

1983, chapter 46
AN ACT RESPECTING TRANSPORTATION BY TAXI

Bill 47

Introduced by Mr Michel Clair, Minister of Transport

First reading: 16 November 1983

Second reading: 7 December 1983

Third reading: 19 December 1983

Assented to: 21 December 1983

Coming into force: 21 December 1983

Acts amended:

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

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

Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1)

Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)

Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)

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

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

Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98)

Charter of the City of Laval (1965, 1st session, chapter 89)

Taxi Tariffs Act (Revised Statutes, 1964, chapter 230)

Municipal Code





CHAPTER 46

An Act respecting transportation by taxi

[Assented to 21 December 1983]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

DEFINITIONS AND SCOPE

Interpreta-
tion

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

“automobile”

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

“regional
authority”

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

“municipal-
ity”

“**municipality**” means a municipal corporation, except a regional county municipality or county corporation;

“taxi”

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

Applicability

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

Exceptions

The Act does not apply to

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

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

(3) transportation supplied by a volunteer driver as part of a charitable undertaking supported by a recognized humanitarian organization, provided the remuneration required is no more than a contribution toward the cost of using the automobile;

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

(5) transportation by ambulance or hearse.

CHAPTER II

TRANSPORTATION BY TAXI

DIVISION I

GENERAL PROVISIONS

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

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

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

DIVISION II

PRIVATE OR SHARED TRANSPORTATION

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

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

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

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

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

Shared
transporta-
tion

9. No shared transportation by taxi may be offered unless

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

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

Applicability
of require-
ments

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

Require-
ments of
contract

11. Offers of shared transportation and the resulting transportation must satisfy the requirements prescribed by the contract or the authorizing regulations or by-laws.

DIVISION III

TAXI PERMITS

§ 1.—*General provisions*

Urban area
or region

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

Automobile

Taxi permits relate to automobiles.

Scope of
permit

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

Territory

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

Exception

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

Shared
transporta-
tion

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

Taxi route

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

Parcels

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

§ 2.—*Issue of permits*

Issue of taxi permits

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

Requirements

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

Specialized transportation

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

Extended operations

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

Specialized operations

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

Requirements

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

Restrictions lifted

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

Specialized transportation

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

§ 3.—*Renewal*

Yearly permit

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

Renewal

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

Refusal

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

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

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

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

Renewal

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

Renewal

The Commission shall not refuse to renew a permit except in the cases provided for in the second paragraph of section 24, after giving the permit holder an opportunity to be heard. The permit remains in force until the date of the coming into force of the Commission's decision.

§ 4.—*Suspension and cancellation*

Suspension

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

Transportation by limousines

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

Penalty points

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

Suspension or cancellation

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

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

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

(3) discontinues, limits or extends the services authorized to be provided under the permit without prior authorization from the Commission;

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

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

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

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

31. The Régie is required to carry out the Commission's request immediately and in no case may it return the registration plate and registration certificate to the former holder or issue new ones to him without authorization from the Commission.

32. The Commission shall not exercise its powers under section 26, 28, 29 or 30 before giving the offender an opportunity to be heard.

§ 5.—Acquisition, assignment and transfer

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

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

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

35. If a taxi permit holder dies or, in the case of a corporation, winds up or goes bankrupt, the testamentary executor, the liquidator, the administrator or the trustee may continue to operate the taxi in the place of the permit holder during the time required to obtain from

the Commission a transfer of the permit to an assignee who satisfies the conditions required to be a taxi permit holder.

Transfer of
permit

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

Temporary
operation

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

Authorized
transfer

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

Suspension
or cancel-
lation

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

Prohibitions

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

Reduction of
permits

Notwithstanding the first paragraph, a permit may be the object of a contract by virtue of which its holder commits himself to a mandatory, designated by order of the Government, to participate in a program to reduce the number of permits.

Consent of
the manda-
tary

Where the Commission is notified that a taxi permit is the object of a contract provided for in the second paragraph, it shall not transfer the permit to a third person without the mandatory's consent.

Cancellation

The Commission, at the request of the mandatory, may cancel any permit that is the object of a contract provided for in the second paragraph.

Registration

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

Commercial
pledge

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

DIVISION IV

TAXI DRIVER'S PERMIT

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

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

Information **41.** The permit must contain, at the very least, the permit number and a photograph of the holder.

DIVISION V

FIXING OF SCALES

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

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

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

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

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

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

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

Variable
rates

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

Discounts

48. No person may offer discounts for transportation provided for in this Act, except to the extent provided for by the scales.

DIVISION VI

TAXI OWNERS' LEAGUES

Taxi owner's
league

49. One taxi owners' league must be established in each urban area and recognized by the Commission.

Functions

50. The principal functions of a recognized league are to represent taxi permit holders in an urban area and to promote their interests, especially by improving and promoting transportation by taxi and establishing social benefits. The league shall also promote the quality of service provided to the public.

Members

51. Every taxi permit holder is entitled to belong to a recognized league and may participate in its activities.

Annual
contribution

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

Annual
contribution

The Commission may hold an inquiry, at the request of not less than 10% of the taxi permit holders of the urban area filed within fifteen days of the meeting, to determine whether the annual contribution fixed at the meeting is sufficient to enable the league to carry out its responsibilities under section 50. The Commission, if it considers the contribution insufficient, may fix it at such amount as it may indicate, but without exceeding the amount of the contribution in force before the special meeting.

Vote

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

Contribution

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

Exemption

The Government may suspend the requirement where it sees fit.

Inquiry

55. The Commission may give a person designated by it the responsibility of inquiring into the administration or activities of a recognized league.

Immunity

The person so designated is vested for the purposes of an inquiry with the immunity and powers of a commissioner appointed under the

Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

Suspension
of powers

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

Powers of the
administra-
tor

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

Report

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

Immunity

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

Powers of
the Govern-
ment

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

(1) lift the suspension of the powers of the board of directors;

(2) dismiss the directors and order the holding of a special meeting of the members of the recognized league in order to elect new directors.

Ineligibility

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

CHAPTER III

REGULATIONS

DIVISION I

REGULATIONS OF THE GOVERNMENT

Regulations

60. The Government may, by regulation,

(1) establish and delimit urban areas;

(2) establish standards to determine the maximum number of permits to be issued in an urban area or a region and prescribe the cases in which the Commission may issue new permits;

(3) prescribe the conditions required to be a permit holder, the maximum number of permits a person may hold and the conditions

and modalities applicable to the issue, renewal, transfer, changing, suspension or cancellation of permits;

(4) establish a penalty point system whereby a taxi permit may be suspended;

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

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

(7) determine the conditions or restrictions respecting the access of taxis to taxi stands or the concession of such stands on the immovables of the public establishments it may determine;

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

(9) fix a special fee payable, according to such modalities as it may determine, by the taxi permit holders of an urban area it specifies to finance a program for the reduction of the number of taxi permits in that urban area;

(10) fix a special fee payable by purchasers at the time of the transfer of a taxi permit of an urban area it may indicate to finance a program for the reduction of the number of taxi permits in that urban area;

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

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

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

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

(15) prohibit or standardize commercial posting on taxis;

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

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

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

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

(20) prescribe rules of ethics for taxi drivers;

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

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

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

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

(25) determine the provisions of a regulation made under this section the infringement of which is punishable under section 70.

Coming into
force

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

Applicability

61. Every regulation made under paragraphs 14 to 25 of section 60 ceases to apply to the taxi permit holders whose operating territory is in the territory of a regional authority which caused to come into force a by-law passed pursuant to a corresponding paragraph of section 62 to replace a regulation made by the Government.

Delegation

The Government may, at the request of a regional authority, delegate to it, for such period as it may indicate, the power provided for in subparagraph 5 of section 60 respecting the duties payable for renewal of a permit or in subparagraph 9 or 11 of the said section.

DIVISION II

BY-LAWS OF A REGIONAL AUTHORITY

By-laws

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

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

(2) prohibit or standardize commercial posting on taxis;

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

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

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

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

(7) prescribe rules of ethics for taxi drivers;

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

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

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

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

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

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

Regional
authority

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

(1) adopt a resolution to that effect;

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

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

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

Procedure

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

Copy to the
Minister

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

Notice to the
regional
authority

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

Disallowal

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

Commis-
sion's recom-
mendations

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

Amendment
by the
Minister

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

Publication
and coming
into force

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

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

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

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

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

Amended
by-law

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

Copies to
municipal-
ities

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

Required
majority

The by-law requires a majority of two-thirds of the votes for adoption.

Intermuni-
pal board

67. Municipalities forming part of the same regional county municipality may enter into an intermunicipal agreement to create an intermunicipal board and make it responsible for the supervision and control of transportation by taxi in their territories.

Intermuni-
pal agree-
ment

Notwithstanding the first paragraph, no municipality forming part of an urban area contemplated in subparagraph 1 of the first paragraph of section 60 may enter into an agreement under the first paragraph unless all the municipalities of the urban area are parties to the agreement.

Copy to the
Commission
des trans-
ports

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

Sole
authority

An intermunicipal board established pursuant to this section is the sole regional authority within the meaning of this Act in the territory of the municipalities that are parties to the agreement.

CHAPTER IV

POWERS OF THE COMMISSION DES TRANSPORTS DU QUÉBEC

Powers

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

(1) issue, renew, transfer, restrict, suspend and cancel a taxi permit;

(2) establish and delimit regions, not included in an urban area, within the territory of a regional authority;

(3) fix rates and scales for each type of transportation which it specifies, which may include minimum or maximum, or both minimum and maximum rates and scales;

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

(5) recognize one taxi owners' league per urban area;

(6) inquire into the management or the activities of a recognized league;

(7) determine whether the annual contribution provided for in section 52 is sufficient to enable a league to carry out its responsibilities under section 50 and fix the contribution within the scope of section 52.

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

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

Execution **69.** A decision of the Commission becomes executory 15 days after it has been published, in complete form or in summary form, in the *Bulletin de la Commission*.

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

CHAPTER V

PENAL PROVISIONS

Offences and penalties **70.** Every person who contravenes any provision of section 3, 4, 5, 7 to 11, 14, 19, 20, 42, 43, 45, 46, 48, 88 to 90 or 94 of this Act or any provision of a regulation or by-law determined under subparagraph 25 of section 60 or paragraph 13 of section 62 is guilty of an offence and liable to a fine of not less than \$50 nor more than \$1 000, and costs.

Party to an offence **71.** Every person who knowingly does or omits to do something in order to aid another person to commit an offence described in

section 70, or who advises, encourages or incites a person to commit an offence is a party to the offence and is liable to the penalty prescribed for the offence.

Party to an offence

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

Proceedings

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

Service of notice

74. The prosecutor may cause a notice of the offence to be served on any person who contravenes a provision of any of the sections mentioned in section 70.

Information

The notice constitutes an information.

Content of notice

75. The notice of an offence must describe the offence, specify the minimum fine and the amount of the costs and notify the offender that he may pay the amount required within 20 days at the place specified.

Costs

The costs are \$5.

Presumption

76. If the offender pays the amount required within the prescribed time and at the place specified, he is deemed to have pleaded guilty. The payment shall not, however, be considered a confession of civil liability.

Summons

If the offender fails to make the payment, a summons shall be served on him.

Service omitted

77. In no case may failure to serve notice of an offence be invoked against the prosecutor and it is not necessary to allege that it was served nor to prove it.

Admission of guilt

However, if the offender, when appearing, pleads guilty and subsequently proves that notice of the offence was not given to him, he shall not be condemned to pay an amount greater than what he would have been required to pay pursuant to the notice.

Presumption of remuneration

78. In any proceedings, transportation of persons by automobile is deemed to be remunerated, unless there is proof to the contrary.

48 hour
notice

79. A peace officer may, where a person commits an offence contemplated in section 70, give him a notice enjoining him to remedy the alleged offence within 48 hours.

Burden of
proof

An action may be brought against the offender if he does not remedy the alleged offence within the prescribed time. The burden of proof is on the offender that he has remedied the offence within the prescribed time.

Report to
the Attorney
General

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

Jurisdiction

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

CHAPTER VI

TRANSPORTATION BY AUTOMOBILE NOT REGISTERED AS A TAXI, SUPPLIED BEFORE 16 NOVEMBER 1983

DIVISION I

GENERAL PROVISIONS

Replacement
of permit

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

Operations
continued

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

Revocation

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

Specialized
transporta-
tion

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

Provision not
applicable

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

Provisions
not appli-
cable

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

DIVISION II

LIMOUSINE PERMITS

Limousine
permit

86. The Commission may issue a limousine permit to replace a permit to transport persons which was in force on 16 November 1983 and did not include any restriction related to social events as regards the transportation of persons, and which authorized its holder to provide "luxury" transportation with an automobile not registered as a taxi.

Number of
automobiles

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

Territory

88. Transportation supplied under a limousine permit shall be supplied in the territory of the Communauté urbaine de Montréal.

Pick-up
point or
destination

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.

Care and
operation

89. The holder of a limousine permit shall entrust the care and operation of limousines only to employees of the holder.

Registration

90. Transportation supplied under a limousine permit shall be supplied only with limousines registered with the Commission.

DIVISION III

OTHER SPECIALIZED TAXI PERMITS

Specialized
taxi permits

91. The Commission may, on the application of a permit holder contemplated in section 82 other than a limousine permit holder, issue a specialized taxi permit for the purposes of this Act where the authorized transportation was supplied by automobile before 16 November 1983.

Operations
and territory

92. A specialized taxi permit must be restricted to the operations and territory prescribed in the permit replaced by the Commission.

Number of
automobiles

93. The Commission, before issuing a permit to a firm, shall fix the maximum number of automobiles that may be operated under the permit, which may in no case exceed the number of automobiles registered in the name of that firm on 16 November 1983 for the type of transportation authorized.

Registration **94.** Transportation supplied under a specialized permit shall be supplied only with automobiles registered with the Commission.

CHAPTER VII

MISCELLANEOUS PROVISIONS

R.S., 1964,
c. 230,
repealed **95.** The Taxi Tariffs Act (R.S.Q., 1964, chapter 230) is repealed.

c. C-19, s.
416, am. **96.** Section 416 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by adding, at the end, the following paragraph:

Exception “This section does not apply to transportation by taxi within the meaning of the Act respecting transportation by taxi (1983, chapter 46).”

M. C., a.
429a, am. **97.** Article 429a of the Municipal Code, enacted by section 144 of chapter 55 of the statutes of 1972 and amended by section 26 of chapter 45 of the statutes of 1975, is again amended by adding, at the end, the following paragraph:

“This article does not apply to transportation by taxi within the meaning of the Act respecting transportation by taxi (1983, chapter 46).”

c. C-24.1, am. **98.** The Highway Safety Code (R.S.Q., chapter C-24.1) is amended
(1) by replacing the definition of the word “taxi” in section 1 by the following:

“taxi” ““taxi” means a motor vehicle designed for carrying not more than eight persons and used mainly for that purpose within the scope of the Act respecting transportation by taxi (1983, chapter 46).”;

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

c. C-24.1, s.
58, am. **99.** Section 58 of the said Code is amended by adding, after paragraph 11, the following paragraph:

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

c. C-24.1, s.
95.1, added **100.** The said Code is amended by inserting, after section 95, the following section:

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

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

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

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

c. C-24.1, s. 273, am. **101.** Section 273 of the said Code is amended by adding, after paragraph 21, the following paragraph:

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

c. C-37.1, s. 171.1, added **102.** The Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by inserting, after section 171, the following section:

Shared transportation by taxi **"171.1** The Commission may make any contract deemed useful for the organization of shared transportation by taxi provided for in the Act respecting transportation by taxi (1983, chapter 46)."

c. C-37.2, s. 253.1, added **103.** The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by inserting, after section 253, the following section:

Shared transportation by taxi **"253.1** The Commission may make any contract deemed useful for the organization of shared transportation by taxi provided for in the Act respecting transportation by taxi (1983, chapter 46)."

c. C-37.3, s. 188.1, added **104.** The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by inserting, after section 188, the following section:

Shared transportation by taxi **"188.1** The Commission may make any contract deemed useful for the organization of shared transportation by taxi provided for in the Act respecting transportation by taxi (1983, chapter 46)."

c. C-70, s. 38.1, added **105.** The Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by inserting, after section 38, the following section:

Shared transportation by taxi **"38.1** The corporation may make any contract deemed useful for the organization of shared transportation by taxi provided for in the Act respecting transportation by taxi (1983, chapter 46)."

1965, 1st
sess., c. 89,
s. 66.1,
added

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

Shared
transporta-
tion by taxi

“66.1 The Commission may make any contract deemed useful for the organization of shared transportation by taxi provided for in the Act respecting transportation by taxi (1983, chapter 46).”

1971, c. 98,
s. 38, am.

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

“(k) make any contract deemed useful for the organization of shared transportation by taxi provided for in the Act respecting transportation by taxi (1983, chapter 46).”

c. T-12, s. 2,
am.

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

Applicability
of the Act

“This Act applies to transportation by taxi only to the extent provided in the Act respecting transportation by taxi (1983, chapter 46).”

c. T-12, s. 5,
am.

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

c. T-12, s. 6,
am.

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

c. T-12, s. 8,
am.

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

c. T-12, s.
23, am.

112. Section 23 of the said Act is amended by replacing the last paragraph by the following paragraph:

Execution

“Notwithstanding the foregoing, the Commission may rule that a decision become executory immediately after having been rendered or on any later date it may fix and continue to be so until a decision to the contrary is rendered in appeal.”

c. T-12, s.
32, am.

113. Section 32 of the said Act is amended

(1) by striking out subparagraph *l*;

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

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

c. T-12, s.
34.1,
replaced

114. Section 34.1 of the said Act is replaced by the following section:

Management
principles

“34.1 The Commission may, within the scope of its rules of practice and internal management, set down principles for the management of its affairs.

Exercise of
powers

It may, further, set down principles to determine the scope within which the powers under section 23 may be exercised and, where there is no regulation, to determine the scope within which the powers under section 32 may be exercised.”

Regulations
in force

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

Deemed
authorization

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

Interpreta-
tion

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

Deemed hol-
der of a
permit

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

Renewal

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

New taxi
driver’s
permit

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

Expiration

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

Applicability The first paragraph does not apply to the person who was the holder of a taxi owner's permit on 21 December 1983.

Pending matters **119.** Matters relating to transportation by taxi that are pending before the Commission des transports du Québec under the Transport Act on 21 December 1983 are continued and decided by the Commission in accordance with this Act.

Contracts made before 16 November 1983 **120.** For the purposes of execution and for the term of a contract entered into before 16 November 1983 with a municipality or a public transport body to provide transportation for handicapped persons, this Act does not apply to the carrier bound by the contract.

Existing taxi owner's league **121.** Every taxi owners' league recognized by the Commission des transports du Québec before 16 November 1983 is deemed to be a taxi owners' league recognized under this Act.

Minister responsible **122.** The Minister of Transport is responsible for the administration of this Act.

Collective agreements **123.** No collective agreement between a public body providing transport and its employees may restrict the power of the body to contract to provide a special transportation service by taxi for handicapped persons or to organize shared transportation by taxi.

Dismissal or lay off In no case may a regular employee contemplated in a collective agreement under which the power to contract of a public body providing transport is subject to such a restriction be dismissed or laid off by the body owing to a contract entered into for the organization of shared transportation by taxi except in the case of a special transportation service by taxi for handicapped persons.

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

Applicability of regulations **124.** Notwithstanding section 61, every regulation made under subparagraphs 14 to 17 and 21 to 25 of section 60 relating to specialized transportation applies until 1 April 1986.

Applicability of decisions **125.** Every decision made under subparagraph 3 of the first paragraph of section 68 relating to specialized transportation applies until 1 April 1986 notwithstanding the second paragraph of the said section.

Effect **126.** Section 89 has effect from 1 April 1986.

Exception **127.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of

1983

Transportation by taxi

CHAP. **46**

the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into
force

128. This Act comes into force on 21 December 1983.

TABLE OF CONTENTS

		<i>Sections</i>
CHAPTER I	DEFINITIONS AND SCOPE	(1-2)
CHAPTER II	TRANSPORTATION BY TAXI	(3-59)
Division I	General provisions	3-5
Division II	Private or shared transportation	6-11
Division III	Taxi permits	12-39
	§ 1.— <i>General provisions</i>	12-15
	§ 2.— <i>Issue of permits</i>	16-22
	§ 3.— <i>Renewal</i>	23-25
	§ 4.— <i>Suspension and Cancellation</i>	26-32
	§ 5.— <i>Acquisition, Assignment and Transfer</i>	33-39
Division IV	Taxi driver's permit	40-41
Division V	Fixing of scales	42-48
Division VI	Taxi owners' leagues	49-59
CHAPTER III	REGULATIONS	(60-67)
Division I	Regulations of the Government	60-61
Division II	By-laws of a regional authority	62-67
CHAPTER IV	POWERS OF THE COMMISSION DES TRANSPORTS DU QUÉBEC	(68-69)
CHAPTER V	PENAL PROVISIONS	(70-81)
CHAPTER VI	TRANSPORTATION BY AUTOMOBILE NOT REGISTERED AS A TAXI, SUPPLIED BEFORE 16 NOVEMBER 1983	(82-94)
Division I	General provisions	82-85
Division II	Limousine permits	86-90
Division III	Other specialized taxi permits	91-94
CHAPTER VII	MISCELLANEOUS PROVISIONS	(95-128)