



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 49

**An Act respecting the transfer of
taxi undertakings in the Montréal
urban area and amending the Act
respecting transportation by taxi**

Introduction

Introduced by
Mr Sam L. Elkas
Minister of Transport



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EXPLANATORY NOTES

This bill abolishes the program to reduce the number of taxi permits in the Montréal urban area and contains certain transitional provisions concerning the transfer of a taxi undertaking in the Montréal urban area.

More particularly, the bill requires the conclusion of a written contract for the transfer of a taxi undertaking. It establishes certain conditions which will apply to the examination, by the Commission des transports du Québec, of an application for authorization to transfer a taxi permit and imposes on the Commission the obligation to cancel the permit of a person who is a party to an operation permitting him to evade the payment of a special fee.

In addition, the bill allows, according to rules prescribed by regulation, the apportionment, among the holders of a taxi permit, of surpluses accumulated in the program to reduce the number of taxi permits.

Finally, the bill subrogates the Ligue de taxis de Montréal Inc. to the rights and obligations of the mandatory responsible for that program and repeals those provisions of the Act respecting transportation by taxi which concern a program to reduce the number of taxi permits.

Bill 49

An Act respecting the transfer of taxi undertakings in the Montréal urban area and amending the Act respecting transportation by taxi

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Every contract to transfer a taxi undertaking in the Montréal urban area entered into after 31 August 1990 must be evidenced in writing.

2. The transferee shall deposit in trust, in Québec, in a financial institution authorized to receive deposits, any amount due to the transferor under the terms of the contract.

3. The financial institution shall keep any amount so deposited until the Commission des transports du Québec serves upon it its decision whereby it authorizes, or refuses to authorize, the transfer of the taxi permit which is necessary for the performance of the contract and designates the person to whom the amount deposited and interests, if any, must be remitted.

4. All applications for authorization to transfer a permit must be filed jointly by the transferor and the transferee.

5. No application for authorization to transfer a permit may be examined unless it is accompanied with the contract transferring the undertaking, the receipt of the depository, if a deposit has been made, and a sworn statement attesting that no other sum of money has been paid or received in pursuance of the contract.

Furthermore, no application may be examined if proceedings instituted before the Commission are liable to entail the suspension

or cancellation of the permit which is necessary for the performance of the contract.

6. The Commission shall, on examining an application for authorization to transfer a permit, determine whether or not the transferor has been a party to an operation permitting him to evade, with respect to the permit, the payment of a special fee prescribed by the Regulation to promote the financing of a program to reduce the number of taxi permits in the Montréal urban area, adopted by Order 1242-85 on 19 June 1985 (1985, 117 G.O. II, 2149) or by a regulation replaced by the said regulation.

If the Commission ascertains that the transferor has been a party to an operation described in the first paragraph, it shall cancel the permit.

7. Sections 4 and 5 of the regulation referred to in section 6, as they read on 31 August 1990, remain in force with respect to an application for authorization to transfer a permit made after that date in pursuance of a contract to transfer a taxi undertaking entered into before 1 September 1990.

No application for an authorization to transfer a permit made in connection with a contract to which the preceding paragraph applies may be filed after 24 September 1990.

8. The Government may, by regulation,

(1) establish the fees payable for the transfer of a taxi permit in the Montréal urban area;

(2) prescribe the rules governing the apportionment, by the mandatory responsible for the program to reduce the number of taxi permits in the Montréal urban area, of the funds of the program among the holders of a taxi permit in the Montréal urban area on the date or dates determined in the regulation and determine the other conditions of eligibility for such apportionment.

9. The Ligue de taxis de Montréal Inc. is subrogated by operation of law to the rights and obligations of the mandatory responsible for the program to reduce the number of taxi permits in the Montréal urban area in its capacity as mandatory responsible for the program.

Every amount deposited by the mandatory in accordance with the Deposit Act (R.S.Q., chapter D-5) is deemed to have been deposited by the Ligue de taxis de Montréal Inc.

10. Section 28 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by striking out paragraph 6.

11. Section 38 of the said Act is amended by striking out the second and third paragraphs.

12. Section 38.1 of the said Act is repealed.

13. Section 60 of the said Act is amended by striking out subparagraphs 9, 10 and 10.1 of the first paragraph.

14. Section 61 of the said Act is amended by striking out the figure and word “9 or” in the fourth line of the second paragraph.

15. This Act comes into force on 1 September 1990, except sections 9 to 14 which will come into force on the dates fixed by the Government.

Sections 1 to 7 will cease to have effect on the date fixed by the Government.