



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 17

**An Act respecting remunerated
passenger transportation
by automobile**

Introduction

**Introduced by
Mr. François Bonnardel
Minister of Transport**

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EXPLANATORY NOTES

The purpose of this bill is to monitor and control remunerated passenger transportation by automobile to ensure the safety of passengers and the transparency of fares in keeping with the principle of fairness. It also aims to promote the emergence of technological means and mobility modes.

More particularly, remunerated passenger transportation by automobile must be offered and provided using qualified automobiles driven by qualified drivers, except in the case of certain specified types of transportation. A person may qualify as a driver and an automobile may qualify to be used for passenger transportation either by being authorized accordingly by the Société de l'assurance automobile du Québec or by being registered with an operator of a transportation system authorized by the Commission des transports du Québec. The terms and conditions subject to which drivers and automobiles may be so registered or authorized are set out.

The bill establishes a framework governing the authorization, by the Commission, of transportation systems. A transportation system is made up of several drivers and automobiles under the responsibility of a legal person who is the system operator. Among other things, the bill confers on system operators the responsibility of monitoring the drivers and automobiles registered with them.

Persons who provide trip request dispatch services must be registered with the Commission.

The bill defines the obligations to which qualified drivers, owners of qualified automobiles, operators and dispatchers are bound.

Provisions on the determination of fares and other fees that may be required from customers are included. Among other things, the bill requires that a fare be calculated in accordance with the rates established by the Commission, unless the trip request is made by certain technological means that allow the customer to be informed of the maximum fare and to agree to it before a driver is informed of the trip request. The amounts that may be required annually to maintain an authorization granted by the Société or Commission are also determined.

The name “taxi” is reserved for automobiles used to offer or provide passenger transportation when the trip may be requested otherwise than by certain technological means and the fare for which will be fixed in accordance with the rates established by the Commission. In particular, only a taxi may provide a trip when the driver is hailed, when the trip is otherwise requested person to person or when it is requested orally by telephone. A variety of special terms applicable to shared transportation and carpooling are also proposed.

Provisions relating to inspections and investigations, penal provisions, and monetary administrative penalties are included. The bill also contains provisions ensuring compliance with principles of procedural fairness for decisions made by the Société and the Commission and gives a person or group who is the subject of an unfavourable decision the possibility to contest it before the Administrative Tribunal of Québec.

The Government is given the power to delegate the application of certain provisions to certain bodies, including municipalities, public transit authorities and the Autorité régionale de transport métropolitain. Ville de Montréal is granted jurisdiction to exercise certain powers that may be delegated to such a body.

Lastly, the Act respecting transportation services by taxi is repealed and various consequential amendments are made. Transitional provisions are included with regard to such matters as the payment of dues, certain permits that have already been issued, and remunerated passenger transportation services whose implementation is authorized by a pilot project.

LEGISLATION AMENDED BY THIS BILL:

- Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);
- Highway Safety Code (chapter C-24.2);
- Act respecting administrative justice (chapter J-3);
- Tobacco Control Act (chapter L-6.2);
- Act respecting the Ministère des Transports (chapter M-28);
- Act to protect persons with regard to activities involving firearms (chapter P-38.0001);

- Consumer Protection Act (chapter P-40.1);
- Act respecting the Réseau de transport métropolitain (chapter R-25.01);
- Act respecting the Société de l'assurance automobile du Québec (chapter S-11.011);
- Act respecting public transit authorities (chapter S-30.01);
- Transport Act (chapter T-12).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting transportation services by taxi (chapter S-6.01).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting insurance contributions (chapter A-25, r. 3.3);
- Regulation respecting road vehicle registration (chapter C-24.2, r. 29);
- Regulation respecting licences (chapter C-24.2, r. 34).

Bill 17

AN ACT RESPECTING REMUNERATED PASSENGER TRANSPORTATION BY AUTOMOBILE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSES, DEFINITIONS AND OTHER INTRODUCTORY PROVISIONS

1. The purpose of this Act is to monitor and control remunerated passenger transportation by automobile, in order to ensure the safety of passengers and the transparency of fares in keeping with the principle of fairness among

(1) the various ways to organize the transportation, regardless of whether it is offered as part of a transportation system;

(2) the various means used to distribute trip requests, whether by mobile application or otherwise; and

(3) the various modes that can be used to offer this transportation, particularly in the case of transportation by taxi, carpooling or shared transportation.

In addition, the Act aims to promote the emergence of technological means and mobility modes.

2. The Société de l'assurance automobile du Québec, the Commission des transports du Québec and the persons responsible for verifying compliance with this Act, through the functions and powers assigned to them respectively under this Act, monitor and control remunerated passenger transportation by automobile.

3. Passenger transportation by automobile within the meaning of this Act is provided when a person, the passenger, is carried by means of a motor vehicle, other than a bus or a minibus, driven by another person, the driver.

For the purposes of the first paragraph, “motor vehicle”, “bus” and “minibus” have the meaning assigned by the Highway Safety Code (chapter C-24.2).

4. A transportation system is made up of several drivers and several automobiles under the responsibility of a legal person who agrees to be the operator and who either carries out the functions of dispatcher and keeper of the register in which the drivers and automobiles are registered or sees to it that those functions are carried out by suppliers.

5. A dispatcher means anyone who distributes trip requests to drivers, via either a natural person or a technological means that does not require the intervention of such a person.

When an employee distributes trip requests, the employer is deemed to be the dispatcher.

6. Any passenger transportation by automobile must, when remunerated, be offered and provided using a qualified automobile driven by a qualified driver, except in the case of transportation that is exempted under Chapter XIV.

Transportation is remunerated when it allows anyone to earn income, even if it is insufficient to make a profit.

For the purposes of this Act, transportation that is offered also includes that which is provided, unless the context indicates a different meaning.

7. A qualified driver is a natural person who, as the case may be,

(1) is authorized by the Société, under Division I of Chapter II, to be a driver; a person so authorized is called an “authorized driver”; or

(2) is registered with the operator of a transportation system authorized by the Commission under Chapter III; a person so registered is called a “registered driver”.

8. A qualified automobile is one that, as the case may be,

(1) is authorized by the Société under Division II of Chapter II; an automobile so authorized is called an “authorized automobile”; or

(2) is registered with the operator of a transportation system authorized by the Commission under Chapter III; an automobile so registered is called a “registered automobile”.

CHAPTER II

DRIVER AND AUTOMOBILE AUTHORIZATION

DIVISION I

DRIVERS

9. The Société authorizes a person to be a driver when he or she files an admissible authorization application with it and complies with the following conditions:

(1) the person has held, for at least one year, a driver's licence of the appropriate class in accordance with the Highway Safety Code and the regulations;

(2) the person has completed training on the subject matters prescribed by regulation of the Minister and has done so in accordance with the conditions prescribed by that regulation;

(3) the person has passed an examination on the subject matters to be covered by the training, the conditions and content of which are established by regulation of the Minister;

(4) the person's driver's licence is not restricted to the operation of a road vehicle mandatorily equipped with an alcohol ignition interlock device approved by the Société;

(5) no authorization granted to the person under this Act is suspended at the time the authorization application is filed or was cancelled, except at the person's request in the five years preceding the application;

(6) the person has not failed to pay a sum payable under this Act; and

(7) the person has no judicial record related to the aptitudes required and appropriate conduct to be a driver of an automobile for the purpose of offering passenger transportation.

10. The following are judicial record entries related to the aptitudes required and appropriate conduct to be a driver of an automobile for the purpose of offering passenger transportation:

(1) a finding of guilt, within the five years preceding the application, for a criminal offence under any of sections 220, 221, 236, 320.13, 320.14, 320.15, 320.16 and 320.17 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) committed with a road vehicle, unless a pardon has been obtained, or a proceeding still pending for any of those offences;

(2) a finding of guilt, within the five years preceding the application, for an offence under any of sections 6 and 7 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or any of sections 9, 10, 11 and 14 of the Cannabis Act (Statutes of Canada, 2018, chapter 16), unless a pardon has been obtained, or a proceeding still pending for any of those offences; and

(3) a finding of guilt for a criminal offence, other than an offence referred to in paragraphs 1 and 2, which, in the opinion of the Société, is related to those aptitudes and that conduct, unless a pardon has been obtained, or a proceeding still pending for such an offence.

11. The applicant must submit the following information in the authorization application:

(1) his or her name and contact information;

(2) where applicable, the grounds on which the applicant considers that his or her judicial record entries, other than those referred to in paragraphs 1 and 2 of section 10, are unrelated to the aptitudes required and appropriate conduct to be a driver of an automobile for the purpose of offering passenger transportation; and

(3) any other information that may be determined by government regulation.

12. The applicant must file the authorization application together with

(1) the documents certifying that he or she has completed the training referred to in paragraph 2 of section 9 and has passed the examination referred to in paragraph 3 of that section;

(2) either the certificate of no judicial record or the judicial record list issued by a police force under section 13;

(3) any other document that may be determined by government regulation; and

(4) the fees determined by regulation of the Société.

13. Police forces in Québec are required to issue one of the following documents to a person requesting it, as applicable:

(1) a document certifying that databases available to them do not contain information that establishes that the person has a judicial record, including any proceedings still pending; this document is called “certificate of no judicial record”; or

(2) a list of all of the entries on the person’s judicial record including any proceedings still pending; the list is called “judicial record list”.

The Government provides, by regulation, the form of those documents and the fees payable for their issue.

14. Authorization applications that do not include the information prescribed by section 11 or that are not filed together with the documents and fees prescribed by section 12 are inadmissible.

Applications are also inadmissible if an applicant has a judicial record entry referred to in paragraph 1 or 2 of section 10.

15. The Société examines authorization applications; it must refuse to grant an application when it becomes aware that the applicant does not meet one of the conditions set out in paragraphs 1, 4, 5 and 6 of section 9 or when it considers that the applicant has a judicial record entry referred to in paragraph 3 of section 10.

However, before refusing to grant an application, the Société must consult the judicial record evaluation committee with respect to the relation between the judicial records and the aptitudes required and appropriate conduct to be a driver of an automobile for the purpose of offering passenger transportation.

16. The Minister establishes the judicial record evaluation committee. The committee is composed of one member designated by the Société, one member designated by the Commission and one member designated by the Minister. Those members are, respectively, personnel of the Société, the Commission and the Ministère des Transports.

17. When the Société grants an authorization application, it issues the applicant a permit certifying that the applicant is an authorized driver.

The permit must contain a photograph of the driver taken by the Société and bear a number. The content of the permit as well as its form and the intervals at which the photograph must be updated are determined by government regulation.

18. When the Société refuses to grant an authorization application, it notifies the applicant in writing of its decision.

Before refusing to grant its authorization, the Société must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the applicant in writing and grant the latter at least 15 days to submit observations.

DIVISION II

AUTOMOBILES

19. An automobile is authorized by the Société when its owner files an admissible authorization application with the Société and the following conditions are met:

- (1) the automobile

(a) is a passenger vehicle within the meaning of section 4 of the Highway Safety Code,

(b) is not equipped with an alcohol ignition interlock device approved by the Société,

(c) if the kilometrage indicated on its odometer or its age, determined based on the model year, exceeds the limits prescribed by government regulation, has undergone a mechanical inspection by a person authorized by the Société under section 520 of the Highway Safety Code, in accordance with the standards and procedures established by the regulation made for the purposes of section 522 of the Code, following which a mechanical inspection certificate was issued stating that the automobile is in conformity with the Code, and

(d) complies with the other conditions prescribed by government regulation;

(2) the owner has met all the requirements necessary for the proper registration of the automobile and obtaining the right to put it into operation;

(3) no authorization granted under this Act, for an automobile belonging to the owner or, as applicable, for a transportation system of which the owner was the operator is suspended at the time the authorization application is filed or was cancelled except at the owner's request in the five years preceding the application; and

(4) the owner has not failed to pay a sum payable under this Act.

The provisions of this Act that apply to the owner of an automobile also apply to any person who acquires or possesses an automobile under a title involving a condition or term giving him or her the right to become the owner thereof, or under a title giving him or her the right to use it as owner thereof charged to deliver over. They also apply to every person who leases an automobile for a period of not less than one year.

20. The owner must include the following information in the authorization application relating to his or her automobile:

(1) his or her name and contact information;

(2) the automobile's licence plate number and the kilometrage indicated on its odometer; and

(3) any other information that may be determined by government regulation.

21. The owner must file the authorization application together with any document that may be determined by government regulation and any fees determined by a regulation of the Société.

22. Authorization applications that do not include the information required under section 20 or that are not filed together with the documents and fees required under section 21 are inadmissible.

Applications for automobiles that are equipped with an alcohol ignition interlock device approved by the Société are also inadmissible.

23. The Société examines authorization applications; it must refuse to grant an application if it becomes aware that the automobile does not meet one of the conditions set out in subparagraphs *a*, *c* and *d* of subparagraph 1 of the first paragraph of section 19 or if it becomes aware that the owner does not meet one of the conditions set out in subparagraphs 2 to 4 of that paragraph.

24. When the Société grants an authorization application, it issues to the owner a document certifying that the automobile is authorized.

The Société also issues to the owner the accessory prescribed by government regulation to identify whether the authorized automobile is being used to offer remunerated passenger transportation.

25. When the Société refuses to grant an authorization application, it notifies the owner of the automobile that is the subject of the application in writing of its decision.

Before refusing to grant its authorization, the Société must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the owner in writing and grant the latter at least 15 days to submit observations.

CHAPTER III

TRANSPORTATION SYSTEM

DIVISION I

TRANSPORTATION SYSTEM AUTHORIZATION

26. A transportation system is authorized by the Commission when the legal person who wishes to be its operator files an admissible authorization application with the Commission and the following conditions are met:

(1) the applicant demonstrates to the Commission that, taking into consideration the size of the proposed system, the applicant will be capable of performing the obligations that will be incumbent on it as an operator, in particular as regards

(a) adequate human and material resources to be devoted to monitoring the activities of the proposed system, the registered drivers and automobiles, the automobile owners and the dispatcher or keeper of the register whose services the applicant will retain, where applicable, and

(b) the measures the applicant intends to take to prevent and repress any failure to comply with the provisions applicable to those activities, persons, automobiles and service suppliers;

(2) the applicant's directors and officers or any other person that may be determined by government regulation meet the following conditions:

(a) they have the knowledge or experience relevant to the competent performance of the obligations that will be incumbent on the applicant as system operator, and

(b) they have no judicial record related to the aptitudes required and appropriate conduct for participating in the operation of a transportation system;

(3) no authorization granted under this Act by the Société or the Commission for an automobile belonging to the applicant or for a transportation system of which the applicant was the operator is suspended at the time the authorization application is filed or was cancelled except at the applicant's request in the five years preceding that time; and

(4) the applicant has not failed to pay a sum payable under this Act.

For the purposes of subparagraph 2 of the first paragraph, "officer" means the applicant's president, chief executive officer, chief operating officer, chief financial officer and secretary or any person holding a similar position, as well as any person designated as an officer by a resolution of the applicant's board of directors.

27. A judicial record entry related to the aptitudes required and appropriate conduct for participating in the operation of a transportation system is a finding of guilt for a criminal offence that, in the opinion of the Commission, is related to those aptitudes and that conduct, unless a pardon has been obtained, or a proceeding still pending for such an offence.

28. An applicant must submit the following information in the authorization application relating to the proposed transportation system:

(1) its name, the name it intends to use in Québec, and the name of the system if different;

(2) the address of its head office and, if the latter is not in Québec, the proposed address of its establishment in Québec;

(3) a description of its financial structure;

(4) a description of the proposed transportation system, that is,

(a) where applicable, the boundaries of the proposed service territory in Québec,

(b) where applicable, the name and contact information of any dispatcher whose services the applicant will retain,

(c) where applicable, the name and contact information of the keeper of the register whose services the applicant will retain,

(d) the maximum number of drivers that may be registered,

(e) the maximum number of automobiles that may be on duty at the same time,

(f) the human and material resources that will be devoted to monitoring the activities of the proposed system, the registered drivers and automobiles, the owners of registered automobiles and the dispatcher or keeper of the register whose services the applicant will retain, where applicable, and

(g) the measures the applicant intends to take to prevent and repress any failure to comply with the provisions applicable to those activities, persons, automobiles and, if applicable, service suppliers;

(5) where applicable, the grounds on which any person referred to in subparagraph 2 of the first paragraph of section 26 considers that his or her judicial record entries are unrelated to the aptitudes required and appropriate conduct for participating in the operation of a transportation system;

(6) a description of any accessory required to identify the registered automobiles as being part of the system, including a reproduction of the accessory; and

(7) any other information that may be determined by government regulation.

29. The applicant must file the authorization application together with:

(1) a list of the names and contact information of the persons referred to in subparagraph 2 of the first paragraph of section 26;

(2) the résumé of each of those persons;

(3) either the certificate of no judicial record or the judicial record list issued by a police force under section 13 concerning all those persons;

(4) where applicable, a reproduction of the applicant's audited financial statements for its most recent fiscal year ended;

(5) a business plan for a minimum of three years describing

(a) the applicant's involvement in the proposed transportation system,

(b) all means to solicit drivers and obtain the automobiles necessary for the system, and

(c) any means used to distribute trip requests among drivers, including the means that allows the person requesting the trip to be informed of the maximum fare in writing and to agree to it prior to the driver being notified of the trip request;

(6) any other document that may be prescribed by government regulation; and

(7) the fees for examining the application and the duties determined by the regulation.

30. Authorization applications that do not include the information prescribed by section 28 or which are not filed together with the documents, fees and duties prescribed by section 29 are inadmissible.

31. The Commission examines authorization applications. It may require from the applicant, within the time and in the manner it determines, any document or additional information it considers necessary for the examination of the application. Similarly, it may require any modification to the application filed with it which it considers necessary for the applicant to be able to comply with the obligations that will be incumbent on it as transportation system operator.

The Commission hears the applicant if the applicant requests it.

32. The Commission must refuse to grant an authorization application if

(1) it becomes aware that the applicant does not meet one of the conditions set out in subparagraphs 3 and 4 of the first paragraph of section 26;

(2) it considers that the applicant fails to demonstrate that it is capable of complying with the obligations that will be incumbent on it as the transportation system operator; or

(3) it considers that a person referred to in subparagraph 2 of the first paragraph of section 26 has a judicial record related to the required aptitudes and appropriate conduct for participating in the operation of a transportation system.

However, before refusing to grant an application on the grounds of such a judicial record, the Commission must consult, concerning that relation, the judicial record evaluation committee referred to in section 16.

33. When the Commission grants an application, it issues a document to the applicant certifying that the transportation system is authorized.

In addition to the date and time the authorization is granted, the document contains the following information, as specified in the application:

(1) where applicable, the boundaries of the service territory, and the name and contact information of the dispatcher and of the keeper of the register;

- (2) the maximum number of drivers that may be registered;
- (3) the maximum number of automobiles that may be on duty at the same time;
- (4) the human and material resources that will be devoted to monitoring the activities of the system, the registered drivers and automobiles, the owners of registered automobiles and the dispatcher or keeper of the register whose services the applicant will retain, where applicable; and
- (5) the measures the applicant intends to take to prevent and repress any failure to comply with the provisions applicable to those activities, persons, automobiles and service suppliers.

The applicant becomes, as of the date and time shown in that document, the operator of the authorized transportation system.

34. When the Commission refuses to grant an application, it notifies the applicant in writing of its decision.

Before refusing to grant its authorization, the Commission must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the applicant in writing and grant the latter at least 15 days to submit observations.

35. The transportation system operator and the Société must enter into an agreement setting out the conditions according to which the insurance contribution fixed under section 151.1 of the Automobile Insurance Act (chapter A-25) is to be paid for the registered automobiles as well as the conditions relating to the reimbursement of those contributions.

36. When the fare of a trip made as part of the transportation system is collected electronically, on behalf of the drivers registered with the system operator, by the operator or a supplier whose services the operator retains, the operator or, if applicable, the supplier must enter into an agreement with the Minister of Finance to ensure compliance with government requirements regarding taxation.

The Minister of Revenue may, on such conditions the Minister determines, exempt an operator or supplier or a class of operators or suppliers from the requirement set out in the first paragraph. The Minister may, however, cancel the exemption or modify the conditions.

37. No transportation system may be operated unless

- (1) the agreement under section 35 was entered into;
- (2) where applicable, the agreement under section 36 was entered into in relation to that system; and

(3) the operator holds a liability insurance contract under section 84 of the Automobile Insurance Act guaranteeing compensation for property damage caused by the automobiles used by the drivers registered with the operator.

The documents listed below are, without delay, sent to the Commission by the following persons:

(1) the Société or Minister of Finance sends a notice of the conclusion of the agreement under section 35 or 36, as the case may be; and

(2) the operator sends a reproduction of the insurance certificate certifying the insurance contract referred to in subparagraph 3 of the first paragraph.

38. The liability insurance contract the operator is required to hold must comply with any condition or restriction the Autorité des marchés financiers may impose. The provisions of Title III of the Automobile Insurance Act applicable to owners apply to operators, with the necessary modifications.

39. A change to a transportation system, including to its operator's activities or, as applicable, to those of a supplier whose services the operator retains, may not be made without first obtaining a replacement of the system's authorization from the Commission,

(1) where the change is incompatible with the authorization issued; or

(2) in any other case that may be prescribed by government regulation.

Despite sections 28 and 29, the operator is then required to include in the application only the information that differs from that included in the previous authorization application, with the same applying to the documents it must file with the application. The other provisions under this division apply to the application for a new authorization, with the necessary modifications.

An authorization granted by the Commission may not be the subject of a change.

40. The Commission must establish and keep up to date a register of transportation system operators that includes the following information for each of them:

(1) its name, the name it uses in Québec if different, the address of its head office and, if its head office is not in Québec, the address of its establishment in Québec; and

(2) any other information that may be prescribed by government regulation.

The information contained in the register of transportation system operators is public. The Commission must promptly publish the register on its website.

DIVISION II

REGISTRATION OF DRIVERS AND AUTOMOBILES

§1.—*Judicial record evaluation*

41. A person must, for the purpose of registering as driver with a transportation system operator, obtain from a police force in accordance with section 13 either a certificate of no judicial record or a judicial record list.

42. The person to whom a police force issued a judicial record list that does not include any offence referred to in paragraphs 1 and 2 of section 10 may apply, in writing, to the Société to issue a certificate of no judicial record related to a driver's aptitudes and conduct.

43. Applicants must submit the following information in their application:

- (1) their name and contact information;
- (2) the grounds on which they consider that their judicial record entries are unrelated to the aptitudes required and appropriate conduct to be a driver of an automobile for the purpose of offering passenger transportation; and
- (3) any other information that may be prescribed by government regulation.

The judicial record list, and the fees prescribed by a regulation of the Société, must be filed together with the application.

44. Applications that do not contain the information referred to in section 43 or that are filed together with the judicial record list and fees referred to in that section are inadmissible.

45. The Société examines the applications.

The Société must refuse to grant an application if it considers that an applicant's judicial record entries are related to the aptitudes required and appropriate conduct to be an automobile driver for the purpose of offering passenger transportation. Otherwise, it issues to the applicant a certificate of no judicial record related to a driver's aptitudes and conduct.

However, the Société must, before refusing to grant an application, consult, concerning that relation, the judicial record evaluation committee referred to in section 16.

Before refusing to grant the application, the Société must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the applicant in writing and grant the latter at least 15 days to submit observations.

§2.—*Registration with an operator*

46. A transportation system operator may register a person as a driver once it has ascertained that the person satisfies the conditions set out in paragraphs 1 to 4 of section 9 and that the person has sent the operator a reproduction of the following documents:

(1) the permit issued to him or her by the Société under section 17 or one of the following documents, issued within the two years preceding the registration:

(a) a certificate of no judicial record issued by a police force under subparagraph 1 of the first paragraph of section 13, or

(b) a certificate of no judicial record related to a driver's aptitudes and conduct issued by the Société under section 45; and

(2) any other document that may be prescribed by government regulation.

47. A transportation system operator must provide to every driver it registers a document containing a photograph of the driver and a reference that allows passengers to identify the driver as being part of the system. The photograph must be updated in accordance with the intervals prescribed for a photograph appearing on a permit issued under section 17.

The operator is not bound by any obligations under the first paragraph if, as part of the system, all trips may be requested only by a technological means allowing for such identification.

48. A transportation system operator may register an automobile once it has ascertained that the automobile satisfies the conditions set out in subparagraphs 1 and 2 of the first paragraph of section 19.

If the automobile must undergo the mechanical inspection prescribed by subparagraph *c* of that subparagraph 1, the operator may not register the automobile without having obtained a reproduction of the mechanical inspection certificate issued under section 527 of the Highway Safety Code stating that the automobile is in conformity with the Code.

49. A transportation system operator that registers an automobile must, within the time prescribed by government regulation, pay to the Société the insurance contribution payable by the owner for that automobile under section 21 of the Highway Safety Code and the contribution payable by the owner under section 31.1 of that Code, and must send the Société, in relation to that automobile, the information referred to in section 20.

50. A transportation system operator must provide automobile owners it registers with the following accessories:

(1) any accessory required to identify the registered automobile as being part of the system; and

(2) the accessory prescribed by government regulation that makes it possible to identify whether the registered automobile is being used to offer remunerated passenger transportation.

An accessory referred to in subparagraph 1 of the first paragraph must not, in the opinion of the Commission, create confusion with that used for another transportation system. The nature and characteristics of such an accessory may be prescribed by government regulation.

51. A transportation system operator must maintain a register containing the information prescribed by government regulation and pertaining to registered drivers and automobiles.

The conditions and procedures for keeping and maintaining the register, for sharing the information it contains with the Société and the Commission and for access to it by persons acting as inspectors for the purposes of this Act are prescribed by government regulation; the conditions and procedures may, among other things, vary according to the nature and operation of the transportation system concerned or the type of register.

CHAPTER IV

OBLIGATIONS OF QUALIFIED DRIVERS AND QUALIFIED AUTOMOBILE OWNERS

DIVISION I

GENERAL PROVISIONS

52. Qualified drivers who do not own the qualified automobile they use to offer remunerated passenger transportation must have in their possession, when offering such passenger transportation, a reproduction of the contract by which the owner entrusts them with the care or control of the automobile.

53. Qualified drivers must affix to the qualified automobile they use to offer remunerated passenger transportation the accessory prescribed by government regulation, provided to owners by the Société or the operator the automobile is registered with, which makes it possible to identify whether the authorized automobile is being used to offer remunerated passenger transportation.

54. Qualified drivers must conduct a basic inspection of the qualified automobile they use to offer remunerated passenger transportation before their first daily use of the automobile for that purpose.

In addition, when offering such transportation, drivers must have a document in their possession showing that such inspection was conducted.

The inspection procedures and the content of the document are prescribed by government regulation.

55. When qualified drivers use an automobile whose kilometrage on the odometer or whose age, determined based on the model year, exceeds the limits prescribed by government regulation, to offer remunerated passenger transportation, they must have in their possession a reproduction of the most recent mechanical inspection certificate issued under section 527 of the Highway Safety Code.

56. Qualified drivers may not use a qualified automobile to offer remunerated passenger transportation in the following cases:

- (1) when the car body or passenger compartment is not clean;
- (2) when they notice that the automobile has a defect or that the equipment added to it, in particular the taximeter and the domelight, if any, is defective;
- (3) when the mechanical inspection certificate referred to in section 55 indicates that the automobile has a defect; and
- (4) when they receive a notice of defect concerning the automobile issued by a vehicle manufacturer in accordance with the Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16) or when the automobile owner or the operator informs them of the receipt of such a notice.

However, in the case of a minor defect, the automobile may be used provided that the repair is made within 48 hours.

For the purposes of this Act, minor and major defects are those prescribed by a regulation made under Chapter I of Title IX of the Highway Safety Code.

57. Qualified drivers who notice that the qualified automobile they use to offer remunerated passenger transportation, or the equipment added to it, has a defect must notify the owner without delay.

The form and content of the notice are prescribed by government regulation; drivers must have a reproduction of the notice in their possession when offering remunerated passenger transportation, until such time as the automobile has been repaired.

58. When offering remunerated passenger transportation, qualified drivers of a qualified automobile having undergone a repair for a major defect must have in their possession the report from a certified mechanic certifying that the repair was done in accordance with standard practice.

For the purposes of this Act, a certified mechanic means a person who meets the conditions prescribed by government regulation.

59. Qualified drivers must reserve the trip exclusively for a single passenger, or more than one passenger when the trip request is for those passengers.

However, drivers may offer to transport more than one passenger having separately requested a trip to the same destination or to several destinations within the same route, provided the trip is requested by a technological means allowing each passenger to agree in writing and in advance to share the cost of the trip.

Drivers must offer to transport more than one passenger when the transportation is offered in accordance with an agreement entered into with a municipality, an intermunicipal board, another municipal body exercising the jurisdiction conferred on it by law as regards shared transportation, a public transit authority or the Autorité régionale de transport métropolitain.

60. Despite any provision of this chapter, qualified drivers are not required to have in their possession a document provided for by those provisions when it is available, in accordance with the terms and conditions prescribed by government regulation, to persons acting as inspectors or investigators for the purposes of this Act.

DIVISION II

SPECIAL PROVISIONS FOR DRIVERS AUTHORIZED BY THE SOCIÉTÉ

61. Authorized drivers must display the permit issued by the Société under section 17 in full view of passengers in the authorized automobile they use to offer remunerated passenger transportation.

Drivers must also, in the same circumstances, have in their possession the document issued by the Société under section 24.

62. Authorized drivers must, every two years following the date on which the Société granted them its authorization, send the Société either their certificate of no judicial record or their judicial record list issued by a police force under section 13.

Where applicable, drivers must file with the certificate or list a document setting out the grounds on which they consider that a criminal offence, other than an offence referred to in paragraph 1 or 2 of section 10, of which they were found guilty or of which they are the subject of a proceeding still pending, is unrelated to the aptitudes required and appropriate conduct to be a driver of an automobile for the purpose of offering passenger transportation.

DIVISION III

SPECIAL PROVISIONS FOR DRIVERS REGISTERED WITH AN OPERATOR

63. Drivers registered with the operator of a transportation system may offer remunerated passenger transportation by automobile as part of that transportation system.

Drivers are then required to use an automobile registered with that operator.

64. The starting point of trips provided by drivers registered with a transportation system operator must be within the boundaries of the service territory defined, where applicable, in the authorization granted for the system.

However, the starting point of a trip may be outside that territory in a case where the registered automobile used to provide it is returning to that territory after leaving it to provide a trip.

65. Registered drivers must display the document identifying them as being part of the transportation system and provided for in the first paragraph of section 47 in full view of passengers in the registered automobile they use to offer remunerated passenger transportation.

Drivers are not required to do so if, under the second paragraph of that section, the operator which they are registered with is not required to provide them with such a document.

66. When offering remunerated passenger transportation by automobile, registered drivers must have in their possession the certificate showing that they have passed the examination referred to in paragraph 3 of section 9.

67. When using an automobile registered with a transportation system operator to offer remunerated passenger transportation, registered drivers must, according to the terms and conditions that may be determined by government regulation, affix to the automobile the accessory required to identify it as being part of the system and which the operator was required to provide to the drivers.

68. In addition to having notified the owner of the automobile in accordance with section 57, registered drivers must, in the cases referred to in that section, send the notice provided for in that section to the transportation system operator with which the automobile is registered.

69. Registered drivers must, every two years following the date of their registration with an operator, send the operator either the certificate of no judicial record concerning them issued by a police force under subparagraph 1 of the first paragraph of section 13 or the certificate of no judicial record related to the drivers' aptitudes and conduct issued by the Société under section 45.

DIVISION IV

SPECIAL PROVISIONS FOR OWNERS OF QUALIFIED AUTOMOBILES

70. The owner of a qualified automobile is required to make available to the qualified driver using the automobile to offer remunerated passenger transportation the document and accessory provided for in section 24, which were provided to the owner by the Société or the accessories referred to in the first paragraph of section 50 provided to the owner by the transportation system operator the automobile is registered with.

71. The owner of a qualified automobile is required to ensure its maintenance and to have the necessary repairs made when the automobile or equipment added to it has a defect referred to in section 56; the owner must do so within the time provided for in the second paragraph of that section, in the case of a minor defect.

The owner may not permit or tolerate the automobile being used to offer remunerated passenger transportation if

- (1) a defect under section 56 prevents its use; or
- (2) the automobile no longer complies with the conditions prescribed by government regulation.

In addition, if the kilometrage on the odometer or the age of the automobile, determined based on the model year, exceeds the limits prescribed by government regulation, the owner must submit, at the intervals prescribed by the regulation, the automobile to the mechanical inspection provided for in subparagraph *c* of subparagraph 1 of the first paragraph of section 19 and obtain a mechanical inspection certificate issued under section 527 of the Highway Safety Code.

The owner must forward a reproduction of the certificate to all qualified drivers using the automobile. In the case of a registered automobile, the owner must notify the operator of all defects indicated on the certificate.

72. The owner of a qualified automobile who is informed that a notice of defect has been issued by a vehicle manufacturer in accordance with the Motor Vehicle Safety Act for that automobile must, without delay, take the necessary measures to correct the defect as indicated in the manufacturer's directions or to have the automobile repaired or modified so as to eliminate the defect.

Where the notice refers to a major defect, the automobile may not be used to offer remunerated passenger transportation until the defect is corrected as indicated or the automobile is repaired or modified appropriately.

The owner is required to inform the driver, as well as the transportation system operator in the case of a registered automobile, without delay of the notice of defect the owner has received.

73. The owner of a qualified automobile must, when a major defect is found, have it repaired in accordance with standard practice by a certified mechanic.

After the repairs have been made, the owner must obtain a report from the mechanic certifying that the automobile was so repaired and forward it to the qualified driver using the automobile to offer remunerated passenger transportation.

74. The owner of a qualified automobile may not transfer it unless the owner obtains the cancellation of the authorization granted by the Société for that automobile or, as the case may be, the striking off of the owner's registration with a transportation system operator.

CHAPTER V

OBLIGATIONS OF OPERATORS

DIVISION I

TRANSPORTATION SYSTEM MONITORING

75. A transportation system operator is responsible, to the extent provided by this Act, for ensuring the compliance with the provisions of this Act of the system's activities, of the drivers and automobiles registered with the operator, of the owners of those registered automobiles and of any dispatcher or keeper of the register whose services the operator retains.

Consequently, the operator is required to take the measures necessary to monitor those activities, persons and automobiles, the dispatcher and the keeper of the register as well as the measures to prevent and repress any failure to comply with those provisions and to devote adequate human and material resources to such measures.

76. A transportation system operator must have an establishment in Québec.

77. A transportation system operator must, without delay, notify the owner of a registered automobile of any defect of which it has been notified by a registered driver in accordance with section 68. The operator must also notify every registered driver using a registered automobile of the notice provided to the operator by the owner in accordance with the fourth paragraph of section 71 or the third paragraph of section 72.

As soon as the operator receives any of those notices, it must ensure that the automobile cannot, as part of the system, be used to offer remunerated passenger transportation in contravention of section 56.

DIVISION II

REPORTS AND OTHER COMMUNICATIONS

78. Transportation system operators must send a report of their activities to the Commission; the content of the report and the manner and frequency of its transmission are prescribed by government regulation.

Operators must also, every two years following the date on which the Commission's authorization was granted for the transportation system, send it the following documents:

(1) a list of the names and contact information of the persons referred to in subparagraph 2 of the first paragraph of section 26; and

(2) either the certificate of no judicial record or the judicial record list issued by a police force under section 13 concerning each of those persons.

Where applicable, the operators must file with those documents a document indicating the grounds on which any person referred to in subparagraph 1 of the second paragraph considers that a criminal offence, of which he or she has been found guilty or of which he or she is the subject of a proceeding still pending, is not related to the aptitudes required and appropriate conduct for participating in the operation of a transportation system.

79. In the cases indicated in the following paragraphs, transportation system operators must, without delay, send to the Commission the information and documents referred to in those paragraphs:

(1) a change in the contact information of its establishment in Québec: its new contact information;

(2) a change in its name, the name it uses in Québec or the name of the system of which it is the operator: the new name;

(3) a modification or the replacement of an accessory referred to in subparagraph 1 of the first paragraph of section 50: a description of the accessory so modified or replaced, including a reproduction of the accessory; and

(4) a change in the list of persons referred to in subparagraph 2 of the first paragraph of section 26: an updated list and the certificate of no judicial record or the judicial record list issued by a police force under section 13 concerning the persons added to the list as well as their résumés.

80. Transportation system operators must file with the Commission and the Minister, according to the form and content and at the intervals the latter determines by regulation, the information concerning the starting points and destinations of the trips provided by the drivers registered with the operators.

81. Transportation system operators must communicate to the Minister any information the Minister requires with respect to their activities.

82. Transportation system operators must make available to the Société and to the Commission any information they require to make a decision in relation to exercising the functions conferred on them by this Act.

The Société notifies the Commission when an operator fails to make available the information it requires.

CHAPTER VI

OBLIGATIONS OF DISPATCHERS

83. Every dispatcher must, before providing services, register with the Commission by filing a declaration with it in the form and content determined by government regulation. This does not apply, however, to a dispatcher that provides services exclusively to registered drivers.

In addition, a dispatcher providing services to authorized drivers must have an establishment in Québec.

84. The Commission must register a dispatcher as soon as it receives a declaration whose form and content comply with the provisions determined by government regulation.

85. The Commission must constitute and keep up to date a register of the dispatchers registered with it; the register must contain the following information for each of them:

(1) the dispatcher's name, the name it uses in Québec if different, the address of the dispatcher's head office and, if the head office is not in Québec, the address of the establishment in Québec;

(2) where applicable, the boundaries of the territory served by the dispatch services provided; and

(3) any other information that may be determined by government regulation.

A registered dispatcher must, without delay, send the Commission a declaration of any changes to the dispatcher's information included in the register.

The information included in the dispatchers' register is public. The Commission must promptly publish the register on its website.

86. The registered dispatcher must send the Commission and the Minister, according to the form and content and at the intervals the latter determines by regulation, the information concerning the starting points and destinations of the trips provided by the drivers to whom the dispatcher provides services.

87. The Commission must strike off the registration of a dispatcher that so requests.

The Commission may also, on its own initiative, strike off the registration of a dispatcher that contravenes this Act.

Before striking off a dispatcher's registration on its own initiative, the Commission must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the dispatcher in writing and grant the latter at least 15 days to submit observations.

CHAPTER VII

FARES APPLICABLE TO TRIPS AND OTHER FEES

88. No qualified driver may require a customer to pay, in addition to the fare calculated in accordance with this chapter, any fees other than those that may be prescribed by government regulation.

89. The fare for a trip requested by any means other than the means referred to in section 90, including when the qualified driver was hailed in the street or the trip was requested from person to person, is calculated in accordance with the rates established by the Commission.

90. The fare may only be calculated according to the rates established by the Commission unless the processing of the trip request is made by a technological means that does not require direct human intervention and allows the person requesting the trip to be informed of the maximum fare in writing and to agree to it prior to the qualified driver being notified of the trip request.

91. The Commission establishes the applicable rates for remunerated passenger transportation by automobile after a public hearing.

The Commission fixes a basic rate that applies throughout Québec. It may also fix special rates that may vary according to the service territories it determines, the nature of the transportation concerned and the day or the time of day the transportation is offered.

The fixing of rates for remunerated passenger transportation by automobile must be preceded by a notice published in a daily newspaper inviting interested parties to intervene. The rates fixed must be published in the *Gazette officielle du Québec* and on the Commission's website.

92. The Commission's rates must be fixed in such a manner that the fare is calculated according to one or more of the following methods: with a taximeter, by zone, by the hour or by fraction of an hour, with an odometer or by any other method that the Commission determines by regulation.

93. Despite section 89, a fare may be agreed upon with a customer, even if it differs from the rates established by the Commission, if the parties enter into a contract in writing, a reproduction of which is kept in the automobile or at the establishment of the owner of the qualified automobile or the dispatcher. In addition, the parties must comply with the conditions applicable to the entering into of such a contract that are prescribed by regulation of the Commission.

94. A qualified driver must display in full view of passengers in the automobile used to offer remunerated passenger transportation a document detailing the rules according to which the maximum fare is determined by a technological means referred to in section 90.

The driver is nevertheless exempt from doing so when the dispatcher or the transportation service operator who provides such means publishes the document on their website or mobile application.

95. A dispatcher who makes available to the public a means to distribute trip requests among qualified drivers must, when fares are calculated otherwise than in accordance with the rates established by the Commission, ensure that such means is in conformity with section 90.

96. No one may make available to the public any technological means referred to in section 90 unless the drivers providing trips requested through such means are qualified drivers or the transportation services are exempt under Chapter XIV; in the latter case, the fare quoted to the customer through that means must be in conformity with that chapter.

CHAPTER VIII

ANNUAL FEES AND DUTIES FOR MAINTAINING AUTHORIZATIONS

97. The Société determines, by regulation, the fees payable annually to maintain an authorization it has granted.

The regulation specifies the date on which the fees are payable and the other collection conditions. The fees payable to maintain the authorization relating to an automobile that is accessible to persons with disabilities may be less than the fees to maintain the authorization relating to an automobile that is not so accessible. The same may be true of the fees payable for an automobile that is propelled solely by an electric motor, including an automobile whose motor is supplied by a hydrogen fuel cell, or another mode of propulsion that emits no pollutant, and whose only element that emits a pollutant is the automobile's air conditioner.

98. The Government determines, by regulation, the duties payable annually to maintain an authorization granted for a transportation system by the Commission.

The regulation specifies the date on which the duties are payable and the other collection conditions. The duties payable to maintain the authorization when automobiles registered with the system operator are accessible to persons with disabilities may be less than the duties to maintain the authorization relating to a system in which no registered automobile is so accessible. The same may be true of the duties payable for registered automobiles that are propelled solely by an electric motor, including automobiles whose motor is supplied by a hydrogen fuel cell, or another mode of propulsion that emits no pollutant, and whose only element that emits a pollutant is the automobile's air conditioner.

99. The fees payable to maintain the authorizations granted by the Société are payable to the Société, while the duties payable to maintain authorizations granted by the Commission are payable to the Commission.

CHAPTER IX

INSPECTION, INVESTIGATION, AUTOMOBILE SEIZURE, PERMIT SUSPENSION AND IMMUNITY

DIVISION I

INSPECTION

100. Any peace officer may act as an inspector to ascertain compliance with this Act.

The Minister or the Commission may, for that purpose, authorize any other person to act as an inspector.

101. An inspector may, in the exercise of inspection functions,

(1) enter, at any reasonable time, the establishment of the owner of a qualified automobile, a transportation system operator, a dispatcher or a keeper of a register;

(2) stop an automobile used on a public highway if the inspector has reasonable grounds to believe that the automobile is being used to offer remunerated passenger transportation and inspect it; and

(3) require any person present to provide any information relating to the application of this Act as well as the communication, for examination or reproduction, of any relevant document.

Any person having custody, possession or control of such documents must, on request, communicate them to the inspector and facilitate their examination.

102. An inspector may, in a request sent by registered mail or by personal service, require any person to communicate any information or document relating to the application of this Act to the inspector, by registered mail or by personal service, within a reasonable time specified by the inspector.

103. Inspectors must, on request, identify themselves and exhibit the document attesting to their capacity or, in the case of peace officers, show their badge.

DIVISION II

INVESTIGATION

104. Any peace officer may investigate any matter relating to the application of this Act.

The Minister or the Commission may, for that purpose, authorize any other person to act as an investigator.

105. In the course of an investigation into an offence under this Act, a judge of the Court of Québec may, on an *ex parte* application following an information laid in writing and under oath by an investigator, order a person, other than the person under inquiry,

(1) to communicate information, or to produce documents, or reproductions of them certified by affidavit to be true reproductions; or

(2) to prepare and communicate a document that is based on existing documents or information.

The order must require the documents or information to be communicated within the time, at the place and in the form specified and given to the person named in the order.

Before making an order, the judge must be satisfied that there are reasonable grounds to believe

(1) that an offence under this Act is being or has been committed;

(2) that the documents or information will afford evidence respecting the commission of the offence; and

(3) that the person who is the subject of the order has possession or control of the documents or information.

The order may contain any terms and conditions that the judge considers appropriate, including terms and conditions to protect lawyers' and notaries' professional secrecy.

Where the judge who makes the order or any other judge having jurisdiction to make such an order is satisfied, on an *ex parte* application made on the basis of an affidavit submitted by the investigator in support of the application, that the interests of justice warrant the granting of the application, the judge may vary or revoke the order or set a new time limit.

Every reproduction of a document communicated under this section, on proof by affidavit that it is a true reproduction, is admissible in evidence in any proceeding and has the same probative force as the original document would have if it had been proved in the ordinary way.

DIVISION III

AUTOMOBILE SEIZURE AND LICENCE SUSPENSION

106. Inspectors and investigators may immediately seize an automobile if they have reasonable grounds to believe that it is being used or has been used to commit an offence

(1) under subparagraph *a* of paragraph 1 of section 154, until the court having jurisdiction or a judge thereof authorizes its release with security; or

(2) under any other provision of this Act, and that the person who used or is using the automobile could abscond, until the court having jurisdiction or a judge thereof authorizes its release with or without security.

The security required under subparagraphs 1 and 2 of the first paragraph is equal to the amount of the fine prescribed for the offence. Article 321 of the Code of Penal Procedure (chapter C-25.1) applies, with the necessary modifications, to the security.

A person who seizes an automobile has custody of it, at the owner's expense, until a court having jurisdiction declares it confiscated or orders that it be returned to its owner. The judge who makes such an order may subject the return of the automobile to certain conditions.

In the case of a subsequent offence under subparagraph *a* of paragraph 1 of section 154 of which the defendant is found guilty or deemed to be found guilty, the judge must make an order, with the conditions the judge determines, to ensure that the automobile is not used for a period of 30 days for a second offence and 90 days for a subsequent offence.

107. An inspector who has reasonable grounds to believe that a person is contravening subparagraph *b* of paragraph 1 of section 154 must immediately suspend, on behalf of the Société, for a period of seven days,

(1) the licence referred to in section 61 of the Highway Safety Code that the person holds; or

(2) if the person does not hold such a licence, the person's right to obtain one.

The suspension period is increased to 30 days for a second offence and 90 days for a subsequent offence in the case of a person who was found guilty of an offence under subparagraph *b* of paragraph 1 of section 154 during the 10 years before the suspension.

Sections 202.6.1 and 202.7 of the Highway Safety Code apply in the case of a suspension under this section, with the necessary modifications.

108. In the case of a person whose licence or right to obtain a licence has been suspended in accordance with section 107, the inspector must immediately seize the automobile and impound it on behalf of the Société and at the owner's expense for a period equivalent to the period of the suspension.

Sections 209.3 to 209.10 of the Highway Safety Code apply, with the necessary modifications, to the seizure.

109. A person whose licence or right to obtain a licence has been suspended in accordance with section 107 may have the suspension lifted by a judge of the Court of Québec acting in chambers in civil matters after the person establishes that he or she did not contravene subparagraph *b* of paragraph 1 of section 154.

The second paragraph of section 209.11 of the Highway Safety Code applies, with the necessary modifications, to service on the Société of the application to lift the suspension. In addition, section 209.12 of that Code applies to that application.

110. The owner of the seized automobile may, on the authorization of a judge of the Court of Québec acting in chambers in civil matters, recover the automobile

(1) if the owner was not the driver of the automobile and could not reasonably have foreseen that the driver of his or her automobile would contravene subparagraph *b* of paragraph 1 of section 154; or

(2) if the owner was the driver of the automobile and establishes that he or she did not contravene subparagraph *b* of paragraph 1 of section 154.

If the person concerned in subparagraph 2 of the first paragraph obtains release from seizure, the Société lifts the suspension of the licence or of the right to obtain a licence imposed under section 107.

The second paragraph of section 209.11 and sections 209.11.1 to 209.22.3 of the Highway Safety Code apply, with the necessary modifications.

111. The suspension of a driver's licence or of the right to obtain one under section 107 constitutes a penalty for the purposes of sections 105 and 106 of the Highway Safety Code.

DIVISION IV

IMMUNITY

112. Inspectors and investigators may not be prosecuted for acts in good faith in the exercise of their functions.

CHAPTER X

WITHDRAWAL FROM OPERATION, SUSPENSION AND CANCELLATION OF AUTHORIZATIONS AND STRIKING OFF OF REGISTRATIONS

DIVISION I

GENERAL PROVISIONS

113. The Société may, when it is informed that a qualified driver or the owner of a qualified automobile endangers the safety of passengers, pedestrians, cyclists and other road users by contravening, in particular, section 56 or the first or second paragraph of section 72, withdraw a qualified automobile owner's right to maintain it in operation.

Following an investigation, the Société may also, when it becomes aware that a qualified driver has claimed a rate higher than that fixed by the Commission or that fixed by a technological means referred to in section 90 for a fare, suspend the authorization it has granted to the driver or, in the case of a driver registered with a transportation system operator, report its investigation to the Commission, who may order the operator to suspend that driver's registration for the period it determines. The operator must suspend the registration as soon as the notice of suspension is received from the Commission.

The Commission may, on its own initiative or on request, order the Société to withdraw, from a person who has offered remunerated passenger transportation by automobile in contravention of section 6, the right to maintain in operation the automobile used for that purpose.

114. Before making a decision under the first or second paragraph of section 113, the Société must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the driver in writing and grant the latter at least 15 days to submit observations.

115. The Commission may, when it is informed or becomes aware that a qualified driver is charged with an offence referred to in section 10, investigate to determine whether the situation compromises the safety of users and, where applicable, order the Société or the transportation system operator to suspend, as the case may be, the authorization the Société granted to the driver or the driver's registration with the operator. The Société or the operator must suspend the driver's authorization or registration as soon as a notice of suspension is received from the Commission.

DIVISION II

PROVISIONS APPLICABLE TO AUTHORIZATIONS GRANTED BY THE SOCIÉTÉ

§1.—*Authorizations granted to drivers*

116. An authorization that is granted by the Société to a driver is cancelled by operation of law if the driver is found guilty of an offence referred to in paragraph 1 or 2 of section 10.

In proceedings instituted against an authorized driver for such an offence, the prosecutor must apply for confiscation of the permit issued under section 17.

The judge pronouncing the finding of guilt must order that the permit be confiscated and returned to the Société; the judge must notify the driver. The notice may be given at the time of or after the sentencing. In any case, the date of confiscation is deemed to be the date of the finding of guilt.

The clerk of the court must, without delay, send notice of the confiscation of the permit to the Société.

117. The Société cancels an authorization it has granted to a driver when the driver is in any of the following situations:

(1) his or her driver's licence is cancelled and no restricted licence, in accordance with section 118 of the Highway Safety Code, has been issued;

(2) the driver offered remunerated passenger transportation by automobile despite the suspension of the authorization;

(3) his or her driver's licence is subject to the condition of driving a road vehicle mandatorily equipped with an alcohol ignition interlock device approved by the Société;

(4) the driver is found guilty of an offence referred to in paragraph 3 of section 10;

(5) the driver so requests in writing, provided the authorization is not suspended; or

(6) any other situation that may be prescribed by government regulation.

In the situation referred to in subparagraph 4 of the first paragraph, the Société must, before cancelling the authorization, consult the judicial record evaluation committee referred to in section 16 with respect to the relation between the offence and the aptitudes required and appropriate conduct to be a driver of an automobile for the purpose of offering passenger transportation.

118. The Société suspends the authorization granted to a driver whose driver's licence is suspended.

119. The Société may suspend or cancel an authorization it has granted to a driver when the driver is in any of the following situations:

(1) the driver has filed a false declaration or document, or false information, or has distorted or has failed to report a material fact for the granting of the authorization; or

(2) the driver has failed to comply with an obligation incumbent on him or her under this Act, except in the cases referred to in sections 116 and 117.

120. Before cancelling or suspending an authorization it has granted to a driver, the Société must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the driver in writing and grant the latter at least 15 days to submit observations.

121. When an authorization granted by the Société to a driver is suspended for a longer period than the one prescribed by government regulation or cancelled, the driver must return the permit issued under section 17 to the Société.

If the driver refuses or fails to comply, the Société may ask a peace officer to confiscate the permit. The driver must then immediately hand over the permit to the peace officer who demands it.

122. Drivers who use an authorized automobile they do not own to offer remunerated passenger transportation must, if their authorization is suspended or cancelled by the Société, notify the owner without delay according to the conditions prescribed by government regulation.

§2.—*Authorizations in respect of automobiles*

123. The Société revokes an authorization it has granted in respect of an automobile when its owner is in any of the following situations:

(1) the owner used or permitted the use of the authorized automobile to offer remunerated passenger transportation despite the suspension of that authorization;

(2) the owner so requests in writing, provided the authorization is not suspended; or

(3) any other situation that may be prescribed by government regulation.

124. The Société may suspend or revoke an authorization it has granted in respect of an automobile if

(1) the owner has filed a false declaration or document, or false information, or has distorted or has failed to report a material fact for the granting of the authorization; or

(2) the owner of the automobile has failed to comply with an obligation incumbent on him or her under this Act, except in the cases referred to in section 123.

125. Before cancelling or suspending the authorization it has granted in respect of an automobile, the Société must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the automobile owner in writing and grant the latter at least 15 days to submit observations.

126. When an authorization granted by the Société for an automobile is suspended or cancelled, the automobile owner must return the document issued under section 24 to the Société.

If the owner refuses or fails to comply, the Société may request that a peace officer confiscate the document. The owner must then immediately hand over the document to the peace officer who demands it.

DIVISION III

PROVISIONS APPLICABLE TO REGISTRATIONS WITH TRANSPORTATION SYSTEM OPERATORS

127. The transportation system operator must, every two years following the registration of a driver, obtain from the latter any of the documents referred to in subparagraph 1 of section 46.

128. The transportation system operator must strike off the registration of a driver as soon as the operator is informed that the driver has been found guilty of an offence referred to in any of paragraphs 1 and 2 of section 10 or no longer holds the appropriate driver's licence for the registration, or as soon as the driver refuses or fails to submit to the operator, within the time determined by the operator, any of the documents that the operator must obtain from the driver under section 127.

129. A registered driver who becomes aware of grounds for striking off his or her registration must, without delay, inform the transportation system operator of it in writing.

DIVISION IV

PROVISIONS APPLICABLE TO AUTHORIZATIONS GRANTED FOR TRANSPORTATION SYSTEMS

130. The Commission may suspend or cancel an authorization it has granted for a transportation system if

(1) the annual duties payable to maintain the authorization have not been paid within the time prescribed by government regulation;

(2) a person referred to in paragraph 2 of section 26 has been found guilty of a criminal offence referred to in section 27;

(3) the operator or such a person has filed a false declaration or document, or false information, or has distorted or has failed to report a material fact for the granting of the authorization;

(4) the operator has been found guilty of the offence referred to under subparagraph *c* of paragraph 1 of section 154;

(5) the operator has otherwise failed to comply with one of its obligations under this Act;

(6) the operator does not comply with an enforceable decision of the Commission; or

(7) the Commission considers that the public interest warrants it.

The Commission may also suspend or cancel such an authorization where, because of the number, repetitive nature or seriousness of the offences under the provisions of this Act committed by drivers registered with the system operator or the owners of automobiles registered with that operator, it considers that the operator has not taken the necessary measures to monitor such persons and automobiles.

In the situation referred to in subparagraph 2 of the first paragraph, the Commission must, before suspending or cancelling the authorization, consult the judicial record evaluation committee referred to in section 16 with respect to the relation between the offence and the aptitudes required and appropriate conduct for participating in the operation of a transportation system.

131. When the Commission suspends or cancels the authorization it has granted for a transportation system, the operator must, within the time prescribed by the Commission, notify the drivers registered with the operator. The drivers must cease to offer any remunerated passenger transportation by automobile as part of the system on the date fixed by the Commission.

In addition, the operator must, as the case may be, cease to carry out the functions of dispatcher for the transportation system or ensure that the supplier whose services the operator retains ceases to carry out those functions for the system.

132. Before cancelling or suspending an authorization it has granted for a transportation system, the Commission must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the system operator in writing and grant the latter at least 15 days to submit observations.

133. The Commission cancels the authorization it has granted for a transportation system where the operator requests it in writing and the following conditions are met:

- (1) the authorization is not suspended;
- (2) the operator has notified the drivers registered with it and the latter have, as of the date of the request, ceased to offer remunerated passenger transportation as part of that system;
- (3) the operator has paid the duties payable under this Act; and
- (4) any other condition that may be prescribed by government regulation.

CHAPTER XI

OTHER POWERS OF THE COMMISSION AND THE SOCIÉTÉ

134. The Commission may, for the purposes of this Act, promptly take one or more of the following measures:

- (1) inspect and seal taximeters or authorize, for the territory it determines, a person to do so on its behalf and set the fees payable;
- (2) determine the territories for which an automobile need not be equipped with a taximeter, without the use of a technological means referred to in section 90 being required;
- (3) if it considers it necessary for the public interest, appoint, for the period it determines and at a transportation system operator's expense, a director who may, alone, exercise the powers of the operator's board of directors; and
- (4) appoint, for the period it determines and at a transportation system operator's expense, a supervisor who reports to it on the transportation system's operation.

The decisions of the Commission are published on its website.

135. The decisions of the Commission, other than a decision made under section 91, may not be reviewed under sections 17.2 to 17.4 of the Transport Act (chapter T-12).

136. The Commission and the Société must make available to each other any information they require in order to make a decision in a matter that is before them, respectively, under this Act.

137. The Commission and the Société may enter into any administrative agreement necessary for the purposes of this Act with any minister or body.

They may, in particular, enter into an administrative agreement with the Minister of Justice allowing them, on the terms and conditions provided for in the agreement, to act as mandatary to recover the fines covered by the agreement.

CHAPTER XII

REGULATORY POWERS

138. In addition to the regulatory powers conferred on it by this Act, the Government may, by regulation,

(1) establish any rule applicable to the collection of duties or other sums payable under this Act, and to the interest and penalties payable in case of non-payment;

(2) determine the terms and conditions according to which authorization applications under this Act must be filed and the terms applicable to cancellation applications, including the use of specific forms;

(3) establish any measure to ensure that a class of remunerated passenger transportation by automobile meets a specific need of any clientele the Government identifies, such as persons with disabilities; for that purpose, the Government may, in particular, exempt from the application of all or part of this Act persons or groups offering such transportation, define territories, prescribe relevant special standards and determine any other incentive measure;

(4) require, for the activities or classes of activities the Government determines, that a person provide a financial guarantee with respect to the proper performance of the obligations incumbent on the person under this Act;

(5) determine the registers a person or group must keep, prescribe conditions as to how they are to be kept and preserved, how the information they contain may be shared and how access to them may be provided, and determine their form and content; and

(6) prescribe the documents and information that must be provided to the Minister, the Commission or the Société by any person or group carrying on an activity governed by this Act, and determine their form and content as well as the conditions governing their preservation and transmission.

139. The Minister may, by regulation and after consulting with the Société, authorize the implementation of pilot projects aimed at testing the use of autonomous vehicles, within the meaning of section 4 of the Highway Safety Code, to offer remunerated passenger transportation by automobile and study its efficiency or define special standards applicable to that area.

The Minister may, within the scope of such pilot projects, authorize any person or group to offer remunerated passenger transportation using autonomous vehicles or to set up a passenger transportation system using such vehicles in compliance with standards and rules prescribed by the Minister that differ from those set out in this Act or any other Act whose administration falls under the Minister's responsibility, for the purpose of increasing the safety of users, improving the quality of the transportation offered or facilitating the rollout of such vehicles. Such a pilot project must also foster fairness in relation to other modes of remunerated passenger transportation by automobile and compliance with the applicable privacy protection rules. The third paragraph of section 633.1 of the Highway Safety Code applies to such projects.

A pilot project established under this section is conducted for a period of up to three years, which the Minister may extend by up to two years if the Minister considers it necessary. The Minister may modify or terminate a pilot project at any time. The Minister may also determine the provisions of the regulation whose violation constitutes an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$200 or more than \$3,000.

CHAPTER XIII

SPECIAL TERMS AND CONDITIONS APPLICABLE TO CERTAIN MODES OF TRANSPORTATION

DIVISION I

TAXI

140. The term "taxi" may be used only to designate a qualified automobile used to offer remunerated passenger transportation when the trip may be requested, at the choice of the person requesting it, either by a technological means referred to in section 90 or by any other means that allows the trip fare to be calculated in accordance with the rates established by the Commission under Chapter VII.

No person may represent an automobile as a taxi or use a name that includes the term "taxi" without making a taxi available to the public in accordance with the minimum service standards prescribed by government regulation.

141. The owner of a taxi must equip the taxi with a domelight whose characteristics are prescribed by government regulation. The regulation may prescribe domelight installation rules.

No other automobile may be equipped with such a domelight.

142. No taxi driver may refuse a trip on the grounds that it was not requested using a particular means of distributing trip requests.

A person who requests a trip using a technological means that allows him or her to be informed of the maximum fare in writing and to agree to it prior to a qualified driver being notified of the trip request may not, after having agreed to that fare, ask that the fare for the trip made by the taxi be calculated in accordance with the rates established by the Commission under Chapter VII.

143. Only a qualified driver who uses a taxi to offer transportation may accept a trip request when the driver is hailed, when the trip request is otherwise made to the driver person to person or when it is made orally by telephone.

DIVISION II

SHARED TRANSPORTATION

144. Remunerated passenger transportation by automobile is shared when it is provided on a predetermined route that includes more than one stop and according to a pre-established schedule even when there are no passengers on board and without a passenger deciding on the trip.

Section 59 does not apply to such transportation.

145. In a territory in which a municipality, an intermunicipal board, any other municipal body, a public transit authority or the Autorité régionale de transport métropolitain exercises the jurisdiction conferred on it by law as regards shared transportation, shared remunerated passenger transportation by automobile may be offered only if

(1) the municipal body, the public transit authority or the Autorité has entered into an agreement with the owner of an authorized automobile or a representative of such owners or with a transportation system operator; and

(2) any automobile used to offer such transportation is an authorized automobile belonging to that owner or to the owners thus represented or is an automobile registered with that operator.

Despite any contrary provision of this Act, the fare for transportation thus offered is the fare prescribed by by-law of the municipal body, of the public transit authority or of the Autorité or by the agreement referred to in subparagraph 1 of the first paragraph or the fare calculated in accordance with the rate established by the by-law or agreement.

DIVISION III

CARPOOLING

146. A transportation system operator may register a person and an automobile without the conditions set out in sections 46 and 48 being met if that person acts as the driver of the automobile for the sole purpose of offering carpooling and the automobile is not used for any other purposes as part of that system.

147. For the purposes of section 146, carpooling means remunerated passenger transportation by automobile that meets the following conditions:

(1) the automobile used is a passenger vehicle within the meaning of section 4 of the Highway Safety Code;

(2) the driver decides on the final destination, and taking passengers on board is incidental to the driver's reason for going there;

(3) the driver makes no more than four trips per day not exceeding, cumulatively, 100 km; and

(4) the automobile is used for remunerated passenger transportation only to make trips referred to in paragraph 3.

A trip referred to in subparagraph 3 of the first paragraph begins when the first passenger boards the vehicle and ends when the last passenger leaves the vehicle.

CHAPTER XIV

TRANSPORTATION EXEMPTED FROM CERTAIN OBLIGATIONS

148. Passenger transportation by automobile may, even if it is remunerated, be offered without the automobile being qualified or being driven by a qualified driver and without the fare being calculated in accordance with Chapter VII in the following cases and on the following conditions:

(1) transportation offered by a volunteer driver under the control of a humanitarian organization recognized by the Ministère de la Santé et des Services sociaux as part of one of its support or assistance programs, if

(a) it is offered for a financial contribution limited, regardless of the number of passengers aboard, to the expenses incurred in using the automobile as set by the organization's board of directors, the total amount of which may not exceed the amount determined by government regulation, and

(b) the organization maintains a permanent register of trips which, for each trip provided, identifies the driver, the client and any accompanying person, and indicates the date, the starting point, the distance travelled and the destination;

(2) transportation offered by a social economy enterprise funded by a government program to offer assistance services to clients such as seniors, persons with disabilities or who are ill or persons with decreasing independence, provided that the enterprise maintains a permanent register of trips which, for each trip provided, identifies the driver, the client and any accompanying person, and indicates the date, the starting point, the distance travelled and the destination; and

(3) transportation offered to an impaired person by a volunteer driver under the control of an organization or a non-profit legal person or by a driver remunerated by an enterprise, if

(a) the impaired person's automobile is also driven or taken to the destination,

(b) the transportation is provided by the volunteer driver with no intent of deriving pecuniary gain, and

(c) the organization or non-profit legal person or the enterprise concerned maintains a permanent register of rides which, for each ride provided, identifies the driver, the customer and the accompanying person, and indicates the date, the starting point, the distance travelled and the destination; and

(4) transportation provided for community assistance purposes to help or accompany a person, provided that the transportation is offered for a financial contribution limited, regardless of the number of passengers aboard, to the expenses incurred in using the automobile, the total amount of which may not exceed the amount determined by government regulation.

149. A person authorized to act as inspector under section 100 has the powers set out in sections 101 and 102 with respect to an organization, a non-profit legal person or an enterprise offering transportation contemplated in this chapter.

150. The provisions of this Act, except section 149, do not apply to passenger transportation by automobile in the following cases:

(1) student transportation provided or organized under the Education Act (chapter I-13.3), the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) or the Act respecting private education (chapter E-9.1);

(2) courtesy transportation offered by a driver remunerated by an enterprise, but offered free of charge to its customers;

(3) passenger transportation offered for baptisms, weddings or funerals or passenger transportation using antique automobiles over 30 years old;

(4) transportation by ambulance; or

(5) the sum paid for a trip, for each passenger, does not exceed the amount prescribed by government regulation.

CHAPTER XV

PENAL PROVISIONS AND MONETARY ADMINISTRATIVE PENALTIES

DIVISION I

PENAL PROVISIONS

§1.—Offences and penalties

151. The following are guilty of an offence and are liable to a fine of \$250 to \$750 in the case of a natural person and \$500 to \$1,500 in any other case:

(1) transportation system operators who contravene section 47 or 50;

(2) qualified drivers who contravene section 52 or 53, the second paragraph of section 54 or any of sections 55, 58 and 94;

(3) authorized drivers who contravene section 61;

(4) registered drivers who contravene section 65 or 66; and

(5) anyone who contravenes a provision of this Act if no other penalty is provided.

152. The following are guilty of an offence and are liable to a fine of \$500 to \$1,500 in the case of a natural person and \$1,000 to \$3,000 in any other case:

(1) qualified drivers who

(a) use, to offer remunerated passenger transportation, an automobile that does not comply with one of the conditions set out in subparagraph 1 of the first paragraph of section 19, or

(b) contravene subparagraph 1 of the first paragraph of section 56, the second paragraph of section 56 or the first paragraph of section 57;

(2) registered drivers who contravene section 67 or 68; and

(3) owners of a qualified automobile who

(a) contravene the first paragraph of section 71, in the case of a minor defect, or

(b) contravene the third or fourth paragraph of section 71, the third paragraph of section 72 or section 74.

153. The following are guilty of an offence and are liable to a fine of \$1,000 to \$5,000 in the case of a natural person and \$2,000 to \$10,000 in any other case:

(1) qualified drivers who

(a) contravene any of subparagraphs 2 to 4 of the first paragraph of section 56, in the case of a major defect,

(b) contravenes any of sections 59, 88 and 142,

(c) offer remunerated passenger transportation by automobile, other than shared transportation, for a fare that is not calculated in accordance with the rates established by the Commission, unless the fare has been established in circumstances described in section 90 or 93, or

(d) offer remunerated passenger transportation by automobile for a fare other than the fare prescribed in accordance with the second paragraph of section 145;

(2) authorized drivers who contravene section 62, the first paragraph of section 121 or section 122;

(3) registered drivers who contravene section 129;

(4) owners of a qualified automobile who

(a) contravene the first paragraph of section 71, in the case of a major defect,

(b) contravene subparagraph 1 of the second paragraph of section 71, in the case of a minor defect, or

(c) contravene subparagraph 2 of that paragraph;

(5) owners of an authorized automobile who contravene the first paragraph of section 126; and

(6) anyone who prepares or forwards a mechanical inspection certificate referred to in the third paragraph of section 71 or a report referred to in the second paragraph of section 73 knowing that it contains false or misleading information, or falsifies such a certificate or report, in the case of a minor defect.

154. The following are guilty of an offence and are liable to a fine of \$2,500 to \$25,000 in the case of a natural person and \$5,000 to \$50,000 in any other case:

(1) anyone who

(a) offers remunerated passenger transportation by automobile without using a qualified automobile,

(b) offers remunerated passenger transportation by automobile without being a qualified driver or holding a driver's licence of the appropriate class,

(c) offers to lease an automobile with the services of a driver who is not a qualified driver,

(d) hinders or attempts to hinder, in any way, the exercise of the functions of an inspector or investigator, particularly by deceiving the inspector or investigator by concealment or misrepresentation or, in the case of an inspector, by refusing to provide to the inspector information or a document the inspector is entitled to require or examine, or by concealing or destroying a document or property the inspector is entitled to require or examine,

(e) prepares or sends a mechanical inspection certificate referred to in the third paragraph of section 71 or a report referred to in the second paragraph of section 73 knowing that it contains false or misleading information, or falsifies such a certificate or report, in the case of a major defect, or

(f) contravenes the second paragraph of section 140 or section 143;

(2) owners of a qualified automobile who contravene subparagraph 1 of the second paragraph of section 71, in the case of a major defect;

(3) transportation system operators who contravene any of sections 46, 48 and 49, the second paragraph of section 77 or section 128;

(4) dispatchers who contravene section 95; and

(5) anyone who, despite the suspension of his or her driver's licence or of the right to obtain one under section 107, operates an automobile while under a penalty.

155. A dispatcher who contravenes the first paragraph of section 83, anyone who contravenes section 96 or a legal person who contravenes section 131 is guilty of an offence and is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and \$10,000 to \$100,000 in any other case.

156. The Government may determine the regulatory provisions made under this Act whose violation constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are determined by the Government.

The penalties determined under the first paragraph may, in particular, vary according to the seriousness of the offence, without however exceeding \$50,000 in the case of a natural person and \$100,000 in any other case.

157. The minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a subsequent offence.

In addition, if an offender commits an offence under this Act after having previously been found guilty of any such offence and if, without regard to the amounts prescribed for a second or subsequent offence, the minimum fine to which the offender was liable for the first offence was equal to or greater than the minimum fine prescribed for the second offence, the minimum and maximum fines become, if the prosecutor so requests, those prescribed in the case of a second or subsequent offence.

This section applies to prior findings of guilt pronounced in the two-year period preceding the second offence or, if the minimum fine to which the offender was liable for the prior offence is that prescribed in section 155, in the five-year period preceding the second offence. Fines for a third or subsequent offence apply if the penalty imposed for the prior offence was the penalty for a second or subsequent offence.

158. If an offence under this Act is committed by a director or officer of a legal person or of another group, regardless of its juridical form, the minimum and maximum fines that would apply in the case of a natural person are doubled.

159. If an offence under this Act continues for more than one day, it constitutes a separate offence for each day it continues.

160. Anyone who, by an act or an omission, helps or, by encouragement, advice, consent, authorization or order, induces another person to commit an offence under this Act commits an offence and is liable to the same penalty as that prescribed for the offence they helped or induced the person to commit.

§2. — *Proof and procedure*

161. In any penal proceedings relating to an offence under this Act,

(1) proof that transportation was offered to the public or provided by a qualified driver is sufficient, in the absence of any evidence to the contrary, to establish proof of remunerated transportation;

(2) proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence, taking all necessary precautions to prevent the offence; and

(3) the following persons are deemed to be agents of the transportation system operator:

(a) drivers registered with the operator, when they offer passenger transportation through the system,

(b) owners of automobiles registered with the operator when they are used to offer such transportation, and

(c) the dispatcher or keeper of the register whose services the operator retains.

162. If a legal person or an agent, mandatary or employee of a legal person, partnership or association without legal personality commits an offence under this Act, the directors of the legal person, partnership or association are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

163. In determining the penalty, the judge may take into account aggravating factors such as

(1) the seriousness of the harm or the risk of harm to human safety;

(2) the intentional, negligent or reckless nature of the offence;

(3) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;

(4) the offender's attempts to cover up the offence or failure to try to mitigate its consequences;

(5) the increase in revenues or decrease in expenses that the offender intended to obtain by committing the offence or by omitting to take measures to prevent it; and

(6) the offender's failure to take reasonable measures to prevent the commission of the offence or mitigate its consequences despite the offender's ability to do so.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

164. On an application made by the prosecutor and submitted with the statement of offence, the judge may impose on the offender, in addition to any other penalty, a further fine not exceeding the financial benefit realized by the offender as a result of the offence, even if the maximum fine has been imposed.

165. When determining a fine higher than the minimum fine prescribed by this Act, or when determining the time within which an amount must be paid, the judge may take into account the offender's inability to pay, provided the offender furnishes proof of assets and liabilities.

166. The prescription period for penal proceedings for offences under this Act is the longer of

- (1) three years from the date the offence was committed; and
- (2) two years from the date on which the inspection or investigation that led to the discovery of the offence began.

In the cases referred to in subparagraph 2 of the first paragraph, the certificate of the inspector or investigator constitutes, in the absence of evidence to the contrary, conclusive proof of the date on which the inspection or investigation began.

167. Division III of Chapter XIII of the Code of Penal Procedure applies, with the necessary modifications, to the recovery of an amount owed by a qualified driver or the owner of a qualified automobile who is found guilty of an offence under this Act.

DIVISION II

MONETARY ADMINISTRATIVE PENALTIES

§1.—*Failures to comply*

168. A monetary administrative penalty of \$450 is imposed by the Commission on a transportation system operator who,

- (1) in contravention of the first paragraph of section 78, fails to send the Commission the report provided for in that section;
- (2) in contravention of section 79, fails to send the Commission the information and documents referred to in that section; or
- (3) in contravention of section 80, fails to send the Commission or the Minister the information referred to in that section.

The penalties prescribed by the first paragraph also apply if the information or documents concerned are incomplete, or are not sent before the specified time limit.

169. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

170. The Government may, in a regulation made under this Act, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty. It may also confer on the Société the power to impose such a penalty.

The regulation may define the conditions for applying the penalty and set forth the amounts or the methods for determining them. The amounts may, in particular, vary according to the seriousness of the failure to comply, without exceeding \$5,000.

§2. — *Notice of non-compliance and imposition*

171. In the event of a failure to comply referred to in subdivision 1, a notice of non-compliance may be notified to the party responsible for the failure urging that the necessary measures be taken immediately to remedy it.

Such a notice must mention that the failure may give rise to a monetary administrative penalty.

172. The imposition of a monetary administrative penalty is prescribed by two years from the date of the failure to comply.

173. The monetary administrative penalty for a failure to comply with a provision of this Act may not be imposed on the party responsible for the failure if a statement of offence has already been served on the person for a failure to comply with the same provision on the same day, based on the same facts.

For the purposes of this chapter, “party responsible for a failure to comply” means the person or group on whom or which a monetary administrative penalty is imposed or may be imposed, as the case may be, for a failure to comply referred to in subdivision 1.

174. A monetary administrative penalty is imposed on the party responsible for a failure to comply by the notification of a notice of claim.

The notice must state

- (1) the amount of the claim;
- (2) the reasons for it;
- (3) the time from which it bears interest;
- (4) the right, under section 175, to obtain a review of the decision to impose the penalty and the time limit for exercising that right; and

(5) the right to contest the review decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

The notice must also include information on the procedure for recovery of the amount claimed. The party responsible for the failure to comply must also be informed that failure to pay the amount owing may give rise to the suspension or cancellation of any authorization granted under this Act and, if applicable, that the facts on which the claim is founded may result in penal proceedings.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

Notification of a notice of claim interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

§3.—*Review*

175. Within 30 days after notification of the notice of claim, the party responsible for a failure to comply may apply in writing to the Commission for a review of the decision to impose a monetary administrative penalty.

The persons responsible for the review are designated by the Commission; they must not come under the same administrative authority as the persons responsible for imposing such penalties.

176. The application for review must be dealt with promptly. After giving the applicant an opportunity to present observations and produce any documents to complete the record, the person responsible for the review renders a decision on the basis of the record, unless the person considers it necessary to proceed in some other manner.

177. The review decision must be written in clear and concise terms, with reasons given, must be notified to the applicant and must state the applicant's right, under section 178, to contest the decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days after receipt of the application or, if applicable, within the time granted to the applicant to present observations or documents, the interest provided for in the fourth paragraph of section 174 on the amount owing ceases to accrue until the decision is rendered.

178. A review decision that confirms a monetary administrative penalty may be contested before the Administrative Tribunal of Québec by the debtor concerned, within 30 days after notification of the review decision.

When rendering its decision, the Administrative Tribunal of Québec may make a ruling with respect to interest accrued on the penalty while the matter was pending before it.

§4.— *Solidarity and hypothec*

179. If the party responsible for a failure to comply has defaulted on payment of a monetary administrative penalty, its directors and officers are solidarily liable with that party for the payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure.

180. The payment of a monetary administrative penalty is secured by a legal hypothec on the movable and immovable property of the party responsible for a failure to comply that is required to pay a monetary administrative penalty and, as applicable, of each of its directors and officers who are solidarily liable with that party for the payment of the penalty.

§5.— *Register*

181. The Commission keeps a register relating to monetary administrative penalties it imposes.

The register must contain at least the following information:

- (1) the date the penalty was imposed;
- (2) the date and nature of the failure to comply, and the legislative provisions under which the penalty was imposed;
- (3) if the penalty was imposed on a legal person, its name and the address of its head office or one of its establishments or of the business establishment of one of its agents;
- (4) if the penalty was imposed on a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the failure occurred during the ordinary course of business of the person's enterprise, the enterprise's name and contact information;
- (5) the amount of the penalty imposed;
- (6) where applicable, the date of receipt of an application for review and the date and conclusions of the decision;
- (7) where applicable, the date a proceeding is brought before the Administrative Tribunal of Québec and the date and conclusions of the decision rendered by the Tribunal, as soon as the Commission is made aware of the information;

(8) where applicable, the date a proceeding is brought against the decision rendered by the Administrative Tribunal of Québec, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Commission is made aware of the information; and

(9) any other information the Commission considers of public interest.

The information contained in the register is public information as of the time the decision imposing the penalty becomes final. The Commission must promptly publish the register on its website.

CHAPTER XVI

CLAIMS AND RECOVERY

182. Any amount owing under this Act, other than a monetary administrative penalty, is also subject to the notice of claim provided for in section 174, with the necessary modifications. However, the following particulars must be substituted for those mentioned in subparagraphs 4 and 5 of the second paragraph of that section:

(1) the right, under section 183, to contest the claim before the Administrative Tribunal of Québec; and

(2) the time limit for bringing such a proceeding.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act, from the 31st day after notification of the notice.

The notice is notified to the debtor by the Société or the Commission, whichever is responsible for collecting the amount.

183. A notice of claim other than one relating to a monetary administrative penalty may be contested before the Administrative Tribunal of Québec by the debtor concerned within 30 days of the notification.

When rendering its decision, the Administrative Tribunal of Québec may make a ruling with respect to interest accrued on the penalty while the matter was pending before the Tribunal.

184. The Société and the Commission may enter into a payment agreement with their respective debtors, even when the amount owing is a monetary administrative penalty.

Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of penal proceedings or any other administrative penalty under this Act, an acknowledgement of the facts giving rise to it.

185. If the amount owing is not paid in its entirety or the payment agreement is not adhered to, the Société or Commission, as the case may be, may issue a recovery certificate on the expiry of,

(1) when the amount owing is a monetary administrative penalty,

(a) the time for applying for a review of the Commission's decision to impose the penalty,

(b) the time for contesting the review decision before the Administrative Tribunal of Québec, or

(c) 30 days after the final decision of the Tribunal confirming all or part of the decision to impose the penalty; and

(2) in any other case,

(a) the time for contesting the notice of claim before the Tribunal, or

(b) 30 days after the final decision of the Tribunal confirming all or part of the notice of claim.

However, a recovery certificate may be issued before the expiry of the periods of time referred to in the first paragraph if the Société or the Commission is of the opinion that the debtor is attempting to evade payment.

The recovery certificate must state the debtor's name and address and the amount of the debt.

186. Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act, be withheld for payment of the amount due referred to in the certificate.

Such withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

187. On the filing of the recovery certificate at the office of the competent court, together with a reproduction of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

188. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by government regulation.

189. For the purposes of sections 184 to 186 and 188, “debtor” means, in addition to the person required to pay an amount owing under this Act, the party responsible for a failure to comply that is required to pay a monetary administrative penalty and, if applicable, each of its directors and officers who are solidarily liable with that party for the payment of the penalty.

CHAPTER XVII

PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

190. In addition to a decision referred to in section 178 or a notice referred to in section 183, any individual decision made by the Société or by the Commission may be contested by the person or group concerned before the Administrative Tribunal of Québec.

The proceeding must be brought within 30 days of notification of the contested decision.

191. Except for a decision referred to in section 178 or a notice referred to in section 183, the Société and the Commission must, when making an individual decision, notify it to the person or group and inform the person or group of his, her or its right to contest it before the Administrative Tribunal of Québec.

192. The proceeding does not stay execution of the Société’s or the Commission’s decision, unless, on a motion heard and judged by preference, a member of the Administrative Tribunal of Québec orders otherwise because of the urgency of the situation or because of the risk of serious and irreparable injury.

If the Tribunal issues such an order, the proceeding is heard and judged by preference.

Despite the first paragraph, a proceeding to contest a decision referred to in section 178 stays execution of the decision, subject to interest accruing.

193. When assessing the facts or the law, the Administrative Tribunal of Québec may not substitute its assessment of the public interest for that made by the Commission under this Act to reach its decision.

CHAPTER XVIII

DELEGATION TO A BODY AND JURISDICTION OF VILLE DE MONTRÉAL

194. The Government may delegate the application of all or some of the provisions of Chapters II, IV, IX and Divisions I and II of Chapter X and of the provisions of Chapter XI relating to the Société, as well as any power necessary for their application, except that of making a regulation under those provisions, to the following bodies:

- (1) a municipality;
- (2) a metropolitan community;
- (3) an intermunicipal board;
- (4) a public transit authority; or
- (5) the Autorité régionale de transport métropolitain.

Ville de Montréal has, for the whole territory of the urban agglomeration of Montréal, jurisdiction to exercise the powers that may be delegated to such a body. It may also delegate all or some of them to the Autorité régionale de transport métropolitain, to the extent that they enter into an agreement for that purpose by which the city renounces the exercise of that jurisdiction.

The delegation instrument prescribes, where applicable, the manner in which the documents and information necessary for the delegation made under this section are to be transferred or shared.

195. The Société and, as the case may be, Ville de Montréal or a delegate body may enter into an agreement concerning the application of the provisions of the Highway Safety Code specified in the agreement in order to grant the city or the body, as the case may be, the supplementary powers necessary to exercise its powers of control under this Act. The agreement must be approved by the Government to come into force.

As of the date the order is published in the *Gazette officielle du Québec*, an employee of the city or of the body party to the agreement who is entrusted with the application of this Act by the city or body is deemed to be an inspector entrusted with the application of the provisions of the Highway Safety Code specified in the agreement.

Sections 112, 587.1, 597, 598 and 649 of the Highway Safety Code apply, with the necessary modifications, to an agreement entered into under the first paragraph.

196. The Société must notify Ville de Montréal or, as the case may be, the delegate body of the suspension or cancellation of the driver's licence of a driver authorized by either of them, unless the driver has been issued a restricted licence. On receiving the notice, the city or body must suspend or cancel the authorization.

197. Penal proceedings may be instituted by Ville de Montréal or, as the case may be, the delegate body for any offence under a provision of this Act committed in the territory where the city or body has jurisdiction, except such an offence committed by a transportation system operator.

The fine belongs to the city or body that instituted the proceedings.

Moreover, the city or body may impose any monetary administrative penalty that the Société may impose. In such a case, the city or body keeps the sums from any monetary administrative penalty it has so imposed.

198. Subject to the second paragraph of section 197, a delegate body keeps all the sums it collects under the provisions whose application has been delegated to it in accordance with the first paragraph of section 194.

Likewise, Ville de Montréal keeps the sums collected in exercising the powers conferred on it by the second paragraph of that section.

Despite the first and second paragraphs, a body and the city remit the insurance contributions that they collect under those provisions to the Société.

CHAPTER XIX

AMENDING PROVISIONS

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

199. Section 220.1 of Schedule C to the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended, in the first paragraph,

(1) by replacing “13 of the Act respecting transportation services by taxi (chapter S-6.01)” in subparagraph 1 by “194 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*)”;

(2) by striking out subparagraphs 2 to 5.

200. Section 220.2 of Schedule C to the Charter is amended

(1) by replacing “taxi” in paragraph 2 by “by-automobile remunerated passenger transportation”;

(2) by replacing “holders of a valid taxi driver’s permit from the taxi areas of” in paragraph 4 by “drivers authorized within the meaning of paragraph 1 of section 7 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*) and offering remunerated passenger transportation on”;

(3) by replacing “holders of a valid taxi owner’s permit specializing in regular or limited services from the taxi areas of the island of Montréal” in paragraph 5 by “owners of an automobile authorized within the meaning of paragraph 1 of section 8 of that Act”;

(4) by striking out paragraph 6;

(5) by replacing “holders of a valid taxi transportation service intermediary’s permit from the taxi areas of” in paragraph 7 by “operators of transportation systems authorized under that Act whose service territory includes”;

(6) by adding the following paragraph at the end:

“The suspension or cancellation of the authorization held by a member referred to in subparagraph 4, 5 or 7 disqualifies the member.”

201. Section 220.3 of Schedule C to the Charter is amended by replacing “paragraphs 4 to 7” in the third paragraph by “subparagraphs 4, 5 and 7 of the first paragraph”.

202. Section 274 of Schedule C to the Charter is replaced by the following section:

“274. The city shall exercise all the powers that may be delegated to a body under section 194 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*) and has full authority over the body referred to in section 220.1.”

HIGHWAY SAFETY CODE

203. Section 4 of the Highway Safety Code (chapter C-24.2) is amended

(1) by adding the following definition in alphabetical order:

““**automobile considered to be a taxi**” means a qualified automobile within the meaning of section 8 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*) when it is used to offer remunerated passenger transportation;”;

(2) by replacing the definition of “**taxi**” by the following definition:

““**taxi**” means an automobile referred to in section 140 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*);”.

204. Section 21 of the Code is amended by replacing “or in the second paragraph of section 82 of the Act respecting transportation services by taxi (chapter S-6.01)” in subparagraph 4 of the first paragraph by “, or of the Société, in the case provided for in the first paragraph of section 113 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*)”.

205. Section 78 of the Code is repealed.

206. Sections 90 and 91 of the Code are amended by striking out “, a taxi” in the third paragraph.

207. Section 95.1 of the Code is amended by replacing “a taxi or” by “an” and by striking out “taxi or”.

208. Section 109 of the Code is amended by striking out “a taxi,” in paragraph 2.

209. Section 121 of the Code is amended by replacing subparagraph 6 of the first paragraph by the following subparagraph:

“(6) the reason invoked to obtain a restricted licence is related to the business of remunerated passenger transportation by automobile referred to in section 3 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*) and if, at the time the application is presented, the Société has cancelled the authorization it had granted the applicant or the applicant’s registration as a driver with an operator of an authorized transportation system has been struck off following a finding of guilt for an offence referred to in section 10 of that Act;”.

210. Sections 183 and 184 of the Code are repealed.

211. Section 189 of the Code is amended, in subparagraph 1 of the first paragraph,

(1) by replacing “second or fifth paragraph of section 82 of the Act respecting transportation services by taxi (chapter S-6.01)” by “third paragraph of section 113 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*)”;

(2) by inserting “or the Société, in a case provided for in the first paragraph of the latter section, withdraws a person’s right to maintain a qualified automobile in operation” after “road vehicle in operation”.

212. Section 202.2.1 of the Code is amended by replacing “or taxi” in the first paragraph by “, taxi or automobile considered to be a taxi”.

213. Section 202.2.1.1 of the Code is amended by replacing “or taxi” by “, taxi or automobile considered to be a taxi”.

214. Section 209.2 of the Code is amended by replacing “any of sections 180 or 183 to” by “section 180 or”.

215. Section 216 of the Code is amended by striking out “or a taxi, or every combination of road vehicles other than those described in the first paragraph of section 214.1,” in the introductory clause of the first paragraph.

216. Section 396 of the Code is amended by replacing “who, in performing his functions,” in subparagraph 2 of the second paragraph by “or to the driver of an automobile considered to be a taxi who”.

217. Section 397 of the Code is amended by inserting “, an automobile considered to be a taxi” after “in a taxi” in the introductory clause of the third paragraph.

218. Section 401 of the Code is amended, in the second paragraph,

(1) by inserting “, or to drivers of automobiles considered to be taxis,” after “drivers”;

(2) by inserting “or in an automobile considered to be a taxi” after “in a taxi”.

219. Section 440.1 of the Code is amended

(1) by striking out “a taxi or” in the first paragraph;

(2) by striking out “taxi owner or” in subparagraph 2 of the second paragraph.

220. Section 519.65 of the Code is amended by replacing paragraph 11 by the following paragraph:

“(11) Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*);”.

221. Section 519.67 of the Code is amended by inserting the following subparagraph after subparagraph 1 of the second paragraph:

“(1.1) the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*);”.

222. Section 521 of the Code is amended by striking out “taxis,” in subparagraph 3 of the first paragraph.

223. Sections 540, 541, 542 and 543 of the Code are amended by replacing all occurrences of “taxi” by “passenger vehicle”.

224. Section 627 of the Code is amended by replacing “transportation by taxi within the meaning of the Act respecting transportation services by taxi (chapter S-6.01)” in the second paragraph by “remunerated passenger transportation by automobile governed by the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*)”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

225. Schedule IV to the Act respecting administrative justice (chapter J-3) is amended by replacing paragraph 24.1 by the following paragraph:

“(24.1) section 190 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*);”.

TOBACCO CONTROL ACT

226. Section 2 of the Tobacco Control Act (chapter L-6.2) is amended by inserting “, automobiles considered to be taxis within the meaning of section 4 of the Highway Safety Code (chapter C-24.2)” after “taxis” in paragraph 10.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

227. Section 12.30 of the Act respecting the Ministère des Transports (chapter M-28) is amended by striking out subparagraph *i* of paragraph 1.

228. Section 12.32 of the Act is amended by striking out paragraph 2.12.

229. Section 12.32.1 of the Act is amended

(1) by striking out the fifth paragraph;

(2) by replacing “, fourth and fifth” in the last paragraph by “and fourth”.

ACT TO PROTECT PERSONS WITH REGARD TO ACTIVITIES INVOLVING FIREARMS

230. Section 1 of the Act to protect persons with regard to activities involving firearms (chapter P-38.0001) is amended by inserting “or automobiles considered to be taxis within the meaning of section 4 of the Highway Safety Code (chapter C-24.2)” after “taxis” in the fourth paragraph.

231. Section 2 of the Act is amended by inserting “or automobiles considered to be taxis referred to in the fourth paragraph of section 1” after “taxis” in the first paragraph.

CONSUMER PROTECTION ACT

232. Section 156 of the Consumer Protection Act (chapter P-40.1) is amended by replacing “as a taxi-cab,” and “or as a demonstrator” in subparagraph *d* of the first paragraph by “to offer remunerated passenger transportation by automobile governed by the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*) or as” and “or a demonstrator”, respectively.

ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN

233. Section 10 of the Act respecting the Réseau de transport métropolitain (chapter R-25.01) is amended by replacing “carpooling and shared taxi services” at the end by “or carpooling services or remunerated passenger transportation services by automobile governed by the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*)”.

ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

234. The Act respecting transportation services by taxi (chapter S-6.01) is repealed.

ACT RESPECTING THE SOCIÉTÉ DE L’ASSURANCE AUTOMOBILE DU QUÉBEC

235. Section 17 of the Act respecting the Société de l’assurance automobile du Québec (chapter S-11.011) is amended by replacing “Act respecting transportation services by taxi (chapter S-6.01)” in the second paragraph by “Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*)”.

236. Section 17.6 of the Act is amended by inserting “, a regulation on fees made under the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*)” in the first paragraph after “insurance contributions”.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

237. Section 4 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing “and shared taxi services” in the first paragraph by “services and transportation services by qualified automobile within the meaning of section 8 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*)”.

238. Section 81 of the Act is amended by striking out the second paragraph.

239. Section 83 of the Act is amended by replacing “taxi permit holder or” and “holders” in the first paragraph by “owner of an authorized automobile within the meaning of paragraph 1 of section 8 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*), any operator of a transportation system authorized under that Act or” and “owners”, respectively.

TRANSPORT ACT

240. Section 2 of the Transport Act (chapter T-12) is amended by replacing the second paragraph by the following paragraph:

“It shall not apply to remunerated passenger transportation by automobile, except to the extent provided for in the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*).”

241. Section 36 of the Act is amended by striking out the third paragraph.

242. Section 48.19 of the Act is amended by replacing the first paragraph by the following paragraph:

“The public transit service may only be supplied by a carrier that is a public body providing public transit, a holder of a bus transport permit, a school bus carrier under contract with the municipality, an owner of an authorized automobile within the meaning of paragraph 1 of section 8 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*), an operator of a transportation system authorized under that Act or a service association comprising such owners.”

REGULATION RESPECTING INSURANCE CONTRIBUTIONS

243. Section 2 of the Regulation respecting insurance contributions (chapter A-25, r. 3.3) is amended by striking out ““taxi”,”.

244. Section 4 of the Regulation is amended by striking out subparagraph 7 of the first paragraph.

245. The Regulation is amended by striking out all occurrences of “, 4C” in sections 30 to 32.

REGULATION RESPECTING ROAD VEHICLE REGISTRATION

246. Section 2.1 of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended by striking out “a taxi”,

247. Section 2.1.1 of the Regulation is amended by striking out subparagraph 4 of the second paragraph.

REGULATION RESPECTING LICENCES

248. Section 8 of the Regulation respecting licences (chapter C-24.2, r. 34) is amended by striking out “4C,”.

249. Section 15 of the Regulation is amended

- (1) by striking out “4C,” in paragraphs 1 and 2;
- (2) by striking out paragraph 3.

250. Section 16 of the Regulation is amended

- (1) by striking out “, 4C” in paragraph 2;
- (2) in paragraph 3,
 - (a) by striking out “, 4C”;
 - (b) by replacing “, 4B or 4C” by “or 4B”.

251. Section 24 of the Regulation is amended by replacing “class 4B or 4C” in the introductory clause by “class 4B”.

252. Section 28 of the Regulation is amended by striking out subparagraph 6 of the first paragraph.

253. Section 28.6 of the Regulation is repealed.

254. Section 29 of the Regulation is amended

- (1) by striking out “4C,” in paragraphs 1 to 5;
- (2) by striking out paragraph 6.

255. Section 30 of the Regulation is amended

- (1) by striking out “, 4C” in paragraph 3;
- (2) in paragraph 4,
 - (a) by striking out “, 4C”;
 - (b) by replacing “, 4B or 4C” by “or 4B”.

256. Section 42 of the Regulation is amended by replacing “class 4B or 4C” in the introductory clause by “class 4B”.

CHAPTER XX

TRANSITIONAL AND FINAL PROVISIONS

DIVISION I

DUES

257. The operator of an authorized transportation system and the owner of an authorized automobile are subject to the payment of dues of \$0.20 per trip. Those dues are allocated to the financing of measures for the transition of transportation services that, before (*insert the date of coming into force of section 1*), were provided with taxis attached to a taxi owner's permit under section 5 of the Act respecting transportation services by taxi (chapter S-6.01), as it read before (*insert the date of coming into force of section 234*).

258. The Government determines, by regulation, how the dues are to be collected. The dues collected are credited to the Land Transportation Network Fund established by paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28).

259. Sections 257 and 258 cease to have effect on (*insert the date that is three years after the date of coming into force of section 1*).

260. This Act is to be read, from (*insert the date of coming into force of section 1*) to (*insert the date that is three years after the date of coming into force of section 1*),

(1) as if the following subparagraph were inserted after subparagraph 1 of the first paragraph of section 130:

“(1.1) the dues payable under section 257 have not been paid within the time prescribed by government regulation;”;

(2) as if “and dues” were inserted after “the duties” in paragraph 3 of section 133.

261. The Act respecting the Ministère des Transports is to be read, from (*insert the date that is one year after the date of assent to this Act*),

(1) until the date preceding the date on which the sums that are credited to the Land Transportation Network Fund established by paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports and that are allocated to measures for the transition of transportation services that, before (*insert the date of coming into force of section 1*), were provided with taxis attached to a taxi owner's permit under section 5 of the Act respecting transportation services by taxi, as it read before (*insert the date of coming into force of section 234*), will be exhausted,

(a) as if subparagraph *i* of paragraph 1 of section 12.30 were replaced by the following subparagraph:

“(i) measures for the transition of transportation services that, before (*insert the date of coming into force of section 1*), were provided with taxis attached to a taxi owner’s permit under section 5 of the Act respecting transportation services by taxi (chapter S-6.01), as it read before (*insert the date of coming into force of section 264*);”;

(b) as if the fifth paragraph of section 12.32.1 were replaced by the following paragraph:

“The sums referred to in paragraph 2.12 of section 12.32, as it read on (*insert the date preceding the date that is three years after the date of coming into force of section 1*), are allocated to financing the measures referred to in subparagraph *i* of paragraph 1 of section 12.30.”;

(2) until (*insert the date preceding the date that is three years after the date of coming into force of section 1*),

(a) as if paragraph 2.12 of section 12.32 were replaced by the following paragraph:

“(2.12) the sums collected as dues under section 257 of the Act respecting remunerated passenger transportation by automobile (*insert the year and chapter number of that Act*);”;

(b) as if “, as it read on (*insert the date preceding the date that is three years after the date of coming into force of section 1*)” in the fifth paragraph of section 12.32.1, as amended by subparagraph *b* of paragraph 1, were struck out.

DIVISION II

PERMITS

262. A person who, on (*insert the date preceding the date of coming into force of section 7*), holds a taxi driver’s permit is deemed, as of (*insert the date of coming into force of section 7*), to be a driver authorized by the Société under paragraph 1 of section 7.

If, on (*insert the date preceding the date of coming into force of section 7*), the permit is suspended, the authorization deemed granted under the first paragraph is also suspended for the remainder of the permit suspension.

263. The automobile attached to a taxi owner’s permit on (*insert the date preceding the date of coming into force of section 8*) is deemed, as of (*insert the date of coming into force of section 8*), to be an automobile authorized by the Société under paragraph 1 of section 8.

If, on *(insert the date preceding the date of coming into force of section 8)*, the permit is suspended, the authorization deemed granted under the first paragraph is also suspended for the remainder of the permit suspension.

264. The Commission collaborates with the Société for the purposes of any transitional measures concerning the performance of their respective missions as regards passenger transportation by automobile.

To that end, they may enter into any agreement on the sharing and transfer of documents and information.

DIVISION III

REMUNERATED PASSENGER TRANSPORTATION SERVICES WHOSE IMPLEMENTATION IS AUTHORIZED BY CERTAIN PILOT PROJECTS

265. Despite section 89.1 of the Act respecting transportation services by taxi, the following pilot projects remain in force until *(insert the date of coming into force of section 1)*, unless the Minister terminates them before that date:

(1) the Pilot project concerning remunerated passenger transportation services requested exclusively using a mobile application (chapter S-6.01, r. 2.3); and

(2) the Pilot project to optimize taxi transportation services and the servicing of regional infrastructures and equipment in the territory of the Communauté métropolitaine de Québec, made by Order 2018-24 of the Minister of Transport (2018, G.O. 2, 5235A).

Until that date, the territory to which each of those pilot projects applies may not be modified. Neither may new transportation services be authorized by the Minister under section 89.1 of the Act respecting transportation services by taxi.

The first paragraph applies despite any court decision rendered after *(insert the date preceding the date of the introduction of this bill)* that invalidates or suspends the application of one of those pilot projects.

266. The holder of a taxi transportation service intermediary's permit who is authorized to offer remunerated passenger transportation services by automobile as part of the pilot project referred to in subparagraph 1 of the first paragraph of section 265 and who, to continue operating those services after *(insert the date of coming into force of section 1)*, wishes to convert them into a transportation system and become its operator, must send a notice of intention in writing to both the Minister and the Commission des transports du Québec not later than *(insert the date that is 60 days before the date of coming into force of section 1)* indicating the measures the holder intends to take to comply with this Act.

Such a holder of a taxi transportation service intermediary's permit who intends to continue operating such services without converting them into a transportation system must, before the latter date, notify the drivers providing those services that they need to obtain the authorizations referred to in sections 17 and 25, respectively, if they do not hold a driver's permit issued under the Act respecting transportation services by taxi or if they do not use an automobile attached to an owner's permit issued under that Act.

267. The remunerated passenger transportation services that are the subject of a notice sent under the first paragraph of section 266 become an authorized transportation system by operation of law as of (*insert the date of coming into force of section 1*). The holder of a taxi transportation service intermediary's permit authorized to provide those services becomes, in the same manner, the system operator.

The transportation system's service territory corresponds to the territories of the municipalities designated by the pilot project.

The operator is required to take the measures that are necessary, if such is the case, to ensure that the system is compliant with the standards applicable to it and report to the Commission in accordance with the form and content prescribed by government regulation. The operator must do so within the time prescribed by the regulation, but not later than six months after (*insert the date of coming into force of section 1*).

DIVISION IV

OTHER TRANSITIONAL AND FINAL PROVISIONS

268. The rates set by the Commission under the Act respecting transportation services by taxi, as they read before (*insert the date of coming into force of section 234*), remain in force, with the necessary modifications, until they are replaced or repealed by rates fixed under section 91.

269. For the purposes of paragraph 5 of section 9, subparagraph 3 of the first paragraph of section 19 and subparagraph 3 of the first paragraph of section 26, an authorization granted under this Act also extends to a permit under the Act respecting transportation services by taxi, as it read before (*insert the date of coming into force of section 234*).

270. For the period from (*insert the date of assent to this Act*) to (*insert the date that is one year after the date of assent to this Act*), this Act is to be read

(1) as if “a qualified driver” in section 90 were replaced by “the holder of a driver's permit”;

(2) as if the second paragraph of section 94 were replaced by the following paragraph:

“The driver is nevertheless exempt from doing so when the supplier of the means or, in the case of a driver who comes under a holder of a taxi transportation service intermediary’s permit, the holder, publishes the document on their website or mobile application.”

271. Any first regulation that is necessary for the purposes of this Act may have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 20 days. Such a regulation comes into force on *(insert the date of coming into force of section 1)* despite section 17 of that Act.

Such a first regulation may prescribe any transitional measures required to carry out this Act.

272. The Commission des transports du Québec must, not later than *(insert the date that is one year after the date of assent to this Act)*, make a regulation under section 48 of the Transport Act (chapter T-12) to amend the Commission’s rules of procedure so as to ensure the implementation of the provisions of this Act which concern the Commission. The regulation must come into force on that date despite section 17 of the Regulations Act.

Despite section 11 of the Regulations Act, the regulation made under this section may not be enacted before the expiry of 20 days after its publication in the *Gazette officielle du Québec*.

273. The Minister must, at least once every five years, report to the National Assembly on the carrying out of this Act and make recommendations on the advisability of maintaining or amending its provisions.

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

275. The provisions of this Act come into force on *(insert the date that is one year after the date of assent to this Act)*, except

(1) sections 90, 94, 264, 265, 266, 270 and 272, which come into force on *(insert the date of assent to this Act)*;

(2) sections 227 and 229, which come into force on the date on which the sums that are credited to the Land Transportation Network Fund established by paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports and that are allocated to measures for the transition of transportation

services that, before (*insert the date of coming into force of section 1*), were provided with taxis attached to a taxi owner's permit under section 5 of the Act respecting transportation services by taxi, as it read before (*insert the date preceding the date of coming into force of section 234*), are exhausted;

(3) section 228, which comes into force on (*insert the date that is four years after the date of assent to this Act*).

