



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 89

An Act to amend the Act respecting transportation by taxi and the Highway Safety Code

Introduction

**Introduced by
Mr Marc-Yvan Côté
Minister of Transport**

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EXPLANATORY NOTES

This bill amends the legislation respecting shared transportation by taxi. It is designed to extend the application of the legislation to any shared transportation by taxi organized by an intermunicipal management board or an intermunicipal board of transport, and to ensure that any regional authority empowered to make by-laws in this matter have sufficient powers to regulate it adequately.

The bill amends the legislation governing taxi fare rates. It removes the restrictions on the carrying of packages, relaxes the conditions on contracted taxi fares, sets out by-law making powers, provides that the customer may be required to identify himself in case of a disagreement over the fare and authorizes peace officers to check taximeters for accuracy.

The bill amends the legislation respecting the decentralizing of control of taxi transport. It sets out the powers of the regional authorities, permits the delegation of certain powers to the executive committees of the urban communities of Montréal and Québec and authorizes certain employees of regional authorities to oversee taxi transportation.

The bill amends the legislation respecting transportation by limousine. It sets forth the powers of the Commission on the issue of permits and it modifies certain operating conditions.

The bill sets out the responsibilities with which a person may be entrusted for the collection of duties, authorizes the Commission to apply decisions regarding regional boundaries to all the taxi owners concerned and sets out rules regarding the prosecution of offenders.

Lastly, the bill amends the Highway Safety Code to adjust the definition of "taxi" to concord with the Act respecting transportation by taxi and to authorize the inspection of taximeters in the same way as the mechanical inspection of taxis.

Bill 89

An Act to amend the Act respecting transportation by taxi and the Highway Safety Code

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING TRANSPORTATION BY TAXI

1. Section 9 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is replaced by the following section:

“9. No shared transportation by taxi may be offered unless

(1) it is organized by a public transport system, a municipality, a group of municipalities, an intermunicipal management board or an intermunicipal board of transport which authorizes, by contract, taxi permit holders operating in its territory to offer that type of transportation on its behalf;

(2) it is authorized by a regulation of the Government; or

(3) it is authorized by a by-law of a regional authority exercising the powers provided in subparagraphs 3, 4 and 13 of the first paragraph of section 62.”

2. Section 14 of the said Act is amended by replacing the third paragraph by the following paragraph:

“Shared transportation organized by a public transport system, a municipality, a group of municipalities, an intermunicipal management board or an intermunicipal board of transport may be supplied in its territory even if the territory is not that for which the permit is issued, provided that part of the taxi route is in the territory for which the permit is issued.”

3. Section 15 of the said Act is repealed.

4. Section 17 of the said Act is amended by inserting, after the words “urban area” in the third line, the words “except under Chapter VI”.

5. Section 18 of the said Act, amended by section 49 of chapter 35 of the statutes of 1985, is again amended by adding, at the end, the following paragraphs:

“Specialized “luxury” transportation supplied under a permit referred to in this section shall be supplied in the territory for which the permit is issued or, subject to the second paragraph, in the territory of the regional authority.

Notwithstanding the third paragraph, specialized “luxury” transportation may be supplied outside the territory in the following cases:

(1) where the pick-up point or the destination of the trip is situated in the territory;

(2) where the pick-up point and the destination of the trip are situated outside the territory, in places not served by another permit holder referred to in this section and authorized to supply “luxury” transportation or by the holder of a limousine permit referred to in Division II of Chapter VI.”

6. Section 31 of the said Act is replaced by the following section:

“31. The Régie is required to carry out the Commission’s request immediately and in no case may it return the registration plate and registration certificate to the person from whom they were withdrawn or issue new ones allowing him to put the automobile affected by the withdrawal back into operation without authorization from the Commission.”

7. Section 41.5 of the said Act, enacted by section 52 of chapter 35 of the statutes of 1985, is amended by striking out the words “, subject to section 41.6” in the second paragraph.

8. Section 41.6 of the said Act, enacted by section 52 of chapter 35 of the statutes of 1985, is repealed.

9. Section 42 of the said Act is amended

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

“Notwithstanding the first paragraph, private transportation by taxi that is the object of a written contract may be supplied for the fare provided in the contract on condition that a copy of the contract is kept in the taxi during such transportation.”;

(2) by striking out the words “The transportation of parcels or” in the third paragraph.

10. The said Act is amended by adding, after section 48, the following section:

“48.1 Any customer of a taxi transportation service who refuses to pay for the trip shall identify himself at the request of a peace officer.”

11. Section 60 of the said Act is amended

(1) by replacing paragraph 11 by the following paragraph:

“(11) designate a person to collect the annual duties payable for the issue or renewal of taxi permits;”;

(2) by replacing paragraph 17 by the following paragraph:

“(17) authorize taxi permit holders to supply the types of shared transportation which it specifies in the places it specifies and fix the rates and scales therefor;”;

(3) by replacing paragraph 23 by the following paragraph:

“(23) prescribe standards for the rates and scales for private transportation and the obligation to post up in each taxi the rates and scales in force for such transportation;”.

12. Section 62 of the said Act is amended

(1) by inserting, after the word “prescribe” in the third line of paragraph 1, the words “, except as regards taximeters;”;

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

“(4) authorize holders of taxi permits to supply the types of shared transportation which it specifies in the places it specifies and fix the rates and scales therefor;”;

(3) by replacing paragraph 10 by the following paragraph:

“(10) fix the rates and scales for private transportation and prescribe the obligation to post up in each taxi the rates and scales in force;”;

(4) by striking out paragraph 11;

(5) by adding, at the end, the following paragraph:

“The Communauté urbaine de Montréal and the Communauté urbaine de Québec may delegate the exercise of the powers provided in subparagraphs 2, 6, 9, 10 and 12 of the first paragraph in whole or in part to their executive committees.”

13. Section 64 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**64.** The regional authority shall send to the Minister of Transport a copy of a by-law adopted under subparagraph 4 or 10 of the first paragraph of section 62.”

14. Section 68 of the said Act is amended

(1) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) fix rates and scales for private transportation, which may include minimum or maximum, or both minimum and maximum rates and scales;”;

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

(3) by adding, after subparagraph 7 of the first paragraph, the following subparagraph:

“(8) alter the territory for which a permit was issued so that the territory corresponds, from the renewal of the permit, to the territory delimited under subparagraph 2.”

15. Section 70 of the said Act, amended by section 55 of chapter 35 of the statutes of 1985, is again amended by inserting the figure “, 48.1” after the figure “48” in the second line.

16. Section 74 of the said Act is replaced by the following section:

“**74.** Proceedings may be commenced by the remittance in person or service by mail of notice of the offence at the last known address of the offender. The notice constitutes an information.”

17. Section 76 of the said Act is amended by replacing the second paragraph by the following paragraph:

“If the offender fails to make the payment, the notice of the offence shall be filed with a justice of the peace, who shall issue a summons if he deems it expedient.”

18. Section 79 of the said Act is replaced by the following sections:

“79. A peace officer or an employee of a regional authority entrusted with the enforcement of this Act may, where a person commits an offence contemplated in section 70, give him a notice enjoining him to remedy the alleged offence within 48 hours.

An action may be brought against the offender if he does not remedy the alleged offence within the prescribed time. The burden of proof is on the offender that he has remedied the offence within the prescribed time.

“79.1 No person may hinder the action of a peace officer or an employee of a regional authority entrusted with the enforcement of this Act, mislead him by omission or false statements or refuse to give him any information relating to a taxi permit or his taxi driver’s permit.

“79.2 An employee of a regional authority authorized to exercise the powers provided in section 79 shall upon request produce a certificate or badge attesting his capacity.”

19. Section 88 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Notwithstanding the first paragraph, transportation may be supplied outside the territory in the following cases:

(1) if the pick-up point or the destination of the trip is situated in the territory;

(2) if the pick-up point and the destination of the trip are situated outside the territory, in places that are not served by another holder of a limousine permit or by a permit holder contemplated in section 18 and authorized to provide “luxury” transportation.”

20. Section 89 of the said Act is repealed.

21. Section 90.2 of the said Act, enacted by section 58 of chapter 35 of the statutes of 1985, is amended by adding the following paragraph:

“The Commission shall also indicate for what territory it delivers the permit; the territory shall correspond to the territory of the regional authority in which the applicant’s main place of business is situated.”

22. Section 90.3 of the said Act, enacted by section 58 of chapter 35 of the statutes of 1985, is amended by replacing the second paragraph by the following paragraph:

“Notwithstanding the first paragraph, transportation may be supplied outside the territory in the following cases:

(1) if the pick-up point or the destination of the trip is situated in the territory;

(2) if the pick-up point and the destination of the trip are situated outside the territory, in places that are not served by another holder of a limousine permit or by a permit holder contemplated in section 18 and authorized to provide “luxury” transportation.”

23. Section 126 of the said Act is repealed.

HIGHWAY SAFETY CODE

24. Section 1 of the Highway Safety code (R.S.Q., chapter C-24.1), amended by section 7 of chapter 35 of the statutes of 1985, is again amended by replacing the definition of the word “taxi” by the following definition:

““taxi” means a motor vehicle, except a bus or minibus, operated under a permit provided for in the Act respecting transportation by taxi (R.S.Q., chapter T-11.1);”.

25. The said Code is amended by inserting, after section 259, the following section:

“259.1 A peace officer who believes on reasonable grounds that the taximeter of a taxi does not give a reading that corresponds to the scale in force may require that the taxi be submitted to an inspection on a route provided for that purpose.”

26. The said Code is amended by inserting, after section 260, the following section:

“260.0.1 The owner or the driver of a taxi contemplated in section 259.1 shall comply with the request of the peace officer and drive the taxi to the route indicated.

The peace officer is authorized to impound the vehicle or to have it impounded at the expense of the owner in order to submit it to an inspection regarding the taximeter.”

27. The said Code is amended by inserting, after section 262, the following section:

“262.1 If the peace officer making the inspection ascertains that the taximeter does not give a reading that corresponds to the scale in force, he shall issue a notice to the owner or the driver of the taxi enjoining him cease to operate the taxi and to have the taximeter adjusted, repaired or replaced.”

28. Section 263 of the said Code is amended by replacing the first paragraph by the following paragraph:

“263. The owner or the driver of a road vehicle or a taxi contemplated in section 262 or 262.1 shall not put it back into operation unless it is proved to the satisfaction of a peace officer that the vehicle conforms to this Code or that the taximeter gives a reading that corresponds to the scale in force.”

29. Section 266 of the said Code is replaced by the following section:

“266. An inspector of the Régie may exercise the powers conferred on a peace officer under this division, except powers related to the inspection of the taximeter of a taxi.”

30. Section 271 of the said Code is amended by inserting the figure “, 260.0.1” after the figure “260” in the third line.

31. Section 273 of the said Code is amended by inserting, after paragraph 20, the following paragraph:

“(20.1) determine the form, content, conditions and modalities of issue of the notice contemplated in section 262.1;”.

32. This Act comes into force on (*insert here the date of assent to this Act*).