



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 148
(1997, chapter 59)

**An Act to amend the Act respecting the Agence
métropolitaine de transport**

**Introduced 15 May 1997
Passage in principle 27 May 1997
Passage 13 June 1997
Assented to 19 June 1997**

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EXPLANATORY NOTES

This bill authorizes the Agence métropolitaine de transport to accept a mandate from the public transit operating authorities to implement and operate an integrated system of public transit ticket sales and revenue collection. In connection with this, the bill provides for the extension, to certain enterprises, of the application of certain provisions of the Labour Code as regards the maintenance of essential services. Moreover, the bill enables the Government to order the carrying out of such a mandate according to the terms and conditions it determines.

The bill grants the Agence métropolitaine de transport the power to institute penal proceedings for an offence under its constituting Act. Lastly, the bill provides that the Minister of State for Greater Montréal may authorize, generally or specially, persons to act as inspectors for the purposes of that Act.

Bill 148

AN ACT TO AMEND THE ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is amended by inserting, after section 21, the following sections :

“21.1. The Agency is authorized to accept a mandate from public transit operating authorities to develop, implement and operate an integrated system of public transit ticket sales and revenue collection. A mandate from an operating authority shall be by gratuitous title and shall apply to all aspects of both local tickets, including subway tickets, and metropolitan tickets, including suburban train tickets. The mandate shall specify the duration of the mandate and shall pertain, in particular, to

(1) the choice of and procedure for acquiring, leasing and maintaining the required specialized software and all transit ticket sales and revenue collection equipment ;

(2) the management and maintenance of the integrated system ;

(3) data management ;

(4) the manufacture, printing, distribution and marketing of public transit tickets ;

(5) the allocation of metropolitan and local revenues ;

(6) the terms and conditions governing the financing and payment of all the property and services to which the mandate applies, including the costs and expenses related to the preparation of a call for public tenders.

In fulfilling its mandate, the Agency may enter into contracts with any person and any partnership, in keeping with the rules governing it. The Agency may also delegate, by gratuitous title, all or part of its mandate to the Société de transport de la Communauté urbaine de Montréal and entrust the tasks it determines to the public transit operating authorities it indicates.

“21.2. The Government may, after consulting the public transit operating authorities concerned, make an order whereby the public transit operating

authorities it designates are deemed, from the date indicated by the Government, to have mandated the Agency under section 21.1. In such a case, the order shall specify the content of the mandate, and, from the date on which the order is made and as long as it has effect, the designated public transit operating authorities may not perform the acts to which the mandate applies.

“21.3. For the purposes of a contract awarded by the Agency pursuant to the second paragraph of section 21.1, a person or partnership that manages or maintains transit ticket sales or collection equipment or the integrated management system, allocates the revenues from the sales of public transit tickets, or manufactures, prints, distributes or markets the tickets, is deemed to be a transport service carried on by bus within the meaning of paragraph 4 of section 111.0.16 of the Labour Code (chapter C-27).”

2. Section 93 of the said Act is amended by replacing the words “appoint persons authorized” in the first line by the words “authorize, generally or specially, persons”.

3. The said Act is amended by inserting, after section 99, the following sections :

“99.1. The Agency may institute penal proceedings for an offence under any of sections 96 to 99.

“99.2. Any municipal court in the area of jurisdiction of the Agency shall have jurisdiction in respect of an offence under any of sections 96 to 99.

In the case of an offence committed outside the area of jurisdiction of the Agency, the municipal court having jurisdiction in the area where the offence was committed shall have jurisdiction in respect of the offence.

“99.3. The fine belongs to the Agency, where it instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1), and the costs remitted to the defendant or imposed on the municipality under article 223 of the said Code.”

4. This Act comes into force on 19 June 1997, except section 21.2 of the Act respecting the Agence métropolitaine de transport, enacted by section 1, which comes into force on the date to be fixed by the Government and section 3 which comes into force on 1 September 1997.