



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 36
(2015, chapter 16)

**An Act to amend various legislative
provisions mainly concerning shared
transportation**

**Introduced 12 May 2015
Passed in principle 10 June 2015
Passed 12 June 2015
Assented to 12 June 2015**

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EXPLANATORY NOTES

This Act transfers responsibility for government air service, currently assigned to the Centre de services partagés du Québec, to the Minister of Transport, and provides for the creation of an air service fund to finance goods and services provided under the Minister's authority for air transportation.

Regarding public transit, intermunicipal boards of transport and municipalities organizing a public transit service are granted the power to establish, by by-law, conditions with regard to possessing and using transportation tickets issued under their authority. They are also given the power to appoint inspectors to enforce such by-laws. The Act includes penal provisions for non-compliance.

Under the Act, two or more public transit authorities may apply for a non-profit organization to be constituted for the main purpose of making accessible goods and services they need to carry out their mission.

The Minister is given the power to implement pilot projects designed to experiment or innovate in the area of taxi transportation services or to study, improve or define new standards applicable to that area.

The provisions regarding the Forum of stakeholders in the general freight trucking industry are repealed.

Lastly, various amendments are made with respect to transport, including allowing the Government to determine the terms of the transfer to the Société de transport de Montréal of property relating to any subway system extension the Agence métropolitaine de transport is in charge of planning, carrying out and executing, making it possible for the Minister to verify the safety of transportation infrastructures under the responsibility of a third party and granting the Minister powers to conduct an inspection and inquiries.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Agence métropolitaine de transport (chapter A-7.02);
- Act respecting the Centre de services partagés du Québec (chapter C-8.1.1);
- Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1);
- Act respecting the Ministère des Transports (chapter M-28);
- Act respecting transportation services by taxi (chapter S-6.01);
- Act respecting public transit authorities (chapter S-30.01);
- Transport Act (chapter T-12).

Bill 36

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS MAINLY CONCERNING SHARED TRANSPORTATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

1. Section 47 of the Act respecting the Agence métropolitaine de transport (chapter A-7.02) is amended by inserting “and according to the terms the Government determines” in the second paragraph after “Government”.

ACT RESPECTING THE CENTRE DE SERVICES PARTAGÉS
DU QUÉBEC

2. Section 4 of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) is amended by striking out the third paragraph.

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN
THE AREA OF MONTRÉAL

3. The Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1) is amended by inserting the following divisions after Division IV:

“**DIVISION IV.1**

“INSPECTION

“**33.3.** The board shall generally or specially authorize any person from among its employees and officers or from among the employees or officers of another intermunicipal board of transport or of a carrier under contract with it to act as an inspector for the purposes of this division, Division IV.2 and the by-laws made under section 33.6.

“**33.4.** An inspector may require that any transportation ticket issued under the board’s authority be produced for inspection.

“**33.5.** An inspector shall, on request, produce a certificate of authority.

“DIVISION IV.2

“REGULATORY AND PENAL PROVISIONS

“**33.6.** The board may, by a by-law approved by all the municipalities that are parties to the agreement, prescribe conditions regarding the possession and use of transportation tickets issued under its authority. The by-law may determine, among its provisions, those whose violation constitutes an offence entailing a fine in an amount that may be fixed or that may, depending on the circumstances, vary between a minimum and a maximum amount.

For a first offence, the fixed amount or maximum amount may not exceed \$500 if the offender is a natural person or \$1,000 in all other cases. The amounts are doubled for a subsequent offence. The minimum amount may not be less than \$25.

The by-law referred to in the first paragraph must be published in a newspaper circulated in the territory of the board. It comes into force on the fifteenth day following its publication or on any later date specified in the by-law.

“**33.7.** A by-law under section 33.6 applies even where a carrier’s vehicle is used, under the carrier’s contract with the board, to travel outside the territory of the board.

An inspector referred to in section 33.3 has jurisdiction for the purposes of the first paragraph.

“**33.8.** Whoever hinders or attempts to hinder in any way the exercise of the inspector’s functions, misleads the inspector through concealment or misrepresentation, refuses to hand over a document or information the inspector is entitled to require or examine, or conceals or destroys such a document is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$500.

“**33.9.** The board may institute penal proceedings for an offence under this division.

“**33.10.** Every municipal court having jurisdiction in the territory of the board has jurisdiction with respect to an offence under this division.

In the case of an offence committed outside the territory of the board, the municipal court having jurisdiction in the territory where the offence was committed has jurisdiction with respect to the offence.

“**33.11.** The fine belongs to the board that 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 345.2

of the Code of Penal Procedure (chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of that Code.”

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

4. Sections 9 and 10 of the Act respecting the Ministère des Transports (chapter M-28) are replaced by the following sections:

“9. In the exercise of their functions, any officer or employee of the department, or any other person designated by the Minister, may enter and pass over any land at any reasonable time in order to conduct surveys, examinations, analyses or other preparatory work related to the Minister’s mission.

Persons authorized to act under the first paragraph must, on request, produce a certificate of authority.

“9.1. The Minister may, for the purpose of assessing the safety of a transport infrastructure, order the contractor or owner of the infrastructure to carry out any test, survey, testing or verification the Minister specifies.

The Minister may also require that the contractor or owner provide the Minister, within the time determined by the Minister, with a report on any aspect of the construction or operation of the transport infrastructure, along with any information and documents determined by the Minister.

For the purposes of this Act, a transport infrastructure is a civil engineering structure or an immovable used for transportation by land, air or water.

“10. The Minister may, in accordance with the applicable legislative provisions, enter into an agreement with a government other than the Gouvernement du Québec or a department or body of such a government, or with an international organization or a body of such an organization.”

5. The Act is amended by inserting the following section after section 11.6:

“11.7. The Minister provides, in support of the mission of the Government, aircraft charter services and air transportation services for such uses as air ambulance transportation, forest fire fighting, territory surveillance and passenger transportation.

The Minister may also provide to any person the services related to aircraft pilot accreditation, instruction and training services.”

6. Section 12.4 of the Act is amended by inserting “section 9.1 or” after “contravenes”.

7. The Act is amended by inserting the following section after section 12.4:

“12.4.1. Whoever in any way hinders an inspector or a person conducting an inquiry, misleads the inspector or person by concealment or misrepresentation, or refuses to hand over information or a document the inspector or person is entitled to require or examine, or conceals or destroys a document or property relevant to an inspection or inquiry is guilty of an offence and is liable to a fine of \$1,000 to \$5,000 in the case of a natural person and \$3,000 to \$15,000 in all other cases.”

8. The Act is amended by inserting the following chapter before Chapter II:

“CHAPTER I.1

“INSPECTION AND INQUIRIES

“DIVISION I

“INSPECTION

“12.21.1. The Minister may designate a person to carry out an inspection in any premises where an activity governed by this Act or another Act the Minister is responsible for administering is held.

The person designated by the Minister may, for the purposes of any of those Acts,

- (1) enter those premises at any reasonable time;
- (2) demand any information relating to the application of any of those Acts and the production of any related document;
- (3) examine and make a copy of such documents;
- (4) examine the premises and the property found there; and
- (5) photograph those premises and that property.

During an inspection of a construction site, the person responsible for the site must give access to the site and reasonable assistance to the inspector, and accompany him or her.

“12.21.2. A person authorized to act as an inspector must, on request, produce a certificate of authority.

“12.21.3. An inspector may, by a request sent by registered or certified mail or personal service, require from a person, within a reasonable time specified by the inspector, any information or document related to the application of this Act or another Act the Minister is responsible for administering.

“12.21.4. An inspector may send any person the recommendations the inspector considers appropriate.

In the event of a possible failure by a contractor referred to in section 1 of the Act respecting contracting by public bodies (chapter C-65.1) to comply with a contract rule, the inspector must send a copy of the inspection report to the contract rules compliance monitor designated by the Minister.

“12.21.5. No proceedings may be brought against an inspector for acts performed in good faith in the exercise of the functions of office.

“DIVISION II
“INQUIRIES

“12.21.6. The Minister may designate persons to conduct inquiries for the purposes of this Act or another Act the Minister is responsible for administering.

No proceedings may be brought against such persons for acts performed in good faith in the exercise of the functions of office.

“12.21.7. The Minister or any person the Minister designates may conduct an inquiry on any matter governed by this Act or another Act the Minister is responsible for administering.

For the purposes of an inquiry, the person designated by the Minister is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.”

9. Section 12.30 of the Act is amended

(1) by adding the following subparagraph at the end of paragraph 1:

“(h) transportation services by ferry-boat to link Municipalité de Baie-Sainte-Catherine and Village de Tadoussac;”;

(2) by adding the following paragraph after paragraph 2:

“(2.1) the “Air Service Fund”, to finance

(a) the services referred to in section 11.7, as well as activities related to those services, including the acquisition, preservation, improvement, maintenance and disposal of equipment;

(b) the acquisition, construction, preservation, improvement, maintenance, disposal or operation of air transportation equipment and infrastructures determined by the Government.”

10. The Act is amended by inserting the following subdivision after section 12.42:

“§2.1. — *Air Service Fund*

“**12.42.1.** The following are credited to the Fund:

(1) the sums collected in connection with the goods and services financed by the Fund;

(2) the sums received for damage caused to air transportation equipment and infrastructures under the responsibility of the Minister, including damages of any kind that are paid following proceedings instituted for such damage;

(3) the sums transferred to the Fund by the Minister of Transport out of the appropriations granted for that purpose by Parliament;

(4) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);

(5) the gifts, legacies and other contributions paid into the Fund to further the achievement of its objects;

(6) the revenue generated by the sums credited to the Fund.

“**12.42.2.** The surpluses accumulated by the Fund are transferred to the general fund on the dates and to the extent determined by the Government.”

ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

11. The Act respecting transportation services by taxi (chapter S-6.01) is amended by inserting the following section after section 89:

“**89.1.** The Minister may, by order, authorize pilot projects designed to experiment or innovate in the area of taxi transportation services or to study, improve or define standards applicable to that area. The Minister may also, within the scope of such pilot projects, authorize any person or body that is a holder of a taxi owner’s permit issued under this Act or a business partner of such a holder to offer taxi transportation services in compliance with standards and rules prescribed by the Minister that differ from those set out in this Act and the regulations, for the purpose of increasing the safety of users, improving the quality of the services offered or fostering the development of the taxi transportation services industry, all in compliance with the applicable privacy protection rules.

Such pilot projects are to be conducted for a period of up to two years, which the Minister may extend by up to one year. The Minister may modify or terminate a pilot project at any time. The Minister may also determine the provisions of a pilot project whose violation constitutes an offence and

determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$200 or more than \$3,000.

The Minister must inform the Taxi Industry Advisory Panel 45 days before the implementation of a pilot project under this section.

The publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to a pilot project established under this section.”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

12. The Act respecting public transit authorities (chapter S-30.01) is amended by inserting the following section after section 89:

“89.1. Two or more transit authorities may constitute a non-profit organization whose main purpose is to provide or make available to them the goods and services they need to carry out their mission. Such an organization may also provide or make available such goods and services to any public body providing public transport within the meaning of section 88.7 of the Transport Act (chapter T-12).

The members of the board of directors of an organization constituted under the first paragraph are designated by the transit authorities who constituted the organization from among the members of their respective boards.

Sections 92.1 to 108.2 of this Act, section 3.11 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) and section 23 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) apply, with the necessary modifications, to an organization constituted under the first paragraph. The organization is deemed to be a public transit authority for the purposes of any of the regulations made under sections 100 and 103.1 of this Act.”

13. Section 143 of the Act is repealed.

14. Section 146 of the Act is amended by replacing “hinders an inspector in the exercise of the inspector’s functions” by “hinders or attempts to hinder in any way the exercise of the inspector’s functions, misleads the inspector through concealment or misrepresentation, refuses to hand over a document or information the inspector is entitled to require or examine, or conceals or destroys such a document is guilty of an offence and”.

TRANSPORT ACT

15. Section 5 of the Transport Act (chapter T-12) is amended by striking out paragraph *m*.

16. Division V.1.1 of the Act, comprising sections 48.11.1 to 48.11.23, is repealed.

17. The Act is amended by inserting the following before section 48.18:

“§1. — *Organization and management*”.

18. Section 48.34 of the Act is amended by replacing “division” by “subdivision”.

19. The Act is amended by inserting the following after section 48.36:

“§2. — *Inspection*

“**48.36.1.** A local municipality shall generally or specially authorize any person from among its employees and officers or from among the employees of a carrier under contract with it to act as an inspector for the purposes of this subdivision, subdivision 3 and the by-laws made under section 48.36.4.

“**48.36.2.** An inspector may require that any transportation ticket issued under the municipality’s authority be produced for inspection.

“**48.36.3.** An inspector shall, on request, produce a certificate of authority.

“§3. — *Regulatory and penal provisions*

“**48.36.4.** A local municipality may, by by-law, prescribe conditions regarding the possession and use of transportation tickets issued under its authority. The by-law may determine, among its provisions, those whose violation constitutes an offence entailing a fine in an amount that may be fixed or that may, depending on the circumstances, vary between a minimum and a maximum amount.

For a first offence, the fixed amount or maximum amount may not exceed \$500 if the offender is a natural person or \$1,000 in all other cases. The amounts are doubled for a subsequent offence. The minimum amount may not be less than \$25.

The by-law referred to in the first paragraph must be published in a newspaper distributed in the territory of the municipality. It comes into force on the fifteenth day following its publication or on any later date specified in the by-law.

“**48.36.5.** A by-law under section 48.36.4 applies even where a carrier’s vehicle is used, under the carrier’s contract with the municipality, to travel outside the territory of the municipality.

An inspector referred to in section 48.36.1 has jurisdiction for the purposes of the first paragraph.

“**48.36.6.** Whoever hinders or attempts to hinder in any way the exercise of the inspector’s functions, misleads the inspector through concealment or

misrepresentation, refuses to hand over a document or information the inspector is entitled to require or examine, or conceals or destroys such a document is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$500.

“48.36.7. The municipality may institute penal proceedings for an offence under this subdivision.

“48.36.8. The municipal court in the territory of the municipality has jurisdiction in respect of any offence under this subdivision.

In the case of an offence committed outside the territory of the municipality, the municipal court having jurisdiction in the territory where the offence was committed has jurisdiction with respect to the offence.

“48.36.9. The fine belongs to the municipality that 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 345.2 of the Code of Penal Procedure (chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of that Code.

“§4. — *Other provisions*”.

TRANSITIONAL AND FINAL PROVISIONS

20. The Minister of Transport replaces the Centre de services partagés du Québec with respect to government air service activities; the Minister acquires the related rights and assumes the related obligations.

21. The records and other documents of the Centre de services partagés du Québec relating to government air service activities become those of the Ministère des Transports.

22. The assets and liabilities of the Centre de services partagés du Québec relating to government air service activities are transferred to the Air Service Fund.

23. The members of the personnel of the Centre de services partagés du Québec assigned to government air service activities and identified by the president and director general of the Centre de services partagés du Québec before (*insert the date of coming into force of section 2 of this Act*) become, without further formality, employees of the Ministère des Transports, unless they exercise their functions in the Centre’s communications directorate or legal affairs directorate, in which case they become, respectively, employees of the Ministère du Conseil exécutif or the Ministère de la Justice.

24. A member of the personnel of the Centre de services partagés du Québec referred to in section 23 who is authorized to sign certain deeds, documents or writings under a regulation of the Centre de services partagés du Québec in force on (*insert the date preceding the date of coming into force of section 2 of this Act*) may continue to sign such deeds, documents and writings to bind the Minister of Transport, until the coming into force of amendments to the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5).

25. The Attorney General of Québec becomes, without continuance of suit, a party to all proceedings to which the Centre de services partagés du Québec was a party with respect to government air service activities.

26. The tariffs of commissions and professional and other fees that the Centre de services partagés du Québec applies on (*insert the date preceding the date of coming into force of section 2 of this Act*) for using the services referred to in section 11.7 of the Act respecting the Ministère des Transports (chapter M-28), enacted by section 5, continue to apply until they are replaced.

27. The expenditure and investment estimates of the Air Service Fund that are set out in Schedule I are approved for the 2015-2016 fiscal year.

28. Unless the context indicates otherwise, any reference in any document to the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) with respect to government air service activities is a reference to this Act or any corresponding provision of this Act.

29. Unless the context indicates otherwise and with the necessary modifications, a reference to the Centre de services partagés du Québec in any Act, regulation, by-law, order in council, order, contract or other document, in connection with government air service activities, is a reference to the Minister of Transport.

30. This Act comes into force on 12 June 2015, except sections 2 and 5, paragraph 2 of section 9, section 10 and sections 20 to 29, which come into force on 1 April 2016 or on any earlier date or dates to be set by the Government.

SCHEDULE I
(Section 27)

Air Service Fund
(thousands of dollars)

	2015-2016 Estimates
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Revenues	
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Revenues – part financed by departmental portfolio	0
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Other revenues	74,946.2
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Total revenues	74,946.2
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Expenditures to be approved	74,646.2
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Surplus (deficit) for the fiscal year	300.0
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Opening accumulated surplus (deficit)	57,100.0
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Closing accumulated surplus (deficit)	57,400.0
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Investments to be approved	21,328.9
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