



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 81

An Act to amend the Transport Act

Introduction

Introduced by
Mr Sam L. Elkas
Minister of Transport

Québec Official Publisher
1993

EXPLANATORY NOTE

Under this bill, which amends the Transport Act, every person who drives a bus or minibus used for the transportation of schoolchildren is required to hold a certificate of competence issued in accordance with a regulation of the Government. In addition to making other changes of a technical nature or for concordance, the bill establishes a process for reinstating certain permits not renewed within the prescribed time.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 5 of the Transport Act (R.S.Q., chapter T-12), amended by section 2 of chapter 59 of the statutes of 1991, is again amended

(1) by inserting the words “or reinstated” after the word “renewed” in the fourth line of paragraph *f*;

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

“(g.1) establish the conditions for the issue and renewal of a certificate of competence to drive a bus or minibus used for the transportation of schoolchildren, prescribe the information to be contained in the certificate of competence and authorize a person to issue or renew it, to determine the content of the training course needed to obtain or renew it, to dispense that course and to fix the costs payable therefor;”.

2. The said Act is amended by inserting, after section 37.1, the following section:

“**37.1.1** An application for reinstatement of a bulk material transport permit not renewed in accordance with section 37.1 may be made to the Commission in the twelve months following the expiry of the permit. The same applies to a bus transport permit issued before 18 December 1986 or issued on or after that date to replace such a permit.

The Commission may reinstate the permit where the applicant shows that it could not be renewed within the prescribed time for a

reason provided in the regulation or for any other reason the Commission considers reasonable. The Commission shall, however, hold a public hearing where the reason invoked is not provided in the regulation.

If reinstatement is granted, it is equivalent to renewal of the permit. However, it has effect from the decision of the Commission, and the reinstated permit expires on the date on which it would have expired if it had been renewed.”

3. The said Act is amended by inserting, after section 48.11, enacted by section 8 of chapter 59 of the statutes of 1991, the following heading and sections:

“DIVISION V.2

“TRANSPORTATION OF STUDENTS

“48.12 To drive a bus or minibus used for the transportation of schoolchildren, within the meaning of Division I of Chapter IV of Title VIII of the Highway Safety Code, a person must hold a certificate of competence issued in accordance with a regulation of the Government.

“48.13 To obtain a certificate of competence, the person must have followed a training course dispensed by a person authorized to do so by regulation, have paid the costs determined by that person for the course and have satisfied that person’s requirements for successful completion of the course.

“48.14 Every driver of a bus or minibus used for the transportation of schoolchildren must carry his certificate of competence with him.

“48.15 The driver of a bus or minibus used for the transportation of schoolchildren must hand over his certificate of competence for inspection at the request of a peace officer.

The peace officer must return the certificate to its holder as soon as he has inspected it.

“48.16 No owner, lessee or person having control of a bus or minibus used for the transportation of schoolchildren may allow the bus or minibus to be driven by a person who is not the holder of the certificate prescribed in section 48.12.”

4. Section 73 of the said Act, amended by section 140 of chapter 33 of the statutes of 1991, is replaced by the following section:

“73. Every person who contravenes section 50 is guilty of an offence and is liable to a fine of not less than \$325 nor more than \$1 400.”

5. The said Act is amended by inserting, after section 74.2, the following sections:

“74.2.1 Every person who contravenes section 48.12 is guilty of an offence and is liable to a fine of not less than \$200 nor more than \$300.

“74.2.2 Every person who contravenes section 48.14 is guilty of an offence and is liable to a fine of not less than \$30 nor more than \$60.

“74.2.3 Every person who contravenes the first paragraph of section 48.15 is guilty of an offence and is liable to a fine of not less than \$100 nor more than \$200.

“74.2.4 Every person who contravenes section 48.16 is guilty of an offence and is liable to a fine of not less than \$300 nor more than \$600.”

6. Schedule A to the said Act, amended by section 16 of chapter 53 of the statutes of 1992, is again amended by replacing the words “Ville de Saint-Mathias-sur-Richelieu” in paragraph 1 by the words “Municipalité de Saint-Mathias-sur-Richelieu”.

7. This Act comes into force on 1 July 1993, with the exception of sections 48.12 and 48.14 to 48.16 of the Transport Act, enacted by section 3, which will come into force on 1 July 1995.