

THIRD SESSION

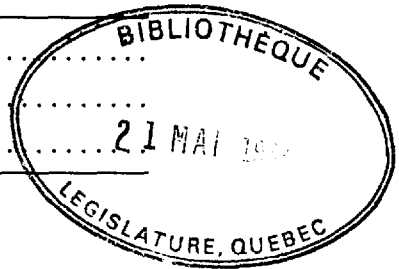
THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 48

An Act to favour the pursuit of the objects of
LA LIGUE DE TAXIS DE MONTRÉAL INC.

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 favour the pursuit of the objects of LA LIGUE DE TAXIS DE MONTRÉAL INC.

This bill specifies the conditions according to which taxicab owners in the urban area of Montréal will be entitled to take part in the next general meeting of LA LIGUE DE TAXIS DE MONTRÉAL INC. and to become candidates for membership on the board of directors at the next election.

It requires the league to hold a general meeting of its members on 26 September 1982, in order to submit a revised text of its by-laws to them for adoption and to fix the amount of the annual assessment that will be payable by its members beginning in 1982.

This bill empowers the Minister of Transport to name an auditor to audit the accounts and books of the corporation to 31 December 1982, and to levy a special assessment in order to reduce the accumulated deficit of the corporation for the years 1979, 1980 and 1981.

It requires permit holders in the urban area of Montréal to pay, over and above the assessment that may be established by the Minister of Transport, the amount of \$35 per permit per year for each of the years 1979, 1980 and 1981. It provides in this respect that failure to pay may entail revocation of the taxicab owner's permit.

Lastly, the bill entrusts supervision of the next general meeting of the members of the corporation and of the next election of its board of directors to a committee to be selected as provided in the bill. The date of the election is to be later than the date of the general meeting.

Bill 48

An Act to favour the pursuit of the objects of
LA LIGUE DE TAXIS DE MONTRÉAL INC.

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

CHAPTER I

GENERAL PROVISIONS

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

“directors” means the persons acting as members of the board of directors of the corporation on (*insert here the date of the tabling of Bill 48*);

“taxicab owner’s permit” or “permit” means a taxicab owner’s permit issued under the Transport Act (R.S.Q., chapter T-12), in accordance with Regulation 6 respecting transport by taxicab;

“urban area of Montréal” means the “conglomeration of Montréal” within the meaning of Regulation 6 respecting transport by taxicab made under Order in Council 3495-73, dated 25 September 1973, and the amendments thereto.

2. The general meeting of the members of LA LIGUE DE TAXIS DE MONTRÉAL INC., hereinafter called the corporation, is postponed until 26 September 1982.

The corporation shall not hold a general meeting before 26 September 1982 except with prior authorization of the Minister of Transport.

3. The meeting contemplated in the first paragraph of section 2 shall be held for the sole purposes of

(1) submitting to the members, for adoption, in the place and stead of the directors, the revised by-laws of the corporation;

(2) submitting to the members, for adoption, in the place and stead of the directors, a by-law establishing the amount of the annual assessment payable by each member of the corporation from 1 January 1982;

(3) submitting to the members any other business that the Minister may determine; and

(4) informing the members of the date and the terms and conditions of the next election of the members of the board of directors of the corporation.

4. The directors shall submit to the meeting contemplated in the first paragraph of section 2 the draft revised by-laws of the corporation previously approved by the Minister with or without amendment.

The directors shall forward the draft to the Minister within the time he determines.

No other draft of revised by-laws of the corporation may be submitted at the meeting, subject to the amendments to the draft contemplated in the first paragraph which may be proposed by the members at the meeting.

5. A by-law adopted at the meeting is deemed to have been adopted by all the members of the corporation.

6. The election of the members of the board of directors of the corporation contemplated in paragraph 4 of section 3 shall take place on a date fixed by the committee constituted under section 18 and subsequent to the meeting.

7. Every holder of a taxicab owner's permit of the urban area of Montréal is a member of the corporation, is eligible to be a member of the board of directors and is entitled to vote at the meeting and at the election, if he has paid to the corporation, before 26 August 1982, the amounts of the assessments prescribed by sections 15 and 16.

Subject to section 17, the payment of the assessment must be made by mail or otherwise to the corporate seat of the corporation.

8. The term of office of the directors is extended until the election of the members of the board of directors of the corporation.

9. In the case of a vacancy, or of the incapacity or resignation of a director of the corporation, after (*insert here the date of the tabling of Bill 48*), the Minister may appoint, for such period as he may determine, any director required to make a quorum.

10. Until the election, the directors shall not, without the authorization of the Minister, make any financial commitment for a sum in excess of \$1000.

They must manage the sums of money collected under sections 15 and 16 in accordance with articles 981*o* to 981*v* of the Civil Code and refrain from disposing of such sums without the authorization of the Minister, except to pay the debts of the corporation to 31 December 1981.

CHAPTER II

ASSESSMENTS

11. The Minister shall appoint an auditor to audit the accounts and books of the corporation to 31 December 1981, to prepare on that basis the financial statements to that date, and to carry out any other duty he considers it appropriate to assign to him.

The financial statements shall include, in particular, a detailed statement of the amount of the assessments paid for the years 1979, 1980 and 1981 and the assessments payable under section 15.

12. The auditor has access at all times to the books, accounts and vouchers of the corporation and is entitled to demand from the directors the necessary information and explanations to carry out his mandate.

He is, furthermore, vested with the powers provided for in subsections 3, 4 and 5 of section 110 of the Companies Act (R.S.Q., chapter C-38), which apply also, *mutatis mutandis*, to the directors of the corporation.

13. For the purposes of this Act, the fiscal year of the corporation ends on 31 December of each year.

14. The auditor shall forward to the Minister, not later than 1 July 1982, the financial statements prepared in accordance with section 11, accompanied with his report and any other document required by the Minister respecting the financial position of the corporation.

15. Every holder of a taxicab owner's permit of the urban area of Montréal shall pay to the corporation, before 26 August 1982, an assessment of \$35 per permit for each of the years 1979,

1980 and 1981, in place of all the assessments of the corporation during that period.

16. The Minister may determine the amount of a special assessment per permit that he considers it appropriate to establish in order to reduce the accumulated deficit of the corporation for the years 1979, 1980 and 1981.

Every holder of a taxicab owner's permit of the urban area of Montréal shall pay the assessment under this section to the corporation before 26 August 1982.

17. The corporation shall allocate to the payments prescribed by sections 15 and 16, every amount collected by it before *(insert here the date of the tabling of Bill 48)* from a permit holder as assessments for the years 1979, 1980 and 1981.

Any surplus must be allocated to the payment of the assessment for the year 1982.

In the case of transfer of a permit, the amount collected from the transferor by the corporation must be divided by the number of permits held by the transferor in order to establish the proportion of that amount that may be allocated to the payment of the assessments of a permit held by the transferee.

The allocation of the payment contemplated in this section discharges in whole or in part the obligations prescribed in sections 15 and 16.

CHAPTER III

GENERAL MEETING AND ELECTION

18. The general meeting of the members of the corporation and the election of its board of directors must be held under the supervision of a committee of three persons constituted as follows:

- (1) a person designated by the Minister;
- (2) a person designated by the directors or, failing them, by the Minister; and
- (3) a person designated as chairman jointly by the other two members of the committee or, if they fail to agree, by the Minister.

19. The committee shall have the following duties and powers:

- (1) to supervise the holding of the meeting and the election;
- (2) to establish the rules that it considers necessary for the carrying out of this Act in regard to the holding of the meeting, the holding of the election, the preparation and revision of the list of members of the corporation and the nomination of candidates;

(3) to fix the date of the election and the date of the close of nominations;

(4) to have the ballots printed;

(5) to approve, with or without change, the agenda of the general meeting prepared by the directors in accordance with section 3 or, failing such agenda, to prepare it;

(6) to issue any directives that it considers necessary for the carrying out of this chapter;

(7) to carry out any other duty entrusted to it by the Minister to ensure the carrying out of this chapter.

20. In order to become a candidate in the election, a member must submit his candidacy in accordance with the rules established under section 19, before the close of nominations.

21. The committee shall, not later than 1 August 1982, cause a notice to be published in a newspaper circulated in the territory of the urban area of Montréal informing holders of a taxicab owner's permit of the urban area of Montréal of

(1) the date from which and the place where the provisional list of members of the corporation will be posted;

(2) the dates, time and place of the revision of the provisional list of members of the corporation;

(3) the qualifications and conditions required to vote at the meeting and at the election;

(4) the date of the meeting and of the election;

(5) any other information that the Minister may determine.

22. For the purposes of section 7, the secretary-treasurer of the corporation or, as the case may be, the person designated by the committee shall establish a provisional list of members of the corporation and post it from 1 September 1982 at the corporate seat of the corporation or at any other place determined by the Minister.

The list must be prepared in the manner and according to the rules prescribed by the committee.

It must contain the surname, given name, date of birth and address of each holder of a taxicab owner's permit of the urban area of Montréal who has paid the assessments provided for by sections 15 and 16. In the case of a corporation, the list must contain the corporate name of the corporation, the place of its corporate seat and the surname, given name, date of birth and address of the delegate duly authorized to act in its name at the meeting and at the election.

23. Each holder of a taxicab owner's permit of the urban area of Montréal may, during the period from 1 September to 10 September 1982 and according to the rules determined by the committee, request the secretary-treasurer of the corporation or, as the case may be, the person designated by the committee, to register him on the list or make any correction to the list in respect of the surname, given name, date of birth and address of any member of the corporation and, where applicable, of the delegate.

The request shall be transmitted to the committee by the secretary-treasurer of the corporation or, as the case may be, by the person designated by the committee.

24. The committee shall examine the provisional list of members of the corporation and shall have in that respect powers similar to the powers vested by section 102 of the Act respecting electoral lists (R.S.Q., chapter L-4.1) in a board of revisors.

25. From 11 September 1982, the secretary-treasurer of the corporation or, where such is the case, the person designated by the committee, shall, taking into account the decisions that have been rendered under section 23 by the committee and according to the rules prescribed by the committee, draw up the list of members of the corporation and forward it to the committee before 14 September 1982.

26. The list is the only official list of members of the corporation for the purposes of the meeting and for the purposes of the election.

27. A copy of the list may be forwarded to each of the candidates.

28. The chairman of the committee shall be chairman of the meeting and returning officer for the election.

He shall, with the authorization of the Minister, appoint the persons he considers necessary to act at the meeting and during the voting.

He may, to facilitate the voting, divide the members in the manner he considers appropriate.

29. The chairman of the committee shall, not later than 15 September 1982, transmit to the members registered on the list a notice indicating the place, date, time and agenda of the meeting and the place or places, date and time of the election.

30. The quorum at the meeting is fixed at 150 members.

For the meeting to proceed, it is sufficient that the quorum be reached within one hour from the time fixed for holding the meeting.

If within one hour from the time fixed for holding the meeting there is not a quorum, the meeting must be held the next day at the time fixed by the committee and at the same place, without other formality; the members then present shall constitute the quorum of that meeting.

31. In order to exercise his right to vote at the meeting or at the election, a member must be registered on the list of members of the corporation established under section 25.

32. At the meeting or at the election, a member is entitled to only a single vote regardless of the number of permits he holds.

33. For the purposes of this Act, every vote is decided by a majority of the votes cast.

34. No election is voidable by reason of the non-observance of a formality established under this Act unless it has influenced the result of the vote. The same applies to the meeting or a vote taken at the meeting.

CHAPTER IV

REGULATIONS

35. The Government may, by regulation, adopt any other provisions and any other expedient measures to supply for any omission, in order to ensure the carrying out of this Act.

36. Every regulation made by the Government under section 35 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein. Such a regulation may, however, once published and, if it so provides, apply from any date not before (*insert here the date of the tabling of Bill 48*).

CHAPTER V

OFFENCES AND PENALTIES

37. Every person who contravenes a provision of this Act or the regulations, or rules made under this Act is guilty of an offence.

38. A person who, knowingly, by an act or omission, attempts to aid a person to commit an offence or who advises, encourages or incites a person to commit an offence is himself a party to the offence and liable to the same penalty as that provided for the person who is guilty of the offence, whether or not such person has been prosecuted or convicted.

39. Any person who is guilty of an offence is liable on summary proceedings, in addition to costs, to a fine of not less than \$100 nor more than \$1000 for each offence.

40. Proceedings are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or by a person whom he authorizes generally or specially for that purpose.

Proceedings under this Act are prescribed by two years from the date of the offence.

41. If a holder of a taxicab owner's permit of the urban area of Montréal fails to satisfy the requirements of sections 15 and 16 within the period provided therein, the Commission des transports du Québec shall, upon receipt of the list of members contemplated in section 25, summon him to conform thereto within 30 days of the summons.

The Commission shall ascertain whether the holder has satisfied the requirements of the summons and, on his default, shall revoke every taxicab owner's permit held by him for which he is in default.

CHAPTER VI

MISCELLANEOUS PROVISIONS

42. The Minister may at any time extend any period or change any date established under this Act.

[[**43.** The costs incurred in auditing the accounts and books of the corporation and those for holding the general meeting and the election of members of the board of directors shall be taken out of the consolidated revenue fund to the extent determined by the Government.]]

44. This Act has effect notwithstanding any other general law or special Act or any by-law of the corporation.

45. Subject to the provisions of this Act, the corporation is not exempt from the application of the Companies Act and the Transport Act.

46. The Minister of Transport is responsible for the carrying out of this Act.

47. Sections 2, 8 and 10 have effect from (*insert here the date of the tabling of Bill 48*).

48. This Act comes into force on the day of its sanction.