

NATIONAL ASSEMBLY

FIRST SESSION

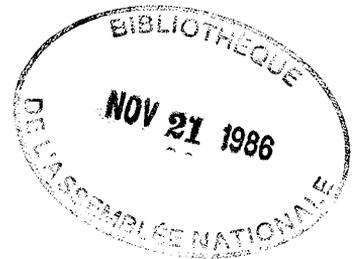
THIRTY-THIRD LEGISLATURE

Bill 144

An Act to amend the Transport Act

Introduction

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



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EXPLANATORY NOTES

The object of this bill is to amend the regulation-making powers of the Government in order to enable it to make a new bus transport regulation that would, in particular, give the Commission des transports du Québec discretionary powers with respect to the issue, renewal and transfer of permits.

This bill amends the provisions respecting permit renewal to allow the combination of permit renewal fees with registration fees.

Lastly, the bill is designed to remedy the effects of a judgment, declaring the Bus Transport Regulation ultra vires, on existing permits, on decisions rendered pursuant to the Regulation and on applications submitted but not yet decided.

Bill 144

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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 3 of chapter 67 of the statutes of 1986, is again amended

(1) by replacing subparagraph *c* by the following subparagraph:

“(c) determine what activities require a permit, provide exceptions thereto as regards types of persons or goods carried, kinds of carriers, and, where such is the case, as regards the place of the main establishment of such carrier, the kinds of services, the means of transport or transport systems used and the territory or distance covered, and prescribe conditions for the carrying on of such an activity or the availing of such an exception and fix the duration of such exception;”;

(2) by replacing subparagraph *d* by the following subparagraph:

“(d) determine the nature and classes of permits, establish standards permitting the determination of the minimum and maximum number of permits, and prescribe the conditions on which a permit may be issued and those on which a person may hold a permit and provide for exceptions to those conditions;”;

(3) by replacing subparagraph *f* by the following subparagraph:

“(f) determine the minimum or maximum term of a permit, prescribe that a permit is not renewable, exempt a permit from the renewal procedure provided in section 37.1, prescribe the conditions

on which a permit may be renewed and determine the cases where a permit may be renewed by the administrator of the Commission;”.

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

“**5.1** The Government may, by regulation under this Act, confer discretionary powers on the Commission for the issue, renewal or transfer of permits.

For such purpose, the Government may, where required, determine the principles, criteria or factors to be taken into account by the Commission in these matters.”

3. The said Act is amended by inserting, after section 32, the following section:

“**32.1** The Commission shall refuse to issue, renew or transfer a permit

(1) where the conditions required by this Act and the standards, if any, prescribed by regulation, are not complied with;

(2) where it has reasonable grounds to believe, in the exercise of its powers under section 5.1, that such a permit should not be issued, renewed or transferred.”

4. Section 34 of the said Act is amended

(1) by striking out the second sentence;

(2) by adding the following paragraphs:

“The Government may, by regulation, classify the clauses of the permits it indicates or the rights granted by those permits, fix the duration thereof and determine the conditions and rules applying thereto.

Where the classification is not done in the presence of the parties, the Commission shall notify them of it and give them an opportunity to be heard.”

5. Section 34.1 of the said Act is amended by replacing the words “where there is no regulation” in the second paragraph by the words “subject to the regulations”.

6. The said Act is amended by inserting, after section 35, the following section:

“35.1 The Commission shall compile the information determined by regulation of the Government respecting transport services, on the conditions determined thereby.”

7. Section 37 of the said Act is amended

(1) by striking out the words “, upon payment of the annual duties” in the third and fourth lines of the first paragraph;

(2) by striking out the second paragraph.

8. The said Act is amended by replacing section 37.1 by the following sections:

“37.1 Unless otherwise prescribed by regulation, a permit is deemed renewed for one year if, before its expiry date

(1) the Régie de l’assurance automobile du Québec issues a registration certificate to the permit holder for the road vehicle used to provide the transport service authorized by the permit;

(2) the permit holder furnishes the number of the registration marker of the vehicle used to the Commission.

“37.2 Where a permit has been renewed under section 37.1, the Commission may, in addition to the cases provided for in section 40, on its own initiative or upon request, revoke the permit on any ground provided in section 32.1 or amend it as in the case of a renewal.

The Commission shall give the permit holder a prior opportunity to be heard.

“37.3 A renewable permit that is not renewable by the procedure in section 37.1 may be so renewed if an application is submitted to the Commission before its expiry date.

The permit remains in force in such a case until the decision of the Commission becomes executory.”

9. Section 38.2 of the said Act is amended by striking out the words “in such cases and” in the second line.

10. Applications for bus transport permits submitted before (*insert here the date of assent to this Act*) in accordance with the Bus Transport Regulation, made by Order 2004-85 dated 25 September 1985 and which have not been decided by the Commission des transports du Québec shall be decided in accordance with this Act and the first bus transport regulation that may be made by the Government after (*insert here the date of assent to this Act*).

11. Permits issued and decisions rendered by the Commission des transports du Québec pursuant to the Bus Transport Regulation enacted by Order 2004-85 dated 25 September 1985, are hereby validated to the extent that the permits and decisions were based on clauses of regulations declared invalid.

12. The first bus transport regulation that may be made by the Government after (*insert here the date of assent to this Act*) may be made without the publication of a proposed regulation in the *Gazette officielle du Québec*.

The regulation will be deemed to be in force from (*insert here the date of assent to this Act*).

13. This Act will come into force on (*insert here the date of assent to this Act*).