



NATIONAL ASSEMBLY

FOURTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 76

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

Introduction

**Introduced by
Mr Jacques Léonard
Minister of Transport**



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EXPLANATORY NOTES

This bill amends the legislation respecting the transportation of handicapped persons. Its main aim is to standardize the texts conferring powers for the organization of such transportation along the lines of those providing for the organization of public transport services. It is also designed to ensure that those powers, which are exercised by municipalities and public bodies which provide public transport, are not restricted to the sole residents of their respective territories.

The bill gives the public bodies providing public transport the power to enter into service contracts with other carriers, as well as agreements, so as to enable them to exchange services among themselves by operating in each other's territories.

The bill grants the Government the powers necessary for regulating the use of immovables administered by the Minister of Transport and of any facilities or equipment in those immovables. It also grants the Minister of Transport the necessary powers to see that the regulations are enforced, and for the management of the immovables.

Furthermore, this bill specifies that any matters heard by the Commission des transports du Québec under the Act respecting transportation by taxi are subject to the standard rules of procedure, review and appeal. It also clarifies the interpretation to be given to section 117 of the said Act with respect to the renewal of permits and the payment of any related duties.

The bill also grants the Government the power to suspend the application of the regulations on transportation in whole or in part, on certain conditions, on the occasion of exceptional events.

This bill also broadens the scope of the powers of the Minister of Transport respecting the building of highways to expressly enable him to build certain ancillary works. It gives the Minister of Transport the power to expropriate in order to permit him to acquire any property necessary for the setting up of local road maintenance centres.

Finally, this bill also provides for the integration of the inspectors of the Ministère des Transports with the Sûreté du Québec.

ACTS AMENDED BY THIS BILL

- (1) The Cities and Towns Act (R.S.Q., chapter C-19)
- (2) The Highway Safety Code (R.S.Q., chapter C-24.1)
- (3) The Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1)
- (4) The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)
- (5) The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)
- (6) The Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)
- (7) The Act respecting the Ministère des Transports (R.S.Q., chapter M-28)
- (8) The Transport Act (R.S.Q., chapter T-12)
- (9) The Roads Act (R.S.Q., chapter V-8)
- (10) The Municipal Code
- (11) The Charter of the City of Laval (1965, 1st session, chapter 89)
- (12) The Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98)
- (13) The Act respecting intermunicipal boards of transport in the area of Montréal and amending various legislation (1983, chapter 45)
- (14) The Act respecting transportation by taxi (1983, chapter 46)

Bill 76

An Act to amend various legislation respecting transport

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

THE CITIES AND TOWNS ACT

1. Section 467.11 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 35 of chapter 45 of the statutes of 1983, is replaced by the following section:

“467.11 The council, by by-law approved by the Minister of Transport, may contract with any person to provide a special transportation service in the territory of the municipality for handicapped persons and to provide links to points outside the territory. The proposed service must be described in the by-law.”

2. Section 467.14 of the said Act, enacted by section 35 of chapter 45 of the statutes of 1983, is amended by striking out the words “of its territory” in the first sentence of the first paragraph.

HIGHWAY SAFETY CODE

3. Section 266 of the Highway Safety Code (R.S.Q., chapter C-24.1) is amended by striking out the words “or of the Ministère des Transports” in the first line.

4. Section 558 of the said Code, amended by section 98 of chapter 46 of the statutes of 1983, is replaced by the following section:

“558. The public servants of the Sûreté du Québec designated by the Director General of the Sûreté du Québec to carry out this Code are peace officers responsible for carrying it out with respect to buses, combinations of road vehicles, minibuses, private commercial vehicles, public commercial vehicles, specialized vehicles, service vehicles, special

mobile equipment, taxis, farm vehicles, driving schools and the vehicles of driving schools.”

ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

5. Section 171 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1), amended by section 53 of chapter 29 of the statutes of 1983 and by section 36 of chapter 45 of the statutes of 1983, is again amended by replacing subparagraph *g* of the second paragraph by the following subparagraphs:

“(g) to make, with any municipality from outside its territory or any intermunicipal board, a contract to supply a special transportation service in the territory of the municipality or board for handicapped persons and to provide links to points outside the territory;

“(h) to make, with a public transit permit holder or a school bus carrier, a contract for the supply of certain public transport services in its territory.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

6. Section 253 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), amended by section 42 of chapter 45 of the statutes of 1983 and by section 84 of chapter 57 of the statutes of 1983, is again amended

(1) by replacing subparagraph *g* of the second paragraph by the following subparagraphs:

“(g) to make, with any municipality from outside its territory or any intermunicipal board, a contract to supply a special transportation service in the territory of the municipality or board for handicapped persons and to provide links to points outside the territory;

“(h) to make, with a public transit permit holder or a school bus carrier, a contract for the supply of certain public transport services;

“(i) to make an agreement with another public body providing public transport to extend its public transport service to the territory of the body.”;

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

“The special service described in subparagraph *f* of the second paragraph may be furnished in such a manner as to provide links to points outside the territory of the Commission.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

7. Section 188 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), amended by section 53 of chapter 45 of the statutes of 1983, is again amended

(1) by replacing subparagraph *j* of the second paragraph by the following subparagraphs:

“(j) to make, with any municipality from outside its territory or any intermunicipal board, a contract to supply a special transportation service in the territory of the municipality or board for handicapped persons and to provide links to points outside the territory;

“(k) to make, with a public transit permit holder or a school bus carrier, a contract for the supply of certain public transport services;

“(l) to make an agreement with another public body providing public transport to extend its public transport service to the territory of the body.”;

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

“The special service contemplated in subparagraph *i* of the second paragraph may be furnished in such a manner as to provide links to points outside the territory of the Commission.”

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

8. Section 38 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70), amended by section 60 of chapter 45 of the statutes of 1983, is again amended

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

“(g) make, with any municipality from outside its territory or any intermunicipal board, a contract to supply a special transportation service in the territory of the municipality or board for handicapped persons and to provide links to points outside the territory;

“(h) make, with a public transit permit holder or a school bus carrier, a contract for the supply of certain public transport services;

“(i) make an agreement with another public body providing public transport to extend its public transport service to the territory of the body.”;

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

“The special service contemplated in subparagraph *f* of the first paragraph may be furnished in such a manner as to provide links to points outside the territory of the corporation.”

9. Section 53 of the said Act is replaced by the following section:

“53. The corporation may provide charter trips in its territory and from its territory to points outside its territory.

The corporation is deemed to hold a public transit permit from the Commission to provide special trips and for the purposes of the regulations concerning the seasonal transport of persons.”

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

10. Section 3 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28), amended by section 75 of chapter 40 of the statutes of 1983, is again amended by striking out paragraph *g*.

11. Section 11.4 of the said Act, enacted by section 76 of chapter 40 of the statutes of 1983, is amended by striking out the last paragraph.

12. The said Act is amended by adding, after section 12, the following sections:

“12.1 The Government, by regulation, in respect of immovables under the administration of the Minister and of facilities and equipment therein, may

(a) prohibit or regulate vehicle traffic or parking and cycle and pedestrian traffic;

(b) determine the norms to be observed by persons stopping or staying thereon;

(c) prohibit or regulate certain activities thereon;

(d) prescribe fees for the use of the immovables, facilities and equipment and fix the amount thereof;

(e) determine any prescription of a regulation to which a contravention is an offence.

“12.2 The Minister may make a contract to allow a person to carry on an activity otherwise prohibited by regulation under section 12.1 on an immovable under the Minister’s administration.

“12.3 The Minister may cause any object left on property in contravention of the regulations under section 12.1 to be removed and stored, except an abandoned vehicle.

The Minister may dispose of the object as he sees fit 30 days after the date of its storage if its owner has not claimed it or refuses to pay the cost of removal and storage.

Where the Minister disposes of an object, he is not responsible for it to the owner unless it has been sold, in which case he is responsible only for the proceeds of the sale, less the cost of removal and storage.

“12.4 Every person who contravenes a prescription of any regulation under section 12.1 to which a contravention is an offence is guilty of an offence and liable on summary proceedings, in addition to costs, to a fine of not less than \$50 nor more than \$200.

“12.5 Penal proceedings brought under this Act are instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

Notwithstanding the foregoing, the prosecuting party shall serve a notice of offence on the offender by mail. The notice constitutes an information.

“12.6 The notice of offence must describe the offence, specify the minimum fine and costs and advise the offender that he may pay the required amount within thirty days at the place indicated.

The costs are \$5.

If the offender pays the required amount within the appointed time and at the place indicated, he is deemed to have pleaded guilty, but the payment shall not be considered an admission of civil liability.

If the payment is not made, a summons is served on the offender.

“12.7 In no case may failure to serve the notice of offence be invoked against the prosecuting party, nor is it necessary to allege or prove that it has been served.

Notwithstanding the foregoing, if an offender pleads guilty at his hearing and subsequently proves that the notice of offence was not served on him, he shall not be fined a greater amount than would have been the case pursuant to the notice.

“12.8 No proceedings may be brought under this Act except by the Minister or a person generally or specially designated by him for that purpose.

“12.9 Every regulation made under this Act comes into force ten days after its publication in the *Gazette officielle du Québec* or on any later date determined therein.”

TRANSPORT ACT

13. The Transport Act (R.S.Q., chapter T-12) is amended by inserting in Division III, immediately after section 8, the following section:

“8.1 The Government, by order, may suspend in whole or in part, for exceptional events and for such period as it may indicate, the application of a regulation or order, and determine the conditions to be met by a carrier to carry on the activities governed by the regulation or order concerned.

Every carrier shall observe the conditions established by the Government.”

14. Section 32 of the said Act is amended by striking out subparagraph *i* of the first paragraph.

15. Section 37 of the said Act is replaced by the following sections:

“37. A permit may be issued for the whole or part of a year. Unless otherwise prescribed by regulation, every permit shall expire on the last day of March each year; it may be renewed, with or without changes, upon payment of the annual duties.

The Commission may enter into an agreement with the Régie de l'assurance automobile du Québec in order to have the payable annual duties collected in its name by the Régie. The agreement is subject to approval by the Government.

“37.1 The Régie shall refuse to accept payment of the duties if, in its opinion, the permit holder

(1) does not meet the conditions prescribed under this Act and the regulations thereunder for the issue or renewal of the permit;

(2) is in any situation where the permit may be suspended or revoked; or

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

Within fifteen days of the refusal, the permit holder may apply to the Commission to have the permit renewed.

In no case may the Commission refuse to renew the permit in the cases described in the first paragraph unless the permit holder has been given an opportunity to be heard. The permit remains in force until the date of coming into force of the decision of the Commission.”

16. Section 48 of the said Act is amended by replacing the words “under subparagraph *g*” in the second line by the words “under subparagraph *k*”.

17. Section 49.4 of the said Act is amended by inserting, after the words “designated by it” in the first line, the following words: “, a member of the Sûreté du Québec, a public servant of the Sûreté du Québec designated by the Director General of the Sûreté du Québec for the administration of this Act”.

18. Section 49.5 of the said Act is amended by inserting, after the word “person” in the first line, the following words: “, a member of the Sûreté du Québec, a public servant of the Sûreté du Québec designated by the Director General of the Sûreté du Québec for the administration of this Act”.

19. Section 50 of the said Act is amended by inserting, after the word “person” in the second line, the following words: “, a member of the Sûreté du Québec, a public servant of the Sûreté du Québec designated by the Director General of the Sûreté du Québec for the administration of this Act”.

20. Section 50.1 of the said Act is amended by adding, at the end, the following words: “or, as the case may be, show his badge”.

21. The said Act is amended by inserting, after section 80, the following section:

“80.1 Every public servant of the Sûreté du Québec designated by the Director General of the Sûreté du Québec for the administration of this Act is a peace officer for the purposes of its administration.”

ROADS ACT

22. Section 10 of the Roads Act (R.S.Q., chapter V-8) is amended by replacing paragraphs 5 and 7 by the following paragraphs:

“(5) Establish parking zones, service areas, rest areas, toll-stations, lookouts, pavilions, bicycle paths, hiking trails and any other protection, safety or embellishment works;

“(7) Transfer, lease, exchange any property so established or acquired or dispose thereof in such a manner as he may deem appropriate.”

23. Section 85 of the said Act is replaced by the following section:

“85. The Government, represented by the Minister of Transport, may lease or acquire by agreement or expropriation any land or other

immovable property in order to place materials there and work same, to store vehicles, machines, implements and tools and repair them, to install scales and have offices, and generally for all purposes in connection with the carrying out of this Act.”

MUNICIPAL CODE

24. Article 398*l* of the Municipal Code, enacted by section 34 of chapter 45 of the statutes of 1983, is replaced by the following article:

“398*l*. Any local corporation, by by-law approved by the Minister of Transport, may contract with any person to provide a special transportation service in its territory for handicapped persons and to provide links to points outside the territory. The proposed service must be described in the by-law.”

25. Article 398*o* of the said Code, enacted by section 34 of chapter 45 of the statutes of 1983, is amended by striking out the words “of its territory” in the third and fourth lines of the first paragraph.

CHARTER OF THE CITY OF LAVAL

26. Section 63 of the Charter of the City of Laval (1965, 1st session, chapter 89), enacted by section 25 of chapter 99 of the statutes of 1971 and amended by section 96 of chapter 7 of the statutes of 1978 and by section 81 of chapter 45 of the statutes of 1983, is again amended

(1) by replacing subparagraph *k* by the following subparagraphs:

“(k) make, with any municipality from outside its territory or any intermunicipal board, a contract to supply a special transportation service in the territory of the municipality or board for handicapped persons and to provide links to points outside the territory;

“(l) make, with a public transport permit holder or a school bus carrier, a contract for the supply of certain public transport services;

“(m) make an agreement with another public body providing public transport to extend its public transport service to the territory of the body.”;

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

“The special service described in subparagraph *j* of the first paragraph may be furnished in such a manner as to provide links to points outside the territory of the Commission.”

ACT TO INCORPORATE THE MONTREAL SOUTH SHORE TRANSIT COMMISSION

27. Section 38 of the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98), amended by section 104 of chapter 7 and by section 14 of chapter 104 of the statutes of 1978 and by section 68 of chapter 45 of the statutes of 1983, is again amended

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

“(j) to make, with any municipality from outside its territory or any intermunicipal board, a contract to supply a special transportation service in the territory of such municipality or board, for handicapped persons and to provide links to points outside the territory;

“(k) to make a contract, with a public transport permit holder or a school bus carrier, for the supply of certain public transportation services;

“(l) to make an agreement with another public body providing public transport to extend its public transport service to the territory of the body.”;

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

“The special service described in subparagraph *i* of the first paragraph may be furnished in such a manner as to provide links to points outside the territory of the Commission.”

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL AND AMENDING VARIOUS LEGISLATION

28. The Act respecting intermunicipal boards of transport in the area of Montréal and amending various legislation (1983, chapter 45) is amended by inserting, after section 27, the following sections:

“27.1 A municipality party to an agreement may, by resolution, request the board of which it is a member to organize in its territory a special transportation service for handicapped persons and to provide links to points outside the territory.

The board shall organize the service, which shall not be supplied by anyone but a carrier or a person under contract with the board.

The municipality having made the request referred to in the first paragraph shall assume any deficit arising from the service.

“27.2 Where the request referred to in section 27.1 is made by two or more municipalities, they shall make an agreement providing for the financial contribution of each municipality towards the organization of the service.”

ACT RESPECTING TRANSPORTATION BY TAXI

29. Section 68 of the Act respecting transportation by taxi (1983, chapter 46) is amended by replacing the second paragraph by the following paragraphs:

“The rules of practice and the rules of internal management of the Commission made under section 5 of the Transport Act (R.S.Q., chapter T-12) apply, taking into account the necessary amendments, to matters introduced under this Act.

The provisions of the Transport Act governing decisions and appeals from decisions of the Commission apply in the same manner under this Act.”

30. Section 117 of the said Act is amended by adding, at the end, the following paragraph:

“This section does not exempt the holder of a permit from the obligation of renewing his permit for the year 1984.”

31. 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).

32. This Act comes into force on the day of its sanction, except sections 3, 4 and 17 to 21, which will come into force on a date to be fixed by proclamation of the Government.