

1985, chapter 35
**AN ACT TO AMEND VARIOUS LEGISLATION
RESPECTING TRANSPORT**

Bill 54

Introduced by Mr Guy Tardif, Minister of Transport

Introduced 15 May 1985

Passage in principle 7 June 1985

Passage 19 June 1985

Assented to 20 June 1985

Coming into force: by proclamation of the Government

- 10 July 1985: ss. 3 to 7, 12 (par. 2), 13 (par. 1), 16 to 23, 26 to 29, 31, 33, 36 to 48, 50 to 55, 57, 60 to 73, 75 to 80
G.O., 1985, Part 2, p. 3680
- 16 October 1985: ss. 1, 2, 8 to 11, 12 (par. 1), 13 (par. 2), 14, 15, 24, 25, 30, 32, 34, 35, 49, 56, 58, 59, 74
G.O., 1985, Part 2, p. 4066

Acts amended:

Cities and Towns Act (R.S.Q., chapter C-19)

Highway Safety Code (R.S.Q., chapter C-24.1)

Municipal Code of Québec (R.S.Q., chapter C-27.1)

Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1)

Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)

Act respecting the Ministère des Transports (R.S.Q., chapter M-28)

Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., chapter R-4)

Act respecting transportation by taxi (R.S.Q., chapter T-11.1)

Transport Act (R.S.Q., chapter T-12)

Act respecting the Société de transport de la Ville de Laval (1984, chapter 42)





CHAPTER 35

An Act to amend various legislation respecting transport

[Assented to 20 June 1985]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CITIES AND TOWNS ACT

c. C-19,
s. 467.1,
am.

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

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

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

Tenders

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

School bus
carrier

Where the contract is made with a school bus carrier, the carrier may use vehicles other than school buses or vehicles of the minibuss type. The carrier shall not, in such a case, use those vehicles to transport pupils.”

c. C-19,
ss. 467.2,
467.3,
replaced

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

Holder of
bus permit

“**467.2** Where the municipality organizes for the first time a public transport service and where the holder of a bus transport permit of the class determined by regulation of the Government operates in its

territory, the municipality shall first deliver its specifications for the proposed public transport service to the holder of the permit.

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

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

Call for tenders “**467.3** Failing an agreement with the permit holder within ninety days following the delivery of the specifications, the municipality may call for tenders.

Negotiation with permit holder The municipality shall, within thirty days after the opening of tenders, negotiate again with the permit holder after notifying all the tenderers in writing and make the contract with the holder if he agrees to execute the contract at the price of the lowest tender or at a lower price.

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

c. C-19,
s. 467.4,
am. **3.** Section 467.4 of the said Act is amended by adding, at the end, the words “and to the Commission des transports du Québec”.

c. C-19,
ss. 467.7.1-
467.7.3,
added **4.** The said Act is amended by inserting, after section 467.7, the following sections:

Links to
points out-
side munici-
pality **“467.7.1** Where the council makes a by-law under section 467 or 467.5 by which it provides for the establishment of links to points outside the municipality or for changes therein the Minister of Transport may, within thirty days after receiving a copy of the by-law, disallow the by-law in respect of such links. The Minister shall then notify the council and cause his decision to be published in the *Gazette officielle du Québec*.

Information of council Notwithstanding the first paragraph, the Minister may, before the expiry of the period, inform the council that he does not intend to disallow the by-law.

Transmission of by-law **“467.7.2** Every by-law of a council providing for the establishment of links to any point within the territory of a public body providing public transport or for changes therein shall be sent to the body and to each municipality within the territory of the body on the route planned by the council at least thirty days before it is sent to the Minister of Transport in accordance with section 467.7.1.

Copy of
notices

“467.7.3 In cases provided for in section 467.7.2, the council shall, when sending its by-law to the Minister of Transport, attach to it a copy of the notices it has received from the public body providing public transport and from the municipalities to which the by-law has been sent.”

c. C-19,
s. 467.9,
replaced

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

Application
of s. 467

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

c. C-19,
ss. 467.10.1-
467.10.3,
added

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

Commission
des trans-
ports du
Québec

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

Authoriza-
tion

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

Cancellation
or reduction
of service

This section does not apply in the case of a cancellation or reduction of service or in the case of the establishment of a new service which does not compete with the public transport service organized by the municipality, by the municipality that is the mandatary of the group of municipalities or by the intermunicipal board.

Service

“467.10.3 For the purposes of section 467.10.2, the service consists of the routes, frequency and schedule of trips.”

HIGHWAY SAFETY CODE

c. C-24.1,
s. 1, am.

7. Section 1 of the Highway Safety Code (R.S.Q., chapter C-24.1) is amended

(1) by replacing the definition of the word “farmer” by the following definition:

“farmer”

““farmer” means a natural person who is a member of an association certified under the Farm Producers Act (R.S.Q., chapter P-28) or a person who is the owner or the tenant of a farm and whose principal activity is agriculture;”;

(2) by replacing the definition of the word “moped” by the following definition:

“moped” “**moped**” means a road vehicle having two or three wheels and a mass not in excess of 60 kg, provided with a motor having a piston displacement of not over 50 cm³ and equipped with an automatic transmission, as well as a road vehicle having three wheels used for the transportation of handicapped persons recognized as a moped by regulation of the Régie;”;

(3) by replacing the definition of the word “motorcycle” by the following definition:

“motor-
cycle” “**motorcycle**” means a road vehicle having two or three wheels that has at least one characteristic different from the characteristics of a moped;”;

(4) by replacing the definition of the words “traffic control device” by the following definition:

“traffic con-
trol device” “**traffic control device**” means a signal light, sound signal, sign, marking or device specially designed to prohibit, regulate or control traffic or parking or to inform;”;

(5) by striking out the definition of the words “light motorcycle”.

c. C-24.1,
ss. 63, 64,
replaced **8.** Sections 63 and 64 of the said Code are replaced by the following sections:

Driving
school
licence “**63.** A driving school licence authorizes the operation, for remuneration, of a driving school where instruction is given in driving passenger vehicles other than mopeds for the purpose of allowing the obtention or retention of a driver’s licence or of a class of driver’s licences.

Instructor’s
licence “**64.** An instructor’s licence authorizes the holder to give, for remuneration, instruction in driving passenger vehicles other than mopeds in a driving school.”

c. C-24.1,
ss. 118-120,
replaced **9.** Sections 118 to 120 of the said Code are replaced by the following sections:

Driving
school
licence “**118.** A person must hold a driving school licence to operate a driving school for giving instruction in the driving of passenger vehicles other than mopeds for remuneration.

Issue of
licence

The licence contemplated in the first paragraph is issued in cases determined by regulation of the Government according to its class and to the number of driving schools in the territory of an urban or regional community or of a regional county municipality.

Conditions

To obtain or renew a driving school licence, the applicant must be a natural person acting on his own behalf or for a corporation or partnership; he must also fulfil the conditions of obtention prescribed by regulation of the Government.

Educational
institution

No driving school licence may be issued to a person acting for an educational institution offering courses at the secondary or postsecondary level, except in cases determined by regulation of the Government, according to the territory of an urban or regional community or to a regional county municipality.

Instructor's
licence

“119. A person must hold an instructor's licence to give instruction, for remuneration, in driving passenger vehicles other than mopeds. He must also be employed by a driving school and be under the supervision, authority and responsibility of the school.

Conditions

A person must have passed the proficiency examinations for which the formalities, modalities and content are established by the Régie and fulfil the other conditions prescribed by regulation of the Government, to obtain or renew an instructor's licence.

Duties

“120. Driving school licences and instructor's licences shall be issued or renewed upon payment of the duties prescribed by regulation of the Régie.”

c. C-24.1,
s. 124,
replaced

10. Section 124 of the said Code is replaced by the following sections:

Suspension
of licence

“124. The Régie may suspend a driving school licence or an instructor's licence

(1) if the holder no longer fulfils the conditions of obtention;

(2) if the holder neglects or refuses to comply with a request made under this Code by the Régie or by a person it designates;

(3) for three months, if the holder, within a period of two years of committing an offence under sections 142 to 142.3, commits another offence under one of those sections;

(4) for six months, if the holder, within a period of two years of committing an offence under sections 142 to 142.3, commits two more offences under those sections;

(5) for twelve months, if the holder, within a period of two years of committing an offence under sections 142 to 142.3, commits more than two offences under those sections.

Additional
suspension

“**124.1** The Régie may suspend a driving school licence or an instructor’s licence for an additional period of 3, 6 or 12 months if the holder of such a licence continues to operate a driving school or give instruction in driving passenger vehicles other than mopeds while under suspension under paragraph 3, 4 or 5 of section 124.”

c. C-24.1,
ss. 141, 142,
replaced

11. Sections 141 and 142 of the said Code are replaced by the following sections:

Offence and
penalty

“**141.** Every person who contravenes section 103 or the first paragraph of section 119 or who knowingly gives false or misleading information when applying for a licence is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500.

Offence and
penalty

“**142.** Every person who contravenes the first paragraph of section 118 is guilty of an offence and is liable, in addition to costs, to a fine of \$500 to \$2 000.

Offence and
penalty

“**142.1** Every person who employs a person who has no instructor’s licence to give instruction in driving passenger vehicles other than mopeds, is guilty of an offence and is liable, in addition to costs, to a fine of \$500 to \$2 000.

Offence and
penalty

“**142.2** Every person who contravenes a prescription of the regulations determined under paragraph 22 of section 143 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500 if he holds an instructor’s licence and of \$500 to \$2 000 if he holds a driving school licence.

Offence and
penalty

“**142.3** Every person who, in operating a driving school, knowingly uses all or part of the examination prepared by the Régie to assess the proficiency of persons wishing to obtain a driver’s licence, is guilty of an offence and is liable, in addition to costs, to a fine of \$500 to \$2 000.”

c. C-24.1,
s. 143, am.

12. Section 143 of the said Code, amended by section 6 of chapter 23 of the statutes of 1984, is again amended

(1) by striking out paragraph 8;

(2) by adding, after paragraph 18, the following paragraphs:

“(19) determine other cases where driving courses may be required;

“(20) establish, on conditions determined by it, exemptions from the requirement to take driving courses;

“(21) determine the maximum number of students per class-room used by a driving school and establish the minimum ratio between students, instructors and vehicles for driving courses;

“(22) determine the prescriptions of a regulation of the Government concerning driving schools or the instruction given in driving passenger vehicles other than mopeds the violation of which constitutes an offence;

“(23) determine the cases in which a driving school licence may be issued, according to its class and the number of driving schools in the territory of an urban or regional community or of a regional county municipality and prescribe the cases in which no permit may be issued in such a territory;

“(24) determine in which cases, according to the territory of an urban or regional community or of a regional county municipality, a driving school licence may be issued to a person who acts for an educational institution offering courses at the secondary or postsecondary level and prescribe the cases in which no permit may be issued in that territory.”

c. C-24.1,
s. 163, am.

13. Section 163 of the said Code is amended

(1) by replacing paragraph 7 by the following paragraph:

“(7) establish the criteria according to which it may recognize a road vehicle as an emergency vehicle or a road vehicle having three wheels and used for the transportation of handicapped persons as a moped;”;

(2) by adding, after paragraph 12, the following paragraph:

“(13) fix the duties payable for the issue or renewal of driving school licences and instructor’s licences according to their classes and categories, the operating duties for each class-room used and the amount, nature, object, duration and the terms and conditions of the security that may be required;”.

c. C-24.1,
s. 169, am.

14. Section 169 of the said Code is amended by replacing the word and figure “or 124” in the fourth line of the first paragraph by the word and figures “, 124 or 124.1”.

c. C-24.1,
s. 180, am.

15. Section 180 of the said Code is amended by replacing the word and figure “or 124” in paragraph 1 of the first paragraph by the word and figures “, 124 or 124.1”.

c. C-24.1,
s. 260.1,
added

16. The said Code is amended by inserting, after section 260, the following section:

Exclusive
jurisdiction

“260.1 The Régie shall have exclusive jurisdiction to carry out the mechanical inspection of road vehicles and issue certificates of mechanical inspection. For that purpose, the Régie may, on the conditions it determines, appoint authorized persons to carry out the inspection and issue the certificates on its behalf for road vehicles submitted by a peace officer, for one or more categories or sub-categories of road vehicles prescribed by regulation of the Government.”

c. C-24.1,
s. 264, am.

17. Section 264 of the said Code is amended by replacing the words “in conformity with the regulations of the Government” by the words “in conformity with section 260.1”.

c. C-24.1,
s. 273, am.

18. Section 273 of the said Code is amended by replacing paragraph 21 by the following paragraph:

“(21) determine the categories or sub-categories of road vehicles for which the Régie may appoint persons to carry out mechanical inspections and issue certificates of mechanical inspection on its behalf;”.

c. C-24.1,
s. 315, am.

19. Section 315 of the said Code is amended by adding the following paragraph:

Removal

“The person responsible for maintenance may remove any traffic control device installed in contravention of this section.”

c. C-24.1,
s. 317,
replaced

20. Section 317 of the said Code is replaced by the following section:

Standards

“317. Any traffic control device installed on a highway must conform to the standards prescribed by the Minister of Transport. The Minister may also prescribe how it should be installed.

Removal

The Minister may remove any traffic control device which does not conform to the standards prescribed.

Publication

The prescriptions of the Minister shall be published in the *Gazette officielle du Québec*.”

c. C-24.1,
ss. 321-323,
replaced

21. Sections 321 to 323 of the said Code are replaced by the following sections:

Prior
authoriza-
tion

“321. No person may install a signal, sign, marking or device on a public highway without the authorization of the person responsible for the maintenance of the public highway. The latter person may remove the objects at the offender’s expense and without his authorization.

Signs on
private
property

“322. No person may place, maintain or display on private property, any signal, sign, marking or device encroaching upon a public highway or that is likely to create confusion or obstruct a traffic control device installed on a public highway.

Removal

The person responsible for maintenance of the public highway, after the expiry of a forty-eight hour notice ordering the owner to remove any signal, sign, marking or device placed, maintained or displayed in contravention of the first paragraph, may enter the property and remove the objects at the offender’s expense.

Signs on
private
roads

“323. Traffic control devices installed on a private road open to public traffic of road vehicles must conform to the standards prescribed for public highways by the Minister of Transport.

Removal

On the expiry of a period of forty-eight hours indicated in a notice to that effect, the offender shall remove an authorized traffic control device or cause it to be removed. If he fails to do so, the Minister or the municipality may remove it or cause it to be removed at the offender’s expense.”

c. C-24.1,
s. 478.1,
added

22. The said Code is amended by inserting, after section 478, the following section:

Special
permit

“478.1 The Minister of Transport may, when he considers that exceptional circumstances justify it and after consultation with the Régie, issue a special permit to authorize the movement of a road vehicle or of a combination of road vehicles where the applicant does not meet the requirements of a regulation under paragraph 7 or 9 of section 478.

Conditions

Where the Minister grants a special permit, he shall fix the related conditions, the duties payable, and the amount and form of the security to guarantee payment for any damage that the use of the vehicle or the combination of vehicles may cause to a public highway.”

c. C-24.1,
s. 554, am.

23. Section 554 of the said Code is amended by adding, at the end of the second paragraph, the following sentence: “The regulation shall not be subject to the requirements of the first paragraph of section 563.”

MUNICIPAL CODE OF QUÉBEC

c. C-27.1,
a. 526, am. **24.** Article 526 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

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

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

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

Where the contract is made with a school bus carrier, the carrier may use vehicles other than school buses or vehicles of the minibus type. The carrier shall not, in such a case, use those vehicles to transport pupils.”

c. C-27.1,
aa. 527, 528,
replaced **25.** Articles 527 and 528 of the said Code are replaced by the following articles:

“**527.** Where the corporation organizes for the first time a public transport service and where the holder of a bus transport permit of the class determined by regulation of the Government operates in its territory, the corporation shall first deliver its specifications for the proposed public transport service to the holder of the permit.

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

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

“**528.** Failing an agreement with the permit holder within ninety days following the delivery of the specifications, the corporation may call for tenders.

The corporation shall, within thirty days after the opening of tenders, negotiate again with the permit holder after notifying all the tenderers in writing and make the contract with the holder if he agrees to execute the contract at the price of the lowest tender or at a lower price.

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

c. C-27.1,
a. 529, am.

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

c. C-27.1,
aa. 532.1-
532.3,
added

27. The said Code is amended by inserting, after article 532, the following articles:

“**532.1** Where the corporation makes a by-law under article 525 or 530 by which it provides for the establishment of links to points outside the municipality or for changes therein, the Minister of Transport may, within thirty days after receiving a copy of the by-law, disallow the by-law in respect of such links. The Minister shall then notify the council and cause his decision to be published in the *Gazette officielle du Québec*.

Notwithstanding the first paragraph, the Minister may, before the expiry of the period, inform the corporation that he does not intend to disallow the by-law.

“**532.2** Every by-law of a corporation providing for the establishment of links to any point within the territory of a public body providing public transport or for changes therein shall be sent to the body and to each municipality within the territory of the body, on the route planned by the corporation, at least thirty days before it is sent to the Minister of Transport in accordance with article 532.1.

“**532.3** In cases provided for in article 532.2, the corporation shall, when sending its by-law to the Minister of Transport, attach to it a copy of the notices it has received from the public body providing public transport and from the municipalities to which the by-law has been sent.”

c. C-27.1,
a. 534,
replaced

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

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

c. C-27.1,
aa. 535.1-
535.3,
added

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

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

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

of the corporation, of the corporation that is the mandatary of the group of corporations or of the intermunicipal board.

This article does not apply in the case of a cancellation or reduction of service or in the case of the establishment of a new service which does not compete with the public transport service organized by the corporation, by the corporation that is the mandatary of the group of corporations or by the intermunicipal board.

“535.3 For the purposes of article 535.2, the service consists of the routes, frequency and schedule of trips.”

ACT RESPECTING INTERMUNICIPAL BOARDS
OF TRANSPORT IN THE AREA OF MONTRÉAL

c. C-60.1,
s. 1, am.

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

c. C-60.1,
s. 1.1,
added

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

Service

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

c. C-60.1,
s. 4,
replaced
Tenders

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

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

School bus
carrier

Where the contract is made with a school bus carrier, the carrier may use vehicles other than school buses or vehicles of the minibus type. The carrier shall not, in such a case, use those vehicles to transport pupils.”

c. C-60.1,
s. 11, am.

33. Section 11 of the said Act is amended by inserting the words “in whole or in part” after the words “disallow it” in the third line of the second paragraph.

c. C-60.1,
s. 12, am.

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

c. C-60.1,
ss. 12.1,
12.2, added

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

Holder of
bus permit

"12.1 Where the board organizes for the first time a public transport service which competes with the service supplied by the holder of a bus transport permit of the class determined by regulation of the Government, it shall first deliver its specifications for the proposed public transport service to the holder of the permit.

Proposal

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

Required
class of
permit

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

Call for
tenders

"12.2 Failing an agreement with the permit holder within ninety days following the delivery of the specifications, the board may call for tenders.

Negotiation
with permit
holder

The board shall, within thirty days after the opening of tenders, negotiate again with the permit holder after notifying all the tenderers in writing and make the contract with the holder if he agrees to execute the contract at the price of the lowest tender or at a lower price.

Specifica-
tions

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

c. C-60.1,
s. 16, am.

36. Section 16 of the said Act is amended by inserting the words "in whole or in part" after the words "disallow it" in the third line of the first paragraph.

c. C-60.1,
ss. 18.1-
18.3, added

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

Prior
authoriza-
tion

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

Transmis-
sion of
by-law

"18.2 Every by-law of a board providing for the establishment of links to any point within the territory of a transit commission or for changes therein shall be sent to the commission and to each municipality situated in the territory of the commission, on the routes planned by the board, at least thirty days before it is sent to the Minister of Transport in accordance with sections 11 and 16.

Copy of no-
tices

"18.3 In cases provided for in section 18.2, the board shall, when sending its by-law to the Minister of Transport, attach to it a copy of

the notices it has received from the transit commission and from municipalities to which the by-law has been sent.”

c. C-60.1,
s. 27, am.

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

Links to
points
outside ter-
ritory

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

c. C-60.1,
ss. 33.1,
33.2, added

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

Jurisdiction

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

Prior
authoriza-
tion of
board

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

Cancellation
or reduction
of service

This section does not apply in the case of a cancellation or reduction of service or in the case of the establishment of a new service which does not compete with the public transport service organized by the board.”

c. C-60.1,
s. 92, am.

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

ACT RESPECTING MUNICIPAL AND
INTERMUNICIPAL TRANSIT CORPORATIONS

c. C-70,
s. 54, am.

41. Section 54 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by replacing the words “or the moveable or immoveable” in the third line by the words “or all or part of the movable or immovable”.

c. C-70,
s. 54.1,
added

42. The said Act is amended by inserting, after section 54, the following section:

Indemnity

“54.1 The corporation may make, with any public transport undertaking part of which is operated within the territory under the jurisdiction of the corporation, an agreement by which it agrees to pay an indemnity to that undertaking on condition that the undertaking renounces the service supplied by the corporation in the territory of the corporation.

Minister's approval	The agreement requires the approval of the Minister.
Amendment of permit	The Commission shall, on the application of the corporation and upon the filing of the agreement duly approved, amend accordingly the permit of the public transport undertaking."
c. C-70, s. 87, replaced	43. Section 87 of the said Act, amended by section 139 of chapter 38 of the statutes of 1984, is replaced by the following section:
Annual budget	"87. The corporation shall prepare its budget each year for the ensuing fiscal year and send a copy of it before 1 October to each municipality whose territory is subject to its jurisdiction accompanied with a notice indicating the amount to be paid by each municipality in accordance with the apportionment provided for in section 85.
Copy to Ministers	The corporation shall also, within thirty days after the adoption of the budget, send a copy of the budget to the Minister and to the Minister of Municipal Affairs.
Reserve	The budget shall include a distinct appropriation of not more than 1.5% of the expenses as a reserve for unforeseen administrative and operating expenses.
Adoption and coming into force	The budget requires to be adopted by at least two-thirds of the municipalities concerned and comes into force on 1 January if it is so adopted before that date or fifteen days after its adoption if it is adopted after 1 January.
Budget not in force on 1 January	Where the budget does not come into force on 1 January, one-quarter of the budget for the previous fiscal year is considered adopted at the beginning of each quarter of the fiscal year and remains in force until it is replaced by the budget for the current fiscal year."
c. C-70, s. 88, replaced	44. Section 88 of the said Act is replaced by the following section:
Conciliation officer	"88. Where the budget has not come into force on 1 January, a municipality or the corporation may ask the Minister to appoint a conciliation officer to assist the parties in reaching an agreement.
Notice	Notice of the application shall be sent to each municipality and to the secretary of the corporation.
Appointment	Upon receipt of the application, the Minister shall appoint a conciliation officer.
Conciliation report	The conciliation officer appointed shall send a conciliation report to the Minister within the time granted by the Minister."

c. C-70,
s. 89,
replaced

45. Section 89 of the said Act, amended by section 140 of chapter 38 of the statutes of 1984, is replaced by the following section:

Supplemen-
tary budget

“89. During a fiscal year, the corporation may prepare any supplementary budget and shall send a copy of such supplementary budget to each municipality whose territory is subject to the jurisdiction of the corporation.

Special
meeting

The supplementary budget shall be submitted for adoption to each municipality concerned at a special meeting called for that purpose within fifteen days after the municipality receives a copy thereof.

Adoption

The supplementary budget requires to be adopted by at least two-thirds of the municipalities concerned.

Copy to
Ministers

A copy of the budget shall be sent, within thirty days after its adoption, to the Minister and the Minister of Municipal Affairs.”

ACT RESPECTING THE MINISTÈRE
DES TRANSPORTS

c. M-28,
s. 12.10,
added

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

Advisory
boards or
committees

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

Appoint-
ment of
members

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

ACT RESPECTING THE RÉGIE DE
L'ASSURANCE AUTOMOBILE DU QUÉBEC

c. R-4,
s. 17, am.

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

Agreements
and con-
tracts

“The Régie may also enter into any agreement and sign any service contract with a department or agency of the Gouvernement du Québec for the application of this Act, of the Automobile Insurance Act (R.S.Q., chapter A-25), the Highway Safety Code (R.S.Q., chapter C-24.1), the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) or the Transport Act (R.S.Q., chapter T-12).”

ACT RESPECTING TRANSPORTATION
BY TAXIc. T11.1,
s. 1, am.

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

“automobile”

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

c. T11.1,
s. 18, am.

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

Extension
of opera-
tions

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

c. T11.1,
s. 28, am.

50. Section 28 of the said Act is amended

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

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

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

c. T11.1,
s. 38.1, am.

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

Interruption
of service

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

c. T11.1,
ss. 41.1-
41.8, added

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

Issuer of
permit

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

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

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

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

(1) the relevant regulations;

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

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

Notice to
authority Where the taxi driver’s permit has been issued by a regional authority that has complied with section 41.2, the Régie shall advise the authority of the suspension or revocation of the driver’s licence of the holder of the taxi driver’s permit. Upon receiving the notice, the regional authority shall, subject to section 41.6, suspend or revoke the taxi driver’s permit of that person.

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

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

Revoked
permit “**41.7** Every person whose taxi driver’s permit is suspended or revoked shall return his permit to the Régie or to the regional authority that issued it.

Confiscation
by peace
officer “**41.8** Where a person refuses or fails to comply with section 41.7, the Régie or the regional authority, as the case may be, may ask a peace officer to confiscate the taxi driver’s permit of that person, who shall immediately hand over the permit to the peace officer who demands it.”

c. T11.1,
s. 60, am.

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

c. T11.1,
s. 62, am.

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

c. T11.1,
s. 70, am.

55. Section 70 of the said Act is amended

(1) by inserting, after the figure “20”, the figures “ , 41.7, 41.8”;

(2) by replacing the word and figure “or 94” by the word and figures “ , 90.3, 94 or 94.2”.

c. T11.1,
ss. 83-85,
replaced

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

Specialized
taxi permit

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

Inapplicable
provisions

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

c. T11.1,
s. 87, am.

57. The said Act is amended by replacing the date “31 December 1982” in section 87, by the date “16 November 1983”.

c. T11.1,
ss. 90.1-
90.4, added

58. The said Act is amended by inserting, immediately after section 90, the following sections:

Limousine
permit

“90.1 The Government may, by order and for the territory of each regional authority, authorize the Commission des transports du Québec to issue a limousine permit to a person who does not hold a taxi permit and who shows that he was entitled to avail himself, in that territory, of section 77 of the Act to amend various legislation respecting transport (1985, chapter 35), that he exercised that right and has been exercising it continuously since then.

Effect of
order

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

Number of
automobiles

“90.2 The Commission shall, before issuing a limousine permit, fix the maximum number of automobiles that may be operated under the permit; that number shall not however exceed the maximum number of automobiles operated under section 77 of the Act to amend various legislation respecting transport.

Territory “**90.3** Transportation supplied under a limousine permit shall be supplied in the territory of the regional authority for which it was issued.

Transportation outside territory 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.

Applicable provisions “**90.4** Sections 89 and 90 apply to a limousine permit issued under section 90.1.”

c. T-11.1, ss. 94.1, 94.2, added **59.** The said Act is amended by inserting, after section 94, the following headings and sections:

“CHAPTER VI.1

“TOURIST SERVICE BY TAXI

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

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

TRANSPORT ACT

c. T-12, s. 4.1, added **60.** The Transport Act (R.S.Q., chapter T-12) is amended by inserting, after section 4, the following section:

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

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

c. T-12, s. 5, am. **61.** Section 5 of the said Act is amended

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

“(c) determine what activities require a permit, provide exceptions thereto as regards types of persons or goods carried, kinds of carriers, kinds of services, the means of transport or transport systems used and the territory or distance covered, and prescribe conditions for the carrying on of such an activity or the availing of such an exception;”;

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

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

c. T-12,
Div. IV,
ss. 9-13,
replaced

62. Division IV of the said Act, including sections 9 to 13, is replaced by the following division:

“DIVISION IV

“CONSEIL DE LA RECHERCHE ET DU DÉVELOPPEMENT
EN TRANSPORT

Establish-
ment

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

Location of
secretariat

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

Composition

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

Members

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

Members

The three other members shall come from the public service.

Term of of-
fice

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

Renewal

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

Expiry

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

Replace-
ment

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

Vacancy	<p>“9.5 Any vacancy occurring during the term of office of a member of the council shall be filled in accordance with the mode of appointment prescribed in section 9.2.</p>
Absence from meetings	<p>Absence from a number of consecutive meetings of the council determined by the internal management by-laws of the council constitutes a vacancy in the cases and circumstances they indicate.</p>
Attendance and expense allowances	<p>“9.6 The members of the council shall not be remunerated. However, they shall be entitled, to the extent prescribed by regulation of the Government and on presentation of vouchers, to receive an attendance allowance and to be indemnified for reasonable expenses incurred by them in the performance of their duties.</p>
Chairman's indemnity	<p>“9.7 Notwithstanding section 9.6, the Government may fix and pay to the chairman an annual indemnity; in such case, the chairman is not entitled to an attendance allowance.</p>
Place of meetings	<p>“9.8 The meetings of the council may be held anywhere in Québec.</p>
Quorum	<p>Eight members are a quorum at meetings of the council.</p>
Secretary	<p>“9.9 The Government may add to the council a secretary and the other employees necessary for its work.</p>
Public Service Act	<p>They shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).</p>
Functions	<p>“10. The functions of the council shall be:</p> <ul style="list-style-type: none">(1) to study any question relating to research and development in the field of transport and to diffuse the results of its studies;(2) to give advice and make recommendations on research and development in transport;(3) to introduce or give technical support to any action intended to promote research and development in the field of transport;(4) to hold meetings, symposia or information meetings to foster exchanges, collaboration and cooperation in respect of research and development in the field of transport.
Advice to Minister	<p>“10.1 The council shall advise the Minister on any questions which he submits to it as regards research and development in the field of transport.</p>

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

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

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

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

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

c. T-12, s. 32, am. **63.** Section 32 of the said Act is amended by replacing paragraph *a* of the first paragraph by the following paragraph:

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

c. T-12, s. 37, am. **64.** Section 37 of the said Act is amended by replacing the first paragraph by the following paragraph:

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

c. T-12, ss. 38.1, 38.2, added **65.** The said Act is amended by inserting, after section 38, the following sections:

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

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

c. T-12, s. 40.3, added **66.** The said Act is amended by inserting, after section 40.2, the following section:

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

ACT RESPECTING THE SOCIÉTÉ DE
TRANSPORT DE LA VILLE DE LAVAL1984, c. 42,
s. 18, am.

67. Section 18 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended by replacing the second paragraph by the following paragraph:

Public
meetings

“The meetings of the board are public.”

1984, c. 42,
s. 21, am.

68. Section 21 of the said Act is amended by replacing the words “contemplated in the second paragraph” in the fourth paragraph by the words “contemplated in the third paragraph”.

1984, c. 42,
s. 30,
replaced

69. Section 30 of the said Act is replaced by the following section:

Public
meetings

“**30.** The meetings of a committee may be public.”

1984, c. 42,
s. 31, am.

70. Section 31 of the said Act is amended by inserting the word “public” before the word “meeting” in the second line of the first paragraph.

1984, c. 42,
s. 50, am.

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

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

1984, c. 42,
s. 52.1,
added

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

Railway
transport

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

c. C-24.1,
gen. am.

73. The Highway Safety Code is amended by striking out, wherever they appear, the words “light motorcycle” and making the adaptations required.

Validity of
driving
school li-
cence

74. Notwithstanding the fourth paragraph of section 118 of the Highway Safety Code, a driving school licence issued before 16 October 1985 to a person acting for an educational institution offering courses at the secondary or postsecondary level remains valid until the date of its expiry and may be renewed in accordance with the third paragraph of that section.

Permit still
in force

75. Every permit for a tourist service by taxi issued by the Commission des transports du Québec in force on 9 July 1985 remains in force until 31 March 1986.

Specialized
transporta-
tion

76. Notwithstanding section 18 of the Act respecting transportation by taxi, the Commission des transports du Québec shall not authorize a taxi permit holder to specialize in a type of transportation comparable with the transportation provided by an undertaking before 21 December 1983 pursuant to the transport permit contemplated in section 86 of the Act respecting transportation by taxi.

Application

The first paragraph applies to the territory of each regional authority from 20 June 1985 until the date fixed by Government order.

Luxury
transporta-
tion

77. Every person who, on 20 December 1983, provided in the territory of a regional authority a type of transportation comparable with that supplied by an undertaking pursuant to a permit to transport persons which 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, without holding that permit, may temporarily provide that type of transportation in the territory of the regional authority without holding a taxi permit if the following conditions are satisfied:

(1) it is common knowledge that, between 1 January 1980 and 21 December 1983, the person provided that type of transportation continuously as his main activity in the territory of the regional authority;

(2) the person provides that type of transportation in the territory with a number of automobiles not exceeding the maximum number of automobiles operated by him for that type of transportation and registered in his name between 1 January 1980 and 21 December 1983;

(3) the person files with the Commission des transports du Québec before 8 October 1985 a sworn statement attesting that he fulfils the conditions set out in paragraphs 1 and 2 and indicating which automobiles he uses to provide the transportation.

Application

The first paragraph applies to the territory of each regional authority from 20 June 1985 until the date fixed by Government order.

Application
of ss. 76, 77

78. The Government may fix, by order, for the territory of each regional authority, the date from which the first paragraph of section 76 or 77 ceases to apply.

Effect of
order

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

Exception

79. 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).

Coming
into force

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