



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 22

An Act to amend the Act respecting transportation by taxi

Introduction

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



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EXPLANATORY NOTES

The main object of this bill is to better regulate the various services of transportation of persons by automobile for remuneration by distinguishing between them, in particular through the introduction of a new permit for transportation by "de grand luxe" limousine, by defining the regulation making powers of the Government and by-law making powers of a regional authority and by allowing a prosecuting party, in respect of an offence against the Act respecting transportation by taxi and the regulations, to avail himself of a procedure similar to that provided in the Highway Safety Code (1986, chapter 91).

The bill also expressly provides for the application, as regards transportation by taxi, of the provisions of the Transport Act (R.S.Q., chapter T-12) concerning not only review and appeal of decisions of the Commission des transports du Québec but also, in general the powers of the Commission and of its members, and inquiries and inspections. Furthermore, it provides that the Commission may take the public interest into account when it renders a decision respecting transportation, for remuneration, of persons by automobile.

Finally, the bill makes several other amendments to the Act respecting transportation by taxi in order to make concordance adjustments, to improve the formulation of certain sections and to bring certain regulation making powers under the scope of the Act.

Bill 22

An Act to amend the Act respecting transportation by taxi

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the Act respecting transportation by taxi (R chapter T-11.1) is amended by striking out the words “prescribed regulation or by-law” in the fourth line.

2. Section 12 of the said Act is amended by replacing the paragraph by the following paragraph:

“**12.** Taxi permits are issued for urban areas delimited by the regulation of the Government or for regions delimited by the Commission des transports du Québec, subject to section 94.03.”

3. Section 14 of the said Act, amended by section 2 of chapter 63 of the statutes of 1986, is again amended

(1) by adding, at the end of the first paragraph, the following sentence: “It may also be supplied in another territory for which a permit is issued.”;

(2) by replacing the words “the territory” wherever they appear in the second paragraph by the words “those territories”.

4. The said Act is amended by inserting, in Division IV, before section 40, the following sections:

“39.1 A taxi driver’s permit shall be issued for a territory corresponding to that of a regional authority, subject to the exceptions prescribed by regulation or by-law and except where the permit is prescribed for providing transportation by “de grand luxe” limousine.

“39.2 The holder of a taxi driver’s permit shall not carry on the occupation of taxi driver except with the taxi operated under a taxi permit issued for a territory included in the territory for which the taxi driver’s permit has been issued.”

5. Section 41 of the said Act is replaced by the following section :

“41. The taxi driver’s permit must contain a photograph of the holder taken by the Régie de l’assurance automobile du Québec or the regional authority, as the case may be, bear a number and contain any other information prescribed by regulation or by-law.”

6. Section 41.1 of the said Act is amended by adding the following paragraph:

“The taxi driver’s permit prescribed for supplying “de grand luxe” transportation by limousine shall be issued by the competent authority in the place where the main establishment of the holder of the “de grand luxe” limousine permit is located, according to the provisions applicable in that place.”

7. Section 41.5 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Where the taxi driver’s permit has been issued by a regional authority that has complied with section 41.2, the Régie shall advise the authority of the suspension or revocation of the driver’s licence of the holder of the taxi driver’s permit, except where a restricted licence is issued in accordance with section 105 of the Highway Safety Code. Upon receiving the notice, the regional authority shall suspend or revoke the taxi driver’s permit of that person.”

8. Section 41.6 of the said Act, amended by section 9 of chapter 63 of the statutes of 1986, is again amended by striking out the first paragraph.

9. Section 44 of the said Act is replaced by the following section :

“44. The rates and scales applicable to private transportation shall be fixed in such a manner that taxi fares are calculated with the taximeter by the zone, by the hour and by fractions of an hour.

The rates and scales applicable to private transportation supplied by the holder of a taxi permit in the region for which the permit is issued may also be fixed in such a manner that taxi fares may be calculated with the odometer.”

10. Section 46 of the said Act is replaced by the following section :

“**46.** The rates and scales applicable to specialized transportation by limousine or by “de grand luxe” limousine shall be fixed so that the fares are calculated by the hour and by fractions of an hour, by the zone, or by the zone, by the hour and by fractions of an hour.”

11. The said Act is amended by inserting, after section 48, the following section :

“**48.01** No taxi driver may require a customer to pay, in addition to the taxi fare calculated in accordance with the rates and scales, any charge not prescribed by regulation of the Government.”

12. Section 48.1 of the said Act, enacted by section 11 of chapter 63 of the statutes of 1986, is amended by replacing the words “for the trip” in the second line by the words “the taxi fare and, where such is the case, the charges”.

13. The said Act is amended by inserting, after section 50, the following section :

“**50.1** To defend its member’s interest, a recognized league may intervene at any time before the Commission in matters pertaining to the transportation of persons by automobile for remuneration or to perform any other function vested in it by law.”

14. Section 60 of the said Act, amended by section 12 of chapter 63 of the statutes of 1986, is again amended

(1) by striking out the words “establish and” in subparagraph 1 of the first paragraph;

(2) by replacing the words “to be issued” in the second line of subparagraph 2 of the first paragraph by the words “that may be issued”;

(3) by inserting the words “,provide for exceptions and the duration thereof,” after the word “hold” in the second line of subparagraph 3 of the first paragraph;

(4) by inserting, after subparagraph 3 of the first paragraph, the following subparagraph :

“(3.1) prescribe the requirements to be met by a permit holder in carrying on his activities and provide for exceptions thereto;”;

(5) by replacing subparagraph 7 of the first paragraph by the following subparagraphs:

“(7) establish conditions or restrictions respecting the access of taxis to taxi stands;

“(7.1) prohibit on the immovables of the public establishments it determines the concession of an exclusive right of access to a taxi stand or of the right to install an exclusive and direct telephone line or establish conditions or restrictions respecting such a concession;”;

(6) by inserting the words “, in the cases it indicates” after the word “designate” in the first line of subparagraph 11 of the first paragraph;

(7) by adding, at the end of subparagraph 12 of the first paragraph, the following words: “and prescribe the cases where a taxi must be equipped with a taximeter, and the place where it should be installed”;

(8) by inserting, after the words “construction standards therefor” in the fourth line of subparagraph 14 of the first paragraph, the following words: “, prohibit the installation or use of any equipment it may indicate,”;

(9) by adding the words “and provide for exceptions thereto” at the end of subparagraph 16 of the first paragraph;

(10) by adding the words “and on conditions it determines” after the words “in the places it specifies” in the second line of subparagraph 17 of the first paragraph;

(11) by replacing subparagraph 18 of the first paragraph by the following subparagraphs:

“(18) determine classes of taxi driver’s permit and the conditions and modalities of issue, renewal, suspension and cancellation of a permit, prescribe its form and content and determine the territories not corresponding to the territory of a regional authority for the issue of such a permit;

“(18.1) fix the duties exigible for the issue and renewal of a taxi driver’s permit, for the issue of a duplicate of the permit and for the examinations related to its issue;

“(18.2) prescribe the requirements to be met by the holder of a taxi driver’s permit in carrying on his occupation and provide for exceptions thereto;

“(18.3) prescribe the charges that a taxi driver may demand of customers in addition to the taxi fare and the conditions on which they may be demanded, and fix the maximum denomination of a bank note the driver may be bound to accept in payment for a taxi fare;

“(18.4) prohibit the holder of a taxi permit or of a taxi driver’s permit from carrying on certain activities or practices for the types of transportation it specifies;”;

(12) by striking out the word “coded” in the first line of subparagraph 24 of the first paragraph;

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

“The standards, conditions, restrictions, modalities, duties and other prescriptions of the regulations made under this section may vary according to the class of permit concerned.”

15. Section 61 of the said Act is amended by inserting the figure and word “7 and” after the word “paragraphs” in the first line of the first paragraph.

16. Section 62 of the said Act, amended by section 13 of chapter 63 of the statutes of 1986, is again amended

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

“(1) establish standards, conditions or modalities of use, care, hygiene and identification of any automobile used to supply transportation by taxi, prescribe the mandatory equipment, the place where it should be installed and, except as regards taximeters, construction standards therefor and prohibit the installation or use of any equipment it may indicate;

“(1.1) prescribe, in respect of the types of transportation it specifies and, where such is the case, the territory it specifies, special standards, conditions, modalities and requirements as regards the automobile used;

“(1.2) determine the conditions or restrictions respecting the access of taxis to taxi stands;”;

(2) by adding, at the end of subparagraph 3 of the first paragraph, the words “and provide for exceptions thereto”;

(3) by adding, at the end of subparagraph 4 of the first paragraph, the words “and on the conditions it determines”;

(4) by replacing subparagraph 5 of the first paragraph by the following subparagraphs:

“(5) determine classes of taxi driver’s permits and the conditions and modalities of issue, renewal, suspension or cancellation of a permit, prescribe its form and content and authorize a person to issue such permits on its behalf;

“(5.1) fix the duties exigible for the issue and renewal of a taxi driver’s permit, for the issue of a duplicate of the permit and for the examinations related to its issue;

“(5.2) prescribe the requirements to be met by the holder of a taxi driver’s permit in carrying on his occupation and provide for exceptions thereto;

“(5.3) prescribe the charges that a taxi driver may demand of customers in addition to the taxi fare and the conditions on which they may be demanded, and fix the maximum denomination of a bank note the driver may be bound to accept in payment for a taxi fare;

“(5.4) prohibit the holder of a taxi permit or of a taxi driver’s permit from carrying on certain activities or practices for the types of transportation it specifies;”;

(5) by striking out the word “coded” in the first line of subparagraph 12 of the first paragraph;

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

“The standards, conditions, restrictions, modalities, duties and other requirements prescribed in a by-law passed under this section may vary according to the class of permit concerned.”

17. Section 68 of the said Act, amended by section 16 of chapter 63 of the statutes of 1986, is again amended

(1) by inserting, after the word “restrict” in the first line of subparagraph 1 of the first paragraph, the word “, alter”;

(2) by replacing the words “so that the territory corresponds” in the first and second lines of subparagraph 8 of the first paragraph by the words “so as to take into consideration the alteration of the territory

of an urban area or so that the territory covered by the permit corresponds”;

(3) by striking out the word and figure “or 4” in the first line of the second paragraph;

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

“The Commission may, in rendering a decision, take the public interest into account.”

18. Section 70 of the said Act, amended by section 108 of chapter 58 and by section 17 of chapter 63 of the statutes of 1986, is replaced by the following section:

“70. Every person who contravenes any provision of section 3 to 5, 7 to 11, 14, 19, 20, 39.2, 41.7, 41.8, 42, 43, 45, 46, 48, 48.01, 48.1, 79.1, 88 to 90, 90.3, 94, 94.04 or 94.2 of this Act or any provision of a regulation or by-law determined under subparagraph 25 of the first paragraph of section 60 or subparagraph 13 of the first paragraph of section 62 is guilty of an offence and liable to a fine of not less than \$ 60 nor more than \$ 1 150.”

19. Section 74 of the said Act, replaced by section 18 of chapter 63 of the statutes of 1986, is amended

(1) by replacing the second sentence of the first paragraph by the following sentence: “The notice stands in lieu of the preliminary notice.”;

(2) by adding the following paragraph:

“Proceedings may also be commenced by the issue of an infraction ticket to the offender by a peace officer or an employee of a regional authority entrusted with the enforcement of this Act.”

20. Section 75 of the said Act is replaced by the following section:

“75. The notice of offence or the infraction ticket must specify the nature of the alleged offence, the amount of the minimum fine and the number of penalty points, if any, entailed by conviction.

The notice of offence must notify the offender that he may pay the fine and the amount of the costs, which is \$ 8, within 20 days at the place specified; the infraction ticket must indicate that the fine is payable to the prosecuting party without costs within the ten days following the issue of the ticket.”

21. Section 76 of the said Act, amended by section 19 of chapter 63 of the statutes of 1986, is replaced by the following sections:

“76. Where a fine is not paid within the ten days following the issue of the infraction ticket, the prosecuting party shall send a preliminary notice by mail to the offender’s last known address. The notice indicates the nature of the offence, the fine payable, which is the minimum fine prescribed for that offence, the amount of the costs, which is \$ 8, and, where that is the case, the number of penalty points entailed by conviction.

The fine and costs are payable within the following ten days.

The fact that an infraction ticket has not been issued does not prevent the prosecuting party from sending a preliminary notice to the offender.

“76.1 If the fine is not paid within the time prescribed in section 75 or 76, as the case may be, a summons is served on the offender, who may plead guilty at any time before appearance by paying to the clerk of the court before which he was summoned to appear, the amount of the fine, the amount of the costs and the amount of the costs for the summons, which is \$ 15.

“76.2 If, on the day fixed for appearance, no payment has been received, the judge or the justice of the peace specially authorized by the Courts of Justice Act (R.S.Q., chapter T-16) may, if the offender pleads guilty, condemn him for the offence described in the notice of offence, the infraction ticket or the summons.

If, on the day fixed for appearance, no payment has been received and if the offender fails to appear, the judge or the justice of the peace may proceed by default and may condemn him after ascertaining that the summons was duly served and the notice of offence or the infraction ticket was duly completed and signed, in which case the infraction ticket is proof of its content.

“76.3 Where proceedings are instituted under this Act before the municipal court of the city of Montréal, the provisions of article 1140 of the Charter of the city of Montréal respecting the preliminary notice and the subsequent procedures apply, adapted as required.”

22. Section 77 of the said Act is replaced by the following section:

“77. Failure to give a notice of offence or a preliminary notice may in no case be invoked against the prosecuting party.

However, if a defendant, on appearance, pleads guilty and then proves that the notice was not given to him, he cannot be condemned to pay a higher amount than he would have had to pay pursuant to a notice."

23. The said Act is amended by inserting, after section 77, the following sections:

"77.1 Failure to mention, in the notice of offence, the infraction ticket or the preliminary notice, the number of penalty points entailed by a conviction or a mistake in such mention does not prevent the entry of the appropriate number of penalty points in the file of the driver who contravened the law.

○ **"77.2** Every payment made under section 75, 76 or 76.1 and every payment accepted by the prosecuting party is presumed to have been made by the person to whom the ticket, notice or summons was sent.

After payment, the offender is considered to have been found guilty of the offence.

Any further proceedings respecting the offence are null.

Payment may in no case be invoked as an admission of civil liability.

"77.3 A payment is considered to have been made once the proper sum is paid in cash or otherwise to the prosecuting party or another person designated by him."

24. Section 79 of the said Act, replaced by section 20 of chapter 33 of the statutes of 1986, is amended by replacing the second paragraph by the following paragraph:

"If the offender fails to comply with the notice or to give proof of his compliance with the notice within the prescribed time to a peace officer or an employee of a regional authority entrusted with the enforcement of this Act, the notice constitutes a notice of offence or an infraction ticket, according to the proceedings."

25. The said Act is amended by inserting, after section 94, the following:

“CHAPTER VI.01

“TRANSPORTATION BY “DE GRAND LUXE” LIMOUSINE

“94.01 The Commission may issue a “de grand luxe” limousine permit to any person who applies therefor and who meets the conditions prescribed by regulation of the Government.

“94.02 A “de grand luxe” limousine permit is a specialized taxi permit restricted to the specialized transportation it authorizes.

“94.03 A “de grand luxe” limousine permit shall be issued for the whole territory of Québec.

“94.04 Transportation by “de grand luxe” limousine shall be supplied with the automobile to which the permit is related and which meets the conditions prescribed by regulation.

“94.05 Notwithstanding section 94.02, sections 21, 49 to 59 and 61 do not apply to holders of a “de grand luxe” limousine permit.”

26. The said Act is amended by inserting, after section 116, the following sections:

“116.1 The provisions of the Transport Act that are not inconsistent with this Act and that govern inquiries, inspections, the powers of the Commission and of its members, the decisions of the Commission and the review and appeal of such decisions apply, adapted as required, to the transportation, for remuneration, of persons by automobile.

For the purposes of this section, an automobile is deemed to be an establishment, and any firm, association or body contemplated in subparagraph 21 of the first paragraph of section 60 or in paragraph 8 of section 62 is deemed to be a carrier within the meaning of section 49.2 of the Transport Act.

“116.2 Any peace officer or employee of a regional authority entrusted with the enforcement of this Act may, for that purpose, act as an inspector.”

27. Section 118 of the said Act is repealed.

28. The provisions of this Act will come into force on the date or dates fixed by the Government.