



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 23

(1999, chapter 21)

An Act to amend the Act respecting the Communauté urbaine de Montréal

Introduced 29 April 1999
Passage in principle 1 June 1999
Passage 18 June 1999
Assented to 19 June 1999

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EXPLANATORY NOTE

This bill amends the Act respecting the Communauté urbaine de Montréal to allow the Community to regulate road service and vehicle towing on the thoroughfares in its territory that are not under the management of the Minister of Transport.

Bill 23

AN ACT TO AMEND THE ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 121 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), amended by section 64 of chapter 31 of the statutes of 1998, is again amended by inserting the following paragraph after paragraph 5 :

“(5.1) road service and vehicle towing;”.

2. The said Act is amended by inserting the following subdivision after section 158.4 :

“§5.1. — *Road service and vehicle towing*

“158.5. The Community may regulate road service and vehicle towing in any part of its territory not covered by a regulation made by the Government for that purpose under the Act respecting the Ministère des Transports (chapter M-28).

To regulate road service and vehicle towing, the Community may, by by-law,

(1) require that the appropriate permit issued by the Community be held by persons operating or using a road service vehicle in its territory ;

(2) establish classes of permits based on the classes of road service vehicles established under subparagraph 6 ;

(3) determine the qualifications and knowledge required of applicants for a permit, the term and other conditions applying to the issue and renewal of permits, and the information and documents to be provided by applicants ;

(4) determine the subject matter for the examinations to be taken by all permit applicants, the nature of the examinations and the pass mark ;

(5) determine the grounds on which the issue or renewal of permits may be refused, or on which permits may be suspended or revoked ;

(6) establish classes of road service vehicles and set out the characteristics of each class;

(7) prescribe, for each class of road service vehicle, the mandatory accessories, apparatus and equipment for the vehicles in that class;

(8) fix, according to the classes of towed vehicles it determines, the rates that may be charged by permit holders;

(9) prescribe the obligations of permit holders including, in particular, the manner in which permit holders are to conduct themselves when dealing with customers;

(10) prescribe the books, registers and records to be kept by permit holders.

“158.6. The Community may enter into a contract with any person to entrust the person with the provision of road service and vehicle towing services, in any part of its territory not covered by a regulation made by the Government under section 12.1.1 of the Act respecting the Ministère des Transports (chapter M-28), for any vehicle that obstructs traffic or constitutes a hazard on a public road.

Where a by-law made under section 158.5 is in force, the contract referred to in the first paragraph may be entered into only with a holder of the appropriate permit. The contract may, however, contain stipulations that depart from the provisions of the by-law adopted under subparagraphs 7 to 10 of the second paragraph of that section.

The road service and vehicle towing services in respect of which a contract is entered into under this section may be provided, where the vehicle no longer obstructs traffic or no longer constitutes a hazard on the public road, by a person other than the person authorized under the contract.

“158.7. An inspector responsible for the application of a by-law made under section 158.5 may, in performing the duties of an inspector, enter a building or on land at any reasonable time and inspect any vehicle, accessory, apparatus or equipment to which the by-law applies.

The inspector may examine the books, registers and records of any person operating or using a road service vehicle in any part of the territory of the Community in which the by-law applies, and make copies of the books, registers and records. The inspector may, in addition, require any information to be furnished relating to the application of the by-law.

“158.8. No person may hinder an inspector in the performance of an inspector’s duties. In particular, no person may deceive or attempt to deceive an inspector by concealment or false declarations.

On demand, the inspector must produce identification and a certificate of appointment as an inspector, signed by the head of the department or the person responsible for the administrative unit to which the inspector is attached.

“158.9. Every person who provides the road service or vehicle towing services covered by a contract under section 158.6 without being authorized to do so under such a contract is guilty of an offence.

“158.10. The Community may, by by-law, prescribe that an offence under section 158.8 or 158.9 entails the penalty prescribed in the by-law, which may not exceed the amounts fixed under the second paragraph of section 69.”

3. This Act comes into force on 19 June 1999.