

Gouvernement du Québec

**O.C. 286-97, 5 March 1997**

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

**Student transportation  
— Amendments**

Regulation to amend the Regulation respecting student transportation

WHEREAS under section 453 of the Education Act (R.S.Q., c. I-13.3), the Government may regulate student transportation to determine the stages of the process for awarding contracts for the transportation of students, provide restrictions and conditions for awarding contracts, limit the carriers with whom a school board may make agreements and prescribe the minimum stipulations required to be included in a contract;

WHEREAS the Regulation respecting student transportation was made by Order in Council 647-91 dated 8 May 1991;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 27 March 1996 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting student transportation, attached to this Order in Council, be made.

*Le greffier du Conseil exécutif,*  
MICHEL CARPENTIER

**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; (*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 and not more than 10 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 opti 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 285-97 dated 5 March 1997 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 substituting the following for paragraph 3:

“(3) is authorized, notwithstanding paragraph 2, to use, up to the end of the current school year, buses or minibuses 13 years old where he provides the board or the educational institution with a certificate of mechanical inspection issued by the Société de l'assurance automobile du Québec or by one of its mandataries; and

(3) 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 1997.

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Gouvernement du Québec

### **O.C. 294-97, 5 March 1997**

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

#### **Agreement regarding the programs of the Canada Employment and Immigration Commission**

Regulation respecting the implementation of the Agreement regarding the programs of the Canada Employment and Immigration Commission

WHEREAS under section 16 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), a person doing work under a project of any government, whether or not the person is a worker within the meaning of the Act, may be deemed to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission de la santé et de la sécurité du travail and the government, agency or legal person concerned;

WHEREAS the Commission de la santé et de la sécurité du travail and the Canada Employment and Immigration Commission have entered into such an agreement to deem as workers the persons participating in the program established and administered by the Canada Employment and Immigration Commission;

WHEREAS under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may, by regulation, take the measures necessary for the implementation of such an agreement;

WHEREAS in accordance with section 224 of that Act and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 10 July 1996 with a notice that, upon the expiry of 60 days following that notice, it would be adopted by the Commission de la santé et de la sécurité du travail with or without amendments and submitted to the Government for approval;

WHEREAS at its meeting of 19 September 1996, the Commission adopted the Regulation respecting the implementation of the Agreement regarding the programs of the Canada Employment and Immigration Commission;

WHEREAS it is expedient to approve the Regulation as it appears attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Regulation respecting the implementation of the Agreement regarding the programs of the Canada Employment and Immigration Commission, attached hereto, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

#### **Regulation respecting the implementation of the Agreement regarding the programs of the Canada Employment and Immigration Commission**

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1<sup>st</sup> par., subpar. 39)

**1.** The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons participating in the programs of the Canada Employment and Immigration Commission on the conditions and to the extent provided for in the Agreement between the Commission and the Commission de la santé et de la sécurité du travail appearing in Schedule 1.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

#### **SCHEDULE 1**

WHEREAS under subsection 15(1) of the Employment and Immigration Department and Commission Act (R.S.C., 1985, c. E-5), the CEIC is a body corporate;