

Regulations and other Acts

Gouvernement du Québec

O.C. 1365-2018, 21 November 2018

An Act respecting transportation services by taxi (chapter S-6.01)

An Act to amend various legislative provisions respecting mainly transportation services by taxi (2016, chapter 22)

Taxi Transportation Regulation, in the area of electrification of taxi transportation in the territory of the island of Montréal —Amendment

Regulation to amend the Taxi Transportation Regulation, in the area of electrification of taxi transportation in the territory of the island of Montréal

WHEREAS, under the first paragraph of section 89.1 of the Act respecting transportation services by taxi (chapter S-6.01), the Minister of Transport 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;

WHEREAS, under the first paragraph of section 89.1 of the Act, 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 the regulations or any other Act or regulation whose administration falls under the Minister's responsibility, for the purpose of increasing the safety of users, improving the quality of the services offered, ensuring supply management of taxi transportation services that takes into consideration the public's needs 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 and with the applicable privacy protection rules;

WHEREAS, under the second paragraph of section 89.1 of the Act, 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;

WHEREAS the Pilot project to promote taxi transportation services using electric taxis (chapter S-6.01, r. 2.1) ends on 26 November 2018;

WHEREAS, under section 88 of the Act respecting transportation services by taxi, the Government may make regulations providing for various regulatory standards to regulate taxi transportation;

WHEREAS, under section 58 of the Act to amend various legislative provisions respecting mainly transportation services by taxi (2016, chapter 22), the Government may, by regulation, prescribe any measure to give permanent scope to the Pilot project to promote taxi transportation services using electric taxis (chapter S-6.01, r. 2.1), including any necessary amendment to the Act respecting transportation services by taxi;

WHEREAS it is expedient to make measures to maintain the Pilot project in the territory of the island of Montréal while making the necessary modifications in view of the results obtained in its realization;

WHEREAS the new regulatory measures apply for a period of 12 months to allow the Government to hold the consultations required before extending their application to the entire territory of Québec;

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published 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 15 days after the date of its publication where the authority that is making 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 must be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force on 26 November 2018 of the Regulation to amend the Taxi Transportation Regulation, in the area of electrification of taxi transportation in the territory of the island of Montréal:

—it is essential to avoid the interruption of transportation services using electric taxis currently offered by Taxelco inc. in the territory of the island of Montréal under the Pilot project to promote taxi transportation services using electric taxis, which would have serious consequences on the measures and on the efforts already made for transportation electrification and in financial and economic terms, and more specifically:

—the interruption of transportation services using electric taxis as of 26 November 2018 is likely to undermine the Government's measures and the efforts of the industry stakeholders in the electrification of the taxi fleet in the territory of the island of Montréal, considering that Taxelco inc. is a pioneer in a new business model on sustainable mobility, and any interruption of its activities may jeopardize the implementation of the electric taxi network currently underway, including charging stations required for its viability, which could not be used by other users, and a technological platform offering a quality transportation service using electric taxis in the territory;

—a service interruption could jeopardize private and public investments already made in the modernization of the electric taxi industry;

—the business model stands out with an approach in which drivers are salaried workers who, should the electric taxi services provided by Taxelco inc. end or be interrupted on 26 November 2018, would lose the income from the providing of those services;

—the end or interruption of those services would have a negative impact on the quality and availability of taxi transportation services in Montréal;

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, in the area of electrification of taxi transportation in the territory of the island of Montréal, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Taxi Transportation Regulation, in the area of electrification of taxi transportation in the territory of the island of Montréal

An Act respecting transportation services by taxi
(chapter S-6.01, s. 88)

An Act to amend various legislative provisions
respecting mainly transportation services by taxi
(2016, chapter 22, s. 58)

1. The Taxi Transportation Regulation (chapter S-6.01, r. 3) is amended in section 22 by adding “, subject to section 74.1” at the end of subparagraph 3 of the first paragraph.

2. The following is inserted after section 74:

“DIVISION X.1 PROVISIONS PROMOTING THE ELECTRIFICATION OF TAXI TRANSPORTATION

74.1. For the purposes of this Division,

(1) “electric taxi” means an automobile used for the purpose of offering taxi transportation services that

(a) is completely electrically propelled;

(b) has an electric motor whose battery used to supply the motor is recharged by a source outside the automobile;

(c) has a wheelbase equal to or greater than 256 cm; and

(d) meets the other requirements provided for in the Act respecting transportation services by taxi (chapter S-6.01) and its regulations;

(2) “accessory permit” means the authorization given by the Commission des transports du Québec under the fourth paragraph of section 5 of the Act respecting transportation services by taxi.

This Division applies only in the territory of the island of Montréal.

74.2. At the request of the holder of a taxi owner's permit offering or providing transportation services using electric taxis, the Commission issues to the permit holder the accessory permits required so that the permit holder may continue to offer those services while the holder's automobiles are being recharged.

The duty payable to the Commission for the issue of an accessory permit is \$200.

In addition, the provisions of section 13 relating to the renewal of a taxi owner's permit apply to the accessory permit, with the necessary modifications. The duty payable to the Commission for the renewal of such a permit is \$50.

Holders of an accessory permit must notify the Commission in writing within 30 days of any change in the holder's name or domicile address.

A person or partnership holding an accessory permit may not, at any time, put in service a number of electric taxis greater than the number of regular taxi owner's permits attached to electric taxis the person holds.

74.3. The holder of a taxi owner's permit may lease the permit to a person or partnership for offering or providing transportation services using electric taxis within the servicing area covered by the permit.

A person or partnership wishing to lease such a permit must first apply for authorization to the Commission and meet the following conditions:

- (1) have the knowledge or experience required to operate a taxi transportation business;
- (2) file an inventory of human and material resources for the purpose of establishing the ability to administer such a business;
- (3) pay a fee of \$272 to the Commission;
- (4) provide the number of the permit concerned and a description of the electric taxi covered by the permit;
- (5) file a draft copy of the leasing contract.

In addition to the conditions provided for in the second paragraph, a natural person must

- (1) be a Canadian citizen or a permanent resident within the meaning of the Immigration and Refugee Protection Act (S.C. 2001, c. 27);
- (2) be of full age; and
- (3) provide a negative search certificate or, as the case may be, a positive search certificate within the meaning of the second paragraph of section 21.1.

In addition to the conditions provided for in the second paragraph, a legal person or a partnership must provide in respect of its officers and principal shareholder a negative search certificate or, as the case may be, a positive search certificate within the meaning of the second paragraph of section 21.1.

74.4. Within 15 days following the authorization of the Commission provided for in the second paragraph of section 74.3, the lessor of a taxi owner's permit must ask the Société de l'assurance automobile du Québec to make the required modifications to the registration of the automobile that is no longer attached to the leased permit.

74.5. The leasing of a taxi owner's permit for the purposes referred to in section 74.3 and to which a handicapped accessible taxi is attached is allowed only to the extent that the lessee of the permit offers or provides a transportation service using electric taxis also accessible to those persons.

Where applicable, an accessory permit issued by the Commission must authorize the putting in service of vehicles also accessible to handicapped persons to continue to offer those services while an electric taxi is being recharged.

74.6. A person who or a partnership that is the lessee of a taxi owner's permit under this Division is deemed to be the new holder. As such, the person has the rights and assumes the obligations provided for in the Act respecting transportation services by taxi (chapter S-6.01) and its regulations.

74.7. A person or a partnership offering or providing transportation services using electric taxis must provide to the Commission, the Société de l'assurance automobile du Québec and any authority having jurisdiction constituted by a municipal or supramunicipal authority, at the request of any of them, any information or document relating to the electric taxis, in particular concerning those in service, being recharged or not in service.

74.8. A trip by electric taxi must be refused by a driver if the range of the battery of the driver's automobile is not sufficient to reach the destination. In such a case, the driver must take measures so that another taxi is made available as soon as possible to the customer who requested the service.

In addition to the penalties applicable under this Regulation, a driver who was unable to complete the trip for the reason mentioned in the first paragraph may not require the customer to pay the fare for the trip provided.

74.9. The provisions of this Division prevail over any inconsistent provision of the Act respecting transportation services by taxi (chapter S-6.01) and its regulations, including by-laws made by any municipal or supramunicipal authority having jurisdiction.

In addition, sections 11 and 12 of this Regulation do not apply to a person or a partnership putting in service electric taxis in accordance with this Division.”.

3. Section 75 is amended by replacing “and 69 to 72” by “, 69 to 72, the fourth and fifth paragraphs of section 74.2, sections 74.4, 74.7 and the first paragraph of section 74.8”.

4. The special permit issued under section 16 of the Pilot project to promote taxi transportation services using electric taxis (chapter S-6.01, r. 2.1) is deemed to be an accessory permit issued under section 74.2 of the Taxi Transportation Regulation (chapter S-6.01, r. 3), enacted by section 2 of this Regulation. Such a permit remains valid on 26 November 2018, without any other formality, but its duration may not exceed 26 November 2019.

The leasing of a taxi owner’s permit made in accordance with the rules provided for in that Pilot project is deemed to be made in accordance with the rules of Division X.1 of the Taxi Transportation Regulation, enacted by this Regulation. The term of the leasing contract may not exceed 26 November 2019.

The lessee of a taxi owner’s permit must notify the Commission des transports du Québec in writing within 15 days of any change to the leasing contract, in particular its term.

5. Sections 14, 15 and 22 of the Pilot project to promote taxi transportation services using electric taxis (chapter S-6.01, r. 2.1) remains applicable in the territory of the island of Montréal.

6. This Regulation comes into force on 26 November 2018. It is revoked on 26 November 2019.