



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 142

(2000, chapter 37)

An Act to amend the Act respecting the Ministère des Transports

Introduced 15 June 2000
Passage in principle 16 June 2000
Passage 16 June 2000
Assented to 16 June 2000

**Québec Official Publisher
2000**

EXPLANATORY NOTE

This bill amends the Act respecting the Ministère des Transports to authorize the Minister of Transport to direct an association holding a brokerage permit to provide brokerage services, on the conditions determined by the Minister, to subscribers of an association that has applied for a brokerage permit, and to allow those subscribers to participate in the performance of a road works contract until the decision of the Commission des transports on their association's application for a brokerage permit takes effect. It also authorizes the Minister to issue a temporary permit for the waiting period to the association having applied for a brokerage permit, on the conditions determined by the Minister.

Bill 142

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 11.6 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28), amended by section 21 of chapter 82 of the statutes of 1999, is again amended by adding the following paragraphs at the end :

“The Minister may direct an association holding a brokerage permit to provide brokerage services, on the conditions the Minister determines, to the subscribers of an association that has applied for a brokerage permit under the Transport Act and enable those subscribers to participate in the performance of contracts referred to in the first paragraph until the decision of the Commission des transports on their association’s application for a brokerage permit takes effect. For the purposes of this paragraph, the Minister may designate a person to inquire into the activities and operation of the association holding the brokerage permit and report to the Minister. Failure to comply with the Minister’s direction is cause for revocation of the association’s brokerage permit.

The Minister may, on the conditions the Minister determines, issue a temporary permit to stand in lieu of a brokerage permit issued under the Transport Act to an association that has applied for a brokerage permit under that Act and enable the subscribers to the brokerage service of that association to participate in the performance of contracts referred to in the first paragraph until the decision of the Commission des transports on the association’s application for a brokerage permit takes effect. For the purposes of this paragraph, the Minister may designate a person to inquire into the activities, operation and representativeness of the association, to hold such consultations as the Minister determines and to report to the Minister. The temporary permit may be revoked or suspended by the Minister.

Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the Minister or the person designated by the Minister for acts performed under this section.”

2. During the year 2000, the Minister may, by order, fix a subscription period other than the period prescribed by the Regulation respecting the brokerage of bulk trucking services made by Order in Council 1483-99 (1999,

G.O. 2, 5079), applicable to a brokerage zone in which the holder of the brokerage permit has a representativeness percentage of less than 65%, to enable operators of heavy vehicles in that zone who are registered in the bulk trucking register to form an association in order to apply to the Commission des transports du Québec for a brokerage permit in accordance with the other provisions of the regulation.

3. This Act comes into force on 14 July 2000.