

Gazette
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DU Québec

Part

2

No. 31

5 August 2015

Laws and Regulations

Volume 147

Summary

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Contents

Part 2 contains:

- (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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- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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PROVINCE OF QUÉBEC

1ST SESSION

41ST LEGISLATURE

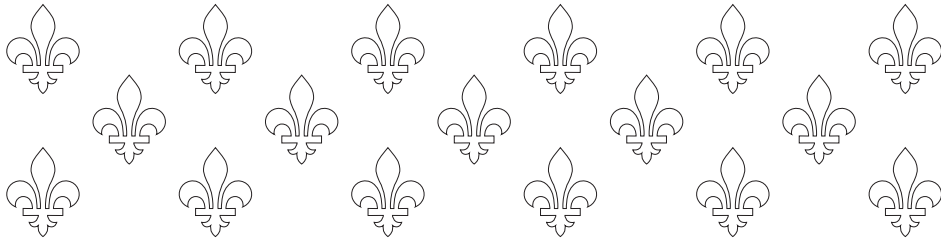
QUÉBEC, 30 MARCH 2015

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 30 March 2015*

This day, at thirty-five minutes past six o'clock in the evening, the Honourable the Administrator of Québec was pleased to sanction the following bills:

- 19 An Act to amend the Cooperatives Act and other legislative provisions
- 25 An 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

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 19
(2015, chapter 3)

An Act to amend the Cooperatives Act and other legislative provisions

Introduced 12 November 2014
Passed in principle 11 February 2015
Passed 25 March 2015
Assented to 30 March 2015

**Québec Official Publisher
2015**

EXPLANATORY NOTES

This Act amends the Cooperatives Act as regards the administrative requirements involved in filing the applications and articles of a cooperative with the Minister responsible for the Act. It establishes rules concerning the correction of errors in articles and gives the Minister the power to determine what qualifies as a signature on technology-based documents required to be filed with the Minister and to correct documents that the Minister has drawn up.

The Act specifies that sums devolved to a cooperative must be allocated to the cooperative's reserve and that the reserve may not be drawn upon in any manner.

Measures are introduced to protect the patrimony of housing cooperatives a building of which has been built, acquired, restored or renovated under a government housing assistance program. These measures include requiring such cooperatives to maintain the destination, in particular the social or community vocation, of the building; making the alienation of the building or a change in its destination subject to the Minister's prior authorization; and requiring, when a cooperative is being wound up, that the balance of its assets be devolved to a cooperative of the same nature.

The rules applicable to work cooperatives are amended to give their general managers or managers the power to impose administrative or disciplinary measures, other than dismissal, on members.

The penal provisions of the Act are revised to provide for higher fines when a contravention of the Act affects a cooperative's patrimony or reserve.

Lastly, the Act makes other technical amendments to the Cooperatives Act and contains consequential amendments.

LEGISLATION AMENDED BY THIS ACT:

- Cooperatives Act (chapter C-67.2);

- Act respecting the Régie du logement (chapter R-8.1);
- Act to amend the Cooperatives Act (2003, chapter 18).

Bill 19

AN ACT TO AMEND THE COOPERATIVES ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

COOPERATIVES ACT

1. Section 7 of the Cooperatives Act (chapter C-67.2) is amended by replacing the first paragraph by the following paragraph:

“**7.** A minimum of five founders is required to request the constitution of a cooperative. The request is made by means of an application for constitution addressed to the Minister.”

2. Section 11 of the Act is replaced by the following section:

“**11.** The application, signed by the founders, and the articles must be sent to the Minister.”

3. Section 12 of the Act is amended

(1) by replacing “the articles” in the introductory clause by “the application and the articles”;

(2) by striking out paragraph 1.

4. Section 13 of the Act is amended,

(1) in the first paragraph,

(a) by inserting “the application,” after “receiving”;

(b) by replacing “of the articles and of the application” by “of the application and of the articles”;

(2) by inserting “the application and” after “registers” in subparagraph 2 of the second paragraph;

(3) by replacing “a certified copy” in subparagraph 3 of the second paragraph by “a copy”.

5. Section 28 of the Act is amended by adding “, provided the assistance is for a maximum period of 12 months” at the end of subparagraph 2 of the first paragraph.

6. Section 57 of the Act is amended by striking out “suspend or” in the second paragraph.

7. Section 76 of the Act is amended by replacing “four” in the first sentence of the first paragraph by “six”.

8. Section 119 of the Act is amended by replacing “the articles of amendment” in the second paragraph by “an application for the amendment of the articles addressed to the Minister”.

9. Section 120 of the Act is amended

(1) by replacing “The articles of amendment shall be accompanied with an application for the amendment of the articles, signed by the director authorized to sign the articles of amendment, with an attestation of the secretary” in the first paragraph by “The application and the articles of amendment must be accompanied with an attestation from a director”;

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

“The application, signed by the authorized director, and the articles of amendment must be sent to the Minister.”

10. Section 121 of the Act is amended by inserting “the application,” after “receiving” in the first paragraph.

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

“CHAPTER XV.1

“CORRECTION OF ARTICLES

“**121.1.** The board of directors may, without the authorization of a meeting of the members, correct obvious reference, typographical, transcription and similar errors in the articles.

The Minister may, of the Minister’s own motion or at the request of any interested person, ask a cooperative to correct an obvious error in the articles.

In all cases, a correction request must be addressed to the Minister.

“**121.2.** The board of directors shall authorize one of the directors to sign the correction request.

“121.3. The correction request and the corrected articles must be accompanied with a copy of the articles containing errors and, if applicable, with any other documents or information required by the Minister.

The correction request, signed by the authorized director, and the corrected articles must be sent to the Minister.

“121.4. On receiving the correction request, the corrected articles, the accompanying documents, the fees prescribed by government regulation and any other required documents or information, the Minister shall replace the articles containing an error by the corrected articles.

The Minister shall send a certified copy of the corrected articles to the enterprise registrar, who shall replace the articles in the register by the corrected articles.

“121.5. The articles of the cooperative as corrected are deemed correct since their origin. However, in the case of the correction of a date, the correction prevails if it is later than the date being corrected.”

12. Section 132 of the Act is amended by replacing “four” in the introductory clause by “six”.

13. The heading of Chapter XX of Title I of the Act is replaced by the following heading:

“OPERATING SURPLUS, SURPLUS EARNINGS AND RESERVE”.

14. Section 145 of the Act is amended by adding “and any devolved sums” at the end.

15. The Act is amended by inserting the following section after section 146:

“146.1. Any sum devolved to a cooperative under section 185, 210 or 221.2.10 must be allocated to the reserve.

The Conseil québécois de la coopération et de la mutualité is not subject to that requirement if the sum devolved to it is redistributed to a cooperative, a federation or a confederation in accordance with a redistribution policy adopted by its board of directors.”

16. Section 147 of the Act is amended by replacing “drawn on for” by “drawn upon in any manner, including by”.

17. Section 156 of the Act is amended by replacing “the articles of amalgamation” in subparagraph 1 of the first paragraph by “an application for amalgamation addressed to the Minister”.

18. Section 160 of the Act is amended

(1) by replacing “The articles” in the introductory clause by “The application and the articles”;

(2) by striking out paragraph 1;

(3) by replacing “petition” in paragraph 7 by “application”.

19. Section 161 of the Act is replaced by the following section:

“**161.** The application, signed by the authorized director of each of the cooperatives, and the articles of amalgamation must be sent to the Minister.”

20. Section 162 of the Act is amended by inserting “the application,” after “receiving” in the first paragraph.

21. Section 166 of the Act is amended by replacing “the articles” in the first paragraph by “an application for the amalgamation of the cooperatives addressed to the Minister”.

22. Section 168 of the Act is amended by replacing “must, by resolution, approve the agreement and authorize one among them to sign the articles” by “shall approve the agreement and authorize, by resolution, one among them to sign the application”.

23. Section 170 of the Act is amended

(1) by replacing “The articles” in the introductory clause by “The application and the articles of absorption”;

(2) by striking out paragraph 1;

(3) by replacing “petition” in paragraph 7 by “application”.

24. Section 173 of the Act is amended by adding the following paragraph at the end:

“In such a case, an application for amalgamation must be addressed to the Minister.”

25. Section 174 of the Act is amended by replacing “The articles must be accompanied with the documents referred to in paragraphs 1, 3 and 7” in the introductory clause of the second paragraph by “The application and the articles of amalgamation must be accompanied with the documents referred to in paragraphs 3 and 7”.

26. Section 185 of the Act is amended by replacing “shall be transferred” in the sixth paragraph by “is devolved”.

27. Section 185.1 of the Act is amended by replacing “it shall be transferred” by “that balance devolves”.

28. Section 192 of the Act is amended by replacing “are transferred” by “devolves”.

29. Sections 208 and 210 of the Act are amended by replacing “the Coopérative fédérée de Québec” by “La Coop fédérée”.

30. The Act is amended by inserting the following heading after the heading of Division I of Chapter IV of Title II:

“§1. — *General provisions*”.

31. The Act is amended by inserting the following heading after section 221.2.2:

“§2. — *Cooperative owning a building built, acquired, restored or renovated under a housing assistance program*”.

32. Section 221.2.3 of the Act is amended

(1) by replacing “government housing assistance program” in the introductory clause by “housing assistance program of the Government, the federal government or one of their departments, agencies or bodies”;

(2) by replacing “report on the maintenance and preservation work done on the building,” in paragraph 5 by “give the date of the last inspection of the building, and report on the maintenance and preservation work done”.

33. The Act is amended by inserting the following sections after section 221.2.3:

“221.2.4. The cooperative must maintain the destination, in particular the social or community vocation, of the building.

“221.2.5. The alienation of the building, other than by expropriation or forced sale, the establishment of emphyteusis on it or a change in its destination by any cooperative, other than a cooperative whose principal object is to assist its members in acquiring the ownership of a house or dwelling, must be authorized by the Minister, who may subject such authorization to the conditions the Minister determines.

The first paragraph does not apply if the building is taken in payment or another hypothecary right relating to the building is exercised

(1) by a hypothecary creditor whose business is making loans on real security;

(2) by the Government, the federal government or one of their departments, agencies or bodies, or by a legal person established in the public interest.

“221.2.6. The application for authorization must contain the name and domicile of the cooperative, a description of the building, the total amount obtained under any assistance program referred to in section 221.2.3 and a certified statement from the Land Registrar of the charges encumbering it. In the case of an alienation or the establishment of emphyteusis, it must also state the nature and conditions of the juridical act contemplated, the name of the acquirer, assignee or future beneficiary, and the sale price of the building; in the case of a change in destination, it must specify the proposed destination.

On receiving an application for authorization, the Minister shall inform the Confédération québécoise des coopératives d’habitation and, if applicable, the federation of housing cooperatives operating in the region where the building is located, which have 30 days to submit their observations.

In analyzing the application, in addition to the elements specified in the first paragraph, the Minister takes into account the impact of the act contemplated on the destination, in particular the social or community vocation, of the building and the observations submitted by the cooperative sector.

Before denying an authorization, the Minister must notify the applicant as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and give the applicant the opportunity to submit observations.

“221.2.7. The Minister may require the registration in the land register of a statement specifying that the building is subject to the provisions of section 221.2.5. The registration is required by way of a notice sent to the registry office.

“221.2.8. Any act done in contravention of this division is absolutely null.

“221.2.9. The Attorney General may obtain from the Superior Court an order to stop any act or transaction undertaken or continued without the Minister’s authorization.

The motion of the Attorney General is heard and decided by preference.

“221.2.10. In the case of a winding-up, the balance of the assets is devolved to a housing cooperative, a federation of housing cooperatives, a confederation of such federations or the Conseil québécois de la coopération et de la mutualité by the meeting of the members by means of a resolution adopted by a majority of the votes cast.

If the members do not make a decision with regard to the balance of the cooperative’s assets, that balance devolves to the Conseil québécois de la coopération et de la mutualité.”

34. The Act is amended by inserting the following section after section 224.4:

“224.4.0.1. The general manager or the manager may impose administrative or disciplinary measures, other than dismissal, on members and auxiliary members.

However, the board of directors may, by resolution, assign itself those powers or entrust them to another person or group of persons it designates. Such a decision must be made available to the members and auxiliary members.”

35. Section 226.1 of the Act is amended by adding “as producers or consumers” at the end of paragraph 1.

36. Section 226.6 of the Act is amended by replacing “users,” in the first paragraph by “user producers, the user consumers,”.

37. Section 226.7 of the Act is amended by replacing “who are users of the services provided by the cooperative, the number who are workers of the cooperative” by “of the cooperative who are user producers, the number who are user consumers, the number who are workers”.

38. Section 226.14 of the Act is amended by replacing “221.2.3” by “221.2.10”.

39. Section 229 of the Act is amended

- (1) by adding “or of the general meeting” at the end of the first sentence;
- (2) by striking out the second sentence.

40. Section 230.1 of the Act is amended

- (1) by replacing “the articles must” by “the application and the articles must”;
- (2) by replacing “the persons authorized to sign the articles” by “a director authorized to sign the application”.

41. The Act is amended by inserting the following section after section 232:

“232.1. To resign from a federation, the member cooperative must be so authorized by a resolution of its board of directors. The resolution must be ratified by the general meeting of the cooperative before the resignation.”

42. Section 246 of the Act is amended

- (1) by replacing the introductory clause by “Whoever”;
- (2) by replacing both occurrences of “elle” in paragraph 1 in the French text by “il”;

(3) by striking out paragraph 4;

(4) by replacing paragraph 5 by the following:

“(5) contravenes the second paragraph of section 16 or 20, paragraph 8 of section 90, any of the provisions of sections 33, 48, 124, 127, 127.1, 131, 132, 133, 135, 138, 140, 141 and 221.2.3, the second paragraph of section 221.6.1, the third paragraph of section 221.7 or the second paragraph of section 226.2

is guilty of an offence.”

43. The Act is amended by inserting the following section after section 246:

“**246.1.** Whoever

(1) contravenes section 146 or 146.1, the third paragraph of section 188 or section 221.2.4;

(2) contravenes section 147, 149 or 149.3 or makes any other unlawful apportionment of sums belonging to a cooperative;

(3) transfers the balance of the assets of a cooperative being wound up to a person other than a person referred to in any of sections 185 and 185.1, the second paragraph of section 208 and sections 210 and 221.2.10;

(4) alienates a building that was built, acquired, restored or renovated under a housing assistance program without the authorization of the Minister required under section 221.2.5; or

(5) is able, through one or more transactions which resulted in evasion of the obligation to obtain the Minister’s authorization required under section 221.2.5, to take in payment a building built, acquired, restored or renovated under a housing assistance program or to exercise another hypothecary right on such a building

is guilty of an offence.”

44. Section 247 of the Act is replaced by the following section:

“**247.** Whoever, by an act or omission, aids, abets, counsels, allows, authorizes or orders a person to commit an offence under this Act is guilty of the offence.”

45. Section 248 of the Act is amended

(1) by replacing “Every person who” in the first paragraph by “Whoever”;

(2) by striking out the second paragraph.

46. The Act is amended by inserting the following sections after section 248:

“248.1. Whoever is guilty of an offence under section 246.1 is liable to a fine of not less than \$2,500 nor more than \$10,000 for each offence, and to a fine of not less than \$5,000 nor more than \$20,000 for each subsequent conviction.

On a finding of guilty for an offence under section 246.1, a judge may, in addition to imposing any other penalty and on an application by the prosecutor filed with the statement of offence, impose an additional fine equal to the value of the property involved in the offence even if the maximum fine under the first paragraph has been imposed on the offender.

“248.2. Penal proceedings for an offence under this Title are prescribed three years from the date on which the offence was committed.”

47. Section 260 of the Act is amended by inserting the following paragraph after the first paragraph:

“The request is made by means of an application for continuance addressed to the Minister.”

48. Section 265.1 of the Act is amended

(1) by replacing “The articles” in the introductory clause by “The application and the articles”;

(2) by striking out paragraph 1;

(3) by replacing “petition” in paragraph 6 by “application”.

49. The Act is amended by inserting the following section after section 265.1:

“265.2. The application, signed by the authorized director, and the articles of continuance must be sent to the Minister.”

50. Section 266 of the Act is amended

(1) by replacing “Upon receipt of the articles” in the first paragraph by “On receiving the application, the articles”;

(2) by replacing “the articles” in subparagraph 2 of the second paragraph by “the application and the articles”;

(3) by replacing “a certified copy” in subparagraph 3 of the second paragraph by “a copy”.

51. Section 269.1.1 of the Act is amended by replacing “the articles of continuance, and must adopt” by “the application for continuance, and must adopt”.

52. Section 269.1.3 of the Act is amended by replacing “The articles” by “The application and the articles”.

53. The Act is amended by inserting the following Title after section 269.2:

“TITLE VII.1

“POWERS OF THE MINISTER AND ADMINISTRATION

“CHAPTER I

“DOCUMENTS RECEIVED OR ESTABLISHED BY THE MINISTER

“DIVISION I

“GENERAL PROVISIONS

“269.3. The form of the documents that must be filed with the Minister and the manner in which they are to be sent are determined by the Minister according to the medium or technology used.

“269.4. Where the law requires that a document accompany another, the documents are deemed to have been received by the Minister when the last is received.

“269.5. The Minister must, in particular, refuse to issue any articles or documents that

(1) do not contain the statements required by this Act;

(2) are not accompanied with the prescribed fees and required documents;
or

(3) propose a name that is not in conformity with section 16, 221.6.1, 221.7, 226.2 or 231 or any of subparagraphs 1 to 6 of the first paragraph of section 17 of the Act respecting the legal publicity of enterprises (chapter P-44.1).

“269.6. The Minister shall register, in the manner determined by government regulation, all documents required to be registered under this Act.

The Minister may issue a certified copy of the documents to any person or partnership that so requests.

“269.7. The documents issued by the Minister under this Act are authentic.

Any copy of a document that is required to be registered under this Act and that has been certified by the Minister or a person designated by the Minister has the same value as the original and is proof of its registration.

“269.8. The Minister may, on request, issue a certificate attesting that a cooperative is governed by this Act and that no dissolution proceedings have been brought against the cooperative under this Act.

“DIVISION II

“FILING TECHNOLOGY-BASED DOCUMENTS

“269.9. If a technology-based document within the meaning of the Act to establish a legal framework for information technology (chapter C-1.1) must be filed with the Minister, the signature requirements for the document, including what may stand in lieu of a signature, are determined by the Minister.

“269.10. A person who sends to the Minister, by means of a technology-based medium, a document on behalf of a person required by law to sign and file the document, provided the person verifies the identity and consent of that person before sending the document, is presumed to be authorized to draw up, sign and send that document in that person’s name.

If a representative of the person required to sign and file a document entrusts the sending of the document to a third person in the circumstances described in the first paragraph, it is the responsibility of the representative to verify the person’s identity and consent in accordance with that paragraph.

“269.11. The time as of which a technology-based document is considered received is determined by the Minister, according to the medium and the method of transmission used.

“CHAPTER II

“CORRECTION OF DOCUMENTS

“269.12. The Minister may, of the Minister’s own motion or at the request of an interested person, correct a document drawn up by the Minister if it is incomplete or contains an error.

If such a document has been sent to the enterprise registrar for the purposes of this Act, the Minister shall inform the cooperative concerned. In such a case, the Minister shall register a copy of the corrected document and send another copy to the enterprise registrar, who shall deposit it in the register. If the correction is substantial, the Minister shall send an additional copy to the cooperative.

“269.13. The document as corrected is deemed correct since its origin.”

54. Sections 270, 272 and 280 to 281.1 of the Act are repealed.

55. The Act is amended by replacing “Conseil de la coopération du Québec” wherever it appears by “Conseil québécois de la coopération et de la mutualité”.

ACT RESPECTING THE RÉGIE DU LOGEMENT

56. Section 49 of the Act respecting the Régie du logement (chapter R-8.1) is amended by replacing “government program” by “program of the Government, the federal government or any of their departments or agencies”.

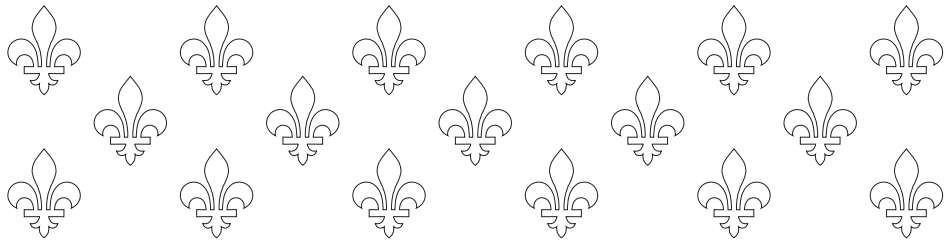
57. Section 51 of the Act is amended by replacing “government housing-assistance program” in the second paragraph by “housing assistance program of the Government, the federal government or any of their departments or agencies”.

ACT TO AMEND THE COOPERATIVES ACT

58. Section 179 of the Act to amend the Cooperatives Act (2003, chapter 18) is amended by replacing both occurrences of “(*insert the date of coming into force of this section*)” by “(*insert the date of coming into force of that section*)”.

FINAL PROVISION

59. This Act comes into force on 29 April 2015, except sections 1 to 4, 8 to 10, 17 to 25, 32, 40 and 47 to 54, which come into force on the date or dates to be set by the Government.



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 25
(2015, chapter 4)

**An 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**

**Introduced 28 November 2014
Passed in principle 19 February 2015
Passed 24 March 2015
Assented to 30 March 2015**

**Québec Official Publisher
2015**

EXPLANATORY NOTES

This Act transfers the responsibility for issuing road vehicle dealer's and recycler's licences, which is currently conferred on the Société de l'assurance automobile du Québec, to the president of the Office de la protection du consommateur.

It also makes consequential amendments and contains transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

- Highway Safety Code (chapter C-24.2);
- Consumer Protection Act (chapter P-40.1).

Bill 25

AN 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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CONSUMER PROTECTION ACT

1. Section 1 of the Consumer Protection Act (chapter P-40.1) is amended by inserting the following subparagraph after subparagraph *o* of the first paragraph:

“(o.1) “road vehicle” means a road vehicle within the meaning of the Highway Safety Code (chapter C-24.2);”.

2. The Act is amended by inserting the following section after section 2:

“**2.1.** Despite section 2, the provisions of this Title, those of Title III.3, except section 260.28, and those of sections 261 and 263 to 267, Chapter III of Title IV and Title V, except subparagraph *a* of the first paragraph of section 338.1, also apply, with the necessary modifications, in the case where a road vehicle dealer or recycler enters into contracts with other merchants.”

3. Section 158 of the Act is amended by replacing “of the licence issued to the merchant under of the Highway Safety Code (chapter C-24.2)” in paragraph *a* by “of the road vehicle dealer’s permit”.

4. The Act is amended by inserting the following after section 260.24:

“TITLE III.3

“SPECIAL PROVISIONS RESPECTING ROAD VEHICLE DEALERS AND RECYCLERS

“**260.25.** A road vehicle dealer is a merchant who acquires road vehicles for trading purposes.

“**260.26.** A road vehicle recycler is a merchant who dismantles or sells discarded road vehicles, vehicle carcasses or parts taken from road vehicles

that have been dismantled or are destined for dismantling or destruction or for sale for parts only.

For the purposes of the first paragraph, a carcass may consist of a complete road vehicle.

“260.27. Road vehicle dealers and recyclers must indicate the number of their permit on all contracts of sale or long-term contracts of lease, within the meaning of section 150.2, of a road vehicle and contracts of sale of a major component.

For the purposes of the first paragraph, “major component” has the meaning assigned by a regulation made under section 155 of the Highway Safety Code (chapter C-24.2).

“260.28. If a road vehicle must undergo a mechanical inspection under the Highway Safety Code (chapter C-24.2) before being authorized to travel on a public highway, the road vehicle dealer or recycler selling the vehicle or leasing it under a long-term contract of lease, within the meaning of section 150.2, must give the consumer a certificate of mechanical inspection attesting that the vehicle meets the requirements of that Code.

“260.29. Holders of a road vehicle dealer’s or recycler’s permit may sell road vehicles, or lease road vehicles under long-term contracts of lease, within the meaning of section 150.2, at their establishment only.

“260.30. Holders of a road vehicle dealer’s or recycler’s permit must keep it posted in public view in their establishment.

“260.31. A person who, by onerous title, acts as an intermediary between consumers in the sale of road vehicles is subject to the obligations imposed on road vehicle dealers under Title III.3 and paragraph *e* of section 321.

“260.32. A member of the Sûreté du Québec or of a municipal police force may enforce sections 260.27 to 260.31 and paragraphs *e* and *f* of section 321 in any territory in which that member provides police services.”

5. Section 277 of the Act is amended by adding the following paragraph after paragraph *f*:

“(g) does not hold a permit although required to hold one under any of the paragraphs of section 321.”

6. Section 278 of the Act is amended by replacing “paragraph *b*, *c*, *d*, *e* or *f*” in the introductory clause in the first paragraph by “any of paragraphs *b* to *g*”.

7. Section 279 of the Act is amended by replacing “a fine of \$300 to \$6,000” in subparagraph *a* of the first paragraph by “a fine of \$600 to \$6,000”.

8. The Act is amended by inserting the following section after section 290.1:

“290.2. Penal proceedings for an offence under any of sections 260.27 to 260.31 or paragraph *e* or *f* of section 321 may be instituted by a municipality if the offence was committed in its territory, excluding any part of the territory covered by an agreement entered into under the second paragraph.

Likewise, where an agreement has been entered into for that purpose with the Government, penal proceedings for such an offence may be instituted

(*a*) by a Native community, represented by its band council, if the offence is committed in the territory assigned to that community and in respect of which a police service agreement has been entered into under section 90 of the Police Act (chapter P-13.1);

(*b*) by a Cree community, represented by its band council, if the offence is committed in a part of the territory described in section 102.6 of that Act and specified in the agreement;

(*c*) by the Naskapi Village, if the offence is committed in the territory described in section 99 of that Act;

(*d*) by the Cree Nation Government, if the offence is committed in the territory described in section 102.6 of that Act, excluding any part of the territory covered by an agreement entered into with a Cree community under this paragraph; and

(*e*) by the Kativik Regional Government, if the offence is committed in the territory referred to in section 369 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).

Fines collected under this section belong to the prosecutor.

Proceedings in respect of such an offence committed in the territory of a municipality may be instituted before the competent municipal court.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecutor by the collector under article 345.2 of the Code of Penal Procedure (chapter C-25.1), and the costs remitted to the defendant or imposed on the municipality under article 223 of that Code.”

9. Section 321 of the Act is amended by adding the following paragraphs at the end:

“(e) every road vehicle dealer; and

“(f) every road vehicle recycler.”

10. Section 322 of the Act is amended by striking out “or, as the case may be, the licence required under the Highway Safety Code (chapter C-24.2)” in the first paragraph.

11. The Act is amended by inserting the following section after section 323:

“323.1. Despite the second paragraph of section 323, an application for a road vehicle dealer’s or recycler’s licence must be accompanied by security, in the amount and form prescribed by regulation.

An association of road vehicle dealers or an association of road vehicle recyclers may act as surety for its members, in the form, on the conditions and in the manner prescribed by regulation. In such a case, the association must deposit an amount with a trust company. The amount is fixed by the president.”

12. The Act is amended by inserting the following sections after section 327:

“327.1. The president may refuse to issue a permit to any applicant for a road vehicle dealer’s or recycler’s permit who, during the five years preceding the application, was found guilty of a criminal offence relating to possession of stolen goods, fraud or theft involving a road vehicle or its parts and for which the applicant has not obtained a pardon.

“327.2. Without limiting the powers conferred on the president by sections 325 to 327.1, the president may, on the recommendation of the Société de l’assurance automobile du Québec, refuse to issue a permit to any applicant for a road vehicle dealer’s or recycler’s permit who was found guilty of an offence under the Highway Safety Code (chapter C-24.2) in connection with the occupation of road vehicle dealer or recycler, as the case may be, and for which the applicant has not obtained a pardon.”

13. The Act is amended by inserting the following sections after section 329:

“329.1. Without limiting the powers conferred on the president by sections 328 and 329, the president may, on the recommendation of the Société de l’assurance automobile du Québec, suspend or cancel the permit of any holder of a road vehicle dealer’s or recycler’s permit who was found guilty of an offence under the Highway Safety Code (chapter C-24.2) in connection with the occupation of road vehicle dealer or recycler, as the case may be, and for which the holder has not obtained a pardon.

The terms and conditions as well as the duration of the suspension are determined after consultation with the Société.

“329.2. If the president renders a decision to suspend or cancel a road vehicle dealer’s or recycler’s permit, the president may maintain the permit subject to certain conditions for a period the president determines.

“329.3. A road vehicle dealer or recycler whose permit has been suspended or cancelled must, on the president’s request, return the permit to the president immediately.

If the permit is not returned, the president may seize and confiscate or destroy it.

The president may request a peace officer to seize and confiscate or destroy the cancelled or suspended permit. The peace officer is authorized to seize and confiscate or destroy any suspended or cancelled permit. The person in possession of the permit must surrender it immediately to a peace officer on the officer’s request. When confiscating a permit, the peace officer issues a receipt to the person in possession of the permit and then remits the permit to the president; when the peace officer destroys a permit, the officer informs the president of that fact.”

14. Section 335 of the Act is amended by adding the following paragraph at the end:

“A permit whose renewal is applied for remains in force until the president’s decision on the renewal application.”

15. The Act is amended by inserting the following section after section 338:

“338.1. Section 338 does not apply to security given by a road vehicle dealer or recycler. In both cases and on the terms and conditions prescribed by regulation, the security is to be used

(a) to indemnify any consumer who has a claim against the person who gave the security or that person’s representative;

(b) to reimburse to the true owner of a road vehicle an amount equal to the price the true owner was required to pay to the purchaser as a condition for revendicating the road vehicle from the purchaser, in the case of the sale of the property of another by the road vehicle dealer or recycler;

(c) to reimburse to the owner of a stolen road vehicle that was dismantled or sold for parts by the road vehicle recycler an amount equal to the value of the vehicle at the time of the theft; and

(d) to pay the fine imposed on the person who gave the security or that person’s representative.

For the purposes of subparagraph *b* of the first paragraph, the following persons have no recourse against the surety in respect of a road vehicle that has been sold or leased:

(a) the transferee of a contract of sale of a road vehicle if the contract has a reserve of ownership or the transferee of a long-term contract of lease, within the meaning of section 150.2, of a road vehicle; and

(b) a road vehicle dealer who has reserved the ownership of a road vehicle that the dealer has sold or a dealer who has leased a road vehicle under a long-term contract of lease within the meaning of section 150.2.”

16. Section 350 of the Act is amended by inserting the following paragraphs after paragraph *l*:

“(l.1) fixing the amount of the security required under section 323.1 and establishing its form and terms and the manner of disposing of it in case of cancellation or confiscation or for the indemnification of a consumer, the reimbursement of the owner of a road vehicle or the execution of a judgment in a penal matter;

“(l.2) establishing the form, the conditions and the manner in or on which an association of road vehicle dealers or an association of road vehicle recyclers may act as surety for its members;”.

HIGHWAY SAFETY CODE

17. Section 1 of the Highway Safety Code (chapter C-24.2) is amended by striking out “et licences” in the second paragraph in the French text.

18. Section 4 of the Code is amended by striking out the definition of “dealer”.

19. Section 15 of the Code is amended

(1) by inserting “road vehicle” in paragraph 1 before “dealer”;

(2) by inserting “road vehicle” in paragraph 2 before “dealer”;

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

“The exemption provided for in the first paragraph applies to vehicles referred to in subparagraphs 1 and 2, other than a trailer or semi-trailer with a net mass of less than 1,300 kg, only if the road vehicle dealer holds a permit issued under the Consumer Protection Act (chapter P-40.1).”

20. Section 35 of the Code is amended by inserting “road vehicle” in the third paragraph before “dealer”.

21. Section 40 of the Code is amended by inserting “road vehicle” before “dealer”.

22. Section 41 of the Code is amended by inserting “road vehicle” before “dealer”.

23. Section 42 of the Code is amended by replacing “a dealer” by “a road vehicle dealer”.

24. Section 43 of the Code is amended by replacing “a dealer” by “a road vehicle dealer”.

25. The heading of Title III of the Code is amended by inserting “ROAD VEHICLE” before “DEALERS AND RECYCLERS”.

26. The Code is amended by inserting the following section before section 151:

“**150.1.** For the purposes of this Title, “recycler” has the meaning assigned by section 260.26 of the Consumer Protection Act (chapter P-40.1).”

27. Sections 151 to 154 of the Code are repealed.

28. Section 156 of the Code is amended

(1) by striking out “or an employee of the Société specially designated for that purpose” in the first paragraph;

(2) by striking out the second paragraph.

29. Sections 157 to 161 of the Code are repealed.

30. Section 161.1 of the Code is amended by replacing “Every holder of a dealer’s licence who is authorized” by “Every road vehicle dealer holding a permit issued under the Consumer Protection Act (chapter P-40.1) and authorized by the Société”.

31. Sections 162 to 164.1 of the Code are repealed.

32. Section 166 of the Code is amended by replacing “Every person who contravenes any of sections 151, 153, 157, 161 and” by “A road vehicle dealer who contravenes section”.

33. The heading of Chapter II of Title V of the Code is amended by replacing “, SUSPENSION DES PERMIS ET DES LICENCES” in the French text by “ET SUSPENSION DES PERMIS”.

34. Division III of Chapter II of Title V of the Code, comprising sections 207 to 209, is repealed.

- 35.** Section 550 of the Code is amended, in the first paragraph,
- (1) by replacing “any of sections 162, 185, 187.1” by “section 185 or 187.1”;
 - (2) by replacing “, 207 and 538.0.1” by “and 538.0.1”.
- 36.** Section 560 of the Code is amended by replacing “or under any of sections 162, 207 and” in paragraph 2 by “, section”.
- 37.** Section 587 of the Code is amended, in the first paragraph,
- (1) by replacing “ class thereof of a dealer’s or recycler’s licence” by “a class thereof”;
 - (2) by inserting “under section 165 or 166 of this Code or” after “offence”.
- 38.** Section 609 of the Code is amended by replacing “ou d’une licence délivrés” in the first paragraph in the French text by “délivré”.
- 39.** The Code is amended by inserting the following section after section 611.2:
- “611.3.** The president of the Office de la protection du consommateur must, for the purpose of enforcing the provisions of this Code, send the Société any information enabling it to identify road vehicle dealers and recyclers who hold a permit issued under the Consumer Protection Act (chapter P-40.1) or whose permit is suspended or cancelled, including, in the case of dealers and recyclers who are natural persons, their name, residential address, date of birth and any other information determined by government regulation.”
- 40.** Section 620 of the Code is amended by striking out paragraphs 1 to 4.
- 41.** Section 624 of the Code is amended by striking out “of a licence or permit under Title III or” in subparagraph 7 of the first paragraph.
- 42.** Section 637.1 of the Code is amended
- (1) by replacing “et licence lorsque le permis, une classe de celui-ci ou la licence” in the first paragraph in the French text by “lorsque celui-ci ou une classe de celui-ci”;
 - (2) by replacing “where the permit, class thereof or the licence” in the first paragraph by “where the permit or licence or a class thereof”;
 - (3) by replacing the second paragraph in the French text by the following paragraph:

“Lorsqu’il confisque un permis, l’agent de la paix délivre un reçu à la personne en possession du permis et remet ensuite le permis à la Société.”

43. Section 648 of the Code is amended

- (1) by replacing “the duties” in paragraph 6 by “the fees”;
- (2) by replacing “, aux permis et aux licences” in paragraph 6 in the French text by “et aux permis”.

TRANSITIONAL AND FINAL PROVISIONS

44. Road vehicle dealer’s or recycler’s licences issued under the Highway Safety Code (chapter C-24.2) before the date of coming into force of this section and in force on that date are deemed to be road vehicle dealer’s or recycler’s permits, as applicable, issued under the Consumer Protection Act (chapter P-40.1).

However, if a dealer or recycler holds more than one licence issued under that Code, the dealer or recycler is deemed, for the purposes of the Consumer Protection Act, to hold a single permit issued under that Act.

On the expiry of the licence having the earliest expiry date, the holder must apply for a single permit. The duties chargeable for such a permit are then, to take into account the fact that one or more licences are not expired, reduced to the amount obtained

- (1) by dividing the number of months remaining in the term of validity of each licence by 24 and multiplying the quotient so obtained by the fee charged to issue the licence; and
- (2) if there is more than one unexpired licence, by adding the results obtained for each licence after the provisions of subparagraph 1 are applied.

Any application for the issue of a licence being processed at the Société de l’assurance automobile du Québec on the date this section comes into force is transferred to the president of the Office de la protection du consommateur for processing in accordance with the new provisions applicable.

45. Any security given to the Société de l’assurance automobile du Québec by a dealer or recycler in accordance with the Highway Safety Code before the date of coming into force of this section and in force on that date is deemed to be security given to the president of the Office de la protection du consommateur in accordance with the Consumer Protection Act.

46. The provisions of this Act come into force on 19 October 2015, unless the Government sets an earlier date or earlier dates for their coming into force.

Regulations and other Acts

M.O., 2015

Order number 2015-011 of the Minister of Immigration, Diversity and Inclusiveness dated 16 July 2015

An Act respecting immigration to Québec (chapter I-0.2)

Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals

THE MINISTER OF IMMIGRATION, DIVERSITY AND INCLUSIVENESS,

CONSIDERING section 3.4 of the Act respecting immigration to Québec (chapter I-0.2), which, in particular, authorizes the Minister to establish, by regulation, the weighting of the criteria of selection of foreign nationals and the passing score and, where expedient, the cutoff score determined in relation to a selection criterion, which weighting and which scores may vary according to the family situation of the foreign national, according to the classes of foreign nationals and within the same class of foreign nationals;

CONSIDERING the Minister's power, under section 3.4 of the Act, to determine that the regulation applies to applications that are being processed, or to applications filed after a particular date that are being processed, or to those that have not yet reached a particular stage on the date of coming into force of the regulation;

CONSIDERING section 3.4 of the Act, which provides that a regulation made by the Minister is not subject to the requirement to publish contained in section 8 of the Regulations Act (chapter R-18.1) and, despite section 17 of that Act, comes into force on the date of its publication in the *Gazette officielle du Québec*, or at any later date fixed in the regulation;

CONSIDERING the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2, r. 2) made by Order 2009-011 dated 30 September 2009 (2009, *G.O.* 2, 3485);

CONSIDERING that it is expedient to further amend the Regulation to decrease to 0 the points for the factor "Adaptability" and the points for the criterion "Overall assessment" in the subclass "Skilled worker", and to make the necessary modifications to the passing score in the selection;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals, attached to this Order, is hereby made.

KATHLEEN WEIL,
*Minister of Immigration,
Diversity and Inclusiveness*

Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals

An Act respecting immigration to Québec (chapter I-0.2, s. 3.4)

1. The Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2, r. 2) is amended in section 1 by replacing in subclass I SKILLED WORKER

(1) "**Maximum = 6**" in "Factor 10. Adaptability" by "**Maximum = 0**";

(2) "0 to 6" in the criterion "Overall assessment" of "Factor 10. Adaptability" by "0";

(3) the division "**SELECTION**" by the following:

"SELECTION	APPLICABLE FACTORS	PASSING SCORE	MAXIMUM
Applicant without spouse or de facto spouse	All, except 6	49 points	103 points
Applicant with spouse or de facto spouse".	All	57 points	120 points

2. This Regulation applies to applications being processed on the date of its coming into force.

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

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

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