



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 120
(2002, chapter 49)

An Act to amend the Act respecting transportation services by taxi

Introduced 24 October 2002
Passage in principle 5 November 2002
Passage 13 December 2002
Assented to 17 December 2002

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EXPLANATORY NOTES

This bill makes various adjustments to the Act respecting transportation services by taxi. More specifically, it confirms that holders of taxi owner's permits carry on an economic activity, authorizes such a holder to provide service to handicapped persons in any area if no permit to which a handicapped accessible taxi is attached has been issued to service the area, harmonizes the provisions concerning background investigations of taxi owners and taxi drivers with current practices, and authorizes a legal person to acquire a taxi owner's permit issued for the first time after 15 November 2000.

The bill also provides for an examination to test the knowledge of taxi drivers and for a new examination in the case of failure. The bill makes certain clarifications and clerical corrections.

Bill 120

AN ACT TO AMEND THE ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting transportation services by taxi (2001, chapter 15) is amended by adding the following section after section 4 :

“**4.1.** The holder of a taxi owner’s permit is deemed to be carrying on an organized economic activity consisting in providing services of a commercial nature. The taxi owner’s permit and the automobile attached to the permit constitute capital appropriated for the operation of an enterprise.”

2. Section 6 of the said Act is amended by adding the following paragraph at the end :

“A taxi owner’s permit to which a handicapped accessible taxi is attached authorizes the holder to provide transportation services to handicapped persons in any area if no permit to which a handicapped accessible taxi is attached has been issued to serve the area.”

3. Section 11 of the said Act is amended by inserting “or be charged with a criminal or indictable offence referred to in those paragraphs” after “18” in the second paragraph.

4. Section 12 of the said Act is amended

(1) by replacing “designated with respect to” in the first paragraph by “, city or town designated for the purposes of” ;

(2) by replacing “designated with respect to” in the second paragraph by “, city or town designated for the purposes of” and by inserting “, city or town” after “of the supramunicipal authority” in the second paragraph ;

(3) by inserting “and the cities or towns” after “supramunicipal authorities” in the fourth paragraph.

5. Section 13 of the said Act is amended by replacing “The body known as the “Bureau du taxi de la Communauté urbaine de Montréal” on 15 November 2000” in the second paragraph by “The Bureau du taxi de la Ville de Montréal”.

6. Section 18 of the said Act is amended

(1) by replacing “related to” in the first paragraph by “committed in connection with”;

(2) by replacing subparagraph 1 of the third paragraph by the following subparagraph:

“(1) an indictable or criminal offence which is connected with the aptitudes and conduct required for the operation of a taxi transportation enterprise;”;

(3) by replacing “The third paragraph does” in the fourth paragraph by “The first and third paragraphs do”.

7. Section 19 of the said Act is amended by striking out the second paragraph.

8. Section 25 of the said Act is amended by adding the following sentence at the end of the first paragraph: “The Société and an authority may not issue a taxi driver’s permit to a person charged with a criminal or indictable offence referred to in subparagraphs 2 to 4 of the first paragraph of section 26.”

9. Section 26 of the said Act is amended

(1) by replacing “related to” in subparagraph 2 of the first paragraph by “committed in connection with”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) if the person has been convicted, in the last five years, of an indictable or criminal offence which is connected with the aptitudes and conduct required to carry on the occupation of taxi driver;”;

(3) by striking out “, except in the case of an offence or act referred to in subparagraph 2 of that paragraph” in the third paragraph.

10. Section 27 of the said Act is amended

(1) by replacing “topographical” in paragraph 1 by “toponymic”;

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

“A person who fails an examination on the knowledge required under subparagraph 1 or 2 of the first paragraph is entitled to take a new examination within 30 days of the day on which the results of the examination are communicated to the person. A person who fails the second examination must again attend the training course required to obtain, maintain or renew a taxi driver’s permit. Passing the examination will allow the person to obtain any renewal of his or her taxi driver’s permit. Every person holding a taxi driver’s permit on 30 June 2002 is deemed to have passed such an examination.”

11. The said Act is amended by inserting the following after Chapter III :

“CHAPTER III.1

“OBLIGATION OF POLICE FORCES

“31.1. Police forces in Québec are required to provide, in the cases and according to the conditions determined by regulation, any information that is needed to ascertain the existence of an impediment under the second paragraph of section 11, the first paragraph and subparagraphs 1 and 2 of the third paragraph of section 18, the first paragraph of section 25 and subparagraphs 2, 3 and 4 of the first paragraph of section 26, including an indictment.

“31.2. For the purposes of section 31.1, the investigation must be in regard to any sexual misconduct, failure to provide necessities of life, criminal operation of a motor vehicle, violent behaviour, criminal negligence, fraud, theft, arson and drug or narcotic-related offences.”

12. Section 40 of the said Act is amended by inserting “The board of directors of the Association shall adopt the by-law establishing the amount of the first annual contribution and submit the by-law to the vote of all holders of a taxi driver’s permit without any other procedure or formality.” before “The Commission shall determine” in the third paragraph.

13. Section 82 of the said Act is amended by adding the following paragraph after the second paragraph :

“The Commission may also, when it is informed or becomes aware that the holder of a taxi driver’s permit is charged with a criminal or indictable offence referred to in any of subparagraphs 2 to 4 of the first paragraph of section 26, make an inquiry to determine whether the impediment compromises the safety of users and, where appropriate, order the Société or the authority referred to in section 25 to suspend that person’s taxi driver’s permit until a court has rendered judgment. The Société or authority must suspend the taxi driver’s permit of a holder as soon as a notice of suspension is received from the Commission.”

14. The said Act is amended by inserting the following section after section 82 :

“82.1. Where information relating to an indictment is transmitted to the Commission by a police force in accordance with a regulation made under subparagraph 7 of the first paragraph of section 88, the Commission may, in particular, use the information on taking a measure under subparagraph 12 of the first paragraph of section 79.”

15. Section 88 of the said Act is amended

(1) by replacing subparagraph 7 of the first paragraph by the following subparagraph :

“(7) determining, for the purposes of this Act, the cases in which and the conditions according to which a certificate containing the information referred to in section 31.1 must be furnished, the form and content of the certificate and the time when it must be furnished, and determining the servicing areas where a person must file such a certificate to obtain or renew a taxi owner’s permit or a taxi driver’s permit ;” ;

(2) by replacing “topographical” in subparagraph 9 of the first paragraph by “toponymic”.

16. Section 89 of the said Act is amended by replacing “under subparagraph 1” in the third paragraph by “under subparagraph 2”.

17. Section 142 of the said Act is amended by replacing “21 June 2001” in the first paragraph by “30 June 2002”.

18. Section 1, paragraph 1 of section 10, paragraph 2 of section 15 and section 16 have effect from 30 June 2002.

19. This Act comes into force on 17 December 2002.