



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 30
(2024, chapter 15)

**An Act to amend various provisions
mainly with respect to the financial
sector**

**Introduced 7 June 2023
Passed in principle 12 September 2023
Passed 8 May 2024
Assented to 9 May 2024**

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EXPLANATORY NOTES

This Act contains various provisions mainly with respect to the financial sector.

The Act amends the Insurers Act, including to allow certain associations to apply to be regulated by the provisions of Title III of that Act with a view to carrying on insurer activities as a reciprocal union. It provides for the terms and conditions applicable in that respect, including in regard to the organization of such an association and to when it ceases to be regulated by that title.

The Act introduces into the Real Estate Brokerage Act a regime of monetary administrative penalties similar to that applicable in the insurance sector. It also regulates the recovery of amounts owing following the imposition of monetary administrative penalties by the Autorité des marchés financiers in the distribution of financial products and services, derivatives and securities sectors.

The Act requires insurers to take the means necessary to obtain the information making it possible to determine whether an amount they have committed to pay under a life insurance contract is payable and empowers the Government to determine, by regulation, the means they must take for that purpose. The Act subjects the operation whereby an authorized financial institution becomes the holder of control of a group, if that operation does not have a significant impact on the institution, to the requirement that a notice be sent to the Autorité des marchés financiers, instead of to the requirement that the authorization granted by the Autorité be reviewed.

The Act amends the Act respecting the distribution of financial products and services to allow a person employed by a firm, an independent partnership or an independent representative to carry out activities under the supervision of a claims adjuster in certain situations. It withdraws from distributors the possibility of offering replacement insurance for a vehicle they sell. Furthermore, it requires that the premium payable under a life, health or employment insurance contract underwritten through a distributor must be paid at least once a year.

The Act specifies that the information contained in the register of holders of licences issued under the Real Estate Brokerage Act is public. It also amends that Act so that the provisions that pertain to contracts concerning certain residential immovables apply to land intended for residential construction.

The Act removes the requirement concerning the frequency of inspection of certain deposit institutions by the Autorité des marchés financiers. The Act allows the Autorité to determine, by regulation, the cases in which the Autorité's receipt is deemed issued for the purposes of the Securities Act. It provides that the Autorité must calculate a deposit in foreign currency in Canadian dollars before making payments in execution of its obligation under a guarantee.

The Act gives the Financial Markets Administrative Tribunal the power to impose on any person an administrative penalty for having aided in the contravention of the Act respecting the distribution of financial products and services. It also gives the Tribunal the power to order anyone not to dispose of funds, securities or other property acquired for unreasonable consideration. It postpones to 30 September the date on which the Tribunal must file its financial statements and annual report of activities with the Minister of Finance.

The Act specifies the process to be followed so that a legal person may be continued under Part III of the Companies Act. It provides that the sums required for the Government's commitment to indemnify the Bank of Canada for the losses that could result from the emergency assistance the Bank granted to the Fédération des caisses Desjardins are to be taken out of the Consolidated Revenue Fund. It gives the Autorité des marchés financiers the power to require from a contributor to the benchmark establishing the rate of interest in Canadian dollars currently used to determine certain payments to continue to contribute to the benchmark until the date determined by the Autorité, which may not be later than 28 June 2024.

Lastly, the Act contains transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

- Insurers Act (chapter A-32.1);
- Companies Act (chapter C-38);
- Act respecting financial services cooperatives (chapter C-67.3);

- Real Estate Brokerage Act (chapter C-73.2);
- Act respecting the distribution of financial products and services (chapter D-9.2);
- Act respecting the regulation of the financial sector (chapter E-6.1);
- Deposit Institutions and Deposit Protection Act (chapter I-13.2.2);
- Derivatives Act (chapter I-14.01);
- Act respecting administrative justice (chapter J-3);
- Trust Companies and Savings Companies Act (chapter S-29.02);
- Securities Act (chapter V-1.1).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting the pursuit of activities as a representative (chapter D-9.2, r. 10).

Bill 30

AN ACT TO AMEND VARIOUS PROVISIONS MAINLY WITH RESPECT TO THE FINANCIAL SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PROVISIONS RELATING TO RECIPROCAL UNIONS AND INSURANCE ASSOCIATIONS

INSURERS ACT

- 1.** Section 6 of the Insurers Act (chapter A-32.1) is amended
 - (1) by inserting “and associations” after “companies” in paragraph 1;
 - (2) by striking out paragraph 4.
- 2.** Section 7 of the Act is amended
 - (1) by inserting “that join together, under the contract by which the reciprocal union is constituted, in order to pool sums enabling them to be” after “parties”;
 - (2) by inserting “damage” after “bound by”.
- 3.** Section 8 of the Act is amended by inserting “or a reciprocal union” after “legal person” in the first paragraph.
- 4.** Section 21 of the Act is amended by striking out the second paragraph.
- 5.** Section 23 of the Act is amended
 - (1) by inserting “or reciprocal unions” after “legal persons” in the first paragraph;
 - (2) by replacing the second paragraph by the following paragraph:

“Despite the first paragraph, a self-regulatory organization or a reciprocal union need not have such capital.”
- 6.** Section 26 of the Act is repealed.

7. Section 27 of the Act is amended by striking out subparagraph 5 of the first paragraph.

8. Section 30 of the Act is amended

(1) by replacing “reciprocal union” in the first paragraph by “association”;

(2) by replacing “a reciprocal union” in the introductory clause of subparagraph 4 of the third paragraph by “an association”.

9. Section 31 of the Act is amended by replacing “, the union’s home regulator is the Authority, unless the contract binding each of the parties in the union” in the second paragraph by “constituted under the laws of a jurisdiction other than Québec, the union’s home regulator is the Authority, unless the contract by which the union is constituted”.

10. Section 32 of the Act is amended by replacing “mandatary” and “applicant’s head office is the mandatary’s address” by “representative” and “reciprocal union’s principal establishment may be the representative’s address”, respectively.

11. Section 33 of the Act is amended by striking out “or an authorized reciprocal union” in the introductory clause.

12. Section 36 of the Act is amended

(1) by replacing “the constituting act referred to in paragraph 3 of section 34 is the contract described in section 188. A list of the parties in the reciprocal union” in the first paragraph by “a list of its members”;

(2) by striking out the second paragraph.

13. Section 37 of the Act is amended by striking out “or an authorized reciprocal union”.

14. Section 42 of the Act is amended

(1) by replacing “allows the parties in the union to carry on insurer activities among themselves only” in the first paragraph by “allows it only to insure its members”;

(2) by striking out the second paragraph.

15. Section 43 of the Act is amended by striking out “or authorized reciprocal union”.

16. Section 122 of the Act is amended by replacing “mandatary” in the second paragraph by “representative”.

17. Section 123 of the Act is amended by replacing all occurrences of “mandatary” by “representative”.

18. Section 137 of the Act is amended by replacing “of the parties in the union” in the second paragraph by “of its members”.

19. Section 138 of the Act is amended by replacing “the attorney, the mandatary and each party in the union” in the first paragraph by “the union’s attorney, its representative or each of its members”.

20. Section 176 of the Act is amended by replacing “mandatary” in subparagraph 1 of the first paragraph by “representative”.

21. Section 188 of the Act is amended

(1) in the first paragraph,

(a) by replacing the introductory clause by the following introductory clause:

“188. The contract by which a reciprocal union is constituted must, in particular, contain provisions for”;

(b) by replacing “of parties reciprocally bound by insurance contracts” in subparagraph 2 by “of its members”;

(c) by replacing subparagraph 3 by the following subparagraph:

“(3) establishing the procedure for designating a person for the purpose of representing the union;”;

(d) in subparagraph 4,

i. by replacing “parties” in subparagraph *a* by “members”;

ii. by replacing “of the union and the liquidation of the assets held by the mandatary” in subparagraph *b* by “and liquidation of the union”;

(e) by replacing subparagraphs 6 and 7 by the following subparagraph:

“(6) providing for the pooling by its members of the sums necessary to carry out its insurer activities and establishing a procedure for determining and collecting the contribution, the assessments and the additional assessments payable by those members”;

(2) by striking out the second paragraph.

22. Section 189 of the Act is replaced by the following section:

“189. The sums pooled by the authorized reciprocal union’s members must enable it to meet its liabilities, as and when they become due.”

23. Section 190 of the Act is amended

(1) by replacing “The mandatary of the union” in the second paragraph by “The union”;

(2) by replacing “Sections 146 to 158 apply, with the necessary modifications, to the review of the authorization; the contract sent to the Authority is substituted for the notice of intention required under those sections” in the third paragraph by “The contract sent to the Authority is substituted for the notice of intention required under sections 146 to 158”.

24. Section 191 of the Act is amended

(1) by replacing “mandatary or the attorney the mandatary designates” and “of the parties in” by “representative or the attorney designated” and “of”, respectively;

(2) by replacing “mandatary’s” by “representative’s”.

25. Section 192 of the Act is replaced by the following section:

“192. If the Authority anticipates that the sums that must be pooled by the members of the authorized reciprocal union will not be sufficient to enable the union to meet its liabilities, as and when they become due, the Authority may order the union, after giving the latter at least 10 days to submit observations, to increase, by the amount and for the period the Authority determines, the sums collected from its members.”

26. Section 193 of the Act is amended

(1) by replacing “the mandatary, the union’s organs or the parties in the union. The order has effect only in relation to the insurer activities they carry on” in the first paragraph by “that union, its directors, its representative, its organs and its members. The order has effect only in relation to the union’s insurer activities”;

(2) by replacing “property held for the union by the mandatary and to liquidate the assets held by the mandatary” in the second paragraph by “union’s property and to liquidate it”.

27. Section 194 of the Act is amended by replacing “Chapter” by “Chapters I to”.

28. Section 195 of the Act is amended by replacing “by the mandatary of adequate assets to meet the liabilities contracted by those parties in their insurer activities, as and when they become due” by “, by the unions, of sufficient sums to enable them to meet their liabilities, as and when they become due”.

29. The heading of Title III of the Act is amended by inserting “AND ASSOCIATIONS” after “COMPANIES”.

30. Section 196 of the Act is amended by inserting the following paragraph after the first paragraph:

“Insurance associations are associations whose contracts binding each of their members are established in writing under the provisions of the Civil Code concerning contracts of association.”

31. The heading of Chapter III of Title III of the Act is amended by inserting “ET DES ASSOCIATIONS” after “ACTIONS” in the French text.

32. Section 201 of the Act is amended

(1) by inserting “and associations constituted by written contract under the provisions of the Civil Code concerning contracts of association” after “(chapter S-31.1)”;

(2) by inserting “ou de l’association” at the end in the French text.

33. The Act is amended by adding the following subdivision after section 208:

“§3.—*Provisions applicable to insurance associations*

“**208.1.** An insurance association may apply to become regulated by this Title only if the contract by which it is constituted was entered into by at least five parties for the sole purpose of carrying on insurer activities and if the contract contains the measures provided for in section 188.

The five parties must be qualified to serve as directors of the association, unless the directors have already been designated.”

34. Section 209 of the Act is amended, in the first paragraph,

(1) by inserting “ou d’une association” after “société” in the introductory clause in the French text;

(2) by inserting “or association” after “the insurance company” in subparagraph 1;

(3) by replacing “the juridical form of the insurance company” in subparagraph 2 by “in the case of a corporation or company, its juridical form”;

(4) by replacing “corporation or company” in subparagraph 4 by “corporation, company or association”;

(5) by inserting “or of the insurance association’s principal establishment” after “proposed head office” in subparagraph 5.

35. Section 210 of the Act is amended by inserting “ou d’une association” after “société” in the first paragraph in the French text.

36. The Act is amended by inserting the following section after section 212:

“212.1. An application to become regulated by this Title filed by an association must, in addition, include

(1) the name and address of the director or member of the association charged with seeing to the preparation and signing of the documents necessary for it to become regulated by this Title;

(2) the list of the association’s members and the sums that each intends to pay into the pool; and

(3) any other information prescribed by regulation of the Minister.”

37. Section 213 of the Act is amended

(1) by inserting “, the contract by which the association is constituted” after “business corporation” in paragraph 1;

(2) by replacing paragraph 2 by the following paragraphs:

“(2) in the case of an insurance company, a description of the projected capital structure and, for a three-year period, a business plan and financial forecasts;

“(2.1) in the case of an insurance association, business planning and financial forecasts for a three-year period;”.

38. Section 216 of the Act is amended

(1) by inserting “In the case of a business corporation or a mutual company,” at the beginning of the introductory clause of the second paragraph;

(2) by adding the following paragraph at the end:

“In the case of an association, the report must cover such matters as:

(1) if applicable, the grounds for disqualification of its directors;

(2) the compliance of the insurance association’s proposed name with this Act;

(3) the sufficiency of the sums pooled by its members; and

(4) the quality and feasibility of the planning and the financial forecasts for the carrying on and development of the insurance association's activities.”

39. Section 217 of the Act is amended by replacing “company’s” by “insurance company’s or insurance association’s”.

40. Section 218 of the Act is amended by replacing “business corporation or mutual company” by “business corporation, mutual company or association”.

41. Section 219 of the Act is amended, in the first paragraph,

(1) by replacing “business corporation or mutual company” by “business corporation, mutual company or association”;

(2) by replacing “corporation or company” by “corporation, company or association”.

42. The heading of Chapter IV of Title III of the Act is amended by inserting “OR ASSOCIATION” after “COMPANY”.

43. Section 222 of the Act is amended

(1) by inserting “or association” after both occurrences of “company” in the first paragraph;

(2) by inserting “or association” after “company” in the second paragraph.

44. The heading of Division II of Chapter IV of Title III of the Act is amended by adding “OR TO ASSOCIATIONS” at the end.

45. Section 223 of the Act is amended by replacing “during its organization must be deposited” by “or the sums pooled by the members of a regulated association during the organization of that corporation or association must be deposited”.

46. The heading of Division IV of Chapter IV of Title III of the Act is amended by inserting “OR ASSOCIATION” after “COMPANY”.

47. Section 229 of the Act is amended

(1) in the first paragraph,

(a) by inserting “or association” after “company”;

(b) by replacing “the corporation” by “the company or association”;

(2) by inserting “or association’s” after “company’s” in the second paragraph.

48. The Act is amended by inserting the following section after section 230:

“230.1. An association whose contract ends without its having obtained the Authority’s authorization must subtract from its property its debts and, in accordance with article 2279 of the Civil Code, share among its members the sums pooled that were not committed for the association to become regulated by this Title and for the association’s organization.”

49. Section 231 of the Act is amended by adding the following paragraph at the end:

“An association ceases to be regulated by this Title once it has remitted to each of its members the sums they had pooled.”

50. Section 234 of the Act is replaced by the following section:

“234. The expressions “mutual company” and “reciprocal union” are reserved for mutual companies and reciprocal unions, respectively.”

51. Section 266 of the Act is amended by inserting “or association’s” after “company’s”.

52. Section 267 of the Act is amended by replacing “of a Québec insurer constituted under a private Act” in the first paragraph by “of an insurance company constituted under a private Act of Québec”.

53. Section 269 of the Act is amended by inserting “or association” after “company”.

54. Section 270 of the Act is amended by inserting “or association” after “company”.

55. Section 271 of the Act is amended by replacing “, the Authority notifies the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the director and the company in writing” by “or association, the Authority notifies the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the director and the company or association, as the case may be, in writing”.

56. Section 277 of the Act is amended by adding the following sentence at the end: “Similarly, the quorum at a meeting of the board of directors of an insurance association may not be less than that majority.”

57. Section 278 of the Act is amended by adding the following sentence at the end: “Similarly, the board of directors of an insurance association may not delegate the power to appoint, the power to dismiss or the power to determine the remuneration of the actuary referred to in that chapter.”

58. Section 283 of the Act is amended, in the first paragraph,

(1) by inserting “or association” after “company” in the introductory clause;

(2) by adding the following subparagraph at the end:

“(3) in the case of an association, the parties to the contract that constitutes the association.”

59. Section 284 of the Act is amended by adding the following paragraph at the end:

“An insurance association must keep in its books a register of its members containing their names and addresses.”

60. The Act is amended by inserting the following division after section 288:

“DIVISION IV

“MEETINGS OF THE PARTIES IN AN INSURANCE ASSOCIATION

“**288.1.** Unless otherwise prescribed by the contract by which the insurance association is constituted, each member of the insurance association is entitled to one vote at a meeting.

“**288.2.** Unless otherwise prescribed by the contract by which the insurance association is constituted, the members present at a meeting constitute a quorum.

If the quorum prescribed by the contract is not reached, the meeting may be called a second time. If the quorum is still not reached, the meeting may be validly held and must deal with the same matters as those stated in the first notice of meeting.

“**288.3.** Members of the insurance association may be represented at a meeting by mandataries to the extent that the contract by which the insurance association is constituted allows it.

A mandatary may not represent more than one member.”

61. Section 289 of the Act is amended by inserting “In the case of an insurance company,” at the beginning of the second paragraph.

62. Section 340 of the Act is amended by inserting “or association” after “company”.

63. The Act is amended by inserting the following division after section 353:

“DIVISION IV

“PROVISIONS SPECIFIC TO INSURANCE ASSOCIATIONS

“353.1. An insurance association may apply for a full revocation of the authorization granted to it by the Authority only if its members have consented to its liquidation and a liquidator is appointed by its directors or, failing that, by the court.

In addition to the cases provided for in article 2277 of the Civil Code, the contract of association is terminated at the closure of the liquidation ordered within the scope of a receivership ordered under Chapter III.1 of Title I of the Act respecting the regulation of the financial sector (chapter E-6.1).

“353.2. An insurance association may begin its liquidation only once the full revocation of the authorization granted to it by the Authority becomes final. It may continue to carry on its activities only in order to liquidate. The closure of its liquidation terminates its being regulated by this Title.

“353.3. All proceedings against the property of an insurance association, in particular by seizure in the hands of a third person, seizure before judgment or seizure in execution, are to be suspended as soon as notice of the insurance association’s intention to apply for the full revocation of the authorization is published in accordance with section 173.

The costs incurred by a creditor after being informed of the liquidation must not be collocated out of the proceeds of the property of the insurance association that are distributed as a result of the liquidation.

A judge of the Superior Court of the district in which the association’s principal establishment is located may, however, on the conditions the judge considers appropriate, authorize the institution of, or put an end to the stay of, a proceeding.

“353.4. The liquidation of an insurance association is carried out under the Authority’s supervision and control.

“353.5. The liquidator must send the final account to the Authority at the time that account is sent to the parties in the insurance association.”

64. Chapter I of Title V of the Act, comprising section 461, is repealed.

65. Section 489 of the Act is amended by inserting “, “reciprocal union”” after ““corporation”” in subparagraph 2 of the first paragraph.

66. Section 491 of the Act is amended, in subparagraph 1 of the first paragraph

(1) by replacing subparagraph *c* by the following subparagraph:

“(c) that, in contravention of the first paragraph of section 71, uses an insurance policy or a rider referred to in that paragraph whose form and terms have not been determined by the Authority or, in contravention of the second paragraph of that section, uses a rider that does not meet the conditions set out in that paragraph;”;

(2) by inserting “or, being a reciprocal union, the list of its members,” after “Québec” in subparagraph *h*.

67. Section 493 of the Act is amended by replacing “the authorized mandatary of a reciprocal union” in paragraph 2 by “an authorized reciprocal union”.

68. Section 513 of the Act is amended by replacing “mandatary” in the second paragraph by “representative”.

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

69. Section 8 of the Act respecting the distribution of financial products and services (chapter D-9.2) is amended by inserting “or an authorized reciprocal union” at the end.

CHAPTER II

PROVISIONS RELATING TO MONETARY ADMINISTRATIVE PENALTIES IN THE REAL ESTATE BROKERAGE SECTOR

DIVISION I

PROVISIONS RELATING TO MONETARY ADMINISTRATIVE PENALTIES

REAL ESTATE BROKERAGE ACT

70. The Real Estate Brokerage Act (chapter C-73.2) is amended by inserting the following chapter after section 123:

“CHAPTER VI.1

“MONETARY ADMINISTRATIVE PENALTIES

“DIVISION I

“FAILURES TO COMPLY

“**123.1.** A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed on a licence holder who fails

(1) to send anyone, within the time required by the Organization, the information prescribed by this Act or the regulations;

(2) in contravention of section 24, to evidence in writing the contract concerning an immovable described in section 23; or

(3) in contravention of section 25, to give his or her client the duplicate of the contract concerning an immovable described in section 23.

“**123.2.** If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

“**123.3.** The Organization may, in a regulation made under this Act, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty.

The regulation may define the conditions for applying the penalty and set forth the amounts or the methods for determining them. The amounts may vary according to the seriousness of the failure to comply, without exceeding the maximum amounts provided for in section 123.1.

“DIVISION II

“NOTICE OF NON-COMPLIANCE AND IMPOSITION

“**123.4.** In the event of a failure to comply referred to in Division I, a notice of non-compliance may be notified to the licence holder urging that the necessary measures be taken immediately to remedy it.

Such a notice must mention that the failure may give rise to a monetary administrative penalty.

“**123.5.** The imposition of a monetary administrative penalty is prescribed by two years from the date of the failure to comply.

“**123.6.** The monetary administrative penalty for a failure to comply with a provision of this Act may not be imposed on the licence holder if a statement of offence based on the same facts has already been served for a failure, on the same day, to comply with the same provision.

“123.7. A monetary administrative penalty is imposed on the licence holder by the notification of a notice of claim.

The notice must state:

- (1) the amount of the claim;
- (2) the reasons for it;
- (3) the time from which it bears interest, if applicable;
- (4) the right, under section 123.8, to obtain a review of the decision to impose the penalty and the time limit for exercising that right; and
- (5) the right to contest the review decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

The notice must also include information on the procedure for recovery of the amount claimed. The licence holder must also be informed that failure to pay the amount owing may give rise to the amendment, suspension or revocation of his or her licence and, if applicable, that the facts on which the claim is founded may result in penal proceedings.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

“DIVISION III

“REVIEW

“123.8. The holder of a licence may apply in writing to the Organization for a review of the decision to impose a monetary administrative penalty within 30 days after notification of the notice of claim.

The persons responsible for the review are designated by the Organization; they must not come under the same administrative authority as the persons responsible for imposing such penalties.

“123.9. The application for review must be dealt with promptly. After giving the applicant an opportunity to submit observations and produce any documents to complete the record, the person responsible for the review renders a decision on the basis of the record, unless the person deems it necessary to proceed in some other manner.

“123.10. The review decision must be written in clear and concise terms, with reasons given, must be notified to the applicant and must state the applicant’s right to contest the decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days after receipt of the application or, if applicable, within the time granted to the applicant to submit observations or documents, the interest provided for in the fourth paragraph of section 123.7 on the amount owing ceases to accrue until the decision is rendered.

“123.11. A review decision that confirms the imposition of a monetary administrative penalty may be contested before the Administrative Tribunal of Québec by the licence holder to which the decision pertains within 60 days after notification of the review decision.

The Tribunal may only confirm or quash a contested decision.

When rendering its decision, the Tribunal may make a ruling with respect to interest accrued on the penalty while the matter was pending before it.

“DIVISION IV

“RECOVERY

“123.12. If the agency licence holder has defaulted on payment of a monetary administrative penalty, its directors and officers are solidarily liable with that licence holder for the payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure.

“123.13. The payment of a monetary administrative penalty is secured by a legal hypothec on the debtor’s movable and immovable property.

For the purposes of this division, “debtor” means the licence holder that is required to pay a monetary administrative penalty and, if applicable, each of its directors and officers who are solidarily liable with that licence holder for the payment of the penalty.

“123.14. The debtor and the Organization may enter into a payment agreement with regard to a monetary administrative penalty owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of any other administrative penalty under this Act, an acknowledgement of the facts giving rise to it.

“123.15. If the monetary administrative penalty owing is not paid in its entirety or the payment agreement is not adhered to, the Organization may issue a recovery certificate on the expiry of the time for applying for a review of the decision to impose the penalty, on the expiry of the time for contesting the review decision before the Administrative Tribunal of Québec or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the decision to impose the penalty or the review decision, as applicable.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Organization is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor's name and address and the amount of the debt.

“123.16. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

“123.17. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation of the Minister.

“DIVISION V

“REGISTER

“123.18. The Organization keeps a register relating to monetary administrative penalties.

The register must contain at least the following information:

- (1) the date the penalty was imposed;
- (2) the date and nature of the failure, and the legislative provisions under which the penalty was imposed;
- (3) if the penalty was imposed on an agency, its name and the address of its head office or that of one of its establishments;
- (4) if the penalty was imposed on a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the failure occurred during the ordinary course of business of the person's enterprise, the enterprise's name and address;
- (5) the amount of the penalty imposed;
- (6) the date of receipt of an application for review and the date and conclusions of the decision;
- (7) the date a proceeding is brought before the Administrative Tribunal of Québec and the date and conclusions of the decision rendered by the Tribunal, as soon as the Organization is made aware of the information;
- (8) the date a proceeding is brought against the decision rendered by the Administrative Tribunal of Québec, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Organization is made aware of the information; and
- (9) any other information the Organization considers of public interest.

The information contained in the register is public information as of the time the decision imposing the penalty becomes final.”

DIVISION II

SPECIAL AMENDING PROVISION

ACT RESPECTING ADMINISTRATIVE JUSTICE

71. Schedule IV to the Act respecting administrative justice (chapter J-3) is amended by inserting the following paragraph after paragraph 7.1:

“(7.2) section 123.11 of the Real Estate Brokerage Act (chapter C-73.2);”.

CHAPTER III

PROVISIONS RELATING TO THE RECOVERY OF AMOUNTS FOLLOWING THE IMPOSITION OF MONETARY ADMINISTRATIVE PENALTIES IN THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES, DERIVATIVES AND SECURITIES SECTORS

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

72. The Act respecting the distribution of financial products and services (chapter D-9.2) is amended by inserting the following sections after section 115.2:

“**115.2.1.** If the party responsible for a failure to comply has defaulted on payment of a monetary administrative penalty, its directors and officers are solidarily liable with that party for the payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure.

“**115.2.2.** The payment of a monetary administrative penalty is secured by a legal hypothec on the debtor’s movable and immovable property.

For the purposes of the first paragraph and sections 115.2.3 to 115.2.7, “debtor” means the party responsible for a failure to comply that is required to pay a monetary administrative penalty and, if applicable, each of its directors and officers, who are solidarily liable with that party for the payment of the penalty.

“**115.2.3.** The debtor and the Authority may enter into a payment agreement with regard to a monetary administrative penalty owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of any other administrative penalty under this Act, an acknowledgement of the facts giving rise to it.

“115.2.4. If the monetary administrative penalty owing is not paid in its entirety or the payment agreement is not adhered to, the Authority may issue a recovery certificate on the expiry of the time for applying for a review of the decision to impose the penalty, on the expiry of the time for contesting the review decision before the Financial Markets Administrative Tribunal or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the decision to impose the penalty or the review decision, as the case may be.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Authority is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor’s name and address and the amount of the debt.

“115.2.5. Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), be withheld for payment of the amount due referred to in the certificate.

Such withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

“115.2.6. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

“115.2.7. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation of the Minister.”

DERIVATIVES ACT

73. The Derivatives Act (chapter I-14.01) is amended by inserting the following sections after section 101:

“102. If the party responsible for a failure to comply has defaulted on payment of a monetary administrative penalty, its directors and officers are solidarily liable with that party for the payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure.

“102.1. The payment of a monetary administrative penalty is secured by a legal hypothec on the debtor’s movable and immovable property.

For the purposes of this division, “debtor” means the party responsible for a failure to comply that is required to pay a monetary administrative penalty and, if applicable, each of its directors and officers, who are solidarily liable with that party for the payment of the penalty.

“102.2. The debtor and the Authority may enter into a payment agreement with regard to a monetary administrative penalty owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of any other administrative penalty under this Act, an acknowledgement of the facts giving rise to it.

“102.3. If the monetary administrative penalty owing is not paid in its entirety or the payment agreement is not adhered to, the Authority may issue a recovery certificate on the expiry of the time for applying for a review of the decision to impose the penalty, on the expiry of the time for contesting the review decision before the Financial Markets Administrative Tribunal or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the decision to impose the penalty or the review decision, as the case may be.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Authority is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor’s name and address and the amount of the debt.

“102.4. Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), be withheld for payment of the amount due referred to in the certificate.

Such withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

“102.5. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

“102.6. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation of the Minister.”

SECURITIES ACT

74. The Securities Act (chapter V-1.1) is amended by inserting the following sections after section 274.1:

“275. If the party responsible for a failure to comply has defaulted on payment of a monetary administrative penalty, its directors and officers are solidarily liable with that party for the payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure.

“275.1. The payment of a monetary administrative penalty is secured by a legal hypothec on the debtor’s movable and immovable property.

For the purposes of this chapter, “debtor” means the party responsible for a failure to comply that is required to pay a monetary administrative penalty and, if applicable, each of its directors and officers, who are solidarily liable with that party for the payment of the penalty.

“275.2. The debtor and the Authority may enter into a payment agreement with regard to a monetary administrative penalty owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of any other administrative penalty under this Act, an acknowledgement of the facts giving rise to it.

“275.3. If the monetary administrative penalty owing is not paid in its entirety or the payment agreement is not adhered to, the Authority may issue a recovery certificate on the expiry of the time for applying for a review of the decision to impose the penalty, on the expiry of the time for contesting the review decision before the Financial Markets Administrative Tribunal or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the decision to impose the penalty or the review decision, as the case may be.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Authority is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor’s name and address and the amount of the debt.

“275.4. Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), be withheld for payment of the amount due referred to in the certificate.

Such withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

“275.5. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

“275.6. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation of the Minister.”

CHAPTER IV

MISCELLANEOUS AMENDMENTS CONCERNING FINANCIAL INSTITUTIONS

DIVISION I

OBLIGATIONS OF INSURERS IN INSURANCE OF PERSONS REGARDING LIFE INSURANCE CONTRACTS

INSURERS ACT

75. The Insurers Act (chapter A-32.1) is amended by inserting the following section after section 72:

“72.1. An insurer that binds itself to pay a sum under an individual life insurance contract must take the means necessary to obtain the information enabling it to know whether the sum is payable because of the insured’s death or, where the contract provides that this payment is due during the lifetime of the insured, because of the insured’s surviving a specific period or because of the occurrence of an event related to the insured’s existence.

An insurer that knows that the sum is payable must, for a period of three years from the date the sum is payable, take the necessary means so that the beneficiaries who have not claimed the sum may be informed that the sum is payable. The insurer must also provide them with support in justifying their claim.

The Government may, by regulation, determine the means to be taken by insurers for the purposes of this section, the intervals at which they are to be taken or the situations in which they need not be taken. Such a regulation may provide for rules that differ according to the insurance contract concerned.”

DIVISION II

RE-EXAMINATION OF AN AUTHORIZATION

INSURERS ACT

76. The Insurers Act (chapter A-32.1) is amended by inserting the following section after section 136:

“136.1. An authorized insurer must, on the date prescribed in the second paragraph of section 132 for sending the statement of the position of its affairs and on the date that is six months after that date, notify the Authority of the names and addresses of the groups of which it has become the holder of control in accordance with subparagraph 1, if the operation does not have a significant effect on the authorized insurer, and subparagraphs 2 to 6 of the first paragraph of section 9 during the last six months of the period covered by that statement or, as the case may be, during the six months following the period covered by that statement.”

77. Section 146 of the Act is amended, in subparagraph 5 of the first paragraph,

(1) by replacing “its becoming the holder of control of a group or either of the following events having” in the introductory clause by “where the following operations have”;

(2) by inserting the following subparagraph after subparagraph *b*:

“(c) its becoming the holder of control of a group in accordance with subparagraph 1 of the first paragraph of section 9;”.

78. Section 147 of the Act is amended

(1) by replacing “of subparagraph 5 of the first paragraph of section 146, an acquisition or transfer is deemed to not have a significant effect on an insurer if the resulting variation” in the first paragraph by “of section 136.1 and subparagraph 5 of the first paragraph of section 146, an insurer’s becoming the holder of control of a group or an acquisition or transfer of assets is deemed to not have a significant effect on the insurer if the variation that the operation entails”;

(2) by replacing “the acquisition or transfer” in the second paragraph by “any of the operations referred to in the first paragraph”.

79. Section 153 of the Act is amended by replacing “an acquisition or transfer of assets having a significant effect on an authorized Québec insurer” in the introductory clause by “an operation referred to in subparagraph 5 of the first paragraph of section 146”.

80. Section 155 of the Act is amended by replacing “an acquisition or transfer of assets having a significant effect on an authorized Québec insurer” in the third paragraph by “an operation referred to in subparagraph 5 of the first paragraph of section 146”.

DEPOSIT INSTITUTIONS AND DEPOSIT PROTECTION ACT

81. Section 29 of the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2) is amended, in subparagraph 5 of the first paragraph,

(1) by replacing “its becoming the holder of control of a group or either of the following events having” in the part preceding subparagraph *a* by “where the following operations have”;

(2) by adding the following subparagraph at the end:

“(c) its becoming the holder of control of a group in accordance with subparagraph 1 of the first paragraph of section 1.5.”

82. Section 30 of the Act is amended

(1) by replacing “, an acquisition or transfer is deemed not to have a significant effect on a deposit institution if the resulting variation” in the first paragraph by “and section 41.2.1, a deposit institution’s becoming the holder of control of a group or an acquisition or transfer of assets is deemed to not have a significant effect on the deposit institution if the variation that the operation entails”;

(2) by replacing “the acquisition or transfer” in the second paragraph by “any of the operations referred to in the first paragraph”.

83. Section 30.6 of the Act is amended by replacing “acquisition or transfer of assets having a significant effect on an authorized Québec deposit institution” in the introductory clause by “operation referred to in subparagraph 5 of the first paragraph of section 29”.

84. Section 30.7 of the Act is amended by replacing “acquisition or transfer of assets having a significant effect on an authorized Québec deposit institution” in the third paragraph by “operation referred to in subparagraph 5 of the first paragraph of section 29”.

85. The Act is amended by inserting the following section after section 41.2:

“**41.2.1.** Every authorized deposit institution must, on the date prescribed in section 41 for sending the detailed return of its operations or, in the case of a financial services cooperative, on the date prescribed in section 166 of the Act respecting financial services cooperatives (chapter C-67.3) for transmitting its annual report and on the date that is six months after the date that is applicable to it, notify the Authority of the names and addresses of the groups of which it has become the holder of control in accordance with subparagraph 1, if the operation does not have a significant effect on the institution, and subparagraphs 2 to 5 of the first paragraph of section 1.5 during the last six months of the period covered by that report or, as the case may be, during the six months following the period covered by that report.”

TRUST COMPANIES AND SAVINGS COMPANIES ACT

86. The Trust Companies and Savings Companies Act (chapter S-29.02) is amended by inserting the following section after section 115:

“**115.1.** An authorized trust company must, on the date prescribed in the second paragraph of section 111 for sending the statement of the position of its affairs and on the date that is six months after that date, notify the Authority of the names and addresses of the groups of which it has become the holder of control in accordance with subparagraph 1, if the operation does not have a significant effect on the company, and subparagraphs 2 to 5 of the first paragraph

of section 6 during the last six months of the period covered by that statement or, as applicable, during the six months following the period covered by that statement.”

87. Section 126 of the Act is amended, in subparagraph 5 of the first paragraph,

(1) by replacing “its becoming the holder of control of a group or either of the following events having” in the introductory clause by “where the following operations have”;

(2) by adding the following subparagraph at the end:

“(c) its becoming the holder of control of a group in accordance with subparagraph 1 of the first paragraph of section 6.”

88. Section 127 of the Act is amended

(1) by replacing “of subparagraph 5 of the first paragraph of section 126, an acquisition or transfer is deemed to not have a significant effect on a trust company if the resulting variation” in the first paragraph by “of section 115.1 and of subparagraph 5 of the first paragraph of section 126, a trust company’s becoming the holder of control of a group or an acquisition or transfer of assets is deemed not to have a significant effect on the trust company if the variation that the operation entails”;

(2) by replacing “the acquisition or transfer” in the second paragraph by “any of the operations referred to in the first paragraph”.

89. Section 133 of the Act is amended by replacing “acquisition or transfer of assets having a significant effect on an authorized Québec trust company” in the introductory clause by “operation referred to in subparagraph 5 of the first paragraph of section 126”.

90. Section 134 of the Act is amended by replacing “acquisition or a transfer of assets having a significant effect on an authorized Québec trust company” in the third paragraph by “operation referred to in subparagraph 5 of the first paragraph of section 126”.

CHAPTER V

MISCELLANEOUS AMENDMENTS CONCERNING THE PROTECTION OF INVESTORS AND THE GENERAL PUBLIC

DIVISION I

PERSON ACTING UNDER THE SUPERVISION OF A CLAIMS ADJUSTER

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

91. Section 10 of the Act respecting the distribution of financial products and services (chapter D-9.2) is amended by adding the following subparagraph at the end of the second paragraph:

“(3) persons domiciled in Canada and employed by a firm, an independent partnership or a claims adjuster registered as an independent representative who, solely by means of information technologies, for an automobile claim arising either from a claim provided for by the direct compensation agreement referred to in section 173 of the Automobile Insurance Act (chapter A-25) or from a glass breakage, or for the settlement of a claim not exceeding \$5,000, carries out one of the functions of a claims adjuster under the supervision of that independent representative or of a claims adjuster who acts on behalf of that firm or independent partnership.”

92. The heading of Division II of Chapter II of Title I of the Act is amended by adding “AND PERSONS ACTING UNDER THEIR SUPERVISION” at the end.

93. Sections 45 and 46 of the Act are repealed.

94. The Act is amended by inserting the following section after section 50:

“50.1. Persons referred to in subparagraph 3 of the second paragraph of section 10 must inform the claimant of the fact that they are acting under the supervision of a claims adjuster and of the identity of that claims adjuster and, at the claimant’s request, refer the claimant’s record to that claims adjuster.

The first paragraph of section 16 applies to persons referred to in subparagraph 3 of the second paragraph of section 10 in their relations with a claimant.”

95. Section 80 of the Act is amended

(1) by replacing “in the performance of the representative’s functions” in the first paragraph by “or a person referred to in subparagraph 3 of the second paragraph of section 10 in the performance of their functions”;

(2) by replacing “the representative concerned” in the second paragraph by “them”.

96. The Act is amended by inserting the following section after section 85:

“85.1. A firm that employs a person referred to in subparagraph 3 of the second paragraph of section 10 must ensure, before the date the person begins to exercise their functions in that respect and thereafter every three years, that the person:

(1) has not made an assignment of property nor been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3);

(2) has not been convicted by a court inside Canada of an act or offence which is linked to the pursuit of the activity of representative;

(3) is not under tutorship or under a protection mandate; or

(4) does not hold a certificate that has been cancelled or suspended, or had restrictions or conditions imposed on it, by the discipline committee or by a body in Québec or another province or state that is responsible for supervising and monitoring persons acting as representatives.

Where a firm is aware that a person referred to in the first paragraph no longer meets the conditions required under that paragraph, the firm must cease to employ that person in that capacity. In addition, a firm must cease to employ such a person in that capacity if it is aware that the person has been convicted by a foreign court of an act or offence that is linked to the pursuit of the activity of representative.”

97. Section 91 of the Act is amended by inserting “and employees” after “representatives”.

98. Section 92 of the Act is amended by inserting “or employees” after all occurrences of “representatives”.

99. Section 137 of the Act is amended

(1) by replacing “its representatives” by “the representatives it employs”;

(2) by adding the following paragraph at the end:

“Independent representatives must ensure that their employees comply with this Act and the regulations.”

100. The Act is amended by inserting the following sections after section 137:

“137.1. An independent representative or an independent partnership is responsible for any injury caused to a client by the fault of a person referred to in subparagraph 3 of the second paragraph of section 10 who acts on the independent representative’s or independent partnership’s behalf in the performance the person’s functions.

However, the independent representative and the independent partnership retain the remedies available to them against that person.

“137.2. An independent representative or an independent partnership must ensure that their employees have access only to the information necessary for the pursuit of their activities.”

101. Section 200 of the Act is amended

(1) by inserting “the qualifications and” after “and the rules relating to” in paragraph 3;

(2) by adding the following paragraph at the end:

“(10) in the claims adjustment sector, the rules relating to the qualifications and obligations of representatives who supervise a person referred to in subparagraph 3 of the second paragraph of section 10.”

102. Section 213 of the Act is repealed.

103. Section 258 of the Act is amended

(1) by adding the following sentence at the end of the second paragraph: “The fund shall also be assigned to the payment of such indemnities in relation to the financial products and services provided or offered by one of their trainees holding a certificate or by a person referred to in subparagraph 3 of the second paragraph of section 10 who is their employee, regardless of the acts they are authorized to perform under this Act.”;

(2) in the third paragraph,

(a) by replacing “of a representative responsible for fraud, fraudulent tactics or embezzlement or of such a representative’s right to transact business” in the introductory clause by “or of the registration of a person or partnership referred to in the second paragraph or the termination of the functions in that respect of a person referred to in subparagraph 3 of the second paragraph of section 10, where such a person or partnership is responsible for fraud, fraudulent tactics or embezzlement,”;

(b) by replacing “the representative before the suspension or revocation” in subparagraph 1 by “the person or partnership before the suspension or cancellation of their certificate or registration or before the termination of their functions”;

(c) by inserting “or the termination of their functions” after “revocation” in subparagraph 2;

(3) by striking out the fourth paragraph.

REGULATION RESPECTING THE PURSUIT OF ACTIVITIES AS A REPRESENTATIVE

104. Division VIII of the Regulation respecting the pursuit of activities as a representative (chapter D-9.2, r. 10), comprising section 28, is repealed.

DIVISION II

CONDITIONS FOR THE ISSUE OF A CERTIFICATE AND FOR REGISTRATION TO PURSUE ACTIVITIES AS A REPRESENTATIVE

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

105. Section 218 of the Act respecting the distribution of financial products and services (chapter D-9.2) is amended by striking out “, or has pleaded guilty to such an act or offence” in subparagraph 2 of the first paragraph.

106. Section 219 of the Act is amended by striking out “, or has pleaded guilty to such an offence or act” in paragraph 2.

107. Section 220 of the Act is amended by inserting “is insolvent” after “pursue activities in that sector.”.

DERIVATIVES ACT

108. Section 80.1 of the Derivatives Act (chapter I-14.01) is amended

(1) by striking out “, or has pleaded guilty to such an act or offence” in paragraph 2;

(2) by adding the following paragraph at the end:

“(5) the representative, chief compliance officer or ultimate designated person no longer complies with a condition for registration provided for in this Act.”

SECURITIES ACT

109. Section 151.0.1 of the Securities Act (chapter V-1.1) is amended in the first paragraph

(1) by striking out “, or has pleaded guilty to such an act or offence” in subparagraph 2;

(2) by adding the following subparagraph at the end:

“(5) the representative, chief compliance officer or ultimate designated person no longer complies with a condition for registration provided for in this Act or a regulation made under this Act.”

DIVISION III

DISTRIBUTION WITHOUT A REPRESENTATIVE

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

110. Section 424 of the Act respecting the distribution of financial products and services (chapter D-9.2) is amended by striking out paragraph 5.

111. The Act is amended by inserting the following section after section 442:

“**442.1.** An insurance contract referred to in section 426 with a term exceeding one year must provide that the premium is payable at least once a year for each year of the contract.”

DIVISION IV

RECEIPT DEEMED ISSUED

SECURITIES ACT

112. The Securities Act (chapter V-1.1) is amended by inserting the following section after section 12:

“**12.1.** The Authority may, by by-law, determine the cases in and conditions on which a receipt is deemed issued by the Authority for the purposes of this chapter.”

113. Section 331.1 of the Act is amended by inserting the following paragraph after paragraph 6:

“(6.0.1) determine the cases in and conditions on which a receipt is deemed issued by the Authority for the purposes of Chapter I of Title II;”.

DIVISION V

LAND INTENDED FOR RESIDENTIAL CONSTRUCTION AND REAL ESTATE BROKERAGE FORMS APPROVED BY THE MINISTER

REAL ESTATE BROKERAGE ACT

114. Section 23 of the Real Estate Brokerage Act (chapter C-73.2) is amended by inserting “or of land intended for residential construction” at the end of paragraph 1.

115. Section 63 of the Act is amended by adding the following paragraph at the end:

“The information contained in the register of licence holders is public information. It may be set up against third parties as of the date it is entered and is proof of its contents for the benefit of third parties in good faith.”

116. Section 129.1 of the Act is amended

(1) by adding the following sentence at the end of the second paragraph: “They come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date determined by the Minister.”;

(2) by replacing “being approved by the Minister” in the third paragraph by “date of coming into force”.

CHAPTER VI

FUNCTIONS AND POWERS OF THE AUTORITÉ DES MARCHÉS FINANCIERS AND OF THE FINANCIAL MARKETS ADMINISTRATIVE TRIBUNAL

DIVISION I

CALCULATION OF A DEPOSIT IN CANADIAN DOLLARS AND FREQUENCY OF INSPECTION OF AN AUTHORIZED DEPOSIT INSTITUTION

DEPOSIT INSTITUTIONS AND DEPOSIT PROTECTION ACT

117. Section 34.3 of the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2) is amended by adding the following paragraph at the end:

“In the case of a deposit of money in foreign currency, the Authority must calculate the deposit in Canadian dollars in accordance with the exchange rate published by the Bank of Canada on the date on which one of the cases referred

to in the first paragraph of section 34.1 occurs or, if not published on that date, immediately before that date or, if the Bank does not publish an exchange rate, by the authorized deposit institution.”

118. Section 42 of the Act is repealed.

DIVISION II

ADMINISTRATIVE PENALTY IMPOSED BY THE FINANCIAL MARKETS ADMINISTRATIVE TRIBUNAL AND PENALTY IMPOSED BY THE AUTORITÉ DES MARCHÉS FINANCIERS

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

119. Section 115 of the Act respecting the distribution of financial products and services (chapter D-9.2) is amended

(1) by striking out the last sentence of the first paragraph;

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

“Likewise, if it is brought to the knowledge of the Tribunal that a person has, by an act or omission, contravened or aided in the contravention of a provision of this Act or the regulations, the Tribunal may impose an administrative penalty not exceeding \$2,000,000 for each contravention or, in the case of a contravention of the rules of ethics applicable to mortgage brokers determined by regulation under section 202.1, an administrative penalty of not less than \$2,000 and not more than \$50,000 for each contravention.”;

(3) by replacing “first paragraph” in the second paragraph by “first and second paragraphs”.

120. Section 115.2 of the Act is amended, in the first paragraph,

(1) by replacing “81, 82, 83, 103.1 or 103.7 or to file documents as required under this Act or the regulations, the Authority may suspend the firm’s registration or subject it to restrictions or conditions or impose a monetary administrative penalty not exceeding \$5,000 for each contravention” by “74, 81, 82, 83, 103.1 or 103.7 or to file documents as required under this Act or the regulations, the Authority may suspend the firm’s registration or subject it to restrictions or conditions”;

(2) by inserting the following sentence after the first sentence: “The Authority may, instead or in addition to those penalties, impose on the firm a monetary administrative penalty not exceeding \$5,000 for each contravention.”;

(3) by replacing “section 82” by “section 74 or 82”.

121. The Act is amended by inserting the following section after section 142:

“142.1. Independent representatives or independent partnerships that fail to comply with section 74, 131 or 133 may not claim or receive remuneration for the products sold or services rendered. In addition, an independent partnership that fails to comply with section 71.1 may not claim or receive such remuneration.”

122. Section 146 of the Act is amended

- (1) in the first paragraph,
 - (a) by striking out “75,”;
 - (b) by inserting “85.1, 90,” after “83.1,”;
 - (c) by striking out “, 103”;
 - (d) by replacing “106 to 113, 114.1” by “105 to 114.1, 115.2.1 to 115.2.7”;
- (2) in the second paragraph,
 - (a) by striking out “75,”;
 - (b) by striking out “82,”;
 - (c) by inserting “85.1,” after “84,”;
 - (d) by striking out “91,”;
 - (e) by striking out “, 103”;
 - (f) by replacing “106 to 113, 114.1” by “105 to 114.1, 115.2.1 to 115.2.7”.

123. Section 146.1 of the Act is amended

- (1) by inserting “74,” after “comply with section”;
- (2) by replacing “or 136” by “, 136 or 142.1”.

DIVISION III

ORDER OF THE FINANCIAL MARKETS ADMINISTRATIVE TRIBUNAL

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

124. Section 115.3 of the Act respecting the distribution of financial products and services (chapter D-9.2) is amended by inserting “or of funds, securities or other property acquired for unreasonable consideration from the representative, firm or any other person or entity actually or potentially under investigation” at the end of subparagraph 3 of the first paragraph.

DERIVATIVES ACT

125. Section 119 of the Derivatives Act (chapter I-14.01) is amended by inserting “or funds, securities or other property acquired for unreasonable consideration from the person actually or potentially under investigation” at the end of paragraph 3.

SECURITIES ACT

126. Section 249 of the Securities Act (chapter V-1.1) is amended by inserting “or of funds, securities or other property acquired for unreasonable consideration from the person who is or is about to be under investigation” at the end of paragraph 3.

DIVISION IV

DATE OF FILING OF DOCUMENTS BY THE FINANCIAL MARKETS ADMINISTRATIVE TRIBUNAL

ACT RESPECTING THE REGULATION OF THE FINANCIAL SECTOR

127. Section 115.15.56 of the Act respecting the regulation of the financial sector (chapter E-6.1) is amended by replacing “31 July” in the first paragraph by “30 September”.

CHAPTER VII

CONTINUANCE OF A LEGAL PERSON UNDER PART III OF THE COMPANIES ACT

COMPANIES ACT

128. Section 221 of the Companies Act (chapter C-38) is amended

(1) by replacing “constituting the members of” in the first paragraph by “to continue”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“The enterprise register shall deposit the letters patent in the register and, subject to such deposit, but from the date of the letters patent, the legal person is continued under this Act.

The continuance does not affect the rights, obligations and deeds of the legal person that is continued as a legal person governed by this Part or those of its members. The legal person remains a party to any judicial or administrative proceedings to which the legal person thus continued was a party.”

CHAPTER VIII

TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS

129. The sums required by the Government for its commitment to indemnify the Bank of Canada for losses that could result from the Bank’s granting of emergency assistance to the Fédération des caisses Desjardins under paragraph *h* of section 18 of the Bank of Canada Act (Revised Statutes of Canada, 1985, chapter B-2) are taken out of the Consolidated Revenue Fund.

130. The Autorité des marchés financiers may require from any person who provides no later than on 7 June 2023 information or data used to establish the Canadian Dollar Offered Rate administered by Refinitiv Benchmark Services (UK) Limited, benchmark and benchmark administrator designated in accordance with the first paragraph of section 186.2.0.1 of the Securities Act (chapter V-1.1), that the person provide the information and data to that administrator until the date it determines, which may not be later than 28 June 2024.

131. As of 9 May 2024, the Union réciproque d'assurance scolaire du Québec is deemed to be regulated by Title III of the Insurers Act (chapter A-32.1).

132. Between 9 May 2024 and 9 May 2025, section 258 of the Act respecting the distribution of financial products and services (chapter D-9.2), amended by section 103 of this Act, is to be read as if the third and fourth paragraphs were replaced by the following paragraph:

“The suspension or cancellation of the certificate or registration of a person or partnership referred to in the second paragraph who is responsible for fraud, fraudulent tactics or embezzlement does not deprive the victim of the right to the indemnity provided for in the second paragraph if

(1) the victim was doing business with the person or partnership before the suspension or cancellation of their certificate or registration; and

(2) the fraud, fraudulent tactics or embezzlement occurred within two years after the cancellation or after the beginning of the suspension.”

133. The Autorité des marchés financiers, on an application addressed to it before 1 December 2025 by a damage insurance agent or broker qualified pursuant to section 46 of the Act respecting the distribution of financial products and services on 8 May 2025, issues a certificate, without further formality, to the agent or broker to act in the claims adjustment sector or the class of that sector in which the agent or broker is authorized to act on that date.

Likewise, the Autorité, on an application addressed to it before 1 December 2025 by the firm or independent partnership on whose behalf such an agent or broker acts or by an independent representative, registers the firm, without further formality, in the claims adjustment sector.

134. The Financial Markets Administrative Tribunal may exercise the powers provided for in sections 124 to 126 of this Act with respect to a contravention or failure to comply observed after 9 May 2024 regardless of the date on which the facts giving rise to that contravention or failure to comply occurred.

135. The provisions of this Act come into force on 9 May 2024, except

(1) the provisions of sections 110 and 111, which come into force on 1 July 2026;

(2) the provisions of sections 91 and 92, paragraph 1 of section 95, sections 96 and 100, insofar as the latter enacts section 137.1 of the Act respecting the distribution of financial products and services, paragraph 2 of section 101 and section 103, which come into force on 9 May 2025;

(3) the provisions of section 75, which come into force on the date to be determined by the Government.

