedure it specifies;”;

(5) by inserting the words “, the passing mark for the examination” after the word “procedure” in the fourth line of paragraph 17.1;

(6) by inserting, after paragraph 17.1, the following paragraphs:

“(17.2) impose, for the territory it specifies, on every holder of a taxi driver’s permit, the obligation to attend a training course prior to the renewal of his permit, determine the content of the course, prescribe the terms, conditions and formalities thereof, the costs of the examination and the passing mark, and authorize a person to offer the course;

“(17.3) prescribe the form and content of the disclosures required of the holder of a taxi permit or of taxi driver who is a member of a firm offering publicity and call distribution services and who uses a radio or telephone communication device in his taxi, to meet the requirements of such firm;”;

(7) by adding, at the end of paragraph 21, the words “and fix the duties payable for the issue, renewal or transfer of such a permit”;

(8) by replacing paragraph 24 by the following paragraph:

“(24) prescribe, for the urban areas and regions it specifies and on the conditions it determines, the obligation of providing a receipt for each trip as well as the form and tenor of the receipt;”;

(9) by inserting, after paragraph 26, the following paragraph:

“(27) determine, from among the provisions of a regulation prescribed under this section, those for which a conviction entails revocation of the specialization authorizing a taxi undertaking to supply transportation by limousine or “de grand luxe” limousine.”

14. Section 61 of the said Act is amended by replacing the words “the taxi permit holders whose” in the second line of the first paragraph by the words “holders of a taxi permit, holders of a taxi driver’s permit and firms, associations or bodies which supply publicity or call distribution services or other services of a similar nature when their”.

15. Section 62 of the said Act is amended

(1) by inserting the word “driver’s” before the word “permit” in the first line of paragraph 4.1 and by inserting the words “, passing mark for the examination” after the word “procedure” in the third line of the same paragraph;

(2) by inserting, after paragraph 4.1, the following paragraphs:

“(4.2) impose, for the territory it specifies, on every holder of a taxi driver’s permit, the obligation to attend a training course prior to the renewal of his taxi driver’s permit, determine the content of the course, prescribe the terms, conditions and formalities thereof, the costs of the examination and the passing mark, and authorize a person to offer the course;

“(4.3) prescribe the form and the content of the disclosures required of the holder of a taxi permit or of a taxi driver, who is a member of a firm offering publicity and call distribution services and who uses a radio or telephone communication device in his taxi, to meet the requirements of such firm;”;

(3) by replacing paragraph 12 by the following paragraph:

“(12) prescribe, on the conditions it determines, the obligation of providing a receipt for each trip as well as the form and tenor of the receipt;”.

16. Section 62.1 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“In the case of a permit referred to in sections 91 and 94.0.1, the regional authority may fix and collect an annual fee only if the place of business of one of the permit holders or the place where his automobile or, as the case may be, his “de grand luxe” limousine is kept for storage and maintenance is located in its territory.”

17. Section 68 of the said Act is amended

(1) by inserting, after paragraph 1, the following paragraphs:

“(1.1) grant the holder of a taxi permit authorization to specialize his undertaking in transportation by limousine or “de grand luxe” limousine;

“(1.2) prescribe, for each urban area or region it indicates, ratios enabling it to determine the maximum number of taxi permits that may specialize in transportation by limousine or “de grand luxe” limousine;

“(1.3) issue, renew, transfer, suspend or cancel the service management permit referred to in paragraph 21 of section 60 where the powers mentioned in paragraph 8 of section 62 are not exercised by a regional authority;”;

(2) by inserting, after paragraph 2, the following paragraph:

“(2.1) fix, for the period and territories it specifies and according to the factors and criteria it establishes, the maximum amount of variable costs for the use of an automobile driven by a volunteer driver as part of a charitable undertaking supported by a recognized humanitarian organization;”;

(3) by inserting, after paragraph 3.2, the following paragraph:

“(3.3) prescribe the regions in which a taxi must be equipped with a taximeter;”.

18. Section 70 of the said Act, amended by section 139 of chapter 33 of the statutes of 1991, is again amended by striking out the figure “4” in the first line.

19. The said Act is amended by inserting, after section 70, the following section:

“70.0.1 Every person who contravenes section 4 is guilty of an offence and is liable to a fine of not less than \$300 nor more than \$1 000.”

20. Section 70.1 of the said Act is amended by replacing the figures and word “3, 5, 90, 90.3, 94 and 94.0.4” by the figures and word “3, 5, 90, 90.3, 90.6, 91.1, 94.0.4 and 94.0.6”.

21. The said Act is amended by inserting, after section 70.1, the following sections:

“70.2 Every person who holds a permit referred to in section 91 or 93 and who supplies services exceeding those which his permit authorizes him to supply, is guilty of an offence and is liable to a fine of \$2 000 to \$3 000. In the case of subsequent conviction the fine shall be of \$3 000 to \$4 000.

“70.3 Every person who, without holding a taxi permit issued under this Act, offers, by advertisement or otherwise, services of transportation of persons by automobile for remuneration, is guilty of an offence and is liable to a fine of \$500 to \$1 000. In the case of subsequent conviction the fine shall be of \$1 000 to \$2 000.

The first paragraph does not apply to a person who holds a travel agent’s licence within the meaning of the Travel Agents Act (R.S.Q., chapter A-10), a person who installs signs to identify a public or private taxi stand or a firm, association or body referred to in

paragraph 21 of section 60 or, as the case may be, in paragraph 8 of section 62.

“70.4 Every person who offers for lease an automobile with the services of a person to drive the automobile without holding a taxi permit, whether or not the driver is remunerated, is guilty of an offence and is liable to a fine of \$1 000 to \$3 000.

“70.5 Every person having an interest in both an automobile leasing firm and in a firm that offers the services of a driver, whether or not the driver is remunerated, is guilty of an offence and is liable to a fine of \$1 000 to \$3 000.”

22. The title of Chapter VI of the said Act is replaced by the following title:

“CHAPTER VI

“LIMOUSINE AND “DE GRAND LUXE” LIMOUSINE FIRMS”.

23. Section 84 of the said Act is amended by replacing the words and figures “21 and 49 to 59” by the words and figures “21, 49, 50 and 51 to 59”.

24. The said Act is amended by replacing Division III which follows section 90.4 by the following:

“90.5 The Commission shall, from 1 April 1995, revise the maximum number of automobiles whose operation it authorized for each permit under sections 87 and 90.2 in order that the number of automobiles relating to each of those permits corresponds to the maximum number of limousines and “de grand luxe” limousines effectively operated between 30 March 1993 and 30 March 1995.

“90.6 The holder of a permit issued under sections 86 and 90.1 shall give to the Commission the address of the place where his limousines or “de grand luxe” limousines are kept for storage and maintenance.

The Commission shall mention this place on the holder’s permit and on every certificate.

“CHAPTER VI.0.1

“OTHER SPECIALIZED TAXI PERMITS

“DIVISION I

“TRANSPORTATION FOR SPECIAL OCCASIONS

“91. The Commission may issue a restricted specialized taxi permit authorizing the transportation, for remuneration, of persons on the occasion of christenings, weddings or funerals to every person who applies for such a permit and who satisfies the conditions established by regulation of the Government.

The permit shall relate to one automobile and be issued for all the territory of Québec.

Sections 4, 21, the first paragraph of section 26 and sections 49, 50 and 51 to 59 do not apply to the permit.

“91.1 The holder of a permit issued under section 91 shall give to the Commission the address of the place where his automobile is kept for storage and maintenance.

The Commission shall mention this place on the holder’s permit and on every certificate.

“92. The holder of a taxi permit or the holder of a limousine permit or a “de grand luxe” limousine permit may use his taxi, limousine or “de grand luxe” limousine, as the case may be, to supply transportation comparable to the transportation authorized under section 91 without holding the permit required under that section.

“93. The Commission may issue a restricted specialized taxi permit authorizing the transportation, for remuneration, of persons by antique automobile to every person who applies for such a permit and satisfies the conditions established by regulation of the Government.

The permit shall relate to one automobile and be issued for all the territory of Québec.

Sections 4, 21, the first paragraph of section 26 and sections 49, 50, 51 to 59 and 61 do not apply to the permit.

“94. Notwithstanding sections 23 to 25, the Commission shall not issue a permit under section 93 for a period exceeding 6 months. The permit may be renewed.”

25. The said Act is amended by replacing the heading “CHAPTER VI.0.1” which follows section 94 by the heading “DIVISION II”.

26. Section 94.0.5 of the said Act is amended by replacing the words and figures “49 to 59 and 61” by the words and figures “49, 50 and 51 to 59”.

27. The said Act is amended by adding, after section 94.0.5, the following section:

“94.0.6 The holder of a permit issued under section 94.0.1 shall give to the Commission the address of the place where his “de grand luxe” limousine is kept for storage and maintenance.

The Commission shall mention this place on the holder’s permit and on every certificate.”

28. This Act comes in force on (*insert here the date of assent to this Act*), except sections 2 and 4, the provisions of sections 90.6 and 91.1 enacted by section 24 of this Act and section 27, which will come into force on the dates fixed by the Government.