



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 416

(1998, chapter 8)

**An Act to amend the Transport Act and
the Act respecting transportation by taxi**

**Introduced 1 April 1998
Passage in principle 9 April 1998
Passage 21 April 1998
Assented to 21 April 1998**

**Québec Official Publisher
1998**

EXPLANATORY NOTES

This bill amends the Transport Act and the Act respecting transportation by taxi to define the jurisdiction of the Commission des transports du Québec concerning the fixing of transportation tariffs and tariffs for private transportation by taxi, and to empower the Government to limit the Commission's power to fix tariffs.

The bill also contains a provision to validate the existing tariffs fixed by the Commission pursuant to the Transport Act and the Act respecting transportation by taxi.

The bill also includes technical and consequential amendments.

Bill 416

AN ACT TO AMEND THE TRANSPORT ACT AND THE ACT RESPECTING TRANSPORTATION BY TAXI

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 5 of the Transport Act (R.S.Q., chapter T-12) is amended

(1) by striking out paragraph *h* ;

(2) by striking out “prescribe, in respect of any activity, service or territorial division, that rates and tariffs are governed by a procedure of filing with the Commission, and determine the modalities of such procedure and the rules applicable to their coming into force, and” in paragraph *i*.

2. Section 32 of the said Act is amended by striking out paragraph 4.

3. Section 46 of the said Act is replaced by the following :

“46. The Commission may, by regulation, fix tariffs in the matters governed by subparagraphs *b* and *d* of the first paragraph of section 2.

The Commission may also fix a tariff in respect of one or more specific carriers, at the request of those carriers.

The Government may limit the powers of the Commission to fix tariffs. It may, in particular, with regard to a given service or territory, determine that the tariffs are to be fixed by the carriers concerned and filed with the Commission; where such is the case, the Government shall determine by regulation the procedure applicable to the filing of a tariff and the conditions subject to which the tariff comes into force.

“46.1. A draft regulation under section 46 is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

The fixing of tariffs by regulation is, however, subject to prior consultation. For that purpose, a notice shall be published in a daily newspaper inviting interested persons to present their observations.”

4. Section 47 of the said Act is repealed.

5. Section 74.2 of the said Act is replaced by the following :

“74.2. A carrier who requires or accepts remuneration for transportation services that differs from the applicable tariff is guilty of an offence and liable to the fine provided for in section 74, and to an additional fine corresponding to the difference between the remuneration that gave rise to the proceedings and the tariff applicable.”

6. Section 42 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended

(1) by replacing the first paragraph by the following:

“42. The Commission shall, by regulation, fix tariffs for private transportation by taxi that may vary according to the territory concerned. The tariffs fixed by the Commission shall not apply in the territory of a regional authority that has fixed tariffs itself pursuant to section 62.

The Government may limit the power of the Commission to fix tariffs.”;

(2) by replacing “second” in the last paragraph by “third”.

7. The said Act is amended by inserting, after section 42.1, the following:

“42.2. A draft regulation under section 42 is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

The fixing of tariffs is, however, subject to prior consultation. For that purpose, a notice shall be published in a daily newspaper inviting interested persons to present their observations.”

8. Section 45 of the said Act is repealed.

9. Section 60 of the said Act is amended

(1) by striking out subparagraph 14.1 of the first paragraph;

(2) by replacing subparagraph 23 of the first paragraph by the following:

“(23) prescribe the obligation to post up in each taxi the tariffs applicable to private transportation;”.

10. Section 68 of the said Act is amended

(1) by striking out subparagraph 3 of the first paragraph;

(2) by striking out the second paragraph.

11. Section 70 of the said Act is amended by replacing “42, 43, 45, 46,” by “43,”.

12. The said Act is amended by inserting, after section 70.1, the following :

“**70.1.1.** Subject to the third paragraph of section 42, a carrier who requires remuneration for private transportation by taxi that differs from the tariff fixed by the Commission is guilty of an offence and liable to a fine of \$75 to \$1,400.”

13. The expressions “rates and scales”, “rates and tariffs” and “fares and scales” are replaced by “tariffs”

(1) in section 3 and the heading of subdivision 4 of Division V of the Transport Act;

(2) in sections 42.1, 44, 46, 47, 48.0.1, subparagraph 17 of the first paragraph of section 60, subparagraphs 4 and 10 of the first paragraph of section 62 and section 94.1 of the Act respecting transportation by taxi.

The words “rates and” are struck out in subparagraph 3 of the second paragraph of section 48.3 of the Transport Act.

14. The tariffs fixed by the Commission des transports du Québec under the Transport Act (R.S.Q., chapter T-12) and the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) are valid.

The tariffs have effect from the date initially provided for their coming into force.

15. This Act comes into force on 21 April 1998.