



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 32

(2001, chapter 27)

**An Act to amend the Transport Act and
the Act respecting owners and operators
of heavy vehicles**

Introduced 15 May 2001

Passage in principle 29 May 2001

Passage 21 June 2001

Assented to 21 June 2001

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EXPLANATORY NOTES

This bill amends the Transport Act and the Act respecting owners and operators of heavy vehicles to enable the Commission des transports du Québec to make public the information contained in the register of owners and operators of heavy vehicles, the bulk trucking register, the list of freight movers and the files maintained for the processing of transportation permit applications.

This bill amends the Act respecting owners and operators of heavy vehicles to broaden the application of the provisions that make the transfer of heavy vehicles registered in the name of a person declared disqualified as an owner or operator of heavy vehicles conditional on the prior consent of the Commission. The bill proposes to make those provisions applicable while the Commission is conducting an inquiry and while the file is being examined so as to prevent an owner or operator of heavy vehicles from avoiding the application of that Act.

This bill amends the Transport Act to increase the number of members of the Commission from nine to eleven and enable the Government to appoint additional members. Other amendments are introduced to allow the delegation of signing authority for acts, documents or writings that are binding on the Commission.

Lastly, the bill amends the Transport Act to increase to 45 days the period for which temporary permits may be issued by the Commission.

Bill 32

AN ACT TO AMEND THE TRANSPORT ACT AND THE ACT RESPECTING OWNERS AND OPERATORS OF HEAVY VEHICLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 16 of the Transport Act (R.S.Q., chapter T-12) is amended by replacing “nine” in the first line of the first paragraph by “eleven”.

2. The said Act is amended by inserting the following section after section 16 :

“**16.0.1.** Notwithstanding section 16, the Government may, where it considers that the dispatch of the business of the Commission so requires, appoint any additional member for the time it determines ; the Government shall fix the member’s salary and, if applicable, the member’s additional salary, fees or allowances.”

3. The said Act is amended by inserting the following section after section 24 :

“**24.1.** An act, document or writing is binding on the Commission or may be attributed to it only if it is signed by the president or by a member or an officer of the Commission and, in the latter cases, only to the extent determined by regulation of the Commission.”

4. Section 38 of the said Act is amended by replacing “fifteen” in the fourth line by “forty-five”.

5. Section 47.9 of the said Act is amended by adding, at the end, the following paragraphs :

“The name of an operator and the address of the operator’s main establishment constitute public information.

The Commission may, by regulation, after consulting the Commission d’accès à l’information, prescribe that the other personal information contained in the register which it determines constitutes public information.

The opinion of the Commission d’accès à l’information shall be tabled in the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.”

6. Section 48 of the said Act is amended by inserting the following paragraphs after the first paragraph :

“The name and address of any person who makes an application to the Commission constitute public information.

The Commission may, by regulation, after consulting the Commission d'accès à l'information, prescribe that the other personal information it determines from the information furnished by a person in support of an application constitutes public information.

The opinion of the Commission d'accès à l'information shall be tabled in the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.”

7. Section 48.11.16 of the said Act, enacted by section 2 of chapter 35 of the statutes of 2000, is amended by inserting the following paragraphs after the first paragraph :

“The names and addresses of the freight movers on the list constitute public information.

The Commission may, by regulation, after consulting the Commission d'accès à l'information, prescribe that the other personal information contained in the list which it determines constitutes public information.

The opinion of the Commission d'accès à l'information shall be tabled in the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.”

8. Section 33 of the Act respecting owners and operators of heavy vehicles (R.S.Q., chapter P-30.3) is amended by adding, at the end, the following paragraph :

“The first paragraph applies, with the necessary modifications, to every owner or operator of heavy vehicles who is the subject of an inquiry made by the Commission to determine whether the owner or operator is attempting to avoid the application of this Act. The paragraph also applies to every owner or operator of heavy vehicles whose file is referred to the Commission for the imposition of an administrative measure, from the transmission to the Commission of the file maintained by the Société in accordance with section 22 or, in other cases, from the transmission by the Commission of a prior notice under section 37.”

9. Section 40 of the said Act is repealed.

10. This Act comes into force on 21 June 2001.