

**VILLE DE MONTRÉAL**  
**BY-LAW**  
**03-098 (Office consolidation)**

*N.B. This office consolidation was prepared for convenience only and has no official value. No guarantee may be given as to its accuracy. For legal purposes, readers should refer to the official version of the by-law and each of its amendments.*

**BY-LAW CONCERNING TOWING**

03-098; 03-098-2, a. 1.

**OFFICE CONSOLIDATION OF JANUARY 1, 2014**  
**(03-098 as amended by 03-098-1, 03-098-2; RCG 13-022)**

In view of sections 123 to 128 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

At the city council meeting of June 16, 2003, it was enacted:

**CHAPTER I**  
**INTERPRETATION**

03-098; 03-098-2, a. 2.

1. In this by-law, the following words mean:

“Bureau”: the Bureau du taxi de Montréal;

“city”: the city of Montréal;

“director”: the general director of the Bureau, or a representative designated by him;

“driver’s permit”: the driver’s permit issued by the Bureau;

“inspector”: a person employed by the Bureau as an inspector, or acting as such;

“operating permit”: the permit issued by the Bureau to a company, association, cooperative or organization providing towing;

“SAAQ”: the Société de l’assurance automobile du Québec established under the Act respecting the Société d’assurance automobile du Québec (R.S.Q., chapter S-11.011), and its authorized agents;

“tow truck”: a motor vehicle equipped to hoist a road vehicle and pull it, or to load a road vehicle on its platform;

“towing”: any operation to move a road vehicle with a tow truck, and charging for it;

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03-098, a. 1; 03-098-2, a. 3; RCG 13-022, a. 1.

**2.** This by-law governs towing on city territory, except if, subject to the second paragraph, the towed vehicle originates from or is destined beyond the city territory.

In those cases, when towing a vehicle, the tow truck driver must hold a driver’s permit issued in accordance with section I of chapter III, and be able to prove, with a purchase order or a copy of a bill, that the towed vehicle originates from or is destined beyond the city territory.

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03-098, a. 2; 03-098-2, a. 4.

**3.** The director, Bureau inspectors and city police officers are responsible for the application of this by-law and they may:

- (1) issue, on behalf of the city, a statement of offence for any offence under this by-law;
- (2) enter, at any reasonable time, the building or lot of the holder of an operating permit to inspect it;
- (3) examine and make copies of books, registers, accounts, records and other documents containing information relating to the application of this by-law;
- (4) stop a tow truck to inspect it and check, among other things, the driver’s permit, the operating permit, the proof of classification, the registration certificate, the certificate of mechanical inspection, and any other document relating to the application of this by-law;
- (5) require, for examination, the production of any document or contract covered by the by-law;
- (6) require any information relating to the application of this by-law, and the production of any related documents.

The director, a city police officer or an inspector may confiscate a driver’s permit that is not under the tow truck driver’s name, that is not valid, or that is altered.

Any person who has custody of, has in his possession or controls the documents referred to in paragraph (3) of the second paragraph must, on request, inform the person who carried out the inspection and provide access to those documents.

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03-098, a. 3; 03-098-2, a. 5.

## **CHAPTER II**

### **TOW TRUCKS**

#### **SECTION I**

##### **CATEGORIES**

**4.** Towing may only be carried out with a tow truck in a category referred to in schedule A, which is part of this by-law.

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03-098, a. 4; 03-098-2, a. 6.

**5.** A tow truck may only tow the type of vehicle referred to in schedule A corresponding to its category.

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03-098, a. 5; 03-098-2, a. 7.

**6.** *[Repealed].*

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03-098, a. 6; 03-098-2, a. 8.

#### **SECTION II**

##### **OPERATING PERMIT**

**7.** No person may operate a tow truck, or allow or permit one to be operated without holding a valid operating permit issued by the Bureau.

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03-098, a. 7; 03-098-2, a. 9.

**8.** For the purposes of this by-law, the owner of a vehicle is the one who owns it or who leases it for a period of more than 12 months.

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03-098, a. 8; 03-098-2, a. 10.

**9.** Every applicant for an operating permit must provide the Bureau with the following information and documents:

- (1) name, address and telephone number of the owner or long-term lessee of the tow truck;
- (2) company name under which he operates, as the case may be;

- (3) name of shareholders and administrators of the corporation, as the case may be;
- (4) proof of registration of owners and operators of heavy vehicles;
- (5) instruments of incorporation, association, establishment of a cooperative, or registration.

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03-098, a. 9; 03-098-2, a. 11.

**10.** The Bureau issues an operating permit on payment of fees under the annual by-law concerning fees.

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03-098, a. 10; 03-098-2, a. 12.

**11.** Every holder of an operating permit must inform the Bureau, in writing, within 30 days, of any change in the information referred to in article 9. He must, within 30 days of its issue, send to the Bureau by registered mail or by fax, any new certificate of mechanical inspection, and it is up to the holder to prove that it was sent to the Bureau.

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03-098, a. 11; 03-098-2, a. 13.

**12.** Every holder of an operating permit must, keep a daily list of tow truck drivers, specifying their name and driver's permit number, and the sticker number of the tow truck. He must keep the list for 2 years and submit it, on request, to the director, an inspector or a city police officer.

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03-098, a. 12; 03-098-2, a. 14.

**13.** Every holder of an operating permit must ensure that the operator of a tow truck holds the permits required under this by-law.

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03-098, a. 13; 03-098-2, a. 15.

**14.** On request, every holder of an operating permit must provide the director, an inspector or a city police officer with any information or document relating to permits, in particular all information and documents required under article 9, and all copies of invoices provided by a driver in accordance with article 58, which must be retained for 2 years.

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03-098, a. 14; 03-098-2, a. 16.

### **SECTION III**

#### **VALIDATION STICKER**

**15.** The Bureau issues a validation sticker to every tow truck belonging to the holder of an operating permit who applies for one. Every holder must submit the following documents to the Bureau:

- (1) tow truck registration certificate;
- (2) proof of tow truck classification issued by the Ministère des Transports du Québec;
- (3) true copy of the certificate of mechanical inspection issued by the SAAQ.

The sticker is issued on payment of the required fees set in the annual by-law concerning fees.

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03-098, a. 15; 03-098-2, a. 17.

**16.** The sticker must be permanently affixed by an employee of the Bureau, on the right side of the windshield of the tow truck.

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03-098, a. 16; 03-098-2, a. 18.

**17.** Every holder of an operating permit must ensure that the sticker on the tow truck is in plain view and that the information it contains is legible at all times.

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03-098, a. 17; 03-098-2, a. 19.

**18.** The sticker remains the city's property. A sticker that is considered invalid may be removed, blurred or otherwise altered to be cancelled by the director, a city police officer or an inspector.

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03-098, a. 18.

**19.** A sticker ceases to be valid when the related operating permit is revoked, not renewed when expired, is assigned or transferred, or when the holder changes the category referred in schedule A, or changes the tow truck covered by the permit.

The sticker also ceases to be valid when the certificate of mechanical inspection of the tow truck, as issued by the SAAQ, expires, or when the vehicle registration is revoked, cancelled or suspended.

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03-098, a. 19; 03-098-2, a. 20.

**20.** The director suspends the sticker of a tow truck and the right to be granted one in the following cases:

- (1) when the holder is guilty of an offence under article 13 and it is a second offence;
- (2) when a sticker ceases to be valid under the second paragraph of article 19.

The director suspends the sticker of a tow truck and the right to be granted one when it ceases to be valid under the second paragraph of article 19.

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03-098, a. 20; 03-098-2, a. 21.

**21.** The suspension imposed under article 20 is effective on the 15th day after the date of mailing of a notice to the last known address of the holder.

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03-098, a. 21.

**22.** No new sticker may be issued to the holder of an operating permit when one of the stickers has been suspended for a period of 3 months from the first suspension, 6 months from a second suspension, and one year from a subsequent suspension. The period runs from the day the sticker was surrendered to the Bureau.

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03-098, a. 22.

**23.** Every holder of an operating permit whose sticker ceases to be valid must surrender it to the Bureau within 48 hours, without further notice.

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03-098, a. 23.

**24.** No person may operate, allow or permit the operation of a tow truck not bearing a sticker, or bearing a sticker that is no longer valid, or bearing a sticker issued for another vehicle.

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03-098, a. 24; 03-098-2, a. 22.

**25.** Subject to articles 19 and 23, and on payment of replacement fees set in the annual by-law concerning fees, the Bureau may, on submission of proof to that effect, replace any blurred, damaged or otherwise altered sticker.

In addition, the Bureau may, on submission of proof that a tow truck is out of service, issue, on payment of replacement fees set in the annual by-law concerning fees, a temporary sticker valid for 90 days. If, at the end of the 90-day period, the tow truck is still out of service, the period may be extended for 90 more days, without fees. The holder of the operating permit need not be the owner or lessee for a period of more than 12 months of the tow truck temporarily identified under this paragraph.

When the tow truck that was out of service has been repaired, the holder of the operating permit must surrender the temporary sticker to the Bureau within 48 hours after the tow truck is back on the road.

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03-098, a. 25; 03-098-2, a. 23; RCG 13-022, a. 2.

#### **SECTION IV RECORDS**

**26.** A tow truck must be permanently identified at the centre of doors by the name of the holder of the operating permit, his address, company name or trademark, or a trademark that he may use in accordance with the law, as the case may be, and his telephone number. The markings must be at least 4 m high and in a color that is in contrast to the color of doors on which they are applied.

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03-098, a. 26; 03-098-2, a. 24.

**27.** Any other information may be provided on the front fenders or, in the case of a platform, on the sides.

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03-098, a. 27.

**28.** Every holder of an operating permit must display, inside each towing truck on the dashboard on the passenger side, a rate schedule at least 10 cm by 20 cm.

The rate schedule must bear the following, in characters that may be easily read from the exterior of the vehicle on the passenger side:

“A copy of this rate schedule is available from the Bureau du taxi de Montréal: 514-280-6660.”

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03-098, a. 28; 03-098-2, a. 25; RCG 13-022, a. 3.

#### **SECTION V EQUIPMENT**

**29.** Every holder of an operating permit must ensure that the following equipment in his tow truck is in good working order at all times:

- (1) *[deleted]*;
- (2) for tow trucks in another category:
  - (a) pivoting or flashing amber lights permanently installed on the vehicle;
  - (b) a tool box;

- (c) a 2,25 kg chemical extinguisher (dry powder);
- (d) *[deleted]*;
- (e) clothing with a reflecting band or a security patch;
- (f) a shovel;
- (g) *[deleted]*;
- (h) a granular absorbent;
- (i) a traffic lamp;
- (j) prescribed road flares or safety triangles.

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03-098, a. 29; 03-098-2, a. 26.

### **CHAPTER III**

#### **TOW TRUCK DRIVERS**

#### **SECTION I**

##### **DRIVER'S PERMIT**

**30.** No person may tow a vehicle without holding an active driver's permit in the appropriate class, as shown in schedule A.

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03-098, a. 30; 03-098-2, a. 27.

**31.** The director issues a driver's permit to an individual who applies in writing, under the following conditions:

- (1) be a Canadian citizen or be admitted to Canada as a permanent resident;
- (2) hold a valid driver's licence in the appropriate class, issued under the Regulation respecting licences (R.S.Q., chapter C-24.2, r. 3.1.1);
- (3) *[deleted]*;
- (4) not be under suspension or revocation of driver's permit;
- (5) pay the permit fees set in the annual by-law concerning fees.

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03-098, a. 31; 03-098-2, a. 28.

**32.** *[Repealed]*.

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03-098, a. 32; 03-098-2, a. 29.

**33.** *[Repealed]*.

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03-098, a. 33; 03-098-2, a. 30.

**34.** *[Repealed]*.

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03-098, a. 34; 03-098-2, a. 31.

**35.** *[Repealed]*.

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03-098, a. 35; 03-098-2, a. 32.

**36.** A driver's permit must contain the following information:

- (1) the holder's name;
- (2) a color photograph of the holder;
- (3) the expiry date;
- (4) the driver's permit number;
- (5) the holder's signature;
- (6) the class of driver's permit in schedule A;
- (7) the driver's licence number.

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03-098, a. 36.

**37.** A driver's permit expires on the same date as the driver's licence issued under the Regulation respecting licences (R.S.Q., chapter 24.2, r. 3.1.1). But when a driver's permit is revoked or suspended, the driver's permit issued by the Bureau is automatically revoked or suspended, as the case may be.

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03-098, a. 37; 03-098-2, a. 33; RCG 13-022, a. 4.

**38.** Every holder of a driver's permit must inform the Bureau in writing of any change of address and telephone number within 30 days. The notice must be sent by registered mail, by fax, or by reporting to the Bureau.

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03-098, a. 38; 03-098-2, a. 34.

**39.** Any person who requires a driver's permit that was lost, stolen, damaged or otherwise altered must pay the replacement fees set in the annual by-law concerning fees. In case of theft or loss, every person must submit a report to the Bureau.

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03-098, a. 39; 03-098-2, a. 35.

**40.** A driver's permit must be renewed under the conditions in article 31, including the payment of fees in paragraph (5) of article 31.

An applicant must also prove that he has paid any fine imposed under a final judgment for an offence under this by-law.

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03-098, a. 40; 03-098-2, a. 36.

**41.** A driver's permit remains the city's property.

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03-098, a. 41.

**42.** The director suspends the driver's permit, or the right to be granted one, of any driver found guilty or having pleaded guilty of:

- (1) an offence under article 30;
- (2) an offence under article 51;
- (3) an offence under article 52;
- (4) an offence under article 55;
- (5) an offence under article 60.

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03-098, a. 42; 03-098-2, a. 37.

**43** *[Repealed]*.

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03-098, a. 43; 03-098-2, a. 38.

**44.** The suspension under article 42 is:

- (1) one day for the first offence;
- (2) For the third repeated offence, the director must revoke the driver's permit, and the right to be granted one is suspended for at least one year. After that period, the driver must meet the conditions under article 31 to be granted a new driver's permit. He must also prove that he has paid any fine imposed under a final judgment for an offence under this by-law;

- (3) one month for the second repeated offence.

For the third repeated offence, the director revokes the driver's permit and the right to be granted one for at least one year. For the purposes of this article, a repeated offence is a second conviction within 3 years of the previous one.

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03-098, a. 44; 03-098-2, a. 39.

## **SECTION II**

### **LEARNER'S PERMIT**

- 45.** *[Repealed].*

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03-098, a. 45; 03-098-2, a. 40.

- 46.** *[Repealed].*

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03-098, a. 46; 03-098-2, a. 40.

- 47.** *[Repealed].*

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03-098, a. 47; 03-098-2, a. 40.

- 48.** *[Repealed].*

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03-098, a. 48; 03-098-2, a. 40.

- 49.** *[Repealed].*

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03-098, a. 49; 03-098-2, a. 40.

## **SECTION III**

### **OBLIGATIONS OF DRIVERS**

**50.** Every driver must submit, on request, any permit and document required to carry out his duties, in particular his driver's licence, his driver's permit, proof of classification, registration certificate, and certificate of mechanical inspection, to persons responsible for the application of this by-law.

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03-098, a. 50; 03-098-2, a. 41.

**51.** The holder of a driver's permit in a class referred to in schedule A may operate only one tow truck corresponding to the category of vehicle covered by the permit.

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03-098, a. 51; 03-098-2, a. 42.

**52.** No person may tow a vehicle with a tow truck that is not in the proper category according to schedule A.

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03-098, a. 52; 03-098-2, a. 43.

**53.** Every driver must:

- (1) ensure that the information appearing on the sticker and on the driver's permit is complete and legible at all times;
- (2) ensure that the tow truck contains the equipment referred to in article 29;
- (3) ensure that the weight of the towed vehicle does not exceed the load capacity shown on the proof of classification.

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03-098, a. 53; 03-098-2, a. 44.

**54.** Every driver must be courteous to customers and provide a safe environment, and extend the courtesy to other drivers.

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03-098, a. 54.

**55.** Every driver must drive the towed vehicle to the place indicated by the customer.

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03-098, a. 55.

**56.** Every driver must deliver the personal effects left behind by a customer to the business establishment of the holder of the operating permit of the tow truck.

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03-098, a. 56.

**57.** Every driver must, when fees are charged, hand the customer a copy of the numbered invoice containing the following information:

- (1) number of the identification sticker of the tow truck;
- (2) number of his driver's permit;
- (3) date;
- (4) amount billed;
- (5) driver's signature;
- (6) origin and destination of the towed vehicle;

- (7) time the service was provided;
- (8) name of holder of the operating permit, his telephone number, address and number of operating permit;
- (9) address, as the case may be, telephone number and business hours of the pound where the vehicle is towed;
- (10) customer's consent as to the destination of towing and customer's signature.

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03-098, a. 57.

**58.** Every driver must hand a copy of invoices to the holder of an operating permit, or a city police officer.

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03-098, a. 58; 03-098-2, a. 45.

**59.** When a permit is issued or renewed, every holder of an operating permit must provide the Bureau with a copy of his rate schedule. If the holder of an operating permit would like to alter his rate schedule, he must, at least 2 weeks before the effective date of the new rates, file a copy of the new rate schedule with the Bureau.

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03-098, a. 59; 03-098-2, a. 46.

### **CHAPTER III.1**

#### **EXCLUSIVE CONTRACTS**

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03-098-2, a. 47.

**60.** No person may provide towing in an area covered by an exclusive contract with the city under the Charter of the City of Montréal (R.S.Q., chapter C-11.4) to tow a vehicle that obstructs traffic or that constitutes a road hazard unless he has custody of a tow truck of which the holder of the operating permit is the person authorized under the contract for that area.

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03-098, a. 60; 03-098-2, a. 48.

**61.** No person may allow or permit towing to be carried out in an area covered by an exclusive contract with the city under the Charter of the City of Montréal (R.B.C.M., chapter C-11.4) to tow any vehicle that obstructs traffic or that constitutes a road hazard unless he is the person authorized under the contract for that area.

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03-098, a. 61; 03-098-2, a. 49.

**CHAPTER IV**  
**PENALTIES**

**62.** Any person who contravenes articles 60 or 61 is guilty of an offence and is liable:

- (1) in the case of an individual:
  - (a) for a first offence, to a fine of \$1,000;
  - (b) for a subsequent offence, to a fine of \$2,000;
- (2) in the case of a corporation:
  - (a) for a first offence, to a fine of \$2,000;
  - (b) for a subsequent offence, to a fine of \$4,000.

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03-098, a. 62.

**63.** Any person who contravenes this by-law is guilty of an offence and is liable:

- (1) in the case of an individual:
  - (a) for a first offence, to a minimum fine of \$100 and a maximum fine of \$1,000;
  - (b) for a subsequent offence, to a minimum fine of \$300 and a maximum fine of \$2,000;
- (2) in the case of a corporation:
  - (a) for a first offence, to a minimum fine of \$200 and a maximum fine of \$2,000;
  - (b) for a subsequent offence, to a minimum fine of \$500 and a maximum fine of \$4,000.

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03-098, a. 63.

**CHAPTER V**  
**AMENDING PROVISIONS**

**64.** Please note that the disposition are without appeal. The pricing is now planned in the bylaw of the annual rates of the urban agglomeration.

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03-098, a. 64.

**CHAPTER VI**

*[Repealed]*

03-098; 03-098-2, a. 50.

**65.** *[Repealed]*.

03-098, a. 65; 03-098-2, a. 50.

**66.** *[Repealed]*.

03-098, a. 66; 03-098-2, a. 50.

**67.** *[Repealed]*.

03-098, a. 67; 03-098-2, a. 50.

**68.** *[Repealed]*.

03-098, a. 68; 03-098-2, a. 50.

**68.1.** *[Repealed]*.

03-098-1, a. 1; 03-098-2, a. 50.

**69.** *[Repealed]*.

03-098, a. 69; 03-098-2, a. 50.

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**SCHEDULE A**

**CLASSIFICATION OF TOW TRUCKS**

03-098; 03-098-2, a. 51.

**SCHEDULE B**

**TRAINING PROGRAM FOR DRIVERS**

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*This consolidation of the By-law concerning towing (03-098) contains amendments under the following by-laws:*

- *03-098-1 By-law amending the By-law concerning road service and towing (03-098), adopted at the meeting of February 23, 2004;*
- *03-098-2 By-law amending the By-law concerning road service and towing (03-098), adopted at the meeting of December 13, 2004;*
- *RCG 13-022 By-law amending the By-law concerning towing (03-098), adopted at the meeting of September 26, 2013.*

## SCHEDULE A

### CLASSIFICATION OF VEHICLES ACCORDING TO CAPACITY AND DRIVER'S PERMIT REQUIRED FOR THOSE VEHICLES

Class of tow truck likely to be used	Mass <sup>1</sup> of vehicle towed must be less than or equal to	Types of vehicles than may be towed	Driver's permit
<b>A</b> <b>(4-wheel)</b>	<b>1000 kg</b>	- Mini and subcompact	<b>R2</b>
<b>B</b> <b>(6-wheel)</b>	<b>3000 kg</b>	- Mini and subcompact - Other pleasure vehicles - Empty pickup truck or panel truck (4 or 6-wheel)	
<b>C</b> <b>(6-wheel)</b>	<b>4500 kg</b>	- All class B vehicles - Motor homes - Bus (12 or less passengers) - Minibus - Empty delivery truck (6-wheel), net mass of 4500 kg or less - Loaded pickup or panel truck (4 or 6-wheel)	
<b>D</b> <b>(6-wheel)</b>	<b>8000 kg</b>	All class C vehicles	
<b>E</b> <b>(10-wheel)</b>	<b>14 500 kg</b>	- Straight truck (6-wheel), net mass of 6500 kg or less - Loaded delivery truck, net mass of 4500 kg or less (6-wheel) - Tractor (10-wheel) 10 000 kg - Empty straight truck or tractor (10-wheel) - School bus (6-wheel) - Loaded straight truck (6-wheel)	<b>R1</b> <b>Includes R2</b>
<b>F</b> <b>(10-wheel)</b>	<b>23 000 kg</b>	- Crane - Pumpcrete machine (12-wheel) - Concrete machinery - Garbage truck (12-wheel) - Bus (more than 12 passengers) - Mobile equipment - Drilling vehicle - Loaded straight truck (10-wheel)	

Note<sup>1</sup> The mass of an unloaded towed vehicle is entered on the registration certificate.  
The mass of a loaded towed vehicle corresponds to the sum of tire capacity.

**SCHEDULE B**  
**TRAINING COURSES FOR TOW TRUCK DRIVERS**

- I Rules and regulations
  - II Customer services
  - III Use of servicing and towing equipment
-