

Draft Regulation

Education Act
(R.S.Q., c. I-13.3)

Student transportation — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting student transportation, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to amend the Regulation respecting student transportation, made by Order in Council 647-91 dated 8 May 1991.

The main purpose of the draft regulation is to establish amendments of concordance with the Act respecting private education (R.S.Q., c. E-9.1), with the draft regulation entitled “Regulation respecting road vehicles used for the transportation of school children” and with the Bus Transport Regulation.

In addition, the purpose of the draft regulation is to specify the powers of a school board with respect to negotiating by agreement for student transportation for educational, sports or cultural activities.

For that purpose, the draft regulation proposes the following measures:

— the definitions of vehicles are amended so that the terms used in the Regulation and in the draft regulation entitled “Regulation respecting road vehicles used for the transportation of school children” concord;

— for the purposes of the minimum conditions of a contract, it is specified that the age of a bus used for the transportation of school children is calculated according to the age of the chassis;

— school minibuses having the same technical design as buses, they are also subject to the maximum limit of 12 years of age;

— for the purposes of the consultation of records on vehicles by a school board, the school board is allowed to consult the record on a bus made under the Regulation respecting the registers and records of a carrier or the certificate of mechanical inspection in the case of a minibus.

To date, study of the matter has shown the following impact on the public, on businesses, and, in particular, on small and medium-sized businesses:

Without having a major impact on the public or on businesses, the measures proposed are nevertheless very important since they are a logical follow-up to the draft regulation entitled “Regulation respecting road vehicles used for the transportation of school children”, which constitutes the beginning of an easing of regulations in that sector. Furthermore, the terms used in the two regulations must concord since there is a possibility that the minimum conditions respecting safety may not be interpreted in the same manner by businesses and school boards.

Henceforth, bus transportation businesses (school or chartered) will clearly know that a school board will have 2 ways to organize transportation for educational, sports or cultural activities: negotiate with carriers by agreement for transportation with school vehicles or deal with a holder of a chartered bus transport permit for transport by coach.

Further information may be obtained by contacting Mr. Claude Martin, Acting Director, Transport terrestre des personnes, Ministère des Transports, 700, boulevard René-Lévesque Est, 24^e étage, Québec (Québec), G1R 5H1, Tel.: (418) 643-3660, Fax: (418) 646-4904.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec), G1R 5H1.

JACQUES BRASSARD,
Minister of Transport

Regulation to amend the Regulation respecting student transportation

Education Act
(R.S.Q., c. I-13.3, s. 453)

1. The Regulation respecting student transportation, made by Order in Council 647-91 dated 8 May 1991 and amended by Order in Council 689-95 dated 17 May 1995, is further amended, in section 1,

(1) by substituting the following for the definition of “bus”

““bus” means a school bus within the meaning of section 2 of the Regulation respecting road vehicles

used for the transportation of school children made by Order in Council (*enter here the number and date of the Order in Council*); (*autobus*);

(2) by inserting the following after the definition of “bus”:

““educational institution” means a private educational institution authorized to exercise the powers granted by the second paragraph of section 62 of the Act respecting private education (R.S.Q., c. E-9.1); (*établissement d’enseignement*)”;

(3) by substituting the following for the definition of minibus:

““minibus” means a school minibus within the meaning of section 2 of the Regulation respecting road vehicles used for the transportation of school children; (*minibus*)”;

(4) by striking out the existing definition of “educational institution”; and

(5) by adding the following after the definition of “public transit authority”:

““vehicle used for the transportation of school children” means an automobile equipped by its manufacturer with at least 4 safety belts, a rigid roof and at least 3 side doors with windows. (*véhicule affecté au transport des élèves*)”.

2. Section 13 is amended by substituting “l’établissement d’enseignement situé” for “l’institution d’enseignement située” in the French text.

3. Section 14 is amended by substituting, in the first paragraph of the French text, “l’établissement d’enseignement est autorisé” for “l’institution d’enseignement est autorisée”.

4. Section 15 is amended

(1) by substituting the following for the first paragraph in the French text:

“Sous réserve de l’article 13, la commission ou l’établissement d’enseignement est autorisé, avant de procéder par soumissions publiques, à négocier de gré à gré un contrat avec un transporteur avec lequel il était lié par contrat l’année scolaire précédente pour du transport qui doit être effectué au moyen d’un autobus ou minibus.”; and

(2) by substituting the words “vehicle used for the transportation of school children” for the words “sedan or a station wagon” in the second paragraph.

5. Section 16 is amended by substituting the following for the part preceding paragraph 1 in the French text:

“La Commission ou l’établissement d’enseignement, qui se prévaut du premier alinéa de l’article 15, n’est pas autorisé à négocier avec ce transporteur un contrat ayant pour effet d’augmenter le nombre total d’autobus et de minibus requis de ce transporteur par rapport à l’année scolaire précédente, sauf dans l’un des cas suivants:”.

6. Section 17 is amended

(1) by substituting, in the first paragraph of the French text, “l’établissement d’enseignement est autorisé” for “l’institution d’enseignement est autorisée”; and

(2) by substituting, in the first paragraph of the French text, “il était lié” for “elle était liée”.

7. Section 18 is amended

(1) by substituting, in the first paragraph of the French text, “établissement” for “institution”;

(2) by substituting, in the second paragraph of the French text, “établissement” for “institution”; and

(3) by substituting, in the third paragraph of the French text, “l’établissement d’enseignement n’est pas autorisé” for “l’institution d’enseignement n’est pas autorisée”.

8. The following is substituted for section 20:

“**20.** After the regular period of classes has begun, a board or an educational institution is authorized, notwithstanding sections 13 to 17, to negotiate a contract by agreement with one of its carriers or with the holder of a bus transport permit of the “chartered bus transport” category, where the purpose of the contract is to provide student transportation for educational, sports or cultural activities.

For the purposes of this section, student transportation provided by a holder of a bus transport permit of the “chartered bus transport” category is deemed to be a public transport service within the meaning of section 1 of the Regulation respecting road vehicles used for the transportation of school children, made by Order in Council (*insert here the number and date of the Order in Council*) and the Bus Transport Regulation, made by Order in Council 1991-86 dated 19 December 1986, applies thereto.”.

9. Section 22 is amended, in paragraph 3 of the first paragraph of the French text, by substituting “établissement” for “institution”.

10. Section 23 is amended by substituting, in the first paragraph, “a vehicle used for the transportation of school children” for “a sedan or a station wagon”.

11. Section 25 is amended by substituting “établissement” for “institution” in the French text.

12. Section 27 is amended by substituting, in paragraph 2 of the French text, “établissement” for “institution”.

13. Section 28 is amended by substituting “établissement” for “institution” in the French text.

14. Section 29 is amended by substituting “un établissement d’enseignement est autorisé” for “une institution d’enseignement est autorisée” in the French text.

15. Section 30 is amended by substituting, in the first paragraph of the French text, “l’établissement d’enseignement est autorisé” for “l’institution d’enseignement est autorisée”.

16. Section 31 is amended

(1) by substituting the following for paragraph 2:

“(2) in carrying out the contract, may not use buses or minibuses more than 12 years old according to the date of manufacture of their chassis;”;

(2) by inserting, in paragraph 3, the words “or minibuses” after the word “buses”;

(3) by substituting, in paragraph 3 of the French text, “établissement” for “institution”; and

(4) by substituting the following for paragraph 4:

“(4) must, upon request, allow the board or the educational institution to consult the record on a school bus prescribed by section 2 of the Regulation respecting the registers and records of a carrier, made by Order in Council 147-91 dated 6 February 1991 or, in the case of a school minibus, the certificate of mechanical inspection prescribed by paragraph 5 of the first paragraph of section 1 of the Regulation respecting the mechanical inspection and safety standards of road vehicles, made by Order in Council 2069-82 dated 15 September 1982;”.

17. Section 34 is amended, in the first paragraph, by substituting “a vehicle used for the transportation of school children” for “a sedan or station wagon”.

18. This Regulation comes into force on 1 July 1996.

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