

Regulations and other Acts

M.O., 2017

Order number 2017-09 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 25 September 2017

An Act respecting transportation services by taxi (chapter S-6.01, s. 89.1)

Pilot project concerning remunerated passenger transportation services requested exclusively using a mobile application

THE MINISTER OF TRANSPORT, SUSTAINABLE MOBILITY AND TRANSPORT ELECTRIFICATION,

CONSIDERING the first paragraph of section 89.1 of the Act respecting transportation services by taxi (chapter S-6.01), which provides that the Minister of Transport, Sustainable Mobility and Transport Electrification may, by order, authorize pilot projects designed to experiment or innovate in the area of taxi transportation services or to study, improve or define standards applicable to that area;

CONSIDERING the first paragraph of section 89.1 of the Act, which provides that the Minister may also, within the scope of such pilot projects, authorize any person or body that is a holder of a taxi owner's permit or a taxi transportation service intermediary's permit issued under the Act or a business partner of such a holder to offer or provide taxi transportation services in compliance with standards and rules prescribed by the Minister that differ from those set out in the Act and its regulations or any other Act and regulation under the Minister's administration, for the purpose of increasing the safety of users, improving the quality of the services offered, ensuring that the provision of transportation services by taxi is managed in a manner that takes into account the needs of the public or fostering the development of the taxi transportation services industry, all in compliance with the principle of equity toward holders operating under any permit at the time the pilot project is implemented, as well as the applicable privacy protection rules;

CONSIDERING the second paragraph of section 89.1 of the Act, which provides that such pilot projects are to be conducted for a period of up to two years, which the Minister may extend by up to one year;

CONSIDERING that, by Order 2016-16 dated 30 September 2016, the Minister of Transportation authorized the Pilot project concerning remunerated passenger transportation services requested exclusively using a mobile application, which ends on 14 October 2017;

CONSIDERING the fourth paragraph of section 89.1 of the Act, which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to a pilot project made under section 89.1;

CONSIDERING that the Minister may, at any time, amend a pilot project:

CONSIDERING that the terms and conditions of the Pilot project have been published on the website of the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports and the Commission des transports du Québec on 22 September 2017;

CONSIDERING that it is expedient to amend the Pilot project;

CONSIDERING that it is expedient to extend the Pilot project for one year so that the Minister may collect new information;

ORDERS AS FOLLOWS:

1. Section 7 is replaced by the following:

“7. A police force in Québec issues, after a written application to that effect, a positive or negative search certificate to any partner-driver. The verification by the police force must be in regard to any sexual misconduct, failure to provide necessities of life, criminal operation of a motor vehicle, violent behaviour, criminal negligence, fraud, theft, arson and drug or narcotic-related offences

In this Regulation,

(1) “positive search certificate” means a document 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 section 30;

(2) “negative search certificate” means a document showing the absence of an impediment referred to in section 30.

A certificate referred to in the first paragraph must bear the signature of a person authorized to complete it on behalf of a police force in Québec, the contact information of that police force, an identification number and the date on which it was produced. The certificate must contain the name, date of birth and address of the applicant and specify the nature of any indictment or conviction for a criminal or indictable offence that constitutes an impediment under section 30.”

2. The following is inserted after section 7:

“**7.1.** The permit holder must ensure that every partner-driver has been the subject of a verification of judicial record compliant with sections 7 and 30 by requesting from the partner-driver the certificate referred to in section 7.

Where the permit holder receives a positive search certificate containing an impediment under section 30, the permit holder must, while ensuring that the Charter of human rights and freedoms (chapter C-12) is complied with, refuse or revoke the registration of the partner-driver.

The permit holder must require that every partner-driver immediately inform the permit holder, in writing, of any impediment to maintaining the registration.

7.2. Despite section 7.1, the permit holder may register a partner-driver to whom a positive or negative search certificate has not yet been issued if the following conditions are met:

(1) the partner-driver meets the other conditions for registration and registration maintenance provided for in the Pilot project;

(2) the permit holder must, before registering a partner-driver, have the partner-driver sign a declaration of the absence of a judicial record and obtain proof that the application for verification provided for in section 7 has been conducted with a police force in Québec;

(3) the permit holder must verify the record of the partner-driver by consulting the court record.

Where the permit holder notes an impediment under section 30 during the consultation provided for in subparagraph 3 of the first paragraph, the permit holder must refuse the registration of the partner-driver.

If the permit holder has not been able to meet the requirement provided for in section 7.1 on the expiry of 8 weeks following the registration of the partner-driver, registration must be revoked by the permit holder.”

3. Section 11 is replaced by the following:

“**11.** The permit holder must provide each partner-driver with training of at least 35 hours pertaining in particular to

- (1) the operation of the mobile application;
- (2) the quality of the services offered;
- (3) the legal framework of the Pilot project;
- (4) the prohibitions referred to in section 39;
- (5) the management of the automobile’s operations, including the mechanical inspection of the automobile;
- (6) the transportation of persons with disabilities; and
- (7) the fiscal responsibilities of a partner-driver.

The training referred to in subparagraph 6 of the first paragraph must be at least 7 hours.

At the end of the training period, the permit holder must evaluate the knowledge acquired by a partner-driver and issue to the partner-driver a training certificate confirming the successful completion of the evaluation, if applicable. The certificate may be issued on an information-based medium.”

“**11.1.** Before providing training to the partner-drivers, the permit holder must submit to the Minister, for approval,

- (1) the content of the training;
- (2) the documents supporting the training for partner-drivers and trainers;
- (3) the other educational tools;
- (4) the evaluation;
- (5) the list of trainers;
- (6) the process for selecting trainers; and
- (7) any other information requested by the Minister for approval.

For the duration of the Pilot project, any change to the elements referred to in subparagraphs 1 to 6 of the first paragraph must be approved by the Minister before being implemented.”

4. Section 12 is amended by adding the following paragraph after the first paragraph:

“A peace officer, a highway controller designated by the Société de l’assurance automobile du Québec, a person specially authorized by the Minister or an employee authorized for that purpose by a municipal or supramunicipal authority responsible for the administration of the Act may send to the permit holder the information concerning any offence committed by a partner-driver.”.

5. Section 19 is amended

(1) by adding “7.2,” after “sections”;

(2) by adding the following after the first paragraph:

“Where the registration of a partner-driver is revoked by the permit holder in accordance with section 7.1, 7.2 or 12, the permit holder records the information in the data bank kept under the first paragraph.”.

6. Section 23 is amended by replacing “municipality” in the first paragraph by “agglomeration”.

7. Section 24 is amended by replacing “the number of partners-drivers in each municipality listed in Schedule I, the number of trips made by each partner-driver” by “the number of trips made by each partner-driver”.

8. Section 25 is amended

(1) by striking out “and the partners-drivers” in paragraph 4;

(2) by adding the following after paragraph 4:

“(5) the number of partners-drivers having successfully completed the training provided for in section 11 and the number of partners-drivers having failed;

(6) the number and nature of the prior offences noted in each search certificate issued by a police force in Québec and the decision rendered by the permit holder regarding the registration or maintenance of a person.”.

9. Section 26 is amended by inserting “or any person referred to in section 20” after “Minister” in the second paragraph.

10. Section 30 is amended by inserting “, in writing,” after “inform” in the last paragraph.

11. Section 33 is amended by inserting “, every 12 months,” after “undergo”.

12. Section 34 is amended by inserting “only” after “window”.

13. The following is inserted after section 34:

“**34.1.** Every partner-driver is prohibited from equipping the automobile used with a dome light or an illuminated sign.”.

14. Section 35 is amended by adding the following after the first paragraph:

“Partners-drivers must have in their possession their training certificate confirming successful completion. They must, on request, present the certificate to any person referred to in section 20. The certificate may be produced on an information-based medium.”.

15. Section 36 is amended by adding “or where the sticker referred to in section 34 is affixed to the automobile used” after “application”.

16. Section 40 is amended

(1) by replacing paragraph 3 by the following:

“(3) fails to provide to a partner-driver training in accordance with section 11;”;

(2) by inserting the following after paragraph 3:

“(3.1) fails to submit, in advance, to the Minister the documents and information required under section 11.1;”;

(3) by replacing paragraph 4 by the following:

“(4) fails to comply with any of the requirements provided for in section 7.1 or 7.2;”.

17. Section 41 is amended

(1) by inserting “, every 12 months” after “undergo” in paragraph 4;

(2) by inserting the following after paragraph 4:

“(4.1) fails to comply with section 34.1;”;

(3) by striking out paragraph 8.

18. The following is inserted after section 44:

“**44.1.** Any partner-driver offering or providing remunerated transportation services that are not requested using the permit holder’s mobile application or are exclusively reserved, under section 39, for holders of a taxi owner’s permit or a taxi driver’s permit referred to in the Act is subject to the penalties provided for in Chapter XIII of the Act.”.

19. Section 46 is amended by striking out “other”.

20. Section 47 is amended

(1) by adding “with the permit holder” after “registered” in the first paragraph;

(2) by replacing “7” in the first paragraph by “7.1”.

21. The following is inserted after section 47:

“47.1. Persons registered with the permit holder between 15 October 2017 and 14 January 2018 have until 14 January 2018 to meet the requirement provided for in the first paragraph of section 35.

The permit holder has until 14 January 2018 to meet the requirements provided for in sections 11 and 11.1.”.

22. Section 57 is amended by replacing “2017” by “2018”.

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

LAURENT LESSARD,
*Minister of Transport, Sustainable Mobility
and Transport Electrification*

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