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**DU Québec**

**Part**

**2**

**No. 30**

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**Laws and Regulations**

Volume 144

**Summary**

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### Contents

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- (2) proclamations of Acts;
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**PROVINCE OF QUÉBEC**

2ND SESSION

39TH LEGISLATURE

QUÉBEC, 6 JUNE 2012

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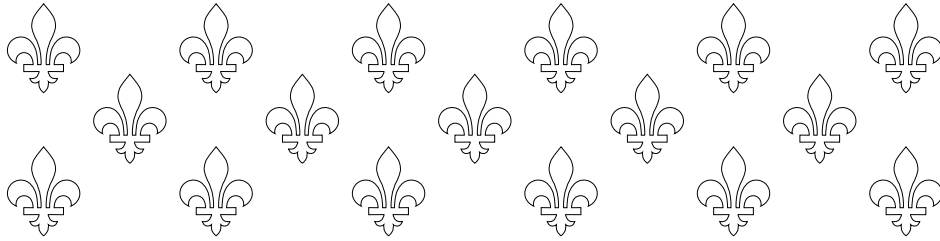
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 6 June 2012*

This day, at twenty-two minutes past three o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 57 An Act to modify the rules governing the use of photo radar devices and red light camera systems and amend other legislative provisions
- 74 An Act to prevent skin cancer caused by artificial tanning
- 75 An Act to confer certain powers of inspection and seizure on the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry (*modified title*)

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





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 57  
(2012, chapter 15)

**An Act to modify the rules governing the  
use of photo radar devices and red light  
camera systems and amend other  
legislative provisions**

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**Introduced 22 February 2012  
Passed in principle 8 May 2012  
Passed 31 May 2012  
Assented to 6 June 2012**

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**Québec Official Publisher  
2012**

## EXPLANATORY NOTES

*This Act proposes various amendments mainly with respect to the use of photo radar devices and red light camera systems.*

*New provisions are added to the Highway Safety Code to allow such devices and systems to be used particularly in school zones and in road construction and maintenance work zones. Persons responsible for the maintenance of a public highway will be required to erect road signs or signals to mark places where such devices or systems are used to monitor compliance with highway safety rules. However, in the case of certain offences, the prosecutor will not be required to prove the presence of signs or signals, and no proceedings will be dismissed nor any defendant acquitted on the grounds that signs or signals were inadequate or absent.*

*Under an amendment to the Code, only certain vehicle owners having received a statement of offence although they were not driving the vehicle when the offence was recorded by a photo radar device or red light camera system will now have the possibility of identifying the driver in order for a new statement of offence to be served on that person. However, it will be possible for the owner to identify the renter of the vehicle if it was under a short-term rental contract at the time the offence was committed.*

*Owners and drivers of police force vehicles, ambulance service vehicles, fire safety vehicles and certain other emergency vehicles cannot be convicted of an offence recorded by such a device or system.*

*The devices and systems cannot be removed or modified without the authorization of the Minister of Transport, and it is prohibited to interfere with their operation or with the recording of information by their camera.*

*The Act respecting the Ministère des Transports is amended to provide that the panel responsible for advising the Minister on the use of sums credited to the Highway Safety Fund is to be composed of seven members chosen from among the members of the Table québécoise de la sécurité routière. All sums received as compensation for damage caused to a photo radar device or red light camera system are to be credited to that Fund.*



*New driving rules aim at creating a buffer lane in certain circumstances to protect the driver and occupants of emergency vehicles, tow trucks and certain other road vehicles. The fines and demerit points that can be imposed on drivers for failing to comply with those rules are also specified.*

*In another connection, it is prohibited to put a road vehicle back into operation if the owner of the vehicle is a repeat drunk driving offender. If the owner commits the offence, the fine is from \$1,500 to \$3,000 or, for a subsequent offence, from \$3,000 to \$6,000. If a third party commits the offence, the fine is from \$300 to \$600.*

*A provision specifies that it is not forbidden to use a two-way radio while driving a road vehicle.*

*The provision specifying that, as of 30 June 2012, an exclusive pedestrian phase constitutes a sign or signal authorizing pedestrians to cross the roadway diagonally is struck out.*

*Lastly, various consequential amendments and transitional measures are contained in the Act.*

**LEGISLATION AMENDED BY THIS ACT:**

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Act respecting the Ministère des Transports (R.S.Q., chapter M-28);
- Act to amend the Highway Safety Code and the Regulation respecting demerit points (2007, chapter 40).

**REGULATION AMENDED BY THIS ACT:**

- Regulation respecting demerit points (R.R.Q., chapter C-24.2, r. 37).



## Bill 57

### AN ACT TO MODIFY THE RULES GOVERNING THE USE OF PHOTO RADAR DEVICES AND RED LIGHT CAMERA SYSTEMS AND AMEND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### HIGHWAY SAFETY CODE

- 1.** Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing “fire department road vehicle” in the definition of “emergency vehicle” by “fire safety vehicle”.
- 2.** Section 39.1 of the Code is amended by replacing “202” by “202.0.1”.
- 3.** Section 52 of the Code is repealed.
- 4.** Section 59 of the Code is amended by adding the following paragraph at the end:

“Despite the first paragraph, if an offence under section 39.1 is committed by the owner of a road vehicle that has been put back into operation and in respect of which a decision under section 202.0.1 is in force, the owner is liable to a fine of \$1,500 to \$3,000 and, in the case of a second or subsequent offence, of \$3,000 to \$6,000.”
- 5.** Section 251 of the Code is amended by striking out “normal” in paragraph 2.
- 6.** The Code is amended by inserting the following section after section 294:

**“294.1.** The person responsible for the maintenance of a public highway must erect proper signs or signals to mark every place where a photo radar device or red light camera system is used to monitor compliance with highway safety rules.

The person must also, as often as the Minister determines, verify the presence and adequacy of those signs or signals, and report the verification results to the Minister.”
- 7.** The Code is amended by inserting the following section after section 311:

**311.1.** When approaching a yellow arrow light signal that is mounted on a moving road vehicle and directs a lane change, the driver of a road vehicle must reduce speed and, in the direction indicated by the arrow and after making sure that it can be done safely, switch to the other lane or, in the absence of another lane, to the shoulder.”

**8.** Section 312.1 of the Code is amended

(1) by replacing “of the person responsible for the maintenance of the highway” by “of the Minister of Transport”;

(2) by striking out “erected on a public highway”.

**9.** Section 312.2 of the Code is amended by replacing “, or interfere with or prevent the operation of, a photo radar device or a red light camera system erected on a public highway” by “a photo radar device or a red light camera system, or interfere in any way with the operation of such a device or system or the recording of the information described in the second paragraph of section 332 or the second paragraph of section 359.3 by the camera of such a device or system”.

**10.** The Code is amended by inserting the following section after section 312.2:

**312.3.** The person responsible for the maintenance of a public highway may send the owner of a tree or any other property situated on land contiguous to the right of way of that highway a written notice requiring the owner to carry out remedial work within the prescribed time if the tree or other property could interfere

(a) in any way with the operation of a fixed photo radar device or a red light camera system; or

(b) with the recording, by the camera of a device or system referred to in paragraph *a*, of the information described in the second paragraph of section 332 or the second paragraph of section 359.3.

If the owner fails to do the work, the person responsible for the maintenance of the public highway may do the work or have it done.”

**11.** The Code is amended by striking out “normal” in section 333 and the first paragraph of section 334.1.

**12.** Section 359.3 of the Code is amended by inserting “the traffic light involved and” after “concerning” in the second paragraph.

**13.** Section 406 of the Code is amended by replacing “make way for an” by “yield to any”.

**14.** The Code is amended by inserting the following section after section 406:

**“406.1.** When an emergency vehicle or tow truck with its flashing or rotating lights activated is stopped in a lane of a public highway, the driver of a road vehicle travelling in that lane must reduce speed to avoid endangering human life or safety or any property that is in that lane and, if necessary, stop the vehicle, and switch to the other lane after making sure it can be done safely. In the case of a two-way roadway, the driver must, before switching to the other lane, yield the right of way to any vehicle travelling in the opposite direction.

If the emergency vehicle or tow truck is stopped on the shoulder or on a lane contiguous to the lane in which the driver of the road vehicle is travelling, the driver must, in the following order,

(1) reduce speed to avoid endangering human life or safety or any property that is on the shoulder or in that other lane;

(2) change lanes, if there is another lane for travelling in the same direction and after making sure it can be done safely, so as to leave one free lane between the vehicle and the stopped vehicle or, otherwise, put as much distance as possible between the vehicle and the stopped vehicle while remaining in the same lane.

The second paragraph does not apply when the direction of traffic in the driver’s lane is opposite that of the lane in which the emergency vehicle or tow truck is stopped.

This section also applies when a road vehicle with an activated yellow arrow light signal directing a lane change is stopped on a public highway. The lane change must be carried out in the direction indicated by the arrow.”

**15.** Section 439.1 of the Code is amended by adding the following paragraphs at the end:

“The first paragraph does not apply to a two-way radio, that is to say a cordless voice communication device which does not allow the parties to speak simultaneously.

The Minister may, by order, determine other situations or types of devices to which the prohibition set out in the first paragraph does not apply.”

**16.** Section 451 of the Code, replaced by section 66 of chapter 34 of the statutes of 2010, is amended by striking out the second paragraph.

**17.** Section 507 of the Code is amended by striking out “406.”.

**18.** Section 510 of the Code is amended

(1) by inserting “406.1,” after “395,” in the first paragraph;

(2) by inserting “or 406” after “346” in the first paragraph.

**19.** Section 592 of the Code is amended by adding the following paragraph at the end:

“The second paragraph does not apply in the case of an offence evidenced by a photograph taken by a photo radar device or a red light camera system.”

**20.** The Code is amended by inserting the following section after section 592:

**“592.0.0.1.** A short-term renter of a road vehicle may be convicted of an offence under this Code evidenced by a photograph taken by a photo radar device or a red light camera system unless the renter proves that, at the time of the offence, the vehicle was in the possession of a third party without the renter’s consent.”

**21.** Section 592.1 of the Code is amended

(1) by striking out the first paragraph;

(2) by replacing “The statement” in the second paragraph by “In the case of an offence evidenced by a photograph taken by a photo radar device or a red light camera system, the statement”;

(3) by inserting “of a road vehicle listed in the fourth paragraph” after “If the owner” in the third paragraph;

(4) by replacing “10” in the third paragraph by “15”;

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

“The second paragraph refers to the following road vehicles registered in Québec:

(1) a heavy vehicle whose owner is registered in the Registre des propriétaires et des exploitants de véhicules lourds established under the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3);

(2) a taxi;

(3) a road vehicle belonging to an employer, if the vehicle is driven by an employee of that employer in the performance of delivery duties; and

(4) a courtesy vehicle loaned by a garage operator.”

**22.** The Code is amended by inserting the following section after section 592.1:

**“592.1.1.** If the road vehicle used to commit the offence was under a short-term rental contract at the time of the offence, the owner of the vehicle may identify the renter of the vehicle, in accordance with the second and third paragraphs of section 592.1, with the necessary modifications.”

**23.** Section 592.2 of the Code is amended

- (1) by replacing “592.1” by “592”;
- (2) by inserting “or short-term renter of the vehicle” after “driver”.

**24.** The Code is amended by inserting the following section after section 592.2:

**“592.2.1.** Despite sections 592 and 592.1, the owner and the driver of the following road vehicles cannot be convicted of an offence evidenced by a photograph taken by a photo radar device or a red light camera system:

- (1) a police force vehicle;
- (2) an ambulance service vehicle;
- (3) a fire safety vehicle;
- (4) an emergency vehicle registered in the name of the Société;
- (5) an emergency vehicle used mainly in emergency situations to bring medical personnel or medical equipment to a location where a person requires immediate medical care;
- (6) an emergency vehicle used mainly in emergency situations to bring a technician or rescue equipment to a location where rapid intervention is required in order to provide immediate medical care.”

**25.** Section 592.3 of the Code is repealed.

**26.** The Code is amended by inserting the following section after section 592.4:

**“592.4.1.** In the case of an offence under the second paragraph of section 299, section 303.2 or 328, the third paragraph of section 329 or section 359, the prosecutor is not required to prove the presence of road signs or signals marking the place where a photo radar device or red light camera system is used to monitor compliance with highway safety rules.

No proceedings may be dismissed nor may any defendant be acquitted on the grounds that road signs or signals described in the first paragraph were inadequate or absent.”

**27.** Section 597.1 of the Code is amended by replacing the second paragraph by the following paragraph:

“The Minister may make an agreement with a municipality under which the Minister is to pay to the municipality a part of the fines collected for offences under the first paragraph committed on public highways the maintenance of which is under the responsibility of the municipality, provided that the sums are allocated to financing new highway safety or road victim assistance measures or programs that have been authorized by the Minister.”

**28.** Section 634.3 of the Code is amended

(1) by striking out “and at the places” in the first paragraph;

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

“They may only be used to monitor compliance with highway safety rules

(1) on a road or land situated in a school zone, as defined by regulation of the Minister of Transport;

(2) in a construction or maintenance work zone limited, for the purposes of this section, to the part of a public highway for which the maximum authorized speed limit is indicated in accordance with section 303.1; and

(3) on any other public highway determined by the Minister of Transport and the Minister of Public Security after consulting with the municipality responsible for the maintenance of the highway, if applicable.

When determining a public highway under subparagraph 3, the Ministers may take into account such factors as the accident potential of the highway.”;

(3) by striking out the second and third paragraphs;

(4) by inserting “or second” after “first” in the fourth paragraph.

#### ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

**29.** Section 12.32 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28), amended by section 237 of chapter 18 of the statutes of 2011, is again amended by replacing “a civil suit” in paragraph 2.4 by “proceedings”.

**30.** Section 12.39.1 of the Act, amended by section 240 of chapter 18 of the statutes of 2011, is again amended

(1) by replacing paragraph 1.1 by the following paragraph:



“(1.1) fines collected under sections 509, 516 and 516.1 of the Highway Safety Code in the case of an offence evidenced by a photograph taken by a photo radar device or a red light camera system;”;

(2) by inserting the following paragraph after paragraph 1.2:

“(1.3) sums received for damage caused to a photo radar device or red light camera system, its accessories or the related signs or signals, including damages of any kind, paid following proceedings instituted for such damage;”.

**31.** Section 12.39.2 of the Act, amended by section 241 of chapter 18 of the statutes of 2011, is again amended by replacing “five members of the Table québécoise de la sécurité routière chosen from among the members designated by the chair” by “seven members chosen from among the members of the Table québécoise de la sécurité routière, at least one of whom represents drivers of passenger vehicles”.

#### ACT TO AMEND THE HIGHWAY SAFETY CODE AND THE REGULATION RESPECTING DEMERIT POINTS

**32.** Section 106 of the Act to amend the Highway Safety Code and the Regulation respecting demerit points (2007, chapter 40) is amended by striking out the second paragraph.

#### REGULATION RESPECTING DEMERIT POINTS

**33.** The Regulation respecting demerit points (R.R.Q., chapter C-24.2, r. 37) is amended by inserting the following elements after element 21 of the schedule entitled “TABLE OF DEMERIT POINTS”:

“21.1. Failure to yield to an emergency vehicle whose lights or sound producing device are in operation	406	510	4
“21.2. Failure to slow down or change lanes when approaching a stopped road vehicle with its flashing or rotating lights or yellow arrow signal light activated”.	406.1	510	4

#### TRANSITIONAL AND FINAL PROVISIONS

**34.** The first regulation under subparagraph 1 of the second paragraph of section 634.3 of the Highway Safety Code (R.S.Q., chapter C-24.2), enacted by paragraph 2 of section 28, is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

**35.** The public highways situated in a place determined by a provision of a ministerial order under the first paragraph of section 634.3, as it read before

being amended by section 28, are deemed to be public highways determined by a provision of a ministerial order under subparagraph 3 of the second paragraph of section 634.3, as amended by section 28, until the Minister of Transport and the Minister of Public Security decide otherwise.

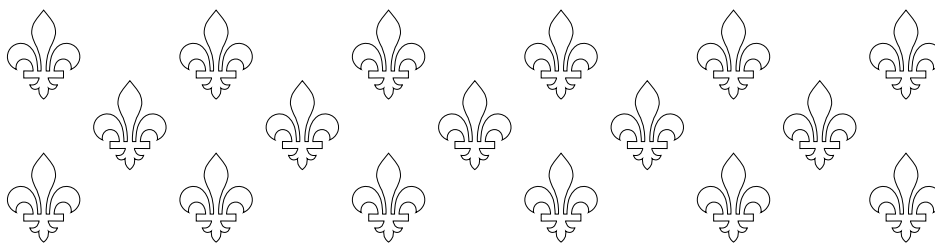
**36.** Not later than 6 December 2013 and subsequently every 12 months for the following four years, the Minister of Transport must report to the Government on the use of photo radar devices and red light camera systems.

The report is tabled by the Minister in the National Assembly within the following 30 days or, if the Assembly is not sitting, within 30 days of resumption. The first report is examined by the competent committee of the National Assembly.

The first report must deal, among other things, with the enforcement of section 592.1 of the Highway Safety Code and the advisability of amending the legislative provisions concerning the use of photo radar devices and red light camera systems.

**37.** This Act comes into force on 6 June 2012, except

- (1) sections 2, 4 and 16, which come into force on 30 June 2012;
- (2) sections 13, 14, 17, 18 and 33, which come into force on 5 August 2012;
- (3) sections 19 and 20, paragraphs 1, 2 and 4 of section 21 and sections 22, 23 and 25, which come into force on 1 October 2012; and
- (4) paragraphs 3 and 5 of section 21, which come into force on the date or dates to be set by the Government, which may not be earlier than the date that is six months after the date on which the first report referred to in section 36 is tabled in the National Assembly.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 74  
(2012, chapter 16)

## **An Act to prevent skin cancer caused by artificial tanning**

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**Introduced 15 May 2012**  
**Passed in principle 22 May 2012**  
**Passed 5 June 2012**  
**Assented to 6 June 2012**

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**Québec Official Publisher  
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## **EXPLANATORY NOTES**

*This Act is intended mainly to prevent skin cancer caused by artificial tanning. It therefore prohibits minors from having access to the artificial tanning services offered by tanning salons.*

*Advertising that promotes artificial tanning is also prohibited if it is directed at minors or likely to create an erroneous impression about the health effects or health risks of artificial tanning, especially if it suggests that artificial tanning equipment is harmless.*

*Penal offences are prescribed and inspections are provided for. The posting in tanning salons of a warning about the adverse health effects of artificial tanning is made mandatory and tanning salon operators are required to declare artificial tanning service activities in the enterprise register kept in accordance with the Act respecting the legal publicity of enterprises.*

## **LEGISLATION AMENDED BY THIS ACT:**

- Act respecting the legal publicity of enterprises (R.S.Q., chapter P-44.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2).

## **Bill 74**

### **AN ACT TO PREVENT SKIN CANCER CAUSED BY ARTIFICIAL TANNING**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **DIVISION I**

##### **INTERPRETATION AND SCOPE**

**1.** For the purposes of this Act,

“artificial tanning” means tanning induced by the use of ultraviolet radiation emitting (UV) equipment such as a tanning bed or a tanning booth;

“tanning salon” means any premises where artificial tanning services are provided in the course of a business.

**2.** Private health facilities or specialized medical centres within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2) where physicians use UV equipment to treat minors for skin conditions are not subject to this Act.

#### **DIVISION II**

##### **OBLIGATIONS AND PROHIBITIONS**

**3.** A tanning salon operator may not provide artificial tanning services to a minor or allow a minor to use such services or have access, without a legitimate excuse, to a tanning salon room where UV equipment used for artificial tanning is installed.

A tanning salon operator who contravenes the first paragraph is guilty of an offence and liable to a fine of \$500 to \$5,000 in the case of a natural person and \$1,500 to \$15,000 in any other case.

**4.** A person wishing to obtain artificial tanning services in a tanning salon or have access to a tanning salon room where UV equipment used for artificial tanning is installed may be required to provide proof that he or she is of full age.

When required to provide proof under the first paragraph, a person must produce photo identification issued by a government or a government department or public body and showing the person's name and date of birth.

**5.** In proceedings for a contravention of section 3, no penalty may be imposed on a defendant who shows that a reasonable effort was made to verify the minor's age and there were reasonable grounds to believe that the minor was of full age.

**6.** A minor is prohibited from

(1) purchasing for himself or herself artificial tanning services provided by a tanning salon, using such services or purchasing them for others;

(2) being found in a tanning salon room where UV equipment used for artificial tanning is installed, without a legitimate excuse; and

(3) falsely holding himself or herself out to be of full age in order to obtain artificial tanning services or have access to a room described in subparagraph 2.

A minor who contravenes this section is guilty of an offence and liable to a maximum fine of \$100.

In proceedings for a contravention of this section, the burden is on the defendant to prove that he or she was of full age at the time.

**7.** Direct or indirect advertising promoting artificial tanning is prohibited if

(1) it is directed at minors; or

(2) it is false or misleading, or is likely to create an erroneous impression about the health effects or health risks of artificial tanning, especially if it suggests that artificial tanning equipment is harmless.

The prohibition in the first paragraph applies in particular to the name under which a tanning salon is operated.

All advertising promoting artificial tanning must clearly state the prohibition against providing artificial tanning services to minors, and must include the Minister's warning prescribed by regulation about the adverse health effects of artificial tanning.

In addition to prescribing the warning about the adverse health effects of artificial tanning, the Minister may make regulations determining the standards applicable to the warning and to the prohibition referred to in the second paragraph.

The operator or, if there is no operator, the owner of the premises or advertising space or of any media where unlawful advertising is disseminated,

as well as the person who paid for the dissemination of such advertising and, if party to the dissemination contract, the tanning salon operator, are guilty of an offence and liable to a fine of \$500 to \$5,000 in the case of a natural person or \$1,500 to \$15,000 in any other case, unlawful advertising being advertising that contravenes this section or a regulation made under this section.

**8.** A tanning salon operator must post a sign prohibiting the provision of artificial tanning services to minors and another sign bearing the Minister's warning about the adverse health effects of artificial tanning as soon as such signs are provided by the Minister. The signs must be posted in public view, on the outside of each door providing access to the salon and on or next to each cash register used for the payment of artificial tanning services.

Removing or defacing such signs is prohibited.

The Minister may make regulations determining the standards applicable to such signs.

A tanning salon operator who contravenes the first paragraph or a regulation made under the third paragraph and anyone who contravenes the second paragraph is guilty of an offence and liable to a fine of \$250 to \$2,500 in the case of a natural person and \$750 to \$7,500 in any other case.

**9.** The provision of artificial tanning services is an activity that must be declared in the enterprise register kept in accordance with the Act respecting the legal publicity of enterprises (R.S.Q., chapter P-44.1) within 30 days after the tanning salon begins operations.

The discontinuance of that activity must also be declared in the same register within 30 days after its occurrence.

### **DIVISION III**

#### **INSPECTIONS**

**10.** For the purposes of this Act, the following may appoint someone to act as inspector:

(1) the Minister;

(2) a health and social services agency established under the Act respecting health services and social services that is responsible, under the second paragraph of section 371 of that Act, for overseeing the enforcement of this Act, for its region or any other region that the Minister determines; and

(3) a local municipality, for its territory.

A municipality that appoints an inspector must inform the Minister of the appointment.

**11.** An inspector must, on request, provide identification and produce a certificate of authority signed, as applicable, by the Minister, the president and executive director of the agency, the person designated by either of them or the clerk or secretary-treasurer of the local municipality.

The inspector's responsibilities must be specified in the act of appointment.

**12.** In order to ascertain compliance with this Act and the regulations, an inspector may, at any reasonable time, enter a tanning salon or any premises where information relating to advertising promoting artificial tanning is kept and

(1) require the production of any document or file for examination or for the purpose of making copies, if the inspector has reasonable grounds to believe that they contain information related to the enforcement of this Act or a regulation; or

(2) in the case of a tanning salon, require any person entering or leaving a room where UV equipment is installed to prove that he or she is of full age by producing identification compliant with the second paragraph of section 4.

To require proof of full age from a person referred to in subparagraph 2 of the first paragraph, the inspector must be reasonably convinced that the person is entering the room to receive artificial tanning services or leaving the room after having obtained such services.

An inspector may also, in a written request, require the owner or operator of the premises, advertising space or media to submit any information or document relating to the enforcement of section 7 within a specified reasonable time.

**13.** A person who in any way hinders an inspector carrying out the functions of office, misleads the inspector by concealment or false declarations, or refuses to hand over a document or information the inspector may demand under this Act is guilty of an offence and liable to a fine of \$500 to \$5,000 in the case of a natural person and \$1,500 to \$15,000 in any other case.

**14.** An inspector may not be prosecuted for an act performed in good faith while carrying out the functions of office.

#### **DIVISION IV**

##### **MISCELLANEOUS PROVISIONS**

**15.** A person who, by an act or omission, assists another person in committing an offence under this Act or, by encouragement, advice or consent or by an authorization or an order, induces another person to commit such an offence is guilty of the same offence.



In the absence of any evidence to the contrary, in any proceedings under this Act, proof that an offence was committed by a person in the employ of a tanning salon operator is proof that the person committed the offence with the tanning salon operator's authorization or consent.

**16.** If an offence under Division II or III is committed by a natural person who is a director or officer of a legal person or partnership, the minimum and maximum fines that would apply in the case of a natural person are doubled.

**17.** The minimum and maximum fines prescribed in Divisions II and III are doubled for a subsequent offence.

**18.** Penal proceedings for an offence under Division II, Division III or a regulation made under this Act may be instituted by a local municipality if the offence was committed in its territory. Such proceedings may be instituted before the competent municipal court.

Fines imposed under this section belong to the municipality.

The costs relating to proceedings instituted before a municipal court belong to the municipality in which the court has jurisdiction, except the part of the costs remitted by the collector to another prosecuting party under article 345.2 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on the prosecuting municipality under article 223 of the Code.

## **DIVISION V**

### **AMENDING PROVISIONS**

#### **ACT RESPECTING THE LEGAL PUBLICITY OF ENTERPRISES**

**19.** Section 21 of the Act respecting the legal publicity of enterprises (R.S.Q., chapter P-44.1) is amended by replacing the second paragraph by the following paragraph:

“Despite subparagraph 1 of the first paragraph, natural persons who operate either of the following under a name that includes their surname and given name are also required to be registered:

(1) a tobacco retail outlet within the meaning of the Tobacco Act (chapter T-0.01); or

(2) a tanning salon within the meaning of the Act to prevent skin cancer caused by artificial tanning (2012, chapter 16).”

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**20.** Section 371 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by adding the following paragraph at the end:

“At the Minister’s request, the agency must also oversee the enforcement of the Act to prevent skin cancer caused by artificial tanning (2012, chapter 16) in its region or in any other region that the Minister determines.”

### DIVISION VI

#### TRANSITIONAL AND FINAL PROVISIONS

**21.** The operator of a tanning salon in operation on (*insert the date of coming into force of section 9 of this Act*) must, not later than (*insert the date that occurs six months after the date of coming into force of section 9 of this Act*), declare, in the enterprise register kept in accordance with the Act respecting the legal publicity of enterprises (R.S.Q., chapter P-44.1), the name and address of any establishment where artificial tanning services are provided as an activity within the meaning of section 9 of this Act.

A tanning salon operator who fails to declare that information in accordance with the first paragraph is guilty of an offence and liable to the fine prescribed in section 159 of that Act.

**22.** A natural person who, on (*insert the date of coming into force of section 19 of this Act*), operates a tanning salon under a name that includes his or her surname and given name must, not later than (*insert the date that occurs six months after the date of coming into force of section 19 of this Act*), register in accordance with the Act respecting the legal publicity of enterprises.

A natural person who fails to register in accordance with the first paragraph is guilty of an offence and liable to the fine prescribed in section 159 of that Act.

**23.** No penal proceedings may be brought against a person on the grounds that, in the year following (*insert the date of coming into force of the second paragraph of section 7 of this Act*), the prohibition in the first paragraph of section 7 applied to the name of the tanning salon the person operates.

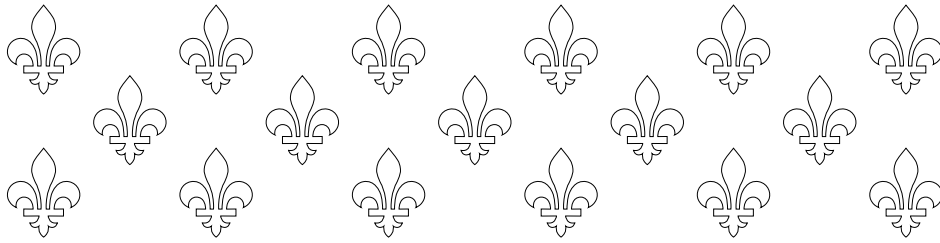
**24.** The Minister must, not later than (*insert the date that occurs five years after the date of coming into force of section 3 of this Act*) and subsequently every five years, report to the Government on the carrying out of this Act and the advisability of amending it.

A report under the first paragraph is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. The report is examined by the competent committee of the National Assembly in the year following the date of its tabling.

**25.** The Minister of Health and Social Services is responsible for the administration of this Act.

**26.** The provisions of this Act come into force on 6 June 2013, unless the Government sets an earlier date or earlier dates for their coming into force.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 75  
(2012, chapter 17)

**An Act to confer certain powers of  
inspection and seizure on the  
Commission of Inquiry on the Awarding  
and Management of Public Contracts in  
the Construction Industry**

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**Introduced 15 May 2012  
Passed in principle 29 May 2012  
Passed 6 June 2012  
Assented to 6 June 2012**

**EXPLANATORY NOTES**

*This Act grants the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry additional powers over and above those provided for in the Act respecting public inquiry commissions.*

*Among other things, the commissioners are given the power to authorize a person to require the production of any thing or any document or information, to carry out inspections and to apply to a justice of the peace for an authorization to enter a place to search for and seize any thing or document relevant to the carrying out of the Commission's mandate, if entry into the place for inspection purposes has been denied or for any other reasonable cause.*

**LEGISLATION AMENDED BY THIS ACT:**

- Tax Administration Act (R.S.Q., chapter A-6.002).

## **Bill 75**

### **AN ACT TO CONFER CERTAIN POWERS OF INSPECTION AND SEIZURE ON THE COMMISSION OF INQUIRY ON THE AWARDING AND MANAGEMENT OF PUBLIC CONTRACTS IN THE CONSTRUCTION INDUSTRY**

AS the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry was established, in accordance with section 1 of the Act respecting public inquiry commissions (R.S.Q., chapter C-37), by Order in Council 1119-2011 dated 9 November 2011;

AS the purpose of this Act is to give the Commission certain additional powers over and above those provided for in the Act respecting public inquiry commissions;

AS the powers conferred by this Act must not be exercised so as to interfere with any police investigation or any judicial proceedings arising from such an investigation or to compromise legally recognized privileges;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** This Act applies to the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry.
- 2.** An advocate authorized in writing by a commissioner may require the production, within a reasonable time of not less than five days, of any thing or any document or information relevant to the carrying out of the Commission's mandate, in order to examine it or make copies of it, as applicable.
- 3.** A commissioner may authorize a person in writing to enter a place at any reasonable hour to inspect it, with the occupant's consent, if the commissioner considers that the inspection will assist the Commission in carrying out its mandate.

During the inspection, the authorized person may, with the occupant's consent,

- (1) examine and make copies of the books, registers, accounts, records, files and other documents on the premises that are relevant to the carrying out of the Commission's mandate; and

(2) obtain any information relevant to the carrying out of the Commission's mandate and the production of any document relating to the subject of the mandate.

The authorized person may also request reasonable assistance from the persons present in order to facilitate the inspection, including assistance in accessing documents stored on technology-based media.

**4.** An advocate or peace officer authorized in writing by a commissioner may, without prior notice to the persons concerned, apply to a justice of the peace for an authorization to enter a place in order to search for and seize any thing or document on the premises that is relevant to the carrying out of the Commission's mandate.

The justice of the peace may hear the application *ex parte* and grant the application if he or she is satisfied on the basis of a sworn statement by the authorized person that there are reasonable grounds for believing that there is on the premises a thing or document relevant to the carrying out of the Commission's mandate and for believing that consent to the inspection of the place has been denied or entry into the place without prior notice is necessary.

The authorization must specify the conditions the justice of the peace considers appropriate and just in the circumstances. The justice of the peace may, among other things, order the persons present on the premises to provide reasonable assistance in order to facilitate acting on the authorization.

**5.** The authorization is acted on by a peace officer, upon its presentation to the person present on the premises, within the time specified by the justice of the peace, if any, but not later than 15 days after it is issued.

The authorization is acted on at any reasonable hour and the peace officer may, for that purpose, be accompanied by the persons designated in the authorization and use whatever force is necessary.

Within 15 days of the time for acting on the authorization, the peace officer must report to the justice of the peace who granted the authorization, whether or not it has been acted on.

**6.** The peace officer who seizes a thing or document under this Act draws up minutes of the seizure.

**7.** The minutes must include

- (1) the date and place of the seizure;
- (2) the circumstances of and grounds for the seizure;
- (3) a description of the thing or document seized;



- (4) any information that may help identify the owner or the person from whom the thing or document has been seized;
- (5) the name and title of the seizing peace officer; and
- (6) the date of the authorization granted by a justice of the peace.

**8.** The minutes of the seizure are attached to the report delivered to the justice of the peace and a copy of the minutes is given to the person from whom the thing or document was seized.

**9.** Any thing or document seized by a person authorized by a commissioner must be returned to the person from whom it was seized as soon as possible, after a copy is made, if applicable.

Under exceptional circumstances, the Commission may keep the originals of the seized things or documents for a reasonable period of time if required for the carrying out of its work.

If the person from whom the thing or document was seized is unknown or untraceable, it is released to the Minister of Revenue as soon as possible after the seizure, together with a statement describing it and setting out, if available, the name and last known address of the person from whom it was seized.

The Unclaimed Property Act (R.S.Q., chapter B-5.1) applies to property so released to the Minister of Revenue.

**10.** Whoever, without lawful excuse, refuses, fails or neglects to produce a document or thing or to provide information required under section 2 is guilty of an offence and is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and \$3,000 to \$30,000 in other cases.

**11.** Whoever prevents an authorization granted under section 4 from being acted on is guilty of an offence and is liable to a fine of \$2,500 to \$25,000 in the case of a natural person and \$7,500 to \$75,000 in other cases.

**12.** The authorization required to act under sections 2, 3 and 4 must be obtained each time powers set out in those sections are to be exercised.

**13.** The commissioners and persons authorized by the commissioners to exercise powers set out in this Act have the immunity provided for in the Act respecting public inquiry commissions (R.S.Q., chapter C-37).

#### TAX ADMINISTRATION ACT

**14.** Section 69.1 of the Tax Administration Act (R.S.Q., chapter A-6.002) is amended by adding the following subparagraph after subparagraph z of the second paragraph:

“(z.1) the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry, established by Order in Council 1119-2011 dated 9 November 2011, for the carrying out of the Commission’s mandate.”

**15.** Section 69.3 of the Act is amended by replacing “section 69.1 or 69.2” in the first paragraph by “section 69.1, except subparagraph z.1 of the second paragraph, or section 69.2”.

**16.** Section 69.8 of the Act is amended by replacing “x and y” in the portion of the first paragraph before subparagraph *a* by “x, y and z.1”.

**17.** This Act comes into force on 6 June 2012.

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## Regulations and other Acts

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**M.O., 2012-11**

**Order number V-1.1-2012-11 of the Minister for Finance dated 4 July 2012**

Securities Act

(R.S.Q., c. V-1.1, s. 331.1, subpars. 1, 2, 3, 4.1, 8, 11, 14, 18.1, 20, 20.1, 21 and 34)

CONCERNING Regulation 51-105 respecting issuers quoted in the u.s. over-the-counter markets

WHEREAS subparagraphs 1, 2, 3, 4.1, 8, 11, 14, 18.1, 20, 20.1, 21 and 34 of section 331.1 of the Securities Act (R.S.Q., c. V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS Order in Council no. 930-2011 of September 14, 2011 concerning the Minister for Finance provides that the Minister for Finance exercises, under the supervision of the Minister of Finance, the functions for the application of the Securities Act;

WHEREAS the draft Regulation 51-105 respecting issuers quoted in the u.s. over-the-counter markets was published in the *Bulletin de l'Autorité des marchés financiers*, volume 9, no. 19 of May 10, 2012;

WHEREAS the *Autorité des marchés financiers* made, on July 3, 2012, by the decision no. 2012-PDG-0139, Regulation 51-105 respecting issuers quoted in the u.s. over-the-counter markets;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister for Finance approves without amendment Regulation 51-105 respecting issuers quoted in the u.s. over-the-counter markets appended hereto.

4 July 2012

ALAIN PAQUET,  
*Minister for Finance*

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**REGULATION 51-105 RESPECTING ISSUERS QUOTED IN THE U.S. OVER-THE-COUNTER MARKETS**

Securities Act

(R.S.Q., c. V-1.1, s. 331.1, par. (1), (2), (3), (4.1), (8), (11), (14), (18.1), (20), (20.1), (21) and (34))

**PART 1  
DEFINITIONS AND REPORTING ISSUER DESIGNATION AND DETERMINATION****Definitions****1. In this Regulation**

“OTC issuer” means an issuer

- (a) that has issued a class of securities that are OTC-quoted securities, and
- (b) that has not issued any class of securities that are listed or quoted on one or more of the following:

- (i) TSX Venture Exchange Inc.;
- (ii) TSX Inc.
- (iii) Canadian National Stock Exchange;
- (iv) Alpha Exchange Inc.;
- (v) The New York Stock Exchange LLC;
- (vi) NYSE Amex LLC;
- (vii) The NASDAQ Stock Market LLC;

“OTC-quoted securities” means a class of securities that has been assigned a ticker symbol by the Financial Industry Regulatory Authority in the United States of America for use on any of the over-the-counter markets in the United States of America and includes a class of securities whose trades have been reported in the grey market;

“OTC reporting issuer” means an OTC issuer that is a reporting issuer;

“promotional activities” means activities or communications, by or on behalf of an issuer, that promote or could reasonably be expected to promote the purchase or sale of securities of the issuer, but does not include any of the following

- (a) the dissemination of information or preparation of records in the ordinary course of the business of the issuer
  - (i) to promote the sale of products or services of the issuer;
  - (ii) to raise public awareness of the issuer;
- (b) activities or communications necessary to comply with the requirements of
  - (i) the securities legislation of any jurisdiction of Canada;
  - (ii) the securities laws of any foreign jurisdiction governing the issuer;
  - (iii) any exchange or market on which the issuer’s securities trade;

“ticker-symbol date” means the date that an OTC issuer is first assigned a ticker symbol for any class of its securities;

“trade”, in Québec, for the purpose of this Regulation, refers to any of the following activities:

- (a) the activities described in the definition of “dealer” in section 5 of the Securities Act (R.S.Q., c. V-1.1), including the following activities:
  - (i) the sale or disposition of a security by onerous title, whether the terms of payment be on margin, instalment or otherwise, but does not include a transfer or the giving in guarantee of securities in connection with a debt or the purchase of a security, except as provided in paragraph (b);
  - (ii) participation as a trader in any transaction in a security through the facilities of an exchange or a quotation and trade reporting system;
  - (iii) the receipt by a registrant of an order to buy or sell a security;
- (b) a transfer or the giving in guarantee of securities of an issuer from the holdings of a control person in connection with a debt.

### **Regulation definitions apply**

**2.** Terms used in this Regulation that are defined or interpreted in Regulation 51-102 respecting Continuous Disclosure Obligations (c. V-1.1, r. 24) have the same meaning in this Regulation.

### **Reporting issuer designation and determination**

3. An OTC issuer is a reporting issuer under securities legislation if one or more of the following apply:

(a) on or after July 31, 2012, its business has been directed or administered in or from the local jurisdiction,

(b) on or after July 31, 2012, promotional activities have been carried on in or from the local jurisdiction,

(c) the ticker-symbol date is on or after July 31, 2012, and, on or before the ticker-symbol date, the issuer distributed a security to a person resident in the local jurisdiction and that security is of the class of securities that became the issuer's OTC-quoted securities.

### **Ceasing to be an OTC reporting issuer**

4. (1) Except in Québec, an OTC issuer ceases to be a reporting issuer under section 3 if all of the following conditions are met:

(a) its business is not directed or administered, and has not been directed or administered for at least one year, in or from the local jurisdiction;

(b) promotional activities are not carried on, and have not been carried on for at least one year, in or from the local jurisdiction;

(c) more than one year has passed since the ticker-symbol date;

(d) it has filed Form 51-105F1 Notice – OTC Issuer Ceases to be an OTC Reporting Issuer.

(2) Except in Québec, if an OTC reporting issuer ceases to be an OTC issuer as a result of its securities being listed or quoted on an exchange or a quotation and trade reporting system specified in the definition of "OTC issuer" in section 1, the OTC reporting issuer must file Form 51-105F4 Notice – Issuer Ceases to be an OTC Reporting Issuer at least 10 days before its next required filing under securities legislation in the local jurisdiction.

(3) In Québec, an OTC reporting issuer must apply to the securities regulatory authority to have its status as an OTC reporting issuer revoked in order to cease to be a reporting issuer under section 3.

## **PART 2 DISCLOSURE**

### **Additional disclosure requirements**

5. In addition to all other provisions of securities legislation that apply to a reporting issuer and its insiders, an OTC reporting issuer must comply with the provisions of the following Regulations:

(a) Regulation 13-101 respecting System for Electronic Document Analysis and Retrieval (SEDAR) (c. V-1.1, r. 2) that apply to an electronic filer, despite section 2.1 of that Regulation;

(b) Regulation 51-102 respecting Continuous Disclosure Obligations (c. V-1.1, r. 24) that apply to a reporting issuer that is a venture issuer;

(c) Part 6 of Regulation 51-102 respecting Continuous Disclosure Obligations despite section 6.1 of that Regulation;

(d) Regulation 52-109 respecting Certification of Disclosure in Issuers' Annual and Interim Filings (c. V-1.1, r. 27) that apply to a reporting issuer that is a venture issuer;

(e) Regulation 52-110 respecting Audit Committees (c. V 1.1, r. 28) that apply to a reporting issuer that is a venture issuer;

(f) Regulation 58-101 respecting Disclosure of Corporate Governance Practices (c. V-1.1, r. 32) that apply to a reporting issuer that is a venture issuer.

### **Timely disclosure obligations**

6. (1) Section 14.2 of Regulation 71-101 respecting The Multijurisdictional Disclosure System (c. V-1.1, r. 36), and section 4.2 of Regulation 71-102 respecting Continuous Disclosure and Other Exemptions Relating to Foreign Issuers (c. V-1.1, r. 37) do not apply to an OTC reporting issuer.

(2) An OTC reporting issuer may file a copy of the Form 8-K Current Report that it files with the SEC to comply with its obligation in paragraph 7.1(1)(b) of Regulation 51-102 respecting Continuous Disclosure Obligations (c. V-1.1, r. 24) to file a Form 51-102F3 Material Change Report.

### **Registration statement**

7. (1) If an OTC issuer becomes a reporting issuer on the ticker-symbol date, the OTC reporting issuer must file, within 5 days of the date it became a reporting issuer, a copy of the most recent registration statement it filed with the SEC.

(2) The OTC reporting issuer must file the registration statement in electronic format under section 2.2 of Regulation 13-101 respecting System for Electronic Document Analysis and Retrieval (SEDAR) (c. V-1.1, r. 2).

### **Promotional activities**

8. (1) If a person will carry on promotional activities under an agreement, arrangement, commitment or understanding with an OTC reporting issuer, the OTC reporting issuer must file a notice in the form of Form 51-105F2 Notice of Promotional Activities naming the person and describing the activities and the relationship of the OTC reporting issuer with the person, and the particulars of their agreement, arrangement, commitment or understanding with the OTC reporting issuer.

(2) The OTC reporting issuer must file the notice under subsection (1) within one of the following dates

(a) at least one day before the promotional activities commence;

(b) if on the date the OTC issuer became an OTC reporting issuer promotional activities are being carried on, within 5 days of that date.

(3) The OTC reporting issuer must file the notice in electronic format in accordance with Regulation 13-101 respecting System for Electronic Document Analysis and Retrieval (SEDAR) (c. V-1.1, r. 2).

### **Technical reports – mineral properties**

9. Section 4.1 of Regulation 43-101 respecting Standards of Disclosure for Mineral Projects (c. V-1.1, r. 15) does not apply to an OTC reporting issuer.

### **Personal information form and authorization**

10. (1) Each director, officer, promoter and control person of an OTC reporting issuer must deliver to the securities regulatory authorities Form 51-105F3A Personal Information Form and Authorization of Indirect Collection, Use and Disclosure of Personal Information or Form 51-105F3B Personal Information Form and Authorization of Indirect Collection, Use and Disclosure of Personal Information within 10 days of the issuer becoming an OTC reporting issuer, except for a promoter of an OTC issuer that becomes an OTC reporting issuer more than 2 years after the ticker-symbol date.

(2) Each person that become a director, officer, promoter or control person of an OTC reporting issuer must deliver to the securities regulatory authorities a personal information form referred to in subsection (1) within 10 days of becoming a director, officer, promoter or control person of an OTC reporting issuer.



(3) If a promoter or control person is not an individual, then each of its directors, officers and control persons must deliver a personal information form referred to in subsection (1) to the securities regulatory authorities within 10 days of the promoter or control person becoming a promoter or control person of an OTC reporting issuer.

### **PART 3 RESALE OF PRIVATE PLACEMENT SECURITIES**

#### **Resale of seed stock**

**11.** (1) After the ticker-symbol date, a person must not trade a security of an OTC reporting issuer that the person acquired on or after July 31, 2012 and before the ticker-symbol date unless either of the following occurs

(a) the trade is in connection with one or more of the following:

(i) a take-over bid or an issuer bid in a jurisdiction of Canada;

(ii) an amalgamation, merger, reorganization or arrangement that is under a statutory procedure or court order;

(iii) a dissolution or winding-up of the issuer that is under a statutory procedure or court order;

(b) all of the following conditions are met

(i) the certificate representing the security carries the legend, or the ownership statement issued under a direct registration system or other electronic book entry system relating to the security bears the legend restriction notation, set out in subsection 12(2);

(ii) the person trades the security through an investment dealer registered in a jurisdiction of Canada from an account at that investment dealer in the name of that person;

(iii) the investment dealer executes the trade through any of the over-the-counter markets in the United States of America.

#### **Legends on seed stock**

**12.** (1) As soon as practicable after the ticker-symbol date, an OTC reporting issuer must place

(a) a legend on each certificate representing a security issued before the ticker-symbol date, and

(b) a legend restriction notation on each ownership statement issued under a direct registration system or other electronic book entry system relating to a security issued before the ticker-symbol date.

(2) The legend and legend restriction notation must state the following:

“Unless permitted under section 11 of Regulation 51-105 respecting Issuers Quoted in the U.S. Over-the-Counter Markets (*insert the reference of the Regulation*), the holder of this security must not trade the security in or from a jurisdiction of Canada unless

(a) the security holder trades the security through an investment dealer registered in a jurisdiction of Canada from an account at that dealer in the name of that security holder, and

(b) the dealer executes the trade through any of the over-the-counter markets in the United States of America.”

**Resale of private placement securities acquired after ticker-symbol date –**

**13.** (1) A person must not trade a security of an OTC reporting issuer that the person acquired under an exemption from the prospectus requirement after the ticker-symbol date unless the following conditions are satisfied

(a) unless the security was acquired under a director or employee stock option, a 4-month period has passed from one of the following:

(i) the date the OTC reporting issuer distributed the security;

(ii) the date a control person distributed the security;

(b) if the person trading the security is a control person of the OTC reporting issuer, the person has held the security for at least 6 months;

(c) the number of securities the person proposes to trade, plus the number of securities of the OTC reporting issuer of the same class that the person has traded in the preceding 12-month period, does not exceed 5% of the OTC reporting issuer’s outstanding securities of the same class;

(d) the person trades the security through an investment dealer registered in a jurisdiction of Canada;

(e) the investment dealer executes the trade through any of the over-the-counter markets in the United States of America;

(f) there has been no unusual effort made to prepare the market or create a demand for the security;

(g) no extraordinary commission or other consideration is paid to a person for the trade;

(h) if the person trading the security is an insider of the OTC reporting issuer, the person reasonably believes that the OTC reporting issuer is not in default of securities legislation; and

(i) the certificate representing the security bears a legend, or the ownership statement issued under a direct registration system or other electronic book entry system relating to the security bears a legend restriction notation, stating the following:

“The holder of this security must not trade the security in or from a jurisdiction of Canada unless the conditions in section 13 of Regulation 51-105 respecting Issuers Quoted in the U.S. Over-the-Counter Markets (*insert the reference of the Regulation*) are met.”

(2) Despite subsection (1), a person may trade a security of an OTC reporting issuer that the person acquired under an exemption from the prospectus requirement if the trade is in connection with one or more of the following

(a) a take-over bid or an issuer bid in a jurisdiction of Canada;

(b) an amalgamation, merger, reorganization or arrangement that is under a statutory procedure or court order;

(c) a dissolution or winding-up of the issuer that is under a statutory procedure or court order.

#### **No other hold periods**

14. Sections 2.3, 2.4, 2.5 and 2.6 of Regulation 45-102 respecting Resale of Securities (c. V 1.1, r. 20) do not apply to the first trade of a security of an OTC reporting issuer distributed under an exemption from the prospectus requirement.

### **PART 4 OTHER RESTRICTIONS**

#### **Securities for services**

15. An OTC reporting issuer must not distribute a security to a director, officer, or consultant of the issuer for the provision of a service, unless

(a) the consideration for the service is commercially reasonable;

(b) in the case of a debt, the debt is a bona fide debt; and

(c) the security is distributed for a price that is at least at its current market value.

### **Take-over bid**

**16.** Section 4.2 of Regulation 62-104 respecting Take-Over Bids and Issuer Bids (c. V-1.1, r. 35) does not apply to a take-over bid for an OTC reporting issuer for 2 years after the ticker-symbol date.

### **Insider reports**

**17.** A person that is exempt or otherwise not required to file an insider report under U.S. federal securities law relating to insider reporting may not rely on the exemption from insider reporting under section 17.1 of Regulation 71-101 respecting The Multijurisdictional Disclosure System (c. V-1.1, r. 36) or section 4.12 of Regulation 71-102 respecting Continuous Disclosure and Other Exemptions Relating to Foreign Issuers (c. V-1.1, r. 37).

## **PART 5 EXEMPTION**

### **Exemption**

**18.** The regulator, except in Québec, or securities regulatory authority may, under the statute referred to in Appendix B of Regulation 14-101 respecting Definitions (c. V 1.1, r. 3) opposite the name of the local jurisdiction, grant an exemption from this Regulation.

## **PART 6 TRANSITION AND COMING INTO FORCE**

### **Transition – financial disclosure for non-SEC filers**

**19.** Except in British Columbia, for an OTC reporting issuer that does not have a class of securities registered under section 12 of the 1934 Act and is not required to file reports under paragraph 15 (d) of the 1934 Act, the requirements of Regulation 51-102 respecting Continuous Disclosure Obligations (c. V 1.1, r. 24) and Regulation 52-109 respecting Certification of Disclosure in Issuers' Annual and Interim Filings (c. V 1.1, r. 27) concerning the filing of

(a) annual financial statements, related MD&A and annual certificates apply only to financial years beginning on or after January 1, 2012,

- (b) interim financial reports, related MD&A and interim certificates apply only to interim periods that
- (i) begin on or after January 1, 2012; and
  - (ii) end after July 31, 2012,
- (c) AIFs apply only to financial years beginning on or after January 1, 2012.

**Transition – oil and gas disclosure**

**20.** Except in British Columbia, for an OTC reporting issuer, the requirement of Regulation 51-101 respecting Standards of Disclosure for Oil and Gas Activities (c. V-1.1, r. 23) concerning the filing of Form 51-101F1 Statement of Reserves Data and Other Oil and Gas Information applies only to financial years beginning on or after January 1, 2012.

**Coming into force**

- 21.** (1) This Regulation comes into force on July 31, 2012.
- (2) Despite subsection (1), except in British Columbia, sections 5, 6, 7, and 8 come into force on September 30, 2012.

**FORM 51-105F1****NOTICE – OTC ISSUER CEASES TO BE AN OTC REPORTING ISSUER**

This is the form required under paragraph 4(1)(d) of Regulation 51-105 respecting Issuers Quoted in the U.S. Over-the-Counter Markets for an OTC issuer to give notice that it has ceased to be an OTC reporting issuer under section 3 of the Regulation in a jurisdiction other than Québec.

In Québec, an OTC reporting issuer must apply to the securities regulatory authority to have its status as an OTC reporting issuer revoked in order to cease to be a reporting issuer.

**The Issuer**

Name of Issuer: \_\_\_\_\_ (the Issuer)

Head office address: \_\_\_\_\_

\_\_\_\_\_

Last head office  
address (if different  
from above):

\_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

\_\_\_\_\_

E-mail address: \_\_\_\_\_

\_\_\_\_\_

Ticker-symbol date: \_\_\_\_\_

\_\_\_\_\_

### Ceasing to be a Reporting Issuer

The Issuer certifies the following statements to be true:

1. The Issuer's business is not directed or administered, and has not been directed or administered for at least one year, in or from [insert name of local jurisdiction].
2. Promotional activities are not carried on, and have not been carried on for at least one year, in or from [insert name of local jurisdiction].
3. More than one year has passed since the ticker-symbol date.

If the preceding statements are true, on filing this Notice, the Issuer is no longer an OTC reporting issuer in [insert name of local jurisdiction].

If the preceding statements are true, on filing this Notice, the Issuer **has ceased to be** a reporting issuer in [name of local jurisdiction].

### Certificate

On behalf of the Issuer, I certify that the statements made in this Notice are true.

Date: \_\_\_\_\_

\_\_\_\_\_  
Name of Issuer

\_\_\_\_\_  
Print name, title and telephone number  
of person signing on behalf of the Issuer

\_\_\_\_\_  
Signature

**Warning:** It is an offence to make a statement in this Notice that is false or misleading in a material respect, or to omit facts that make this Notice false or misleading in a material respect.

**FORM 51-105F2  
NOTICE OF PROMOTIONAL ACTIVITIES**

This is the form required under subsection 8(1) of Regulation 51-105 respecting Issuers Quoted in the U.S. Over-the-Counter Markets for an OTC reporting issuer to give notice of promotional activities.

**Issuer Information**

Name of Issuer: \_\_\_\_\_ (the Issuer)

Head office address: \_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**Notice of Promotional Activities**

1. Identify each person engaged in promotional activities and provide the person's address, telephone and fax number, and email address. If the person is not an individual, provide the name(s) of the individual(s) carrying on the activities.

\_\_\_\_\_

\_\_\_\_\_

2. Describe the relationship between the Issuer and each person engaged in promotional activities.

\_\_\_\_\_

\_\_\_\_\_



3. Include particulars of any agreement, arrangement, commitment or understanding between the Issuer and a person engaged in promotional activities. Include:

- i. the effective date and duration of the agreement, arrangement or commitment
- ii. the scope of activities being conducted, and
- iii. the compensation paid or to be paid by the Issuer, including any non-cash compensation

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**The Issuer [has / has not] issued a news release disclosing this information.**

If the Issuer has issued a news release, the Issuer may file it with this form.

#### **Certificate**

On behalf of the Issuer, I certify that the statements made in this Notice are true.

Date: \_\_\_\_\_

\_\_\_\_\_  
Name of Issuer

\_\_\_\_\_  
Print name, title and telephone number  
of person signing on behalf of the Issuer

\_\_\_\_\_  
Signature

**Warning:** It is an offence to make a statement in this Notice that is false or misleading in a material respect, or to omit facts that make this Notice false or misleading in a material respect.

**FORM 51-105F3A  
PERSONAL INFORMATION FORM AND AUTHORIZATION OF INDIRECT  
COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION**

This Personal Information Form and Authorization of Indirect Collection, Use and Disclosure of Personal Information must be completed and delivered to the securities regulatory authority by each individual who is required to do so under section 10 of Regulation 51-105 respecting Issuers Quoted in the U.S. Over-the-Counter Markets. If an individual has previously delivered a personal information form (an “Exchange Form”) to the Toronto Stock Exchange or the TSX Venture Exchange and the information has not changed, the individual may deliver the Exchange Form in lieu of this Form if the Certificate and Consent on page 9 of this Form is completed and attached to the Exchange Form.

**The securities regulatory authority does not make any of the personal information provided in this Form public, unless required under freedom of information legislation.**

**GENERAL INSTRUCTIONS**

**All Questions**

**All questions must have a response.** The response of “N/A” or “Not Applicable” for any questions, except Questions 1(B), 2B(iii) and 5, will not be accepted.

**Questions 6 to 9**

Please check (√) in the appropriate space provided. If your answer to any of questions 6 to 9 is “YES”, you must, in an attachment, provide complete details, including the circumstances, relevant dates, names of the parties involved and final disposition, if known. **Any attachment must be initialled by the person completing this Form.** Responses must consider all time periods.

## Delivery

The issuer must deliver completed Forms electronically via the System for Electronic Document Analysis and Retrieval (SEDAR) under the document type “Personal Information Form and Authorization”. Access to this document type is not available to the public.

### CAUTION

It is an offence to make a statement in this Form that is false or misleading in a material respect, or to omit facts that make this Form false or misleading in a material respect. Steps may be taken to verify the answers you have given in this Form, including verification of information relating to any previous criminal record.

### DEFINITIONS

“Offence” includes:

- (a) a summary conviction or indictable offence under the Criminal Code (R.S., 1985, c. C-46);
- (b) a quasi-criminal offence (for example under the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)), the Immigration Act (S.C., 2001, c. 27) or the tax, immigration, drugs, firearms, money laundering or securities legislation of any jurisdiction of Canada;
- (c) a misdemeanour or felony under the criminal legislation of the United States of America, or any state or territory therein; or
- (d) an offence under the criminal legislation of any other foreign jurisdiction;

**NOTE:** If you have received a pardon under the *Criminal Records Act* (Canada) for an Offence that relates to fraud (including any type of fraudulent activity), misappropriation of money or other property, theft, forgery, falsification of books or documents or similar Offences, you must disclose the pardoned offence in this Form. In such circumstances:

- (a) the appropriate written response would be “Yes, pardon granted on (date)”; and
- (b) you must provide complete details in an attachment to this Form.

“Proceedings” means:

- (a) a civil or criminal proceeding or inquiry before a court;
- (b) a proceeding before an arbitrator or umpire or a person or group of persons authorized by law to make an inquiry and take evidence under oath in the matter;
- (c) a proceeding before a tribunal in the exercise of a statutory power of decision making where the tribunal is required by law to hold or afford the parties to the proceeding an opportunity for a hearing before making a decision; or
- (d) a proceeding before a self-regulatory organization authorized by law to regulate the operations and the standards of practice and business conduct of its members and their representatives, in which the self-regulatory organization is required under its by-laws or rules to hold or afford the parties the opportunity for a hearing before making a decision, but does not apply to a proceeding in which one or more persons are required to make an investigation and to make a report, with or without recommendations, if the report is for the information or advice of the person to whom it is made and does not in any way bind or limit that person in any decision the person may have the power to make;

“securities regulatory authority” means a body created by statute in any jurisdiction or in any foreign jurisdiction to administer securities law, regulation and policy (e.g. securities commission) but does not include an exchange or other self regulatory or professional organization;

“self-regulatory or professional organization” means:

- (a) a stock, commodities, futures or options exchange;
- (b) an association of investment, securities, mutual fund, commodities, or future dealers;
- (c) an association of investment counsel or portfolio managers;
- (d) an association of other professionals (e.g. legal, accounting, engineering);  
and
- (e) any other group, institution or self-regulatory entity, recognized by a securities regulatory authority, that is responsible for the enforcement of rules, disciplines or codes under any applicable legislation, or considered a self-regulatory or professional organization in another country.

**1. A. IDENTIFICATION OF INDIVIDUAL COMPLETING FORM**

LAST NAME(S)	FIRST NAME(S)			MIDDLE NAME(S) (If none, please state)	
NAME(S) MOST COMMONLY KNOWN BY:					
NAME OF ISSUER					
PRESENT or PROPOSED POSITION(S) WITH THE ISSUER – check (✓) all positions below that are applicable.	(✓)	IF DIRECTOR / OFFICER DISCLOSE THE DATE ELECTED / APPOINTED			IF OFFICER – PROVIDE TITLE IF OTHER – PROVIDE DETAILS
		Month	Day	Year	
Director					
Officer					
Other					

<b>B.</b>	Other than the name given in Question 1A above, provide any legal names, assumed names, or nicknames, under which you have carried on business or have otherwise been known, including information regarding any name change(s) resulting from marriage, divorce, court order or any other process. Use an attachment if necessary.	FROM		TO	
		MM	YY	MM	YY

<b>C.</b>	GENDER		DATE OF BIRTH			PLACE OF BIRTH		
			Month	Day	Year	City	Province/ State	Country
	Male							
	Female							

D.	MARITAL STATUS	FULL NAME OF SPOUSE – include common-law	OCCUPATION OF SPOUSE

E. TELEPHONE AND FACSIMILE NUMBERS AND E-MAIL ADDRESS			
RESIDENTIAL	( )	FACSIMILE	( )
BUSINESS	( )	E-MAIL	

F. RESIDENTIAL HISTORY – Provide all residential addresses for the past 10 YEARS starting with your current principal residential address. If you are unable to correctly identify the complete residential address for a period, which is beyond five years from the date of completion of this Form, the municipality and province or state and country must be identified. The regulator or, in Québec, the securities regulatory authority reserves the right to require the full address.							
STREET ADDRESS, CITY, PROVINCE/STATE, COUNTRY & POSTAL/ZIP CODE	FROM				TO		
	MM	YY	MM	YY	MM	YY	

## 2. CITIZENSHIP

A.	CANADIAN CITIZENSHIP	YES	NO
(i)	Are you a Canadian Citizen?		
(ii)	Are you a person lawfully in Canada as an immigrant but are not yet a Canadian citizen?		
(iii)	If “Yes” to Question 2A(ii), the number of years of continuous residence in Canada:		

B.	OTHER CITIZENSHIP	YES	NO
(i)	Do you hold citizenship in any country other than Canada?		
(ii)	If “Yes” to Question 2B(i), the name of the country(s):		
(iii)	Please provide U.S. Social Security number, where you have such a number		

### 3. EMPLOYMENT HISTORY

Provide your employment history for the **10 YEARS** immediately prior to the date of this Form starting with your current employment. Use an attachment if necessary.

EMPLOYER NAME	EMPLOYER ADDRESS	POSITION HELD	FROM		TO	
			MM	YY	MM	YY

### 4. POSITIONS WITH OTHER ISSUERS

YES		NO	
<b>A.</b>	While you were a director, officer or insider of an issuer, did any exchange or self-regulatory organization refuse approval for listing or quotation of that issuer (including a listing resulting from a qualifying transaction, reverse takeover, backdoor listing or change of business)? If yes, attach full particulars.		
<b>B.</b>	Has your employment in a sales, investment or advisory capacity with any firm or company engaged in the sale of real estate, insurance or mutual funds ever been terminated for cause?		
<b>C.</b>	Has a firm or company registered under the securities laws of any jurisdiction of Canada or of any foreign jurisdiction as a securities dealer, broker, investment advisor or underwriter, suspended or terminated your employment for cause?		
<b>D.</b>	Are you or have you during the last 10 years been a director, officer, promoter, insider or control person for any reporting issuer?		





## 6. OFFENCES

If you answer “YES” to any item in Question 6, you must provide complete details in an attachment.

YES		NO
A.	Have you ever pleaded guilty to or been found guilty of an offence?	
B.	Are you the subject of any current charge, indictment or proceeding for an offence?	
C.	To the best of your knowledge, are you or have you ever been a director, officer, promoter, insider, or control person of an issuer, in any jurisdiction of Canada or in any foreign jurisdiction, at the time of events, where the issuer:	
(i)	has ever pleaded guilty to or been found guilty of an offence?	
(ii)	is the subject of any current charge, indictment or proceeding for an offence?	

## 7. BANKRUPTCY

If you answer “YES” to any item in Question 7, you must provide complete details in an attachment and attach a copy of any discharge, release or other applicable document.

YES		NO
A.	Have you, in any jurisdiction of Canada or in any foreign jurisdiction, within the past <b>10 years</b> had a petition in bankruptcy issued against you, made a voluntary assignment in bankruptcy, made a proposal under any bankruptcy or insolvency legislation, been subject to any proceeding, arrangement or compromise with creditors, or had a receiver, receiver-manager or trustee appointed to manage your assets?	
B.	Are you now an undischarged bankrupt?	

C.	To the best of your knowledge, are you or have you ever been a director, officer, promoter, insider, or control person of an issuer, in any jurisdiction of Canada or in any foreign jurisdiction, at the time of events, or for a period of 12 months preceding the time of events, where the issuer:		
(i)	has made a petition in bankruptcy, a voluntary assignment in bankruptcy, a proposal under any bankruptcy or insolvency legislation, been subject to any proceeding, arrangement or compromise with creditors or had a receiver, receiver-manager or trustee appointed to manage the issuer's assets?		
(ii)	is now an undischarged bankrupt?		

## 8. PROCEEDINGS

If you answer "YES" to any item in Question 8, you must provide complete details in an attachment.

YES			NO
A.	<b>CURRENT PROCEEDINGS BY SECURITIES REGULATORY AUTHORITY OR SELF-REGULATORY OR PROFESSIONAL ORGANIZATION</b> Are you now, in any jurisdiction or in any foreign jurisdiction, the subject of:		
(i)	a notice of hearing or similar notice issued by a securities regulatory authority?		
(ii)	a proceeding or to your knowledge, under investigation, by an exchange or other self-regulatory or professional organization?		
(iii)	settlement discussions or negotiations for settlement with a securities regulatory authority or any self-regulatory or professional organization?		

YES			NO
B.	<b>PRIOR PROCEEDINGS BY SECURITIES REGULATORY AUTHORITY OR SELF-REGULATORY OR PROFESSIONAL ORGANIZATION</b> Have you <u>ever</u> :		
(i)	been reprimanded, suspended, fined, been the subject of an administrative penalty, or otherwise been the subject of any disciplinary proceedings, in any jurisdiction of Canada or in any foreign jurisdiction, by a securities regulatory authority or self-regulatory or professional organization?		
(ii)	had a registration or licence for the trading of securities, exchange or commodity futures contracts, real estate, insurance or mutual fund products cancelled, refused, restricted or suspended?		

(iii) been prohibited or disqualified under securities, corporate or any other legislation from acting as a director or officer of a reporting issuer?		
(iv) had a cease trading or similar order issued against you or an order issued against you that denied you the right to use any statutory prospectus or registration exemption?		
(v) been the subject of any other proceeding?		

**C. SETTLEMENT AGREEMENT(S)**

Have you ever entered into a settlement agreement with a securities regulatory authority, self-regulatory or professional organization, an attorney general or comparable official or body, in any jurisdiction of Canada or in any foreign jurisdiction, in a matter that involved, actual or alleged, fraud, theft, deceit, misrepresentation, conspiracy, breach of trust, breach of fiduciary duty, insider trading, unregistered trading in securities or exchange or commodity futures contracts, illegal distributions, failure to disclose material facts or changes or similar conduct, or any other settlement agreement with respect to any other violation of securities legislation in a jurisdiction or in a foreign jurisdiction or the rules of any self-regulatory or professional organization?		
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**D. To the best of your knowledge, are you now or have you ever been a director, officer, promoter, insider, or control person of an issuer at the time of such event, in any jurisdiction of Canada or in any foreign jurisdiction, for which a securities regulatory authority or self-regulatory or professional organization has:**

(i) refused, restricted, suspended or cancelled the registration or licensing of an issuer to trade securities, exchange or commodity futures contracts, or to sell or trade real estate, insurance or mutual fund products?		
(ii) issued a cease trade or similar order or imposed an administrative penalty against the issuer, other than an order for failure to file financial statements that was revoked within 30 days of its issuance?		
(iii) refused a receipt for a prospectus or other offering document, denied any application for listing or quotation or any other similar application, or issued an order that denied the issuer the right to use any statutory prospectus or registration exemptions?		
(iv) issued a notice of hearing, notice as to a proceeding or similar notice against the issuer?		

(v) taken any other proceeding against the issuer, including a trading halt, suspension or delisting of the issuer (other than in the normal course for proper dissemination of information, pursuant to a reverse takeover, backdoor listing or similar transaction)?		
(vi) entered into a settlement agreement with the issuer in a matter that involved actual or alleged fraud, theft, deceit, misrepresentation, conspiracy, breach of trust, breach of fiduciary duty, insider trading, unregistered trading in securities or exchange or commodity futures contracts, illegal distributions, failure to disclose material facts or changes or similar conduct by the issuer, or involved in any other violation of securities legislation in a jurisdiction or in a foreign jurisdiction or a self-regulatory or professional organization's rules?		

## 9. CIVIL PROCEEDINGS

If you answer "YES" to any item in Question 9, you must provide complete details in an attachment.

YES		NO
<b>A.</b>	<b>JUDGMENT, GARNISHMENT AND INJUNCTIONS</b> <b>Has a court in any jurisdiction of Canada or in any foreign jurisdiction:</b>	
(i)	rendered a judgment, ordered garnishment or issued an injunction or similar ban (whether by consent or otherwise) against <u>you</u> in a claim based in whole or in part on fraud, theft, deceit, misrepresentation, conspiracy, breach of trust, breach of fiduciary duty, insider trading, unregistered trading, illegal distributions, failure to disclose material facts or changes or allegations of similar conduct?	
(ii)	rendered a judgment, ordered garnishment or issued an injunction or similar ban (whether by consent or otherwise) against <u>an issuer</u> , for which you are currently or have ever been a director, officer, promoter, insider or control person, in a claim based in whole or in part on fraud, theft, deceit, misrepresentation, conspiracy, breach of trust, breach of fiduciary duty, insider trading, unregistered trading, illegal distributions, failure to disclose material facts or changes or allegations of similar conduct?	

<b>B. CURRENT CLAIMS</b>		
(i) Are <u>you</u> now the subject, in any jurisdiction of Canada or in any foreign jurisdiction, of a claim that is based in whole or in part on actual or alleged fraud, theft, deceit, misrepresentation, conspiracy, breach of trust, breach of fiduciary duty, insider trading, unregistered trading, illegal distributions, failure to disclose material facts or changes or allegations of similar conduct?		
(ii) To the best of your knowledge, are you currently or have you ever been a director, officer, promoter, insider or control person of <u>an issuer</u> now subject, in any jurisdiction of Canada or in any foreign jurisdiction, of a claim that is based in whole or in part on actual or alleged fraud, theft, deceit, misrepresentation, conspiracy, breach of trust, breach of fiduciary duty, insider trading, unregistered trading, illegal distributions, failure to disclose material facts or changes or allegations of similar conduct?		

<b>C. SETTLEMENT AGREEMENT</b>		
(i) Have <u>you</u> ever entered into a settlement agreement, in any jurisdiction of Canada or in any foreign jurisdiction, in a civil action that involved actual or alleged fraud, theft, deceit, misrepresentation, conspiracy, breach of trust, breach of fiduciary duty, insider trading, unregistered trading, illegal distributions, failure to disclose material facts or changes or allegations of similar conduct?		
(ii) To the best of your knowledge, are you currently or have you ever been a director, officer, promoter, insider or control person of <u>an issuer</u> that has entered into a settlement agreement, in any jurisdiction of Canada or in any foreign jurisdiction, in a civil action that involved actual or alleged fraud, theft, deceit, misrepresentation, conspiracy, breach of trust, breach of fiduciary duty, insider trading, unregistered trading, illegal distributions, failure to disclose material facts or changes or allegations of similar conduct?		

**CERTIFICATE AND CONSENT**

I, \_\_\_\_\_ hereby certify that:  
(Please Print – Name of Individual)

- (a) I have read and understand the questions, cautions, acknowledgement and consent in this Form, and the answers I have given to the questions in this Form and in any attachments to it are true and correct, except where stated to be to the best of my knowledge, in which case I believe the answers to be true;
- (b) I have read and understand Schedule 1;
- (c) I consent to the collection, use and disclosure of the information in this Form (or in a delivered Exchange Form if one is delivered in lieu of this Form) and to the collection, use and disclosure of further personal information in accordance with Schedule 1; and
- (d) I understand that I am delivering this Form with one or more securities regulatory authorities listed in Schedule 2 and it is an offence to make a statement in this Form that is false or misleading in a material respect, or to omit facts that make this Form false or misleading in a material respect.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of person named above

\_\_\_\_\_  
Name(s) of OTC reporting issuer(s) for which this form is delivered

## **SCHEDULE 1**

### **Collection of Personal Information**

The securities regulatory authorities listed in Schedule 2 are authorized, under securities legislation, to collect personal information. The securities regulatory authorities do not make any of the information provided in this Form public, unless required under freedom of information legislation.

By signing the Certificate and Consent in this Form, you are consenting to submitting your personal information in this Form (the “Information”) to the securities regulatory authorities and to the collection and use by the securities regulatory authorities of the Information, as well as any other information that may be necessary to administer securities legislation and assist in the administration of securities laws elsewhere. This may include the collection of information from law enforcement agencies, other government or non-governmental regulatory authorities, self-regulatory organizations, exchanges, and quotation and trade reporting systems in order to conduct background checks, verify the Information, perform investigations and conduct enforcement proceedings.

Under Regulation 51-105 respecting Issuers Quoted in the U.S. Over-the-Counter Markets, you are required to deliver the Information to the securities regulatory authorities because you are a director, officer, promoter or control person of an OTC Reporting Issuer. Under freedom of information and protection of privacy legislation, you have a right to be informed of the existence of personal information about you that is kept by a securities regulatory authority, to request access to that information, and to request that such information be corrected, subject to applicable freedom of information and protection of privacy legislation.

By signing the Certificate and Consent in this Form, you acknowledge that the securities regulatory authorities may disclose the Information they collect about you, as permitted by law, where its use and disclosure is for the purposes described above. The securities regulatory authorities may use a third party to process the Information, but when that happens, the third party is obligated to comply with the limited use restrictions described above and federal and provincial privacy legislation.

**Warning:** It is an offence to submit information that, in a material respect, and at the time and in the light of the circumstances in which it is submitted, is misleading or untrue.

### **Questions**

If you have any questions about the collection, use and disclosure of the information you provide to a securities regulatory authority, you may contact the securities regulatory authority at the address or telephone number listed in Schedule 2.

**SCHEDULE 2****Securities Regulatory Authorities****British Columbia Securities Commission**

P.O. Box 10142, Pacific Centre  
701 West Georgia Street  
Vancouver, British Columbia V7Y 1L2  
Telephone: 604-899-6500  
Toll free in British Columbia and Alberta 1-800-373-6393  
Facsimile: 604-899-6506

**Alberta Securities Commission**

Suite 600, 250 – 5<sup>th</sup> Street SW  
Calgary, Alberta T2P 0R4  
Telephone: 403-297-6454  
Facsimile: 403-297-6156

**Saskatchewan Financial Services Commission**

Suite 601 - 1919 Saskatchewan Drive  
Regina, Saskatchewan S4P 4H2  
Telephone: 306-787-5879  
Facsimile: 306-787-5899

**The Manitoba Securities Commission**

500 – 400 St Mary Avenue  
Winnipeg, Manitoba R3C 4K5  
Telephone: 204-945-2548  
Toll free in Manitoba 1-800-655-5244  
Facsimile: 204-945-0330

**Autorité des marchés financiers**

800, Square Victoria, 22<sup>e</sup> étage  
C.P. 246, Tour de la Bourse  
Montréal, Québec H4Z 1G3  
Telephone: 514-395-0337  
Or 1-877-525-0337  
Facsimile: 514-873-6155 (For delivery purposes only)  
Facsimile: 514-864-6381 (For privacy requests only)



**New Brunswick Securities Commission**

85 Charlotte Street, Suite 300  
Saint John, New Brunswick E2L 2J2  
Telephone: 506-658-3060  
Toll Free in New Brunswick 1-866-933-2222  
Facsimile: 506-658-3059

**Nova Scotia Securities Commission**

2<sup>nd</sup> Floor, Joseph Howe Building  
1690 Hollis Street  
Halifax, Nova Scotia B3J 3J9  
Telephone: 902-424-7768  
Facsimile: 902-424-4625

**Prince Edward Island Securities Office**

95 Rochford Street, 4<sup>th</sup> Floor Shaw Building  
P.O. Box 2000  
Charlottetown, Prince Edward Island C1A 7N8  
Telephone: 902-368-4569  
Facsimile: 902-368-5283

**Government of Newfoundland and Labrador**

Financial Services Regulation Division  
P.O. Box 8700  
Confederation Building  
2nd Floor, West Block  
Prince Philip Drive  
St. John's, NFLD A1B 4J6  
Attention: Director of Securities  
Telephone: 709-729-4189  
Facsimile: 709-729-6187

**Government of Yukon**

Corporate Affairs, Yukon Securities Office  
307 Black Street, 1<sup>st</sup> Floor  
PO Box 2703 (C-6)  
Whitehorse, Yukon Y1A 2C6  
Telephone: 867-667-5466  
Facsimile: 867-393-6251

**Government of the Northwest Territories**

Government of the Northwest Territories  
Office of the Superintendent of Securities  
P.O. Box 1320  
Yellowknife, NT X1A 2L9  
Attention: Deputy Superintendent, Legal & Enforcement  
Telephone: 867-920-8984  
Facsimile: 867-873-0243

**Government of Nunavut**

Department of Justice  
Legal Registries Division  
P.O. Box 1000, Station 570  
1<sup>st</sup> Floor, Brown Building  
Iqaluit, Nunavut X0A 0H0  
Telephone: 867-975-6590  
Facsimile: 867-975-6594

**FORM 51-105F3B  
PERSONAL INFORMATION FORM AND AUTHORIZATION OF INDIRECT  
COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION**

This Personal Information Form and Authorization of Indirect Collection, Use and Disclosure of Personal Information must be completed and delivered to the securities regulatory authority by each individual who is required to do so under section 10 of Regulation 51-105 respecting Issuers Quoted in the U.S. Over-the-Counter Markets. If an individual has previously delivered either Form 51-105F3A Personal Information Form and Authorization of Indirect Collection, Use and Disclosure of Personal Information or a personal information form to the Toronto Stock Exchange or TSX Venture Exchange in connection with another OTC Reporting Issuer and the information has not changed, the individual may deliver this Form in satisfaction of the requirement in section 10 of Regulation 51-105 respecting Issuers Quoted in the U.S. Over-the-Counter Markets if the Certificate and Consent below is completed.

**The securities regulatory authority does not make any of the personal information provided in this Form public, unless required under freedom of information legislation.**

**CERTIFICATE AND CONSENT**

I, \_\_\_\_\_ hereby certify that:  
(Please Print – Name of Individual)

(a) I delivered form 51-105F3A Personal Information Form and Authorization of Indirect Collection, Use and Disclosure of Personal Information on \_\_\_\_\_ (insert date) for \_\_\_\_\_ (insert name of issuer). I have read and understood the questions, cautions, acknowledgement and consent in that Form, and the answers I have given to the questions in that Form and in any attachments to it are true and correct, except where stated to be to the best of my knowledge, in which case I believe the answers to be true;

- (b) I have read and understand the attached Schedule 1;
- (c) I consent to the collection, use and disclosure of the information in this Form and to the collection, use and disclosure of further personal information in accordance with Schedule 1; and
- (d) I understand that I am delivering this Form to a securities regulatory authority, and it is an offence under securities legislation to provide false or misleading information to the securities regulatory authority.

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Date

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Signature of person named above

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Name(s) of OTC reporting issuer(s) for which this Form is delivered

## **SCHEDULE 1**

### **Collection of Personal Information**

The securities regulatory authorities listed in Schedule 2 are authorized, under securities legislation, to collect personal information. The securities regulatory authorities do not make any of the information provided in this Form public, unless required under freedom of information legislation.

By signing the Certificate and Consent in this Form, you are consenting to submitting your personal information in this Form (the “Information”) to the securities regulatory authorities and to the collection and use by the securities regulatory authorities of the Information, as well as any other information that may be necessary to administer securities legislation and assist in the administration of securities laws elsewhere. This may include the collection of information from law enforcement agencies, other government or non-governmental regulatory authorities, self-regulatory organizations, exchanges, and quotation and trade reporting systems in order to conduct background checks, verify the Information, perform investigations and conduct enforcement proceedings.

Under Regulation 51-105 respecting Issuers Quoted in the U.S. Over-the-Counter Markets, you are required to deliver the Information to the securities regulatory authorities because you are a director, officer, promoter or control person of an OTC Reporting Issuer. Under freedom of information and protection of privacy legislation, you have a right to be informed of the existence of personal information about you that is kept by a securities regulatory authority, to request access to that information, and to request that such information be corrected, subject to applicable freedom of information and protection of privacy legislation.

By signing the Certificate and Consent in this Form, you acknowledge that the securities regulatory authorities may disclose the Information they collect about you, as permitted by law, where its use and disclosure is for the purposes described above. The securities regulatory authorities may use a third party to process the Information, but when that happens, the third party is obligated to comply with the limited use restrictions described above and federal and provincial privacy legislation.

**Warning:** It is an offence to submit information that, in a material respect, and at the time and in the light of the circumstances in which it is submitted, is misleading or untrue.

### **Questions**

If you have any questions about the collection, use and disclosure of the information you provide to a securities regulatory authority, you may contact the securities regulatory authority at the address or telephone number listed in Schedule 2.

**SCHEDULE 2****Securities Regulatory Authorities****British Columbia Securities Commission**

P.O. Box 10142, Pacific Centre  
701 West Georgia Street  
Vancouver, British Columbia V7Y 1L2  
Telephone: 604-899-6500  
Toll free in British Columbia and Alberta 1-800-373-6393  
Facsimile: 604-899-6506

**Alberta Securities Commission**

Suite 600, 250 – 5<sup>th</sup> Street SW  
Calgary, Alberta T2P 0R4  
Telephone: 403-297-6454  
Facsimile: 403-297-6156

**Saskatchewan Financial Services Commission**

Suite 601 - 1919 Saskatchewan Drive  
Regina, Saskatchewan S4P 4H2  
Telephone: 306-787-5879  
Facsimile: 306-787-5899

**The Manitoba Securities Commission**

500 – 400 St Mary Avenue  
Winnipeg, Manitoba R3C 4K5  
Telephone: 204-945-2548  
Toll free in Manitoba 1-800-655-5244  
Facsimile: 204-945-0330

**Autorité des marchés financiers**

800, Square Victoria, 22<sup>e</sup> étage  
C.P. 246, Tour de la Bourse  
Montréal, Québec H4Z 1G3  
Telephone: 514-395-0337  
or 1-877-525-0337  
Facsimile: 514-873-6155 (For delivery purposes only)  
Facsimile: 514-864-6381 (For privacy requests only)

**New Brunswick Securities Commission**

85 Charlotte Street, Suite 300  
Saint John, New Brunswick E2L 2J2  
Telephone: 506-658-3060  
Toll Free in New Brunswick 1-866-933-2222  
Facsimile: 506-658-3059

**Nova Scotia Securities Commission**

2<sup>nd</sup> Floor, Joseph Howe Building  
1690 Hollis Street  
Halifax, Nova Scotia B3J 3J9  
Telephone: 902-424-7768  
Facsimile: 902-424-4625

**Prince Edward Island Securities Office**

95 Rochford Street, 4<sup>th</sup> Floor Shaw Building  
P.O. Box 2000  
Charlottetown, Prince Edward Island C1A 7N8  
Telephone: 902-368-4569  
Facsimile: 902-368-5283

**Government of Newfoundland and Labrador**

Financial Services Regulation Division  
P.O. Box 8700  
Confederation Building  
2<sup>nd</sup> Floor, West Block  
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**Government of Nunavut**

Department of Justice

Legal Registries Division

P.O. Box 1000, Station 570

1<sup>st</sup> Floor, Brown Building

Iqaluit, Nunavut X0A 0H0

Telephone: 867-975-6590

Facsimile: 867-975-6594



**FORM 51-105F4****NOTICE – ISSUER CEASES TO BE AN OTC REPORTING ISSUER**

This is the form required under subsection 4(2) of Regulation 51-105 respecting Issuers Quoted in the U.S. Over-the-Counter Markets. This form must be completed and filed in jurisdictions other than Québec if an OTC reporting issuer has ceased to be an OTC issuer because it has a class of securities listed or quoted on an exchange or a quotation and trade reporting system specified in the definition of “OTC issuer” in section 1 of the Regulation.

In Québec, an OTC reporting issuer that has a class of securities listed or quoted on an exchange or a quotation and trade reporting system specified in the definition of “OTC issuer” in section 1 of the Regulation must apply to the securities regulatory authority to have its status as an OTC reporting issuer revoked in order to cease to be an OTC issuer.

**The Issuer**

Name of Issuer: \_\_\_\_\_ (the Issuer)

Head office address: \_\_\_\_\_

\_\_\_\_\_

Last head office  
address (if different  
from above):

\_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**Ceasing to be an OTC Reporting Issuer**

The Issuer's \_\_\_\_\_ [describe class of securities] are listed or quoted on \_\_\_\_\_ [name of exchange or quotation and trade reporting system listed in definition of OTC issuer in section 1 of Regulation 51-105 respecting Issuers Quoted in the U.S. Over-the-Counter Markets].

If the Issuer has ceased to be an OTC issuer, the Issuer is no longer an OTC Reporting Issuer under Regulation 51-105 respecting Issuers Quoted in the U.S. Over-the-Counter Markets.

The Issuer [**will not be / will remain**] a reporting issuer in a jurisdiction of Canada.

**Certificate**

On behalf of the Issuer, I certify that the statements made in this Notice are true.

Date: \_\_\_\_\_

\_\_\_\_\_  
Name of Issuer

\_\_\_\_\_  
Print name, title and telephone number  
of person signing on behalf of the Issuer

\_\_\_\_\_  
Signature

**Warning:** It is an offence to make a statement in this Notice that is false or misleading in a material respect, or to omit facts that make this Notice false or misleading in a material respect.

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## Draft Regulations

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### Draft Regulation

An Act respecting transportation services by taxi  
(R.S.Q., c. S-6.01)

#### Taxi owners

##### — Maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation

Notice is given, pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation amending the Regulation respecting the maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation," of which the text is reproduced below, may be adopted by the Commission des transports du Québec upon expiry of a 45-day period following its publication.

This draft regulation aims to reduce to two (2) the maximum number of taxi owner's permits that can be issued in the Stanstead servicing area. According to the Commission's assessment, this number takes into account a balance between the demand for taxi services in this servicing area and the profitability of the concerned companies holding taxi owner's permits. This amendment is further to a consultation with the concerned permit holders, pursuant to section 10.1 of the Act respecting transportation services by taxi (R.S.Q., c. S-6.01).

For more information concerning the draft regulation, contact Christian Daneau, Secretary and Director of the Direction des services juridiques et secrétariat, Commission des transports du Québec, 545, boulevard Crémazie Est, bureau 1000, Montréal (Québec) H2M 2V1, telephone: 514 906-0350, ext. 3014, fax: 514 873-5947.

All comments must be submitted in writing in the 45 days following publication of this draft regulation, to Christian Daneau, Secretary and Director of the Direction des services juridiques et secrétariat, Commission des transports du Québec, 545, boulevard Crémazie Est, bureau 1000, Montréal (Québec) H2M 2V1. All comments will be analyzed by the Commission des transports du Québec.

CHRISTIAN DANEAU,  
*Secretary of the  
Commission des transports du Québec*

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### Regulation amending the Regulation respecting the maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation

An Act respecting transportation services by taxi  
(R.S.Q., c. S-6.01)

**1.** The schedule of the Regulation respecting the maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation is amended with the replacement of the number 5 by the number 2 in the Taxi Owner's Permits column for the Stanstead servicing area (administrative number: 204511).

**2.** This Regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec*.

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## Erratum

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### **Draft Regulation**

Environment Quality Act  
(R.S.Q., c. Q-2)

#### **Cap-and-trade system for greenhouse gas emission allowances — Amendment**

*Gazette officielle du Québec*, Part 2, 8 June 2012,  
Vol. 144, No. 23A, page 1757A.

On page 1826A, in paragraph 2 of the second paragraph of section 1 entitled “Projects covered” of Part I of Protocol 2, “3,000,000 GJ/h” should read: “3 GJ/h”.

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### **Draft Regulation**

Environment Quality Act  
(R.S.Q., c. Q-2)

#### **Mandatory reporting of certain emissions of contaminants into the atmosphere — Amendment**

*Gazette officielle du Québec*, Part 2, 8 June 2012,  
Vol. 144, No. 23A, page 1862A.

On page 1862A, in the notice of the draft Regulation, in the fifth paragraph, “418 524-3813” should read: “418 521-3813”.

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

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