

THIRD SESSION

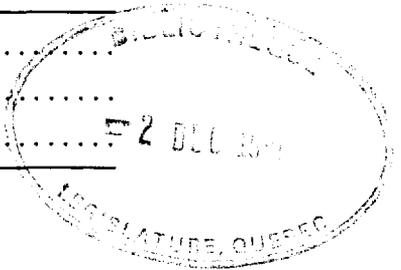
THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 31

**An Act to amend the Transport Act
and other legislation**

First reading
Second reading
Third reading



M. MICHEL CLAIR

Minister of Transport

QUÉBEC OFFICIAL PUBLISHER

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EXPLANATORY NOTES

The object of this bill is to reform the body of rules governing the administration and management of school bussing. It also opens the way to a broader and therefore more rational use of mass transit equipment, especially of school busses.

The new administration system gives school boards increased responsibility for arranging bussing for users in their schools. The amounts of subsidies to school boards will henceforth be fixed by the Minister of Transport rather than by government regulation.

While maintaining the principle of integration of school children into public transport as a priority, the new system withdraws exclusive jurisdiction to negotiate school bussing contracts from the public agencies.

The bill allows teaching institutions to make their school bus routes available to users other than the school population, and also opens the way, through by-laws, for school bus operators to offer chartered bus service. This change entails modification of the present system, in which public agencies have exclusive jurisdiction over chartered bus service in their territories.

In addition, the bill allows municipalities, subject to prior authorization of the Minister of Transport, to arrange for public transport by contract, where no bus service is provided by a public transport system or a public transport permit holder.

The introduction of these reforms to the school bussing system and of the principle of broader use of school busses requires many changes to the Transport Act and the Education Act.

ACTS AMENDED BY THIS BILL

- (1) the Transport Act (R.S.Q., chapter T-12);
- (2) the Education Act (R.S.Q., chapter I-14);
- (3) the Act respecting private education (R.S.Q., chapter E-9);

- (4) the General and Vocational Colleges Act (R.S.Q., chapter C-29);
- (5) the Act respecting grants to school boards (R.S.Q., chapter S-36);
- (6) the Québec Urban Community Act (1969, chapter 83);
- (7) the Montréal Urban Community Act (1969, chapter 84);
- (8) the Outaouais Regional Community Act (1969, chapter 85);
- (9) the Charter of the City of Laval (1965, 1st session, chapter 89);
- (10) the Act to incorporate the Montréal South Shore Transit Commission (1971, chapter 98);
- (11) the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- (12) the Highway Safety Code (1981, chapter 7).
- (13) the Cities and Towns Act (R.S.Q., chapter C-19);
- (14) the Municipal Code.

Bill 31

An Act to amend the Transport Act and other legislation

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Section 4 of the Transport Act (R.S.Q., chapter T-12) is replaced by the following section:

“4. The Minister may grant subsidies for transport purposes.”

2. Section 5 of the said Act, amended by section 2 of chapter 8 of the statutes of 1981, is replaced by the following section:

“5. In addition to the other regulatory powers conferred upon it by this Act, the Government may, by regulation:

(a) establish standards, conditions or modes of construction, use, safe-keeping, upkeep, ownership, possession, rent, hygiene or safety of any means of transport or transport system which it indicates;

(b) establish and delimit territorial divisions, or authorize the Commission to establish and delimit such divisions in the cases and on the conditions it determines;

(c) determine what activities require a permit, provide exceptions thereto as regards 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 activities;

(d) determine the nature and classes of permits, establish standards permitting the determination of the minimum and maximum number of permits, and prescribe the conditions on which a person may obtain and hold a permit;

(e) prescribe conditions for the maintaining, assignment or transfer of a permit where there is a transfer of ownership or change of control of a means of transport or a transport system, or an acquisition contemplated in section 44;

(f) 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;

(g) fix the requirements applicable to the management and financing of means of transport or transport systems, the equipment of carriers, the exchange of equipment and the establishment or change of lines or routes of carriers;

(h) prescribe standards for the tariffs, rates or costs of transport, the hauling of trailers, semi-trailers, floats or houses, offices or plants on wheels, the leasing of vehicles and transport brokerage;

(i) prescribe, in respect of any activity, service or territorial division, that rates and tariffs are governed by a procedure of filing with the Commission, and determine the modalities of such procedure and the rules applicable to their coming into force;

(j) grant exemption from payment for a transport service to such persons as it determines;

(k) make the rules of practice and the rules for the internal management of the Commission, after consulting it, adopt tariffs of fees and prescribe annual dues or other duties payable for the matters submitted to the Commission and determine the deposits that may be required and the conditions of their return or confiscation;

(l) change the administrative divisions provided for by section 18, establish new administrative divisions and assign any class of transport to a division;

(m) fix the requirements applicable to a cost estimate, contract or bill of lading in respect of a carrier;

(n) determine the minimum stipulations to be included in a carrier contract and prescribe the minimum coverage of a civil liability insurance policy or guarantee of solvency required of carrier;

(o) determine the standards and conditions of establishment, operation, financing and management applicable to any person wishing to provide or providing a transport brokerage service to a carrier holding a permit for the transport of a bulk material, and generally or specially delegate the exercise of such powers to the Commission;

(p) determine the standards and conditions for the establishment, operation, financing and management of a firm, association

or agency supplying services of publicity or the distribution of calls or other services of a similar nature to owners or chauffeurs of taxicabs;

(*q*) prescribe the necessary forms for the administration of this Act.

Every regulation made under this Act comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.”

3. Section 6 of the said Act is amended by replacing paragraph *b* by the following paragraph:

“(b) prescribe the standards and conditions of recognition by the Commission of any carriers’ agency or association of carriers contemplated in paragraph *a*.”

4. Section 18 of the said Act is amended by replacing paragraph 1 by the following paragraph:

“(1) *Public Transport*:

Public transport comprises the transport of persons for remuneration by a motor vehicle within the meaning of the Highway Safety Code (1981, chapter 7), except school bussing.”

5. Section 23 of the said Act, amended by section 9 of chapter 8 of the statutes of 1981, is again amended by striking out the words “the transport of school children,” in the second paragraph.

6. Section 32 of the said Act, amended by section 10 of chapter 8 of the statutes of 1981, is again amended by striking out subparagraphs *e*, *f* and *k* of the first paragraph.

7. Subdivision 17 of Division IV of Part III, comprising sections 195 and 196, of the Education Act (R.S.Q., chapter I-14), is replaced by the following subdivision:

“§17. —*Powers of School Boards respecting School Bussing*

“**195.** A school board may, with prior authorization of the Minister of Transport given after consultation with the Minister, exercise the powers granted to a regional board by sections 431 to 431.8.

“**196.** Sections 440 and 440.1 apply to a school board referred to in section 195.”

8. Section 431 of the said Act, amended by section 45 of chapter 80 of the statutes of 1979, is replaced by the following sections:

“431. The provisions of this Act respecting the powers, duties and obligations of school boards and school commissioners apply, *mutatis mutandis*, to the regional board and its commissioners.

“431.1 A regional board may organize school bussing for all or part of the users resident in its territory, assume the expenses for that purpose and make any agreement for the school bussing of all or part of the users attached to a school board, another regional board, a private educational institution or a general and vocational college.

“431.2 A regional board may provide school bussing by means of vehicles it owns or rents. However, the board must obtain prior authorization of the Minister of Transport.

“431.3 A regional board may grant a school bussing contract after negotiating an agreement or after a call for public tenders. However, in no case is it bound to accept the lowest or any other tender.

“431.4 The Government may, by regulation, determine the steps to be followed in granting a school bussing contract, provide restrictions and conditions at each step to the granting of a contract, limit the power of the regional board to negotiate a contract by agreement to certain carriers and prescribe the minimum conditions to be included in a contract.

To be valid, a school bussing contract must conform with the regulation provided for in the first paragraph, be in writing, and be for a term not longer than that fixed by the Minister of Transport or, if that has not been fixed, not longer than three school years.

“431.5 In addition to the authorized users of its bussing service designated by the regional board, the latter may, with prior authorization of the Minister of Transport, allow other persons to use the service, and it may fix and charge a fare. A school bus carrier under contract with the regional board shall allow such persons to board if there are seats available. If he fails to do so, the contract may be cancelled at the demand of the regional board. Any contractual agreement to the contrary is void.

“431.6 Section 431.5 does not apply where school bussing is included in a regular public transport service provided by a public transport system or the holder of a public transport permit.

“431.7 Whether or not it is bound by a school bussing contract for the transport of its users the regional board may pay an amount directly to its users to cover the whole or part of their bus fare.

“431.8 A regional board exercising its power to organize school bussing must first set up an advisory committee on bussing whose membership, powers and procedures must conform with the standards determined by regulation of the Government.

“431.9 A regional board or school board authorized under section 195 to exercise the powers of a regional board shall receive school bussing subsidies in the amounts determined by the Minister of Transport, after consultation with the Minister.

“431.10 Government regulations made under sections 431.4 and 431.8 come into force from their publication in the *Gazette officielle du Québec* or on any later date fixed therein.”

9. Section 440 of the said Act, replaced by section 365 of chapter 72 of the statutes of 1979, is again replaced by the following sections:

“440. The cost of bussing expenses incurred by a regional board, for the school boards that are members thereof or for another regional board, shall be assumed by each of them on the basis of the cost of bussing services received or according to a proportion determined by the Government, less the subsidies granted for these purposes.

“440.1 The cost of bussing expenses incurred by a regional board for a general and vocational college or private educational institution shall be assumed by such college or institution on the basis of the cost of bussing services received, less the subsidies granted for these purposes.”

10. Section 441 of the said Act, replaced by section 366 of chapter 72 of the statutes of 1979, is again replaced by the following section:

“441. Without limiting the scope of section 431, the provisions of subdivision 23 of Division IV of Part III concerning the duties of commissioners respecting school taxes, and those of Part IV respecting the valuation of property and school taxes apply, *mutatis mutandis*, to the regional board.”

11. Section 504 of the said Act, amended by section 370 of chapter 72 of the statutes of 1979, is again amended by replacing the fourth paragraph by the following paragraph:

“The Council shall study and approve the budgets of the school boards, and submit them to the Minister; it shall fix the rate of the taxes required to pay expenses not otherwise provided for by government grants and other revenue for the attainment of its

objects and those of the school boards, and receive the proceeds of such taxes and the government grants applicable to school boards and the Council. It shall also receive, on behalf of school boards, the school bussing subsidies granted by the Minister of Transport and transmit such amounts to them.”

12. Section 59 of the Act respecting private education (R.S.Q., chapter E-9) is replaced by the following sections:

“**59.** An institution may make an agreement with a school corporation under section 431.1 of the Education Act (R.S.Q., chapter I-14) for the bussing of persons who attend such institution, and claim from them payment of the cost incurred by the institution under section 440.1 of that Act.

“**59.1** The institution may itself, however, with prior authorization of the Minister of Transport, organize all or part of the bussing of the persons who attend the institution, and make any contract therefor. It may claim payment of the cost thereof from the users, after deducting the subsidies made for such purposes.

“**59.2** Sections 431.2 to 431.6 of the Education Act apply *mutatis mutandis* to every institution that, itself, organizes the bussing of the persons who attend the institution.

“**59.3** The Minister of Transport may make subsidies, the amount of which he shall determine in each case, for the bussing of the persons who attend an institution declared to be of public interest.”

13. Section 6 of the General and Vocational Colleges Act (R.S.Q., chapter C-29), amended by section 3 of chapter 24 of the statutes of 1979, is again amended by striking out the last three paragraphs.

14. The said Act is amended by adding, after section 6, the following sections:

“**6.1** A college may make an agreement, with a regional board or a school board, under section 431.1 of the Education Act (R.S.Q., chapter I-14) for the bussing of the persons who attend such college, and claim from them payment of the cost incurred by the college under section 440.1 of that Act.

“**6.2** The college may itself, however, with prior authorization of the Minister of Transport, organize all or part of the bussing of the persons who attend such college, and make any agreement therefor. It may claim payment of the cost thereof from the users.

“**6.3** Sections 431.2 to 431.6 of the Education Act apply *mutatis mutandis* to every college that itself organizes the bussing of the persons who attend the college.”

15. Division VII of the Act respecting grants to school boards (R.S.Q., chapter S-36) comprising section 9, subsections 2 and 3 of section 11 and the fourth paragraph of section 13, is repealed.

16. Section 251 of the Québec Urban Community Act (1969, chapter 83), amended by section 44 of chapter 88 of the statutes of 1971, by section 130 of chapter 55 of the statutes of 1972 and by section 72 of chapter 103 of the statutes of 1978, is again amended

(1) by replacing subsection 1 by the following subsection:

“(1) The Commission de transport may provide special and charter trips on its territory.”;

(2) by replacing subsection 3 by the following subsection:

“(3) The Commission de transport may make a contract for school bussing within the scope of the Education Act (R.S.Q., chapter I-14), of the Act respecting private education (R.S.Q., chapter E-9) and of the General and Vocational Colleges Act (R.S.Q., chapter C-29).

The Commission de transport has jurisdiction to carry out, even outside its territory, any contract it has made with a regional board or a school board, provided the territory of that school board is comprised in the territory over which the Commission operates under section 211.”

17. Section 252 of the said Act is replaced by the following section:

“**252.** Before operating a sightseeing service, the Commission de transport must submit its tariffs, for approval, to the Commission des transports du Québec.”

18. Section 313 of the Montréal Urban Community Act (1969, chapter 84), amended by sections 135 and 173 of chapter 55 of the statutes of 1972, by section 10 of chapter 104 of the statutes of 1978 and by section 427 of chapter 72 of the statutes of 1979, is again amended

(1) by replacing subsection 1 by the following subsection:

“(1) The Commission may provide special and charter trips in its territory.”;

(2) by replacing subsection 3 by the following subsection:

“(3) The Commission may make a contract for school bussing within the scope of the Education Act (R.S.Q., chapter I-14), of the Act respecting private education (R.S.Q., chapter E-9) and of the General and Vocational Colleges Act (R.S.Q., chapter C-29).

The Commission has jurisdiction to carry out, even outside its territory, any contract it has made with a school board, provided

the territory of that school board is comprised in the territory over which the Commission operates under section 269.”

19. Section 314 of the said Act is replaced by the following section:

“**314.** Before operating a sightseeing service, the Commission must submit its tariffs, for approval, to the Commission des transports du Québec.”

20. Section 247 of the Outaouais Regional Community Act (1969, chapter 85), amended by sections 142 and 173 of chapter 55 of the statutes of 1972, is again amended

(1) by replacing subsection 1 by the following subsection:

“(1) The Commission de transport may provide special and charter trips in its territory.”;

(2) by replacing subsection 3 by the following subsection:

“(3) The Commission de transport may make a contract for school bussing within the scope of the Education Act (R.S.Q., chapter I-14), of the Act respecting private education (R.S.Q., chapter E-9) and of the General and Vocational Colleges Act (R.S.Q., chapter C-29).

The Commission de transport has jurisdiction to carry out, even outside its territory, any contract it has made with a school board, provided the territory of that school board is comprised in the territory in which the Commission operates.”

21. Section 248 of the said Act is replaced by the following section:

“**248.** Before operating a sightseeing service, the Commission de transport must submit its tariffs, for approval, to the Commission de transports du Québec.”

22. Section 102 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 151 of chapter 55 and by section 1 of chapter 77 of the statutes of 1972 and by section 6 of chapter 37 of the statutes of 1973, is again amended

(1) by replacing subsection 1 by the following subsection:

“(1) The Commission may provide special and charter trips in its territory.”;

(2) by replacing subsection 3 by the following subsection:

“(3) The Commission may make a contract for school bussing within the scope of the Education Act (R.S.Q., chapter I-14), of the Act respecting private education (R.S.Q., chapter E-9) and of the General and Vocational Colleges Act (R.S.Q., chapter C-29).

The Commission has jurisdiction to carry out, even outside its territory, any contract it has made with a school board, provided the territory of that school board is comprised in the territory in which the Commission operates under sections 47 and 48.”

23. Section 103 of the said Act, amended by section 2 of chapter 77 of the statutes of 1972, is replaced by the following section:

“**103.** Before operating a sightseeing service, the Commission must submit its tariffs, for approval, to the Commission des transports du Québec.”

24. Section 76 of the Act to incorporate the Montréal South Shore Transit Commission (1971, chapter 98), amended by section 155 of chapter 55 of the statutes of 1972 and by section 14 of chapter 91 of the statutes of 1973, is again amended

(1) by replacing subsection 1 by the following subsection:

“(1) The Commission may provide special and charter trips in its territory.”;

(2) by replacing subsection 3 by the following subsection:

“(3) The Commission may make a contract for school bussing within the scope of the Education Act (R.S.Q., chapter I-14), of the Act respecting private education (R.S.Q., chapter E-9) and of the General and Vocational Colleges Act (R.S.Q., chapter C-29).

The Commission has jurisdiction to carry out, even outside its territory, any contract it has made with a school board, provided the territory of that school board is comprised in the territory in which the Commission operates under sections 19 and 20.”

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

“**77.** Before operating a sightseeing service, the Commission must submit its tariffs, for approval, to the Commission des transports du Québec.”

26. Section 53 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is replaced by the following section:

“**53.** The corporation is deemed to hold a public transport permit from the Commission, to provide special or charter trips and for the purposes of the regulations concerning the seasonal transport of persons.”

27. Section 64 of the said Act is repealed.

28. Section 66 of the said Act is replaced by the following section:

“66. The corporation may make a contract for school bussing within the scope of the Education Act (R.S.Q., chapter I-14), of the Act respecting private education (R.S.Q., chapter E-9) and the General and Vocational Colleges Act (R.S.Q., chapter C-29).

The corporation has jurisdiction to carry out, even outside its territory, any contract it has made with a school board, provided the territory of that school board is comprised within the territory in which the corporation operates under sections 4 and 67.”

29. Section 269 of the Highway Safety Code (1981, chapter 7) is replaced by the following section:

“269. Every owner whose vehicle does not conform to the requirements of one or other of sections 202, 233, 246 and 254 or the first paragraph of section 203, and every person who contravenes any of sections 204, 218, 224 and 261, is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$50.”

30. Section 270 of the said Code is replaced by the following section:

“270. Every owner whose vehicle does not conform to the requirements of one or other of sections 205, 220, 223, 229 to 231, 236 and 248, and every person who contravenes section 239 or 253, is guilty of an offence and is liable, in addition to costs, to a fine of \$50 to \$100.”

31. Section 386 of the said Code is replaced by the following section:

“386. In this division, unless the context indicates otherwise, the word “school bus” includes a minibus used for the transport of school children.”

32. Section 387 of the said Code is replaced by the following section:

“387. Notwithstanding section 462, no driver of a school bus may allow more persons to get on the bus than there are places available for them to sit. The driver shall ascertain that every person is seated before setting his vehicle in motion and while it is in motion.”

33. Section 388 of the said Code is replaced by the following section:

“388. The driver of a school bus must, when stopping to take on or discharge persons, give warning by operating the flashing lights provided for in section 207 for the whole time that the persons are not in safety.”

34. Section 389 of the said Code is replaced by the following section:

“389. For the purposes of section 388, where two or more school buses are stopped in single file and the driver of one of them is taking on or discharging persons, the driver of every following bus also must operate the flashing lights of his vehicle.”

35. Section 500 of the said Code is amended by replacing the second paragraph by the following paragraph:

“In the case of an infraction against any of sections 32, 33, 65, 66, 67, 84, 85, 87 to 90, 100, 132, 145, 146, 275 to 280, 282 to 301, 303 to 306, 313, 314, 318, 325 to 363, 373 to 375, 378 to 382, 384, 385, 387 to 401, 404, 407, 409, 419, 428, 436, 439, the fifth paragraph of section 440, section 441, the second and third paragraphs of section 442, sections 453, 456 and 459 to 464, or against any municipal by-law to the same effect, the owner is responsible only if it is shown that he was the driver of the vehicle at the time of the infraction or was in the vehicle then driven by his agent. In the latter case, the court may condemn either or both of them.”

36. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by adding, after section 267, the following subdivision and sections:

“§ 22.1 — *Setting up an auxiliary public transport service*

“467.1 The council may, by a by-law approved by the Minister of Transport, set up an auxiliary public transport service to transport persons inside and outside the territory of the municipality, provided the point of departure or the point of arrival is situated in such territory. The proposed service must be described in the by-law.

“467.2 No such transport may be supplied by anyone but a public transport system, the holder of a public transport service permit or a school bus carrier in conformity with a contract made with the municipality.

Where such transport is supplied by a school bus carrier, the latter shall supply such transport by means of school bus only.

“467.3 To be valid, the public transport contract must describe the service, determine the conditions thereof and fix the tariffs, after obtaining the approval of the Minister of Transport.

“467.4 The Transport Act (R.S.Q., chapter T-12), the regulations thereunder and the orders mentioned in the second paragraph of section 89 of that Act apply to any carrier under contract with the municipality, except as regards the obligation to hold a permit and determine the routes, time-tables and tariffs of the service contracted for.

“467.5 Section 467.1 does not apply to a municipality situated in the territory of a public transport system, or to a municipality in whose territory the holder of a public transport permit is supplying a service similar to the proposed service, unless the holder is a party to the contract with the municipality.”

37. The Municipal Code is amended by adding, after article 398*a*, the following section and articles:

“SECTION VII B

“SETTING UP A PUBLIC TRANSPORT SERVICE

“398*b*. Any local corporation may, by a by-law approved by the Minister of Transport, set up a public transport service to transport persons inside and outside the territory of the municipality, provided the point of departure or the point of arrival is situated in such territory. The proposed service must be described in the by-law.

“398*c*. No such transport may be supplied by anyone but a public transport system, the holder of a public transport service permit or a school bus carrier in conformity with a contract made with the corporation.

Where such transport is supplied by a school bus carrier, the latter shall supply such transport by means of school bus only.

“398*d*. To be valid, the public transport contract must describe the service, determine the conditions thereof and fix the tariffs, after obtaining the approval of the Minister of Transport.

“398*e*. The Transport Act (R.S.Q., chapter T-12), the regulations thereunder and the orders mentioned in the second paragraph of section 89 of that Act apply to any carrier under contract with the corporation, except as regards the obligation to hold a permit and determine the routes, time-tables and tariffs of the service contracted for.

“398f. Article 398*b* does not apply to a corporation situated in the territory of a public transport system, or to a corporation in whose territory the holder of a public transport permit is supplying a service similar to the proposed service, unless the holder is a party to the contract with such corporation.”

38. Regulations or by-laws made under the provisions repealed or replaced by sections 2, 3, 7, 8, 9, 12 and 15 of this Act remain in force until they are repealed, amended or replaced by a regulation made or, where such is the case, by a decision of the Minister of Transport under the provisions enacted by this Act.

39. This Act will come into force on the date fixed by proclamation of the Government, except those provisions excluded by the proclamation, which will come into force, in whole or in part, on any later date that may be fixed by proclamation of the Government.