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# NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

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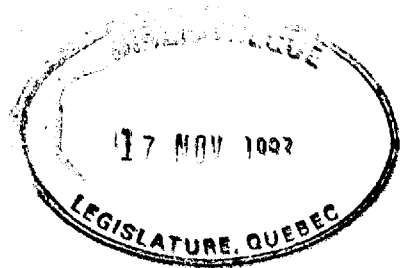
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Bill 47

**An Act respecting transportation by taxi**

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First reading



Introduced by  
Mr Michel Clair  
Minister of Transport

## EXPLANATORY NOTES

*The object of this bill is to establish specific legislation regarding transportation by taxi. It applies to remunerated transportation of persons by automobile, allowing for exceptions.*

*This bill provides that a taxi service may be offered only by means of an automobile with a taxi permit issued for a definite territory; the service may be provided only by the holder of a taxi driver's permit and of the appropriate driver's licence.*

*In addition to private service, transportation by taxi may be offered as a shared service. Shared transportation may be organized by contract entered into with a public transport body or a municipality; it may also be authorized by regulation or by-law. When authorized, private service may also be offered under a contract and according to an agreed scale. The taxi permit also authorizes transportation of parcels and provides, under certain conditions, for specialized services.*

*Transportation by taxi must meet the requirements prescribed by regulation and be supplied at a fare complying with the rates and scales applicable to the various kinds of services.*

*The bill contains provisions relating to the issue, renewal, suspension, cancellation, acquisition, assignment and transfer of a taxi permit. It provides for the automatic suspension of a permit for certain offences and the implementation of a penalty point system for taxi permits and driver's permits.*

*The bill maintains taxi owners' leagues whose main functions consist in representing taxi owners in any urban area and promoting their interests. It compels all the taxi owners in the urban area to pay an annual contribution fixed by the league, and provides, in respect of the league, for a power of inquiry and trusteeship.*

*The bill establishes the regulatory powers of the Government. It provides for the benefit of regional or urban communities, regional county municipalities or, under certain conditions, of some municipalities for a transfer of certain regulatory and administrative jurisdictions, in particular,*

*those relating to rules of operation, to ethics, driver's permits, association of services, rates and scales and to group transportation.*

*The bill maintains the role of the Commission des transports du Québec regarding taxi permits while enabling the Government to appoint a person to collect annual duties payable for the renewal of permits.*

*The bill contains special provisions applicable to certain kinds of transportation now supplied under transportation permits by automobiles not registered as taxis.*

*Finally, the bill allows public transport bodies to contract for the organization of shared transportation by taxi.*

#### ACTS AMENDED BY THIS BILL

- the Cities and Towns Act (R.S.Q., chapter C-19),
- the Highway Safety Code (R.S.Q., chapter C-24.1),
- the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1),
- the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2),
- the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3),
- the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70),
- the Transport Act (R.S.Q., chapter T-12),
- the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98),
- the Charter of the City of Laval (1965, 1st session, chapter 89),
- the Taxi Tariffs Act (Revised Statutes, 1964, chapter 230),
- the Municipal Code.



# Bill 47

An Act respecting transportation by taxi

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

## CHAPTER I

### DEFINITIONS AND SCOPE

**1.** In this Act, unless the context indicates otherwise,

“automobile” means a motor vehicle as defined in the Highway Safety Code (R.S.Q., chapter C-24.1) designed for carrying not more than eight persons and used mainly for that purpose;

“regional authority” means the Communauté urbaine de Montréal, the Communauté urbaine de Québec, the Communauté régionale de l’Outaouais or a regional county municipality;

“municipality” means a municipal corporation except a regional county municipality and a county corporation;

“taxi” means an automobile operated under a permit contemplated in this Act.

**2.** This Act applies to the transportation, for remuneration, of persons by automobile.

The Act does not apply to

(1) transportation provided for in the second and third paragraphs of section 36 of the Transport Act (R.S.Q., chapter T-12);

(2) school transportation provided for in the Education Act (R.S.Q., chapter I-14), the Act respecting private education (R.S.Q., chapter E-9) or the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(3) transportation of handicapped persons contemplated in the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) which is organized by a municipality under articles 398g and 398h of the Municipal Code or sections 467.6 and 467.7 of the Cities and Towns Act (R.S.Q., chapter C-19), or by a public transport system pursuant to its deed of incorporation;

(4) transportation of persons on the occasion of christenings, weddings or funerals;

(5) transportation by ambulance or hearse.

## CHAPTER II

### TRANSPORTATION BY TAXI

#### DIVISION I

##### GENERAL PROVISIONS

**3.** To offer or supply, for remuneration, transportation of persons by automobile, a person is required to be authorized therefor by a taxi permit.

**4.** To supply transportation by taxi as a taxi driver, a person is required to hold, in addition to a driver's licence issued pursuant to the Highway Safety Code, a chauffeur's permit prescribed by regulation or by-law.

**5.** Transportation by taxi must be supplied by the automobile for which the taxi permit has been issued and which satisfies the requirements prescribed by regulation or by-law.

#### DIVISION II

##### PRIVATE OR SHARED TRANSPORTATION

**6.** Transportation by taxi may be private or shared.

It is private where transportation is offered exclusively to one customer or group of customers for an entire trip.

It is shared where transportation offered to customers entails the actual sharing or possible sharing of a taxi with other passengers during the trip.

**7.** Customers using private transportation must be given exclusive use of the taxi for the entire trip.

**8.** Offers of private transportation and the resulting transportation must satisfy the requirements prescribed by the regulations or by-laws applicable in the territory for which the taxi permit was issued.

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

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

(2) it is authorized by a regulation of the Government or a by-law of a regional authority.

**10.** Transportation by taxi offered and accepted as shared transportation must be supplied in accordance with the requirements applicable to shared transportation even if the customer does not share the taxi with other persons.

**11.** Offers of shared transportation and the resulting transportation must satisfy the requirements prescribed by the contract or the regulation or by-law authorizing it.

### DIVISION III

#### TAXI PERMITS

#### § 1.—*General provisions*

**12.** Taxi permits are issued for urban areas described by the Government or for regions described by the Commission des transports du Québec.

Taxi permits relate to automobiles.

**13.** A taxi permit authorizes its holder to supply transportation by taxi or to entrust the care and operation of the taxi to a chauffeur.

**14.** Transportation by taxi shall be supplied in the territory for which the permit is issued.

Subject to the conditions and modalities prescribed by regulation or by-law, transportation may be supplied outside the territory if the pick-up point or the destination of the trip is in the territory.

Shared transportation organized by a public transport body, a municipality or a group of municipalities may be supplied in its territory even if the territory is not that for which the permit is issued.

Shared transportation authorized by a regulation or by-law providing for a taxi route may be supplied along that route if part of that route is in the territory for which the permit is issued.

**15.** A taxi permit is sufficient to authorize the transportation of parcels in the same manner and on the same conditions as are required for private transportation.

### § 2.—*Issue of permits*

**16.** The Commission des transports du Québec shall issue taxi permits for urban areas only in the cases prescribed by regulation of the Government.

**17.** To obtain a taxi permit, a person is required to pay the annual duties, satisfy the other conditions prescribed by regulation of the Government and, in the case of a permit issued for an urban area, have paid the annual contribution to the taxi owners' league.

**18.** The Commission may, on application, authorize a taxi permit holder to specialize in a type of specialized transportation provided for in this Act or a regulation thereunder.

The Commission may then authorize the taxi permit holder to extend operations to the territory of the regional authority.

**19.** A specialized taxi permit requires its holder to restrict operations to specialized transportation.

**20.** Offers of specialized transportation made under a specialized taxi permit and the resulting transportation must meet the requirements prescribed by regulation or by-law for such specialized transportation.

**21.** A holder of a specialized taxi permit may apply to the Commission to have the restriction lifted and to recover the taxi permit.

**22.** A taxi permit holder is free to supply transportation by taxi comparable to specialized transport if the requirements prescribed for nonspecialized transportation are met.

### § 3.—*Renewal*

**23.** A taxi permit is valid for one year and in the absence of any provisions to the contrary in a regulation or by-law expires on 31 March each year.

**24.** A taxi permit may be renewed upon the payment of the annual duties to a person designated by by-law or regulation.



The person shall refuse to accept payment of the duties if he considers that the permit holder

(1) does not satisfy the conditions prescribed in this Act and any regulations or by-laws thereunder for the issue and renewal of the permit;

(2) is in a position where the permit may be suspended or cancelled;  
or

(3) did not pay the exigible annual duties before the permit expired.

**25.** Within 15 days of refusal under section 24, a permit holder may apply to the Commission to renew the permit.

The Commission may refuse to renew a permit only in the cases provided for in the second paragraph of section 24, after giving the permit holder an opportunity to be heard. The permit remains in force until the date of the coming into force of the Commission's decision.

#### § 4.—*Suspension and cancellation*

**26.** The Commission shall suspend for three months a taxi permit used in contravention of section 4. It shall also suspend for the same period a taxi permit if its holder or the chauffeur to whom the holder entrusted the care and operation of the taxi has been found guilty of or has pleaded guilty to fraud related to the supply of transportation by taxi and has not been pardoned therefor.

In the case of a specialized taxi permit held by a firm providing transportation by limousine, the Commission shall request the Régie de l'assurance automobile du Québec to withdraw, for three months, the registration certificate and registration plate of the automobile used to commit the offence.

**27.** Once the number of penalty points entered in the file of a permit holder, with the exception of the holder of a specialized taxi permit, is equal to or greater than that provided for by a regulation of the Government, the Commission shall suspend the permit for three months.

**28.** The Commission may, in its own right or at the request of the Minister of Transport, a regional authority, a municipality or an interested person, suspend or cancel a taxi permit if the holder or the chauffeur to whom the holder entrusted the care and operation of the taxi

(1) has been found guilty of or has pleaded guilty to an offence committed against this Act or any regulation thereunder within the last two years and has not been pardoned therefor;

(2) has been found guilty of or has pleaded guilty to an indictable offence, related to the providing of transportation by taxi, committed within the last five years and has not been pardoned therefor;

(3) discontinues, limits or extends the services it or he is authorized to provide under his permit without prior authorization from the Commission;

(4) does not provide service up to the standard the public is entitled to expect, all things considered; or

(5) has not paid the annual duties exigible before the expiry of the permit.

**29.** The Commission shall cancel a permit if the taxi is operated during a period of suspension imposed pursuant to this Act.

**30.** The Commission may, in its own right or at the request of the Minister, a regional authority, a municipality or any other interested person, request the Régie de l'assurance-automobile du Québec to withdraw the registration plate and registration certificate from any automobile used contrary to this Act or a regulation thereunder, whether or not the person who operated the automobile holds a permit.

**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 former holder or issue new ones to him without authorization from the Commission.

**32.** The Commission shall exercise its powers under sections 26, 28, 29 or 30 only after giving the offender an opportunity to be heard.

#### *§ 5.—Acquisitions, assignment and transfer*

**33.** Every person or firm intending to acquire, directly or indirectly, by purchase, lease, merger, consolidation or otherwise, an interest in the undertaking of a person who supplies transportation by taxi is required to give to the Commission notice of the intended acquisition.

Even if no notice is given, the Commission, in its own right or at the request of the Minister or any interested person, may make an inquiry to determine whether an acquisition within the meaning of the first paragraph has been made.

**34.** The assignment of a taxi does not have the effect of transferring the taxi permit unless the assignor or the assignee of the taxi obtains a transfer of the taxi permit from the Commission.

**35.** If a taxi permit holder dies or, in the case of a corporation, winds up or goes bankrupt, the testamentary executor, the liquidator, the administrator or the trustee may continue to operate the taxi in the place of the permit holder during the time required to obtain from the Commission a transfer of the permit to an assignee who satisfies the conditions required to be a taxi permit holder.

In no case may a permit holder compelled to hand over the taxi in the execution of a contract of commercial pledge continue to operate the taxi under a permit or apply for a transfer of the permit. The person who acquires ownership of the taxi is the only person entitled to apply to the Commission for a transfer of the permit and may, for such purpose, continue to operate the taxi in the place of the permit holder during the time required to obtain a transfer thereof in his or its own name on satisfying the conditions for holding a taxi permit or for obtaining a transfer of the permit to a third person.

**36.** In no case may a person continue to operate a taxi pursuant to section 35 for a period of more than six months without special authorization from the Commission.

**37.** The Commission may authorize a transfer of a taxi permit if the assignee satisfies the conditions prescribed by regulation or by-law for being a taxi permit holder.

The Commission may also, in its own right, at the request of the Minister or any other interested person, suspend or cancel a permit if its holder is the object of an acquisition prejudicial to the public interest.

**38.** No taxi permit may be the object of a right to revendicate or of a contract under which the assignor would remain the holder of the permit until full payment.

**39.** A taxi permit holder changing taxis is required to have the change registered with the Commission before using the taxi pursuant to the permit.

If a taxi is the object of a contract of commercial pledge, a copy of which has been forwarded to the Commission, the permit holder shall not register the change of taxi or obtain a transfer of the permit without the consent of the creditor.

#### DIVISION IV

##### TAXI DRIVER'S PERMIT

**40.** To obtain or renew a taxi driver's permit, a person is required to pay the annual duties and satisfy all other conditions prescribed by regulation or by-law.

Once the number of penalty points entered in the holder's file is equal to or greater than that prescribed by regulation of the Government or by-law of a regional authority, the permit shall be cancelled and the right to apply for a new one is suspended for three months.

**41.** The permit must contain the permit number and a photograph of the holder.

## DIVISION V

### FIXING OF SCALES

**42.** Fares charged for private transportation by taxi must correspond to the rates and scales in force in the territory for which the taxi permit is issued.

Notwithstanding the first paragraph, the fares charged for private transportation may, with the general or special authorization of the body which fixed the rates and scales, be other than those fixed by the body. Such transportation by taxi shall be the object of a written contract.

The second paragraph does not apply to the transportation of parcels or specialized transportation supplied under a specialized taxi permit.

**43.** Shared transportation by taxi shall be supplied at the fares prescribed in the regulation, by-law or contract under which it is authorized.

**44.** The rates and scales applicable to private transportation shall be fixed in such a manner that taxi fares are calculated with the taximeter, with the odometer, by zone or on an hourly basis.

**45.** Specialized transportation supplied under a specialized taxi permit shall be provided at fares corresponding to the rates and scales fixed for such specialized transportation.

**46.** The rates and scales applicable to specialized transportation by limousine shall be fixed so that the fares are calculated on an hourly basis or by zone.

**47.** The rates and scales applicable to a certain type of specialized transportation may vary from one carrier to another.

**48.** No person may offer discounts for transportation by taxi, except to the extent provided for by the scales.

## DIVISION VI

## TAXI OWNERS' LEAGUES

**49.** In each urban area, the Commission des transports du Québec may recognize one taxi owners' league.

The decision is not subject to review.

**50.** Recognized leagues are mainly responsible for representing taxi permit holders in an urban area and promoting their interests, especially by improving and promoting transportation by taxi and establishing social benefits. Leagues are also required to promote the quality of service provided to the public.

**51.** Every taxi permit holder is entitled to belong to a recognized league.

Notwithstanding the first paragraph, a permit holder is free to choose whether to be a member of a recognized league or to participate in its activities.

**52.** To finance its activities, a recognized league may, by by-law approved by the majority of votes of the taxi permit holders, who vote at a special meeting held for such purpose, fix the annual contribution.

**53.** Every taxi permit holder, whether or not a member of a recognized league, is entitled to vote at the special meeting and may vote only once, no matter how many permits the holder may hold.

**54.** A person is required to pay the contribution for each permit he obtains or renews.

The Government may suspend the requirement where it sees fit.

**55.** The Minister of Transport may give a person designated by him the responsibility of inquiring into the administration or activities of a recognized league.

The person so designated is vested for the purposes of an inquiry with the immunity and powers of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

**56.** The Government may, during or after the holding of an inquiry, order that the powers of a recognized league be suspended for such period as it may determine or that its directors be dismissed and appoint an administrator who shall exercise the powers of the board of directors.

**57.** The administrator appointed by the Government may, subject to the rights of third persons in good faith, cancel any decision taken by the league.

**58.** The administrator shall present to the Government, without delay, a detailed report of his observations accompanied with his recommendations.

The administrator has the powers and the immunity of commissioners appointed under the Act respecting public inquiry commissions, except the power to impose imprisonment.

**59.** The Government may, following the administrator's report,

- (1) lift the suspension of the powers of the board of directors;
- (2) dismiss the directors and order the holding of a special meeting of the members of the recognized league in order to elect new directors.

A director who has been dismissed becomes ineligible for the position of director of a recognized league for five years from his dismissal.

## CHAPTER III

### REGULATIONS

#### DIVISION I

##### REGULATIONS OF THE GOVERNMENT

**60.** The Government may, by regulation,

- (1) establish and delimit urban areas;
- (2) establish standards to determine the maximum number of permits to be issued in an urban area or a region and prescribe the cases in which the Commission may issue new permits;
- (3) prescribe the conditions required to be a permit holder, the maximum number of permits a person may hold and the conditions and modalities applicable to the issue, renewal, transfer, changing, suspension or cancellation of permits;
- (4) establish a penalty point system whereby a taxi permit may be suspended;

(5) fix the duties payable for the issue or renewal of a permit and change or spread over different periods the due dates of permits according to the taxi permit holders it indicates;

(6) prescribe the conditions and modalities for providing a type of transportation which it specifies outside the territory for which a permit is issued;

(7) establish standards, conditions or modes of construction and upkeep of an automobile used to supply transportation by taxi;

(8) fix a special fee payable by the taxi permit holders to finance a program for the reduction of the number of taxi permits in an urban area which it specifies;

(9) designate a person to collect the annual duties payable for the renewal of taxi permits;

(10) establish standards, conditions, or modes of construction, use and upkeep of taximeters;

(11) prescribe the makes and models of automobiles that may be used to provide the type of transportation by taxi which it specifies;

(12) establish standards, conditions or modes of use, care, hygiene and identification of any automobile used to supply transportation by taxi, prescribe the mandatory equipment and construction standards therefor, and, in respect of the types of transportation which it specifies and, where such is the case, the territory it specifies, prescribe special standards, conditions and modes;

(13) prohibit or standardize commercial posting in taxis;

(14) prescribe standards, conditions or modes of operation for each type of transportation which it specifies in the places it specifies;

(15) authorize taxi permit holders to supply the types of shared transportation which it specifies in the places it specifies;

(16) prescribe the obligation to hold a permit in order to carry on the occupation of taxi driver, determine classes for such a permit and the conditions and modes of issue, renewal, suspension and cancellation of a permit, prescribe its form and content, determine the territories for which it is to be issued, fix the fees exigible for its issue and renewal, authorize a person to issue it and prescribe that it be posted up;

(17) establish a penalty point system whereby a chauffeur's permit may be cancelled;

(18) prescribe rules of ethics for taxi drivers;

(19) authorize any firm, association or body to provide, upon obtaining a permit, services of publicity, the distribution of calls or other services of similar nature to taxi owners or drivers, and determine standards and conditions for the establishment, operation, financing and management of the firm, association or body;

(20) determine the minimum stipulations to be included in any written contract on transportation by taxi and prescribe the form thereof;

(21) prescribe standards for the rates and scales for each type of transportation which it specifies and the obligation of posting up, in each taxi, the rates in force;

(22) prescribe the obligation of providing a coded receipt for each trip as well as the form and tenor of the receipt;

(23) determine the provisions of a regulation or by-law made or passed under this section the infringement of which is punishable under section 70.

A regulation of the Government comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

**61.** Every regulation made under paragraphs 12 to 23 of section 60 ceases to apply to the taxi permit holders whose operating territory is in the territory of a regional authority which caused to come into force a by-law passed pursuant to a corresponding paragraph of section 60 to replace a regulation made by the Government.

The Government may, at the request of a regional authority, delegate to it the power provided for in paragraph 8 or 9 of section 60.

## DIVISION II

### BY-LAWS OF A REGIONAL AUTHORITY

**62.** Every regional authority may, by by-law,

(1) establish standards, conditions or modes of use, care, hygiene and identification of any automobile used to provide transportation by taxi, prescribe the mandatory equipment and construction standards therefor and, in respect of the types of transportation which it specifies and, where such is the case, the territory it specifies, prescribe special standards, conditions, modes and requirements;

(2) prohibit or standardize commercial posting in taxis;

(3) prescribe standards, conditions or modes of operation for each type of transportation which it specifies in the places it specifies;



(4) authorize holders of taxi permits to supply the types of shared transportation which it specifies in the places it specifies;

(5) prescribe the obligation to hold a permit in order to carry on the occupation of a taxi driver, determine classes for such a permit and the conditions and modes of its issue, renewal, suspension or cancellation, prescribe its form and content, determine the territories for which it is to be issued, fix the duties exigible for its issue and renewal, authorize a person to issue it and prescribe that it be posted up;

(6) establish a penalty point system whereby a driver's permit may be cancelled;

(7) prescribe rules of ethics for taxi drivers;

(8) authorize any firm, association or body to provide, upon obtaining a permit, services of publicity, the distribution of calls or other services of similar nature to taxi owners or drivers, and determine standards and conditions for the establishment, operation, financing and management of the firm, association or body;

(9) determine the minimum stipulations to be included in any written contract on transportation by taxi and prescribe the form thereof;

(10) fix the rates and scales for each type of transportation which it specifies and prescribe the obligation to post up in each taxi the rates in force;

(11) authorize generally or specially taxi permit holders to supply transportation by taxi at a fare different from the rates and scales in force in the execution of a written contract;

(12) prescribe the obligation to provide a coded receipt for each trip as well as the form and tenor of the receipt;

(13) determine the provisions of a by-law passed under this section, the infringement of which is punishable under section 70.

**63.** Any regional authority intending to exercise for the first time a regulatory power relating to transportation by taxi shall

(1) adopt a resolution to that effect;

(2) cause a notice of adoption of the resolution to be published in a newspaper circulated in its territory within ten days of its adoption;

(3) pass a by-law respecting transportation by taxi within 180 days of the publication; and

(4) inform the Commission des transports du Québec of the passing of the by-law within ten days of its passing.

The rules on the passing and coming into force of the by-law are the rules prescribed by the Municipal Code for any by-law of a county corporation in the case of a regional county municipality, and by the Act under which it is established in the case of an urban or regional community.

**64.** The regional authority shall send to the Minister of Transport a copy of a by-law on the scales adopted under paragraph 10 of section 62.

The Minister shall send to the regional authority notice of the date on which the copy of the by-law was received.

The Minister may, within ninety days following receipt of the copy of the by-law, disallow the by-law or require the Commission des transports du Québec to hold a public hearing in order to provide him with recommendations.

The Minister may order the regional authority to give effect to the Commission's recommendations.

If the regional authority fails to comply with the recommendations, the Minister may amend the by-law and bring it into force.

**65.** No regional authority may publish a by-law contemplated in section 64 or cause it to come into force before the following date:

(1) the ninety-first day following receipt of a copy of the by-law by the Minister if he has not informed the regional authority of his disallowance of the by-law or of a request for a hearing before the Commission;

(2) the day on which the regional authority receives notice from the Minister stating that he will not carry out any of the aforementioned acts;

(3) where a request was made to the Commission, the day on which the regional authority receives notice from the Minister stating that he will not disallow the by-law;

(4) where the Minister ordered the giving of effect to certain recommendations of the Commission, the day on which the by-law is amended in accordance with the Minister's order.

The amended by-law complying with the Minister's order is not subject to the rules described above except the rule respecting the copy to be transmitted to the Minister.

**66.** Every regional county municipality shall, before passing a by-law under section 62, send a copy of the draft by-law to the municipalities in its territory.

The by-law is required to be adopted by a majority of two-thirds of the votes.

**67.** Municipalities may replace their regional county municipality to exercise the regulating power provided in section 62 if all the municipalities forming part of the territory of the regional county municipality have entered into an intermunicipal agreement providing, in particular, modalities for the supervision and the control of transportation by taxi.

By-laws adopted under this Act by the municipalities situated in the territory of the same regional county municipality are required to be identical and to come into force on the same date.

The agreement is made in accordance with the Municipal Code or the Cities and Towns Act, and copy thereof is sent to the Commission des transports du Québec.

This section ceases to have effect on the day the intermunicipal agreement ceases to be in force unless it is replaced by another agreement.

This Act applies to a municipality contemplated in this section as if it were a regional authority.

## CHAPTER IV

### POWERS OF THE COMMISSION DES TRANSPORTS DU QUÉBEC

**68.** The Commission des transports du Québec may, within the scope of its regulations,

- (1) issue, renew, transfer, restrict, suspend and cancel a taxi permit;
- (2) establish and delimit regions, not included in an urban area, within the territory of a regional authority;
- (3) fix rates and scales for each type of transportation which it specifies, which may include minimum or maximum, or both minimum and maximum rates and scales;
- (4) authorize generally or specially holders of taxi permits to supply transportation by taxi at a fare different from the rates and scales in force in the execution of a written contract.

A decision made under subparagraph 3 or 4 does not apply to permit holders operating in the territory of a regional authority where a corresponding by-law passed under section 62 is in force.

Decisions rendered by the Commission under this Act are subject to the same rules on revision and appeal as decisions rendered under the Transport Act.

**69.** A decision of the Commission becomes executory fifteen days after it has been published, in complete form or in summary form, in the *Bulletin de la Commission*.

The Commission may decide that a decision relating to a transfer of permit or to the fixing or amendment of a scale is executory immediately after being rendered or on any later date it may fix.

## CHAPTER V

### PENAL PROVISIONS

**70.** Every person who contravenes any provision of section 3, 4, 5, 7 to 11, 14, 19, 20, 42, 43, 45, 46, 48, 84 to 86 or 90 of this Act or any provision of a regulation or by-law determined under subparagraph 23 of section 60 or paragraph 13 of section 62 is guilty of an offence and liable to a fine of not less than \$50 nor more than \$1 000, and to the payment of costs.

**71.** Every person who knowingly does or omits to do something in order to aid another person to commit an offence contemplated in section 70, or who advises, encourages or incites a person to commit an offence is a party to the offence and is liable to the penalty prescribed for the offence.

**72.** When a corporation is guilty of an offence contemplated in section 70, every director, employee or agent of the corporation who ordered, authorized or recommended the commission of the offence or who consented thereto is a party to the offence and is liable to the penalty prescribed for the offence.

**73.** Proceedings under this Act are instituted under the Summary Convictions Act (R.S.Q., chapter P-15) and this division by the Attorney General, a regional authority in its territory, a person generally or specially authorized by either of them or any other person.

**74.** In any proceeding, transportation of persons by automobile is deemed to be remunerated, unless there is proof to the contrary.

**75.** A peace officer may, where a person commits an offence contemplated in section 70, give him a notice enjoining him to remedy the alleged offence within a period of 72 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.

**76.** If any proceedings are instituted by a regional authority, the fine collected belongs wholly to the regional authority. The regional authority shall, every year, make a report on convictions to the Attorney General.

**77.** Where the territory of a regional authority is subject, in whole or in part, to the jurisdiction of a municipal court, proceedings may be instituted before the court.

## CHAPTER VI

### TRANSPORTATION BY AUTOMOBILE NOT REGISTERED AS A TAXI

#### DIVISION I

##### GENERAL PROVISIONS

**78.** Any holder of a permit, other than a taxi owner's permit, authorized thereunder to transport persons for remuneration in an automobile not registered as a taxi may, before 1 April 1985, apply to the Commission des transports du Québec to have the permit replaced by a specialized taxi permit prescribed for the type of transportation authorized.

Until 1 April 1985 or the date of the coming into force of the decision of the Commission, on an application contemplated in the first paragraph, the authorized carrier is not required to hold a permit under this Act to continue his operations.

Following the time limits prescribed in the second paragraph, the authorization to transport persons in an automobile not registered as a taxi is revoked.

**79.** A taxi permit issued under this chapter is a specialized taxi permit to which sections 19 and 20 apply and which is restricted to specialized transportation authorized by it.

**80.** Section 21 does not apply to any specialized taxi permit issued under this chapter.

**81.** Sections 49 to 59 concerning a taxi owners' league do not apply to holders of specialized taxi permits contemplated in this chapter.

## DIVISION II

### LIMOUSINE PERMITS

**82.** The Commission may issue a limousine permit to replace a permit to transport persons which was in force on (*insert here the date of tabling of Bill 47*) and did not include any restriction related to social events as regards the transportation of persons, and which authorized its holder to provide "luxury" transportation with an automobile not registered as a taxi.

**83.** Before issuing the permits to a firm, the Commission shall fix the maximum number of automobiles that may be operated under the permit, which may in no case exceed the maximum number of automobiles operated as limousines by that firm and registered in its name between 1 January 1980 and 31 December 1982 for the type of transportation authorized.

**84.** Transportation under such a permit is to be supplied in the territory of the Communauté urbaine de Montréal.

Notwithstanding the first paragraph, transportation may be supplied outside the territory provided that the pick-up point or the destination of the trip is situated in the territory.

**85.** The holder of such a permit shall entrust the care and operation of limousines only to employees.

**86.** Transportation under such a permit is required to be supplied only with limousines registered with the Commission.

## DIVISION III

### OTHER SPECIALIZED TAXI PERMITS

**87.** The Commission may, on the application of a permit holder contemplated in section 78 other than a limousine permit holder, issue a specialized taxi permit for the purposes of this Act where the authorized transportation was supplied by automobile before (*insert here the date of tabling of Bill 47*).

**88.** The specialized taxi permit is required to be restricted to the operations and territory prescribed in the permit replaced by the Commission.

**89.** The Commission, before issuing a permit to a firm, shall fix the maximum number of automobiles that may be operated under the permit, which may in no case exceed the number of automobiles registered in the name of that firm on (*insert here the date of tabling of Bill 47*) for the type of transportation authorized.

**90.** Transportation under such a permit is required to be supplied only with automobiles registered with the Commission.

## CHAPTER VII

### MISCELLANEOUS PROVISIONS

**91.** The Taxi Tariffs Act (R.S.Q., 1964, chapter 230) is repealed.

**92.** Section 416 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by adding, at the end, the following paragraph:

“This section does not apply to transportation by taxi within the meaning of the Act respecting transportation by taxi (1983, chapter *insert here the chapter number of this Act*).”

**93.** Article 429a of the Municipal Code, enacted by section 144 of chapter 55 of the statutes of 1972 and amended by section 26 of chapter 45 of the statutes of 1975, is again amended by adding, at the end, the following paragraph:

“This article does not apply to transportation by taxi within the meaning of the Act respecting transportation by taxi (1983, chapter *insert here the chapter number of this Act*).”

**94.** The Highway Safety Code (R.S.Q., chapter C-24.1) is amended

(1) by replacing the definition of the word “taxi” in section 1 by the following:

““taxi” means a motor vehicle designed for carrying not more than eight persons and used mainly for that purpose within the scope of the Act respecting transportation by taxi (1983, chapter *insert here the chapter number of this Act*);”;

(2) by replacing, in the French text, the word “véhicule-taxi” in sections 66, 92, 133, 197, 200, 252, 276, 512 and 558 by the word “taxi”.

**95.** Section 58 of the said Code is amended by adding, after paragraph 11, the following paragraph:

“(12) prescribe standards, conditions or modes of ownership or possession of any automobile registered as a taxi.”

**96.** The said Code is amended by inserting, after section 95, the following section:

**“95.1** Where a person has been found guilty of a crime related to the supplying of transportation by taxi, the category of his driver’s licence authorizing him to drive a taxi is cancelled and his right to obtain a permit of that category is suspended for five years.

The judge who pronounces the verdict of guilty shall order the permit confiscated and handed over to the Régie.

If the person does not hold a driver’s licence of a category authorizing him to drive a taxi, his right to obtain a permit of that category is suspended for five years.

A person may obtain a driver’s licence of a category that does not authorize taxi driving if he is not contemplated by section 95 or if his right to obtain a driver’s licence is not otherwise suspended.

**97.** Section 273 of the said Code is amended by adding, after paragraph 21, the following paragraph:

“(22) prescribe the installation and use of safety accessories and equipment for taxis, determine standards of use and installation, and prescribe the mechanical inspection of taxis.”

**98.** The Act respecting the Communauté régionale de l’Outaouais (R.S.Q., chapter C-37.1) is amended by inserting, after section 171, the following section:

**“171.1** The Commission may make any contract deemed useful for the organization of shared transportation by taxi provided for in the Act respecting transportation by taxi (1983, chapter *insert here the chapter number of this Act*).”

**99.** The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by inserting, after section 253, the following section:

**“253.1** The Commission may make any contract deemed useful for the organization of shared transportation by taxi provided for in the Act respecting transportation by taxi (1983, chapter *insert here the chapter number of this Act*).”

**100.** The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by inserting, after section 188, the following section:



**“188.1** The Commission may make any contract deemed useful for the organization of shared transportation by taxi provided for in the Act respecting transportation by taxi (1983, chapter *insert here the chapter number of this Act*).”

**101.** The Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by inserting, after section 38, the following section:

**“38.1** The corporation may make any contract deemed useful for the organization of shared transportation by taxi provided for in the Act respecting transportation by taxi (1983, chapter *insert here the chapter number of this Act*).”

**102.** The Charter of the City of Laval (1965, 1st session, chapter 89) is amended by inserting, after section 66, the following section:

**“66.1** The Commission may make any contract deemed useful for the organization of shared transportation by taxi provided for in the Act respecting transportation by taxi (1983, chapter *insert here the chapter number of this Act*).”

**103.** Section 38 of the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98), amended by section 153 of chapter 55 of the statutes of 1972, by section 104 of chapter 7 of the statutes of 1978, section 14 of chapter 104 of the statutes of 1978 and section 33 of chapter 8 of the statutes of 1981, is again amended by adding, after subparagraph *j* of the first paragraph, the following subparagraph:

**“(k)** make any contract deemed useful for the organization of shared transportation by taxi provided for in the Act respecting transportation by taxi (1983, chapter *insert here the chapter number of this Act*).”

**104.** Section 2 of the Transport Act (R.S.Q., chapter T-12) is amended by adding, at the end, the following paragraph:

**“This Act applies to transportation by taxi only to the extent provided for in the Act respecting transportation by taxi (1983, chapter *insert here the chapter number of this Act*).”**

**105.** Section 5 of the said Act is amended by striking out subparagraph *p*.

**106.** Section 6 of the said Act is amended by striking out the words “or for transport by taxicab” in paragraph *b*.

**107.** Section 8 of the said Act is amended by striking out the words “for transport by taxicab or” in the first paragraph.

**108.** Section 32 of the said Act is amended

(1) by striking out subparagraph *l*;

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

“(m) recognize any body it deems representative of the carriers who are not described in subparagraph *j* and who hold a permit for the transport of bulk materials contemplated in section 19.”

**109.** The Regulation respecting transport by taxicab (R.R.Q., chapter T-12, r. 22) and sections 16 to 23 of the Regulation respecting public transport (R.R.Q., chapter T-12, r. 21) made under the Transport Act, and sections 33 to 49 of the Regulation respecting drivers’ permits (R.R.Q., chapter C-24, r. 26) remain in force inasmuch as they are consistent with this Act and are deemed to have been made under this Act.

Every permit issued under sections 16 to 23 of the Regulation respecting public transport is deemed to be an authorization within the meaning of section 9 of the said Act as long as it is in force.

**110.** In every Act, regulation, order, order in council or other document, any reference to a provision of the Transport Act relating to transportation by taxi or to a provision of the Regulation respecting transport by taxicab or of the Regulation respecting drivers’ permits is a reference to the equivalent provision of this Act or of a regulation made under this Act.

**111.** Every holder of a taxi owner’s permit issued under the Transport Act or the Regulation respecting transport by taxicab is deemed to be the holder of a taxi permit issued under this Act until 1 April 1985.

Subsequently, the permit is renewed in accordance with this Act.

**112.** The holder of a driver’s licence of a category authorizing him to drive a taxi issued for the first time after 13 August 1982, shall meet the requirements provided for by a regulation made under this Act to obtain a new taxi driver’s licence.

Where no taxi driver’s licence is obtained pursuant to this Act, authorization to drive a taxi expires on the expiry date of the licence.

The first paragraph does not apply to the person who was the holder of a taxi owner's permit on (*insert here the date of coming into force of this section*).

**113.** Matters relating to transportation by taxi that are pending before the Commission des transports du Québec under the Transport Act on (*insert here the date of coming into force of this section*) are continued and decided by the Commission in accordance with this Act.

**114.** Every taxi owners' league recognized by the Commission des transports du Québec before (*insert here the date of tabling of Bill 47*) is deemed to be a taxi owners' league recognized under this Act.

**115.** The Minister of Transport is responsible for the administration of this Act.

**116.** No collective agreement between a public transport body and its employees may restrict the power of the body to contract with a firm supplying transportation by taxi for the organization of transportation of handicapped persons by taxi or of shared transportation by taxi.

In no case may a regular employee contemplated in a collective agreement under which the power to contract of a public transport body is subject to such a restriction be dismissed or laid off by the body owing to a contract entered into with a firm supplying transportation by taxi for the organization of shared transportation by taxi.

Any dispute relating to the application or interpretation of the second paragraph may be submitted to grievance arbitration in accordance with the Labour Code (R.S.Q., chapter C-27) as in the case of a grievance.

**117.** Notwithstanding section 61, every regulation made under subparagraphs 12 to 15 and 19 to 23 of section 60 relating to specialized transportation applies until 1 April 1986.

**118.** Every decision made under subparagraph 3 of the first paragraph of section 68 relating to specialized transportation applies until 1 April 1986 notwithstanding the second paragraph of the said section.

**119.** Section 85 has effect from 1 April 1986.

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

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

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