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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 163

**An Act respecting transportation  
services by taxi**

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**Introduction**

**Introduced by  
Mr Guy Chevrette  
Minister of Transport**

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**Québec Official Publisher  
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## **EXPLANATORY NOTES**

*This bill proposes a new framework for transportation by taxi in Québec and its objective is to increase the safety of users and improve the quality of services offered. The bill applies to passenger transportation, for remuneration, by taxi, limousine and “de grand luxe” limousine. It is especially aimed at holders of a taxi owner’s permit, holders of a taxi driver’s permit and at taxi transportation service intermediaries. In particular, the bill introduces a permit system for service intermediaries operating in certain territories determined by order.*

*Moreover, some municipal and supramunicipal authorities will be given greater powers to exercise under the new Act. The Bureau du taxi de la Communauté urbaine de Montréal will retain all its powers in that respect.*

*Furthermore, this bill establishes a professional association to represent taxi drivers and promote their interests. All holders of a taxi driver’s permit will be required to pay a contribution to the association if the majority of them so decide. The bill also establishes a Forum of the parties involved in the taxi industry, the purpose of which is to foster cooperation between the major stakeholders as regards the various commercial practices in that industry. The taxi leagues recognized under the current Act are to be dissolved and their assets transferred, after payment of liabilities, to the new professional association.*

*The bill grants new powers to the Commission des transports du Québec as regards the determination of taxi servicing areas and the issue of permits. It regularizes the situation for limousine firms which had seen some of their rights recognized under the Act respecting transportation by taxi, integrates all specialized services of transportation by automobile and allows permits to be issued according to the needs of the population while respecting the permits issued before the date of introduction of this bill, new permits being issued for a maximum of 5 years.*

*Finally, the bill includes amendments to ensure concordance with other statutes and replaces the Act respecting transportation by taxi.*

**LEGISLATION AMENDED BY THIS BILL :**

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Transport Act (R.S.Q., chapter T-12).

**LEGISLATION REPLACED BY THIS BILL :**

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



# Bill 163

## AN ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

### CHAPTER I

#### PURPOSE AND SCOPE

1. This Act establishes the rules applicable to passenger transportation, for remuneration, by automobile and more particularly establishes a framework for transportation services by taxi, including limousine and “de grand luxe” limousine services, in order to increase the safety of users, improve the quality of services offered and establish certain special rules applicable to the activities of taxi transportation service intermediaries.

2. For the purposes of this Act:

(1) “automobile” means any motor vehicle within the meaning of the Highway Safety Code (R.S.Q., chapter C-24.2) except a bus or a minibus; and

(2) “taxi transportation service intermediaries” means a person that provides publicity, call distribution or other similar services to taxi owners.

3. This Act does not apply to

(1) transportation described in the third paragraph of section 36 of the Transport Act (R.S.Q., chapter T-12);

(2) school transportation described in the Education Act (R.S.Q., chapter I-13.3), the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14), the Act respecting private education (R.S.Q., chapter E-9.1) or the General and Vocational Colleges Act (R.S.Q., chapter C-29) or transportation of students of an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1);

(3) transportation provided 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 programs, provided the total remuneration for such transportation is no more than a contribution to the

expenses relating to the use of the automobile and the organization keeps a permanent register of all trips made ;

(4) passenger transportation for baptisms, weddings and funerals as well as passenger transportation in antique automobiles over 30 years old, where the automobiles are given a mechanical inspection at least once a year ; or

(5) transportation by ambulance or hearse.

## **CHAPTER II**

### **TAXI OWNER'S PERMIT**

#### **DIVISION I**

##### **GENERAL PROVISIONS**

4. No person may offer or provide, for remuneration, passenger transportation by automobile, unless authorized therefor by a taxi owner's permit.

5. A taxi owner's permit authorizes its holder to own one taxi, one limousine or one "de grand luxe" limousine and either operate the automobile personally if the holder of the taxi owner's permit is also the holder of a taxi driver's permit, or entrust the operation or custody of the automobile to the holder of a taxi driver's permit under a leasing contract or a contract of employment providing for a salary or a commission.

A person may not hold, directly or indirectly, more taxi owner's permits than the number authorized by regulation.

A taxi owner's permit only authorizes private passenger transportation except as provided in section 7. "Private transportation" means transportation where one customer and the persons designated by that customer are given exclusivity of the trip.

No permit may be issued or maintained unless the permit is attached to a taxi, a limousine or a "de grand luxe" limousine. The holder of a taxi owner's permit who replaces his or her automobile must register the replacement with the Commission des transports du Québec before using the automobile under his or her permit.

6. A taxi owner's permit shall be issued to serve an area delimited by the Commission.

A taxi owner's permit also authorizes the holder to offer transportation services by taxi in a territory for which no other permit has been issued as well as in any other territory if, in that case, the pick-up point or the destination of the trip is located within the servicing area indicated in the permit. However,

such permit may, on the conditions fixed by regulation, allow or prohibit the servicing, by a permit holder, of a territory that includes regional infrastructures and equipment.

7. The holder of a taxi owner's permit may offer shared passenger transportation services if the holder is bound by contract to a municipal or supramunicipal authority or to any other person authorized by an order. Such shared services may be provided in the entire territory of the contracting party if the territory served under the taxi owner's permit is located, in whole or in part, in that of the contracting party.

Shared transportation services may also be provided by the holder of a taxi owner's permit at the places and according to the conditions, in particular, as to the routes and services, prescribed by regulation, where the territory served under the holder's permit is located in whole or in part in the territory of the taxi route or service.

8. The holder of a taxi owner's permit may only use automobiles that meet the regulatory requirements applicable to the category of services the Commission has authorized the holder to offer.

A holder of a taxi owner's permit or a taxi driver's permit who uses the automobile attached to the permit for personal use must, if so required, prove that the automobile is not in service.

9. Upon payment of the fees established by the Société de l'assurance automobile du Québec or, where applicable, by a municipal or supramunicipal authority, the holder of a taxi owner's permit may have access to information about the acts alleged, in a statement of offence or a conviction, against the drivers employed by the holder or by a person to whom the permit holder is bound by a contract pertaining to the use of a taxi, a limousine or a "de grand luxe" limousine under the holder's control, provided the acts occurred in the exercise of their occupation. The information released must however only include the identity of the driver, the nature of the act alleged as well as the moment when it occurred.

## **DIVISION II**

### **ISSUE OF PERMITS**

10. The Commission shall issue the taxi owner's permits to be used in a servicing area after sending a notice to the Association professionnelle des chauffeurs de taxi du Québec and after taking into consideration the balance to be kept, according to its assessment, between the demand for services and the profitability of enterprises providing transportation by taxi according to the categories of services offered. The Commission must, however, consider applications made by a person who shows that the issue of a permit is necessary to answer a specific need.

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

11. A taxi owner's permit shall be issued for a maximum period of five years.

To obtain or maintain a taxi owner's permit, a person is required to pay annual duties and satisfy the other conditions prescribed by regulation.

The first paragraph does not apply to permits issued before (*insert here the date of introduction of this bill*).

12. The Commission may authorize the holder of a taxi owner's permit to provide specialized transportation services by taxi throughout Québec if the territory served under the taxi owner's permit, before the specialization, is included in the territory of a supramunicipal authority designated with respect to such services.

The specialization of transportation services by taxi requires the permit holder, until the Commission allows the holder to abandon such specialization, to provide only the specialized services for which the holder obtained authorization and to use only the vehicles that meet the requirements established by regulation for such services.

The Government shall, by order, identify the supramunicipal authorities referred to in the first paragraph as well as the categories of transportation services that may be recognized for the specialization of the services provided by the holder of a taxi owner's permit.

13. The Government may, by order, identify the municipal or supramunicipal authorities it authorizes to exercise the powers of regulation and control it specifies over transportation by taxi.

The body known as the "Bureau du taxi de la Communauté urbaine de Montréal" on (*insert here the date of introduction of this bill*) has authority to exercise the powers that may be delegated to a municipal or supramunicipal authority under this Act.

Any authority referred to in this section has sufficient interest to intervene at any time when the Commission receives an application for the issue of a taxi permit or for the specialization of services which concern its territory.

14. The holder of a taxi owner's permit providing specialized services must, when offering or providing specialized transportation services, comply with the conditions prescribed by regulation.

15. The holder of a taxi owner's permit may offer, in his or her servicing area, transportation services by taxi comparable to specialized transportation services by taxi. The permit holder must, however, comply with any request made by a customer for nonspecialized private transportation services by taxi.

### **DIVISION III**

#### **RENEWAL**

16. A taxi owner's permit expires on 31 March every year.

The permit may be renewed on payment of the annual duties to the Commission or to the mandatary designated by the Commission unless the holder of the taxi owner's permit is in a situation in which his or her permit may be revoked. The duties are fixed by regulation.

17. The Commission may, on payment of the costs it fixes by regulation, relieve a holder of a taxi owner's permit of the failure to pay the prescribed annual duties before 31 March if the holder proves, no later than the 60<sup>th</sup> day after the expiry of the time limit, that the failure is the result of a situation beyond the holder's control.

### **DIVISION IV**

#### **REVOCAION, ASSIGNMENT, TRANSFER AND ACQUISITION OF INTEREST**

18. The Commission shall revoke the taxi owner's permit of a holder who has been convicted in the last five years of

(1) a criminal offence or an indictable offence related to the use of a permit for transportation by taxi ;

(2) a criminal offence or an indictable offence related to sexual offences, public morals and disorderly conduct, offences against the person and reputation, prostitution, common bawdy-houses, robbery, extortion, false pretences, forgery, fraud, intimidation, mischief, including attempt and complicity, and provided for, as the case may be, in either Part V or Part VII of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), with the exception of subparagraphs *a* and *c* of section 175(1), of sections 176 to 178, of sections 210, 212, 213, 216, 217, 247 to 263, of subparagraphs *b* and *c* of section 264.1(1) and of sections 287 to 320, 343, 346, 362, 366, 368, 380, 397, 398, 423, 430, 433 to 436.1 and 463 to 465 ;

(3) a criminal offence or an indictable offence related to the traffic of a controlled or restricted drug and provided for as the case may be in sections 39 and 48 of the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27); or

(4) a criminal offence or an indictable offence related to the traffic of narcotics, their importation or exportation as well as poppy and cannabis production, and provided for as the case may be in sections 5, 6 and 7 of the Controlled Drugs and Substances Act (Revised Statutes of Canada, 1985, chapter C-38.8).

The Commission is also required to revoke the taxi owner's permit of a holder if he or she

(1) has not paid the prescribed annual duties upon expiry date for the renewal or the maintenance of the taxi owner's permit;

(2) contravened the first paragraph of section 21 or carried out an act that is contrary to the public interest referred to in section 22; or

(3) used or allowed the use of the automobile attached to his or her permit while the taxi owner's permit was suspended.

19. No taxi owner's permit issued on or after (*insert here the date of introduction of this bill*) may be assigned or transferred or be the subject of any acquisition of interest.

20. A taxi owner's permit issued before (*insert here the date of introduction of this bill*) may, with the authorization of the Commission granted in accordance with the second paragraph, be assigned or transferred to a new acquirer or to an heir provided that the person satisfies the conditions prescribed by regulation, in particular the payment of the duties.

Before granting its authorization, the Commission must ensure that the assignment or transfer is not contrary to the public interest and that the taxi permit is not the subject of suspension or revocation proceedings.

21. Every person intending to acquire, directly or indirectly, an interest in the enterprise of a holder of a taxi owner's permit is required to give notice of the intended acquisition to the Commission.

Even if no notice is given, the Commission may, of its own motion or at the request of the Minister or any interested person, make an inquiry to determine whether the acquisition of interest contravenes this Act or is contrary to the public interest.

22. Any practice whereby a taxi driver transfers to a holder of a taxi owner's permit the ownership of an automobile which is intended to be attached to the permit of that taxi owner, and where he or she enters with that same person into a contract by which the driver becomes the operator of the automobile under a leasing contract, or obtains custody of it through a contract of employment is contrary to the public interest.

The assignment or transfer of a taxi owner's permit is not contrary to the public interest, if the automobile attached to the permit is excluded from the transaction and if the assignee or transferee declares the substituted automobile to the Commission.

Even if no notice is given, the Commission may, of its own motion or at the request of any interested person, make an inquiry to determine whether a

connection described in the first paragraph exists between a holder of a taxi owner's permit and a taxi driver.

23. No person may, without special authorization of the Commission, and even temporarily, exercise the rights conferred by a taxi owner's permit before the Commission has rendered a decision regarding the assignment or transfer.

### **CHAPTER III**

#### **TAXI DRIVER'S PERMIT**

24. A taxi driver's permit authorizes the holder to carry on the occupation of taxi, limousine or "de grand luxe" limousine driver when driving an automobile attached to the taxi owner's permit.

A driver may have the custody of such an automobile pursuant to a contract of employment binding the driver to a holder of a taxi owner's permit. The driver may also operate the automobile personally if he or she is the holder of the taxi owner's permit to which that automobile is attached or if he or she is bound to a person holding such a permit under a leasing contract for the automobile.

A taxi driver's permit may only be issued to the holder of a permit of the appropriate class pursuant to the Highway Safety Code.

25. The taxi driver's permit shall be issued by the Société or, in the case of a delegation made pursuant to the second paragraph, by the municipal or supramunicipal authority concerned. The authority shall notify the Société without delay of any taxi driver's permit issued by it.

The Government may, by order, identify the municipal or supramunicipal authorities that are authorized to exercise powers that it indicates in matters concerning taxi driver's permits.

26. No person may obtain, renew or maintain a taxi driver's permit

(1) unless the person passes an examination on the knowledge required, the formalities, procedures, and content of which shall be established by the Société or, where applicable, by a municipal or supramunicipal authority, and that will serve to allow the person to obtain any subsequent renewal of his or her taxi driver's permit;

(2) if the person has been convicted, in the last five years, of a criminal offence or an indictable offence related to the operation of a service of transportation by taxi;

(3) if the person has been convicted, in the last five years, of a criminal offence or an indictable offence related to sexual offences, public morals and

disorderly conduct, offences against the person and reputation, prostitution, common bawdy-houses, robbery, extortion, false pretences, forgery, fraud, intimidation, mischief, including attempt and complicity, and provided for, as the case may be, in either Part V or Part VII of the Criminal Code, with the exception of subparagraphs *a* and *c* of section 175(1), of sections 176 to 178, of sections 210, 212, 213, 216, 217, 247 to 263, of subparagraphs *b* and *c* of section 264.1(1) and of sections 287 to 320, 343, 346, 362, 366, 368, 380, 397, 398, 423, 430, 433 to 436.1 and 463 to 465 ;

(4) if the person has been convicted, in the last five years, of a criminal offence or an indictable offence related to the traffic of a controlled or restricted drug and provided for as the case may be in sections 39 and 48 of the Food and Drugs Act ;

(5) if the person has been convicted, in the last five years, of a criminal offence or an indictable offence related to the traffic of narcotics, their importation or exportation as well as poppy and cannabis production, and provided for as the case may be in sections 5, 6 and 7 of the Controlled Drugs and Substances Act ; and

(6) unless the person pays the annual duties and satisfies the other conditions prescribed by regulation.

27. The holder of a taxi driver's permit must, in addition, comply with any regulation that

(1) requires, for the territories it indicates, that a person, in order to obtain or maintain a taxi driver's permit, attend a course to gain the topographical and geographical knowledge required to carry on the occupation of taxi driver in a specific territory ; and

(2) requires, for the areas and territories it indicates, that a person, in order to obtain and maintain a taxi driver's permit, attend a course in whatever basic knowledge, skills, abilities and conduct are required to carry on the occupation of taxi driver in a specific territory.

28. The taxi driver's permit must contain a photograph of the holder taken by the Société or, where applicable, the municipal or supramunicipal authority, bear a number and include any other information determined by regulation.

29. Where a person is convicted of a criminal offence or an indictable offence referred to in section 26, the person's taxi driver's permit shall be revoked by operation of law and the judge pronouncing the conviction shall inform the person of the conviction and order that the permit be confiscated and returned to the Société or, where applicable, to the municipal or supramunicipal authority which issued it.

The notice may be given at the time of the decision or after the decision has been rendered. In any case, the date of confiscation is deemed to be the date of the conviction.

30. The Société shall suspend or revoke the taxi driver's permit it has delivered to a person upon the driver's licence of that person being suspended or revoked, unless a restricted permit has been issued in accordance with section 118 of the Highway Safety Code.

Where the taxi driver's permit has been issued by a municipal or supramunicipal authority, the Société shall notify the authority of the suspension or revocation of the driver's licence of the holder of that taxi driver's permit, unless a restricted permit has been issued. Upon receiving the notice, the authority is required to suspend or revoke the taxi driver's permit of the person.

31. Every person whose taxi driver's permit is suspended or revoked shall return the permit to the Société or, where applicable, to the municipal or supramunicipal authority which issued it. Where a person refuses or fails to comply, the Société or, where applicable, the authority may ask a peace officer to confiscate the taxi driver's permit of that person, who shall immediately hand over the permit to the peace officer who demands it.

#### **CHAPTER IV**

##### **TAXI TRANSPORTATION SERVICE INTERMEDIARY'S PERMIT**

32. The Commission shall issue a taxi transportation service intermediary's permit to any person wishing to act as an intermediary in an area located in a territory determined by order, if the person pays the fees fixed by the Commission by regulation, and satisfies the other conditions prescribed by regulation, in particular the payment of the duties. Before issuing the permit, the Commission shall notify the Association professionnelle des chauffeurs de taxi.

An intermediary's permit may be subject to special conditions and restrictions.

The Government may, by order, delegate the exercise of the powers under this section to any municipal or supramunicipal authority it indicates.

33. A taxi transportation service intermediary's permit shall be issued for a period of no more than five years. It may be renewed but may not be transferred.

34. Only a holder of a taxi transportation service intermediary's permit may provide publicity, call distribution or other similar services to taxi owners and to taxi drivers.

The first paragraph does not apply to a travel agency's licence holder within the meaning of the Travel Agents Act (R.S.Q., chapter A-10) or to a person installing a sign to advertise a taxi stand.

## **CHAPTER V**

### **ASSOCIATION PROFESSIONNELLE DES CHAUFFEURS DE TAXI**

35. The “Association professionnelle des chauffeurs de taxi du Québec” is hereby established.

The Association is a legal person governed by Part III of the Companies Act (R.S.Q., chapter C-38).

The internal by-laws of the Association must provide for the position of vice-president, which may only be filled by the holder of a taxi driver’s permit who usually carries on the occupation of taxi driver in the main taxi servicing area located in the territory of Ville de Montréal.

36. The principal functions of the Association are to represent, collectively and individually, all the holders of a taxi driver’s permit and to promote their interests, in particular, by improving practices in the taxi industry as regards human resources, by promoting services and employee benefits for taxi drivers, by disseminating information and providing training relevant to their activities, and by promoting taxi service utilization.

The Association is also responsible for developing and enforcing a code of ethics governing the actions and conduct of holders of a taxi driver’s permit and for setting up a discipline committee to examine the complaints from users, the Commission, the Société de l’assurance automobile du Québec and the municipal and supramunicipal authorities.

37. The discipline committee of the Association has the power to reprimand, or impose a penalty for wrongful actions, omissions or wrongful conduct of a holder of a taxi driver’s permit, whether or not the permit holder is a member of the Association. The discipline committee may set time limits and conditions to remedy the situation. It may also suspend the right of a person to carry on the occupation of taxi driver.

In every case, the committee must give the person whose action, omission or conduct is to blame the right to present observations within reasonable time. The holder of a taxi driver’s permit whose right to carry on his or her occupation has been suspended may not carry on the occupation of taxi driver while the suspension lasts. In each case, the Association must, for the purposes of section 31, notify the Société or, where applicable, the municipal or supramunicipal authority that issued the taxi driver’s permit.

If the holder of a taxi driver’s permit is not satisfied with a decision of the discipline committee, the holder may apply in writing for arbitration within three days of the decision. In such a case, the notice referred to in the second paragraph is cancelled or suspended, according to the decision of the arbitrators, until the date on which the arbitration award is homologated. Articles 940.1 to 940.5 and 941 to 947 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply to arbitration under this section.

38. The Association has a legal interest and may intervene at any time before the Commission, a court or a municipal or supramunicipal authority to defend the interests of the holders of a taxi driver's permit or to denounce a wrongful act committed by the holder of a taxi driver's permit.

The Association may also make representations to the Commission on any matter concerning passenger transportation for remuneration. However, where it receives a notice under the first paragraph of section 10 or the first paragraph of section 32, it shall, within three days after the date of the notice, indicate to the Commission its intention to intervene. Failing that, it is deemed not to object.

39. Every holder of a taxi driver's permit is entitled to be a member of the Association and to take part in its activities.

40. For the financing of its activities, the Association may, by means of a by-law approved by a majority of the votes cast by all holders of a taxi driver's permit after the holding of a vote, establish an annual contribution.

Every holder of a taxi driver's permit, whether or not the permit holder is a member of the Association, has the right to vote. To exercise the right to vote, permit holders who are not members must register with the Association and establish their quality as holders of a taxi driver's permit within the time prescribed by regulation.

The Commission shall determine, together with the Association, the manner in which the vote is to be announced, held and supervised and the manner in which votes are to be counted.

41. Every holder of a taxi driver's permit must pay the contribution fixed under section 40 to maintain his or her taxi driver's permit.

The Association shall send to the Société and, where applicable, to a municipal or supramunicipal authority that issues taxi driver's permits the list of taxi drivers who failed to pay the contribution within the time limits determined in the Association's by-laws. The Société and the authority must suspend the taxi driver's permit of those persons, whether or not they are members of the Association, until proof of payment of the contribution is furnished.

42. The Minister of Transport may direct a person designated by the Minister to inquire into the management or the activities of the Association.

The person so designated shall have, for the purposes of the inquiry, the immunity and powers of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

43. The Government may, during or after the inquiry, order that the powers of the Association be suspended for the period it determines or that its directors be dismissed, and appoint an administrator who shall exercise the powers of the board of directors.

44. The administrator may, subject to the rights of third persons in good faith, revoke any decision made by the Association.

45. The administrator must present to the Government, as soon as possible, a detailed report on the administrator's findings, together with the administrator's recommendations. The administrator has the same powers and immunity as the investigator designated under section 42.

46. The Government may, upon the report of the administrator,

- (1) lift the suspension of the powers of the board of directors;
- (2) dismiss the members of the board of directors it designates and order that a meeting of the Association be held for the election of new board members.

A member of the board dismissed from office becomes disqualified to hold office as director of the Association for a period of five years from the date of dismissal.

47. The Government may, by order, determine any measure concerning the composition of the board of directors of the Association, the conditions to meet to be eligible as a director, the procedure applicable to the election of the directors, the organization, management and administration of the Association and a vote held under section 46, such order taking precedence over any by-law of the Association.

## **CHAPTER VI**

### **OBLIGATIONS OF OWNERS, DRIVERS AND INTERMEDIARIES**

48. The holder of a taxi driver's permit must keep in the automobile of which he or she has custody or control a copy of the contract of employment or leasing contract entered into with the holder of a taxi owner's permit.

49. The holder of a taxi owner's permit or the holder of a taxi transportation service intermediary's permit, where the permit holder is subject to certain restrictions as regards the permit holder's operations, must notify thereof all holders of a taxi owner's permit and all holders of a taxi driver's permit to whom the permit holder is bound.

50. No publicity, call distribution or other similar services may be provided to a person who is not the holder of a taxi owner's permit or a taxi driver's permit.

51. Every driver of a taxi, limousine and “de grand luxe” limousine must, in accordance with the standards prescribed by regulation, fill, keep up to date and keep in the automobile an inspection report of the automobile the driver operates.

The driver must conduct a pre-departure inspection of the automobile he or she operates and record in the inspection report his or her observations on the mechanical condition and cleanliness of the automobile. A driver may not have more than one inspection report for the automobile he or she operates.

Where the driver is not the holder of the taxi owner’s permit, he or she must without delay inform the holder of the taxi owner’s permit of any defect recorded and forward a copy of the automobile’s inspection report to the holder of the taxi owner’s permit.

52. A driver who discovers after departure a mechanical defect must report the defect without delay to the holder of the taxi owner’s permit according to the form and tenor determined by regulation.

53. No person shall operate a taxi, limousine or “de grand luxe” limousine that has a major defect, within the meaning of the second paragraph of section 58, discovered during an inspection.

54. A driver whose driver’s licence or class authorizing the driving of a taxi has been modified, suspended or revoked must without delay notify the holder of the taxi owner’s permit in the manner determined by regulation.

55. A driver must, at the request of a peace officer or an inspector appointed under section 66, hand over his or her taxi driver’s permit, the inspection report referred to in section 51 and a copy of the leasing contract or the contract of employment.

56. The holder of a taxi owner’s permit must maintain his or her taxi, limousine or “de grand luxe” limousine in good condition and comply with the standards applicable to the construction, identification and mechanical maintenance of such automobiles and their mandatory equipment and ensure that mechanical inspection is performed under the conditions determined by regulation or under the Highway Safety Code.

The driver of a taxi, limousine or “de grand luxe” limousine must ensure that both the car body and passenger compartment of the automobile are clean and that the equipment including, where applicable, the taximeter and domelight, functions properly.

57. The holder of a taxi owner’s permit must correct any defect that is reported to the permit holder. In the case of a minor defect, the permit holder must make the necessary repairs or have them made within 48 hours to preserve the right to maintain the taxi, limousine or “de grand luxe” limousine in operation. In the case of a major defect, the automobile may not be operated.

All repairs must be made according to prevailing standards by a certified mechanic.

58. The holder of a taxi owner's permit who is advised that a notice of defect has been issued by a vehicle manufacturer pursuant to the Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16) must without delay take the necessary measures to have the defect corrected as specified in the manufacturer's directions or to have the vehicle repaired or modified so as to eliminate the defect.

Any minor or major defect listed in the Regulation respecting safety standards for road vehicles approved by Order in Council 1483-98 (1998, G.O. 2, 4557) constitutes a defect within the meaning of this section.

59. The holder of a taxi transportation service intermediary's permit that provides the services of a driver to the holder of a taxi owner's permit must keep the records, reports, files and other documents prescribed by regulation. The same applies to the holder of a taxi owner's permit who uses the services of a driver under a contract of employment or a leasing contract.

## **CHAPTER VII**

### **RATE STRUCTURE**

60. The Commission shall, after a public hearing, fix rates for transportation services by taxi. The rates may vary according to the area served and to whether the services are specialized transportation services by taxi or not. In the case of specialized services, the Commission may also, after a special hearing, fix rate structures that may vary according to requests made by certain holders of taxi owner's permits providing specialized services.

The fixing of rates for transportation services by taxi must be preceded by a notice published in a daily newspaper inviting interested persons to attend. Except in the case of rates fixed at a special hearing, which do not require publication, the rates fixed must be published in the *Gazette officielle du Québec*.

61. The rates applicable to transportation by taxi shall be fixed by the Commission 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 fractions of an hour, with an odometer or according to any other method determined by regulation.

62. No discount may be offered on a fare, except in the cases provided in a rate structure fixed under section 60 or by regulation.

A fare agreed upon with a customer, even if it differs from the rates fixed by the Commission, shall not be regarded as a discount, if the parties enter into a contract in writing, a copy of which is kept in the automobile or at the

principal establishment of the holder of a taxi owner's permit or of a taxi transportation service intermediary's permit. In addition, the holder must comply with the conditions applicable to the making of such a contract that are prescribed by regulation.

63. The fare charged for shared transportation by taxi shall be the fare prescribed by regulation or in the contract under which it is authorized on the basis of the routes and services specified therein.

64. No taxi driver may require a customer to pay, in addition to the fare calculated in accordance with the rate structure, any charge other than a charge prescribed by regulation.

65. Any customer of a transportation service by taxi who refuses to pay the fare and the charges, if any, shall, for the purposes of a civil remedy, produce identification at the request of a peace officer.

## **CHAPTER VIII**

### **INSPECTION AND SEIZURE**

66. Any peace officer and any employee of a municipal or supramunicipal authority responsible for the administration of this Act may, in pursuit of that responsibility, act as an inspector to ascertain compliance with this Act and the regulations.

67. Any person authorized to act as an inspector and any peace officer may, in the performance of duties, to ascertain compliance with this Act and the regulations,

(1) enter, at any reasonable time, the establishment of a holder of a taxi owner's permit, of a holder of a taxi transportation service intermediary's permit or of a humanitarian organization organizing volunteer passenger transportation by automobile, and inspect the establishment;

(2) examine and make copies of the books, registers, accounts, records and other documents containing information related to the activities of a person referred to in subparagraph 1;

(3) stop an automobile used on a public highway and providing passenger transportation that is subject to this Act, inspect it and examine any document and report relating to the application of this Act and the regulations;

(4) require that any contract made under this Act be communicated for examination;

(5) require any information relating to the application of this Act and the regulations and the production of any relevant document.

Any person having custody, possession or control of such books, registers, accounts, records, contracts and other documents shall, if so required, give access thereto to the person making the inspection and facilitate the person's examination thereof.

68. No person may hinder a peace officer or a person authorized to act as an inspector, mislead the peace officer or person by concealment or false declarations or conceal or destroy a document pertinent to an inspection.

69. A person authorized by this Act to make an inspection shall produce identification and exhibit a certificate attesting his or her capacity or, as the case may be, show his or her badge.

The authorized person shall return to the driver of a taxi, limousine or "de grand luxe" limousine, after examination, the inspection report, the taxi driver's licence and the copy of the contract referred to in section 55.

70. Any peace officer may, in the course of an inspection under section 67, immediately seize an automobile if the peace officer has reasonable grounds to believe that it is being used or has been used to commit an offence

(1) under section 4, until the court having jurisdiction or a judge thereof authorizes its release with security; or

(2) under any other provision of this Act or the regulations, 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.

A peace officer who has seized an automobile has custody thereof until a court having jurisdiction has declared it confiscated or has ordered that it be returned to its owner.

## **CHAPTER IX**

### **FORUM DES INTERVENANTS DE L'INDUSTRIE DU TAXI**

71. The "Forum des intervenants de l'industrie du taxi" is hereby established.

The object of the Forum is to foster concerted action between the major stakeholders in the taxi industry as regards various commercial practices in the industry including, in particular, those affecting the development of human resources, and to advise the Minister on measures for developing the industry.

The Forum shall be composed of a president, appointed by the Government, and of no more than nine other members appointed by the Minister to represent holders of a taxi driver's permit, holders of a taxi transportation service intermediary's permit, holders of a taxi owner's permit, including those offering specialized transportation services by taxi, and customers.

72. The Minister shall determine, by an order published in the *Gazette officielle du Québec*, the mode of operation of the Forum.

The Minister shall designate a secretary from among the employees of the Minister's department.

73. The Government shall determine the remuneration, the social benefits and other conditions of employment of the president.

The other members of the Forum shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, subject to the conditions and to the extent determined by the Government.

## **CHAPTER X**

### **POWERS OF THE COMMISSION DES TRANSPORTS DU QUÉBEC**

74. The Commission des transports du Québec may, for the purposes of this Act, promptly take one or more of the following measures :

(1) issue, renew, assign, transfer, restrict, alter, suspend or revoke a taxi owner's permit ;

(2) grant a holder of a taxi owner's permit authorization to specialize the permit holder's transportation services by taxi, so as to offer only limousine or "de grand luxe" limousine services or any other specialized service authorized by this Act and the regulations thereunder, or to abandon such specialization ;

(3) issue, renew, restrict, alter, suspend or revoke a taxi transportation service intermediary's permit ;

(4) establish, delimit or merge areas, in the territory of a municipal or supramunicipal authority according to the criteria and factors determined by the Government ;

(5) require that an identification sticker, of the form and tenor it determines by regulation, be affixed to taxis, limousines or "de grand luxe" limousines, at the place it prescribes, to identify the holder of a taxi owner's permit, the territory and the specialized services the permit holder is authorized to offer, and fix, by regulation, the fee payable to obtain or renew the sticker ;

(6) inspect and affix seals to taximeters or authorize, for the territory it specifies, a person to do so on its behalf and fix the fee payable therefor ;

(7) determine the territories in respect of which a taxi need not be equipped with a taximeter ;

(8) alter the servicing area for which a taxi owner's permit was issued so as to take into consideration the alteration of the territory of an area or so that the servicing area corresponds, from the renewal of the permit, to a territory delimited under subparagraph 4;

(9) impose to all or to some holders of a taxi owner's permit special conditions or restrictions concerning, in particular, the qualifications of drivers;

(10) where it considers it necessary for the public interest, appoint, for the period it fixes and at the expense of the holder of a transportation service intermediary's permit that provides call distribution services, an administrator who shall exercise alone the powers of the board of directors of the enterprise;

(11) appoint, for the period it fixes and at the expense of the person concerned, a supervisor who will report on the call distribution services of any taxi, limousine or "de grand luxe" limousine;

(12) take any other measure it considers appropriate and reasonable.

The rules of procedure and the rules for the internal management of the Commission made under section 48 of the Transport Act apply, with the necessary modifications, to proceedings instituted under this Act.

The Commission may, in rendering a decision, take the public interest into account.

The decisions of the Commission are public. The Commission shall make its decisions known to the public in the manner it considers appropriate.

75. The Commission shall, before rendering a decision referred to in section 74, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., chapter J-3) and allow the person at least 10 days to present observations.

An exception shall be made to such prior obligations if the decision is made in urgent circumstances or to prevent irreparable harm to users of taxi transportation services.

76. The decisions of the Commission may be reviewed under sections 17.2 to 17.4 of the Transport Act.

77. The Commission may, on its own initiative or on request, make an inquiry to determine whether a person is contravening this Act or the regulations thereunder.

The Commission may also, when it is informed that a person subject to this Act endangers the safety of users by contravening, in particular, the first paragraph of section 57 or the first paragraph of section 58, withdraw a person's right to maintain the automobile concerned in operation. The procedure established under section 35 of the Transport Act then applies.

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

The Commission may enter into an administrative agreement with the Minister of Justice to allow the Commission, on the terms and conditions provided for in the agreement, to act in the capacity of mandatary to recover the fines covered by the agreement.

Following an agreement with any other minister or body, the Commission may, in particular, accept a mandate to collect the information required for the registration of a person who is subject to a special obligation enforceable by that authority, and to collect the related fees and charges.

The Commission may, with the approval of the Minister and subject to the conditions it establishes, appoint and authorize persons to collect on its behalf the sums referred to in this section and to make any transaction it indicates relating to the application of this Act, and may determine the amount and method of compensation of the persons appointed.

## **CHAPTER XI**

### **PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC**

79. Any decision of the Commission may be contested before the Administrative Tribunal of Québec by the person to whom the decision applies, an opponent or the Attorney General, within 30 days following the date on which the decision takes effect.

80. The Attorney General may, by virtue of office and without notice, take part in a hearing as if the Attorney General were party thereto.

81. When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest for the assessment thereof made by the Commission before making its decision pursuant to this Act or the regulations.

## **CHAPTER XII**

### **REGULATORY PROVISIONS**

82. The Government may make regulations

(1) determining the maximum number of taxi owner's permits a person may hold directly or indirectly, and providing for exceptions and the duration thereof;

(2) determining the conditions governing the obtaining, maintenance and use of a taxi owner's permit;

(3) prescribing the conditions the holders of a taxi owner's permit of an area it indicates must comply with to serve the regional infrastructures or equipment it indicates and prescribing prohibitions as regards permit holders whose servicing territory includes any of the infrastructures or equipment it indicates;

(4) determining the places at which shared transportation services may be provided and fixing the applicable conditions;

(5) prescribing, for each category of service, the requirements that automobiles must meet;

(6) fixing the annual duties payable to obtain, maintain or renew a taxi owner's permit, and prescribing the other conditions pertaining thereto;

(7) fixing the fees payable for the assignment or transfer of a taxi owner's permit and prescribing the other conditions pertaining thereto;

(8) determining the conditions the holder of a taxi owner's permit must comply with when offering or providing specialized transportation services;

(9) fixing the annual duties payable to obtain, renew or maintain a taxi driver's permit, and prescribing the other conditions pertaining thereto;

(10) for the purposes of section 27, determining for the areas and territories it indicates, the training qualifications pertaining to typographical and geographical knowledge, and the qualifications relating to the basic knowledge, skills, abilities and conduct required to carry on the occupation of taxi driver in a particular territory;

(11) determining the other information that must appear on a taxi driver's permit;

(12) fixing the conditions applicable to the issue and renewal of a taxi transportation service intermediary's permit;

(13) fixing the annual duties payable for the issue and renewal of a taxi transportation service intermediary's permit and the other conditions pertaining thereto;

(14) prescribing pre-departure and post-departure inspection standards according to the class of automobile and standards relating to the form and tenor of inspection reports;

(15) determining the standards for the communication of information for the purposes of section 54;

(16) determining the standards concerning the construction, identification and mechanical maintenance that are applicable according to the class of

automobile and the standards concerning mandatory equipment, and prescribing the conditions applicable to mechanical inspections;

(17) determining the data sheets, reports, files and other documents necessary for the purposes of section 59;

(18) determining, for the purposes of section 61, other methods for calculating fares;

(19) prescribing the cases in which a discount may be given on a fare and the amount of the discount;

(20) determining the conditions that must be complied with by a permit holder entering into a contract referred to in the second paragraph of section 62 and allowing the rates fixed by the Commission to be set aside;

(21) determining the fare for shared transportation by taxi, on the basis of the routes or services provided for therein; and

(22) prescribing other charges that may be required for a trip.

A regulation made under subparagraph 5 may limit the use of an automobile to certain transportation services depending on the construction, maintenance, operation, custody, salubrity and identification standards, conditions and procedures established for such an automobile. The regulation may also prescribe the makes and models that may be attached to a taxi owner's permit as well as the years of manufacture determined according to authorized transportation services, prohibit or prescribe the installation and upkeep of specific equipment and, where applicable, specify the construction standards and the functional capability of the equipment, and provide exceptions in respect of the transportation services and the territories indicated in the regulation.

83. The Government may delegate to a municipal or supramunicipal authority the exercise of a power conferred on it under subparagraphs 2 to 5, 8 to 13 and 19 to 22 of the first paragraph of section 82. Any regulation made by an authorized authority shall replace in a territory under the jurisdiction of the authority any regulation to the same effect made by the Government.

Any municipal or supramunicipal authority may, by regulation, to finance activities related to the exercise of a power it exercises under this section, impose and collect, each year, additional duties payable by each holder of a taxi owner's permit in its territory for every permit obtained or renewed.

## **CHAPTER XIII**

### **PENAL PROVISIONS**

#### **DIVISION I**

##### **GENERAL OFFENCES**

84. Every holder of a taxi owner's permit is guilty of an offence and liable to a fine of \$125 to \$375 who

(1) replaces an automobile without registering the replacement with the Commission before using the automobile pursuant to the permit; or

(2) uses his or her taxi owner's permit in contravention of conditions established by a regulation under subparagraph 4 of the first paragraph of section 82, in particular by providing or not providing service, as the case may be, in territories which include regional infrastructures or equipment identified in such regulation.

85. Every holder of a taxi owner's permit is guilty of an offence and liable to a fine of \$250 to \$750 who

(1) uses his or her taxi owner's permit in a territory other than the servicing area under the permit unless no permit was issued in respect of the territory or the pick-up point or the destination of the trip is located in the servicing area indicated in the permit;

(2) offers shared transportation services otherwise than under a contract with a municipal or supramunicipal authority or with a person referred to in an order made under the first paragraph of section 7;

(3) provides shared transportation services although the territory served under the taxi owner's permit is not included, wholly or in part, in the other contracting party's territory;

(4) being expressly authorized by the Commission to offer or provide specialized transportation services by taxi, offers or provides services by taxi that do not require an authorization from the Commission without having been authorized by the Commission to abandon the specialized services;

(5) being expressly authorized by the Commission to offer or provide certain specialized transportation services by taxi, offers or provides specialized services that require a new authorization from the Commission; or

(6) contravenes special conditions or restrictions applicable to the maintenance of a taxi owner's permit imposed by the Commission.

86. Every holder of a taxi owner's permit is guilty of an offence and liable to a fine of \$300 to \$900 who

(1) provides shared passenger transportation services in contravention, as the case may be, of the authorized places or of the conditions established by a regulation referred to in the second paragraph of section 7 ; or

(2) being expressly authorized by the Commission to offer or provide specialized transportation services by taxi, offers or provides services by taxi otherwise than in accordance with the requirements prescribed by a regulation referred to in section 14.

87. Every holder of a taxi owner's permit is guilty of an offence and liable to a fine of \$500 to \$1,500 who

(1) offers or provides specialized transportation services by taxi without being expressly authorized to do so by the Commission or without complying with the provisions of section 15 ; or

(2) offers or provides specialized transportation services by taxi throughout Québec although the territory served under the taxi owner's permit, before providing specialized services, is not included in the territory of a supramunicipal authority designated in the third paragraph of section 12.

88. Every holder of a taxi owner's permit who occasionally or regularly offers or provides services by taxi comparable to those of an enterprise providing specialized transportation services by taxi and who refuses or fails to comply with any request made by a customer for private transportation services that are not specialized is guilty of an offence and liable to a fine of \$600 to \$1,800.

89. Every holder of a taxi owner's permit who operates an automobile that does not meet the requirements established under a regulation referred to in section 8 or who, although the requirements are met, operates outside the category of specialized services the permit holder is authorized to provide is guilty of an offence and liable to a fine of \$700 to \$2,100.

90. Every holder of a taxi driver's permit who, in a territory, operates or has custody of an automobile without holding a taxi driver's permit issued by the proper authority, unless the pick-up point or the destination of the trip is located in the territory for which the driver is authorized to provide services is guilty of an offence and liable to a fine of \$300 to \$900.

91. Every holder of a taxi driver's permit who operates or has custody of an automobile without holding a driver's license for the proper class under the Highway Safety Code is guilty of an offence and liable to a fine of \$350 to \$1,050.

92. Every holder of a taxi driver's permit who operates or has custody of an automobile attached to a taxi owner's permit without being the owner of the automobile or without being bound to the holder of a taxi owner's permit

under a leasing contract or a contract of employment is guilty of an offence and liable to a fine of \$350 to \$1,050.

93. Every holder of a taxi transportation service intermediary's permit who offers or provides services of publicity, call distribution or other similar services in contravention of a regulation referred to in the first paragraph of section 32 or contrary to the special conditions and restrictions prescribed by the Commission under the same section is guilty of an offence and liable to a fine of \$600 to \$1,800.

## **DIVISION II**

### **OFFENCES RESPECTING OPERATIONS**

94. Every holder of a taxi owner's permit is guilty of an offence and liable to a fine of \$150 to \$450 who

(1) fails to inform the holders of a taxi driver's permit, to whom the permit holder is bound by a contract of employment or a leasing contract, of restrictions imposed by the Commission on the permit holder's operations; or

(2) uses the services of a driver under a contract of employment or a leasing contract without holding or keeping up to date the records, reports, files and other documents prescribed by a regulation referred to in section 59.

95. Every holder of a taxi owner's permit who fails to repair or cause to be repaired a minor defect within 48 hours from the time a driver reports the defect to the taxi owner's permit holder is guilty of an offence and liable to a fine of \$175 to \$525.

96. Every holder of a taxi owner's permit is guilty of an offence and liable to a fine of \$350 to \$1,050 who

(1) fails to maintain the automobile attached to the permit in good condition or to respect the standards, conditions and procedures for the construction, identification and mechanical maintenance provided for by a regulation referred to in section 56; or

(2) tolerates, permits or accepts that the automobile attached to the permit be repaired otherwise than in accordance with standard practice or by a person who is not a certified mechanic.

97. Every holder of a taxi owner's permit is guilty of an offence and liable to a fine of \$700 to \$2,100 who

(1) operates an automobile or entrusts to a driver the custody or operation of an automobile that is not the automobile attached to the taxi owner's permit or that does not meet the requirements prescribed under this Act as regards the automobile;

(2) being informed of a notice of defect issued by a vehicle manufacturer pursuant to the Motor Vehicle Safety Act, fails to immediately ensure that the necessary measures are taken to correct the defect as indicated by the manufacturer or that the automobile is repaired or modified in such a way that the defect no longer exists; or

(3) allows the operation of an automobile attached to the permit after observing or being notified by a driver that the automobile has a major defect that has not been repaired.

98. Every holder of a taxi driver's permit is guilty of an offence and liable to a fine of \$75 to \$215 who

(1) fails to keep in the automobile of which the driver has custody or control a copy of the contract of employment or leasing contract; or

(2) operates a taxi, limousine or "de grand luxe" limousine the car body or passenger compartment of which are not clean or the equipment of which, in particular the taximeter and domelight, where applicable, does not function properly.

99. Every taxi, limousine or "de grand luxe" limousine driver is guilty of an offence and liable to a fine of \$90 to \$270 who

(1) fails to fill, keep up to date or keep in the automobile the driver is operating a pre-departure inspection report in conformity with a regulation referred to in section 51;

(2) is in possession of more than one pre-departure inspection reports relating to the automobile; or

(3) fails to notify the holder of a taxi owner's permit of a defect recorded in the pre-departure inspection report or fails to immediately transmit a copy of the inspection report to the taxi owner's permit holder.

100. Every holder of a taxi driver's permit who makes a trip outside the servicing area under the taxi owner's permit attached to the automobile the driver is operating or outside any other place in which the permit authorizes the provision of service pursuant to this Act is guilty of an offence and liable to a fine of \$125 to \$375.

101. Every holder of a taxi driver's permit is guilty of an offence and liable to a fine of \$150 to \$350 who

(1) offers or provides a shared transportation service although the taxi the driver is operating is not authorized by a municipal or supramunicipal authority or by regulation, to be used to provide shared transportation or who, if the driver is authorized to offer or provide shared transportation, does so otherwise than in accordance with the prescribed conditions and procedure; or

(2) provides private transportation for a fare that does not correspond to the rate fixed by the Commission unless the fare has been fixed in circumstances described in the second paragraph of section 62.

102. Every taxi, limousine or “de grand luxe” limousine driver who, after discovering a mechanical defect, fails to report it without delay to the holder of a taxi owner’s permit in the form and tenor and in the manner prescribed by a regulation referred to in section 52 is guilty of an offence and liable to a fine of \$175 to \$525.

103. Every holder of a taxi driver’s permit who, notwithstanding the specialization of the taxi owner’s permit to which the automobile being operated by the driver is attached, fails to limit the services being provided to specialized services or, although limiting the provision of services, fails to meet the requirements prescribed under this Act for the category of specialized services the permit authorizes the holder to provide is guilty of an offence and liable to a fine of \$250 to \$750.

104. Every holder of a taxi driver’s permit is guilty of an offence and liable to a fine of \$300 to \$900 who

(1) fails, in providing private transportation, to provide the customer and the persons the customer designates with exclusive transportation throughout the trip ;

(2) provides a private transportation service that does not meet the requirements prescribed under this Act for the territory served under the taxi owner’s permit to which the automobile being used is attached ;

(3) provides shared transportation for a fare other than that applicable under the regulation or the contract authorizing the transportation ; or

(4) imposes a charge or offers or gives a discount which are not authorized under this Act or the regulations.

105. Every holder of a taxi driver’s permit is guilty of an offence and liable to a fine of \$350 to \$1,050 who

(1) carries on his or her occupation with an automobile other than the automobile attached to the taxi owner’s permit ;

(2) operates an automobile although a major defect was discovered during a pre-departure inspection ; or

(3) fails to notify without delay the holder of the taxi owner’s permit to which the automobile the driver is operating is attached, in the manner prescribed by a regulation referred to in section 54 that the driver’s license or the class authorizing the operation of a taxi was modified, suspended or revoked.

106. Every holder of a taxi transportation service intermediary's permit is guilty of an offence and liable to a fine of \$150 to \$450 who

(1) fails to notify the holders of a taxi owner's permit, to whom the intermediary is bound, of restrictions imposed on the intermediary's operations by the Commission; or

(2) provides to the holder of a taxi owner's permit the services of a driver without holding or keeping up to date the records, reports, files and other documents required by a regulation referred to in section 59.

107. Every holder of a taxi transportation service intermediary's permit who provides services of publicity, call distribution or other similar services to a person who does not hold a taxi owner's permit or to a person who does not hold a taxi driver's permit is guilty of an offence and liable to a fine of \$500 to \$1,500.

108. Every person who hinders the action of a peace officer or a person authorized to act as an inspector for the purposes of this Act, misleads him or her by concealment or false declarations or refuses to give any information relating to a permit, report, contract or document subject to this Act or to produce a permit, report, contract or document for examination is guilty of an offence and liable to a fine of \$500 to \$1,500.

### **DIVISION III**

#### **OTHER OFFENCES**

109. Every person who contravenes a regulatory provision the contravention of which constitutes an offence and for which no other penalty is prescribed is guilty of an offence and liable to a fine of \$125 to \$375.

110. Every person who refuses to provide identification to a peace officer after refusing to pay a fare is guilty of an offence and liable to a fine of \$250 to \$700.

111. Every person is guilty of an offence and liable to a fine of \$350 to \$1,050 who

(1) without holding a taxi owner's permit, offers or provides, for remuneration, passenger transportation with an automobile;

(2) offers to lease an automobile and provide the services of a driver, whether or not the driver is remunerated, or has an interest in both an automobile leasing enterprise and in an enterprise that offers the services of a driver, whether or not the driver is remunerated;

(3) fails to return the taxi driver's permit to the Société or the municipal or supramunicipal authority that issued it, or refuses to immediately hand over

the permit to a peace officer who demands it, where the taxi driver's permit is the object of a suspension or revocation ; or

(4) operates a taxi, limousine or "de grand luxe" limousine without holding a driver's licence for the proper class and a taxi driver's permit.

112. Every person who, without holding a taxi transportation service intermediary's permit, offers or provides services of publicity, call distribution or other similar services to taxi owners or taxi drivers is guilty of an offence and liable to a fine of \$500 to \$1,500.

## **DIVISION IV**

### **PROOF AND PROCEDURE**

113. Where a person is guilty of an offence under this Act or any of its regulations, every director, agent, mandatary for or employee of the person who ordered, authorized or recommended the commission of the offence or who consented thereto is a party to the offence and is liable to the penalty provided for the offence.

As well, in a proceeding for an offence under this Act or any of its regulations, proof that the offence was committed by a director, agent, mandatary for or employee of a person is sufficient to establish that the offence was also committed by the person unless he or she establishes that due care was exercised by taking all necessary measures to ensure compliance with this Act and its regulations.

114. Every person who does or omits to do something in order to aid another person to commit an offence under this Act or any of its regulations, or who advises, encourages or incites a person to commit an offence is a party to the offence and is liable to the penalty provided for the offence.

115. In any proceedings, passenger transportation by automobile is deemed to be remunerated, unless there is proof to the contrary.

116. Where a peace officer or an employee of a municipal or supramunicipal authority entrusted with the administration of this Act ascertains an offence referred to in paragraph 2 of section 94, paragraph 1 or 2 of section 98 or paragraph 1 or 2 of section 99, the peace officer or employee may serve a statement of offence on the offender with a notice enjoining the defendant to remedy the offence and furnish proof thereof within 48 hours.

The statement of offence is without effect if the required proof is furnished, within the time prescribed, to a peace officer or, where applicable, to an employee of a municipal or supramunicipal authority entrusted with the administration of this Act.

Where a notice is attached to the statement of offence, the time prescribed in article 160 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) begins to run only from the expiry of the time indicated in the notice.

117. A payment is considered to have been made once the proper sum is paid in cash or otherwise to the prosecuting party or another person designated by the prosecuting party.

The payment is presumed to have been made by the defendant upon whom the statement of offence was served.

118. Penal proceedings for an offence under this Act may be instituted by a municipal or supramunicipal authority, where the offence is committed in its territory.

However, no proceedings may be instituted by a municipality whose territory is included in the territory of a supramunicipal authority which exercises that power.

119. If proceedings are instituted by a municipal or supramunicipal authority, the fine collected belongs wholly to the prosecuting party. The municipal or supramunicipal authority shall, every year, make a report of convictions to the Attorney General.

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

## **CHAPTER XIV**

### **AMENDING AND TRANSITIONAL PROVISIONS**

121. Section 21 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing “or in section 31 of the Act respecting transportation by taxi (chapter T-11.1)” in subparagraph 4 of the first paragraph by “or in the second paragraph of section 77 of the Act respecting transportation services by taxi (2000, chapter *(insert here the chapter number of this bill)*)”.

122. Section 121 of the said Code is amended by replacing “indictable offence related to the business of transportation by taxi” in paragraph 6 by “act referred to in paragraph 2, 3, 4 or 5 of section 26 of the Act respecting transportation services by taxi”.

123. Section 183 of the said Code is amended by replacing “indictable offence related to the business of transportation by taxi” in the first paragraph by “act referred to in paragraph 2, 3, 4 or 5 of section 26 of the Act respecting transportation services by taxi”.

124. Section 184 of the said Code is amended by replacing “indictable offence related to the business of transportation by taxi” by “act referred to in paragraph 2, 3, 4 or 5 of section 26 of the Act respecting transportation services by taxi”.

125. Section 189 of the said Code is amended by replacing “section 27 or 31 of the Act respecting transportation by taxi (chapter T-11.1)” in subparagraph 1 of the first paragraph by “the second paragraph of section 77 of the Act respecting transportation services by taxi”.

126. Section 519.65 of the said Code, amended by section 60 of chapter 26 of the statutes of 2000, is again amended by replacing paragraph 11 by the following paragraph:

“(11) Act respecting transportation services by taxi (2000, chapter (*insert here the chapter number of this bill*));”.

127. Section 36 of the Transport Act (R.S.Q., chapter T-12) is amended by replacing the third paragraph by the following paragraph:

“Nor does the first paragraph apply to a person who transports other persons travelling along the same route, where only the cost of transportation is shared and no other remuneration is required.”

128. Until the members of the board of directors of the Association professionnelle des chauffeurs de taxi du Québec have been elected, the affairs of the Association shall be administered by a provisional board of directors comprising three members, two of which shall be appointed by the Minister of Transport and the other by the Commission. The member appointed by the Commission shall act as chair.

The mandate of the provisional board of directors is

(1) to admit as a member of the Association every holder of a taxi driver’s permit who signs the membership form prescribed by the board and pays a \$10 admission fee;

(2) to submit to its members, for adoption, the first internal management by-laws of the Association; and

(3) to inform its members of the procedure applicable to the first election of the members of the board of directors.

The first election of the members of the board of directors must be held at a date subsequent to the coming into force of the first internal management by-laws.

129. The legal persons recognized by the Commission as taxi leagues and listed in the schedule to this Act are hereby dissolved.

The legal personality of a dissolved legal person subsists for the purposes of the liquidation.

Each member of the board of directors of a legal person referred to in the first paragraph is presumed to be personally liable for the acts, commitments and disbursements of the legal person under the member's administration done or made on or after (*insert here the date of introduction of this bill*) if the act, commitment or disbursement is not part of the ordinary course of the legal person's business and was done or made with the member's consent.

130. The Minister shall designate a liquidator for each of the legal persons referred to in section 129. The liquidator shall

(1) have the seizin of the property, effects and assets of the dissolved person and make an inventory thereof;

(2) act as an administrator of the property of others entrusted with full administration;

(3) be entitled to require from a person who was, on (*insert here the date of introduction of this bill*), a director or member of the dissolved legal person any document and any explanation concerning the property, effects, assets, rights and obligations of the legal person;

(4) pay the debts and settle the other obligations of the dissolved legal person as regards third persons in good faith;

(5) assign and transfer to the Association professionnelle des chauffeurs de taxi du Québec, established under section 35, the residual property, effects or assets of the dissolved person;

(6) file with the Minister a detailed report concerning the execution of the mandate; and

(7) advise the Inspector General of Financial Institutions of the deposit with the Minister of the liquidator's detailed report and require that the registration of the dissolved legal person be revoked by the Inspector General; the date of the revocation shall, in the case of every dissolved legal person, be deemed to be the date of the closing of the liquidation.

131. Every regulation enacted under the Act respecting transportation by taxi shall remain in force until the regulation is replaced or repealed by a regulation made under this Act. Any contravention of a provision of such a regulation is punishable as provided in section 109.

Every regulation enacted by a regional authority under the Act respecting transportation by taxi shall remain in force until the regulation is replaced or repealed by a regulation made under this Act. Any contravention of a provision of such a regulation is punishable as provided in section 109.

132. Matters related to transportation by taxi that are pending before the Commission des transports du Québec on *(insert here the date of the coming into force of this section)* under the Act respecting transportation by taxi shall be continued and decided before the Commission in accordance with this Act.

133. The first regulation enacted under this Act is not subject to the publication requirements provided for in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

134. Every person who, on *(insert here the date of the coming into force of this section)*, was the holder of a “de grand luxe” limousine permit issued under sections 94.0.1 to 94.0.6 of the Act respecting transportation by taxi may continue, until 1 April 2005, to exercise the privilege of transporting passengers for remuneration in a “de grand luxe” limousine, in the territory in which the person was authorized to serve.

That person is exempted from the payment of annual duties to maintain the privilege. He or she cannot assign or transfer his or her privilege and is presumed to be operating a taxi to provide specialized services that are subject to the regulations governing the holders of taxi owner’s permits within the meaning of this Act. The person may only retain the services of a driver who is the holder of a taxi driver’s permit and who is governed by this Act.

135. Every limousine and “de grand luxe” limousine permit issued to replace a former permit or a right recognized by the Commission under section 86 or 90.1 of the Act respecting transportation by taxi is hereby cancelled. The following number of taxi owner’s permits together with the related territories are issued to the following persons to replace former limousine permits:

(1) Limousine Montréal inc., 10 taxi owner’s permits to provide specialized services for the transportation of passengers by limousine or “de grand luxe” limousine within the meaning of this Act and authorized to serve the territory of the supramunicipal authority whose territory includes the territory of Ville de Montréal;

(2) Limousines Mont-Royal (1998) inc., 35 taxi owner’s permits to provide specialized services for the transportation of passengers by limousine or “de grand luxe” limousine within the meaning of this Act and authorized to serve the territory of the supramunicipal authority whose territory includes the territory of Ville de Montréal; and

(3) Service de limousine de Québec inc., 2 taxi owner’s permits to provide specialized services for the transportation of passengers by limousine or “de grand luxe” limousine within the meaning of this Act and authorized to serve the territory of the supramunicipal authority whose territory includes the territory of Ville de Québec.

Notwithstanding section 11, the permits are deemed to have been issued once before (*insert here the date of introduction of this bill*).

No permit issued under this section may authorize both specialized transportation services by limousine and specialized transportation services by “de grand luxe” limousine. Consequently, the persons referred to in the first paragraph are required to indicate to the Commission which of their taxi owner’s permits are to be registered as authorizing specialized services by limousine or by “de grand luxe” limousine to be offered.

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

However, no regular employee governed by a collective agreement which includes such a restriction to the power to contract of a public body providing transport services may be dismissed or laid off by that body owing to a contract entered into regarding the organization of shared transportation by taxi except in the case of a special transportation service by taxi for handicapped persons.

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

137. The Minister shall, on or before 20 June 2005, make a report to the Government on the implementation of this Act and the advisability of maintaining it in force and, if necessary, of amending it.

The report shall be tabled in the National Assembly within the following 15 days or, if the Assembly is not in session, within 15 days of resumption.

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

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

140. The provisions of this Act come into force on the date or dates to be fixed by the Government, except sections 35 to 47 and 128 to 130, which come into force on (*insert here the date of assent of this Act*).

## SCHEDULE

<b>Name of the legal person</b>	<b>Head Office</b>
La Ligue de taxis de Boucherville Inc.	1100 Du Perche street Boucherville Québec J4B 6K4
La Ligue de taxis de Longueuil Inc.	72 St-Sylvestre street Suite 203 Longueuil Québec J4H 2W2
La Ligue de taxis de Candiac-Laprairie Inc.	7 Papineau street, Suite 101 Candiac Québec J5R 5S8
La Ligue de taxis de Cowansville Inc.	106 Léopold street Cowansville Québec J2K 1Y5
La Ligue de taxis de l'Est de Montréal Inc.	6520 Beaubien Est street Suite 101-A Montréal Québec H1M 1A9
La Ligue de taxis de Joliette Inc.	673 Manseau blvd Joliette Québec J6E 3E7
La Ligue de taxis de Lachute Inc.	387 Bank street P.B. 151 Brownsburg-Chatham Québec J0V 1A0
La Ligue de taxis de Laval Inc.	4405 St-Martin Ouest blvd Laval Québec H7T 1C5
La Ligue de taxis de Matane Inc.	394 St-Jérôme Matane Québec G4W 3B5
La Ligue de taxis de Mont-Joli Inc.	20 de la Gare street Mont-Joli Québec G5H 1N7

La Ligue de taxis de Montréal Inc.	7373 Lajeunesse street Montréal Québec H2R 2H7
La Ligue de taxis de L'Ouest de Montréal Inc.	11475 Côte de Liesse Suite 208 Dorval Québec H9P 1B3
La Ligue de taxis de Rivière-du-Loup Inc.	29 St-Joseph Rivière-du-Loup Québec G5R 1E9
La Ligue des propriétaires de taxi de St-Eustache Inc.	45 St-Laurent street Saint-Eustache Québec J7P 1V9
La Ligue de taxis de St-Jérôme Inc.	227 St-Georges Suite103 Saint-Jérôme Québec J7Z 5A1
La Ligue de taxis de Sorel Inc.	50 Adelaide street Sorel-Tracy Québec J3P 1W4
La Ligue de taxis de Terrebonne Inc.	466 des Seigneurs blvd, Suite 101 Terrebonne Québec J6W 1T3
La Ligue de taxis de Thetford Mines Inc.	92 Chemin des Bois-Francis Sud Thetford Mines Québec G6G 7W5
La Ligue de taxis de Victoriaville Inc.	122 St-Jean-Baptiste street P.B. 47 Victoriaville Québec G6P 6P3
La Ligue de taxis de l'agglomération d'Alma Inc	480 Desmeules Nord Alma Québec G8B 5R7
La Ligue de taxis de Baie-Comeau Inc.	181 LaSalle blvd Baie-Comeau Québec G4Z 1S7

La Ligue de taxis Beauharnois Inc.	8 Tremblay street Châteauguay Québec J6J 3N4
La Ligue de taxis de Beloeil Inc.	885 des Prés street Beloeil Québec J3G 5C7
La Ligue de taxis de St-Bruno Inc.	22 Frontenac street Saint-Bruno-de- Montarville Québec J3V 1B4
La Ligue de taxis de Charlesbourg- Orsainville Inc.	111 58 <sup>e</sup> Rue Est Charlesbourg Québec G1H 2E7
La Ligue de taxis de Châteauguay Inc.	142 Industriel Châteauguay Québec J6J 4Z2
La Ligue de taxis de La Baie Inc.	1111 du Port avenue La Baie Québec G7B 1W2
La Ligue de taxis de Dolbeau Mistassini Inc.	1551 Walberg blvd Dolbeau-Mistassini Québec G8L 1H4
La Ligue de taxis de Drummondville Inc.	55 Bellevue street Drummondville Québec J2B 6V1
La Ligue de taxis de l'Est du Québec Inc.	2659 d'Estimauville Beauport Québec G1E 3R6
La Ligue de taxis de l'agglomération de Repentigny Inc.	105 L'Écuyer street Repentigny Québec J6A 8C5
La Ligue de taxis de Granby Inc.	12 Centre street Granby Québec J2G 5B3
La Ligue de taxis de Hull Inc.	165 Jean-Proulx street Hull Québec J8Z 1T4

La Ligue de taxis de Lévis Inc.	41 St-Joseph street Lévis Québec G6V 1A8
La Ligue de taxis de Québec Inc.	210 5 <sup>e</sup> Rue Québec Québec G1L 2R6
La Ligue de taxis de Rimouski Inc.	55 de l'Évêché Est street Rimouski Québec G5L 1X7
La Ligue de taxis de l'agglomération de Ste-Foy Sillery Inc	2631 blvd. du Versant-Nord Sainte-Foy Québec G1V 1A3
La Ligue de taxis de St-Hyacinthe Inc.	1305 Calixa-Lavallée street Saint-Hyacinthe Québec J2S 3E7
La Ligue de taxis de l'agglomération de Trois-Rivières 1983 Inc.	1604 La Vérendrye Trois-Rivières Québec G8Z 2C9
La Ligue de taxis de St-Jean-sur-Richelieu A-41 Inc.	3 Viau street Saint-Luc Québec J2W 1N5
La Ligue de taxis de Shawinigan Inc.	762 5 <sup>e</sup> Rue Shawinigan Québec G9N 1E9
La Ligue de taxis de Sherbrooke Inc.	426 King Est Sherbrooke Québec J1G 1B5
La Ligue de taxis de Valleyfield Inc.	171 Alexandre street Salaberry-de-Valleyfield Québec J6S 3J1
La Ligue de taxis d'Amos Inc.	122 10 <sup>e</sup> Avenue Ouest Amos Québec J9T 1W8
La Ligue de taxis de Chibougamau Inc.	518 2 <sup>e</sup> Rue, P.B. 98 Chibougamau Québec G8P 2K5

La Ligue de taxis de Matagami Inc.	6 Galinée, P.B. 1202 Matagami Québec J0Y 2A0
La Ligue de taxis de Rouyn-Noranda Inc.	18 Tessier Ouest street Rouyn-Noranda Québec J9X 2S4
La Ligue de taxis de Val d'Or Inc.	961 3 <sup>e</sup> Avenue Val-d'Or Québec J9P 1T4
La Ligue de taxis de La Tuque Inc.	530 St-Louis street La Tuque Québec G9X 2X4
La Ligue de taxis de l'Ouest du Saguenay Inc.	2475 St-Dominique street Jonquière Québec G7X 2L9
La Ligue de taxis du Saguenay Inc.	640 Bégin, P.B. 922 Chicoutimi Québec G7H 5E8
La Ligue de taxis de Sept-Iles Inc.	462 Brochu ave Sept-Iles Québec G4R 2W8
La Ligue de taxis de Ste-Thérèse Inc.	10 Lavigne street Boisbriand Québec J7G 1P3
La Ligue de taxis de Gatineau Inc.	24 Smith Gatineau Québec J8T 2Z8
La Ligue de taxis de Le Gardeur Inc.	494 Arthur-Foucher Le Gardeur Québec J5Z 4E9
La Ligue de taxis A-57 Inc.	108, Renaud street Notre-Dame-de- L'Ile-Perrot Québec J7V 5X5