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Part

2

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Laws and Regulations

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Summary

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Contents

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- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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Regulations and other Acts

Gouvernement du Québec

O.C. 426-2015, 20 May 2015

An Act respecting owners, operators and drivers of heavy vehicles
(chapter P-30.3)

Regulation — Amendment

Regulation to amend the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles

WHEREAS, under paragraph 3 of section 3 of the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3), the Government may, by regulation and subject to the conditions it determines, prescribe notations to accompany the safety ratings referred to in section 12 of the Act and determine their effects;

WHEREAS, under the third paragraph of section 42.3 of the Act, the Government may, by regulation and in the situation it determines, formulate rules for applying the means that can be used to identify the person who is presumed to control the operation of the motorized heavy vehicle subjected to the road check;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles was published in Part 2 of the *Gazette officielle du Québec* of 10 December 2014, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles

An Act respecting owners, operators and drivers of heavy vehicles
(chapter P-30.3, ss. 3 and 42.3)

1. The Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3, r. 1) is amended in section 1

(1) by inserting “or for their own account” in paragraph 3 after “free of charge”;

(2) by replacing “in a municipality or territory” in paragraph 5 by “in the territory of a municipality or of another entity”.

2. The following is inserted after Division I:

“DIVISION I.1

NOTATION TO ACCOMPANY A SAFETY RATING

2.0.1. The Commission enters the notation “unaudited” to accompany the “satisfactory” safety rating that it assigns to a person registered in the Register of Owners and Operators of Heavy Vehicles.

The Commission strikes out that notation if, subsequently to its entry, the Société de l’assurance automobile du Québec informs the Commission that the registered person has passed a facility audit complying with the principles of Standard No. 15 of the Canadian National Safety Code regarding facility audits, published on the website of the Canadian Council of Motor Transport Administrators.

The Commission re-enters the notation “unaudited” to accompany the “satisfactory” safety rating of a person referred to in the second paragraph, where that person has failed a new facility audit.”.

3. Section 2.1 is amended

(1) by striking out “and contracts for services” and “must first be used” in subparagraph 1 of the first paragraph;

(2) by inserting the following after subparagraph 1 of the first paragraph:

“(1.1) a marking written on the motorized heavy vehicle that meets the conditions provided for in section 2.2, where the vehicle is used for the transportation of goods for remuneration and for the account of others;”;

(3) by striking out “failing a shipping document, “ and “may be used” in subparagraph 2 of the first paragraph;

(4) by replacing subparagraph 3 of the first paragraph by the following:

“(3) a daily log referred to in section 519.10 of the Highway Safety Code (chapter C-24.2).”;

(5) by striking out “or, failing a daily log, a circle-check report referred to in subparagraph 3 of the first paragraph” in the second paragraph.

4. The following is inserted after section 2.1:

“**2.2.** The marking referred to in subparagraph 1.1 of the first paragraph of section 2.1 is composed of a single name and identification number of an operator registered in the Register of Owners and Operators of Heavy Vehicles.

The marking, removable or not, appears on the right side and the left side of the outside surface of the passenger compartment of the vehicle or, as the case may be, of its sleeper berth.

The characters of the marking are of a colour contrasting with that of the vehicle and at least 4 cm in height. As for the identification number, it is horizontally aligned and preceded by “Québec”, “Qc”, “N.I.R.” or “NIR”.”.

5. The heading of Schedule I is replaced by the following:

“List of territories where a person using a heavy vehicle is exempt from registration in the Register of Owners and Operators of Heavy Vehicles”.

6. On the date of coming into force of section 33 of chapter 39 of the Statutes of 2005, section 2.1 is again amended

(1) by adding the following at the end of the first paragraph:

“(4) a circle-check report referred to in section 519.3 of the Highway Safety Code.”;

(2) by inserting “or, failing a daily log, a circle-check report referred to in subparagraph 4 of the first paragraph” after “used” in the second paragraph.

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

102158

Gouvernement du Québec

O.C. 427-2015, 20 May 2015

Transport Act
(chapter T-12)

Requirements applicable to shipping documents and contracts for services
— **Amendment**

Regulation to amend the Regulation respecting the requirements applicable to shipping documents and contracts for services

WHEREAS, under paragraph *n* of section 5 of the Transport Act (chapter T-12), the Government may, by regulation, determine the requirements applicable to estimates, contracts, bills of lading and shipping documents in the case of a carrier or any person to whom the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3) applies;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the requirements applicable to shipping documents and contracts for services was published in Part 2 of the *Gazette officielle du Québec* of 10 December 2014, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the requirements applicable to shipping documents and contracts for services, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the requirements applicable to shipping documents and contracts for services

Transport Act
(chapter T-12, r. 5)

1. The Regulation respecting the requirements applicable to shipping documents and contracts for services (chapter T-12, r. 7) is amended by striking out “and contracts for services” in its title.

2. Section 2 is amended by striking out the words “a copy of each contract and” and both occurrences of “contracts and”.

3. Section 3 is amended

(1) by inserting “and for the account of others” in the first paragraph after “for remuneration”;

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

“No shipping document is required for the bulk transportation of materials identified in section 1 of the Regulation respecting the brokerage of bulk trucking services (chapter T-12, r. 4), for the transportation of goods by bus or for the transportation of waste or recyclable materials for a municipality.

The foregoing also applies if the vehicle has a marking that meets the conditions provided for in section 2.2 of the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3, r. 1).”.

4. Section 4 is amended

(1) by replacing subparagraph 1 of the first paragraph by the following:

“(1) the quantity and description of the goods;”;

(2) by striking out subparagraphs 2 and 6 of the first paragraph;

(3) by striking out the second paragraph.

5. Schedules IV and V are revoked.

6. Section 12 is amended by striking out “and by a fine of \$250 to \$750 on the offender referred to in the second paragraph of that section who entered inaccurate information”.

7. Section 13 is revoked.

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

102159

Gouvernement du Québec

O.C. 428-2015, 20 May 2015

An Act respecting occupational health and safety
(chapter S-2.1)

Safety Code for the construction industry — Amendment

Occupational health and safety — Amendment

Regulation to amend the Safety Code for the construction industry and the Regulation respecting occupational health and safety

WHEREAS, under subparagraphs 7, 19, 41 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, under the second paragraph of that section, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply;

WHEREAS, under the third paragraph of that section, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Safety Code for the construction industry and the Regulation respecting occupational health and safety was published in Part 2 of the *Gazette officielle du Québec* of 10 December 2014 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendments at its sitting of 1 April 2015;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act shall be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation to amend the Safety Code for the construction industry and the Regulation respecting occupational health and safety, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Safety Code for the construction industry and the Regulation respecting occupational health and safety

An Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 19, 41 and 42, 2nd and 3rd pars.)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 1.1 by inserting the following after paragraph 33:

“(33.1)”flushing toilet” means a toilet having the following features:

(a) the bowl has a hatch or a siphon which separates it physically and visually from the drain pipe or the processing tank;

(b) waste is purged from the bowl toward the sewer system or into the processing tank by means of a device causing a flow of water or chemicals;

(33.2) “chemical toilet” means a toilet without a bowl in which waste falls directly into a tank containing a chemical product to process the waste;”.

2. Section 2.4.4 is amended by inserting “toilets and their accessories,” after “housekeeping of sites;”.

3. Section 3.2.7 is replaced by the following:

“**3.2.7. Toilets:** As of the first day of work, a toilet must be placed at the disposal of workers. If 25 or more workers are to occupy the site at the same time, a flushing toilet must be placed at their disposal, even if all the workers are not yet present on site. If there never will be more than 24 workers on site, a chemical toilet may be at their disposal.

One toilet is provided per group of 30 workers or fewer.

If a flushing toilet is not connected to a waterworks or sewer system in accordance with the Construction Code (chapter B-1.1, r. 2), it must collect the waste in a tank to process the waste chemically and be built in accordance with the standard Sanitation - Nonsewered Waste - Disposal Systems - Minimum requirements, ANSI Z4.3-1995 (R. 2005), published by the American National Standards Institute.

The obligation to place a toilet at the disposal of workers is met if the workers are authorized to use the sanitary facilities of an establishment located at a distance that complies with section 3.2.7.1.

3.2.7.1. Toilets must be located at a distance not exceeding 150 m (500 ft.) from the work area and must not be more than 4 storeys higher or lower than the work area.

3.2.7.2. A toilet must be

- (1) within easy access;
- (2) free from any obstacle or obstruction that could prevent the toilet from being used;
- (3) built so that the occupant is sheltered from view and protected from the weather and falling objects;
- (4) provided with natural or artificial lighting;
- (5) equipped with a seat and cover;
- (6) provided with toilet paper;
- (7) heated to a minimum of 20°C; and
- (8) ventilated.

The toilet must be maintained in good operating condition and in a clean and sanitary condition and be kept free of vermin, rodents and insects.

Any cracked or damaged toilet seat must be replaced immediately.”.

4. The following is inserted after section 3.2.8:

“**3.2.8.1. Flushing toilet accessories:** A sink containing clean and temperate water must be placed at the disposal of workers for each flushing toilet. The sink must be maintained in good operating condition and in a clean and sanitary condition and the following products must be placed at the disposal of workers:

- (a) soap or another cleansing agent;
- (b) a hand dryer, roller towels or paper towels;
- (c) where paper towels are used, waste paper baskets for their disposal.

A notice indicating that the water is not suitable as drinking water must be displayed so that it is visible to workers, where applicable.

5. Section 3.2.9 is replaced by the following:

“3.2.9. Lunch room: On any work site where there are 10 or more workers and where the work lasts more than 7 days, the employer must make a room available to the workers where they may take their meals. The room must

- (a) not have any dimension of less than 2.3 m;
- (b) have 1.1 m² of floor area per person who eats in the room;
- (c) be heated to a minimum of 20°C;
- (d) be properly ventilated and lighted and prohibited to smoking;
- (e) be provided with hooks for clothing;
- (f) be furnished with sufficient tables and chairs for the number of workers who may eat there at the same time;
- (g) be supplied with covered recipients for waste; and
- (h) be maintained in good, clean and sanitary condition.

The room must not serve for the storage of materials, equipment or tools.”

6. Section 3.10.3.3 is amended in the first paragraph

- (1) by inserting “, whether or not it is modified,” after “for lifting purposes”;
- (2) by replacing “or culvert” by “, culvert or blasting”;
- (3) by replacing subparagraph *a* by the following:

“(a) lifting must be carried out in accordance with a work method prepared in writing by the employer, available on the work site. The method must comply with the requirements provided for in section 2.15.6 and indicate that no worker may be located under the boom, arm, load arm or bucket of the machine or under the load during lifting; and”;

(4) by replacing “approved by an engineer” by “recommended by the manufacturer” in subparagraph *b*; and

(5) by adding the following after subparagraph *b*:

“(c) the requirements provided for in section 2.15.1 must be complied with.”

7. The following is inserted after section 3.10.3.3:

“3.10.3.3.1. Hydraulic shovel used for assembly on the ground during electric power line installation

The use of a hydraulic shovel on caterpillars for assembling components on the ground during the installation of an electric power line is allowed if the conditions of section 3.10.3.3 and the following conditions are complied with:

(1) the shovel must be equipped with load lowering control devices on the boom and the arm that comply with the standard Earth-moving machinery - Hydraulic excavator and backhoe loader boom-lowering control device - Requirements and tests, ISO 8643, published by the International Organization for Standardization, with the necessary modifications, and visual or audible overload indicator that complies with the standard Earth-moving machinery - Safety - Part 5: Requirements for hydraulic excavators, NF EN 474-5, published by the Association française de normalisation (AFNOR);

(2) a nominal load table that complies with the standard Earth-moving machinery - Hydraulic excavators - Lift capacity, ISO 10567, published by the International Organization for Standardization, must be installed so that the operator can read it;

(3) hoisting must be executed on a level surface having a bearing capacity sufficient to support the equipment and the load hoisted without significant settlement;

(4) the bucket of the hydraulic shovel must be removed to hoist a load.”

8. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended by striking out “, 162 to 165” in section 2.

9. Sections 1 to 5 of this Regulation apply, from the following dates, to open sites that the number of workers indicated will occupy simultaneously at a particular stage of the work or for the duration of the work:

- (1) 18 June 2015 if there are 100 or more workers;
- (2) 18 December 2015 if there are between 50 and 99 workers;
- (3) 18 June 2016 if there are 50 workers or fewer.

Despite section 8, sections 162 to 165 of the Regulation respecting occupational health and safety continue to apply to construction sites or, where applicable, to the categories of sites specified in that Regulation, until the rules provided for in sections 1 to 5 apply to them in accordance with the first paragraph.

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

102160

M.O., 2015

Order number A-26-2015-06 of the Minister of Finance, 19 May 2015

Deposit Insurance Act
(chapter A-26)

CONCERNING Regulation to amend Regulation respecting the application of the Deposit Insurance Act

WHEREAS subparagraph *u* of section 43 of the Deposit Insurance Act (chapter A-26) stipulate that the *Autorité des marchés financiers* may make regulations prescribing any other measure which it deems appropriate for the administration of this Act;

CONSIDERING that the first paragraph of section 45 of such Act stipulates that a regulation made by the *Autorité des marchés financiers* is subject to the approval, with or without amendment, of the Minister of Finance;

CONSIDERING that the third paragraph of this section stipulates that a draft regulation may not be submitted for approval or be made before 30 days have elapsed since the publication of the draft in the *Bulletin de l'Autorité des marchés financiers*, that it enters into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified therein and that sections 4, 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to the regulation;

WHEREAS the draft Regulation to amend Regulation respecting the application of the Deposit Insurance Act was published in the *Bulletin de l'Autorité des marchés financiers*, volume 12, no. 4 of January 29, 2015;

WHEREAS on April 28, 2015, by the decision no. 2015-PDG-0032, the *Autorité des marchés financiers* made Regulation to amend Regulation respecting the application of the Deposit Insurance Act;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to amend Regulation respecting the application of the Deposit Insurance Act appended hereto.

19 May 2015

CARLOS LEITÃO,
Minister of Finance

Regulation to amend the Regulation respecting the application of the Deposit Insurance Act

Deposit Insurance Act
(chapter A-26, s. 43, par. (u))

1. The title of Chapter IV of the Regulation respecting the application of the Deposit Insurance Act (chapter A-26, r. 1) is replaced by the following:

“DATA AND SYSTEMS REQUIRED FOR EXECUTION OF OBLIGATION UNDER A GUARANTEE”.

2. Sections 29 to 31 of the Regulation are replaced by the following:

“**29.** For the purposes of this Chapter:

“cut-off date” means the first day on which any of the events listed in section 34.1 of the Deposit Insurance Act (chapter A-26) occurs;

“standardized data” means any information with respect to a deposit of money to be provided by a registered institution according to the tables established by the Authority and available on its website;

“deadline” means one of the following times:

(a) where the cut-off date is a business day, the time by which all of the transactions made on that day are recorded in the deposit registers of the registered institution;

(b) where the cut-off date is not a business day, the time by which all of the transactions made on that day or on the business day preceding the cut-off date are recorded in the deposit registers of the registered institution.

30. Every registered institution must have computer systems enabling it to identify the deposits of money entrusted to it and the depositors thereof and to aggregate these deposits based on each depositor or each separate guarantee set out in section 9.

31. The institution must calculate the interest related to each deposit of money as at the cut-off date.

31.1. The institution must give the Authority access to all or part of the standardized data recorded in the institution's registers as at the deadline, no later than by the earlier of:

- (1) six hours after the deadline; and
- (2) 4:00 p.m. on the second day following the cut-off date.

After any of the times set out in the first paragraph, the institution must give the Authority access to all or part of the standardized data recorded in the institution's registers as at the deadline.

31.2. A registered institution must be able to restrict a deposit of money, in whole or in part, as well as any withdrawal or any margin transaction affecting such deposit.

It must be possible to apply any initial or subsequent restriction to a deposit of money independently of any other withholding applied by the registered institution as part of its operations.

Where deposits are partially restricted, the registered institution must be able to give the depositor access to the balance of his account, calculated as at the deadline, less the amount partially restricted or the amount withheld, whichever is higher.

It must be possible to apply a partial restriction to the account within six hours following the decision to restrict deposits.

31.3. A registered institution referred to in section 40.4 of the Act is deemed to comply with the provisions of this Chapter.”.

3. This Regulation comes into force on June 3, 2015.

However, a registered institution has two years following this date to comply with the requirements of the provisions under this Regulation.

Draft Regulations

Draft Regulation

An Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)

Highway Safety Code (chapter C-24.2)

Consumer Protection Act (chapter P-40.1)

An Act respecting the Québec sales tax (chapter T-0.1)

Road vehicle dealer's and recycler's licences — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend various regulations due to the coming into force of the provisions of the Act to transfer the responsibility for issuing road vehicle dealer's and recycler's licences to the president of the Office de la protection du consommateur, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation mainly amends the Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) to provide for the conditions on which that Act will apply to the issue of road vehicle dealer's or recycler's licences by the president of the Office de la protection du consommateur.

The Regulation is amended to increase, over a 5-year period, the duties for road vehicle dealer's or recycler's licences up to 75% of what they cost. The Regulation is also amended to specify the information and security that the applicants for licences must provide and the terms and conditions related to those licences.

The draft Regulation propose to replace the Regulation respecting dealers and recyclers (chapter C-24.2, r. 7) by the Regulation respecting road vehicle recyclers, which reproduces the provisions of the current regulation regarding the form and rules for preserving the register to be kept by road vehicle recyclers under the Highway Safety Code and provides a list of what is included in the meaning of "major component".

Lastly, the draft Regulation makes the harmonization amendments rendered necessary by the transfer, from the Société de l'assurance automobile du Québec to the president of the Office de la protection du consommateur, of the responsibility for issuing road vehicle dealer's and recycler's licences. The regulations affected by those amendments are:

— Regulation respecting fees for the transcription, reproduction or transmission of documents or personal information (chapter A-2.1, r. 3);

— Regulation respecting road vehicle registration (chapter C-24.2, r. 29);

— Regulation respecting the Québec sales tax (chapter T-0.1, r. 2).

Further information may be obtained by contacting Johanne Renaud, Office de la protection du consommateur, Village olympique – 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) H1T 3X2; telephone: 514 253-6556, extension 3428; fax: 514 864-2400; email: johanne.renaud@opc.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,
Minister of Justice

Regulation to amend various regulations due to the coming into force of the provisions of the Act to transfer the responsibility for issuing road vehicle dealer's and recycler's licences to the president of the Office de la protection du consommateur

Regulation respecting fees for the transcription, reproduction or transmission of documents or personal information

An Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1, s. 155, 1st par., subparagraph 1, and 2nd par.)

1. The Regulation respecting fees for the transcription, reproduction or transmission of documents or personal information (chapter A-2.1, r. 3) is amended in section 7 by striking out “et licences” in the French text.

Regulation respecting dealers and recyclers

Highway Safety Code
(chapter C-24.2, s. 620, pars. 4.1 and 4.2)

2. The Regulation respecting dealers and recyclers (chapter C-24.2, r. 7) is replaced by the following:

“Regulation respecting road vehicle recyclers

Highway Safety Code
(chapter C-24.2, s. 620, pars. 4.1 and 4.2)

1. The register of a road vehicle recycler is a directory on paper or computerized record in which all the information provided for in section 155 of the Highway Safety Code (chapter C-24.2) is recorded.

2. The information contained in the register must be kept for two years after the date of sale of the road vehicle or major component.

3. The register must be kept at all times at the establishment of the road vehicle recycler.

4. For the purposes of section 155 of the Highway Safety Code (chapter C-24.2), “major component” means

(1) for all road vehicles: the engine, the chassis frame and light alloy wheels;

(2) for all road vehicles except motorcycles and mopeds: the transmission, the rear axle, the hood, the fenders, the side panels, the trunk lid, the doors, the seats, the dashboard, the siderails whether or not complete, the grill, the roof, the front pillar, centre pillar and rear pillar, the rocker panel and the tailgate;

(3) the fork and the fairing of a motorcycle or moped;

(4) the cab and the body of a truck and a light truck.”.

Regulation to amend the Regulation respecting road vehicle registration

Highway Safety Code
(chapter C-24.2, s. 618, par. 2)

3. The Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended in section 36 by replacing “a duly licensed dealer” in the first paragraph by “a road vehicle dealer holding a permit issued under the Consumer Protection Act (chapter P-40.1)”.

4. Section 37 is amended by replacing “a duly licence dealer” in the first paragraph by “a road vehicle dealer holding a permit issued under the Consumer Protection Act (chapter P-40.1)”.

5. Section 44 is amended by replacing “an automotive dealer or manufacturer” in the first paragraph by “a road vehicle manufacturer or dealer holding a permit issued under the Consumer Protection Act (chapter P-40.1)”.

6. Section 45 is amended by replacing “a dealer” in the first paragraph by “a road vehicle dealer holding a permit issued under the Consumer Protection Act (chapter P-40.1)”.

7. Section 150 is amended by replacing “road vehicle dealer’s licence” by “road vehicle dealer’s permit issued under the Consumer Protection Act (chapter P-40.1)”.

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

Consumer Protection Act
(chapter P-40.1, s. 350)

3. The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended in section 12 by replacing paragraph c by the following:

“(c) a merchant holding a road vehicle dealer’s permit or a road vehicle recycler’s permit, for the purposes of contracts entered into or solicited in the course of the activity requiring that permit.”.

9. The following is inserted after section 24:

“**24.1.** A holder of a road vehicle dealer’s permit who sells road vehicles or leases them under long-term contracts of lease is exempt from the application of section 260.29 of the Act in any of the following situations:

(a) during an event outside the dealer’s establishment lasting no more than 15 days and occurring no more than 10 times a year, including twice at the same address;

(b) where the dealer enters into a contract with another dealer during an auction sale.

A holder of such a permit who uses the exemption provided for in subparagraph *a* of the first paragraph must so inform the president using the form provided by the president.

The contracts entered into during such an event or auction sale are covered by the security provided by the dealer in accordance with section 108.1.1 or 108.1.3.

“**24.2.** A dealer who enters into contracts for the sale or long-term leasing of trailers or semi-trailers with a weight of less than 1,300 kg is exempt from the obligation to hold a road vehicle dealer’s permit and to furnish security.”.

10. Section 92 is amended by replacing “in accordance with Form N-33 appended hereto” in paragraph *d* by “in accordance with section 118 or any person who is a member of an association of road vehicle dealers or an association of road vehicle recyclers and who is identifiable by a member’s certificate drawn up in accordance with subparagraph iii of subparagraph *c* of the first paragraph of section 112.1”.

11. Section 93 is amended

(1) by replacing “There are 4 types of permit” by “There are 6 types of permit”.

(2) by adding the following at the end:

“(e) a road vehicle dealer’s permit referred to in paragraph *e* of section 321 of the Act;

(f) a road vehicle recycler’s permit referred to in paragraph *f* of section 321 of the Act.”.

12. Section 94 is amended

(1) by adding “, unless that person is a declared director in the enterprise registrar” at the end of subparagraph *f* of the first paragraph;

(2) by replacing “pursuant to sections 94 to 94.02” in the last paragraph by “pursuant to sections 94 to 94.03”.

13. The following is inserted after section 94.02:

“**94.03.** In addition to the information and documents referred to in section 94, a person who applies for the issue or renewal of a road vehicle dealer’s permit or road vehicle recycler’s permit must forward to the president the following information:

(a) the address, telephone number and, where applicable, the technological address and fax number of all the establishments for which the permit is requested;

(b) the following information concerning the dealer, the person, in the case of a sole proprietorship, or each partner and director:

i. whether they have been found guilty, in the 3 preceding years, of an offence against section 165 or 166 of the Highway Safety Code (chapter C-24.2), unless a pardon has been obtained;

ii. whether they have been found guilty, in the 5 preceding years, of a criminal offence relating to possession of stolen goods, fraud or theft involving a road vehicle or its parts, unless a pardon has been obtained;

iii. if the answer to one of the questions in subparagraphs i and ii is affirmative, the name of the person concerned, the nature of the offence, the date of the judgment and the court file number;

(c) a declaration attesting to the compliance of each of the establishments with municipal by-laws regarding uses.

A road vehicle dealer must indicate to the president, for each of the dealer’s establishments, among the following classes of road vehicles, the class of road vehicles for which the permit is required:

(a) vehicles with a net weight of 5,500 kg or more other than farm machines;

(b) vehicles with a net weight of less than 5,500 kg other than motorcycles, snowmobiles, mopeds and farm machines and other than trailers and semi-trailers with a net weight less than 1,300 kg;

(c) motorcycles, snowmobiles, mopeds and farm machines.

Upon request by the president, the road vehicle dealer must indicate, for each of the dealer’s establishments, the type of road vehicles offered for sale or long-term leasing and, in the case of new road vehicles, their make.

94.04. The holder of a road vehicle dealer's permit or road vehicle recycler's permit must notify the president of any change relating to the matters referred to in section 94.03, within 15 days following the change.”

14. Section 94.2 is amended by striking out the second and third paragraphs.

15. The following is inserted after section 94.4:

“**94.5.** For the renewal of a permit, the documents referred to in subparagraphs *f*, *h* and *j* of the first paragraph of section 94, paragraphs *a* and *b* of section 94.3 and section 94.4 are not required to be forwarded again if they contain no change.

94.6. An application for renewal of a permit must be forwarded to the president not later than 1 month before the expiry date of the permit.”

16. The following is inserted after section 108.1:

“**108.1.1.** The duties to be paid by an applicant for a road vehicle dealer's permit per establishment used for the trade of road vehicles and the duties to be paid for the renewal of the dealer's permit per establishment used for that purpose are fixed as follows:

Periods	Issue	Renewal
From 19 October 2015 to 30 April 2016	\$537	\$406
From 1 May 2016 to 30 April 2017	\$585	\$442
From 1 May 2017 to 30 April 2018	\$634	\$479
From 1 May 2018 to 30 April 2019	\$683	\$516
As of 1 May 2019	\$732	\$553

The security to be furnished by the applicant per establishment used for the trade of road vehicles is fixed according to the class of road vehicles sold or leased under a long-term contract as follows:

(a) an amount of \$200,000 for the trade of vehicles with a net weight equal to or greater than 5,500 kg other than farm machines;

(b) an amount of \$100,000 for the trade of vehicles with a net weight less than 5,500 kg other than motorcycles, snowmobiles, mopeds, farm machines and other than trailers and semi-trailers with a net weight less than 1,300 kg;

(c) an amount of \$25,000 for the trade of motorcycles, snowmobiles, mopeds and farm machines.

If the road vehicle dealer trades in road vehicles from 2 classes or more, the dealer must furnish the security fixed for the class with the highest security.

Despite the foregoing, a dealer who trades in road vehicles referred to in subparagraph *c* of the second paragraph and who sells a used vehicle referred to in subparagraph *b* of the second paragraph, in the circumstances and on the conditions described in section 71 with the necessary modifications, is not required to provide the security prescribed by subparagraph *b* of the second paragraph.

108.1.2. The duties to be paid by an applicant for a road vehicle recycler's permit per establishment used for the trade of disused road vehicles, vehicle carcasses or parts and the duties to be paid for the renewal of the recycler's permit per establishment used for that purpose are the same as those fixed by section 108.1.1.

The security to be furnished by the applicant per establishment used for the trade of disused road vehicles, vehicle carcasses or parts is fixed at \$50,000.

108.1.3. For the simultaneous issue of a road vehicle dealer's permit and of a road vehicle recycler's permit, the duties to be paid by the applicant per establishment used for the trade of road vehicles, disused road vehicles, vehicle carcasses or parts and the duties to be paid for the renewal of the permit per establishment used for that purpose are fixed as follows:

Periods	Issue	Renewal
From 19 October 2015 to 30 April 2016	\$806	\$606
From 1 May 2016 to 30 April 2017	\$880	\$661
From 1 May 2017 to 30 April 2018	\$953	\$716
From 1 May 2018 to 30 April 2019	\$1,026	\$771
As of 1 May 2019	\$1,099	\$826

Where applicable, the applicant must pay the duties required for the applicant's establishment used for the trade of road vehicles, in accordance with section 108.1.1, and the duties required for the applicant's establishment used for the trade of disused road vehicles, vehicle carcasses or parts, in accordance with section 108.1.2.

If, in an establishment, the applicant is simultaneously engaged in the activities referred to in sections 108.1.1 and 108.1.2, the security to be furnished for that establishment must cumulatively cover the amounts applicable under those sections.

The applicant must attach to the application only one security covering the amounts applicable to each of the applicant's establishments, in accordance with sections 108.1.1 to 108.1.3."

17. Section 108.2 is amended by replacing "section 104, 107, 108 or 108.1" by "section 104 or sections 107 to 108.1.3".

18. The following is inserted at the end of section 110:

"Despite the foregoing, the security furnished by a road vehicle dealer or a road vehicle recycler may be furnished only in the manner prescribed in subparagraph *a* or *b* of the first paragraph or section 112.1. If the security is furnished by means of a group security policy, the global amount of the policy is established as follows:

(a) \$125,000, where the amount of the members' individual security is \$25,000;

(b) \$250,000, where the amount of the members' individual security is \$50,000;

(c) \$500,000, where the amount of the members' individual security is \$100,000;

(d) 1 million, where the amount of individual security of a majority of the members is \$200,000.

If the road vehicle dealer or road vehicle recycler owns 2 or more establishments, the dealer or recycler must furnish security for all the establishments with only one security policy."

19. The following is inserted after section 112:

"**112.1.** An association of road vehicle dealers or an association of road vehicle recyclers that acts as surety for its members, in accordance with the second paragraph of section 323.1 of the Act, must

(a) enter into an agreement with the president specifying the manner in which the security is to be furnished, particularly in respect of the elements provided for in subparagraphs *a* to *c* and *f* to *h* of section 113;

(b) deposit the amount fixed by the president in accordance with the second paragraph of section 323.1 of the Act, to the benefit of the Minister of Finance, with a trust

company in Canadian tender or in bonds issued or guaranteed by the Government of Canada or the government of a Canadian province;

(c) give to the president

i. a written document from the trust company attesting to the deposit of the amount fixed;

ii. an annual statement showing that the amount deposited is maintained at the level fixed;

iii. for each member of the association covered by the surety, a member's certificate attesting that the permit holder is a member of the association that acts as surety;

(d) where the association pays for a judgment, an agreement, a transaction, a claim or a fine in accordance with section 122.1, make up the difference in the amount deposited in trust so as to maintain it at the level fixed at all times.

An association may terminate the agreement entered into under subparagraph *a* of the first paragraph only on written notice of at least 90 days to the president. Despite the expiry of the security, the association must maintain the amount deposited in trust for the period determined under the second paragraph of section 119."

20. Section 113 is amended

(1) by replacing "for the duration of the permit as determined in section 104, 108 or 108.1" in subparagraph *b* of the first paragraph by "for the duration of the permit and its renewal as determined in section 104 or sections 108 to 108.1.3";

(2) by replacing "section 120 or 120.1" in subparagraph *c* of the first paragraph by "section 120, 120.1 or 120.2";

(3) by replacing "section 120 or 120.1" in subparagraph *d* of the first paragraph by "section 120, 120.1 or 120.2";

(4) by replacing subparagraph *h* of the first paragraph by the following:

"(h) a statement that, despite the expiry of the security, the obligations of the surety continue to apply and the responsibility of the merchant continues to extend to the merchant's clients, when, as the case may be,

i. civil proceedings were instituted within the time prescribed by the Civil Code;

ii. the agreement or transaction, which was intended to prevent judicial proceedings, was entered into within the same time;

iii. penal proceedings were instituted within the time prescribed by section 290.1 of the Act;

iv. the act or omission that is the subject of the civil judgment, the agreement or transaction or, as the case may be, the conviction is related to a contract concluded or fault committed while the security was in effect, or occurred while the security was in effect.”

21. Section 118 is amended

(1) by replacing “section 104, 108 or 108.1” in paragraph *d* by “sections 104, 108 to 108.1.3”;

(2) by adding the following at the end:

“The surety may cancel the member’s certificate only by sending at least 90 days’ written notice to the president along with proof that a copy of the notice was notified to the dealer.”

22. Section 120 is amended by replacing “Subject to section 120.1” by “Subject to sections 120.1 and 120.2”.

23. The following is inserted after section 120.1:

“**120.2.** The security prescribed by sections 108.1.1 to 108.1.3 is required to guarantee, for the duration of the security, compliance with the Act and respect for obligations arising from contracts entered into in the course of operations requiring such security by the road vehicle dealer or recycler who has furnished security or by his or her representative:

(a) for the indemnification in capital, interest and costs of any consumer holding a liquidated debt resulting from non-compliance with the Act or from a contract covered by the security and certified, either by a judgment rendered against the road vehicle dealer or recycler, his or her representative or the surety, or by an agreement or transaction entered into between the consumer, on the one hand, and the road vehicle dealer or recycler, his or her representative, the trustee or the surety, on the other hand;

(b) for reimbursement to the true owner of the amount paid to the purchaser by the true owner as a condition for revendication of his or her road vehicle, in the case of the sale by the road vehicle dealer or recycler of the property of a third person;

(c) for reimbursement to the owner of a stolen road vehicle, dismantled or sold for parts by a road vehicle recycler of an amount corresponding to the vehicle’s value at the time of the theft;

(d) for the recovery of the fine and costs imposed on that road vehicle dealer or recycler or his or her representative under Chapter III of Title IV of the Act.”

24. Section 121.2 is amended by inserting “Subject to section 122.1,” at the beginning.

25. The following is inserted after section 122:

“**122.1.** Where the president receives a copy of a final judgment or of an agreement or transaction referred to in paragraph *a* of section 120.2 and terminating a dispute, the president forwards the copy to the surety with instructions to pay it up to the amount of the security. The president is to do the same for a claim by the true owner referred to in paragraph *b* of section 120.2 and for the owner’s claim referred to in paragraph *c* of the same section.

The first paragraph applies, with the necessary modifications, to the payment of the fine and costs imposed on a permit holder or his or her representative under Chapter III of Title IV of the Act.”

26. Section 123 is amended

(1) by replacing “in accordance with sections 121.2 and 122” by “in accordance with sections 121.2 to 122.1”;

(2) by replacing “section 104, 108 or 108.1” by “section 104 or sections 108 to 108.1.3”.

27. Section 153 is replaced by the following:

“**153.** A dealer holding a road vehicle dealer’s or recycler’s permit is exempt from the application of sections 254 to 256 of the Act.”

Regulation respecting the Québec sales tax

An Act respecting the Québec sales tax
(chapter T-0.1, s. 677, 1st par., subpar. 44.0.1)

28. The Regulation respecting the Québec sales tax (chapter T-0.1, r. 2) is amended in section 425.1R2 by replacing “a dealer’s licence issued under the Highway Safety Code (chapter C-24.2)” by “a road vehicle dealer’s permit issued under the Consumer Protection Act (chapter P-40.1)”.

29. This Regulation comes into force on 19 October 2015.

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

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