

WHEREAS a suspension measure taken under that section 50.0.1 may be imposed in respect of licence applications filed before the suspension measure becomes effective and in respect of which the Régie has not made a decision;

WHEREAS a suspension measure may indicate types of licence applications that are exempted from its application;

WHEREAS a suspension measure must be submitted to the Government for approval and shall take effect on the date of its publication in the *Gazette officielle du Québec* or on any later date mentioned therein;

WHEREAS preventive, coherent and protective actions are required to implement the measures recommended in the Plan d'action gouvernemental;

WHEREAS in a decision dated 12 March 2002, the Régie, in plenary session, suspended the issue of site operator's licences for video lottery machines for the period from 15 March 2002 to 14 March 2003;

WHEREAS it is necessary, in order to pursue the above-mentioned objectives, for the Régie to suspend once again the issue of site operator's licences;

NOW THEREFORE, the Régie, in plenary session on 27 February 2003, has decided to suspend the issue of site operator's licences for video lottery machines for all of the territory of Québec for the period from 15 March 2003 to 14 March 2004.

The suspension measure is imposed in respect of site operator's licence applications received after 15 March 2003 as well as those received before 16 March 2003 and in respect of which the Régie has not made a decision.

The suspension measure does not prevent the renewal of a site operator's licence.

The suspension measure does not prevent the Régie from issuing a new site operator's license, in respect of an establishment for which a license is in force, insofar as such issue does not increase the number of sites where lottery machines are operated, when the new license is requested:

1° due to the death of the license holder, by the succession liquidator or by the specific legatee or the heir of the holder or a person designated by them;

2° by a trustee, a liquidator, a sequestrator or a trustee in bankruptcy who temporarily administers the establishment;

3° due to the alienation of the establishment, its lease or its assumption of possession further to the exercise of any taking in payment or the execution of a similar agreement;

4° by the license holder if, due to exceptional circumstances and for reasons beyond his control, the holder must refit or change the site of operation for a liquor permit attached to that license.

CHARLES CÔTÉ,  
*The Chairman of the Régie*

5653

Gouvernement du Québec

### **O.C. 363-2003, 5 March 2003**

An Act respecting transportation services by taxi  
(R.S.Q., c. S-6.01)

#### **Taxi Transportation — Amendments**

Regulation to amend the Taxi Transportation Regulation

WHEREAS, under subparagraphs 1 to 3, 5 to 9 and 17 of the first paragraph and the second paragraph of section 88 and the third paragraph of section 89 of the Act respecting transportation services by taxi (R.S.Q., c. S-6.01), amended respectively by sections 15 and 16 of chapter 49 of the Statutes of 2002, the Government may make regulations on the matters set out therein;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed by section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the provisions of the Regulation to amend the Taxi Transportation Regulation, attached to this Order in Council, must come into force as soon as possible to allow the Commission des transports du Québec to hear, as soon as possible, legal persons that have already applied for the issue of a taxi owner's permit, and also to avoid holders of taxi owner's permits having to replace an automobile that could be maintained in service under certain transitional provisions set out in the amending Regulation;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Taxi Transportation Regulation, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Taxi Transportation Regulation\*

An Act respecting transportation services by taxi (R.S.Q., c. S-6.01, s. 88, 1st par., subpars. 1 to 3, 5 to 9, 17 and 2nd par., s. 89, 3rd par.; 2002, c. 49, ss. 15 and 16)

**1.** Section 1 of the Taxi Transportation Regulation is amended

(1) by substituting “and the second paragraph of section 11” for “, the second paragraph of section 11 and the second paragraph of section 19” in the part preceding subparagraph 1 of the first paragraph; and

(2) by substituting “or, as the case may be, a positive search certificate within the meaning of the second paragraph of section 21.1” for “for the purposes of the first and third paragraphs of section 18 of the Act respecting transportation services by taxi” in subparagraph 3 of the first paragraph.

**2.** The following is inserted after section 1:

“**1.1.** In addition to the conditions provided for in the first paragraph of section 8 and the second paragraph of section 11 of the Act, a person or a partnership must meet the following conditions to obtain a taxi owner's permit from the Commission:

(1) have the knowledge or experience required to operate a taxi transportation business;

(2) be registered in the register of sole proprietorships, partnerships and legal persons instituted under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(3) file an inventory of human and material resources for the purposes of establishing the applicant's ability to administer such a business;

(4) submit budget estimates covering a period of at least 12 months, so that the profitability of the business may be evaluated;

(5) pay a fee of \$250 to the Commission; and

(6) provide in respect of its officers and principal shareholder a positive or negative search certificate within the meaning of the second paragraph of section 21.1.

Where a municipal or supramunicipal authority levies a fee in addition to that referred to in subparagraph 5 of the first paragraph, the fee payable for obtaining a taxi owner's permit on its territory is decreased to \$25.”

**3.** Section 4 is amended by substituting the words “or, as the case may be, a positive search certificate within the meaning of the second paragraph of section 21.1” for “for the purposes of subparagraphs 2 to 4 of the first paragraph of section 26 of the Act respecting transportation services by taxi” in subparagraph 5 of the first paragraph.

**4.** Section 9 is amended

(1) by substituting “or, as the case may be, a positive search certificate within the meaning of the second paragraph of section 21.1” for “for the purposes of the first and third paragraphs of section 18 of the Act respecting transportation services by taxi” in subparagraph 3 of the second paragraph; and

\* The Taxi Transportation Regulation, made by Order in Council 690-2002 dated 5 June 2002 (2002, G.O. 2, 2602), was amended by the regulations made by Orders in Council 784-2002 dated 19 June 2002 (2002, G.O. 2, 3258) and 949-2002 dated 21 August 2002 (2002, G.O. 2, 4508).

(2) by substituting “or, as the case may be, a positive search certificate within the meaning of the second paragraph of section 21.1” for “for the purposes of the first and third paragraphs of section 18 and subparagraphs 2 to 4 of the first paragraph of section 26 of the Act” in the third paragraph.

**5.** Section 11 is amended by substituting the words “1973, unless they are for transportation services required by disabled persons using an accessible vehicle or unless the person is a hypothecary creditor” for “1973 or unless they are for transportation services required by disabled persons using an accessible vehicle”.

**6.** The following is inserted after section 12:

“**12.1.** Sections 11 and 12 do not apply to holders of taxi owner’s permits issued since 15 November 2000.”.

**7.** The following is inserted after section 21:

**“DIVISION III.1  
POSITIVE OR NEGATIVE SEARCH CERTIFICATE**

**21.1.** A police force in Québec shall issue, within 60 days of receiving a written application to that effect, a positive or negative search certificate, within the meaning of the second paragraph, to any person, including an officer or principal shareholder, who

(1) applies to the Commission for the issue, assignment or transfer of a taxi owner’s permit;

(2) gives notice to the Commission of an acquisition of interest or of a change in the control of a taxi transportation business; or

(3) applies to the Société or to an authorized municipal or supramunicipal authority for the issue of a taxi driver’s permit.

In this Regulation,

(1) “positive search certificate” means a certificate attesting that the data banks accessible to the police force contain information making it possible to ascertain the existence of an impediment referred to in the second paragraph of section 11, the first paragraph and subparagraphs 1 and 2 of the third paragraph of section 18, the first paragraph of section 25 and subparagraphs 2, 3 and 4 of the first paragraph of section 26 of the Act, including an indictment;

(2) “negative search certificate” means a document showing the absence of an impediment referred to in paragraph 1 of this paragraph.

**21.2.** A police force in Québec shall also issue a certificate referred to in section 21.1 to any person who was given the order by the Commission under the third paragraph of section 82 of the Act to file such a certificate in the course of an inquiry about the person or when an administrative measure is taken against the person.

**21.3.** A certificate referred to in section 21.1 must bear the signature of a person authorized to complete it on behalf of the police force in Québec, the contact information of that police force, an identification number and the date on which it is was produced. The certificate must contain the name, date of birth and address of the applicant and specify, with respect to the investigation provided for in section 31.2 of the Act, the nature of any indictment or conviction for a criminal or indictable offence that constitutes an impediment.”.

**8.** The following is inserted after section 25:

“**25.1.** Despite subparagraph 1 of the first paragraph of section 22, the holder of a taxi owner’s permit referred to in sections 22 to 25 may continue, until 31 March of a given year, to use a taxi, a limousine or a “de grand luxe” limousine that has attained the age limit of 10 years.”.

**9.** The following is inserted in DIVISION V after section 27:

“**27.1.** The holder of a taxi owner’s permit must have in his or her possession, as of 1 April 2004, a document attesting that the training course required under section 26 or 27 was successfully completed, or a certificate issued by the Société attesting that the permit holder is deemed to have passed such an examination under the second paragraph of section 27 of the Act.

The foregoing also applies, as of 1 January 2005, to the holder of a taxi driver’s permit referred to in section 80.”.

**10.** Section 75 is amended

(1) by substituting “27.1” for “28”; and

(2) by substituting “section 54, the second paragraph of section 55, sections” for “or sections 54;”.

**11.** Section 78 is amended

(1) by substituting “1 January 2005” for “30 June 2004”;

(2) by striking out “on 30 June 2002”; and

(3) by substituting “, until it is replaced, a taxi whose wheelbase is between 246 and 260 centimetres if it complies with the provisions of this Regulation” for “until 30 June 2004, a taxi whose wheelbase is between 246 and 260 centimetres”.

**12.** The date “1 September 2003” is substituted for “30 June 2003” in section 82.

**13.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

However, subparagraph 3 of the first paragraph of section 1 of the Taxi Transportation Regulation amended by paragraph 2 of section 1, subparagraph 6 of section 1.1 of that Regulation introduced by section 2, subparagraph 5 of the first paragraph of section 4 of that Regulation amended by section 3, subparagraph 3 of the second paragraph of section 9 of that Regulation amended by paragraph 1 of section 4, and the third paragraph of section 9 of that Regulation amended by paragraph 2 of section 4, come into force on 1 September 2003.

5649

Gouvernement du Québec

## Agreement

An Act respecting elections and referendums in municipalities  
(R.S.Q., c. E-2.2)

### AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION BY MAIL

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF BOISCHATEL, a legal person established in the public interest, having its head office at 9, côte de l'Église, Province of Québec, represented here by the mayor, Yves Germain, and the clerk or secretary-treasurer, Michel Lefebvre, under a resolution bearing number 2002-252, hereinafter called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office, under the Election Act (R.S.Q., c. E-3.3) acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable André Boisclair, in his capacity as MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 2002-252, passed at its meeting of 3 September 2002, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow use of the mail for the general election held on 3 November of the year 2002 in the MUNICIPALITY;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY wishes to avail itself of those provisions to hold an election on 3 November of the year 2002 and, with the adaptations required, could avail itself of those provisions for subsequent polling provided for in the agreement. The adaptations must form the subject of an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that election;