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Laws and Regulations

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Summary

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PROVINCE OF QUÉBEC

1st SESSION

37th LEGISLATURE

QUÉBEC, 17 DECEMBER 2004

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 17 December 2004*

This day, at forty-four minutes past eleven o'clock in the morning, Her Excellency the Lieutenant-Governor was pleased to sanction the following bills:

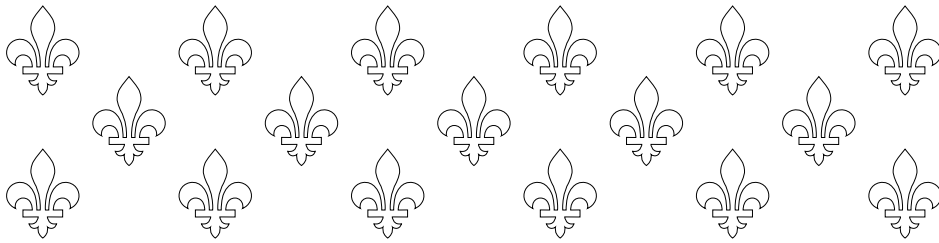
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222 An Act respecting the « Institut universitaire de gériatrie de Sherbrooke et sa version Sherbrooke Geriatric University Institute »

223 An Act respecting Ville de Baie-Comeau

To these bills the Royal assent was affixed by Her Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 81
(2004, chapter 40)

**An Act to repeal the Act respecting the
establishment of a steel complex by
Sidbec and the Act respecting the Société
du parc industriel et portuaire
Québec-Sud**

**Introduced 11 November 2004
Passage in principle 8 December 2004
Passage 16 December 2004
Assented to 17 December 2004**

**Québec Official Publisher
2004**

EXPLANATORY NOTES

The object of this bill is to repeal the Act respecting the establishment of a steel complex by Sidbec and the Act respecting the Société du parc industriel et portuaire Québec-Sud. For that purpose, the bill determines the conditions of the dissolution of Sidbec and of the Société du parc industriel et portuaire Québec-Sud.

LEGISLATION REPEALED BY THIS BILL:

- Act respecting the establishment of a steel complex by Sidbec (R.S.Q., chapter E-14);
- Act respecting the Société du parc industriel et portuaire Québec-Sud (R.S.Q., chapter S-16.01).

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6.001).

Bill 81

AN ACT TO REPEAL THE ACT RESPECTING THE ESTABLISHMENT OF A STEEL COMPLEX BY SIDBEC AND THE ACT RESPECTING THE SOCIÉTÉ DU PARC INDUSTRIEL ET PORTUAIRE QUÉBEC-SUD

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE ESTABLISHMENT OF A STEEL COMPLEX BY SIDBEC

- 1.** The Act respecting the establishment of a steel complex by Sidbec (R.S.Q., chapter E-14) is repealed.
- 2.** Sidbec, a legal person duly constituted by letters patent on 18 November 1964 under Part I of the Companies Act (R.S.Q., chapter C-38), is dissolved.
- 3.** The term of the members of the board of directors of Sidbec in office on the date of the coming into force of this section ends on that date.
- 4.** Repayment of the debt contracted by Sidbec with the Minister of Finance, as manager of the financing fund, is assumed by the Minister of Economic and Regional Development and Research on the date of the coming into force of this section.
- 5.** The civil proceedings to which Sidbec is a party are continued by the mandated attorney, for and on behalf of the Attorney General of Québec, upon an appearance on behalf of the Attorney General of Québec and without continuance of suit.
- 6.** The sums held by Sidbec in its bank accounts are transferred to the consolidated revenue fund on the date of the coming into force of this section.
- 7.** The files, records and other documents of Sidbec become files, records and documents of the Minister of Economic and Regional Development and Research.

ACT RESPECTING THE SOCIÉTÉ DU PARC INDUSTRIEL ET PORTUAIRE QUÉBEC-SUD

- 8.** The Act respecting the Société du parc industriel et portuaire Québec-Sud (R.S.Q., chapter S-16.01) is repealed.

9. The term of the members of the personnel of the Société du parc industriel et portuaire Québec-Sud ends on the date of the coming into force of this section, according to the terms and procedures set out in their conditions of employment.

10. The term of the members of the board of directors of the Société in office on the date of the coming into force of this section ends on that date.

11. The Minister of Finance reimburses an amount of \$400 to the Government of Canada in redemption of the 400 common shares it holds in the Société.

12. The land situated in Ville de Lévis that the Société owns and that is bounded to the north by the St. Lawrence River, to the south by the Lallemand stream, to the southwest by rue Saint-Joseph and to the east by lot 46-4 is deemed to have been transferred by the Société to the Gouvernement du Québec for an amount of \$1 on (*insert the date of the day that precedes the date of coming into force of this section*).

The transfer is registered by entering a certified copy of this Act in the land register.

13. On behalf of and subject to the conditions determined by the Government, the Minister of Economic and Regional Development and Research must offer to transfer the land referred to in section 12 to Ville de Lévis for \$1, on condition that the city agrees to build a park on it.

The offer must give the city at least 90 days in which to agree to the transfer and must provide for penalties or terms applicable if the transfer takes place and the city fails to meet the conditions determined under the first paragraph.

14. On the date of the coming into force of this section, the sums held by the Société in its bank accounts are transferred to the consolidated revenue fund of Québec and the share of the Government of Canada of those sums is remitted to that Government in proportion to its participation in the Société.

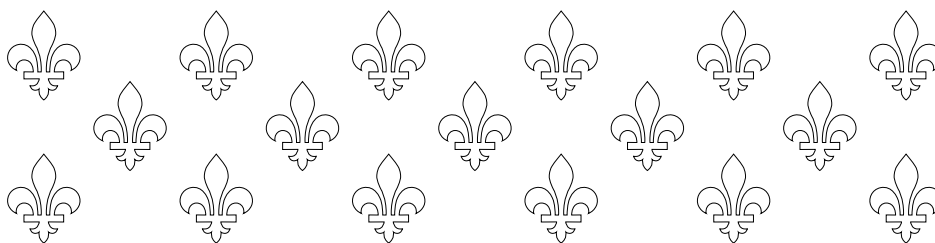
15. The files, records and other documents of the Société become files, records and documents of the Minister of Economic and Regional Development and Research.

FINAL PROVISIONS

16. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by striking out the word “Sidbec” and the words “Société du parc industriel et portuaire Québec-Sud”.

17. The Minister of Economic and Regional Development and Research is responsible for the administration of this Act.

18. This Act comes into force on the date or dates set by the Government.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 90
(2004, chapter 27)

An Act to amend the Act respecting off-highway vehicles

Introduced 16 December 2004
Passage in principle 16 December 2004
Passage 16 December 2004
Assented to 17 December 2004

**Québec Official Publisher
2004**

EXPLANATORY NOTES

The purpose of this bill is to exclude, for a limited time, certain legal proceedings arising from the operation of an off-highway vehicle.

Furthermore, the bill contains a provision concerning certain regulations that may be made under the Act respecting off-highway vehicles before 1 January 2005.

Bill 90

AN ACT TO AMEND THE ACT RESPECTING OFF-HIGHWAY VEHICLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

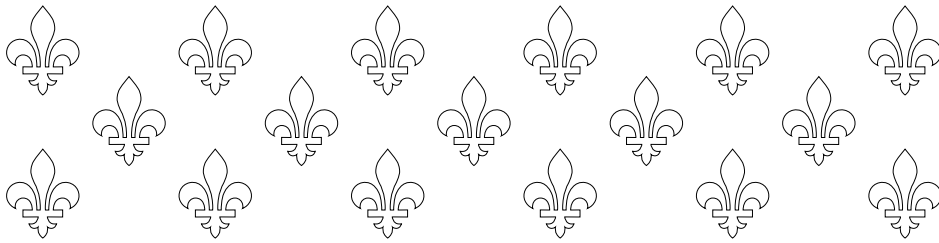
1. The Act respecting off-highway vehicles (R.S.Q., chapter V-1.2) is amended by inserting the following section after section 87:

“87.1. No legal action founded on neighbourhood disturbances or any other damage relating to noise, odours or other contaminants may be brought for facts occurring between 16 December 2001 and 1 May 2006, if the alleged damage is due to the operation of a vehicle to which this Act applies in places authorized under this Act or a regulation under this Act.

Legal action against the operator or owner of an off-highway vehicle alleged to have contravened a provision of this Act or a regulation under this Act is, however, admissible.”

2. The Regulations Act (R.S.Q., chapter R-18.1) does not apply to a regulation made by the Government under section 46 of the Act respecting off-highway vehicles before 1 January 2005. Such a regulation may come into force on the day it is made, and it must be published in the *Gazette officielle du Québec*.

3. This Act comes into force on 16 December 2004.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 223

(Private)

An Act respecting Ville de Baie-Comeau

Introduced 7 December 2004

Passage in principle 16 December 2004

Passage 16 December 2004

Assented to 17 December 2004

**Québec Official Publisher
2004**

Bill 223

(Private)

AN ACT RESPECTING VILLE DE BAIE-COMEAU

AS Ville de Baie-Comeau intends to revitalize its territory, diversify its economy, create jobs and increase its population;

As it is in the interest of the town that it be granted certain powers for those purposes;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Ville de Baie-Comeau may pass a by-law adopting an industrial recovery program for all or part of its territory. It may also, in the same manner, adopt a commercial recovery program for the part of its territory under the authority of a commercial development corporation established in accordance with sections 458.1 to 458.44 of the Cities and Towns Act (R.S.Q., chapter C-19).

The by-law must determine the amount of the expenses that the town may incur under the program, and be submitted for approval to the qualified voters of the whole territory of the town.

The eligibility period for the program may not extend beyond 31 December 2010 and the total amount of financial assistance that may be granted under these programs may not exceed \$4,000,000.

However, the town may adopt a by-law approved by the Minister of Municipal Affairs, Sports and Recreation extending the eligibility period for the program and increasing the amount of financial assistance specified in the third paragraph.

2. The second paragraph of section 542.1 and sections 542.2, 542.6 and 542.7 of the Cities and Towns Act apply to a recovery program, with the necessary modifications.

3. A recovery program may provide for a grant for the owner, lessee or occupant of an enterprise located outside the industrial zone determined in accordance with By-law 2003-644 of the town, for the relocation of the enterprise in the industrial park located north of highway 138.

The town may make an agreement for that purpose.

4. This Act comes into force on 17 December 2004.

Regulations and other acts

Gouvernement du Québec

O.C. 1204-2004, 21 December 2004

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2)

Annual fees and other fees payable — Amendments

Regulation to amend the Regulation respecting annual fees and other fees payable

WHEREAS, under paragraph 2 of section 203 and section 225 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), amended by chapter 37 of the Statutes of 2004, the Autorité des marchés financiers may make regulations to determine the fees payable for the matters set forth in that paragraph and in that section;

WHEREAS, under the first paragraph of section 217 of the Act, a regulation made pursuant to the Act must be submitted to the Government for approval with or without amendment;

WHEREAS the Government approved the Regulation respecting annual fees and other fees payable by Order in Council 836-99 dated 7 July 1999;

WHEREAS it is expedient to amend the Regulation;

WHEREAS on 20 December 2004, the Autorité des marchés financiers made the Regulation to amend the Regulation respecting annual fees and other fees payable;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation may be approved without having been published as provided for in section 8 of the Act where the authority making it is of the opinion that the urgency of the situation requires it;

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

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

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Regulation respecting annual fees and other fees payable:

— the transitional fee structure currently applicable to securities representatives, damage insurance representatives, claims adjusters, firms and independent partnerships expires on 31 December 2004;

— the Autorité des marchés financiers is currently revising its fees and not maintaining the applicable fees in force would operate to double current fees for damage insurance representatives and claims adjusters and to reduce the fees of securities representatives, firms and independent partnerships;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting annual fees and other fees payable, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting annual fees and other fees payable*

An Act respecting the distribution of financial products and services

(R.S.Q., c. D-9.2, s. 203, par. 2, and s. 225 ; 2004, c. 37)

1. Section 24 of the Regulation respecting annual fees and other fees payable is amended by replacing “2004” by “2006”.

2. Section 25 is amended

(1) by replacing “2004” by “2006”;

(2) by replacing the word “Bureau” by the word “Authority”.

3. Sections 2, 3, 5, 10 to 14, 16, 18, 20 and 22 are amended by replacing the words “Bureau des services financiers” wherever they appear by the words “Autorité des marchés financiers” and the word “Bureau” by the word “Authority”.

4. Sections 26 to 28 are revoked.

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

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Gouvernement du Québec

O.C. 1213-2004, 21 December 2004

An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities
(2003, c. 14)

End of the mandate of the transition committee of Ville de La Tuque

WHEREAS, in accordance with section 51 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14), the Government established a transition committee, by Order in Council 596-2004 dated 21 June 2004, in respect of Ville de La Tuque ;

WHEREAS, after the resignation of one of the committee members, the Schedule to the Order in Council was amended, pursuant to Order in Council 846-2004 dated 8 September 2004, to reduce the number of members of the transition committee of Ville de La Tuque to three ;

WHEREAS, in a report produced on 30 September 2004, the transition committee recommended reducing its resources ;

WHEREAS, having regard to the work accomplished thus far, it is no longer necessary to maintain a transition committee to participate in the reorganization of Ville de La Tuque ;

WHEREAS section 64 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, amended by section 155 of chapter 29 of the Statutes of 2004, provides that the mandate of the transition committee ends on the date that precedes the date of the reorganization, unless another date is set by the Government, and that at the end of its mandate, the transition committee is dissolved ;

WHEREAS it is expedient to terminate the mandate of the transition committee of Ville de La Tuque ;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Sports and Recreation :

THAT the mandate of the transition committee of Ville de La Tuque end on 31 December 2004.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1218-2004, 21 December 2004

Highway Safety Code
(R.S.Q., c. C-24.2)

Road vehicle registration — Amendments

Regulation to amend the Regulation respecting road vehicle registration

WHEREAS, under paragraph 8.5 of section 618 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation establish the method to be

* The Regulation respecting annual fees and other fees payable, approved by Order in Council 836-99 dated 7 July 1999 (1999, G.O. 2, 2102), has not been amended since.

applied for rounding off the amount of registration duties and of the additional duty and establish the terms and conditions of payment of those duties;

WHEREAS, under paragraph 8.7 of section 618, the Government may by regulation prescribe at what intervals the payment of duties and additional duty exigible under section 31.1 of the Code must be made;

WHEREAS, under paragraph 8.8 of section 618, the Government may by regulation determine during what periods the payment of duties, fees, the insurance contribution and, where applicable, the contribution of motorists to public transit and the additional duty exigible under section 31.1 of the Code concerning a registered road vehicle must be made according to the class or sub-class of road vehicles to which it belongs, the professional activity, the legal personality or the identity of its owner, the territory where it is used, its net mass or the first letter of its owner's name;

WHEREAS, under section 631 of the Code, the Government may, by regulation, adopt the necessary measures to give effect to an agreement under section 629 of the Code;

WHEREAS the Regulation respecting road vehicle registration was made by Order in Council 1420-91 dated 16 October 1991;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting road vehicle registration was published in Part 2 of the *Gazette officielle du Québec* on 30 October 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient that the Government make the Regulation;

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

THAT the Regulation to amend the Regulation respecting road vehicle registration, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting road vehicle registration*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 618, pars. 8.5, 8.7 and 8.8 and s. 631)

1. The Regulation respecting road vehicle registration is amended by inserting the following after section 24:

“**24.1.** Owners of road vehicles having paid \$15,000 or more in duties, fees, the insurance contribution, tax on that contribution, the contribution of motorists to public transit and, where applicable, the additional duty to obtain or retain the right to operate vehicles during the last calendar year may pay, despite sections 19 to 24, the amounts referred to in the first paragraph of section 31.1 of the Highway Safety Code in six equal instalments, provided they have not failed to pay any amounts owed to the Société in the two preceding years.

The same applies, but in respect only of the vehicles concerned, to the owners of road vehicles used for snow removal, other than a snowblower and special mobile snow equipment and a bus, truck, equipment transport vehicle or farm motor vehicle, provided the net mass of the vehicles exceeds 3,000 kg.

Subject to the fifth paragraph, the due date of the first instalment is

- (1) the last day of April, for a farm motor vehicle;
- (2) the last day of September, for a bus engaged in the transportation of schoolchildren;
- (3) the last day of December, for a road vehicle used for snow removal; and
- (4) the last day of March, for a road vehicle not referred to in subparagraphs 1 to 3.

Subject to the fifth paragraph, the due date of the second, third, fourth, fifth and sixth instalments is respectively the last day of the second, fourth, sixth, eighth and tenth month following the first instalment.

* The Regulation respecting road vehicle registration, made by Order in Council 1420-91 dated 16 October 1991 (1991, *G.O.* 2, 4111), was last amended by the regulations made by Orders in Council 786-2003 dated 16 July 2003 (2003, *G.O.* 2, 2225) and 1002-2004 dated 27 October 2004 (2004, *G.O.* 2, 3098). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

If financial institutions are not open on the day on which the instalment is due, the due date is deferred to the next day on which they are open.

The instalments are payable only by direct debit on an account in a Québec financial institution designated by the owner of the road vehicle. The debit transaction is made on the due date of the instalment.

For the purposes of the second paragraph, the amount of the fees and other items pertaining to any other road vehicle owned by the person referred to in that paragraph may be added to the amount to be paid in instalments, provided the due date determined in any of sections 19 to 24 corresponds to the due date of the first instalment to be made.”.

2. Section 25 is amended

(1) by striking out “during the period applicable to his vehicle, as determined in sections 19 to 24” in the first paragraph;

(2) by deleting the second paragraph.

3. Section 60.17 is replaced by the following:

“**60.17.** Despite section 60.14, holders of an apportioned registration of road vehicles renewing their registration may pay the registration fees for Québec in six equal instalments under section 60.15, the fees exigible under sections 2.2, 2.4 and 2.5 of the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, the insurance contribution under section 60.16, the tax payable on that contribution and the fees established in section 60.18, provided they have not failed to pay any amounts owed to the Société in the two preceding years. Subject to the fourth paragraph, the due date of the first instalment is the last day of March preceding the registration year for which the apportioned registration renewal application is made.

Subject to the fourth paragraph, the due date of the second, third, fourth, fifth and sixth instalments is respectively the last day of the second, fourth, sixth, eighth and tenth month following the first instalment.

The fees payable under the laws of other administrative authorities must be paid in one instalment on the last day of March preceding the registration year for which the apportioned registration renewal application is made.

If financial institutions are not open on the day on which the instalment is due, the due date is deferred to the next day on which they are open.

The instalments are payable only by direct debit on an account in a Québec financial institution designated by the owner of the road vehicle. The debit transaction is made on the due date of the instalment.”.

4. Section 60.18 is replaced by the following:

“**60.18.** For the purposes of section 60.17, the holder of an apportioned registration of road vehicles must pay a fee of \$4.75 per vehicle and the sum of the fees calculated for the second, third, fourth, fifth and sixth instalments using the following formula:

$$F = (S \times N \times I \times J) \div 365$$

where

F is the fees

S is one sixth of the sum of

(1) the fees calculated under section 60.15;

(2) the insurance contribution calculated under section 60.16;

(3) the tax on the insurance contribution payable under section 512 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1); and

(4) the fees payable under sections 2.2, 2.4 and 2.5 of the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects;

I is the interest rate determined pursuant to the first paragraph of section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31) and in effect on the first day of the month preceding the month in which the first instalment is due;

J is the number of days following the last instalment, including the reference due date; and

N is the number of total instalments less instalments already paid.

For the purposes of variables J and N in the formula, the date on which the second, third, fourth, fifth and sixth instalments are due as determined in section 60.17 is the reference due date.”.

5. The following is inserted after section 121 :

“**121.1.** Despite sections 115 to 121, the fees payable to retain the right to operate a minibus used for personal purposes owned by a person who is a member of a family of at least nine persons residing together are \$104.

The fees fixed in the first paragraph are reduced by \$52, where the owner’s principal residence is located in a peripheral region described in section 2R1 of the Regulation respecting the application of the Fuel Tax Act.

The fees fixed in the first paragraph are reduced by \$26, where the owner’s principal residence is located in a specified region described in section 2R1 of the Regulation respecting the application of the Fuel Tax Act.”.

6. Section 136 is amended

(1) by replacing the second paragraph by the following :

“The fees payable to retain the right to operate a farm tractor referred to in the first paragraph are \$6.”;

(2) by deleting the third paragraph.

7. Section 180.1 is revoked.

8. The Regulation is amended

(1) by striking out “for each payment period” in the third, fourth and fifth paragraphs of section 97, the first and second paragraphs of section 101, the first paragraph of section 103, the first paragraph of section 104, the first paragraph of section 105, the first paragraph of section 106, the first paragraph of section 107, the first paragraph of section 108, the first paragraph of section 108.1, the first paragraph of section 108.2, the first paragraph of section 108.3, the third paragraph of section 109, the first, second, third, fourth, fifth and sixth paragraphs of section 111, the first, second, third, fourth, fifth and sixth paragraphs of section 112, the first paragraph of section 115, the first paragraph of section 116, the first paragraph of section 117, the first paragraph of section 118, the first paragraph of section 119, the first paragraph of section 120, the first paragraph of section 121, the first paragraph of section 125, the first paragraph of section 126, the first paragraph of section 127, the first paragraph of section 128, the first paragraph of section 129, the first paragraph of section 130, the first paragraph of section 131, the first paragraph of section 132, the first paragraph of section 133, the first paragraph of section 134, the first paragraph of section 135, the second paragraph of section 137, the second paragraph

of section 139, the second paragraph of section 141, the first paragraph of section 148 and sections 155, 156 and 157;

(2) by striking out the sixth paragraph of section 97, the third paragraph of section 101, the second paragraph of section 103, the second paragraph of section 104, the second paragraph of section 105, the second paragraph of section 106, the second paragraph of section 107, the second paragraph of section 108, the second paragraph of section 108.1, the second paragraph of section 108.2, the second paragraph of section 108.3, the fourth paragraph of section 109, the seventh paragraph of section 111, the seventh paragraph of section 112, the second paragraph of section 115, the second paragraph of section 116, the second paragraph of section 117, the second paragraph of section 118, the second paragraph of section 119, the second paragraph of section 120, the second paragraph of section 121, the second paragraph of section 125, the second paragraph of section 126, the second paragraph of section 127, the second paragraph of section 128, the second paragraph of section 129, the second paragraph of section 130, the second paragraph of section 131, the second paragraph of section 132, the second paragraph of section 133, the second paragraph of section 134, the second paragraph of section 135, the third paragraph of section 137, the third paragraph of section 139 and the third paragraph of section 141.

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

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Gouvernement du Québec

O.C. 1219-2004, 21 December 2004

Highway Safety Code
(R.S.Q., c. C-24.2)

**Fees exigible and the return of confiscated objects
— Amendment**

Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects

WHEREAS, under subparagraph 1 of the first paragraph of section 624 of the Highway Safety Code (R.S.Q., c. C-24.2), the Société de l’assurance automobile du Québec may by regulation determine the amount of the fee exigible for obtaining the registration of a road vehicle and the amount of the fee exigible on payment of the duties

and insurance contribution referred to in section 31.1 of the Code and establish the terms and conditions of payment of such fees;

WHEREAS the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects was approved by Order in Council 646-91 dated 8 May 1991;

WHEREAS at its sitting of 16 September 2004, the Société made the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects;

WHEREAS, under section 625 of the Code, the regulations made by the Société are subject to the approval of the Government;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects was published in Part 2 of the *Gazette officielle du Québec* of 30 October 2002 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient that the Regulation be approved by the Government;

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

THAT the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects¹

Highway Safety Code
(R.S.Q., c. C-24.2, s. 624, subpar. 1 of the first par.)

1. The Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects is amended by substituting the following for section 2.1:

“**2.1.** In addition to the fees fixed in paragraph 3.1 of section 2, the owner of road vehicles who makes payment by six instalments of the sums covered by the first paragraph of section 31.1 of the Highway Safety Code, shall pay \$4.75 per vehicle and the sum of the fee exigible at the time of the second, third, fourth, fifth and sixth instalments, calculated using the following formula:

$$F = S \times N \times I \times J/365$$

where:

F is the fee;

S is one-sixth of the sum of the following amounts:

(1) the fees payable to retain the right to operate each of the owner's vehicles, covered by Chapter IV of the Regulation respecting road vehicle registration;

(2) the insurance contribution payable to retain the right to operate each of the owner's vehicles, covered by Division V of Chapter II of the Regulation respecting insurance contributions, approved by Order in Council 1422-91 dated 16 October 1991;

(3) the contribution of motorists to public transit set under section 88.3 of the Transport Act (R.S.Q., c. T-12);

(4) any additional fee covered by section 31.1 of the Highway Safety Code;

¹ The last amendment to the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, approved by Order in Council 646-91 dated 8 May 1991 (1991, *G.O.* 2, 1695), was made by the regulation approved by O.C. 947-2002 dated 21 August 2002 (2002, *G.O.* 2, 4506). For prior amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 September 2004.

(5) the tax on the insurance contribution covered by section 512 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1);

(6) the fees covered by paragraph 3.1 of section 2;

I is the rate of interest equal to the rate determined under the first paragraph of section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31) in force on the first day of the month preceding the month in which the first instalment comes due;

J is the number of days following the last instalment including the applicable due date;

N is the total number of instalment payments less those already made.

For purposes of applying the variables “J” and “N” of the formula, calculation must be made of the due date for payment of the second, third, fourth, fifth and sixth instalments as determined under section 24.1 of the Regulation respecting road vehicle registration.”.

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

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Gouvernement du Québec

O.C. 1220-2004, 21 December 2004

Highway Safety Code
(R.S.Q., c. C-24.2)

Safety standards for road vehicles
— Amendments

Regulation to amend the Regulation respecting safety standards for road vehicles

WHEREAS, under paragraph 29 of section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation prescribe the frequency, standards and procedure of the mechanical inspection and technical appraisal, as well as the standards and procedures of the photometric inspection, of the various road vehicles that are subject to inspection;

WHEREAS the Regulation respecting safety standards for road vehicles was made by Order in Council 1483-98 dated 27 November 1998;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting safety standards for road vehicles was published in Part 2 of the *Gazette officielle du Québec* on 30 October 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting safety standards for road vehicles;

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

THAT the Regulation to amend the Regulation respecting safety standards for road vehicles, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting safety standards for road vehicles*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 621, 1st par., subpar. 29)

1. Section 7 of the Regulation respecting safety standards for road vehicles is amended by adding “except minibuses used exclusively for personal purposes and belonging to a person who is a member of a family of at least nine persons living together” at the end of paragraph 2.

2. The following is inserted after section 7:

“**7.1.** Used minibuses used exclusively for personal purposes and belonging to a person who is a member of a family of at least nine persons living together must undergo a mechanical inspection before being registered.”.

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

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* The Regulation respecting safety standards for road vehicles, made by Order in Council 1483-98 dated 27 November 1998 (1998, *G.O.* 2, 4557), was last amended by the regulation made by Order in Council 623-99 dated 2 June 1999 (1999, *G.O.* 2, 1619). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

M.O., 2004**Order number 2004-020 of the Minister of Health and Social Services dated 21 December 2004**

An Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (2003, c. 25)

Date of effect of sections 88 to 92 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors

WHEREAS the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (2003, c. 25) was assented to on 18 December 2003;

WHEREAS section 58 of the the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2, amended by section 63 of chapter 25 of the Statutes of 2003) provides for, in the social affairs sector, the negotiation of the matters listed in Schedule A.1 of the Act and defined as being the subject of clauses negotiated and agreed at the local or regional level;

WHEREAS, under section 71 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, the Minister determines by order the date on which sections 88 to 92 take effect for an institution in which there are fewer than four bargaining units;

WHEREAS, under section 93 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, the matters listed in Schedule A.1 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors and defined as being the subject of clauses negotiated and agreed at the local or regional level may no longer be, from 18 December 2003, the subject of clauses negotiated and agreed at the national level;

THEREFORE, the Minister of Health and Social Services determines 14 January 2005 to be the date on which sections 88 to 92 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting

the process of negotiation of the collective agreements in the public and parapublic sectors take effect for the following institutions:

Region 01 – Bas-Saint-Laurent

Foyer Ste-Bernadette Inc.
Foyer St-Cyprien (1993) Inc.

Region 02 – Saguenay–Lac-Saint-Jean

Foyer St-François Inc.

Region 03 – Capitale nationale

Centre hospitalier Notre-Dame du Chemin Inc.
Centre hospitalier St-Sacrement Ltée
Centre d'hébergement Saint-Joseph Inc.
Hôpital Ste-Monique Inc.
Foyer Notre-Dame de Foy Inc.
Centre d'hébergement St-Jean-Eudes Inc.
Centre hospitalier St-François Inc.
La Corporation Notre-Dame du Bon-Secours

Region 04 – Mauricie et Centre-du-Québec

Domrémy Mauricie/Centre-du-Québec

Region 05 – Estrie

Maison Reine Marie Inc.
Centre jeunesse de l'Estrie
Centre d'accueil Dixville Inc.
Centre de réadaptation Estrie Inc.
Centre Notre-Dame de l'Enfant (Sherbrooke) Inc.
Le Centre Jean-Patrice-Chiasson / Maison Saint-Georges
CHSLD Shermont Inc.
La Maison Blanche de North Hatley Inc.

Region 06 – Montréal - Centre

Centre Le Cardinal Inc.
Le Centre Dollard-Cormier
Institut Canadien-Polonais du Bien-être Inc.
CHSLD Marie-Claret Inc.
Insitut Philippe Pinel de Montréal
Institut Raymond-Dewar
Les Cèdres-Centre d'accueil pour personnes âgées
Petites Sœurs des Pauvres
Centre d'hébergement Saint-Vincent-Marie Inc.
Centre de réadaptation Mackay
Centre d'hébergement et de soins de longue durée
Gouin Inc.
Centre d'hébergement et de soins de longue durée Bussey
(Québec) Inc.
Hôpital Shriners pour Enfants (Québec) Inc.

Region 08 – Abitibi-Témiscamingue

Centre jeunesse de l'Abitibi-Témiscamingue (C.J.A.T.)
Clair Foyer Inc.
Centre de réadaptation La Maison
Centre Normand

Region 11 – Gaspésie-Îles-de-la-Madeleine

Centre jeunesse Gaspésie/Les Îles

Region 12 – Chaudière-Appalaches

Les Centres jeunesse Chaudière-Appalaches
CHSLD Chanoine-Audet Inc.
Centre hospitalier de l'Assomption (St-Georges de
Beauce) Inc.

Region 13 – Laval

Santé Courville Inc.
Résidence Riviera Inc.
Centre d'hébergement St-François Inc.

Region 14 – Lanaudière

Centre de réadaptation la Myriade
Centre d'hébergement et de soins de longue durée
Heather Inc.
C.H.S.L.D. le Château Inc.

Region 15 – Laurentides

9040-9764 Québec Inc.
Pavillon Ste-Marie Inc.
Centre André-Boudreau
La Résidence de Lachute

Region 16 – Montérégie

Centre d'hébergement et de soins de longue durée
Jean-Louis-Lapierre Inc.
Accueil du Rivage Inc.
Institut Nazareth et Louis-Braille
Florence Groulx Inc.
Le Virage, Réadaptation en alcoolisme et toxicomanie
Résidence Sorel-Tracy Inc.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Draft Regulations

Draft By-law

Real Estate Brokerage Act
(R.S.Q., c. C-73.1)

Association des courtiers et agents immobiliers du Québec — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law to amend the By-law of the Association des courtiers et agents immobiliers du Québec, the text of which appears below, may be submitted on the expiry of 45 days following this publication to the Government which may approve it with or without amendment.

The purpose of the draft By-law is to amend the By-law of the Association des courtiers et agents immobiliers du Québec to introduce provisions that allow a natural person, a partnership or a legal person applying for the issue of a real estate broker's or agent's certificate to present observations before a committee established by the Association to determine whether the criminal offence for which the natural person, partnership or legal person has been found guilty by final judgment or has pleaded guilty is related to activities as a real estate broker or agent.

Further information may be obtained by contacting Claudie Tremblay, Director, Direction des affaires juridiques de l'Association des courtiers et agents immobiliers du Québec, 6300, rue Auteuil, bureau 300, Brossard (Québec) J4Z 3P2; telephone: (450) 676-4800 or 1-800-440-5510; fax: (450) 676-7801 or e-mail: ctremblay@acaiq.com

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

YVES SÉGUIN,
Minister of Finance

By-law to amend the By-law of the Association des courtiers et agents immobiliers du Québec *

Real Estate Brokerage Act
(R.S.Q., c. C-73.1, s. 74, 1st par., subpar. 4)

1. The By-law of the Association des courtiers et agents immobiliers du Québec is amended in section 25 by adding the following paragraph:

“Before refusing to issue a real estate broker's or agent's certificate to a natural person on the grounds that the person does not meet the qualification requirement under paragraph 2 of section 21 of the Regulation respecting the application of the Real Estate Brokerage Act, or before refusing to issue a chartered real estate broker's certificate on the grounds that a partner of the partnership or the legal person does not fulfil the requirement or condition set out in paragraph 9 of section 10 or 12, the Association shall send the file for a decision to the committee established pursuant to section 25.2 and the natural person, legal person or partner may present observations to the committee in accordance with sections 25.3 to 25.6.”

2. The By-law is amended by inserting the following subdivision after section 25:

“§8.1 *Presentation of observations and decision*

25.1. Where the Association becomes aware that a natural person applying for the issue of a certificate has been found guilty of, by final judgment, or pleaded guilty to a criminal offence which may be related to activities as a real estate broker or agent, the Association shall, before refusing to issue the certificate on the grounds that the person does not meet the qualification requirement under paragraph 2 of section 21 of the Regulation respecting the application of the Real Estate Brokerage Act, send the file for a decision to the committee established pursuant to section 25.2 and the natural person may present observations to the committee in accordance with sections 25.3 to 25.6.

* The By-law of the Association des courtiers et agents immobiliers du Québec was approved by Order in Council 1865-93 dated 15 December 1993 (1993, G.O. 2, 7077) and has not been amended since.

The same applies before refusing to issue a certificate to a partnership or legal person on the grounds that the partnership or person does not fulfil the requirement or condition set out in paragraph 9 of section 10 or 12.

25.2. The board of directors of the Association shall establish a committee composed of three members of the Association, including a chair, for a one-year term. On the expiry of the term, the members shall be reappointed or replaced. A committee member whose term has expired may, however, continue to examine a matter referred to the member before the expiry of the member's term.

Committee members may not be members of the board of directors of the Association or members of the professional inspection committee or the discipline committee.

25.3. The committee is to determine whether the criminal offence for which the natural person, legal person or partner of the partnership has been found guilty by final judgment or to which the person or partner has pleaded guilty is related to activities as a real estate broker or agent.

The decisions of the committee are made by a majority of votes.

25.4. The committee shall notify the natural person, legal person or partnership applying for the issue of a certificate in writing at least 30 days before the date fixed for the decision to determine whether the criminal offence for which the natural person, legal person or partner of the partnership has been found guilty by final judgment or to which the person or partner has pleaded guilty is related to activities as a real estate broker or agent.

The notice must indicate the consequences of the decision and the possibility of presenting oral or written observations at a meeting within the 30-day period and, where applicable, the possibility of producing any documents necessary to complete the file.

25.5. The committee may render its decision in the absence of the natural person, legal person or partnership applying for the issue of a certificate if the person or partnership does not attend the scheduled meeting or has not presented written observations or produced the documents necessary to complete the file. The decision to refuse to issue the certificate must include reasons.

26.6. On receiving the committee's decision, the secretary of the Association shall immediately send the decision to the natural person, legal person or partnership applying for the issue of a certificate and the decision takes effect on its notification."

3. This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Draft Regulation

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Labour standards — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to fix at \$8.10 per hour, as of 1 May 2005, the minimum wage payable to employees in the clothing industry. The rate is \$0.50 higher than the general minimum wage rate fixed by the Regulation respecting labour standards.

Further information may be obtained on the draft Regulation by contacting Danièle Pion, Policy Development Adviser, Direction des politiques, de la construction et des décrets, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1 (telephone: (418) 643-4198; fax: (418) 644-6969).

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

MICHEL DESPRÉS,
Minister of Labour

Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry*

An Act respecting labour standards
(R.S.Q., c. N-1.1, s. 92.1)

1. Section 3 of the Regulation respecting labour standards specific to certain sectors of the clothing industry is amended by replacing “\$8.00” by “\$8.10”.

2. This Regulation comes into force on 1 May 2005.

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* The Regulation respecting labour standards specific to certain sectors of the clothing industry was made by Order in Council 1288-2003 dated 3 December 2003 (2003, *G.O.* 2, 3601) and has not been amended since.

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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