



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 96

**An Act to amend the Act respecting
transportation services by taxi**

Introduction

**Introduced by
Madam Julie Boulet
Minister of Transport**

**Québec Official Publisher
2008**

EXPLANATORY NOTES

This bill provides that the Commission des transports du Québec may issue a taxi owner's permit only if the taxi to which it is attached is accessible to handicapped persons, unless the Commission is of the opinion that the number of handicapped accessible taxis is sufficient to meet the needs of those persons.

To holders of a taxi transportation service intermediary's permit who provide their services exclusively by handicapped accessible taxis, the bill grants the right to serve any territory determined by government order and comprising the holder's servicing area.

To holders of a taxi owner's permit to which a handicapped accessible taxi is attached, the bill grants the right to serve the territory of a taxi transportation service intermediary who provides services exclusively by handicapped accessible taxis and with whom the holder has a contract.

The bill allows the Commission to suspend the permit of a taxi owner or driver who charges a higher fare than that set by the Commission.

The bill gives the Commission the power to determine the maximum number of taxi owner's permits for each servicing area.

The bill modifies the Commission's powers with regard to holders of a taxi transportation service intermediary's permit and requires that permit holders submit for the Commission's approval a by-law on the conduct and ethics required of their employees and the taxi owners and drivers to whom they provide services.

The bill also contains provisions on transportation provided on a non-profit basis to intoxicated persons.

Finally, the bill creates the Taxi Industry Advisory Panel and repeals the provisions relating to the Association professionnelle des chauffeurs de taxi du Québec, the Forum des intervenants de l'industrie du taxi and the taxi owners advisory committee.

LEGISLATION AMENDED BY THIS BILL:

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

Bill 96

AN ACT TO AMEND THE ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3 of the Act respecting transportation services by taxi (R.S.Q., chapter S-6.01) is amended by inserting the following paragraph after paragraph 3:

“(3.1) transportation provided by a volunteer driver under the control of a non-profit organization or legal person that transports persons who are intoxicated, provided that

(a) the intoxicated person’s automobile is also driven to the destination;

(b) the service is not provided for pecuniary gain; and

(c) the organization or legal person keeps, at its head office, a permanent register of trips in which are recorded the pick-up point, the destination and the distance travelled;”.

2. Section 6 of the Act is amended by replacing the third paragraph by the following paragraph:

“A taxi owner’s permit to which a handicapped accessible taxi is attached authorizes the holder to provide transportation services to handicapped persons in

(1) any servicing area for which no other permit to which a handicapped accessible taxi is attached has been issued;

(2) the territory served by a taxi transportation service intermediary referred to in the second paragraph of section 32 with whom the holder of the taxi owner’s permit has entered into a contract.”

3. Section 10 of the Act is replaced by the following sections:

“**10.** In issuing taxi owner’s permits for a particular servicing area, the Commission shall take into consideration, where applicable, the maximum number of permits that may be issued under section 10.1. However, it must consider any application of a person who shows that a permit is necessary to meet a specific need of any clientele the person identifies, in particular with respect to transportation services required by handicapped persons.

The Commission may set special conditions and restrictions applicable to the maintenance of any taxi owner's permit it issues.

For the purposes of the first and second paragraphs, a permit may only be issued after (*insert the date of assent to this Act*) if the taxi to which the permit is attached is accessible to handicapped persons, unless the Commission is of the opinion that the number of handicapped accessible taxis is sufficient to meet the needs of those persons.

“10.1. The Commission may make a regulation setting the maximum number of taxi owner's permits that may be issued for each servicing area it specifies, for the services it identifies and under the conditions it determines. This number must, in the Commission's judgment, foster a healthy balance, in each servicing area, between the demand for taxi services and the profitability of enterprises holding taxi owner's permits. The conditions established by the Commission may limit the periods of service, the categories of clientele, or any other aspect of operation.”

4. Section 18 of the Act is amended

(1) by striking out “contravened the first paragraph of section 21 or” in subparagraph 2 of the second paragraph;

(2) by replacing the third paragraph by the following paragraph:

“The Commission may suspend or revoke a taxi owner's permit if the holder

(1) has been found guilty in the last five years of a criminal or indictable offence related to the aptitudes and conduct required for the operation of a taxi transportation enterprise;

(2) has been found guilty in the last five years of a criminal or indictable offence related to the trafficking, importation or exportation of narcotics, or to poppy or cannabis production and provided for in section 5, 6 or 7 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19);

(3) has an interest of which notice has not been given in accordance with section 21.”

5. Section 20 of the Act is amended by striking out the last sentence of the fourth paragraph.

6. Section 32 of the Act is amended

(1) by striking out the last sentence of the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“Despite the first paragraph, a taxi transportation service intermediary who provides transportation services exclusively by means of handicapped accessible taxis may serve any territory determined by order under the first paragraph.”

7. The Act is amended by inserting the following sections after section 34:

“34.1. Holders of a taxi transportation service intermediary’s permit shall, not later than 180 days after the date the permit is issued, submit for the approval of the Commission a by-law on the conduct and ethics required of their employees and the taxi owners and drivers to whom they provide services.

Any changes made to the by-law referred to in the first paragraph must be submitted to the Commission for approval.

“34.2. The Commission may refuse to issue a taxi transportation service intermediary’s permit, or revoke or suspend such a permit, if the intermediary concerned

(1) has been found guilty in the last five years of a criminal or indictable offence related to the aptitudes and conduct required for the operation of such a permit; or

(2) has failed to pay a fine that is not under appeal and that was imposed under this Act, the Transport Act (chapter T-12), or the Highway Safety Code (chapter C-24.2).

It may also suspend or revoke an intermediary’s permit, or impose conditions applicable to the maintenance of such a permit, if the intermediary concerned

(1) engages in practices that compromise the safety of users;

(2) fails to adopt, to submit for the Commission’s approval or to apply the by-law described in section 34.1 or any changes made to it;

(3) fails to respect or enforce the provisions of a regulation or by-law adopted under this Act, such as the provisions concerning hours of service, data collection and conservation, the passing of internal by-laws, conduct and ethics, and services to handicapped persons;

(4) refuses to submit to an inspection or hinders the work of a person authorized to conduct such an inspection under this Act, the Highway Safety Code or the Transport Act.”

8. Chapter V of the Act, comprising sections 35 to 47, is repealed.

9. Section 67 of the Act is amended by inserting “, of a non-profit organization or legal person that transports persons who are intoxicated” after “permit” in the third line of subparagraph 1 of the first paragraph.

10. Chapter IX of the Act, comprising sections 72 to 78, is replaced by the following Chapter:

“CHAPTER IX

“TAXI INDUSTRY ADVISORY PANEL

“72. The Taxi Industry Advisory Panel is hereby established.

The role of the Panel is

(1) to foster concerted action between the main stakeholders in the taxi industry with regard to the commercial practices prevailing in the industry;

(2) to advise the Minister on measures designed to develop the taxi industry and improve the quality of services, a task which includes making recommendations to the Minister on which a consensus has been reached.

“73. The Panel shall be composed of a chair and not more than nine members to be appointed by the Minister to represent the holders of taxi driver’s permits, taxi transportation service intermediaries, the holders of taxi owner’s permits, including those that provide specialized transportation services, and users.”

11. Section 80 of the Act is amended by striking out “concerned and the Association professionnelle des chauffeurs de taxi du Québec” in the seventh and eighth lines of the first paragraph.

12. Section 82 of the Act is amended by adding the following paragraph at the end:

“Following an inquiry, the Commission may also, where a holder of a taxi driver’s permit has charged a higher fare than that fixed by the Commission, order the Société or an authority referred to in section 25 to suspend the permit for a period determined by the Commission. The Société or authority must suspend the permit as soon as the notice of suspension is received from the Commission.”

13. Sections 135 and 136 of the Act are repealed.

14. Order in Council 736-2002 dated 12 June 2002 (2002, G.O. 2, 3254) concerning the maximum number of taxi owner’s permits per servicing area and certain conditions of operation is deemed to be a regulation made by the Commission des transports du Québec under section 10.1 of the Act respecting

transportation services by taxi, enacted by section 3, and continues to apply until the coming into force of a regulation to replace it adopted by the Commission after *(insert the date of coming into force of this Act)*.

15. For the purposes of sections 34.1 and 34.2 of the Act respecting transportation services by taxi, enacted by section 7, persons that hold a taxi transportation service intermediary's permit on *(insert the date of assent to this Act)* must, not later than *(insert the date that is 180 days after the date of assent to this Act)*, submit for the approval of the Commission des transports du Québec a by-law on the conduct and ethics required of their employees and the taxi owners and drivers to whom they provide services.

16. This Act comes into force on *(insert the date of assent to this Act)*.

