

NATIONAL ASSEMBLY

FIRST SESSION

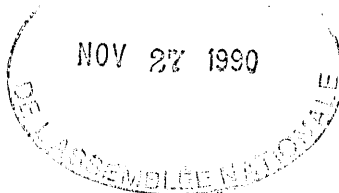
THIRTY-FOURTH LEGISLATURE

Bill 106

An Act to amend the Act respecting transportation by taxi

Introduction

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



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EXPLANATORY NOTES

This bill amends the Act respecting transportation by taxi in order to reinforce the control of the taxi industry, in particular, by increasing certain fines whose proceeds will be retained by municipalities where they act as prosecutor.

This bill also introduces provisions relating to inspection and seizure, revises certain administrative sanctions pertaining to the Commission des transports du Québec and establishes further conditions for the obtaining and maintaining of taxi driver's permits and for the occupational training of taxi drivers.

In addition, the bill repeals provisions relating to the system of penalty points for holders of taxi permits and taxi driver's permits; it provides for the issue of identification stickers by the Commission des transports and for the transfer to that body of responsibilities in matters of inspection and sealing of taximeters. It also authorizes the Government to adopt a regulation fixing the maximum number of taxi permits allowed per urban area and prescribing a fee for the transfer of such permits.

Finally, this bill repeals provisions concerning the establishment of a program to reduce the number of taxi permits in an urban area and contains transitional provisions related to this repeal.

Bill 106

An Act to amend the Act respecting transportation by taxi

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Sections 26 and 27 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) are replaced by the following sections:

“26. The Commission shall suspend for three months the taxi permit of a holder who has been convicted of an offence under section 4 and has not been pardoned therefor, or who has entrusted the care and operation of his taxi to a person who is not the holder of a taxi driver's permit. In the case of a second conviction the suspension shall be for six months. In the case of any other conviction, the Commission shall cancel the taxi permit.

The Commission shall also suspend or cancel, as the case may be, the taxi permit of a holder where he, or the taxi driver to whom the holder has entrusted the care and operation of his taxi, has been convicted of fraud related to the supply of transportation by taxi and has not been pardoned therefor.

This section does not apply to a specialized taxi permit issued under section 86 or 90.1.

“27. The Commission shall request the Société de l'assurance automobile du Québec to withdraw, for three months, the registration certificate and the registration plate of an automobile used to commit an offence or fraud described in section 26 of which the holder of a specialized taxi permit issued under section 86 or 90.1 has been convicted and for which he has not been pardoned. In the case of a second conviction, the withdrawal requested shall be for six months and the Société shall withdraw the registration certificate and the registration plate of the automobile used to commit the second offence. Moreover, in the case of any other conviction, the Commission shall

modify the permit of the holder so as to reduce by one the maximum number of automobiles that he may operate and shall, accordingly, request the Société de l'assurance automobile du Québec to withdraw the registration plate of the automobile it specifies from among the automobiles operated by the permit holder."

2. Section 28 of the said Act, amended by section 865 of chapter 4 of the statutes of 1990, is again amended

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

"(1) has, within the last two years, been convicted of an offence under a provision of section 5, 9, 14, or 42 or under a regulatory provision determined pursuant to subparagraph 26 of the first paragraph of section 60 and has not been pardoned therefor;

"(1.1) has failed to comply with section 33 or 38;";

(2) by striking out paragraph 6.

3. Section 30 of the said Act is replaced by the following section:

"30. The Commission shall, in its own right or at the request of the Minister, a regional authority, a municipality or any other interested person, request the Société de l'assurance automobile du Québec to withdraw the registration plate and the registration certificate of any automobile used by a person to commit an offence under section 3 of which he was convicted and for which he has not been pardoned, or of any automobile acquired or leased to replace such automobile, whether or not the person operating the automobile is the holder of a permit.

The first paragraph does not apply to a lessor who establishes, to the satisfaction of the Commission, that he could not have known that his automobile would be used by the lessee to commit an offence under section 3.

The owner of an automobile whose registration plate and registration certificate have been withdrawn shall lose, for three months, his right to obtain a new registration plate and registration certificate for that automobile. In the case of a second conviction, his right to obtain a new registration plate and registration certificate shall be suspended for six months. In the case of any other conviction, his right shall be suspended for twelve months."

4. The said Act is amended by inserting, after the heading of subdivision 5, the following section:

“32.1 No taxi permit which is the subject of a suspension or cancellation procedure before the Commission may be the subject of a request for a transfer authorization until the Commission has rendered its decision in the matter.”

5. Section 33.1 of the said Act is amended by replacing the words “At the expiry of ninety days from the coming into force of this section, the” in the first and second lines of the second paragraph by the word “The”.

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

7. Section 38.1 of the said Act is repealed.

8. Section 40 of the said Act is amended by striking out the second paragraph.

9. Section 41.3 of the said Act is replaced by the following section:

“41.3 No person may obtain a taxi driver’s permit

(1) unless he meets the conditions prescribed by regulation of the Government or the regional authority, as the case may be;

(2) unless he passes an examination, the procedure, terms and conditions and content of which shall be established by the Société de l’assurance automobile du Québec or by the regional authority which issues the permit;

(3) if he has been convicted, in the last five years, of a criminal offence related to the operation of a taxi transportation service for which he has not been pardoned.”

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

“41.4.1 Where a person is convicted of an indictable offence related to the use of his taxi driver’s permit, his permit shall be revoked and the judge pronouncing the conviction shall order that the permit be confiscated and returned to the Société de l’assurance automobile du Québec or, as the case may be, to the regional authority which issued it.

“41.4.2 Where a person ceases to meet the conditions prescribed under paragraph 1 of section 41.3, fails to comply with

section 33.1 or is convicted of an offence under section 3, section 39.2 or a regulatory provision determined pursuant to subparagraph 20.1 of the first paragraph of section 60 or subparagraph 14 of the first paragraph of section 62, the Société or the regional authority, as the case may be, shall revoke that person's taxi driver's permit.

“41.4.3 A person whose taxi driver's permit has been revoked by the Société pursuant to section 41.4.2 cannot obtain a new permit before the lapse of a period of three months from the date of the revocation, unless he has been pardoned.”

11. The said Act is amended by inserting, after section 59, the following chapter:

“CHAPTER IIA

“INSPECTION AND SEIZURE

“59.1 The Minister of Transport may authorize any person to act as an inspector to ascertain compliance with this Act and the regulations.

“59.2 Any person authorized to act as an inspector and any peace officer may, in the performance of his duties, to ascertain compliance with this Act and the regulations,

(1) enter, at any reasonable time, an establishment of an undertaking, association or body which provides services of publicity, the distribution of calls or other services of a similar nature to taxi owners or drivers, or of a person who offers or supplies transportation of persons by automobile and to whom this Act applies, and inspect the establishment;

(2) examine and make copies of the books, registers, accounts, records and other documents containing information related to the activities of a person referred to in subparagraph 1;

(3) stop an automobile used on a public highway to supply transportation of persons that is subject to this Act, inspect it and examine any document relating to the application of this Act and the regulations;

(4) require any information relating to the application of this Act and the regulations and the production of any relevant document.

Any person having custody, possession or control of such books, registers, accounts, records and other documents shall, if so required,

give access thereto to the person making the inspection and facilitate his examination thereof.

“59.3 No person may hinder a peace officer or a person authorized to act as an inspector, mislead him by concealment or false declarations or conceal or destroy a document pertinent to an inspection.

“59.4 A person authorized by this Act to make an inspection shall identify himself and show a certificate of his office or, as the case may be, show his badge.

“59.5 Any peace officer may, in the course of an inspection made under section 59.2, immediately

(1) seize an automobile if he has reasonable grounds to believe that it is being used or has been used to commit an offence under this Act or a regulation and that the person who is using or used the automobile could abscond, until the court having jurisdiction or a judge thereof authorizes its release with or without security;

(2) seize an automobile if he has reasonable grounds to believe that it is being used or has been used to commit an offence within the meaning of section 70.1, until the court having jurisdiction or a judge thereof authorizes its release with security.

“59.6 A peace officer who has seized an automobile has custody thereof until a court having jurisdiction has declared it confiscated or has ordered that it be returned to its owner.”

12. Section 60 of the said Act is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) determine for each urban area or region that it specifies, ratios permitting to determine the maximum number of permits that may be issued;”;

(2) by striking out subparagraph 4 of the first paragraph;

(3) by inserting the word “, transfer” after the word “issue” in the first line of subparagraph 5 of the first paragraph;

(4) by striking out subparagraphs 9, 10 and 10.1 of the first paragraph;

(5) by inserting the words “, require that taximeters be inspected and sealed at the intervals it specifies” after the word

“taximeters” in the second line of subparagraph 12 of the first paragraph;

(6) by inserting, after subparagraph 17 of the first paragraph, the following subparagraph:

“(17.1) impose, with respect to the territory it specifies, on every person who wishes to obtain a taxi driver’s permit, the obligation to attend a training course, determine the content of the course and prescribe the terms, conditions, procedure and costs thereof, and authorize a person to offer the course;”;

(7) by striking out subparagraph 19 of the first paragraph;

(8) by inserting, after subparagraph 20 of the first paragraph, the following subparagraph:

“(20.1) determine, from among the provisions of a regulation prescribed under this section and of which the violation is punishable within the meaning of section 70, those for which a conviction entails revocation of the offender’s taxi driver’s permit;”;

(9) by inserting, after subparagraph 25 of the first paragraph, the following subparagraph:

“(26) determine, from among the provisions of a regulation prescribed under this section and of which the violation is punishable within the meaning of section 70, those for which a conviction may entail suspension or cancellation of a taxi permit;”.

13. 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.

14. Section 62 of the said Act is amended

(1) by inserting, after subparagraph 4 of the first paragraph, the following subparagraph:

“(4.1) impose on every person who wishes to obtain a taxi permit the obligation to attend a training course, determine the content of the course and prescribe the terms, conditions, procedure and costs thereof, and authorize a person to offer the course;”;

(2) by striking out subparagraph 6 of the first paragraph;

(3) by replacing the words “and determine standards and conditions for the establishment, operation, financing and

management of the firm, association or body” in the third, fourth and fifth lines of subparagraph 8 of the first paragraph by the words “determine standards and conditions for the establishment, operation, financing and management of the firm, association or body, and fix the duties payable for the issue, renewal or transfer of such a permit”;

(4) by inserting, after subparagraph 13 of the first paragraph, the following subparagraph:

“(14) determine, from among the provisions of a regulation prescribed under this section and of which the violation is punishable within the meaning of section 70, those for which a conviction entails revocation of the taxi driver’s permit;”.

15. Section 68 of the said Act is amended by inserting, after subparagraph 3 of the first paragraph, the following subparagraphs:

“(3.1) require that an identification sticker, of the form and tenor it determines, be affixed to taxis, limousines or “de grand luxe” limousines, as the case may be, and fix the fee for the obtaining and renewal of such a sticker;

“(3.2) carry out the inspection and sealing of taximeters or authorize, for the territory it specifies, a person to do so on its behalf and fix the fee payable therefor;”.

16. Section 70 of the said Act, amended by section 867 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing the figures and word “3 to 5” in the first and second lines by the figure “4”;

(2) by striking out the word and figures “to 90, 90.3, 94, 94.04” in the third line.

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

“70.1 Every person who contravenes any provision of sections 3, 5, 90, 90.3, 94 and 94.04 of this Act is guilty of an offence and liable to a fine of not less than \$1 000 and not more than \$3 000.”

18. Section 71 of the said Act is amended by replacing the word and figure “section 70” in the second and third lines by the words and figures “sections 70 and 70.1”.

19. Section 72 of the said Act is amended by replacing the word and figure “section 70” in the first and second lines by the words and figures “sections 70 and 70.1”.

20. Section 73 of the said Act, amended by section 868 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing the words “and this chapter by the Attorney General, a regional authority” in the second and third lines by the words “by the Attorney General, a regional authority or a municipality”;

(2) by adding the following paragraph:

“However, no proceeding may be instituted by a municipality whose territory forms part of the territory of a regional authority which exercises that power.”

21. Section 75 of the said Act is amended by replacing the words “, the amount of the minimum fine and the number of penalty points, if any,” in the second and third lines of the first paragraph by the words “and the amount of the minimum fine”.

22. Section 76 of the said Act is amended by replacing the words “, the amount of the costs, which is \$8, and, where that is the case, the number of penalty points entailed by conviction” in the fifth, sixth and seventh lines of the first paragraph by the words “and the amount of the costs, which is \$8”.

23. Section 77.1 of the said Act is repealed.

24. Section 80 of the said Act is amended by replacing the first sentence by the following sentence: “If proceedings are instituted by a regional authority or a municipality, the fine collected belongs wholly to the prosecutor.”

25. Section 81 of the said Act is amended by inserting the words “or a municipality” after the words “regional authority” in the first line.

26. Section 115 of the said Act is repealed.

27. Section 116.1 of the said Act is amended

(1) by striking out the word “inspections,” in the third line of the first paragraph;

(2) by striking out the second paragraph.

28. Sections 124 and 125 of the said Act are repealed.

29. 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.

30. This Act comes into force on (*insert here the date of assent to this Act*), except paragraph 2 of section 2, sections 6 and 7, paragraph 4 of section 12 and section 13, which will come into force on the date to be fixed by the Government.