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Part

2

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Laws and Regulations

Volume 142

Summary

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- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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Coming into force of Acts

Gouvernement du Québec

O.C. 118-2010, 17 February 2010

Private Security Act (R.S.Q., c. S-3.5)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Private Security Act

WHEREAS the Private Security Act (R.S.Q., c. S-3.5) was assented to on 14 June 2006;

WHEREAS, under section 134 of chapter 23 of the Statutes of 2006, the provisions of the Private Security Act come into force on the date or dates to be set by the Government;

WHEREAS, under Order in Council 817-2006 dated 13 September 2006, sections 39, 40, 43 to 68, 83 to 89, 107 to 113 and 133 of that Act came into force on 15 September 2006;

WHEREAS it is expedient to set 3 March 2010 as the date of coming into force of paragraphs 1 and 2 of section 1, sections 2 and 4, subparagraphs 1 and 2 of the first paragraph of section 5, sections 6 to 15, 27 to 29, 31 to 33, 35 to 38 and 41, except the words “and agent licences” in paragraph 2 of that section, sections 42, 69 to 77, 79 to 82, 90 to 106, 114, 115, 118 to 122 and 123, as regards the provisions respecting agencies, and sections 125, 126, 128, 129 and 130 of that Act, insofar as the latter section applies to agency licences;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT paragraphs 1 and 2 of section 1, sections 2 and 4, subparagraphs 1 and 2 of the first paragraph of section 5, sections 6 to 15, 27 to 29, 31 to 33, 35 to 38 and 41, except the words “and agent licences” in paragraph 2 of that section, sections 42, 69 to 77, 79 to 82, 90 to 106, 114, 115, 118 to 122 and 123, as regards the provisions respecting agencies, and sections 125, 126, 128, 129 and 130 of the Private Security Act (R.S.Q., c. S-3.5), insofar as the latter section applies to agency licences, come into force on 3 March 2010.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulations and other Acts

Gouvernement du Québec

O.C. 87-2010, 10 February 2010

Professional Code
(R.S.Q., c. C-26)

Standards for the issue and holding of radiology permits — Amendment

Regulation to amend the Regulation respecting standards for the issue and holding of radiology permits

WHEREAS, under section 186 of the Professional Code (R.S.Q., c. C-26), the Office des professions du Québec fixes, by regulation, the standards for the issue and holding of permits to practise radiology, and obtains, for that purpose, the assistance of experts including in particular the representatives of the interested professions;

WHEREAS the Office obtained the assistance of experts including in particular the representatives of the interested professions and adopted the Regulation to amend the Regulation respecting standards for the issue and holding of radiology permits at its meeting of 22 June 2009;

WHEREAS, under section 13 of the Code, every regulation adopted by the Office under the Code or under an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting standards for the issue and holding of radiology permits was published in Part 2 of the *Gazette officielle du Québec* of 15 July 2009 with a notice that it could be submitted for approval by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the draft Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting standards for the issue and holding of radiology permits, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting standards for the issue and holding of radiology permits*

Professional Code
(R.S.Q., c. C-26, s. 186)

1. The Regulation respecting standards for the issue and holding of radiology permits is amended in section 2 by replacing paragraph 2 by the following:

“(2) has acquired, within the 5 years preceding the year of his application, training in radiology at an educational institution issuing diplomas that give access to a permit of a professional order referred to in section 1 or training recognized as equivalent by the order of which he is a member, that includes a minimum of

- (a) 55 hours in radiation protection;
- (b) 120 hours in radiological technique;
- (c) 125 hours in diagnostic radiology; and
- (d) 25 hours in radiation biology.

In appraising the training referred to in an application for training equivalence, the following factors are taken into account:

- (a) the fact that the member holds one or more university diplomas;
- (b) the type of courses taken by the member, course content, the number of hours or credits for each course and the results obtained;

* The Regulation respecting standards for the issue and holding of radiology permits, approved by Order in Council 1210-87 dated 5 August 1987 (1987, *G.O.* 2, 3195), was amended once, by the Act to amend the Professional Code and other Acts respecting the professions (S.Q., 1994, c. 40, s. 457).

(c) the training periods successfully completed by the member and any other relevant continuing training or refresher activities; and

(d) the type and duration of the relevant work experience of the member.”.

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

9697

M.O., 2010

Order number D-9.2-2010-04 of the Minister of Finance, dated 15 February 2010

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

CONCERNING the Regulation respecting the issuance and renewal of representatives' certificates

WHEREAS paragraphs 1 to 5, 6, 7 and 9 of section 200 and paragraphs 1 and 3 to 6 of section 203 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the first and the third paragraphs of section 217 of such Act stipulates, in particular, that a regulation made by the Autorité des marchés financiers under this Act must be submitted to the Minister of Finance for approval with or without amendment and that a draft of a regulation referred to in the first paragraph may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft, that the regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation and that sections 4, 8, 11 and 17 to 19 of the Regulations Act (R.S.Q., R-18.1) do not apply to the regulation;

WHEREAS the Regulation respecting the issuance and renewal of representatives' certificates have been made by resolution no. 99.07.08 dated July 6, 1999;

WHEREAS there is cause to replace this regulation;

WHEREAS the draft Regulation respecting the issuance and renewal of representatives' certificates was published in the Bulletin de l'Autorité des marchés financiers, volume 6, no. 42 of October 23, 2009;

WHEREAS on January 26, 2010, by the decision no. 2010-PDG-0025, the Autorité des marchés financiers made the Regulation respecting the issuance and renewal of representatives' certificates;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation respecting the issuance and renewal of representatives' certificates appended hereto.

February 15, 2010

RAYMOND BACHAND,
Minister of Finance

Regulation respecting the issuance and renewal of representatives' certificates*

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2, s. 200, par. (1) to (5), (6), (7) and (9); s. 203, par. (1) and (3) to (6))

CHAPTER I SECTORS, SECTOR CLASSES, TITLES AND TITLE ABBREVIATIONS

DIVISION 1 INSURANCE OF PERSONS

1. A representative authorized to act in the insurance of persons sector uses the title of “financial security advisor”.

* The Regulation respecting the issuance and renewal of representatives' certificates, adopted on July 6, 1999 pursuant to Resolution No. 99.07.08 and published on July 19, 1999 in Bulletin No. 3 of the Bureau des services financiers (BSF), was amended by the regulation adopted on October 6, 2000 pursuant to Resolution No. 2000.10.09 and published in October 2000 in BSF Bulletin No. 8, by the regulation adopted on December 14, 2000 pursuant to Resolution No. 2000.12.20 and published on February 5, 2001 in BSF Bulletin No. 11, by the regulation adopted on October 25, 2001 pursuant to Resolution No. 2001.10.19 and published on November 7, 2001 in BSF Bulletin No. 19, by the regulation adopted on October 25, 2001 pursuant to Resolution No. 2001.10.18 and published on November 7, 2001 in BSF Bulletin No. 19, by the regulation adopted on February 13, 2003 pursuant to Resolution No. 2003.02.09 and published on March 6, 2003 in BSF Bulletin No. 32, by the regulation adopted on October 9, 2003 pursuant to Resolution No. 2003.10.17 and published on October 17, 2003 in BSF Bulletin No. 40, by the regulation approved on December 8, 2004 (2004, G.O. 2, 3469) pursuant to Order-in-Council No. 1129-2004 and by Ministerial Order No. 2009-06 dated September 9, 2009 (2009, G.O. 2, 3686A).

The authorized sector class of this sector is “accident and sickness insurance”.

2. A representative authorized to act in the “accident and sickness insurance” sector class may only offer accident and sickness insurance products and advisory services, excluding any other insurance of persons product, even if offered as an endorsement to an accident and sickness insurance contract.

He uses the title of “accident and sickness insurance representative”.

DIVISION II

GROUP INSURANCE OF PERSONS

3. A representative authorized to act in the group insurance of persons sector uses the title of “group insurance and group annuity plans advisor”.

The authorized sector classes of this sector are “group insurance plans” and “group annuity plans”.

4. A representative authorized to act in the “group insurance plans” sector class may only offer products and advisory services pertaining to group insurance plans.

He uses the title of “group insurance plans advisor”.

5. A representative authorized to act in the “group annuity plans” sector class may only offer products and advisory services pertaining to group annuity plans.

He uses the title of “group annuity plans advisor”.

DIVISION III

DAMAGE INSURANCE

6. A representative authorized to act in the damage insurance sector uses the title of “damage insurance agent” or “damage insurance broker”, as applicable.

The authorized sector classes of this sector are “personal-lines damage insurance” and “commercial-lines damage insurance”.

7. A representative authorized to act in the “personal-lines damage insurance” sector class may only offer products and advisory services pertaining to:

(1) property and civil liability of a domestic nature of a natural person or an independent worker at his residence;

(2) residential buildings containing not more than six dwellings.

He uses the title of “personal-lines damage insurance agent” or “personal-lines damage insurance broker”, as applicable.

8. A representative authorized to act in the “commercial-lines damage insurance” sector class may only offer products and advisory services pertaining to damage insurance for commercial businesses, including in respect of independent workers.

He uses the title of “commercial-lines damage insurance agent” or “commercial-lines damage insurance broker”, as applicable.

DIVISION IV

CLAIMS ADJUSTMENT

9. A representative authorized to act in the claims adjustment sector uses the title of “claims adjuster”.

The authorized sector classes of the claims adjustment sector are “claims adjustment in personal-lines damage insurance” and “claims adjustment in commercial-lines damage insurance”.

10. A representative authorized to act in the “claims adjustment in personal-lines damage insurance” sector class is only authorized to act with respect to claims pertaining to:

(1) the property and civil liability of a domestic nature of a natural person or an independent worker at his residence;

(2) residential buildings containing not more than six dwellings.

He uses the title of “claims adjuster in personal-lines damage insurance”.

11. A representative authorized to act in the “claims adjustment in commercial-lines damage insurance” sector class is only authorized to act with respect to claims of commercial businesses, including in respect of independent workers.

He uses the title of “claims adjuster in commercial-lines damage insurance”.

DIVISION V

FINANCIAL PLANNING

12. A holder of a diploma issued by the Institut québécois de planification financière authorized under a certificate issued by the Autorité des marchés financiers

to act in the financial planning sector uses the title of “financial planner” or the abbreviation “F.PI”.

Excluding paragraphs 4 to 6 of section 13, Divisions I to V of Chapter II and the first and second paragraphs of section 55 hereof do not apply to financial planners.

CHAPTER II ISSUANCE OF CERTIFICATES

DIVISION 1 CONDITIONS OF ELIGIBILITY

13. The Authority issues a certificate to a candidate who satisfies the following conditions:

(1) he holds the minimum qualifications under Division II of this Chapter, where applicable;

(2) he has passed the examinations prescribed by the Authority in accordance with Division III of this Chapter, where applicable;

(3) he has duly completed the probationary period under Division IV of this Chapter, where applicable;

(4) he has duly completed and submitted an application for a certificate using the form available on the website of the Authority at www.lautorite.qc.ca;

(5) he has complied with the requirements and conditions of issuance of a certificate prescribed in Divisions VII and VIII of this Chapter;

(6) he holds the necessary authorizations issued by the competent authority, where applicable, for employment in Québec.

DIVISION II MINIMUM QUALIFICATIONS

§1. *Insurance of persons and group insurance of persons*

14. A candidate in the insurance of persons sector, or in the group insurance of persons sector or a sector class thereof, must have, as minimum qualifications, one of the following:

(1) a diploma of collegial studies or an equivalent level of education in accordance with the system of reference established by the Authority and available on its website;

(2) an attestation of collegial studies in insurance recognized in an agreement entered into for that purpose between the Authority and a college-level institution;

(3) a university-level certificate in insurance recognized in an agreement entered into for that purpose between the Authority and a university.

A candidate in the group insurance of persons sector or in a sector class thereof must also have passed the courses recognized in an agreement entered into for that purpose between the Authority and a training body, or university-level courses, corresponding to the skills set out in Appendix 1 for this sector or the selected sector class.

§2. *Accident and sickness insurance*

15. A candidate in the accident and sickness insurance sector class must have, as minimum qualifications, a secondary school diploma or an equivalent level of education in accordance with the system of reference established by the Authority and available on its website.

§3. *Damage insurance and claims adjustment*

16. A candidate in the damage insurance or the claims adjustment sector or in a class of these sectors must have, as minimum qualifications, one of the following:

(1) a diploma of collegial studies or an equivalent level of education in accordance with the system of reference established by the Authority and available on its website;

(2) an attestation of collegial studies in insurance recognized in an agreement entered into for that purpose between the Authority and a college-level institution;

(3) a university-level certificate in insurance recognized in an agreement entered into for that purpose between the Authority and a university;

(4) a secondary school diploma or an equivalent level of education in accordance with the system of reference established by the Authority and available on its website, and at least three years of prior full-time employment.

§4. *Exemptions*

17. A candidate in a particular sector or sector class may be exempt from the minimum qualifications prescribed under this Chapter in respect of this sector or

sector class if he held a certificate for a period of at least one year that was issued or renewed after October 1, 2002 in such sector or sector class.

18. A candidate in the insurance of persons sector, or in the group insurance of persons sector or any sector class thereof, may be exempt from the minimum qualifications prescribed under this Chapter if he is able to demonstrate that he has the skills to compensate for the required level of education set out under section 14.

DIVISION III EXAMINATIONS

§1. *Evaluation of skills and eligibility*

19. In addition to satisfying the minimum qualifications, a candidate must, for each sector or sector class for which he is applying, pass the examinations prescribed by the Authority to demonstrate that he has the required skills and is able to:

(1) comply with the legislation applicable to pursuing activities as a representative;

(2) recommend or propose, as applicable, a product adapted to the client's needs.

He must also pass examinations to demonstrate that he has the following skills:

(1) for the insurance of persons sector, or the group insurance of persons sector or any sector class thereof, evaluate the tax impacts of an insurance contract or an annuity contract, as applicable;

(2) for the claims adjustment sector or any sector class thereof, settle a claim based on the coverage subscribed for by the client.

20. A candidate registers for an examination by forwarding his duly completed registration application to the Authority.

§2. *Exemptions*

21. A candidate in a sector or sector class authorized under a certificate issued by the Authority to act in another sector or sector class is exempt from the examinations he has already passed for the purpose of acting in such other sector or sector class.

22. A candidate is exempt from the examinations if his certificate application is duly completed and received by the Authority within the year following his surrender or non-renewal of a certificate previously issued by the Authority authorizing him to act as a

representative in the same sector or sector class as that covered by the application.

23. A candidate is exempt from the examinations, other than those that seek to demonstrate that he is able to comply with the legislation applicable to the pursuit of activities as a representative, if he forwards his application for a certificate to the Authority within three years following his surrender or non-renewal of a certificate held for at least one year authorizing him to act as a representative in the same sector or sector class as that covered by the application.

§3. *Passing examinations*

24. A candidate must score at least 60% in each examination prescribed by the Authority.

25. An examination is valid for a period of two years as of the date the candidate passed the examination.

26. A candidate who fails the initial examination is entitled to write three supplemental examinations.

However, a candidate who has failed an examination and who does not register for the supplemental examination within a period of two years as of the date he failed the examination, must register again for the initial examination.

A candidate who fails an examination three times must, before submitting another registration application for this examination, successfully complete the courses corresponding to the skill evaluated by such examination with a training body recognized by the Authority or, failing that, a privately tutored course recognized by it.

A candidate who fails an examination four times must wait for a period of two years as of the date of the most recent attempt before reapplying to write the examination.

27. A candidate is considered to have failed an examination if he fails to comply with the instructions given during the examination session or does not report for this session.

However, a failure may be cancelled by the Authority where warranted by exceptional circumstances.

28. At a candidate's request, the Authority may review his examination.

This request for a review must be received by the Authority no later than the 30th day following the date of communication of examination results for which the review is being requested. However, a candidate who is able to demonstrate that he was unable to act within the

30 days due to exceptional circumstances may forward his request to the Authority after this period.

DIVISION IV **PROBATIONARY PERIOD**

§1. Eligibility for probationary period

29. A candidate who satisfies the following conditions may undertake a probationary period pertaining to a sector or sector class if:

(1) he has passed each of the examinations prescribed by the Authority and such examinations are valid at the time the probationary period is undertaken;

(2) he is not in any of the situations set out in sections 219 and 220 of An Act respecting the distribution of financial products and services;

(3) he holds the necessary authorizations issued by the competent authority, where applicable, for employment in Québec;

(4) he has duly completed and submitted to the Authority his application for a probationary certificate.

However, a candidate whose examinations are no longer valid at the time of undertaking the probationary period is eligible, where warranted by exceptional circumstances, to undertake such probationary period.

30. A candidate undertaking a probationary period must present himself publicly as a trainee at all times.

§2. Probationary certificate

31. The Authority issues a probationary certificate that includes the information necessary to identify the candidate and the information related to the validity period of the probationary certificate.

32. The holder of a probationary certificate may, notwithstanding section 12 of An Act respecting the distribution of financial products and services, perform the following acts, under the supervision of his supervisor and the firm or independent partnership on whose behalf he pursues activities, as applicable:

(1) in the sector or a sector class of insurance of persons or group insurance of persons, gather information, conduct needs analyses and propose to his supervisor the products or services that may be adapted to the client's needs, and propose and sell them to the client;

(2) in the personal-lines damage insurance sector class or the damage insurance sector, where he offers products and services pertaining to personal-lines damage insurance, gather information, and propose and sell to the client the products, coverages or guarantees adapted to his needs;

(3) in the commercial-lines damage insurance sector class or the damage insurance sector, where he offers products and services pertaining to commercial-lines damage insurance, gather information and propose to his supervisor the products, coverages or guarantees that may be adapted to the client's needs, and recommend and sell them to the client;

(4) in the sector or a sector class of claims adjustment, gather information and propose to his supervisor the components of a claims investigation, the assessment of damage or the negotiation of a settlement, and assist his supervisor in presenting them to the client.

33. A holder of a probationary certificate must, upon first meeting a client, give the client a document, such as a business card, which indicates the following:

(1) his full name;

(2) his business address, business telephone number, electronic mail address, if any, and his facsimile number;

(3) the sectors or sector classes in which he is authorized to act;

(4) the name of the firm, independent partnership or independent representative on whose behalf he pursues activities;

(5) his title.

If the holder deals with the client other than in person, he must provide him with the information referred to in subparagraphs (1), (4) and (5) of the first paragraph and, in such case, send him, at his request, the document referred to in the first paragraph when initially sending other documents.

§3. Duration of probationary period

34. The probationary period pertaining to a sector lasts 12 weeks. It takes place on the basis of at least 28 hours a week and lasts no more than 14 weeks.

35. The probationary period pertaining to a sector class lasts six weeks. It takes place on the basis of at least 28 hours a week and lasts no more than seven weeks.

36. During the probationary period, the candidate must not be in any of the situations referred to in section 56.

37. The holder of a probationary certificate must notify the Authority of any change to the information or a document that he has furnished to the Authority within five days of such change, where such change occurs during the probationary period.

If, as a result of the change, the holder no longer satisfies the conditions of probationary period eligibility, the Authority withdraws the probationary certificate.

38. The probationary period is interrupted if the holder of a probationary certificate is in any of the following situations:

(1) he is no longer under the supervision of an authorized person;

(2) he is unable to continue with the probationary period due to disability, in particular as the result of a preventive withdrawal, because he is on parental leave or where warranted by exceptional circumstances.

In all other situations, the probationary period is considered to be abandoned.

39. Where the probationary period is interrupted, the holder of a probationary certificate must immediately cease to perform the acts referred to in section 32. This interruption may not last more than four weeks.

The holder may apply to the Authority for authorization to extend the probationary period for its remaining duration by submitting an application to that effect, along with documentation of the reason for the interruption.

40. The holder of a probationary certificate may change supervisors during the probationary period without affecting its duration provided the Authority is informed of such change at least ten days prior to the proposed change and the new supervisor acts on behalf of the same firm or the same independent partnership, as applicable.

§4. Exemptions from probationary period

41. A candidate is exempt from the probationary period if his certificate application is duly completed and received by the Authority within the year following his surrender or non-renewal of a certificate previously issued to him by the Authority whereby he was authorized to act as a representative in the same sector or sector class as that covered by the application.

42. A candidate is exempt from the probationary period if his certificate application is duly completed and received by the Authority within three years following his surrender or non-renewal of a certificate held for at least one year as a representative in the same sector or sector class as that covered by the application.

43. A candidate is exempt from the probationary period if he has successfully completed a training period in accordance with Division V.

§5. Required qualifications and obligations of supervisor and replacement supervisor

44. A supervisor is a representative authorized to pursue activities at the time of the probationary period and the holder of a certificate for at least 24 of the previous 36 months in the same sector or sector class in which the candidate seeks to pursue activities.

A supervisor may be replaced by a replacement supervisor. This replacement supervisor must observe the same obligations as those of the supervisor.

45. To act as a supervisor, the representative completes the prescribed form and satisfies the following conditions:

(1) in the five years preceding the candidate's application, has not been the subject of a disciplinary sanction imposed by a disciplinary committee established under An Act respecting the distribution of financial products and services, or the Court of Québec sitting in appeal of a decision issued by such a committee;

(2) in the five years preceding the candidate's application, he has never been struck off the roll by a disciplinary committee of a professional order;

(3) he does not hold a certificate carrying restrictions or conditions under sections 218, 219 or 220 of An Act respecting the distribution of financial products and services affecting his ability to act as a supervisor.

Where a supervisor no longer satisfies a condition mentioned in the preceding subparagraphs during the probationary period, he ceases immediately to act as a supervisor.

46. A supervisor may not have more than five trainees under his responsibility at any time.

47. Where a supervisor is absent, he is replaced by his replacement supervisor.

48. Excluding the offer of products and services pertaining to personal-lines damage insurance, the supervisor must approve the products and services offered by the holder of a probationary certificate before they are recommended to the client, enter this approval in the client's file and countersign, where applicable, any proposal or form, in particular, notices for purposes of replacement.

For the damage insurance sector or the personal-lines damage insurance sector class, where products and services pertaining to personal-lines damage insurance are offered, the supervisor must, within the next business day, review the probationary certificate holder's work and enter the review in the client's file.

49. The specific tasks of the supervisor include:

(1) provide the probationary certificate holder with a working environment conducive to learning and developing his skills;

(2) determine the tasks the holder must carry out, specifying the time limits in which they must be completed;

(3) help the holder gradually pursue the activities reserved for representatives, as set out in section 32;

(4) at least once a week, evaluate and review the tasks carried out by the holder.

At the end of the probationary period, the supervisor submits his recommendations to the Authority, along with the information required by the Authority. These recommendations must be approved by the management of the firm or independent partnership that ensured supervision, as applicable.

50. The supervisor must inform the Authority, within five days, if the holder has discontinued or interrupted his probationary period.

DIVISION V TRAINING PERIOD

§1. *Agreement with a training body*

51. A candidate may carry out a training period established under an agreement entered into between a training body and the Authority. Such an agreement must set out, in particular, the requirements related to minimum skills and the number and duration of any training periods.

§2. *Attestation of training*

52. To obtain an attestation of training, a candidate must:

(1) be enrolled in a training program recognized under the agreement referred to in section 51;

(2) be accepted as a trainee in a firm or an independent partnership or with an independent representative registered with the Authority;

(3) complete the forms prescribed for such purpose.

Upon analysis of the file, the Authority may issue an attestation of training for the candidate.

This attestation must contain the necessary information to identify the candidate and the information related to the training period the candidate is undertaking.

DIVISION VI EXEMPTIONS REGARDING CANDIDATES FROM NON-QUÉBEC JURISDICTIONS

§1. *Canadian candidates*

53. A candidate from another Canadian province or a Canadian territory seeking to be authorized to act as a representative in Québec and who has furnished to the Authority a document from a competent authority of his province or territory attesting that he was authorized to act in this capacity in a corresponding sector or sector class for at least 24 months of the previous 36 months and that such authorization is equivalent to a representative's certificate, is exempt from:

(1) the minimum qualifications prescribed in Division II of this Chapter;

(2) the examinations set out in Division III of this Chapter corresponding to the candidate's skills;

(3) the probationary period.

However, the candidate is not required to furnish the document referred to in the first paragraph if he has satisfied the requirements established under an agreement entered into between the competent authority of his province or territory and the Authority.

§2. *Candidates from another country*

54. A candidate who is from another country that is party to an agreement entered into with the Authority and who seeks to act as a representative in Québec is exempt, under the terms and conditions of the agreement, from:

(1) the minimum qualifications prescribed in Division II of this Chapter;

(2) the examinations set out in Division III of this Chapter corresponding to the candidate's skills;

(3) the probationary period.

DIVISION VII OTHER CONDITIONS OF ISSUANCE

55. To obtain a representative's certificate, a candidate must apply to the Authority prior to the expiry of the validity period of his examinations or, if this period expires during the probationary period, within 30 days following the end of the probationary period.

During the processing of the certificate application and on receipt by the candidate of a notice from the Authority to that effect, the probationary certificate remains in effect for a maximum period of 45 days as of the end of the probationary period.

The candidate must forward the prescribed form and submit, in support of his application, any information as well as any document attesting to the information contained in the form. He must also, at the request of the Authority, attach documents confirming that he has the degree of honesty considered necessary to pursue activities as a representative and those concerning his integrity and solvency.

A candidate who demonstrates that he was unable to act within the period provided for in the first paragraph due to exceptional circumstances may forward his application to the Authority on the expiry of this period.

56. To obtain his certificate, a candidate must comply with the following conditions:

(1) he must not be the subject of a disciplinary sanction imposed by a disciplinary committee established under An Act respecting the distribution of financial products and services, the former Act respecting market intermediaries (R.S.Q., c. I-15.1), the Real Estate Brokerage Act (R.S.Q., c. C-73.1) or the Professional Code (R.S.Q., c. C-26) or by the Court of Québec sitting in appeal of a decision issued by such a committee.

(2) he must not be in default of paying any outstanding fines and costs that may have been imposed on him by any of the committees referred to above and by the Court of Québec, as well as any accrued interest at the rate established in accordance with section 28 of An Act respecting the Ministère du Revenu (R.S.Q., c. M-31), as applicable;

(3) he must have repaid any amount in principal, interest and costs that he was ordered to pay by final judgment by reason of his liability for any of the reasons

referred to in section 175 of the former Act respecting market intermediaries or section 258 of An Act respecting the distribution of financial products and services, and has repaid any amounts that were disbursed by the Fonds d'indemnisation des services financiers and that may be recovered by this fund, as a successor, by subrogation pursuant to these Acts;

(4) he must not be in default of paying any fine related to an offence committed under An Act respecting the distribution of financial products and services, the former Act respecting market intermediaries, the Securities Act (R.S.Q., c. V-1.1) or the Real Estate Brokerage Act;

(5) he must not be in default of paying the dues and annual fees payable under the Regulation respecting the dues, contributions and fees payable approved under Order-in-Council No. 836-99 dated July 7, 1999 (1999, *G.O.* 2, 2102).

DIVISION VIII TERMS AND CONDITIONS OF CERTIFICATE ISSUANCE

§1. General provisions

57. A candidate who forwards a certificate application to the Authority in the year following his surrender or non-renewal of the certificate held as a representative in the same sector or sector class as that covered by the application must, as applicable, have remedied the failure to comply with the rules relating to compulsory professional development prescribed by regulation of the Authority or under by-laws of the Chambre de la sécurité financière or the Chambre de l'assurance de dommages.

58. Whenever it decides to impose conditions or restrictions on a certificate, the Authority must notify the candidate in writing, specifying the reasons therefor.

59. A representative acting on behalf of a firm without being an employee thereof and who holds a professional liability insurance contract in accordance with Division VI of the Regulation respecting the Pursuit of Activities as a Representative, approved under Order-in-Council No. 830-99 dated July 7, 1999 (1999, *G.O.* 2, 2066), must forward either of the following documents to the Authority:

(1) evidence that the professional liability insurance contract was renewed 30 days prior to its expiry;

(2) a new professional liability insurance contract that complies with the requirements set out in Division VI of the Regulation respecting the pursuit of activities as a representative.

§2. *Certificate particulars*

60. A certificate issued by the Authority must include information relating to the certificate holder, the sectors or sector classes in which he is authorized to pursue activities, the professional titles he is authorized to use and, as applicable, the conditions and restrictions imposed on him by the Authority.

§3. *Validity period of certificate*

61. A certificate is renewable on an annual basis.

62. The holder of a representative's certificate must notify the Authority of any change to the information or a document that he has furnished to the Authority within five days of such change.

CHAPTER III RENEWAL OF CERTIFICATE

63. The Authority renews the representative's certificate if he satisfies the conditions set out under the following provisions:

- (1) paragraphs (4) to (6) of section 13;
- (2) Division VII of Chapter II;
- (3) any regulation of the Authority, or by-law of the Chambre de la sécurité financière or the Chambre de l'assurance de dommages pertaining to compulsory professional development.

64. A representative must renew his certificate prior to expiry thereof, or within 30 days following its expiry, but in such case, he must demonstrate that he was unable to take action sooner.

Where a certificate renewal application is processed after the certificate expires and on receipt by the representative of a notice from the Authority to that effect, the certificate is deemed to be in effect until its renewal.

CHAPTER IV MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

§1. *Miscellaneous provisions*

65. Any application referred to hereunder must be duly completed on the appropriate form available on the Authority's website. It must be accompanied, as applicable, by the required documents and information stipulated in the form.

Dues and fees are required by the Authority under sections 13 to 16, 18, 20, 26, 28, 31, 39, 40, 41, 45, 51, 52, 55 and 63 hereof. These dues and fees are prescribed in the Regulation respecting the dues, contributions and fees payable.

66. Where a damage insurance broker becomes a damage insurance agent, or vice versa, he must notify each client concerned in writing within 30 days of such change or ensure, as applicable, that the firm on whose behalf he was acting does so.

§2. *Transitional and final provisions*

67. A natural person holding a certificate in the sector class of "claims adjustment in the employ of an insurer" is, as of the date of coming into force of this Regulation, deemed to be the holder of a certificate in the claims adjustment sector.

A natural person holding a certificate in the sector class of "claims adjustment in the employ of a personal-lines damage insurer" is, as of the date of coming into force of this Regulation, deemed to be the holder of a certificate in the sector class of "claims adjustment in personal-lines damage insurance".

A natural person holding a certificate in the sector class of "claims adjustment in the employ of a commercial-lines damage insurer" is, as of the date of coming into force of this Regulation, deemed to be the holder of a certificate in the sector class of "claims adjustment in commercial-lines damage insurance".

68. A natural person holding a certificate in the sector class of "accident and health insurance" is, as of the date of coming into force of this Regulation, deemed to be the holder of a certificate in the sector class of "accident and sickness insurance".

69. An application to register for examinations received by the Authority before March 1, 2010 is processed in accordance with the Regulation respecting the issuance and renewal of representatives' certificates adopted on July 6, 1999 pursuant to Resolution No. 99.07.08 as it read prior to March 1, 2010.

70. A training period undertaken by a candidate before March 1, 2010 is treated in accordance with the Regulation respecting the issuance and renewal of representatives' certificates adopted on July 6, 1999 pursuant to Resolution No. 99.07.08 as it read prior to March 1, 2010. The Regulation also applies to applications submitted by a candidate further to completing a training period up to the time the candidate obtains his representative's certificate.

71. Sections 15, 49.2 to 49.4, 58, 61, 80, 90, 90.1 and 94.2 of the Regulation respecting the issuance and renewal of representatives' certificates adopted on July 6, 1999 pursuant to Resolution No. 99.07.08 continue to be in force until December 31, 2010 with respect to an application received by the Authority as part of the Work-Study Learning Program before March 1, 2010.

72. An application for reinstatement of a representative's certificate received before March 1, 2010 pursuant to sections 17, 35, 36, 69 and 70 is processed in accordance with the Regulation respecting the issuance and renewal of representatives' certificates adopted on July 6, 1999 pursuant to Resolution No. 99.07.08 as it read prior to March 1, 2010.

73. This Regulation replaces the Regulation respecting the issuance and renewal of representatives' certificates adopted on July 6, 1999 pursuant to Resolution No. 99.07.08.

74. This Regulation comes into force on March 1, 2010.

APPENDIX I (section 14)

1. The skills evaluated by courses recognized under an agreement referred to in the second paragraph of section 14 are as follows for the sector or sector class concerned:

(1) for the group insurance of persons sector:

(a) prepare a group insurance recommendation taking the client's needs into account and based, in particular, on an analysis of the client's financial situation and ability to pay the premium;

(b) prepare a group annuity recommendation taking the client's needs into account and based, in particular, on an analysis of the client's financial situation and ability to pay the premium;

(c) comply with the legislation applicable to the activity of a representative in the group insurance of persons sector;

(d) evaluate the tax impacts of a group insurance contract and a group annuity contract.

(2) for the group insurance plans sector class:

(a) prepare a group insurance recommendation taking the client's needs into account and based, in particular, on an analysis of the client's financial situation and ability to pay the premium; and

(b) comply with the legislation applicable to the activity of a representative in the group insurance of persons sector;

(c) evaluate the tax impacts of a group insurance contract.

(3) for the group annuity plans sector class:

(a) prepare a group annuity recommendation taking the client's needs into account and based, in particular, on the client's financial situation and his ability to pay the premium; and

(b) comply with the legislation applicable to the activity of a representative in the group insurance of persons sector;

(c) evaluate the tax impacts of a group annuity contract.

9695

M.O., 2010

Order number 2010-01 of the Minister for Transport dated 12 February 2010

An Act respecting off-highway vehicles
(R.S.Q., c. V-1.2)

Pilot project concerning track systems for 4-wheel all-terrain vehicles

THE MINISTER FOR TRANSPORT,

CONSIDERING the provisions of section 47.1 of the Act respecting off-highway vehicles, which provides that the Minister may by order

(1) authorize the carrying out of pilot projects aimed at testing the use of an off-highway vehicle or of equipment related to its functioning or safety, or at improving or elaborating traffic rules or standards for equipment or safety;

(2) make, during any pilot project, any rule concerning the use of a vehicle and authorize any person or body to use a vehicle according to standards and rules the Minister makes that differ from those provided for by the Act and its regulations;

CONSIDERING the second paragraph of that section, which provides that

(1) such pilot projects are established for a maximum of three years, a period which the Minister may, if the Minister judges it necessary, extend for a maximum of two years;

(2) the Minister may modify or terminate a pilot project at any time;

(3) the Minister may also determine, among the provisions of an order made under that section, those whose violation constitutes an offence, and fix the minimum and maximum fines to which the offender is subject. This amount may not be less than \$50 or more than \$1,000;

CONSIDERING the third paragraph of that section, which provides that an order made under that section is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING that it is appropriate to implement a pilot project aimed at allowing the use of track systems for 4-wheel all-terrain vehicles;

CONSIDERING that it is expedient to authorize the implementation of such a project;

ORDERS THE FOLLOWING:

DIVISION I GENERAL

1. The implementation of the pilot project concerning track systems for 4-wheel all-terrain vehicles is authorized on the following grounds:

(1) to try out the use of such equipment, mainly on the trails of off-highway vehicle clubs, while ensuring the safety of all-terrain vehicle users;

(2) to collect information on the use of such equipment to assess its relevancy and, if so, to make minimum standards for its design and traffic safety rules.

2. For the purposes of this Order, a track system is equipment designed for winter driving and replacing all or some of the wheels of a 4-wheel all-terrain vehicle.

Only all-terrain vehicles equipped with handlebars and that may be ridden are covered by the pilot project.

DIVISION II INSTALLATION STANDARDS

3. The track system must be firmly affixed, according to the manufacturer's instructions and recommendations, to a vehicle for which it was designed.

The installation of such a system, in accordance with the provisions of the first paragraph, may not be construed as a removal of equipment or a modification within the meaning of section 6 of the Act respecting off-highway vehicles.

DIVISION III STANDARDS OF USE

4. The driver of a vehicle equipped with a track system may, from 15 November to 1 April, operate the vehicle

(1) on an all-terrain vehicle trail referred to in section 15 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2);

(2) on a public highway within the meaning of the Highway Safety Code (R.S.Q., c. C-24.2), under the conditions set out in the Act respecting off-highway vehicles;

(3) on an all-terrain vehicle trail laid out on a road situated on land in the domain of the State and operated by an off-highway vehicle club under the conditions provided for in section 8.1 of the Act respecting off-highway vehicles or, if there is no such trail on such a road, on the road itself, but only for the distance necessary to reach a trail referred to in section 8.1 or section 15 of the Act;

(4) on a private road open to public traffic, but only for the distance necessary to reach an all-terrain vehicle trail referred to in section 8.1 or section 15 of the Act respecting off-highway vehicles; or

(5) on lands in the domain of the State, in accordance with section 8 of the Act respecting off-highway vehicles.

The provisions of section 13 of the Act respecting off-highway vehicles apply to this authorization to operate such a vehicle.

5. The operation of a vehicle equipped with a track system is authorized in the places listed in subparagraphs 1 to 4 of section 4 as long as its overall width does not exceed 1,524 mm.

6. The operation of a vehicle equipped with a track system on private land, elsewhere than in a place listed in section 4, is subject to the owner's or lessee's express authorization.

7. A person in charge of the maintenance of a place listed in section 4 may place road signs along those roads or trails carrying the message in Schedule A to prohibit the use of all-terrain vehicles equipped with track systems on those roads or trails.

The driver of a vehicle equipped with a track system is required to comply with such signs.

DIVISION IV COLLECTION OF INFORMATION

8. The Ministère des Transports is responsible for collecting information on the use of track systems for 4-wheel all-terrain vehicles.

9. Where a bodily injury is sustained by a person in an accident involving a vehicle equipped with a track system, off-highway vehicle clubs must immediately send a copy of any accident report to the Department or the Fédération québécoise des clubs quads.

10. Any person providing his or her identity may send the Department written observations on this pilot project.

DIVISION V PENAL

11. The owner of a vehicle equipped with a track system not complying with the provisions of section 3 commits an offence and is liable to a fine from \$100 to \$200.

12. The driver of a vehicle equipped with a track system who travels in a place listed in section 4 outside the authorized period set therein commits an offence and is liable to a fine from \$100 to \$200.

13. The driver of a vehicle equipped with a track system who travels in a place listed in subparagraphs 1 to 4 of section 4 commits an offence and is liable to a fine from \$100 to \$200 if the vehicle's overall width exceeds the limit set in section 5.

14. The driver of a vehicle equipped with a track system who travels on private land without the owner's or lessee's authorization commits an offence and is liable to a fine from \$250 to \$500.

15. The driver of a vehicle equipped with a track system who contravenes the provisions of the second paragraph of section 7 commits an offence and is liable to a fine from \$100 to \$200.

DIVISION VI MISCELLANEOUS AND FINAL

16. This Order has precedence over any incompatible provision of the Act respecting off-highway vehicles.

17. This Order takes effect on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on the third anniversary of that date.

NORMAN MACMILLAN,
Minister for Transport

SCHEDULE 1



9698

Draft Regulations

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Respiratory therapists

— Diplomas giving access to permits — 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 the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends section 2.10 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders to add Cégep de l'Outaouais. That addition will allow diploma holders who have completed the program "Techniques d'inhalothérapie" of that institution to be issued a permit by the Ordre professionnel des inhalothérapeutes du Québec.

The amendments will have no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec and to the Ordre professionnel des inhalothérapeutes du Québec so that they can give their opinion. For that purpose, the Office will take the opinion of the Order and forward it to the Minister of Justice with its own opinion, following the results of the consultations carried out by the Office with educational institutions and other bodies concerned.

Further information may be obtained by contacting Andrée Lacoursière, assistant to the general directorate, Ordre professionnel des inhalothérapeutes du Québec, 1440, rue Sainte-Catherine Ouest, bureau 320, Montréal (Québec) H3G 1R8; telephone: 514 931-2900 or 1 800 561-0029; fax: 514 931-3621; e-mail: adjoint.dg@opiq.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean Paul Dutrisac, Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be communicated by the Office to the Minister of Justice; they may also be sent to the Ordre professionnel des inhalothérapeutes du Québec, as well as to interested persons, departments and bodies.

KATHLEEN WEIL,
Minister of Justice

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders is amended by inserting "Outaouais," after "the Chicoutimi," in paragraph *a* of section 2.10.

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

9696

* The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 1046-2009 dated 30 September 2009 (2009, *G.O.* 2, 3481). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

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

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