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# NATIONAL ASSEMBLY

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FIFTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 54

## **An Act to amend various legislation respecting transport**

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### **Introduction**

**Introduced by  
Mr Guy Tardif  
Minister of Transport**



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## EXPLANATORY NOTES

*The principal object of this bill is to make amendments relating to public transit and taxis.*

*In the matter of public transit, it expressly provides that the Commission des transports du Québec has no jurisdiction over municipally controlled services. Further, it makes the Commission's power to modify authorized services of a permit holder operating in the territory of a municipal authority that provides public transport subject to prior authorization by that authority, except where the service is cancelled or decreased. Municipal authorities in urban areas determined by the Government are granted the same power of authorization.*

*The bill has provisions limiting the powers of the Commission in the territory of intermunicipal boards of transport that are in the process of being set up. It reinforces the authority of the intermunicipal boards of transport respecting transit lines that run through the territory of more than one member municipality and ensures that the Act respecting intermunicipal boards of transport in the area of Montréal has precedence over any and all intermunicipal agreements to which any municipality contemplated in the schedule to that Act is a party.*

*The bill institutes a mode of awarding contracts for transit services under municipal control. It removes certain restrictions regarding the type of vehicles that may be used as school busses by operators of municipally controlled transit; it gives new powers to the Commission des transports du Québec and to the Government to make new regulations on bus transit.*

*As regards taxis, the principal amendments brought in by the bill regard taxi driver's permits and tourist services. In this regard, the bill specifies the powers of the Régie de l'assurance automobile du Québec and of regional authorities regarding the examinations for such permits. It specifically makes the validity of a taxi driver's permit dependent on the validity of the driver's licence, and provides the mechanism by which the taxi driver's licence may be suspended or revoked. The bill also expressly provides that taxi permit*

*holders may supply a tourist service provided they have prior authorization from the Commission, which will fix the routes and fares. Finally, the bill removes all reference to arrangement and capacity from the definition of the word "automobile" in the Act respecting transportation by taxi so as to exclude only transit for remuneration by bus or minibus from that Act.*

*The bill replaces the Conseil consultatif des transports by a Conseil de la recherche et du développement en transport, providing its composition, powers and operation. It provides that the Government may also create other boards or committees to advise the Minister of Transport on the enforcement of the Acts under his administration. Finally, it allows the Société de transport de la Ville de Laval to make contracts for taxi transport of handicapped persons and to make an agreement with the Government on providing transit by rail.*

#### ACTS AMENDED BY THIS BILL

- (1) the Cities and Towns Act (R.S.Q., chapter C-19);
- (2) the Municipal Code of Québec (R.S.Q., chapter C-27.1);
- (3) the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- (4) the Act respecting the Ministère des Transports (R.S.Q., chapter M-28);
- (5) the Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., chapter R-4);
- (6) the Act respecting transportation by taxi (R.S.Q., chapter T-11.1);
- (7) the Transport Act (R.S.Q., chapter T-12);
- (8) the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42).



# Bill 54

## An Act to amend various legislation respecting transport

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### CITIES AND TOWNS ACT

**1.** Section 467.1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by replacing the words “holder of a public transport permit” in the third line by the words “holder of bus transport permit”;

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

“The contract may be made without calling for tenders; where the council calls for tenders, it is not required to accept any tender whatsoever.”

**2.** Sections 467.2 and 467.3 of the said Act are replaced by the following sections:

**“467.2** The municipality shall first deliver its specifications for the proposed public transport service to the holder of a bus transport permit of the class determined by regulation of the Government operating in the territory of the municipality.

The permit holder may, within thirty days following the delivery of the specifications, submit a proposal to the municipality.

The Government may, by regulation, determine the class of bus transport permit a person is required to hold under this section.

**“467.3** Failing an agreement with the permit holder within sixty days following the delivery of the specifications, the municipality may negotiate with another person or call for tenders.

No changes may be made to the specifications for the purposes of the negotiation or the call for tenders.”

**3.** Section 467.4 of the said Act is amended by adding, at the end, the words “and to the Commission des transports du Québec”.

**4.** Section 467.9 of the said Act is replaced by the following section:

**“467.9** Section 467 does not apply to a municipality whose territory forms part of the territory of a public body providing public transport.”

**5.** The said Act is amended by inserting, after section 467.10, the following sections:

**“467.10.1** Transport supplied under sections 467 to 467.10 is not subject to the jurisdiction of the Commission des transports du Québec.

**“467.10.2** In no case may the Commission des transports du Québec issue a bus transport permit or alter the service that the holder of a bus transport permit is authorized to supply in the territory of a municipality, a group of municipalities or an intermunicipal board that organizes a public transport service, without the prior authorization of the municipality, of the municipality that is the mandatary of the group of municipalities or of the intermunicipal board.

This section does not apply in the case of a cancellation or reduction of service.

**“467.10.3** In no case may the Commission des transports du Québec issue a bus transport permit or alter the service that the holder of a bus transport permit is authorized to supply in the territory of an urban area that may be determined by order of the Government, without the prior authorization of the municipalities forming part of the urban area.

This section does not apply in the case of a cancellation or reduction of service.

**“467.10.4** For the purposes of sections 467.10.2 and 467.10.3, the service consists of the routes, frequency and schedule of trips that enable a user to travel between two points situated in the territory concerned.”

## MUNICIPAL CODE OF QUÉBEC

**6.** Article 526 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by replacing the words “holder of a public transport permit” in the third line by the words “holder of a bus transport permit”;

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

“The contract may be made without calling for tenders; where the corporation calls for tenders, it is not required to accept any tender whatsoever.”

**7.** Articles 527 and 528 of the said Code are replaced by the following articles:

**“527.** The corporation shall first deliver its specifications for the proposed public transport service to the holder of a bus transport permit of the class determined by regulation of the Government operating in the territory of the corporation.

The permit holder may, within thirty days following the delivery of the specifications, submit a proposal to the corporation.

The Government may, by regulation, determine the class of bus transport permit a person is required to hold under this article.

**“528.** Failing an agreement with the permit holder within sixty days following the delivery of the specifications, the corporation may negotiate with another person or call for tenders.

No changes may be made to the specifications for the purposes of the negotiation or the call for tenders.”

**8.** Article 529 of the said Code is amended by adding, at the end, the words “and to the Commission des transports du Québec”.

**9.** Article 534 of the said Code is replaced by the following article:

**“534.** Article 525 does not apply to a corporation whose territory forms part of the territory of a public body providing public transport.”

**10.** The said Code is amended by adding, after article 535, the following articles:

**“535.1** Transport supplied under articles 525 to 535 is not subject to the jurisdiction of the Commission des transports du Québec.

**“535.2** In no case may the Commission des transports du Québec issue a bus transport permit or alter the service that the holder of a bus transport permit is authorized to supply in the territory of a corporation, a group of corporations or an intermunicipal board that organizes a public transport service, without the prior authorization of the corporation, of the corporation that is the mandatary of the group of corporations or of the intermunicipal board.

This article does not apply in the case of a cancellation or reduction of service.

**“535.3** In no case may the Commission des transports du Québec issue a bus transport permit or alter the service that the holder of a bus transport permit is authorized to supply in the territory of an urban area that may be determined by order of the Government, without the prior authorization of the corporations forming part of the urban area.

This article does not apply in the case of a cancellation or reduction of service.

**“535.4** For the purposes of articles 535.2 and 535.3, the service consists of the routes, frequency and schedule of trips that enable a user to travel between two points situated in the territory concerned.”

ACT RESPECTING INTERMUNICIPAL BOARDS  
OF TRANSPORT IN THE AREA OF MONTRÉAL

**11.** Section 1 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by replacing the words “public transit permit holder” in the first line of the definition of the word “carrier” by the words “bus transport permit holder”.

**12.** The said Act is amended by inserting, after section 1, the following section:

**“1.1** For the purposes of this Act, the service consists of the routes, frequency and schedule of trips.”

**13.** Section 4 of the said Act is replaced by the following section:

**“4.** The contract may be made without calling for tenders; where the board calls for tenders, it is not required to accept any tender whatsoever.”

**14.** Section 12 of the said Act is amended by striking out the second paragraph.



**15.** The said Act is amended by inserting, after section 12, the following sections:

**“12.1** The board shall first deliver its specifications for the proposed public transport service to the holder of a bus transport permit of the class determined by regulation of the Government operating in the territory of the board.

The permit holder may, within thirty days following the delivery of the specifications, submit a proposal to the board.

The Government may, by regulation, determine the class of bus transport permit a person is required to hold for the purposes of this section.

**“12.2** Failing an agreement with the permit holder within sixty days following the delivery of the specifications, the board may negotiate with another person or call for tenders.

No changes may be made to the specifications for the purposes of the negotiation or the call for tenders.”

**16.** The said Act is amended by inserting, after section 18, the following section:

**“18.1** Notwithstanding section 3, no board whose territory is wholly situated within the territory of another board may provide links to points outside its territory without the prior authorization of that other board.”

**17.** Section 27 of the said Act is amended by adding, at the end, the following paragraph:

“Where the service provides for links to any point outside its territory, in no case may the municipality make the contract without the prior authorization of the board.”

**18.** The said Act is amended by inserting, after section 33, the following sections:

**“33.1** Transport supplied by a carrier under a contract made with a board is not subject to the jurisdiction of the Commission des transports du Québec.

**“33.2** In no case may the Commission des transports du Québec issue a bus transport permit or alter the service that the holder of a bus transport permit is authorized to supply in the territory of a board without the prior authorization of the board.

This section does not apply in the case of a cancellation or reduction of service.”

**19.** Section 92 of the said Act is amended by striking out the word “only”.

ACT RESPECTING THE MINISTÈRE  
DES TRANSPORTS

**20.** The Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended by adding, after section 12.9, the following section:

“**12.10** The Government may establish boards or committees responsible, subject to the duties that may be assigned to any board or committee established by another Act, for advising the Minister on transportation matters and for performing, under his authority, any other duty assigned to them by the Government in carrying out the Acts under the administration of the Minister.

The Government may appoint members to the boards or committees and fix their attendance allowances, fees and terms of office.”

ACT RESPECTING THE RÉGIE DE  
L'ASSURANCE AUTOMOBILE DU QUÉBEC

**21.** Section 17 of the Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., chapter R-4) is amended by replacing the second paragraph by the following paragraph:

“The Régie may also enter into any agreement and sign any service contract with a department or agency of the Gouvernement du Québec for the application of this Act, of the Automobile Insurance Act, the Highway Safety Code (R.S.Q., chapter C-24.1), the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) or the Transport Act (R.S.Q., chapter T-12).”

ACT RESPECTING TRANSPORTATION  
BY TAXI

**22.** Section 1 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by replacing the definition of the word “automobile” by the following:

““automobile” means a motor vehicle which is defined in the Highway Safety Code (R.S.Q., chapter C-24.1) except a bus or a minibus;”.

**23.** Section 18 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Where the Commission authorizes the taxi permit holder to specialize, it may also authorize him to extend his operations to the territory of the regional authority, provided the territory for which the permit was issued before his specialization is that of the urban areas or region where the greatest number of taxi permits can be found in the territory of the regional authority.”

**24.** Section 28 of the said Act is amended

(1) by striking out the word “or” at the end of paragraph 4;

(2) by adding, after paragraph 5, the following paragraph:

“(6) is late in paying the special fee fixed under subparagraph 10 of section 60.”

**25.** Section 38.1 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“Where a request is presented to the Commission under the first paragraph, the permit holder may, without prior authorization of the Commission, interrupt the service until the coming into force of the decision relating to the request.”

**26.** The said Act is amended by inserting, after section 41, the following sections:

**“41.1** The taxi driver’s permit shall be issued by the regional authority exercising the powers provided in paragraph 5 of section 62 or by the Régie de l’assurance automobile du Québec so far as the regional authority has not exercised those powers.

**“41.2** The regional authority that issues a taxi driver’s permit shall advise the Régie thereof without delay.

**“41.3** To obtain a taxi driver’s permit, a person shall meet the conditions prescribed by regulation of the Government or the regional authority, as the case may be, and pass an examination, the formalities, mode and content of which shall be established by the Régie or the regional authority issuing the permit.

**“41.4** The content of the examination contemplated in section 41.3 shall deal at least with the following:

(1) the relevant regulations;

(2) the knowledge of the principal sites and main roads of the territory for which the permit is issued except where the territory does not include any urban areas described by the Government under subparagraph 1 of section 60.

**“41.5** The Régie shall suspend or revoke the taxi driver’s permit it has delivered to a person upon the driver’s licence of the person being suspended or revoked.

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. Upon receiving the notice, the regional authority shall, subject to section 41.6, suspend or revoke the taxi driver’s permit of that person.

**“41.6** The Régie, where it issues a restricted licence in accordance with section 104 or 105 of the Highway Safety Code, is not required to advise the regional authority, as the case may be, of the revocation of the permit.

No taxi driver’s permit of a person whose driver’s permit has been revoked may be revoked for that reason if a restricted licence has been issued to him.”

**27.** Section 60 of the said Act is amended by striking out, in subparagraph 18, the following words: “authorize a person to issue the permit”.

**28.** Section 62 of the said Act is amended by inserting the words “in its name” after the word “permit” in the sixth line of paragraph 5.

**29.** Section 70 of the said Act is amended by replacing the word and figure “or 94” in the second line by the following: “, 94 or 94.2”.

**30.** Sections 83 to 85 of the said Act are replaced by the following sections:

**“83.** A taxi permit issued under this chapter is a specialized taxi permit which is restricted to the specialized transportation authorized by it.

**“84.** Notwithstanding section 83, sections 21 and 49 to 59 do not apply to a specialized taxi permit issued under this chapter.”

**31.** The said Act is amended by inserting, after section 94, the following headings and sections:

## “CHAPTER VI.1

### “TOURIST SERVICE BY TAXI

**“94.1** The Commission des transports du Québec may authorize a taxi permit holder to provide a tourist service by taxi for the routes and according to the fares and scales it determines.

**“94.2** Every tourist service by taxi shall be provided in accordance with the authorization of the Commission.”

#### TRANSPORT ACT

**32.** The Transport Act (R.S.Q., chapter T-12) is amended by inserting, after section 4, the following section:

**“4.1** The Minister may, by order, require any carrier he designates to file an operating report with him, within the time he determines and on the form he prescribes.

The order has effect from the date of its publication in the *Gazette officielle du Québec*.”

**33.** Section 5 of the said Act is amended

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

“(c) determine what activities require a permit, provide exceptions thereto as regards types of persons or goods carried, kinds of carriers, 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;”;

(2) by replacing paragraph *f* by the following paragraph:

“(f) determine the minimum and maximum valid period for permits, prescribe the terms and conditions applicable for the renewal of a permit and determine the cases where a permit may be renewed by the administrator of the Commission;”.

**34.** Division IV of the said Act, including sections 9 to 13, shall be replaced by the following division:

## “DIVISION IV

“CONSEIL DE LA RECHERCHE ET DU DÉVELOPPEMENT  
EN TRANSPORT

“**9.** The “Conseil de la recherche et du développement en transport” is hereby established.

“**9.1** The secretariat of the council shall be situated in the territory of the Communauté urbaine de Montréal at the place determined by the Government. Notice of the location or of any transfer of the secretariat shall be published in the *Gazette officielle du Québec*.

“**9.2** The council shall be composed of 15 members appointed by the Government which shall designate from among the members a chairman and a vice-chairman.

Twelve of the members, including the chairman, shall come from transport equipment manufacturing undertakings, transport service undertakings, universities, research organizations and firms of consultants.

The three other members shall come from the public service.

“**9.3** The chairman of the council is appointed for three years and the other members for not over three years.

The terms of the chairman and of the other members may be renewed consecutively once only, for a period of three years.

At the expiry of their terms, they shall remain in office until they are replaced or reappointed.

“**9.4** If the chairman is absent or unable to perform his duties, the vice-chairman shall replace him for the duration of his absence or inability.

“**9.5** Any vacancy occurring during the term of office of a member of the council shall be filled in accordance with the mode of appointment prescribed in section 9.2.

Absence from a number of consecutive meetings of the council determined by the internal management by-laws of the council constitutes a vacancy in the cases and circumstances they indicate.

“**9.6** The members of the council shall not be remunerated. However, they shall be entitled, to the extent prescribed by regulation of the Government and on presentation of vouchers, to receive an attendance allowance and to be indemnified for reasonable expenses incurred by them in the performance of their duties.

**“9.7** Notwithstanding section 9.6, the Government may fix and pay to the chairman an annual indemnity; in such case, the chairman is not entitled to an attendance allowance.

**“9.8** The meetings of the council may be held anywhere in Québec.

Eight members are a quorum at meetings of the council.

**“9.9** The Government may add to the council a secretary and the other employees necessary for its work.

They shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

**“10.** The functions of the council shall be:

(1) to study any question relating to research and development in the field of transport and to diffuse the results of its studies;

(2) to give advice and make recommendations on research and development in transport;

(3) to introduce or give technical support to any action intended to promote research and development in the field of transport;

(4) to hold meetings, symposia or information meetings to foster exchanges, collaboration and cooperation in respect of research and development in the field of transport.

**“10.1** The council shall advise the Minister on any questions which he submits to it as regards research and development in the field of transport.

**“11.** The council may set up committees for the efficient carrying out of its work.

**“11.1** The council shall make internal management by-laws.

The by-laws shall be submitted to the Government for approval.

**“12.** The council shall transmit to the Minister, not later than 30 June each year, a report of its activities for the preceding fiscal year.

The Minister shall table the report in the National Assembly within 30 days of receiving it if it is in session or, if it is not sitting, within 30 days after the opening of the next session or after resumption.”

**35.** Section 32 of the said Act is amended by replacing paragraph *a* of the first paragraph by the following paragraph:

**“(a)** issue permits and fix the valid period thereof;”.

**36.** Section 37 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“37.** Unless otherwise prescribed by regulation, every permit shall be valid for not over one year, expire on the last day of March each year and may be renewed, with or without changes, upon payment of the annual duties.”

**37.** The said Act is amended by inserting, after section 38, the following sections:

**“38.1** Where the Commission issues a permit, it may determine periods during which the permit holder may suspend his service.

**“38.2** The Government may, by regulation, authorize the Commission to issue, in such cases and on such conditions as it may determine, experimental permits to promote the testing of new equipment or transport systems. Such permits shall not be renewed.”

**38.** The said Act is amended by inserting, after section 40.2, the following section:

**“40.3** Notwithstanding section 40, the Commission shall revoke the bus transport permit of a carrier who does not provide, for a period of at least 30 days, the services authorized by his permit unless he demonstrates that the reason for his failure cannot be attributed to him.”

ACT RESPECTING THE SOCIÉTÉ DE  
TRANSPORT DE LA VILLE DE LAVAL

**39.** Section 21 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended by replacing the words “contemplated in the second paragraph” in the fourth paragraph by the words “contemplated in the third paragraph”.

**40.** Section 50 of the said Act is amended by replacing paragraph 3 of the second paragraph by the following paragraph:

**“(3)** make any contract considered necessary to provide the operation of the whole or part of a service by taxi.”

**41.** The said Act is amended by inserting, after section 52, the following section:

**“52.1** The corporation may make a contract with the Government to provide the operation of a railway transport service according to the conditions established between the Government and a railway company.”



**42.** Every permit for a tourist service by taxi issued by the Commission des transports du Québec in force on (*insert here the date of the day before the coming into force of this section*) remains in force until 31 March 1986.

**43.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

**44.** This Act comes into force on the date to be fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force on any later date to be fixed by proclamation of the Government.