

Gazette officielle du Québec

Part 2 Laws and Regulations

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PROVINCE OF QUÉBEC

2nd SESSION

35th LEGISLATURE

QUÉBEC, 23 DECEMBER 1996

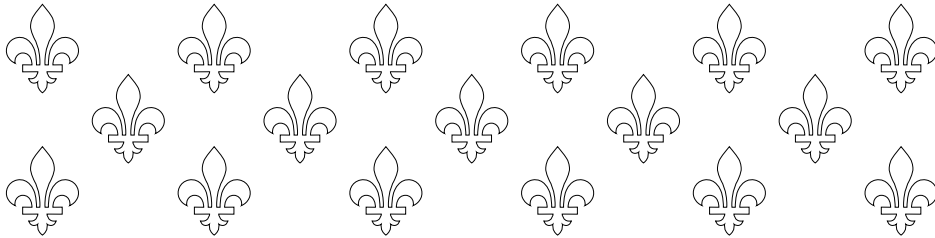
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 23 December 1996

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

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| 3 | An Act respecting the elimination of the deficit and a balanced budget | 60 | An Act to amend the Act respecting insurance |
| 12 | An Act to amend the Highway Safety Code and other legislative provisions | 61 | An Act to amend the Act respecting the Ministère de la Justice and other legislative provisions concerning the management and disposition of proceeds of crime |
| 30 | An Act to amend the Act respecting the Société d'habitation du Québec | 62 | An Act to amend the Professional Code with regard to the committees on discipline of the professional orders |
| 38 | An Act to establish the road network preservation and improvement fund | 66 | An Act to establish a departure incentive management fund |
| 41 | An Act to again amend the Act respecting health services and social services (<i>modified title</i>) | 67 | An Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions |
| 43 | An Act respecting off-highway vehicles | 68 | An Act to amend the Civil Code of Québec and the Code of Civil Procedure as regards the determination of child support payments |
| 50 | An Act respecting the Régie de l'énergie | | |
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69	An Act to amend the Savings and Credit Unions Act	128	An Act to amend the Act respecting the conditions of employment in the public sector and the municipal sector
74	An Act to amend the Act respecting industrial accidents and occupational diseases and the Act respecting occupational health and safety	202	An Act to amend the Act to incorporate Les Soeurs de Sainte-Anne
75	An Act to amend the Act respecting collective agreement decrees	209	An Act respecting federations, central councils and syndicates affiliated with the Confédération des syndicats nationaux (C.S.N.)
76	An Act to establish a tourism partnership fund	210	An Act respecting Congregation Shaar Hashomayim (Gate of Heaven)
77	An Act to amend the Police Act and other legislative provisions	212	An Act respecting Champlain Regional College of General and Vocational Education
78	An Act to amend various legislative provisions relating to the construction industry	214	An Act respecting Business Leaders Group of Québec
80	Appropriation Act No. 3, 1996-97	225	An Act to amend the Charter of the city of Hull
82	An Act to defer the general election of 1996 in Ville de La Baie	235	An Act to amend the Act respecting the Fédération des commissions scolaires du Québec
83	An Act to amend the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions	238	An Act respecting the conversion of L'Entraide assurance-vie, société de secours mutuels, into a mutual insurance company
84	An Act to amend the Act respecting income security	242	An Act respecting Municipalité régionale de comté du Domaine-du-Roy
85	An Act to amend the Act respecting financial assistance for students and the General and Vocational Colleges Act	250	An Act respecting Municipalité régionale de comté de Charlevoix-Est and Municipalité de Rivière-Malbaie (<i>modified title</i>)
87	An Act respecting conditions governing the use of immovables of the Protestant School Board of Greater Montreal by the Commission des écoles catholiques de Montréal	To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.	
91	An Act to again amend the Act respecting the Ministère du Revenu		



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 3
(1996, chapter 55)

**An Act respecting
the elimination of the deficit
and a balanced budget**

**Introduced 15 May 1996
Passage in principle 7 November 1996
Passage 19 December 1996
Assented to 23 December 1996**

**Québec Official Publisher
1996**

EXPLANATORY NOTES

This bill follows from the Budget Speech delivered by the Minister of Finance on 9 May 1996. It provides for the elimination of the budgetary deficit of the Government by the fiscal year 1999-2000 and for the maintenance of a balanced budget thereafter. The bill also sets out the amounts that are not to be exceeded by the budgetary deficit of the Government in the next three fiscal years.

Rules are established which will be applicable in the event of an overrun in relation to the authorized deficit level or prescribed budgetary balance. Thus, if the Government incurs an overrun of less than one billion dollars in relation to the deficit level authorized or budgetary balance prescribed for a fiscal year, the Government will be required to achieve an equivalent surplus in the very next fiscal year.

Moreover, the bill provides that the Government may incur overruns for a period of more than one year if, owing to a disaster having a major budgetary impact, a significant deterioration of economic conditions or a substantial reduction in federal transfer payments to the Government, the Government anticipates or is faced with an overrun of one billion dollars or more. In such circumstances, the Government will be obliged to offset the overrun over a maximum period of five years.

To that end, the Minister of Finance will be required to report to the National Assembly on the circumstances which make it necessary for the Government to incur such overruns, present a financial plan allowing the overruns to be offset during that period, apply measures to offset the overruns by at least one billion dollars during the first fiscal year and to offset at least 75% of the overruns over the first four fiscal years of that period. In addition, any further overrun incurred or anticipated for the same reasons during the five-year period will have to be offset in the same manner during that period.

Finally, it will be incumbent on the Minister of Finance to report to the National Assembly, in the Budget Speech, on the levels of deficit incurred and on the budgetary balance prescribed or the deficit levels authorized and, where applicable, on any variance between them. As well, the Minister must report annually to the National Assembly on the impact which any changes in accounting policies in relation to the accounting policies in force for the fiscal year 1996-97 have upon the financial results of the Government.

Bill 3

An Act respecting the elimination of the deficit and a balanced budget

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The purpose of this Act is to balance the budget of the Government from the fiscal year 1999-2000.

2. In this Act,

“**budgetary surplus**” means the difference between revenue and expenditure if revenue exceeds expenditure;

“**deficit**” means the difference between expenditure and revenue if expenditure exceeds revenue;

“**expenditure**” means expenditure recorded in the financial statements of the Government in accordance with the accounting policies of the Government;

“**overrun**” means any sums lacking for achievement of the deficit level, budgetary balance or surplus objectives determined by this Act or by an offsetting financial plan for a fiscal year;

“**revenue**” means revenue recorded in the financial statements of the Government in accordance with the accounting policies of the Government;

“**surplus**” means any sums in excess of the sums needed to achieve the deficit level, budgetary balance or surplus objectives determined by this Act or by an offsetting financial plan for a fiscal year.”

3. The deficit for the fiscal year 1996-97 shall not exceed \$3,275,000,000.

4. The deficit for the fiscal year 1997-98 shall not exceed \$2,200,000,000.

5. The deficit for the fiscal year 1998-99 shall not exceed \$1,200,000,000.

6. No deficit shall be incurred from the fiscal year 1999-2000 onward.

7. The budget estimates laid before the National Assembly must be consistent with the provisions of sections 3 to 6, except in the cases provided for in sections 9 to 12.

8. If an overrun of less than \$1,000,000,000 is recorded for a fiscal year, the Government must achieve an equivalent surplus in the next fiscal year.

9. If the Government achieves a surplus in a fiscal year, it may incur overruns in subsequent fiscal years up to the amount of that surplus.

10. The Government may incur overruns for more than one fiscal year if it anticipates, in a Budget Speech and prior to the implementation of an offsetting financial plan, an overrun of \$1,000,000,000 or more in the fiscal year covered by the budget, or if an overrun of \$1,000,000,000 or more is recorded for a fiscal year, as a result of

(1) a disaster having a major impact on revenue or expenditure;

(2) a significant deterioration of economic conditions; or

(3) a change in federal programs of transfer payments to the provinces that would substantially reduce transfer payments to the Government.

11. In the cases provided for in section 10, the Government must offset, over a maximum period of five years, the overruns incurred or anticipated for that period. To that end, the Minister of Finance shall, in the Budget Speech for the first fiscal year of that period,

(1) report to the National Assembly on the circumstances making it necessary for the Government to avail itself of section 10;

(2) present a financial plan to offset the overruns over that period, containing a revised financial framework in relation to the deficit level or budgetary balance referred to in sections 3 to 6;

(3) apply measures to offset the overruns by at least \$1,000,000,000 during the fiscal year covered by the budget; and

(4) offset at least 75% of the overruns over the first four fiscal years of that period.

The maximum five-year period referred to in this section commences at the beginning of the fiscal year in which an overrun is recorded or anticipated as provided in section 10. However, where an overrun is recorded for the current fiscal year, the Minister may determine that the period commences at the beginning of the following fiscal year.

12. The Government may incur further overruns during the effective period of an offsetting financial plan if it anticipates, in a Budget Speech and prior to the implementation of a new offsetting financial plan, an overrun of \$1,000,000,000 or more in the fiscal year covered by the budget, or if an overrun of \$1,000,000,000 or more is recorded for a fiscal year as a result of circumstances described in section 10. The Minister of Finance shall, in the Budget Speech,

(1) report to the National Assembly on the circumstances making it necessary for the Government to incur further overruns;

(2) present a financial plan to offset the further overruns over the remaining years of the effective period of the current offsetting financial plan, containing a revised financial framework in relation to the deficit level or budgetary balance provided for in the current offsetting financial plan;

(3) apply measures to offset the further overruns by at least \$1,000,000,000 during the fiscal year covered by the budget; and

(4) offset at least 75% of the further overruns before the last fiscal year of that period.

13. Where an overrun of less than \$1,000,000,000 is recorded while an offsetting financial plan is in effect, the Government must achieve an equivalent surplus in the next fiscal year.

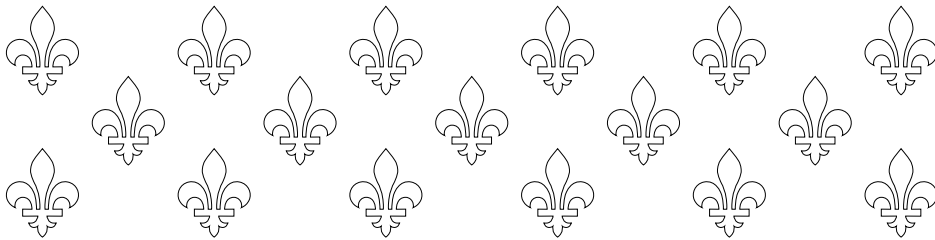
14. Notwithstanding section 9, while an offsetting financial plan is in effect, any surplus shall be applied to offset recorded or anticipated overruns.

15. The Minister shall report to the National Assembly, in the Budget Speech, on the levels of deficit incurred and on the budgetary balance prescribed or the deficit levels authorized under this Act and, where applicable, on any variance between them.

The Minister shall report annually to the National Assembly on the impact which any changes in accounting policies in relation to the accounting policies in force for the fiscal year 1996-97 have upon the financial results of the Government.

16. The Minister of Finance is responsible for the carrying out of this Act.

17. This Act comes into force on 23 December 1996.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 12
(1996, chapter 56)

**An Act to amend the Highway
Safety Code and other legislative
provisions**

**Introduced 8 May 1996
Passage in principle 13 June 1996
Passage 20 December 1996
Assented to 23 December 1996**

**Québec Official Publisher
1996**

EXPLANATORY NOTES

In an effort to more efficiently safeguard the public using the highways, this bill amends the Highway Safety Code to introduce new rules in three areas: gradual access to full authorization to drive road vehicles, driving while impaired, and driving without a licence or while disqualified.

Under the new rules concerning gradual access to full authorization to drive road vehicles, a person holding a learner's licence will be required, at all times while driving, to be assisted by a person who has held a valid driver's licence for at least two years and who is in a position to give assistance and advice to the driver. On the other hand, the mandatory 24-month probationary licence period will apply only to young drivers under 25 years of age. The bill also repeals the provisions that pertain to compulsory driving school courses, but provides that the time required to hold a learner's licence will be reduced for persons who on their own initiative take lessons from a certified driving school.

As regards driving while impaired, the bill provides that the holder of a learner's licence or probationary licence will have his licence immediately suspended, as an administrative measure, if alcohol is found to be present in his body while driving. For other drivers, the suspension will be imposed if the concentration of alcohol in the driver's blood is found to exceed 80 mg per 100 ml. The suspension will be for 15 or 30 days, depending on whether the driver is a first offender or a repeat offender. The bill further provides that a person convicted of the criminal offence of driving while impaired will be entitled to apply for a restricted licence when the period during which the person is prohibited from driving a road vehicle is expired. The restricted licence will authorize its holder to drive a road vehicle equipped with a device designed to detect alcohol in the driver's blood and prevent the vehicle from starting if alcohol is detected.

Driving without a licence and driving while disqualified are dealt with in the bill by the introduction of new measures that enable any road vehicle driven to be seized, whether or not the driver is the owner, and held for 30 days.

The bill contains a provision authorizing the Société de l'assurance automobile du Québec to communicate information on request concerning the validity of a person's driver's licence.

The bill also provides for the implementation of a preventive maintenance program that may replace the current mandatory mechanical inspection program for road vehicles, and does away with 48-hour notices in certain circumstances.

Among the other measures proposed, the bill precludes proceedings against the person standing as surety for a road vehicle dealer by the transferee of a sales contract that contains a reserve of ownership. It also eliminates the current \$500 threshold amount above which an accident report must be made, and replaces it with other highway safety considerations determined by regulation.

Lastly, the bill contains transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Automobile Insurance Act (R.S.Q., chapter A-25);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Transport Act (R.S.Q., chapter T-12);
- Act to amend the Highway Safety Code and other legislative provisions (1990, chapter 83).

Bill 12

An Act to amend the Highway Safety Code and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing the first paragraph by the following paragraph:

“**1.** This Code governs the use of vehicles on public highways and, in specified cases, on certain private roads and lands, and pedestrian traffic on public highways.”

2. Section 4 of the said Code is amended

(1) by replacing the definition of “dealer” by the following definition:

““dealer” means a person who acquires road vehicles for trading purposes;”;

(2) by striking out the words “and a net mass not in excess of 60 kg” in the first and second lines of the definition of “moped”;

(3) by inserting, after the definition of “passenger vehicle”, the following definition:

““pound” means a place determined by a municipality or by the Société as a place to which road vehicles seized pursuant to sections 209.1 and 209.2 are taken;”;

(4) by inserting, after the definition of “emergency vehicle”, the following definition:

“health care professional” means a person holding a permit or licence issued by one of the following professional orders, and who is entered on the roll of that order:

- (1) Ordre professionnel des médecins du Québec;
- (2) Ordre professionnel des optométristes du Québec;
- (3) Ordre professionnel des psychologues du Québec;
- (4) Ordre professionnel des ergothérapeutes du Québec;
- (5) Ordre professionnel des infirmières et infirmiers du Québec;”.

3. The said Code is amended by inserting, after section 5, the following section:

“5.1 For the purposes of sections 35, 36, 97, 202.2, 202.4 and 636.1, a person is deemed to have the care or control of a road vehicle when that person occupies the seat or position ordinarily occupied by the driver in circumstances in which it may be believed that there is a risk of the person setting the vehicle in motion.”

4. Section 14 of the said Code is amended by adding, after paragraph 4, the following paragraph:

“(5) a single-axle towing dolly.”

5. Section 21 of the said Code is amended

(1) by inserting the words “on a public highway, a private road open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed” after the word “operation” in the second line of the first paragraph;

(2) by replacing the words “either of sections 69 and 93.1” in the fifth and sixth lines of the second paragraph by the words “section 69, 93.1 or 209.22”.

6. Section 35 of the said Code is amended

(1) by inserting the words “or having the care or control of” after the word “driving” in the first line of the first paragraph;

(2) by replacing the words “the person driving it” in the second line of the second paragraph by the words “the person”;

(3) by adding, after the second paragraph, the following paragraph:

“This section applies on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed, as well as on public highways.”

7. Section 36 of the said Code is amended by inserting the words “or having the care or control of” after the word “driving” in the first line of the first paragraph.

8. Section 55 of the said Code is amended by replacing the words “any of sections 6, 7 and 8” in the first and second lines by the words “section 7 or section 8”.

9. Section 58 of the said Code is amended by replacing the words “section 39” in the first line by the words “section 6 or section 39”.

10. The said Code is amended by inserting, after the heading of Chapter I of Title II, the following section:

“60.1 The requirements relating to learner’s licences, probationary licences, driver’s licences and restricted licences are intended to ensure that authorization to drive is granted only to persons possessing the proficiency and attitudes of care necessary for the safety of the public.”

11. Section 62 of the said Code is replaced by the following section:

“62. The Société may, on the conditions and for the purposes it determines, authorize the organizations it designates to certify driving schools.”

12. Section 65 of the said Code is amended by inserting the words “on a public highway, on a private road open to public vehicular traffic or on land occupied by shopping centres or other land where public traffic is allowed” after the word “vehicle” in the first line.

13. Section 65.1 of the said Code is repealed.

14. Section 66 of the said Code is replaced by the following section:

“66. A person applying for a licence to drive a road vehicle, except a licence of a class determined by regulation, must have held a learner’s licence for the period fixed by regulation. The period may vary according to the class of licence.

In addition, every person applying for a driver’s licence who is under 25 years of age, except a person applying for a licence to drive a moped, must have held a probationary licence for the period fixed by regulation.”

15. Sections 71 and 72 of the said Code are repealed.

16. Section 73 of the said Code is amended by replacing the first two paragraphs by the following paragraphs:

“73. The Société may require a person applying for a licence or for the renewal of a licence, to have the class of his licence changed or to have another class added to it, or to have a condition appearing on his licence removed, to undergo a medical examination or health assessment by such medical specialist or other health professional as the Société may designate by name. The person must, where so required by the Société, submit to it a report of the examination or assessment within the time it indicates, which may in no case exceed 90 days.

In addition, the Société may require that the examination or assessment be carried out in a hospital centre or in a rehabilitation centre it designates by name or that belongs to the class it specifies among the classes established by section 86 of the Act respecting health services and social services (R.S.Q., chapter S-4.2).”

17. Section 76 of the said Code is replaced by the following section:

“76. No licence may be issued to a person whose licence has been cancelled or whose right to obtain a licence has been suspended following a conviction for an offence referred to in section 180, until one, two or three years have elapsed since the date of the cancellation or suspension, according to whether, in the five years preceding the cancellation or suspension, the person incurred no cancellation or suspension, one cancellation or suspension, or more than one cancellation or suspension under that section.

Where a conviction is followed by an order prohibiting the driving of a road vehicle made under subsection 1 or 2 of section 259 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)

for a period that exceeds the period applicable under the first paragraph, the applicable period shall be the period established in the order.

If the offence giving rise to the cancellation or suspension is an offence referred to in subparagraph 4 of the first paragraph of section 180, the following additional conditions apply to the issue of a new licence :

(1) where, during the five years preceding the cancellation or suspension, the person incurred no cancellation or suspension under subparagraph 4 of the first paragraph of section 180, the person must have successfully completed an educational program accredited by the Minister of Public Security, that is designed to promote drivers' awareness of the problems related to alcohol or drug consumption;

(2) where, during the five years preceding the cancellation or suspension, the person incurred one or more cancellation or suspension under subparagraph 4 of the first paragraph of section 180, the person must have undergone an assessment establishing, to the satisfaction of the Société, that the person's behaviour in relation to alcohol or drug consumption is compatible with the safe operation of a road vehicle of the class applied for. The assessment must have been carried out by a duly authorized person working in a rehabilitation centre for persons suffering from alcoholism or drug addiction or in a hospital centre having a rehabilitation service for such persons. The person must submit the report of the assessment to the Société during the three months preceding the issue of the licence.

A person whose licence has been cancelled or whose right to obtain a licence has been suspended following a conviction for an offence referred to in subparagraph 4 of the first paragraph of section 180 may, once no longer subject to an order of prohibition from driving made under subsection 1 or 2 of section 259 of the Criminal Code, be authorized to drive a road vehicle under a restricted licence if the vehicle is equipped with a device, approved by the Société, that is designed to ascertain the presence of alcohol in the driver's body and to prevent the vehicle from being started.

The holder of a restricted licence must, where so required by the Société, submit the data collected by the device. The Société shall establish the conditions for the use of the device; it must cancel the licence of a person who fails to comply with the conditions of use."

18. The said Code is amended by adding, after section 76, the following sections:

“76.1 A restricted licence issued under section 76 is valid from the date of issue until the date on which the waiting period referred to in that section expires.

“76.2 The holder of a restricted licence issued under section 76 who drives a road vehicle that is not equipped with the device referred to in that section or who does not comply with the conditions on which the device is to be used is deemed to drive while disqualified within the meaning of section 106.1.

“76.3 No restricted licence may be issued under section 76 if the licence cancelled is a learner’s licence.

“76.4 Sections 69, 93, 95 to 98 and 102 to 104, adapted as required, apply to the restricted licence referred to in section 76.”

19. Section 81 of the said Code is amended

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

“(1) refuses to undergo a medical examination or health assessment under section 73 or 76 or fails to submit the report of such an examination or assessment to it;”;

(2) by replacing the words “medical or optometric report” in the first line of paragraph 2 by the words “report of an examination or assessment carried out under section 73 or 76 or a report referred to in section 603” and by replacing the words “and optometric” in the second line of paragraph 2 by the words “or health”;

(3) by replacing paragraph 3 by the following paragraph:

“(3) according to the report of an examination or assessment carried out under section 73 or 76 or a report referred to in section 603, suffers from an illness or deficiency or is in a condition not covered by the medical or health standards prescribed by regulation but which, in the opinion of a member of the Comité consultatif sur la santé des conducteurs, is incompatible with the driving of a road vehicle corresponding to the class of licence applied for;”.

20. Section 82 of the said Code is amended

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

“(1) refuses to undergo a medical examination or health or behaviour assessment under section 73 or fails to submit the report of such an examination or assessment to it;”;

(2) by replacing the words “medical or optometric report” in the first line of paragraph 2 by the words “report of an examination or assessment carried out under section 73”.

21. Section 83 of the said Code, amended by section 5 of chapter 6 of the statutes of 1995, is again amended by replacing the words “medical or optometric report” in the first line of paragraph 2 by the words “report of an examination or assessment carried out under section 73 or 76 or a report referred to in section 603” and by replacing the words “and optometric” in the second line of paragraph 2 by the words “or health”.

22. Section 91 of the said Code is amended by adding, after the second paragraph, the following paragraphs :

“A person holding a valid driver’s licence or a licence that expired less than three years previously, or who previously held a driver’s licence issued in Québec, is exempted from the proficiency examination.

Furthermore, the Société may, on the conditions it determines, exempt a person holding a valid driver’s licence from the proficiency examination if the licence was issued by an administrative authority outside Canada that applies standards for the issue of licences that are similar to those applied in Québec.”

23. Section 92.0.1 of the said Code is amended by inserting the words “is under 25 years of age and” after the word “applicant” in the second line.

24. Section 97 of the said Code is replaced by the following section:

“97. The person driving a road vehicle or having the care or control of a road vehicle must carry a licence.

This section applies on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed, as well as on public highways.”

25. Section 99 of the said Code is replaced by the following section:

“99. The holder of a learner’s licence must, when driving a road vehicle other than a moped or a motorcycle, be assisted by a person who has held, for at least two years, a valid driver’s licence authorizing the driving of the vehicle. The person must be seated beside the holder of the learner’s licence, and be in a position to give him assistance and advice.

The person assisting the holder of the learner’s licence must carry his driver’s licence with him.”

26. Section 100 of the said Code is replaced by the following section:

“100. The holder of a learner’s licence must, when driving a motorcycle, be accompanied by a person on a separate motorcycle, who has held, for at least two years, a valid driver’s licence authorizing the driving of a motorcycle and who is able to provide assistance and advice.

The holder of the learner’s licence may not carry any passengers.”

27. Section 101 of the said Code is repealed.

28. Section 105 of the said Code is amended by inserting the words “a valid driver’s licence issued by another administrative authority or” after the word “holds” in the first line of the first paragraph.

29. Section 106 of the said Code is amended by replacing the first paragraph by the following paragraph:

“106. The owner or lessee of a road vehicle or the person having the control of a road vehicle may not allow the vehicle to be driven by a person who is not the holder of a licence of the appropriate class for driving the vehicle or by a person under a sanction, even if the latter is the holder of a valid driver’s licence issued by another administrative authority or of an International Driver’s Permit.”

30. Section 109 of the said Code, amended by section 9 of chapter 6 of the statutes of 1995, is again amended by inserting the words “or assessment” after the word “examination” in the second line.

31. The said Code is amended by replacing the heading of Chapter III of Title II after section 117 by the following heading:

“RESTRICTED LICENCE AUTHORIZING THE DRIVING OF A ROAD VEHICLE TO CARRY ON A PRINCIPAL MEANS OF LIVELIHOOD”.

32. Chapter IV of Title II of the said Code, comprising sections 127 to 136, is repealed.

33. Section 137 of the said Code is amended by striking out the words “, the second paragraph of section 100,” in the first and second lines.

34. The said Code is amended by inserting, after section 137, the following section:

“**137.1** Every person who assists the holder of a learner’s licence and who contravenes section 99 or section 100 is guilty of an offence and is liable to a fine of \$30 to \$60.”

35. Section 140 of the said Code, amended by section 10 of chapter 6 of the statutes of 1995, is again amended by replacing the words “either of sections 96 and 99, the first paragraph of section 100 or either of sections 101 and 133” in the first and second lines by the words “section 96”.

36. The said Code is amended by inserting, after section 140, the following section:

“**140.1** Every holder of a learner’s licence who contravenes section 99 or section 100 is guilty of an offence and is liable to a fine of \$200 to \$300.”

37. Section 141 of the said Code, amended by section 11 of chapter 6 of the statutes of 1995, is again amended by striking out the words “and 129”.

38. Section 143 of the said Code is amended by replacing the words “section 180” in the fourth line by the words “section 180, 185 or 191.2”.

39. The said Code is amended by inserting, after section 143, the following section:

“143.1 Every person who contravenes the first paragraph of section 105 is guilty of an offence and is liable to a fine of \$600 to \$2,000, if his licence or right to obtain a licence is cancelled or suspended on any of the grounds set out in sections 185 and 191.2.”

40. Section 144 of the said Code is amended by replacing the words “\$600 to \$2 000” in the second line by the words “\$1,500 to \$3,000”.

41. Section 145 of the said Code is replaced by the following section:

“145. Every person who contravenes section 106 is guilty of an offence and is liable to a fine of \$300 to \$600 if the driver of the vehicle is liable to the fine prescribed by section 143, \$600 to \$2,000 if the driver of the vehicle is liable to the fine prescribed by section 143.1, and \$1,500 to \$3,000 if the driver of the vehicle is liable to the fine prescribed by section 144.”

42. Sections 146.2 to 150 of the said Code are repealed.

43. Section 151 of the said Code is amended by replacing the words “No person may deal in road vehicles” in the first line by the words “No person may acquire road vehicles for trading purposes”.

44. Section 152 of the said Code is amended

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

“Such security guarantees, in the case of the sale by a dealer of the property of a third person, reimbursement of the amount paid to the purchaser by the true owner as a condition for revendication of his road vehicle. The dealer and the surety are solidarily liable for the reimbursement of the amount paid by the true owner.”;

(2) by adding, after the third paragraph, the following paragraph:

“The following persons have no remedy against the surety in respect of a road vehicle that has been sold:

(1) the transferee of a contract of sale of a road vehicle where the contract has a reserve of ownership;

(2) a road vehicle dealer who has reserved the ownership of a road vehicle that he has sold.”

45. Section 153 of the said Code is replaced by the following section:

“**153.** Every person whose activity consists in dismantling or selling disused 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, must be the holder of a recycler’s licence issued by the Société and must pay the fees and comply with the conditions and formalities established by regulation.”

46. Section 155 of the said Code is amended

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

“**155.** Every recycler must keep a register the form and period of retention of which are prescribed by regulation and in which the following information is entered:”;

(2) by inserting the word “road” after the word “the” in the second line of subparagraph 2 of the first paragraph;

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

“(4) the date of sale of every road vehicle and major component sold and the name and address of the purchaser.”;

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

“For the purposes of this section, “major component” means a major component determined by regulation.”

47. Section 158 of the said Code is repealed.

48. Section 159 of the said Code is amended by striking out the words “and the permit” in the first line.

49. Section 161 of the said Code is amended

(1) by striking out the words “or permit” in the first line;

(2) by striking out the words “or permit” in the second line.

50. Section 162 of the said Code is replaced by the following section:

“**162.** The Société must refuse to issue a licence if the dealer or recycler does not meet the conditions subject to which a licence may be issued.”

51. Section 165 of the said Code is replaced by the following section:

“**165.** A recycler who fails to keep the register required by section 155 or who fails to enter the information required under that section, or who contravenes section 156, is guilty of an offence and is liable to a fine of \$600 to \$2,000.”

52. Section 166 of the said Code is amended by striking out the figure “158,” in the first line.

53. Section 176 of the said Code is replaced by the following section:

“**176.** Except in the cases provided for by regulation, a peace officer or an insurer is not required to make a report to the Société in respect of an accident that caused property damage only and did not give rise to a failure to stop at the scene of an accident.”

54. Section 180 of the said Code is replaced by the following section:

“**180.** Where a person is convicted under the Criminal Code of an offence committed with a road vehicle, that person’s learner’s licence, probationary licence or driver’s licence shall be cancelled if the offence is an offence under

(1) section 220, 221 or 236;

(2) paragraph *a* of subsection 1 or subsection 3 or 4 of section 249;

(3) subsection 1 of section 252;

(4) section 253, subsection 5 of section 254 or subsection 2 or 3 of section 255.

Upon convicting the person, the judge shall order the confiscation of the licence referred to in the first paragraph so that it may be returned to the Société.

If the person does not hold a learner's licence, probationary licence or driver's licence, his right to obtain such a licence is suspended."

55. Section 188 of the said Code is amended

(1) by replacing the words "and 93.1" in the second line of paragraph 4 by the words ", 93.1 and 209.20";

(2) by adding, after paragraph 5, the following paragraph:

"(6) the transferor neglects or omits, upon the transfer of a road vehicle, to pay the sales tax as calculated under the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1)."

56. Section 190 of the said Code is amended

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

"(1) the licence holder refuses to undergo a medical examination or health assessment under section 73 or 76 or fails to submit the report of such an examination or assessment to it;";

(2) by replacing the words "medical or optometric report" in the first line of paragraph 2 by the words "report of an examination or assessment carried out under section 73 or 76 or a report referred to in section 603" and by replacing the words "and optometric" in the second and third lines of paragraph 2 by the words "or health";

(3) by replacing paragraph 3 by the following paragraph:

"(3) according to a report of an examination or assessment carried out under section 73 or 76 or a report referred to in section 603, the licence holder suffers from an illness or deficiency or is in a condition not covered by the health and behaviour standards prescribed by regulation but which, in the opinion of a member of the Comité consultatif sur la santé des conducteurs, is incompatible with the driving of a road vehicle corresponding to the class of licence applied for;";

(4) by replacing the words "and 93.1" in the second line of paragraph 7 by the words ", 93.1 and 209.20".

57. Section 191 of the said Code is amended by replacing the words “medical or optometric report” in the third line by the words “report of an examination or assessment carried out under section 73 or 76 or a report referred to in section 603” and by replacing the words “and optometric” in the fourth line by the words “or health”.

58. Section 191.2 of the said Code is replaced by the following section:

“191.2 From the time the number of demerit points entered in the record of a person who has never held a driver’s licence or of a person subject to the prohibition set out in section 202.2 equals or exceeds the limit prescribed by a regulation made under paragraph 9.3 of section 619, the Société must suspend, for a period of three months, that person’s learner’s licence, probationary licence or licence authorizing the driving only of a moped, and suspend the person’s right to obtain such a licence for the same period.”

59. Sections 192 and 193 of the said Code are repealed.

60. Section 195.1 of the said Code is amended by replacing the first sentence by the following sentence: “The Société must suspend a restricted licence issued to a person under section 76 or 118 if, after the date on which it was issued, the person’s right to obtain a licence is under a suspension which is in effect or imposed but has yet to take effect.”

61. The said Code is amended by inserting, after section 202, the following division:

“DIVISION I.1

“DRIVING A ROAD VEHICLE WITH ALCOHOL PRESENT IN THE BODY

“202.1 The suspension of a learner’s licence, probationary licence, driver’s licence or restricted licence under this division is intended to safeguard the licence holder and the public.

“202.2 The following persons may not drive or have the care or control of a road vehicle if any alcohol is present in their bodies:

(1) the holder of a learner’s licence or probationary licence who has never held a driver’s licence other than a licence authorizing the driving only of a moped or authorizing the driving only of a farm tractor;

(2) the holder of a driver's licence authorizing the driving only of a moped or authorizing the driving only of a farm tractor who is under 25 years of age and has held that licence for less than five years;

(3) the holder of a restricted licence issued under section 76 or section 118, if the licence was issued as a result of the suspension of a probationary licence.

The prohibition set out in the first paragraph also applies to a person who, without ever having held a driver's licence other than a licence authorizing the driving only of a moped or authorizing the driving only of a farm tractor, drives or has the care or control of a road vehicle.

“202.3 A peace officer who reasonably suspects the presence of alcohol in the body of a person subject to the prohibition set out in section 202.2 may order that person to provide forthwith such sample of breath as in the opinion of the peace officer is necessary to enable a proper analysis of the breath to be made by means of a screening device approved by the Minister of Public Security and that is designed to ascertain the presence of alcohol in the blood of a person. The device must be maintained and used in accordance with the standards prescribed by regulation by persons who have received the training prescribed by regulation.

For the purpose of enabling the sample to be taken, the peace officer may, by demand made to the person, require the person to accompany him.

“202.4 The peace officer shall immediately suspend, for a period of 15 days, the licence of

(1) a person subject to the prohibition set out in section 202.2 who is driving or has the care or control of a road vehicle if a sampling carried out under section 202.3 reveals the presence of alcohol in the person's body;

(2) a person driving or having the care or control of a road vehicle, if a sampling by an approved instrument carried out in accordance with the provisions of the Criminal Code reveals a concentration of alcohol in the person's blood that exceeds 80 milligrammes of alcohol in 100 millilitres of blood.

In the case of a person who, during the five years preceding the suspension, incurred a suspension under this section or a suspension or cancellation under section 180, the period of suspension is doubled.

“202.5 A peace officer may also impose the suspension under section 202.4 on a person who fails to comply with a demand made to him by the peace officer under section 202.3 or section 254 of the Criminal Code.

“202.6 Where the period of validity of a licence expires before the end of the period of suspension of the licence, the right to obtain a licence shall be suspended for the duration of the unexpired portion of the period of suspension.

“202.7 The peace officer must advise the Société of every suspension imposed under this division within the time and in the manner determined by the Société.

“202.8 Every person who contravenes section 202.2 or who, without reasonable excuse, fails to comply with a demand made to him by a peace officer under section 202.3 is guilty of an offence and is liable to a fine of \$300 to \$600.”

62. Division II of Chapter II of Title V of the said Code, comprising sections 203 to 206, is repealed.

63. Section 207 of the said Code is replaced by the following section:

“207. The Société may suspend the licence of a dealer or recycler

(1) if the holder of the licence no longer fulfils the conditions attached to the licence;

(2) on the recommendation of the president of the Office de la protection du consommateur, if the holder of the licence has been convicted of an offence under the Consumer Protection Act, unless a pardon was obtained. The terms and conditions as well as the duration of the suspension shall be fixed after consultation with the president of the Office;

(3) if the holder of the licence has been convicted of an offence under section 164.1, unless a pardon was obtained. The first suspension shall be for a period of three months; any subsequent suspension shall be for a period of six months;

(4) if the holder of the licence has been convicted of an offence under section 165 for a contravention of section 155 in relation to the keeping of a register, unless a pardon was obtained. The first suspension shall be for a period of three months; any subsequent suspension shall be for a period of six months;

(5) on the recommendation of a local municipality, a regional county municipality or an urban community, if the holder of the licence has been convicted of an offence against a zoning by-law or interim control by-law prohibiting the carrying on of business as a dealer or recycler in the places mentioned therein;

(6) if the holder of the licence provides false or misleading information, falsifies registration documents or fails to declare information relating to a declaration of “total loss” of an imported road vehicle. The holder must satisfy himself that the vehicle has not previously been declared a “total loss” by another administration. The first suspension shall be for a period of three months; any subsequent suspension shall be for a period of six months.”

64. Section 208 of the said Code is repealed.

65. The said Code is amended by inserting, after section 209, the following chapter:

“CHAPTER III

“DRIVING WITHOUT A LICENCE OR WHILE DISQUALIFIED

“DIVISION I

“GENERAL PROVISIONS

“209.1 A peace officer who has reasonable cause to believe that a person is driving a road vehicle without being the holder of a licence prescribed by section 65 may, at the owner’s expense and on behalf of the Société, immediately seize the vehicle and impound it for a period of 30 days.

“209.2 A peace officer who believes on reasonable grounds that the driver of a road vehicle is under a sanction within the meaning of section 106.1 that relates to the driving of a vehicle of the particular class being driven may, at the owner’s expense and on behalf of the Société, immediately seize and impound the vehicle for a period of 30 days if the sanction was imposed under any of sections 180 or 183 to 185, any of paragraphs 1 to 4 of section 190 or any of sections 191, 191.2, 194, 202.4 and 202.5.

“209.3 After the road vehicle has been impounded, the peace officer shall prepare a minute of the seizure in the form and tenor determined by the Société.

A copy of the minute of the seizure must be provided to the driver of the vehicle, to the owner if he is present, to the custodian of the impounded vehicle and to the Société where it so requests.

“209.4 The driver, if he is not the owner of the road vehicle, shall advise the owner of the vehicle of the seizure, without delay, and provide him with a copy of the minute of the seizure.

“209.5 The peace officer shall advise the Société of every seizure effected under this chapter within the time and in the manner determined by the Société.

If the owner was not present at the time of the seizure, the Société shall advise him of the seizure in the manner set out in the fourth paragraph of section 550.

“209.6 The owner or driver of a road vehicle seized may recover any personal property present in the vehicle except a radar warning device or personal property attached to or incorporated into the vehicle or used in connection with the operation of the vehicle.

“209.7 The shipper, carrier or owner of the merchandise transported in a road vehicle that is seized may recover the merchandise as well as any trailer, semi-trailer, detachable axle or single-axle towing dolly forming part of a combination of road vehicles that is seized.

“209.8 The owner of a road vehicle seized may not transfer the ownership of the vehicle before the Société has authorized the recovery of the vehicle by its owner pursuant to section 209.15.

“209.9 The custodian is entitled to retain the road vehicle until all towing and impounding charges have been paid.

Towing charges and daily impounding charges are fixed by regulation.

“209.10 The person to whom custody of the impounded road vehicle has been entrusted shall act with care and prudence. He may surrender possession of the vehicle only if the conditions set out in section 209.15 are satisfied or after the expiry of the period provided for in section 209.16, but, in the latter case, only with the permission of the Public Curator.

“DIVISION II

“RELEASE FROM SEIZURE

“209.11 The owner of a road vehicle seized may, on the authorization of a judge of the Court of Québec acting in chambers in civil matters, recover his vehicle on the conditions set out in section 209.15,

(1) if, being the driver of the vehicle, the owner was unaware that he was disqualified; or

(2) if, not being the driver of the vehicle, the owner

(a) was unaware that the driver to whom he had entrusted the driving of his vehicle was disqualified or was not the holder of the licence of the class required to drive the vehicle; or

(b) had not consented to the driver being in possession of the vehicle seized.

The motion for release must be served on the Société with a copy of the minute of the seizure at least two clear days before its presentation to the judge. The motion is heard and decided by preference.

“209.12 Where a motion is served on it, the Société may plead, before the date fixed for the presentation of the motion, any ground of law or fact which shows that the conclusions of the motion cannot be granted in whole or in part.

“209.13 The minute prepared by the peace officer may stand in lieu of his testimony if the peace officer attests that he himself ascertained the facts set forth therein. The same applies to the copy of the minute certified true by an authorized person.

“209.14 The provisions of sections 209.11 to 209.13 shall not be construed as preventing the Société or a person designated by it from authorizing the recovery of a vehicle, on payment of the towing and impounding costs incurred by the custodian, if the owner establishes to the satisfaction of the Société or the designated person that subparagraph 1 or 2 of the first paragraph of section 209.11 applies in his case.

“209.15 At the end of the period of seizure, the owner may not recover his road vehicle except on payment of the towing and impounding costs incurred by the custodian and on presentation of the authorization furnished by the Société or a person it designates.

“209.16 If, at the end of five days after the date set for the end of the seizure, the owner of the road vehicle has not furnished to the Société proof that would have enabled it to authorize the owner to recover his vehicle, the Société shall place the vehicle under the provisional administration of the Public Curator.

“DIVISION III

“DISPOSAL OF THE ROAD VEHICLE BY THE PUBLIC CURATOR

“209.17 The Public Curator shall exercise the powers provided for in sections 24 and following of the Public Curator Act (chapter C-81), subject to the provisions that derogate therefrom contained in this division.

“209.18 The Public Curator shall cause to be published, within seven days of the beginning of his administration, a notice in a newspaper circulated in the locality where the owner of the road vehicle resides or, in the case of a legal person, in the locality where the legal person's establishment is situated.

The notice shall indicate that the road vehicle has been placed under the administration of the Public Curator, that the vehicle may be recovered by its owner on payment of the fees of and expenses incurred by the Public Curator for the administration of the vehicle and that, from the eleventh day after the date of publication of the notice, the Public Curator will be authorized to sell the vehicle.

The notice shall also indicate the name of the owner of the road vehicle as well as the year, identification number, make and model of the vehicle.

“209.19 The Public Curator shall pay the towing and impounding costs incurred by the custodian.

“209.20 Where the owner or any other person entitled to claim the road vehicle exercises his right before the sale of the vehicle by the Public Curator, the vehicle shall be released on payment of the fees of and expenses incurred by the Public Curator.

“209.21 Where neither the owner nor any other person entitled to claim the road vehicle exercises his right within 10 days from the publication of the notice, the Public Curator may sell the vehicle.

Upon application, the proceeds of the sale shall be remitted to the person who was the owner of the vehicle at the time it was seized or to any other person entitled to claim the road vehicle at the time it was seized, after deduction of the fees of and expenses incurred by the Public Curator. If the owner or the person entitled to claim the vehicle fails to claim the proceeds of the sale, the Public Curator shall continue his provisional administration.

The proceeds of the sale of the vehicle shall become the property of the State 10 years after the date on which the Public Curator’s provisional administration begins.

“209.22 Where the fees of the Public Curator together with the towing and impounding costs and other expenses incurred by the Public Curator during a quarter in respect of road vehicles exceed the proceeds from the sale of the vehicles during that quarter, the Société shall in the following quarter pay into the general fund of the Public Curator, according to the terms fixed by agreement, an amount equal to the amount by which the fees and expenses exceed the proceeds of the sale.

The person who owned a road vehicle that has been seized shall be indebted to the Société for the amount paid to the Public Curator by the Société in connection with the vehicle.

“DIVISION IV

“INDEMNIFICATION BY THE SOCIÉTÉ

“209.23 The Société shall be liable for any damage resulting from any wrongful seizure.

“DIVISION V

“PENAL PROVISIONS

“209.24 Every person who contravenes section 209.10 is guilty of an offence and is liable to a fine of \$600 to \$2,000.

“209.25 Every person who requires the payment of charges greater than those established by a regulatory provision under paragraph 50 of section 621 is guilty of an offence and is liable to a fine of \$600 to \$2,000.

“209.26 Every person who drives a road vehicle that has been impounded under section 209.1 or 209.2 is guilty of an offence and is liable to a fine of \$600 to \$2,000.”

66. Section 210 of the said Code is amended by inserting the words “, except trailers and semi-trailers whose net mass does not exceed 900 kg,” after the word “vehicles” in the first line of the first paragraph.

67. The said Code is amended by inserting, after section 211, the following section:

“211.1 No person may sell, lease or place at the disposal of a person for valuable consideration, or offer in any way to sell, lease or place at the disposal of a person for valuable consideration, a new road vehicle of a category subject to the Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16), unless the vehicle bears a national safety mark within the meaning of that Act or the compliance label prescribed by that Act.”

68. Section 214.1 of the said Code is amended

(1) by adding, at the end of the first paragraph, the words “or by another farm vehicle if the warning sign referred to in section 274 is attached at the rear of the combination of road vehicles”;

(2) by adding, after the second paragraph, the following paragraph:

“To the extent that their width exceeds 2.6 metres, the trailers, semi-trailers or other farm machinery referred to in this section are subject to the equipment standards and other traffic rules prescribed by regulation that apply to farm machinery.”

69. The said Code is amended by inserting, after section 220.1, the following section:

“220.2 A trailer or semi-trailer may be equipped with reflective stripe markers in accordance with the Motor Vehicle Safety Act instead of the reflectors prescribed by this chapter.”

70. Section 225 of the said Code is replaced by the following section:

“225. A road vehicle over 2 metres in width, operated on a public highway, must carry portable lamps, reflectors and flares, the standards of use of which are prescribed by regulation.”

71. The said Code is amended by inserting, after section 228, the following section:

“228.1 No vehicle that carries a sign or signal or similar device in lieu thereof required to obtain a special permit shall be used otherwise than in connection with the special permit, unless the sign, signal or device has been removed or covered.”

72. The said Code is amended by inserting, after section 233, the following section:

“233.1 No bicycle dealer shall sell, offer for sale, rent or offer for rent a bicycle unless the bicycle carries the reflectors prescribed by section 232.”

73. Section 244 of the said Code is amended by adding, at the end of the third paragraph, the words “or by another farm vehicle if the warning sign referred to in section 274 is attached at the rear of the combination of road vehicles”.

74. The said Code is amended by inserting, after section 250, the following section:

“250.1 No person may, in the carrying on of a business, sell, offer for sale, rent or offer for rent a protective helmet for motorcyclists, moped operators or their passengers unless it meets the standards established by regulation.”

75. Section 266 of the said Code is amended by inserting the words “front side” before the word “windows” in the first line.

76. Section 272 of the said Code is amended by replacing the words “at least as wide as the tread of the tires” in the fourth line by the words “or if fitted with permanent mudguards that are narrower than the tread of the tires or the bottom edge of the rear portion of which is 350 mm or more from the ground when the vehicle is not loaded”.

77. The said Code is amended by inserting, after section 281.1, the following section:

“281.2 Every person who drives a road vehicle whose windshield or front side windows are coated with a material that does not meet the standards prescribed under section 265 is guilty of an offence and is liable to a fine of \$100 to \$200.”

78. The said Code is amended by inserting, after section 283, the following section:

“283.0.1 Every person who contravenes section 228.1 is guilty of an offence and is liable to a fine of \$100 to \$200.”

79. Section 284 of the said Code is amended by replacing the words “either of sections” in the first line by the words “any of sections 233.1.”

80. Section 286 of the said Code is amended by replacing the words “either of section 210 or 211” in the first line of the first paragraph by the words “any of sections 210, 211 and 211.1”.

81. Section 292 of the said Code, replaced by section 2 of chapter 25 of the statutes of 1995 and amended by section 212 of chapter 2 of the statutes of 1996, is replaced by the following section:

“292. A sign or signal erected under section 291 may provide exceptions for vehicles that must travel to a particular place in order to collect or deliver property, provide services, carry out work, be repaired or return to their base, and that cannot do so without entering a zone to which access is prohibited.”

82. Section 328 of the said Code, amended by section 140 of chapter 83 of the statutes of 1990 and by section 213 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing paragraph 4 by the following paragraph:

“(4) in excess of 50 km/h in a built-up area, except on limited-access highways;”;

(2) by adding, at the end, the following paragraph:

“On access roads leading to a built-up area, subparagraph 4 of the first paragraph applies when the driver reaches the sign or signal indicating the 50 km/h speed limit.”

83. Section 329 of the said Code is amended

(1) by inserting the words “of the decision” after the word “date” in the second line of the second paragraph;

(2) by striking out the words “, or of their removal, if such is the case,” in the second and third lines of the second paragraph.

84. Section 397 of the said Code is replaced by the following section:

“397. Every child under five years of age who occupies, in a road vehicle other than a taxi or emergency vehicle, a seat that is required to be equipped with a seat belt, must be secured by another restraining device commensurate with the child’s weight and height, installed and used in conformity with the standards established by regulation.”

85. Section 398 of the said Code is amended by replacing the words “Conseil consultatif médical et optométrique” in the first and second lines by the words “Conseil consultatif sur la santé des conducteurs”.

86. Section 417 of the said Code is amended by adding, at the end, the following paragraph:

“This section applies on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed, as well as on public highways.”

87. Section 421.1 of the said Code is amended by inserting the words “exempted from registration or from” after the word “vehicle” in the first line of the first paragraph.

88. Section 433 of the said Code is amended by replacing the first paragraph by the following paragraph:

“433. No person may ride on the running board or on any outer part of a vehicle in motion, or ride in the box or dump body of a vehicle in motion, or tolerate such a practice.”

89. Section 439 of the said Code is amended

(1) by replacing the word “cathode” in the second line by the word “display”;

(2) by replacing the words “in the performance of his duties” in the fourth and fifth lines by the words “or the driver of a road

vehicle used as an ambulance, in accordance with the Public Health Protection Act, in the performance of their duties”.

90. Section 451 of the said Code is amended by inserting the words “or school crossing guard” after the word “officer” in the second line.

91. Section 468 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Every driver must comply with the peace officer’s requirement.”

92. Section 472 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Every driver must comply with the peace officer’s requirement.”

93. Section 474 of the said Code is amended by adding, at the end, the following paragraph:

“The devices required under the first paragraph may be replaced by an amber light that meets the standards prescribed by regulation.”

94. Section 476 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Every driver of a motor vehicle or of a combination of road vehicles must comply with the peace officer’s requirement.”

95. Section 491 of the said Code is amended by replacing paragraph 1 by the following paragraph:

“(1) he uses a cycle lane separated from the roadway and specially laid out to prevent vehicles from crossing over from the roadway to the cycle lane or vice versa, or having that effect;”.

96. Section 498 of the said Code is replaced by the following section:

“498. No person may dispose of, deposit or throw snow, ice or any other substance upon a public highway or allow any other person to do so or, when driving a vehicle, allow snow, ice or any other substance to fall from the vehicle onto a public highway.”

97. Section 506 of the said Code is amended by striking out the figure “335,” in the second line of the first paragraph, and by replacing the words “either of sections 387 and 388” in the third line of the first paragraph by the words “section 387”.

98. Section 509 of the said Code is amended

(1) by inserting the figure “335,” after the figure “331,” in the first line;

(2) by inserting the words “section 388 or” after the figure “386,” in the second line.

99. Chapter V of Title VIII.1 of the said Code, comprising sections 519.54 to 519.62, is repealed.

100. Section 519.65 of the said Code is amended by inserting, after paragraph 2, the following paragraph:

“(2.1) Forest Act (chapter F-4.1);”.

101. Section 519.67 of the said Code is amended by replacing the words “is, throughout Québec, a peace officer” in the second and third lines by the words “and every public servant who supervises the work of such a person directly are, throughout Québec, peace officers”.

102. Section 519.69 of the said Code is amended by inserting the words “and appoint any person” after the word “personnel” in the first line of the first paragraph.

103. The said Code is amended by replacing the heading of Title IX, after section 519.77, by the following heading:

“MECHANICAL INSPECTION OF VEHICLES AND
PREVENTIVE MAINTENANCE PROGRAM”.

104. Section 521 of the said Code is amended

(1) by inserting the words “, subject to section 543.2,” after the word “vehicles” in the first line;

(2) by replacing paragraphs 5 and 6 by the following paragraph:

“(5) vehicles having a net mass of more than 3,000 kg, except motor homes, house trailers, construction trailers and farm trailers;”.

105. Section 533 of the said Code is amended by striking out the words “and a peace officer” in the third line.

106. The said Code is amended by inserting, after section 543.1, the following chapter:

“CHAPTER I.1

“PREVENTIVE MAINTENANCE PROGRAM

“**543.2** The owner of a road vehicle subject to mechanical inspection pursuant to section 521 may apply to the Société for certification of his preventive maintenance program to stand in place of mechanical inspection, if the program meets the minimum standards prescribed by regulation.

“**543.3** To obtain certification, the owner must provide the information and documents prescribed by regulation and pay to the Société the fees prescribed by regulation.

“**543.4** Where the Société considers that the owner’s program meets the minimum standards, it shall issue a certificate to the owner, containing the information prescribed by regulation.

“**543.5** The owner must affix a sticker to every road vehicle covered by the program, the form, content, period of validity and cost of which shall be prescribed by regulation.

“**543.6** No person, except a person holding a certificate issued by the Société, may affix such a sticker to a road vehicle.

“**543.7** The owner must keep preventive maintenance records, the form, content and period of retention of which shall be prescribed by regulation.

“**543.8** The owner must adhere to the minimum standards prescribed by regulation.

He must maintain the road vehicles covered by the program in safe operating order.

The owner must also adhere to the other standards contained in the program.

“**543.9** Work under the preventive maintenance program may be performed by a third person on the conditions prescribed by

regulation. However, the owner remains bound by the obligations set out in section 543.8.

“543.10 The Société may, in the cases and on the conditions determined by regulation, cancel a certification.

“543.11 Any owner whose certification has been cancelled may submit a new application to the Société provided he complies with the requirements under section 543.3 and with the other conditions determined by the Société, where applicable.

“543.12 Where a certificate of mechanical inspection indicates that a road vehicle to which this chapter applies has a minor defect and that a 48-hour notice has been issued under section 531 by a mechanical inspection controller, the proof of conformity referred to in the second paragraph of that section may be made to the vehicle's owner by a mechanic assigned to preventive maintenance.

“543.13 The Société may designate any member of its personnel having the required qualifications to act as a mechanical inspection controller to ensure that sections 519.6, 519.15 and 539, the provisions of this chapter and the regulatory provisions made under paragraphs 32.1 to 32.7 of section 621 are complied with.

“543.14 In the performance of his duties, a mechanical inspection controller may, in particular,

(1) enter, at any reasonable time, the establishment of an owner or of a third person referred to in this chapter or any place where a road vehicle to which the preventive maintenance program applies is located;

(2) inspect, within such places, the premises or equipment where records that must be kept pursuant to this chapter are found;

(3) inspect any vehicle subject to the provisions of this chapter and, for such purpose, order the immobilization of the vehicle if necessary, enter it, examine the records referred to in subparagraph 2 and open or cause to be opened any container or recipient;

(4) require any information relating to the application of this chapter, require any document relating thereto and examine and make copies of books, accounts, records and other documents which contain such information.

Any person having custody, possession or control of such books, accounts, records and other documents must, on request, make them available to the person carrying out the inspection and facilitate their examination.

“543.15 On request, a mechanical inspection controller must identify himself and show a certificate of his capacity issued by the Société.

“543.16 No person may hinder a mechanical inspection controller in the performance of his duties, mislead him by concealment or false declarations, refuse to provide him with any information or document he is entitled to require or examine, or conceal or destroy any document or property relevant to the inspection.”

107. The said Code is amended by inserting, after section 546, the following sections:

“546.0.1 Every owner to whom Chapter I.1 applies who contravenes a regulatory provision determined under paragraph 32.8 of section 621 is guilty of an offence and is liable to a fine of \$100 to \$200 or of \$300 to \$600, or to a fine of \$300 to \$600 or of \$600 to \$2,000 if the owner is a carrier within the meaning of section 519.2 of this Code, according to the offence to which the minimum and maximum amounts of the fine fixed in the regulation correspond.

“546.0.2 Every owner to whom Chapter I.1 applies who contravenes the second paragraph of section 543.8 is guilty of an offence and is liable to a fine of \$100 to \$200 or to a fine of \$300 to \$600 if the owner is a carrier within the meaning of section 519.2.

“546.0.3 Every person who contravenes section 543.6 is guilty of an offence and is liable to a fine of \$300 to \$600.

“546.0.4 Every person who contravenes the second paragraph of section 543.14 or section 543.16 is guilty of an offence and is liable to a fine of \$600 to \$2,000.”

108. Section 546.1 of the said Code is amended by adding, at the end of the second paragraph, the following sentence: “The persons so appointed must pay the fees prescribed by regulation.”

109. Section 546.2 of the said Code is amended

(1) by replacing the word “acquires” in the first line of the first paragraph by the words “compensates the owner of”;

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

“In addition, every owner of a road vehicle exempted by section 101 or section 102 of the Automobile Insurance Act from the obligation of contracting liability insurance guaranteeing compensation for property damage caused by his vehicle must advise the Société if the vehicle is declared to be a total loss and indicate whether or not the vehicle may be rebuilt.”

110. Section 546.5 of the said Code is amended

(1) by replacing the words “The person authorized to make technical appraisals for the Société” in the first line by the words “The Société or the person it authorizes to make a technical appraisal”;

(2) by adding, after the first paragraph, the following paragraph:

“Following the technical appraisal, the Société or authorized person shall advise the owner or the driver of the results of the appraisal.”

111. The said Code is amended by inserting, after section 546.5, the following section:

546.5.1 The person authorized to make the technical appraisal for the Société shall without delay forward to it a copy of the certificate of technical compliance or the results of the appraisal.”

112. Section 546.6 of the said Code is amended by replacing the words “damaged vehicle” in the first line of the first paragraph by the words “vehicle that has been seriously damaged and”.

113. The said Code is amended by inserting, after section 546.6, the following section:

546.6.1 Every insurer or owner of a vehicle exempted by section 101 or section 102 of the Automobile Insurance Act who contravenes section 546.2 and every person who contravenes section 546.5.1 is guilty of an offence and is liable to a fine of \$100 to \$200.”

114. The said Code is amended by inserting, after section 546.7, the following section:

“546.8 Every person who issues a certificate of technical compliance in contravention of the conditions set out in section 546.5 or who forwards technical appraisal results containing false or inaccurate information as to the condition of the vehicle is liable to the fine prescribed by section 546.7.”

115. Section 550 of the said Code is amended

(1) by striking out the words “the first paragraph of section 128, the second paragraph of section 130,” in the third line of the first paragraph, and by replacing the words “203 to 205, 207, 208” in the sixth line of that paragraph by the figure “207”;

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

“The Société shall send the decision referred to in this section to the person concerned, at the last address furnished to the Société. The decision shall be sent by registered, certified or priority mail.”

116. Section 552 of the said Code, amended by section 23 of chapter 23 of the statutes of 1994, is again amended

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

“552. Where a person suffers from an illness or deficiency or is in a situation described in paragraph 2 or 3 of section 81, paragraph 2 of section 82, paragraph 2 of section 83, paragraph 2 or 3 of section 190 or section 191, the Société may, before rendering a decision, request, by notice, the person to furnish, within the time fixed by the Société which may in no case exceed 90 days, a complementary report on the examination or assessment referred to in section 73, 76 or 603.”;

(2) by replacing the words “The report may be accompanied with” in the first line of the second paragraph by the words “In addition, the Société may request the person to furnish”;

(3) by replacing the word “detailed” in the first line of the third paragraph by the word “complementary”, and by replacing the words “a sixty-day period” in the second line of the third paragraph by the words “the period fixed”.

117. Section 553 of the said Code is amended by striking out the words “a driving school licence, an instructor’s licence or” in the first line of subparagraph 2 of the second paragraph.

118. Section 577 of the said Code is repealed.

119. Section 578 of the said Code is repealed.

120. Section 587 of the said Code is amended by striking out the words “, the suspension of a driving school licence or instructor’s licence or” in the third and fourth lines of the first paragraph.

121. The said Code is amended by inserting, after section 587, the following section:

“587.1 A collector of fines, the clerk of a court, the clerk, secretary or secretary-treasurer of a municipality, the Attorney General or the director of a police service, as the case may be, shall advise the Société of every conviction of a carrier or driver relating to the use of a bus or commercial vehicle having a net mass of more than 3,000 kg.”

122. The said Code is amended by inserting, after section 596.4, the following section:

“596.5 The accident report, the notice enjoining the owner or driver of a road vehicle to submit the vehicle to mechanical inspection or to have the necessary repairs made, the certificate of mechanical inspection and the document evidencing a juridical fact or a juridical act relating to the registration of a vehicle or to a licence authorizing the driving of a road vehicle shall, to be produced as evidence in their electronic or hard copy form, conform to the security standards for electronic data and documentation in penal matters established by regulation under paragraph 1.1 of article 367 of the Code of Penal Procedure.

A prosecutor or defendant who produces, as evidence, the documents referred to in the first paragraph is not required to prove the integrity and accuracy of the document unless the opposite party shows, by preponderance of evidence, that the document has been altered since being stored in electronic form or was altered when the hard copy was produced.

A document referred to in the first paragraph is proof of its contents, in the absence of any evidence to the contrary, if it is otherwise admissible in evidence.”

123. Section 603 of the said Code is replaced by the following section:

“603. A health professional may, according to his field of practice, report to the Société the name, address and state of health of a person 14 years of age or older whom he considers unfit to drive a road vehicle having regard, in particular, to the illnesses, deficiencies and situations incompatible with the driving of a road vehicle established by regulation.

For the purposes of this section, health professionals are authorized to disclose to the Société any information revealed to them in the practice of their profession.”

124. Section 604 of the said Code is amended by replacing the words “the physician or optometrist” in the first line by the words “a health care professional”.

125. Section 605 of the said Code is amended by replacing the words “physician or an optometrist” in the first and second lines by the words “health care professional”.

126. Section 607.1 of the said Code is repealed.

127. Section 609 of the said Code is amended by adding, after the first paragraph, the following paragraph:

“The Société may also transmit to the persons, departments and agencies referred to in the first paragraph any information it holds concerning a carrier or a driver working for the carrier under their authority.”

128. The said Code is amended by inserting, after section 611, the following section:

“611.1 The Société may communicate to any person who provides it with the file number appearing on another person’s licence and, at the request of the Société, the reference number of the licence, the information concerning the validity of the person’s licence, on payment of the fees determined by regulation.

However, no communication may disclose the person’s name or address, or the reasons for which the licence is not valid.”

129. The heading of Title XII of the said Code is replaced by the following heading:

“COMITÉ CONSULTATIF SUR LA SANTÉ DES CONDUCTEURS”.

130. Section 612 of the said Code is amended by replacing the words “médical or optométrique” in the first line by the words “sur la santé des conducteurs”.

131. Section 613 of the said Code is replaced by the following section:

“**613.** The committee is composed of members of the following orders, in the number determined by the Government:

- (1) Ordre professionnel des médecins du Québec;
- (2) Ordre professionnel des optométristes du Québec;
- (3) Ordre professionnel des psychologues du Québec;
- (4) Ordre professionnel des ergothérapeutes du Québec;
- (5) Ordre professionnel des infirmières et infirmiers du Québec.”

132. Section 616 of the said Code is amended

(1) by replacing the words “vision standards and state of health” in the third line of the first paragraph by the words “health standards”, and by replacing the words “a medical or optometrical examination” in the fourth and fifth lines of the first paragraph by the words “an examination or assessment”;

(2) by striking out the words “visual condition,” in the fourth line of the second paragraph.

133. Section 619 of the said Code, amended by section 12 of chapter 6 of the statutes of 1995 and by section 214 of chapter 2 of the statutes of 1996, is again amended

(1) by inserting, after paragraph 7, the following paragraph:

“(7.1) prescribe standards for the maintenance and use of a screening device approved by the Minister of Public Security and that is designed to ascertain the presence of alcohol in the blood of a person, and prescribe the training that the person who maintains and uses the device must be given;”;

(2) by replacing the words “medical and optometrical” in the first line of paragraph 8 by the word “health”;

(3) by striking out the words “the sending of a notice,” in the second line of paragraph 9.3;

(4) by striking out paragraphs 10 to 22.

134. Section 619.2 of the said Code is amended by replacing the words “or driver’s licence” in the second line by the words “, driver’s licence or restricted licence issued under section 76,”.

135. Section 619.3 of the said Code is amended by replacing the words “or driver’s licence” in the second line of the part of subparagraph 2 of the first paragraph preceding subparagraph *a* by the words “, driver’s licence or restricted licence issued under section 76,”.

136. Section 620 of the said Code is amended

(1) by striking out the words “or permit” in the first line of paragraph 1 and in the first and second lines of paragraph 4;

(2) by replacing the words “or permit referred to in Title III, and prescribe the form and term of validity of such a licence or permit” in the first, second and third lines of paragraph 2 by the words “referred to in Title III and prescribe its form and term of validity”;

(3) by inserting, after paragraph 4, the following paragraphs :

“(4.1) establish the form and retention rules applicable to the register to be kept by a recycler under Title III;

“(4.2) determine the major components of a vehicle for the purposes of section 155;”;

(4) by inserting, after paragraph 5, the following paragraph :

“(5.1) determine the cases in which a peace officer and an insurer are required to make a report to the Société in respect of an accident that causes property damage only and does not give rise to a failure to stop at the scene of an accident;”.

137. Section 621 of the said Code, amended by section 9 of chapter 25 of the statutes of 1995, is again amended

(1) by striking out paragraph 4;

(2) by inserting, after paragraph 8, the following paragraph :

“(8.1) prescribe the characteristics of the amber signal light for loads or equipment that extend beyond the rear of a road vehicle or combination of road vehicles, and the standards for its installation and use;”;

(3) by inserting the words “and from the obligation of keeping the register in his possession when driving his motor vehicle” after the word “service” in the third line of paragraph 12.2;

(4) by inserting, after paragraph 31.2, the following paragraph :

“(31.3) prescribe classes of damaged road vehicles that are wholly or partially exempted from the application of Title IX.1;”;

(5) by adding, after paragraph 32, the following paragraphs :

“(32.1) determine the minimum standards to be met by a preventive maintenance program intended to stand in place of mandatory mechanical inspection, with regard to

(a) the requirements relating to the mechanical components to be inspected at each maintenance;

(b) the frequency of maintenance;

(c) the place where maintenance is carried out;

(d) the qualification of the mechanics assigned to maintenance;

“(32.2) determine the information and documents that must be provided by an owner on application for the certification of a preventive maintenance program;

“(32.3) determine the information that must appear on a certificate evidencing certification;

“(32.4) establish the form, content and period of validity of a preventive maintenance program sticker;

“(32.5) establish the form, content and period of retention applicable to preventive maintenance records;

“(32.6) prescribe the conditions on which an owner may allow work under a preventive maintenance program to be performed by a third person;

“(32.7) determine the cases and circumstances giving rise to cancellation by the Société of a preventive maintenance program;

“(32.8) determine, among the provisions of a regulation under paragraphs 32.1 to 32.7, those the violation of which constitutes an offence and indicate, for each offence, the minimum and maximum fines to which the offender is liable, namely \$100 to \$200, \$300 to \$600, or \$600 to \$2,000, according to the seriousness of the offence and the identity of the offender;

“(32.9) prescribe the progressive implementation of Chapter I.1 of Title IX according to the number and type of vehicles covered by the program;”;

(6) by striking out paragraph 41;

(7) by striking out the words “registered in Québec or in the place of origin of the program” in the fourth line of paragraph 49;

(8) by adding, after paragraph 49, the following paragraph:

“(50) fix the towing and daily impounding charges for a road vehicle seized under section 209.1 or section 209.2.”

138. Section 624 of the said Code, amended by section 13 of chapter 6 of the statutes of 1995, is again amended

(1) by striking out paragraph 6;

(2) by inserting, after paragraph 10, the following paragraphs:

“(10.1) determine the amount of the fee exigible for the examination of an application to participate in a preventive maintenance program;

“(10.2) determine the amount of the fee exigible for the preventive maintenance program sticker;

“(10.3) determine the amount of the fee exigible for the communication of information to any person who applies therefor;”;

(3) by inserting, after paragraph 16, the following paragraph:

“(16.1) fix the amount of the fee exigible from persons appointed to make the technical appraisal of road vehicles under section 546.1;”.

139. Section 629 of the said Code is amended by inserting the words “or the Société” after the word “Transport” in the first line of the first paragraph.

140. Section 633 of the said Code is amended by adding, after the second paragraph, the following paragraph:

“The Minister of Transport may delegate to a public servant or employee of the Ministère des Transports, or to any other person or body he designates, the exercise of a power under this section.”

141. Section 636.1 of the said Code is replaced by the following section:

“636.1 Where a peace officer reasonably suspects the presence of alcohol in the body of a person driving or having the care or control of a road vehicle, he may require him to undergo forthwith any reasonable physical coordination tests he indicates to him to ascertain whether there is cause for requiring him to undergo the tests provided for in section 254 of the Criminal Code. The person must comply with this requirement without delay.

This section applies on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed, as well as on public highways.”

142. Section 636.2 of the said Code is amended

(1) by inserting the words “, the Automobile Insurance Act or the Criminal Code,” after the word “Code,” in the second line;

(2) by inserting the words “, under section 186 of the Automobile Insurance Act or under a provision of the Criminal Code referred to in section 180 of this Code” after the word “Code” in the third line.

143. Section 637.1 of the said Code is amended by replacing the first paragraph by the following paragraph:

“637.1 A peace officer is authorized to seize and destroy any permit or licence where the permit, class thereof or the licence is suspended or cancelled.”

144. The said Code is amended by replacing the words “Motor Vehicle Safety Act (Revised Statutes of Canada, 1985, chapter M-10)” in sections 214, 250, 519.22 and 543.1, enacted by section 77 of chapter 94 of the statutes of 1987, by the words “Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16)”.

145. Section 151 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended

(1) by inserting the words “, restricted licence issued under section 76 of the Highway Safety Code (chapter C-24.2)” after the words “probationary licence” in the second and third lines;

(2) by replacing the words “, 191.2 and 192” in the second and third lines of paragraph 5 by the words “and 191.2”.

146. Section 151.2 of the said Act is amended by inserting the words “, restricted licence issued under section 76 of the Highway Safety Code” after the words “probationary licence” in the second line of subparagraph 1 of the first paragraph.

147. Section 151.3 of the said Act is amended by inserting the words “, restricted licence issued under section 76 of the Highway Safety Code” after the words “probationary licence” in the second line of paragraph 1.

148. The Transport Act (R.S.Q., chapter T-12) is amended by inserting, after section 48.16, the following section:

“48.17 A person authorized to issue certificates of competence may issue a temporary attestation to any person having paid the costs of a training course referred to in section 48.13, produced a contract of employment conditional on the successful completion of the course, and paid the cost of issuance of the temporary attestation.

A temporary attestation shall stand in lieu of the certificate referred to in section 48.12 for a period of six months from its date of issue. It may not be renewed.”

149. The Act to amend the Highway Safety Code and other legislative provisions (1990, chapter 83) is amended by striking out paragraph 4 of section 140.

150. Section 257 of the said Act is repealed.

151. A person applying for a probationary licence of a class authorizing the driving of a road vehicle other than a motorcycle who, on 30 June 1997 holds a learner's licence, must have held that licence for at least 12 months at the time the application is made. The 12-month requirement is reduced to three months if the applicant has successfully completed an appropriate driving course for the driving of that vehicle, dispensed by a school recognized by the Société.

152. A person applying for a probationary licence of a class authorizing the driving of a motorcycle who, on 30 June 1997 holds a learner's licence, must have held that licence for at least 12 months at the time the application is made. The 12-month requirement is reduced to one month if the applicant has successfully completed a motorcycle driving course dispensed by a school recognized by the Société.

153. A person applying for a driver's licence of a class authorizing the driving of a road vehicle other than a motorcycle who, on 30 June 1997 holds a learner's licence and is 25 years of age or over, must have held that licence for at least 12 months at the time the application is made. The 12-month requirement is reduced to three months if the applicant has successfully completed an appropriate driving course for the driving of that vehicle, dispensed by a school recognized by the Société.

154. A person applying for a driver's licence of a class authorizing the driving of a motorcycle who, on 30 June 1997 holds a learner's licence and is 25 years of age or over, must have held that licence for at least 12 months at the time the application is made. The 12-month requirement is reduced to one month if the applicant has successfully completed a motorcycle driving course dispensed by a school recognized by the Société.

155. In the case of a person holding a learner's licence or probationary licence on 30 June 1997 who has, up to that time, accumulated demerit points under sections 110 to 117 of the Highway Safety Code,

(1) those demerit points shall remain in the person's record in accordance with section 116 of the said Code;

(2) the Société shall, if the person has up to that time accumulated between three and nine demerit points, inclusively, suspend the person's licence, or, if the person no longer holds a licence, suspend the person's right to obtain a licence upon being

informed in accordance with section 587 of the said Code of a conviction entailing the entering of demerit points under section 113 of the said Code.

156. All sanctions imposed on a person pursuant to section 192 of the Highway Safety Code, whether in effect on 1 December 1997 or yet to have effect on that date shall, on that date, be combined and reduced to the duration of the longest among them, provided that that duration in no case exceeds three years.

157. A person applying for a probationary licence or a driver's licence who resides within the territories of the municipalities of Aguanish, Baie-Johan-Beetz or Natashquan, on the Natashquan Indian reserve, or on the Category I lands of Chisasibi, Wemindji or Némiscau within the meaning of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1), may be exempted by the Minister of Transport from the driving course required by section 65.1 of the Highway Safety Code and from the requirement of holding a learner's licence.

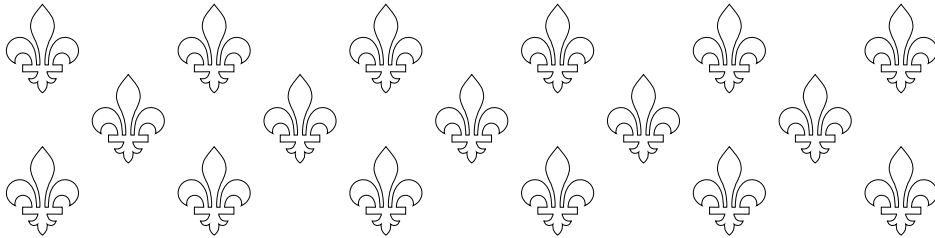
This section ceases to have effect on 30 June 1997.

158. This Act comes into force on 23 December 1996, with the exception of

(1) sections 10, 11, 13 to 15, 22, 23, 25 to 27, 32 to 39, 42 and 58, section 61 as regards sections 202.2, 202.3 and 202.8, section 62, paragraph 1 of section 115 as regards the reference to sections 203 to 205, sections 117 and 120, paragraphs 1, 3 and 4 of section 133, paragraph 1 of section 138, and sections 151 to 155, which come into force on 30 June 1997;

(2) paragraphs 3 and 4 of section 2, paragraph 2 of section 5, sections 16 to 21, 30, 31, 38 to 41 and 54, paragraph 1 of section 55, sections 56, 57, 59 and 60, section 61 as regards sections 202.1 and 202.4 to 202.7, sections 65, 85, 116, 123 to 125 and 128 to 132, paragraph 2 of section 133, and sections 134, 135 and 145 to 147 which come into force on 1 December 1997;

(3) sections 46, 51, 53, 82, 84, 93, 99 and 103, paragraph 1 of section 104, sections 106 to 108, 118, 119 and 121, paragraph 6 of section 137, and sections 149, 150 and 156, which come into force on the date or dates to be fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 30
(1996, chapter 57)

**An Act to amend the Act
respecting the Société d'habitation
du Québec**

**Introduced 15 May 1996
Passage in principle 5 June 1996
Passage 20 December 1996
Assented to 23 December 1996**

**Québec Official Publisher
1996**

EXPLANATORY NOTES

This bill amends the Act respecting the Société d'habitation du Québec to confer on the Minister the authority to suspend the powers of the directors of housing agencies that receive financial assistance granted for the operation and maintenance of residential housing if they have failed to perform the duties incumbent upon them.

Provisional administration may also be ordered if the Minister has reason to believe that there has been a grievous offence, in particular malfeasance, breach of trust or other misconduct on the part of one or more of the directors or other officers of the agency, or that the agency has engaged in practices that are inconsistent with the objectives and standards of the housing program under which financial assistance is granted to it.

The bill provides that the Minister may entrust administrators he designates with the exercise of the powers and functions of the board of directors for the length of time he determines.

The essential terms and conditions required for the carrying out and termination of the provisional administration are also set out in this bill.

Bill 30

An Act to amend the Act respecting the Société d'habitation du Québec

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by inserting, after section 85, the following division:

“DIVISION VI.1

“PROVISIONAL ADMINISTRATION

“85.1 The provisions of this division apply to agencies, hereinafter referred to as “housing agencies”, endowed with juridical personality which, pursuant to this Act or the regulatory instruments hereunder or to a housing program implemented under this Act or administered by or on behalf of the Corporation, receive financial assistance granted for the purposes of the operation and maintenance of residential immovables.

“85.2 The Minister may, after taking cognizance of facts revealed as a result of actions taken to ascertain compliance with the law, and after giving the directors of the housing agency concerned an opportunity to present their observations in writing on those facts within 15 days of receipt of a written notice of the Minister to that effect, suspend the powers of the directors from the date he determines, for a period not exceeding 120 days, and appoint provisional administrators to exercise the powers of the directors during the suspension, if the facts give him cause to believe

(1) that the directors have been seriously remiss in the performance of the obligations imposed by the Civil Code of Québec on administrators of a legal person, of the obligations imposed on them under this Act or under a regulation hereunder, or of the

obligations arising out of a housing program or agreement under the terms of which the agency receives financial assistance;

(2) that there has been a grievous offence, in particular malfeasance or breach of trust on the part of one or more of the directors or other officers of the agency;

(3) that one or more of the directors or other officers of the agency has performed an act that is inconsistent with the rules of sound management applicable to an agency that receives financial assistance paid out of public funds;

(4) that the agency has engaged in practices that are inconsistent with the objectives or standards of the housing program under which financial assistance is granted to it.

The decision of the Minister, with reasons, shall be sent with dispatch to the directors of the housing agency. In addition, a notice of the decision shall be published in the *Gazette officielle du Québec*.

“85.3 The provisions of the agency’s constituent Act or of an Act applicable to the agency are without effect during the provisional administration if, under those provisions, the validity of an act performed by the board of directors is subject to the authorization or approval of the meeting of the members.

“85.4 The provisional administrators shall, not less than 30 days before the date on which their term is to expire, file a report with the Minister setting out their findings and recommendations. The report must contain any information the Minister requires.

“85.5 The Minister may, after examining the provisional administrators’ report, and where he considers it warranted to remedy a situation described in subparagraphs 1 to 4 of the first paragraph of section 85.2 or to prevent the reoccurrence of a situation,

(1) extend the provisional administration for not more than 90 days, or terminate it, on the conditions he determines;

(2) order, on the conditions he determines, a reorganization of the agency’s structure and activities;

(3) dismiss from office one or more directors of the housing agency whose powers have been suspended and see to the appointment or election of new directors.

Any extension of the provisional administration may, for the same reasons, be renewed by the Minister provided that no extension exceeds 90 days.

If the provisional administrators' report does not establish the presence of a situation described in subparagraphs 1 to 4 of the first paragraph of section 85.2, the Minister shall immediately terminate the provisional administration.

Every decision of the Minister shall contain reasons and be sent with dispatch to the directors of the housing agency.

“85.6 The provisional administrators shall, at the end of their administration, give a final account to the Minister. The account must give sufficient detail to enable its accuracy to be verified and must be accompanied with the books and vouchers relating to their provisional administration.

“85.7 The costs, fees and expenses of the provisional administration shall be borne by the housing agency in whose respect they were incurred, unless the Minister decides otherwise.

“85.8 No proceedings may be brought against the provisional administrators acting in the exercise of the powers and duties conferred on them under this division in respect of an act performed in good faith while exercising those powers and duties.

“85.9 No extraordinary recourse provided for in articles 828 to 846 of the Code of Civil Procedure (chapter C-25) may be exercised nor any injunction granted against the provisional administrators acting in the exercise of the powers and duties conferred on them under this division.

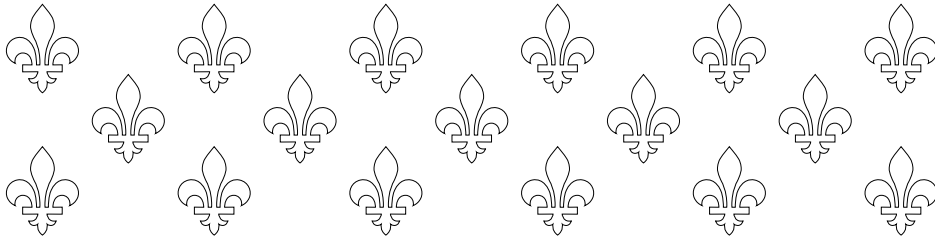
A judge of the Court of Appeal may, on a motion, summarily quash any judgment, writ, order or injunction delivered or granted in contravention of this section.

“85.10 In the annual report tabled by the Minister on the activities of his department, the Minister shall under a special heading report on the application of this division.”

2. This Act shall not be construed as preventing the minister responsible for the administration of the Act respecting the Société d'habitation du Québec from taking into consideration facts existing before the coming into force of this Act in examining the facts giving rise to the provisional administration of housing agencies.

Notwithstanding the first paragraph, the Minister may not, in examining the facts giving rise to the provisional administration of a housing agency, take into consideration facts existing before the coming into force of this Act if those facts, insofar as they concern the administration of the agency, are the subject of legal proceedings brought before the courts by the Société d'habitation du Québec.

- 3.** This Act comes into force on 23 December 1996.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 38
(1996, chapter 58)

**An Act to establish the road
network preservation and
improvement fund**

Introduced 30 May 1996
Passage in principle 12 June 1996
Passage 20 December 1996
Assented to 23 December 1996

**Québec Official Publisher
1996**

EXPLANATORY NOTES

This bill gives effect to a measure announced in the Budget Speech of 9 May 1996.

Under the bill, the road network preservation and improvement fund is established for the purpose of financing the work necessary for the preservation of roadways and road structures and for the improvement and development of the road network.

The bill also establishes the operating rules of the fund.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Ministère des Transports (R.S.Q., chapter M-28).

Bill 38

An Act to establish the road network preservation and improvement fund

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended by inserting, after section 12.29, the following sections:

“12.30 In addition, a fund to be known as the “road network preservation and improvement fund” is established for the purpose of financing the work necessary for the preservation of roadways and road structures and for the improvement and development of the road network.

“12.31 The Government shall determine the date on which the fund begins to operate, its assets and liabilities and the nature of the expenses chargeable to it.

“12.32 The fund shall be made up of the following sums, except interest:

(1) the sums paid by the Minister of Transport out of the appropriations granted for that purpose by Parliament;

(2) the sums paid by the Minister of Finance pursuant to the first paragraph of section 12.34 and to section 12.35;

(3) the gifts, legacies and other contributions paid into the fund to further the achievement of the objects of the fund.

“12.33 The management of the sums paid into the fund shall be entrusted to the Minister of Finance. Such sums shall be paid to the order of the Minister of Finance and deposited with the financial institutions he determines.

Notwithstanding section 13 of the Financial Administration Act (chapter A-6), the Minister of Transport shall keep the books of account for and record the financial commitments chargeable to the fund. He shall also certify that such commitments and the payments arising therefrom do not exceed the available balances and comply therewith.

“12.34 The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.

The Minister of Finance may conversely advance to the consolidated revenue fund, on a short-term basis and subject to the conditions he determines, any part of the sums paid into the fund that is not required for its operation.

An advance paid to a fund shall be repayable out of the fund.

“12.35 The Minister of Transport may, as manager of the fund, borrow from the Minister of Finance sums taken out of the financing fund of the Ministère des Finances.

“12.36 The sums necessary for payment of the remuneration and expenses pertaining to the social benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (chapter F-3.1.1), to activities related to the fund shall be paid out of the fund.

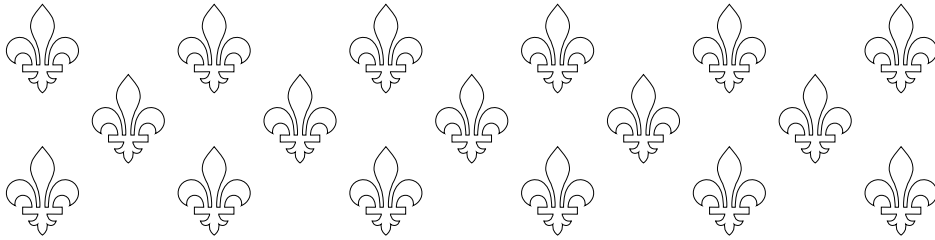
“12.37 Sections 22 to 27, 33, 35, 45, 47 to 49, 49.2, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the fund.

“12.38 The fiscal year of the fund ends on 31 March.

“12.39 Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the fund the sums required for the execution of a judgment against the Crown that has become *res judicata*.”

2. For the fiscal year 1996-97, the appropriations granted to the Office des ressources humaines in relation to the social benefits and other conditions of employment of the persons assigned to the activities of the road network preservation and improvement fund are, to the extent determined by the Government, transferred to the Ministère des Transports.

- 3.** Section 1 has effect from 1 April 1996.
- 4.** This Act comes into force on 23 December 1996.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 41
(1996, chapter 59)

**An Act to again amend the Act
respecting health services and
social services**

**Introduced 14 June 1996
Passage in principle 19 November 1996
Passage 20 December 1996
Assented to 23 December 1996**

**Québec Official Publisher
1996**

EXPLANATORY NOTES

This bill amends the Act respecting health services and social services so as to allow the Corporation d'hébergement du Québec to guarantee the execution of any obligation which an association is required to discharge in connection with the management of a deductible on an insurance contract negotiated for the benefit of its members.

The bill provides, in addition, that the Minister of Health and Social Services may, on the conditions determined by the Government, repay to the Corporation d'hébergement du Québec any sums which the Corporation may be required to pay pursuant to such a guarantee.

Finally, the bill modifies the composition of the board of directors of the regional board established for the Montréal Centre region.

Bill 41

An Act to again amend the Act respecting health services and social services

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 397 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), replaced by section 37 of chapter 36 of the statutes of 1996, is amended

(1) by replacing the word “three” in the ninth line of subparagraph 3 of the first paragraph by the word “two”;

(2) by replacing the words “one person” in the thirteenth line of subparagraph 3 of the first paragraph by the words “two persons”;

(3) by replacing the word “choisie” in the fourteenth line of subparagraph 3 of the first paragraph of the French text by the word “choisies”;

(4) by replacing the word “No” in the first line of the second paragraph by the words “Except in the case of Ville de Montréal, no”.

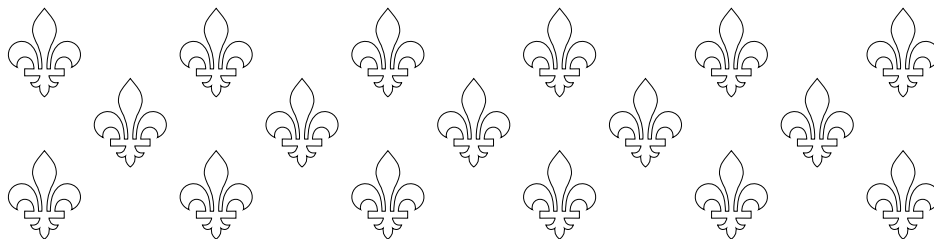
2. The said Act is amended by inserting, after section 472, the following section:

“472.1 The Corporation d’hébergement du Québec may guarantee the performance of any obligation which an association recognized by the Minister under section 267 is required to discharge in connection with the management of a deductible on an insurance contract negotiated and concluded by the association in favour of its members. The Corporation may also advance to the association any sum it considers necessary in connection with such management.

The Minister may, on the conditions determined by the Government, repay to the Corporation d'hébergement du Québec any sum the Corporation may be required to pay under the guarantee provided for in the first paragraph. The sums necessary for such purpose shall be taken out of the consolidated revenue fund."

3. The provisions of the first paragraph of section 472.1 of the Act respecting health services and social services, enacted by section 2 of this Act, apply in respect of contracts concluded on or after 1 April 1986.

4. This Act comes into force on 23 December 1996.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 43
(1996, chapter 60)

An Act respecting off-highway vehicles

Introduced 14 June 1996
Passage in principle 14 November 1996
Passage 20 December 1996
Assented to 23 December 1996

**Québec Official Publisher
1996**

EXPLANATORY NOTES

The purpose of this bill is to regulate the use and operation of off-highway vehicles both on land in the public domain and on private land.

The bill establishes the rules for off-highway vehicle operators. It sets the minimum age required to operate an off-highway vehicle at 14, and requires a person under 16 years of age to obtain a certificate of competency. It provides that operators of off-highway vehicles who wish to use public highways may do so on certain conditions and are required to hold a driver's licence issued under the Highway Safety Code. Off-highway vehicle owners and off-highway vehicle clubs are required to take out civil liability insurance. The bill determines the equipment that must be installed on off-highway vehicles, sleighs and trailers, prescribes the equipment that must be worn by off-highway vehicle operators and passengers and sets a limit on the number of passengers permitted.

The bill also determines the operating rules for all off-highway vehicle operators. The maximum speed limit is set at 70 km/h for snowmobiles and at 70 km/h for other vehicles, unless a regulatory sign or signal posts either a lower speed or a higher speed which may not exceed 90 km/h and 70 km/h respectively. Under the bill, off-highway vehicles may not be operated on public highways except in the cases determined by law.

The bill permits off-highway vehicles to be operated on land in the public domain subject to certain conditions, restrictions and prohibitions and subject to prior authorization. As for private land, the bill provides that express authorization must first be obtained.

The bill determines rules pertaining to the establishment and operation of trails by off-highway vehicle clubs and imposes on them certain obligations with respect to the laying out and

maintainance of the trails and the signs and signals erected on them. Various measures concerning law enforcement and the recruiting of trail security officers are also contained in the bill.

Lastly, the bill confers regulatory powers on the Government, primarily for the purposes of safety standards, and contains various penal provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1).

Bill 43

An Act respecting off-highway vehicles

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

1. This Act applies to the following off-highway vehicles:

(1) a snowmobile whose net mass does not exceed 450 kilograms and whose width does not exceed 1.28 metres, equipment included;

(2) a motorized all-terrain vehicle equipped with handlebars and at least two wheels, that is designed to be straddled and whose net mass does not exceed 600 kilograms;

(3) such other motorized vehicles designed to travel off a public highway as are determined by regulation.

This Act does not apply, however, to vehicles authorized pursuant to the Highway Safety Code (R.S.Q., chapter C-24.2) to travel on public highways.

On competition circuits laid out and used for the competition of motor vehicles subject to the Act respecting safety in sports (R.S.Q., chapter S-3.1), only the requirement for the operator to be at least 14 years of age applies. However, a person under 14 years of age may operate an off-highway vehicle in a competition held in compliance with the standards prescribed in a regulation made or approved by the Régie de la sécurité dans les sports du Québec under that Act.

CHAPTER II

MANDATORY EQUIPMENT

2. No off-highway vehicle shall be operated without the following regulatory equipment:

- (1) one white headlight;
- (2) one red tail-light;
- (3) one red stop light at the rear;
- (4) one rear-view mirror firmly attached to the left side of the vehicle;
- (5) an exhaust system;
- (6) a braking system;
- (7) a speedometer;
- (8) any other equipment determined by regulation.

Subparagraphs 3, 4 and 7 of the first paragraph apply only to vehicles built after 1 January 1998.

3. No sleigh or trailer shall be towed by an off-highway vehicle unless it is equipped with the following regulatory equipment:

- (1) one red stop light at the rear;
- (2) two red reflectors at the rear as far apart as practicable;
- (3) two red left and right side reflectors situated at an equal distance from the front and the rear;
- (4) a rigid tow bar designed to prevent overturning or swerving, which pivots 90 degrees on either side and allows pitching without compromising the overall stability;
- (5) any other equipment determined by regulation.

Subparagraph 1 of the first paragraph applies only to a sleigh or trailer towed by an off-highway vehicle built after 1 January 1998.

4. The width of a sleigh or trailer towed by an off-highway vehicle, equipment included, shall not exceed 1.5 metres.

5. No person may be transported in a sleigh or trailer towed by an off-highway vehicle except in a sleigh or trailer manufactured according to regulatory standards.

Until the coming into force of such standards, the first paragraph does not apply to the transportation of persons in a sleigh towed by a snowmobile.

6. No equipment required by sections 2 and 3 and no equipment installed by the manufacturer and necessary for the operation of an off-highway vehicle, sleigh or trailer shall be removed.

No other modification shall be made to the vehicle if the modification is susceptible of reducing its stability or braking capacity or of increasing its accelerating power.

7. All equipment prescribed by this Act or the regulations shall be kept in good working order.

CHAPTER III

AREAS OF USE

DIVISION I

GENERAL PROVISIONS

8. An off-highway vehicle may be operated on lands in the public domain, subject to the conditions, restrictions and prohibitions imposed:

(1) by the following Acts: the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1), the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01), the Forest Act (R.S.Q., chapter F-4.1), the Mining Act (R.S.Q., chapter M-13.1), the Parks Act (R.S.Q., chapter P-9), the Environment Quality Act (R.S.Q., chapter Q-2), the Watercourses Act (R.S.Q., chapter R-13), the Ecological Reserves Act (R.S.Q., chapter R-26.1), the Act respecting agricultural lands in the public domain (R.S.Q., chapter T-7.1) and the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1);

(2) by government regulation or municipal by-law, including a by-law made by a regional county municipality under article 688.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), elsewhere than on a trail referred to in section 15 or in areas subject to the conditions, restrictions or prohibitions referred to in subparagraph 1.

In addition, in the areas in which a lease, a right of occupation or a similar right has been granted under an abovementioned Act, the operation is subject to the authorization of the holder of the right unless otherwise provided in the abovementioned Acts.

Where a government regulation is inconsistent with a by-law of a municipality, the former shall prevail.

9. An off-highway vehicle may be operated on roads and private roads open to public vehicular traffic. However, the owner of the road or the maintenance authority may, by means of signs or signals that conform to regulatory standards, prohibit off-highway vehicles or restrict their operation to certain types of vehicles or to certain periods of time.

An off-highway vehicle may be operated elsewhere on private land, subject to the express authorization of the owner and lessee.

10. An off-highway vehicle may be operated on the trails of an off-highway vehicle club referred to in section 15. However, the club may, by means of signs or signals that conform to regulatory standards and that are erected at its expense, prohibit off-highway vehicles or restrict their operation to certain types of vehicles, certain classes of persons or certain periods of time, except on trail sections situated on the roads referred to in the first paragraph of section 9 or on the other roads or highways that are not governed by the Highway Safety Code.

11. No off-highway vehicle shall be operated on a public highway within the meaning of the Highway Safety Code.

Notwithstanding the foregoing, an off-highway vehicle may

(1) be operated on the roadway for a maximum distance of one kilometre provided it is operated by a worker for whom the vehicle is necessary for the purposes of the work he is performing and provided that the worker complies with the highway traffic rules;

(2) cross a road at right angles, provided that a crossing for off-highway vehicles is indicated by a road sign or signal and that the sight distance of approaching vehicles is at least 50 metres if the posted rate of speed on that road is 30 km/h, at least 100 metres if that rate is 50 km/h, at least 150 metres if that rate is 70 km/h and at least 200 metres if that rate is 90 km/h;

(3) be operated off the roadway and ditch area, with or against the flow of vehicular traffic, on the conditions fixed by regulation;

(4) be operated on the roadway, where authorized by a sign or signal, for a maximum distance of 500 metres to reach a trail referred to in section 15, a service station or another area open to the public as a rest area, if the layout of the right-of-way does not allow operation off the roadway and ditch area, if all other access to those locations is obstructed, provided that the operator complies with the highway traffic rules;

(5) be operated on a road with the authorization of the maintenance authority and on the conditions it determines if the road is closed to vehicular traffic owing to exceptional events or atmospheric conditions; and

(6) be operated on all or part of a road maintained by the Minister or a municipality and determined by a regulation of the Minister or a by-law of the municipality, on the conditions, during the periods of time and for the types of vehicle determined in the regulation or by-law, provided that the operator complies with the highway traffic rules.

The operation of an off-highway vehicle as provided in subparagraphs 1, 2, 4 and 6 of the second paragraph is not authorized on an autoroute or limited access highway within the meaning of the Highway Safety Code.

12. No off-highway vehicle may be operated within such distance as is fixed by municipal by-law or, if no distance is fixed, within 30 metres from a dwelling, a facility operated by a health-care institution or an area reserved for cultural, educational, recreational or sports activities, except

(1) with the express authorization of the owner or lessee of the dwelling or reserved area;

(2) on a public highway on the conditions set out in this Act;

- (3) on a road or private road open to public vehicular traffic;
- (4) on a trail laid out on an abandoned railroad right-of-way and indicated on the development plan of a regional county municipality or urban community; or
- (5) in any other place determined by government regulation.

13. No authorization under this Act to operate an off-highway vehicle shall have the effect of exempting the operator of the vehicle from the obligation to comply with any condition, restriction or prohibition imposed by the competent authorities, including the payment of duties.

The provisions of this Act or of a municipal by-law that prohibit or restrict such operation do not apply

(1) to vehicles used by peace officers in the performance of their duties; and

(2) to vehicles used by trail security officers, by a worker in the performance of work being carried out, or by any other person for emergency or rescue operations, except on a public highway within the meaning of the Highway Safety Code.

14. No cause of civil action lies for any damage arising from the operation of a vehicle to which this Act applies on land in the public domain off a trail referred to in section 15 and resulting from a defective layout, sign or signal or from the faulty maintenance of an area of use referred to in this Act.

DIVISION II

OFF-HIGHWAY VEHICLE CLUB TRAILS

15. The layout and the operation of a trail by an off-highway vehicle club are subject

(1) on private land, to the express authorization of the owner; and

(2) on land in the public domain, according to law, to the express authorization of the Minister or the body having authority over the land or responsible for the management or administration of the land.

The layout of the intersection of a trail with a public highway is subject to the express authorization of the maintenance authority.

Every authorization is valid for the period determined by the authority granting it.

16. Every off-highway vehicle club shall lay out, erect signs and signals for and maintain the trails it operates.

In addition, the club is responsible for safety and shall see that the provisions of this Act and the regulations are complied with, in particular by means of trail security officers.

17. Every off-highway vehicle club laying out or operating a trail shall each year take out civil liability insurance in an amount of not less than \$2,000,000.

CHAPTER IV

OFF-HIGHWAY VEHICLE OPERATING RULES

DIVISION I

OPERATORS' RULES

18. Every operator of an off-highway vehicle must be 14 years of age or over.

If the operator is under 16 years of age, he must hold a certificate obtained from an officer authorized by the Government and that attests that the operator has the competence and knowledge required to operate an off-highway vehicle, unless the operator is otherwise authorized to operate an off-highway vehicle under legislation in force in his place of residence.

To operate an off-highway vehicle on a public highway as provided in this Act, a person must hold a licence authorizing him under the Highway Safety Code to drive a road vehicle on such a highway and must comply with the conditions and restrictions attached to the licence.

19. The owner of any off-highway vehicle shall hold a civil liability insurance contract in an amount of not less than \$500,000 that covers bodily injury and property damage caused by the vehicle.

20. The operator of an off-highway vehicle shall carry with him the vehicle registration certificate issued under the Highway Safety Code, the civil liability insurance certificate, proof of age and, where applicable, the certificate of competence or the authorization to drive the vehicle.

In the case of a loan or of a lease for a period of less than one year made by a person as part of his business, the operator shall also carry with him a document evidencing the term of the loan or a copy of the contract of lease.

21. No operator of an off-highway vehicle shall carry a number of passengers in or on the vehicle greater than the capacity specified by the manufacturer.

In the absence of such specification, an operator shall not carry more than one passenger on a snowmobile and shall not carry any passenger on other off-highway vehicles.

A passenger or additional passenger may be transported if the vehicle has additional equipment that is designed for that purpose and that is installed according to the manufacturer's specifications.

22. No person shall tow more than one sleigh or trailer with an off-highway vehicle.

23. No person shall ride in or on an off-highway vehicle or in or on a sleigh or trailer towed by an off-highway vehicle unless he is wearing footwear and the following regulatory equipment:

- (1) a protective helmet;
- (2) safety glasses if the protective helmet has no visor;
- (3) any other equipment prescribed by regulation.

Subparagraph 2 of the first paragraph does not apply to a passenger in a sleigh or in a trailer with a closed compartment.

24. No person shall consume alcoholic beverages in or on an off-highway vehicle or in or on a sleigh or trailer towed by an off-highway vehicle.

DIVISION II

TRAFFIC RULES

25. The operator of an off-highway vehicle shall comply with the signs or signals posted in accordance with this Act and the regulations and shall obey the orders or signals of a peace officer or trail security officer responsible for directing traffic. In case of contradiction between the posted signs or signals and an officer's orders or signals, the latter shall prevail.

26. No person may conceal, remove, move or damage a sign or signal erected in accordance with this Act or the regulations.

27. The maximum rate of speed for a snowmobile is 70 km/h and the maximum rate of speed for any other off-highway vehicle is 50 km/h.

However, on a trail referred to in section 15, where indicated by a regulatory sign or signal, the maximum rate of speed may be 90 km/h and 70 km/h, respectively, or may be lower than the maximum rate of speed prescribed by the first paragraph.

The maximum rate of speed may also be lower than the rate prescribed by the first paragraph where so indicated by a regulatory sign or signal

- (1) on a road or private road open to public vehicular traffic;
- (2) on lands in the public domain elsewhere than in areas subject to the conditions, restrictions or prohibitions referred to in subparagraph 1 of the first paragraph of section 8;
- (3) on municipal land referred to in paragraph 2 of section 48.

This section does not apply on public roads.

28. The operator of an off-highway vehicle shall keep the white headlight and the red tail-light turned on while operating the vehicle.

29. The rear-view mirror, headlight, stop light or tail-light of an off-highway vehicle and the light and reflectors of a sleigh or trailer towed by an off-highway vehicle must not be soiled to the point of being inefficient.

30. The operator of an off-highway vehicle shall drive the vehicle as close to the right-hand side of the road or trail as is practicable.

The operator may deviate from such position only to avoid an obstruction or to pass another off-highway vehicle. He shall, in such a case, yield to an oncoming off-highway vehicle and give priority to any road vehicle other than an off-highway vehicle.

31. The operator of an off-highway vehicle shall keep the vehicle at a safe distance behind all preceding vehicles, having regard to speed, traffic density, atmospheric conditions and road or trail conditions.

32. An operator of an off-highway vehicle intending to turn left onto a road or trail on which traffic can travel in both directions shall yield to oncoming traffic that is so close that it constitutes a hazard.

33. No person shall use a trail referred to in section 15 otherwise than in or on an authorized off-highway vehicle or a maintenance vehicle, or in or on a sleigh or trailer towed by such a vehicle, except to cross as safely and as directly as possible without interfering with traffic.

That prohibition does not apply on a trail section situated on the negotiable portion of a road open to public vehicular traffic.

34. No person shall damage or obstruct a trail or interfere with traffic on a trail.

35. No person, except a peace officer, trail security officer or the maintenance personnel of a trail referred to in section 15, shall use an off-highway vehicle equipped with a rotating lamp or flashing lights.

Only a vehicle used by a peace officer may be equipped with a blue rotating lamp or flashing lights.

A vehicle used by a trail security officer may be equipped with a red rotating lamp or flashing lights.

Every maintenance vehicle in use on a trail referred to in section 15 must be equipped with an amber rotating lamp or flashing lights in operation.

36. Any rate of speed and any action susceptible of endangering the life or safety of persons or of causing damage to property is prohibited while an off-highway vehicle is being used or a sleigh or trailer is being towed by an off-highway vehicle.

CHAPTER V

ENFORCEMENT

37. For the purposes of this Act, the following persons are trail security officers:

(1) the inspectors and investigators appointed under the Act to ensure safety in guided land transport (R.S.Q., chapter S-3.3);

(2) the persons recruited by an off-highway vehicle club who satisfy the conditions determined by regulation.

38. For the purpose of ensuring compliance with this Act and the regulations, a peace officer may, in the performance of his duties,

(1) enter, at any reasonable time, upon the premises of an off-highway vehicle club laying out or operating a trail to examine and make copies of books, registers, accounts, records and other documents containing information relating to the obligations imposed upon the club by this Act;

(2) travel to any place in which an off-highway vehicle is being operated;

(3) order a vehicle to which this Act applies to stop, and inspect the mandatory equipment of the vehicle and, where applicable, of the sleigh or trailer;

(4) require the operator of an off-highway vehicle to produce proof of age and, where applicable, the certificate of competence or the authorization to drive;

(5) require the operator of an off-highway vehicle who is using a public highway to produce his driver's licence;

(6) require the vehicle registration certificate issued under the Highway Safety Code and the civil liability insurance certificate to be produced.

A trail security officer may, on the same conditions, exercise the powers referred to in subparagraphs 3, 4 and 6 of the first paragraph.

Every person who has the custody or possession of or control over such documents shall, on demand, surrender the documents for examination to the person conducting the inspection.

Upon completion of the examination, the peace officer or trail security officer shall return the documents except in the case of a driver's licence that the peace officer is authorized to seize under the Highway Safety Code.

39. If, in the course of a verification, a peace officer has reasonable grounds to believe that an offence under this Act or the regulations has been committed, he may seize any thing that may constitute evidence of the offence.

The provisions of the Code of Penal Procedure (R.S.Q., chapter C-25.1) pertaining to things seized apply, with the necessary modifications, to things seized under this section.

40. On the same conditions, a peace officer and a trail security officer may impound a vehicle or cause it to be impounded or store a vehicle or cause it to be stored to stop the commission of an offence.

The owner may not recover possession of the vehicle except on payment, to the person who has custody of the vehicle, of the actual costs of impounding or storing.

41. A trail security officer is not authorized, notwithstanding article 98 of the Code of Penal Procedure, to make searches.

42. A peace officer and a trail security officer must, on request, identify themselves and show their badge or the certificate attesting their capacity.

43. No information obtained by a trail security officer in the performance of his duties shall be disclosed except for the purposes of this Act.

44. No action may be brought against a peace officer or trail security officer in relation to official acts performed in good faith in the performance of their duties under this Act.

45. The clerk of a court of justice or a person under his authority shall send notice to the Société de l'assurance automobile du Québec of any conviction for an offence under section 19.

CHAPTER VI

REGULATORY PROVISIONS

46. The Government may make regulations

(1) subjecting motor vehicles intended to be operated off public highways to the application of this Act;

(2) exempting certain types of off-highway vehicles and their operators, or certain off-highway vehicles according to the use made of the vehicles, from the application of all or any of the provisions of this Act and determining the conditions and special rules applicable to them;

(3) exempting certain types of vehicles and their operators from the application of all or any of the provisions of this Act where they operate in a territory it determines that is not linked to the Québec highway network by a public highway within the meaning of the Highway Safety Code, and determining the conditions and special rules applicable to them;

(4) prescribing mandatory safety equipment for off-highway vehicles, sleighs and trailers;

(5) establishing standards for the manufacture, installation and use of mandatory equipment for off-highway vehicles, sleighs and trailers;

(6) establishing, for sleighs and trailers, standards for their manufacture, which may vary according to whether they are to be used for the transport of persons or property;

(7) establishing standards relating to the intensity, shape and dimensions of headlights, tail-lights, reflectors, rotating lamps and flashing lights;

(8) in the places it determines on lands in the public domain, elsewhere than in the places subject to the conditions, restrictions and prohibitions referred to in subparagraph 1 of the first paragraph of section 8, determining the speed, prohibiting off-highway vehicles

or restricting the operation of them to certain types of vehicles or to certain periods of time and, in the latter cases, determining special operating conditions;

(9) determining the circumstances in which off-highway vehicles may be operated on a public highway, off the roadway and ditch area;

(10) determining the places where off-highway vehicles may be operated, on the conditions it indicates, within 30 metres from a dwelling or reserved area and special operating conditions in those places;

(11) fixing the conditions to be met by persons applying to become trail security officers and fixing the rules of conduct to be observed by each such officer;

(12) establishing standards relating to signs or signals on trails and other areas of use referred to in this Act, including the conditions on which they are to be erected and the properties of the materials to be used to manufacture them;

(13) determining the obligations of the operator of an off-highway vehicle and those of passengers in or on such a vehicle, sleigh or trailer towed by an off-highway vehicle, and prohibiting certain behaviour or certain uses or practices in the area of use it indicates;

(14) establishing standards for protective helmets and safety glasses to be worn by operators and passengers, and for any other prescribed equipment;

(15) determining the regulatory provisions under this section the violation of which constitutes an offence.

The regulatory standards established under this section may include exceptions and may vary according to the types, places of operation or purposes of use of off-highway vehicles determined by the Government.

47. The Minister may, by regulation, allow certain types of off-highway vehicles to be operated on all or part of a public highway maintained by him, on the conditions and for the period of time he indicates.

48. Every local municipality may pass by-laws

(1) fixing the distance within which off-highway vehicles may not be operated pursuant to section 12; and

(2) in the places it determines on lands of the municipality used for public utility or on lands in the public domain, elsewhere than in the places subject to the conditions, restrictions and prohibitions referred to in subparagraph 1 of the first paragraph of section 8, determining the speed, prohibiting off-highway vehicles or restricting the operation of them to certain types of vehicles or to certain periods of time and, in the latter cases, determining special operating conditions.

49. The power to prohibit or restrict the operation of off-highway vehicles or to prescribe rates of speed lower than the rate fixed in this Act by means of a sign or signal conferred on the owner of a road or private road open to public vehicular traffic or on the maintenance authority and on a club operating a trail must be exercised in compliance with the conditions determined by government regulation.

In the case of non-compliance with the conditions or non-conformity of the sign or signal with regulatory standards, the Minister may serve a notice on the owner, maintenance authority or club, as the case may be, enjoining the offender to take the necessary corrective measures or to remove the non-conforming sign or signal within the time indicated by the Minister. If the offender does not comply with the notice, the Minister may have the sign or signal removed or replaced at the offender's expense.

CHAPTER VII

PENAL PROVISIONS

50. The owner of an off-highway vehicle that does not conform with the provisions of sections 2 and 7 is guilty of an offence and is liable to a fine of \$100 to \$200.

51. The operator of an off-highway vehicle towing a sleigh or trailer that does not conform with the provisions of sections 3, 4 and 7 is guilty of an offence and is liable to a fine of \$100 to \$200.

52. The operator of an off-highway vehicle who contravenes any of the provisions of the second paragraph of section 20 or of sections 22 and 28 or whose vehicle, sleigh or trailer has equipment

that does not conform with the provisions of section 29 is guilty of an offence and is liable to a fine of \$50 to \$100.

53. A person who contravenes any of the regulatory provisions determined pursuant to subparagraph 15 of the first paragraph of section 46 is guilty of an offence and is liable to a fine of \$100 to \$200.

54. A person who modifies or removes equipment in contravention of any of the provisions of section 6 as well as any person who requested, authorized or tolerated the modification or removal is guilty of an offence and is liable to a fine of \$100 to \$200.

55. The operator of an off-highway vehicle who contravenes any of the provisions of sections 5, 11 and 12, the first paragraph of section 20, sections 21, 25 and 30 to 32, or any of the regulatory provisions under section 48 is guilty of an offence and is liable to a fine of \$100 to \$200 or, in the case of an offence relating to the maximum posted rate of speed, to a fine of \$250 to \$500.

56. A person who contravenes any of the provisions of sections 23, 24, 26, 33 and 34 is guilty of an offence and is liable to a fine of \$100 to \$200.

57. The owner of an off-highway vehicle who contravenes section 19 is guilty of an offence and is liable to a fine of \$250 to \$500.

58. A person who hinders a peace officer or a trail security officer, either by concealment or false declaration or by concealing or destroying a document relevant to an inspection, is guilty of an offence and is liable to a fine of \$250 to \$500.

59. The operator of an off-highway vehicle who contravenes any of the provisions of the second and third paragraphs of section 18, section 27 or the first two paragraphs of section 35 is guilty of an offence and is liable to a fine of \$250 to \$500.

60. A person who contravenes section 36 is guilty of an offence and is liable to a fine of \$250 to \$500.

61. The owner of a maintenance vehicle that is being used on a trail referred to in section 15 without an amber rotating lamp or flashing lights and an operator using such a vehicle when the rotating lamp or flashing lights are not in operation are guilty of an offence and are liable to a fine of \$500 to \$1,000.

62. A club that contravenes any of the provisions of the second paragraph of section 15 or of section 16 is guilty of an offence and is liable to a fine of \$500 to \$1,000.

63. A club that contravenes section 17 is guilty of an offence and is liable to a fine of \$1,000 to \$2,000.

64. In the case of an offence referred to in sections 62 and 63, any director, officer, representative or employee of a club who ordered, authorized, consented to or participated in the offence is guilty of an offence and is liable to the penalty prescribed, whether or not the club has been prosecuted or convicted.

65. In the case of an offence committed by a legal person, any director, officer, representative or employee of the legal person who ordered, authorized, consented to or participated in the offence is guilty of an offence and is liable to the penalty prescribed, whether or not the legal person has been prosecuted or convicted.

66. Any person who, having authority over a child or being the owner or custodian of a vehicle, allows a child under 14 years of age to operate an off-highway vehicle or a child under 16 years of age to operate such a vehicle without holding a certificate of competence, or, where applicable, without being otherwise authorized to do so, or who tolerates such operation, is guilty of an offence and is liable to a fine of \$500 to \$1,000.

67. In the case of a second or subsequent offence, the fine prescribed in sections 50 to 66 is doubled.

68. Penal proceedings for an offence under a provision of this Act or the regulations may be instituted by a local municipality if the offence is committed in its territory.

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

The fine belongs to the municipality if the municipality has instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality to which the court is attached, except for the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal

Procedure, and except for the costs payable to the defendant or imposed on the municipality under article 223 of that Code.

CHAPTER VIII

AMENDING PROVISIONS

69. Section 1 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by adding, at the end, the following paragraph:

“Unless otherwise provided, this Code applies to off-highway vehicles only for the purposes of registration and identification of the vehicle by means of a number affixed to it.”

70. Section 4 of the said Code is amended by inserting, after the definition of “municipality”, the following definition:

““off-highway vehicle” means a vehicle to which the Act respecting off-highway vehicles (1996, chapter 60) applies;”.

71. Section 14 of the said Code is amended by replacing paragraph 3 by the following paragraph:

“(3) an off-highway vehicle used exclusively on a competition circuit laid out and used for the competition of motor vehicles subject to the Act respecting safety in sports (R.S.Q., chapter S-3.1) and, in the cases provided for by regulation, an off-highway vehicle to which the Act respecting off-highway vehicles applies and a recreation vehicle;”.

72. Section 15 of the said Code is amended by inserting the words “, other than a snowmobile to which the Act respecting off-highway vehicles applies,” after the word “snow” in the first line of paragraph 5.

73. Section 180 of the said Code is amended by inserting the words “including an off-highway vehicle,” after the word “vehicle” in the first paragraph.

74. Section 189 of the said Code is amended by adding, at the end, the following paragraph:

“The Société must also prohibit an off-highway vehicle from being put back into operation upon receiving the notice referred to in section 45 of the Act respecting off-highway vehicles.”

75. Section 421.1 of the said Code is amended

(1) by inserting the words “other than an off-highway trail maintenance vehicle referred to in section 35 of the Act respecting off-highway vehicles” after the word “tracks” in the second line of the second paragraph;

(2) by adding, at the end of the second paragraph, the words “, or to operate an off-highway vehicle on a public highway on the conditions set out in that Act”.

76. Section 550 of the said Code is amended by replacing the words “paragraph 2 of section 189” in the fourth and fifth lines of the first paragraph by the words “subparagraph 2 of the first paragraph and the second paragraph of section 189”.

77. Section 618 of the said Code is amended by replacing paragraph 6 by the following paragraph:

“(6) determine the farm machinery that is exempt from registration and the cases where a vehicle to which the Act respecting off-highway vehicles applies, a tractor owned by a farmer, a recreation vehicle and a vehicle designed to be used mainly on snow, other than a snowmobile to which the Act respecting off-highway vehicles applies, are exempt from registration;”.

78. Section 621 of the said Code is amended by striking out paragraphs 33 and 34.

79. Paragraph 14 of section 626 of the said Code is replaced by the following paragraph:

“(14) permit, on the conditions and for the periods of time it fixes, off-highway vehicles or certain types of off-highway vehicles to be operated on all or part of a public highway it maintains.”

80. Section 627 of the said Code is amended by inserting the words “, the operation of off-highway vehicles on a public highway” after the word “substances” in the sixth line of the first paragraph.

81. Sections 645 and 645.2 of the said Code are repealed.

82. Section 5 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by adding, in the first paragraph, the following subparagraph:

“(7) certain provisions of the Act respecting off-highway vehicles (1996, chapter 60) and certain provisions of the regulations under it provided for by regulation.”

83. Section 8 of the said Act is amended by inserting, after subparagraph 4 of the first paragraph, the following subparagraph:

“(5) certain provisions of the Act respecting off-highway vehicles (1996, chapter 60) and certain provisions of the regulations under it provided for by regulation.”

84. Section 162 of the said Act is amended by inserting the words “as well as the provisions of the Act respecting off-highway vehicles (1996, chapter 60) and the regulations thereunder” after the word “thereunder” in the third and fifth lines of paragraph 2.

85. The Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by inserting, after section 8, the following section:

“**8.1** This Act and the regulations prevail over any inconsistent provision of the Act respecting off-highway vehicles (1996, chapter 60) and of the regulations thereunder.”

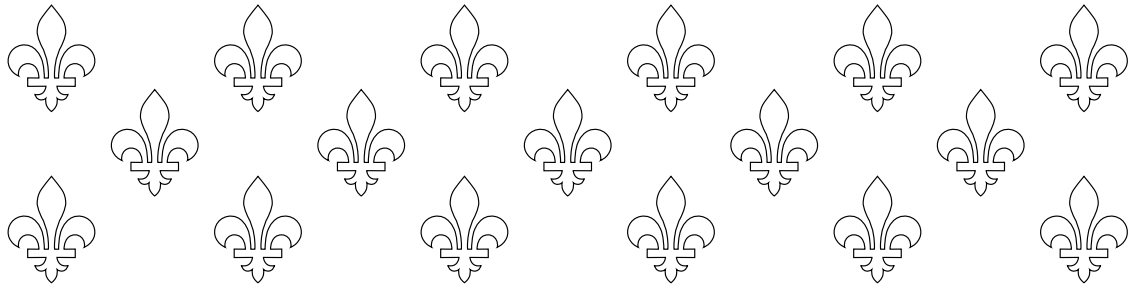
CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

86. The Minister of Transport is responsible for the administration of this Act.

87. The Regulation respecting snowmobiles (R.R.Q., 1981, chapter C-24, r.21) and the Regulation respecting all-terrain vehicles made by Order in Council 58-88 dated 13 January 1988 are deemed to be regulations made under this Act to the extent that they are consistent herewith, and each of their provisions is deemed to be a provision determined under subparagraph 15 of the first paragraph of section 46, the violation of which constitutes an offence.

88. The provisions of this Act will come into force on the date or dates fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 59
(1996, chapter 62)

**An Act to amend the Act respecting the
conservation and development of wildlife**

**Introduced 12 November 1996
Passage in principle 21 November 1996
Passage 20 December 1996
Assented to 23 December 1996**

**Québec Official Publisher
1996**

EXPLANATORY NOTES

This bill amends the Act respecting the conservation and development of wildlife so as to grant to wildlife conservation officers the assistance required to perform their duties. To that end, the bill provides that the Minister may appoint wildlife conservation assistants and area wardens and grants the assistants and wardens the powers required to discharge the duties entrusted to them.

The bill provides that a municipality or an urban community may enter into various agreements with the Minister for wildlife management and accessibility purposes and for the establishment of controlled zones, wildlife sanctuaries and wildlife preserves. It also provides that any public land situated in a controlled zone, a wildlife sanctuary or a wildlife preserve that is sold or transferred continues to form part of the controlled zone, wildlife sanctuary or wildlife preserve for the purposes of the regulations that were applicable to the land. Similarly, where private land is situated in a controlled zone, a wildlife sanctuary or a wildlife preserve following an agreement between the owner and the Minister, the bill provides that the agreement binds the owner and his successors for the period indicated in the agreement.

The Minister is granted the power to refuse to issue a transportation or stocking licence where that is in the public interest and particularly in the interest of wildlife conservation or management. The bill also grants the Minister the power to amend a lease of exclusive hunting, fishing or trapping rights in specific cases and introduces new exceptions to the call for tenders procedure with respect to leases for exclusive fishing rights.

The bill authorizes an agency entrusted with the management of a controlled zone to fix, jointly with an outfitter, another such agency or a recreational association, a fixed amount to be paid each year by them as fees for travelling within the controlled zone. The maximum amount of outstanding borrowings of the wildlife foundation is increased and the foundation is authorized to acquire bonds or other titles of indebtedness issued by bodies of the Government of Québec.

Lastly, the bill contains penal and transitional provisions and amendments to ensure harmonization with the Civil Code of Québec.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1).

Bill 59

AN ACT TO AMEND THE ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 5 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended

(1) by replacing subparagraphs 2 to 4 of the first paragraph by the following subparagraphs :

“(2) certain provisions of the Act respecting the lands in the public domain (chapter T-8.1) and the regulations under it that are specified by regulation ;

“(2.1) certain programs prepared in accordance with Division II.2 of the Act respecting the Ministère des Ressources naturelles that are specified by regulation ;

“(3) the Environment Quality Act (chapter Q-2) and the regulations under it ;

“(4) the Ecological Reserves Act (chapter R-26.1) and the regulations under it ;” ;

(2) by inserting, after subparagraph 6 of the first paragraph, the following subparagraph :

“(7) the Act respecting threatened or vulnerable species (chapter E-12.01) and the regulations under it.”

2. Section 8 of the said Act is replaced by the following section :

“8. The Minister may appoint wildlife conservation assistants and area wardens to assist wildlife conservation officers in the exercise of their functions. The Minister shall determine the provisions of the Acts and regulations referred to in section 5 that are to be enforced by wildlife conservation assistants and those that are to be enforced by area wardens. The Minister shall also determine the place where they are to exercise their functions.

Wildlife conservation assistants and area wardens also have a duty to promote wildlife conservation.

Wildlife conservation assistants and area wardens are not authorized to exercise the powers provided for in Chapters II and III of the Code of Penal Procedure (chapter C-25.1).

When appointing persons as conservation assistants or area wardens, the Minister shall consider their recognized, relevant training, their knowledge of and interest for wildlife and the supervisory rules applicable to them.”

3. The said Act is amended by inserting, after section 8, the following section:

“3.1. In the exercise of their functions, conservation officers, conservation assistants and area wardens must, on request, identify themselves and show the certificate issued by the Minister of the Environment and Wildlife attesting their capacity.”

4. Sections 9 and 10 of the said Act are repealed.

5. Section 11 of the said Act is amended

(1) by striking out the word “property” in the second line of paragraph 1;

(2) in the French text, by replacing the words “d’une propriété” in the first line of paragraph 2 by the words “d’un bien”.

6. Section 12 of the said Act is amended

(1) by replacing the words “or a deputy conservation officer” in the second and third lines of the first paragraph by the words “, a conservation assistant or an area warden”;

(2) by replacing the words “or a deputy conservation officer” in the second line of the second paragraph by the words “, a conservation assistant or an area warden”.

7. Section 13 of the said Act is replaced by the following section:

“13. A conservation officer, a conservation assistant or an area warden may, in the exercise of his functions, enter upon and pass through or over private land.”

8. Section 13.1 of the said Act, amended by section 2 of chapter 18 of the statutes of 1996, is again amended

(1) by inserting the words “or a conservation assistant” after the word “officer” in the first line of the first paragraph;

(2) by replacing the word “He” in the first line of the second paragraph by the words “The conservation officer or conservation assistant, readily identifiable as such by reason of means of identification determined by the Minister,”;

(3) by striking out the fourth paragraph.

9. The said Act is amended by inserting, after section 13.1, the following section :

“13.2. An area warden may require any person to produce for inspection any document, other than a hunting or trapping licence, required under this Act or the regulations or under any other Act or regulations he has the duty to enforce.

Every person to whom the first paragraph applies must comply forthwith with any requirement thereunder.”

10. Section 15 of the said Act is amended by striking out the words “or a deputy conservation officer” in the first line.

11. Section 16 of the said Act is amended

(1) by replacing the words “deputy conservation officer” in the first line of the first paragraph by the words “conservation assistant”;

(2) by replacing the words “deputy conservation officer” in the first line of the fourth paragraph by the words “conservation assistant”;

(3) by inserting the word “forthwith” after the word “officer” in the second line of the fourth paragraph.

12. Section 22 of the said Act is amended

(1) by inserting the words “, a conservation assistant or an area warden” after the word “officer” in the first line of the first paragraph and by replacing the words “a conservation officer” in the second line by the word “such”;

(2) by replacing the words “vehicle used for the work of conservation officers” in the third and fourth lines of the first paragraph by the words “work vehicle used by a conservation officer, conservation assistant or area warden”.

13. Section 23 of the said Act is amended

(1) by replacing the words “deputy conservation officer” in the first and second lines of the first paragraph by the words “conservation assistant”;

(2) by replacing the words “deputy conservation officer” in the first line of the second paragraph by the words “conservation assistant”;

(3) by replacing the words “deliver the animal to a conservation officer or inform him of the killing or capture” in the second and third lines of the second paragraph by the words “declare the fact to a conservation officer forthwith and, if he so requires, deliver it to him for the purpose of confiscation”.

14. Section 37 of the said Act is amended by inserting the words “including a municipality or an urban community,” after the word “owner,” in the second line.

15. Section 54 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “However, the Minister may refuse to issue a transportation or stocking licence in the public interest, particularly in the interest of wildlife conservation or management.”

16. Section 58 of the said Act is amended by replacing the words “physical disability” in the second line of the second paragraph by the word “incapacity”.

17. Section 79 of the said Act is amended by replacing the words “legal representatives” in the fifth line by the word “successors”.

18. Section 81 of the said Act is amended by replacing the word “damages” in the fourth line of the second paragraph by the word “injury”.

19. Section 83 of the said Act is amended

(1) by replacing the words “legal representatives” in the second line of subparagraph 5 of the first paragraph by the word “successors”;

(2) by replacing the words “damage to property” in the first line of subparagraph 7 of the first paragraph by the words “the injury sustained”.

20. Section 86.1 of the said Act is replaced by the following section:

“86.1. Notwithstanding any general law or special Act and subject to the right of first refusal of the Native people provided for in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1), a lease of exclusive hunting or fishing rights shall be granted, after a call for tenders, to the tenderer whose bid is the most advantageous. However, the Minister is not required to lease exclusive rights if he is of the opinion that the most advantageous bid is inadequate.

A lease of exclusive rights is not subject to a call for tenders if the lease is

(1) a lease for a renewal;

(2) a lease for a transfer;

(3) a lease for an extension of rights;

(4) a lease for the expansion of territory ;

(5) a lease of exclusive fishing rights that does not cover outfitting activities or that covers a body of water less than 20 hectares in area.”

21. Section 89 of the said Act is amended by inserting the words “or amend” after the word “revoke” in the second line.

22. Section 90 of the said Act is amended by inserting the word “amend,” after the word “may” in the first line.

23. Section 91 of the said Act is amended by inserting, after the first paragraph, the following paragraph :

“Upon the amendment of a lease under section 89, the Minister shall acquire the buildings and structures situated in the territory identified in the lease and affected by the amendment by paying to the lessee who owns them an amount equivalent to their real value or compensate the lessee in consideration of the decrease in value of the buildings and structures.”

24. Section 92 of the said Act is amended

(1) by replacing the words “of a lease pursuant to” in the first line by the words “or amendment of a lease under” ;

(2) by inserting the words “and affected by the revocation or amendment” after the word “lease” in the fifth line.

25. Section 104 of the said Act is amended

(1) by inserting the words “, including a municipality or an urban community,” after the word “owner” in the second line of the second paragraph ;

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

“Where an agreement is entered into under the second paragraph, it binds the owner and his successors for the term indicated therein, including the renewal period, if any ; a certified copy of the agreement, accompanied with a copy of the order establishing the controlled zone, must be filed at the registry office of the registration division in which the land is situated for registration of the prescribed particulars in the land register.”

26. The said Act is amended by inserting, after section 104, the following section :

“104.1. Where land in the public domain that is situated in a controlled zone is sold or transferred, it continues to form part of the controlled zone for

the purposes of the regulations under sections 106, 110, 110.1 and 110.2 and the Minister need not make an agreement to that end with the purchaser or his successors.

The first paragraph does not operate to allow users access to the land or leave to carry on an activity on the land without the owner's consent."

27. Section 106.2 of the said Act is replaced by the following section :

"106.2. An agency that is a party to a memorandum of agreement may, jointly with an outfitter, another agency that is a party to a memorandum of agreement or a recreational association, fix an amount to be paid annually by the outfitter, agency or association as fees for persons who must travel through the territory of the controlled zone to get to the territory of the outfitting operation or of another controlled zone, or who must travel through the territory of the controlled zone to engage in an activity as members of the recreational association."

28. Section 111 of the said Act is amended

(1) by inserting the words " , including a municipality or an urban community," after the word "owner" in the second line of the second paragraph ;

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

"Where an agreement is entered into under the second paragraph, it binds the owner and his successors for the term indicated therein, including the renewal period, if any ; a certified copy of the agreement, accompanied with a copy of the order establishing the wildlife sanctuary, must be filed at the registry office of the registration division in which the land is situated for registration of the prescribed particulars in the land register."

29. The said Act is amended by inserting, after section 111, the following section :

"111.1. Where land in the public domain that is situated in a wildlife sanctuary is sold or transferred, it continues to form part of the wildlife sanctuary for the purposes of a ministerial order under section 120.1 and the regulations under section 121, and the Minister need not make an agreement to that effect with the purchaser or his successors.

The first paragraph does not operate to allow users access to the land or leave to carry on an activity on the land without the owner's consent."

30. Section 113 of the said Act is amended by replacing the second paragraph by the following paragraph :

“Notice of the designation must be served on the owner of the land. The designation takes effect from its registration in the land register of the registry office of the registration division in which the land is situated.”

31. Section 116 of the said Act is amended by inserting the word “absolutely” before the word “null”.

32. Section 122 of the said Act is amended

(1) by adding the words “, including a municipality or an urban community” after the word “owner” at the end of the second paragraph;

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

“Where an agreement is entered into under the second paragraph, it binds the owner and his successors for the term indicated therein, including the renewal period, if any; a certified copy of the agreement, accompanied with a copy of the order establishing the wildlife preserve, must be filed at the registry office of the registration division in which the land is situated for registration of the prescribed particulars in the land register.”

33. The said Act is amended by inserting, after section 122, the following section:

“122.1. Where land in the public domain that is situated in a wildlife preserve is sold or transferred, it continues to form part of the wildlife preserve for the purposes of the regulations under section 125 and the Minister need not make an agreement to that effect with the purchaser or his successors.

The first paragraph does not operate to allow users access to the land or leave to carry on an activity on the land without the owner’s consent.”

34. Section 128.5 of the said Act is amended by replacing the words “whose territory is” in the first line of paragraph 4 by the words “of the territory”.

35. Section 130 of the said Act is amended by replacing the word “corporation” by the words “legal person”.

36. Section 132 of the said Act is amended by replacing the words “corporate seat” in the first line of the first and second paragraphs by the words “head office”.

37. Section 134 of the said Act is amended by replacing the words “incapacité d’agir temporaire” in the second line of the French text by the word “empêchement”.

38. Section 150 of the said Act is amended by replacing the sum “\$100 000” in the second line of paragraph 1 by the sum “\$500,000”.

39. Section 151 of the said Act is amended by replacing the words “government of Québec” in the second line of paragraph 2 by the words “Government of Québec or any of its agencies, by the government”.

40. Section 162 of the said Act is amended by replacing paragraph 2 by the following paragraph :

“(2) determining the provisions of the Act respecting the lands in the public domain (chapter T-8.1) and the regulations thereunder and the programs prepared in accordance with Division II.2 of the Act respecting the Ministère des Ressources naturelles (chapter M-25.2) that may be enforced by a wildlife conservation officer;”.

41. Section 165 of the said Act, amended by section 14 of chapter 18 of the statutes of 1996, is again amended by striking out the figure “52,” in the first line of subparagraph 3 of the first paragraph.

42. Section 167 of the said Act, amended by section 15 of chapter 18 of the statutes of 1996, is again amended by inserting the words “section 52,” after the figure “47,” in the first line of subparagraph 2 of the first paragraph.

43. Section 169 of the said Act is amended by replacing the words “or deputy conservation officer” in the first and second lines by the words “, conservation assistant or area warden”.

44. Section 171 of the said Act, amended by section 16 of chapter 18 of the statutes of 1996, is again amended by inserting the words “the second paragraph of section 13.2,” after the words “section 13.1,” in paragraph 2.

45. Section 171.3 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The Minister may request the registration, in the land register of the registration division in which private land is situated, of a reference to the existence of a wildlife habitat on the land. The request of the Minister is made by means of a notice filed in the registry office of the registration division in which the land is situated; such notice shall be in lieu of a notice of the existence of a wildlife habitat on that land in respect of any person who becomes the owner thereof after the registration.”

46. Section 171.4 of the said Act is replaced by the following section :

“171.4. Every person who refuses or neglects to provide information required under this Act or the regulations to a person who may so require pursuant to this Act or the regulations is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$750.

Every person who provides information required under this Act or the regulations, with the knowledge that it is false or misleading, to a person other

than a person referred to in section 12 and who is authorized to require it is guilty of an offence and is liable to the fine set out in the first paragraph.”

47. Section 177 of the said Act is amended

(1) by inserting the word “amend” after the word “revoke,” in the first line of the first paragraph;

(2) by inserting the words “or amended” after the word “cancelled” at the end of the second line of subparagraph 1 of the first paragraph;

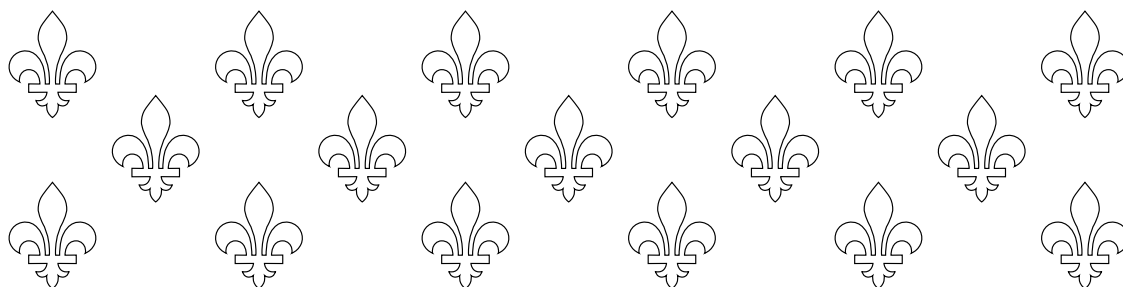
(3) by inserting the word “, amend” after the word “suspend” in the first line of the third paragraph.

48. The said Act is amended by replacing the words “deputy conservation officer” wherever they appear in sections 17, 18, 19, 20, 45 and 72 by the words “conservation assistant”.

49. The deputy conservation officers shall cease to exercise their functions on the expiration date of their instrument of appointment and not later than 31 December 1997.

50. Section 4 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1) is amended by replacing the words “deputy conservation officer” in the first and second lines of the first paragraph by the words “conservation assistant”.

51. This Act comes into force on 23 December 1996, except sections 2 to 4, 6 to 10, paragraphs 1 and 2 of section 11, section 12, paragraphs 1 and 2 of section 13 and sections 43, 44, 48 and 50, which come into force on 1 January 1998, and paragraph 1 of section 1 insofar as it replaces subparagraphs 2 and 3 of the first paragraph of section 5 of the Act respecting the conservation and development of wildlife, which come into force on the date to be fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 60
(1996, chapter 63)

An Act to amend the Act respecting insurance

Introduced 7 November 1996
Passage in principle 19 November 1996
Passage 20 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill proposes amendments to the Act respecting insurance to facilitate the administration of its provisions.

The bill introduces a new rule in respect of mutual insurance companies whereby a person becomes a member by undertaking an insurance contract with the company rather than by acquiring a membership share. The rules governing the names of mutual insurance companies are changed and harmonized with the rules of the Civil Code of Québec. Mutual insurance companies will be authorized to pay a salary to their directors.

Except for investments in subsidiaries, the bill extends to all insurers the rules concerning diversified investments which already apply to certain classes of insurers and the rules concerning specified limits.

The bill introduces new measures concerning the appointment, resignation or dismissal of an actuary and concerning the duties of an insurer's actuary. The duties of an actuary under the bill include drafting an annual report setting and presenting the provisions and reserves he considers good and sufficient, and a report on the financial position of the insurer. While in office, the actuary will be required to report to the insurer any fact of which he has become aware that is likely to have a significant adverse effect on the insurer's financial position, and report the situation to the Inspector General if no suitable corrective action is taken. Also, the Inspector General is authorized to require special reports on the financial position of an insurer.

Lastly, the bill proposes consequential and technical amendments, in particular to clarify the rules governing the conduct of auditors, to amend the rules governing provisions and reserves and to harmonize the provisions of the Act respecting insurance with those of the Civil Code of Québec.

Bill 60

AN ACT TO AMEND THE ACT RESPECTING INSURANCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 19 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by replacing subparagraph *c* of the first paragraph by the following subparagraph :

“(c) keep a register of the activities authorized under section 33.2 or section 93.162;”.

2. Section 33.2 of the said Act is amended by striking out the third paragraph.

3. Section 93.14 of the said Act is amended by replacing the words “tutorship or curatorship or declared incapable” in the first line of paragraph 2 by the words “protective supervision or a person deprived wholly or in part of the right to exercise his civil rights”.

4. Section 93.28 of the said Act is repealed.

5. Section 93.31 of the said Act is amended by inserting the words “absent or” before the word “unable” in the first line of the second paragraph.

6. Section 93.32 of the said Act is replaced by the following section :

“93.32. In addition to the founders whose names are mentioned in the articles, every natural person who, on the date of calling of the general organizing meeting, has subscribed and paid an amount as membership share is deemed to be a founder.”

7. Section 93.41 of the said Act is amended by striking out the words “or persons who wish to become members” in the second line.

8. Section 93.42 of the said Act is repealed.

9. Section 93.43 of the said Act is replaced by the following section :

“93.43. The mutual insurance association shall determine by by-law the price of a membership share which shall not be less than \$5. The interest that may be paid on such shares and the number of shares that may be issued must be limited by the by-laws.”

10. Section 93.44 of the said Act is replaced by the following section :

“**93.44.** A mutual insurance association shall issue certificates attesting the issue of membership shares.”

11. Section 93.45 of the said Act is amended

(1) by striking out the word “, resignation” in the first line of the first paragraph;

(2) by striking out the words “other than qualifying shares” at the end of the second paragraph.

12. Section 93.56 of the said Act is amended

(1) by striking out paragraph 1;

(2) by replacing paragraph 3 by the following paragraph :

“(3) undertake insurance with the mutual insurance association;”;

(3) by striking out paragraph 5;

(4) by inserting, after the first paragraph, the following paragraph :

“Subparagraph 3 of the first paragraph applies with respect to a founder only after the expiry of one year after the date on which the licence is issued to the association by the Inspector General. The founder is, during that period, a member in good standing of the mutual insurance association.”

13. The heading of Subdivision 2 of Division X of Chapter III.1 of Title III of the said Act is replaced by the following subdivision :

“§2. — *Suspension and exclusion*”.

14. Section 93.57 of the said Act is replaced by the following section :

“**93.57.** Any member who ceases to be a policyholder under a valid insurance contract undertaken with the mutual insurance association shall be excluded from the association.

The same applies in the case of a founder who fails to undertake an insurance contract with the mutual insurance association within one year after the date on which the licence of the association is issued.”

15. Section 93.61 of the said Act is amended

(1) by replacing the words “suspended or expelled member, or a member whose resignation has taken effect” in the first and second lines of the first paragraph by the words “member who has been suspended or excluded”;

(2) by replacing the words “, expulsion or resignation” in the second line of the second paragraph by the words “or exclusion”;

(3) by replacing the words “, expulsion or resignation” in the first line of the third paragraph by the word “exclusion”.

16. Section 93.67 of the said Act is amended by striking out the words “, whatever the number of common shares he holds” in the first paragraph.

17. Section 93.71 of the said Act is amended

(1) by striking out the words “, the auditor’s report and the actuary’s report contemplated in section 309” in paragraph 1;

(2) by striking out paragraph 2.

18. Section 93.83 of the said Act is replaced by the following section:

“93.83. The board of directors of a mutual insurance association shall pass a by-law to determine the total amount of remuneration that may be paid to the directors for a specified period. No director may receive any remuneration in his capacity before the by-law is passed.

The by-law must be approved by a vote of at least two-thirds of the members present at a meeting called for that purpose.”

19. Section 93.88 of the said Act is amended by inserting the words “membership shares and on” after the word “on” in the first line of paragraph 4.

20. Section 93.106 of the said Act is amended by striking out the words “93.83 and” in the first line.

21. Section 93.140 of the said Act is amended by replacing the word “three” in the first line by the word “four”.

22. Section 93.141 of the said Act is amended by striking out the word “, ill”.

23. Section 93.156 of the said Act is amended by replacing the words “more than eight” in the first line of the first paragraph by the words “10 or more”.

24. Section 93.162 of the said Act is amended by striking out the third paragraph.

25. Section 93.192 of the said Act is amended by replacing the words “at his request or if he is absent or unable to act” in the first and second lines of the first paragraph by the words “if he is absent or unable to act, or at his request”.

26. Section 93.201 of the said Act is amended by striking out the words “movable or immovable” in the second line of the first paragraph.

27. The heading of Chapter III.3 of Title III of the said Act is replaced by the following heading :

“GUARANTEE FUND”.

28. Section 93.222 of the said Act is replaced by the following section :

“**93.222.** No legal person other than a legal person constituted under this division may include the expression “guarantee fund” in its name.”

29. Section 93.247 of the said Act, amended by section 78 of chapter 2 of the statutes of 1996, is again amended by replacing the word “transfer” in the first line of paragraph 4 by the word “assignment”.

30. Section 93.251 of the said Act is amended

- (1) by striking out the words “and hold” in the first line;
- (2) by replacing the word “hypothecs” in the first line by the words “hypothec or grant a hypothecary loan”;
- (3) by adding, after the first paragraph, the following paragraph :

“It may also grant a loan that causes the amount of the hypothec on an immovable referred to in subparagraph 2 of the first paragraph to exceed 75% of the value of the immovable if the corresponding hypothecary claim is endangered or if the immovable has been repossessed.”

31. Section 93.269 of the said Act is amended by replacing the words “at his request or if he is absent or unable to act” in the first and second lines of the first paragraph by the words “if he is absent or unable to act, or at his request”.

32. Section 104 of the said Act is amended in the French text by replacing the words “incapacité d’agir” in the first line of the second paragraph by the word “empêchement”.

33. Section 108 of the said Act is repealed.

34. Section 141 of the said Act is amended in the French text by replacing the words “incapable d’agir” in the last line of the second paragraph by the word “empêché”.

35. Section 174.1 of the said Act, amended by section 457 of chapter 40 of the statutes of 1994, is again amended by adding, at the end, the following sentence : “Such insurance shall be valid whether claims are brought against

the insured personally or against a partnership of which the insured is or was a member”.

36. Section 205 of the said Act, amended by section 457 of chapter 40 of the statutes of 1994, is again amended

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

“(n) the name of the actuary designated to carry out the duties referred to in the second paragraph of section 309.”;

(2) by adding, at the end of the second paragraph, the following sentence: “In addition, every corporation not subject to Chapter IV of Title IV must transmit without delay any written statement of the actuary designated to carry out the duties referred to in the second paragraph of section 309 concerning his resignation or the revocation of his appointment together with the resolution ordering the revocation of the actuary’s appointment.”

37. The heading of Chapter III of Title IV of the said Act is amended by replacing the words “AND RESERVES” by the words “PROVISIONS, RESERVES AND SEPARATE FUNDS”.

38. Section 243 of the said Act is amended by replacing the figure “273” in the second line by the figure “272”.

39. Section 245 of the said Act, amended by section 457 of chapter 40 of the statutes of 1994, is again amended

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

“**245.** No insurer may,

(a) for each of the following classes, make an investment in the same legal person other than a subsidiary or in the same cooperative if that would cause the book value of the aggregate of such investments in each of such classes to exceed 4% of its assets: common shares, preferred shares, membership shares, permanent shares or preferred shares, preferred equity shares or bonds or other evidences of indebtedness;

(b) make an investment in the form of a loan, other than a hypothecary loan, that would cause the book value of its investment in respect of a single borrower to exceed 4% of its assets or, for the aggregate of such loans, 15% of its assets;

(c) make an investment in income property that would cause the book value of such investments in respect of a single such property to exceed 4% of its assets or, for the aggregate of such property, 15% of its assets;

(d) control legal persons other than those mentioned in subparagraphs *d.1* and *e*, or, notwithstanding subparagraph *b*, invest in companies that engage in activities other than those mentioned in subparagraphs *d.1* and *e*;

(d.1) make an investment in a subsidiary or association whose principal activity is the purchase, management, sale or rental of immovables, the offering of participation in investment portfolios, the making of loans and investments, factoring, leasing or the offering of computer services, actuarial advisory services or travel assistance services, or any other principal activity determined by regulation that would cause the book value of such investments in the subsidiary or association to exceed 4% of its assets or, for the aggregate of such subsidiaries and associations, 15% of its assets;

(e) make an investment in a subsidiary that is an insurer, a bank, a trust company, a savings company or a securities dealer or adviser that would cause the book value of the aggregate of its investments in such a subsidiary to exceed 15% of its assets;

(f) make an investment in common shares other than shares of subsidiaries that would cause the book value of its investment in such shares to exceed 25% of its assets or that would cause the insurer to hold more than 30% of the shares of the same legal person, except if the legal person is a legal person referred to in subparagraph *d.1* or *e*, whether or not it is a subsidiary of the insurer;

(g) for all of the classes mentioned in subparagraphs *a* and *b*, make an investment in the same legal person other than a subsidiary or the same cooperative, in any form whatsoever, that would cause the book value of the aggregate of such investments to exceed 15% of its assets;

(h) make an investment that would cause the book value of the aggregate of its investments under subparagraphs *c*, *d.1*, *e* and *f* of this paragraph, the first paragraph of section 245.1 and section 247 to exceed 50% of its assets or the book value of the aggregate of its investments under subparagraphs *d.1* and *e* of this paragraph and section 247 to exceed 25% of its assets.”;

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

“However, a mutual association or an insurance fund may not control a legal person or invest in an association referred to in subparagraph *d.1*.”

40. Section 245.0.1 of the said Act is amended by replacing the words “subparagraph *a*” in the first line by the words “subparagraphs *a* and *g*”.

41. Section 245.1 of the said Act is amended

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

“**245.1.** A mutual insurance association may invest in an investment fund of the federation of which it is a member provided the investment does not cause the book value of the aggregate of its investments in that fund to exceed 25% of its assets. In addition, the mutual insurance association may invest in the capital of a mutual reinsurance association of which the law provides it is a member.”;

(2) by striking out the last paragraph.

42. Section 246 of the said Act, amended by section 457 of chapter 40 of the statutes of 1994, is again amended

(1) by striking out the words “, other than a mutual association or a professional order,” in the first and second lines;

(2) by replacing the words “hold a hypothecary debt for an amount that exceeds 75% of the value of the real estate securing payment of it, less any other debts secured by the real estate” in the second and third lines by the words “acquire claims secured by hypothec or grant a hypothecary loan of an amount exceeding 75% of the value of the immovable which secures payment thereof, less any other claims secured thereby”;

(3) by replacing, in the French text, the word “ceux-ci” in the fourth line by the word “celui-ci”;

(4) by adding, after the first paragraph, the following paragraph:

“However, the said amount may be exceeded in respect of an immovable on which the insurer holds security if the corresponding hypothecary claim is endangered or in respect of an immovable that has been repossessed.”

43. Section 247 of the said Act, amended by section 457 of chapter 40 of the statutes of 1994, is again amended by replacing the words “up to 25% of its assets in a downstream holding” in the second and third lines of the first paragraph by the words “in a downstream holding provided the investment does not cause the book value of the aggregate of its investments in that holding to exceed 25% of its assets.”

44. Section 248 of the said Act is amended by replacing the words “maturities of its investments and financial commitments and the diversification of investments” in the second, third and fourth lines of the first paragraph by the words “the maturities of its investments with its financial commitments, the diversification of investments and a precise description of the types of investments that may be made in the form of hypothecary loans and the limits applicable thereto”.

45. Section 249.1 of the said Act is amended by replacing the words “Corporation des assureurs agréés” in the second line by the words “Groupement des assureurs automobiles”.

46. Section 273 of the said Act is repealed.

47. Section 275.5 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“The Inspector General may, by way of a notice sent before the expiry of a period of 45 days, inform the insurer that he does not object to the sale. Upon receiving the notice, the insurer may proceed with the sale.”

48. The heading of Division IV of Chapter III of Title IV of the said Act is replaced by the following heading:

“PROVISIONS AND RESERVES”.

49. Section 276 of the said Act is repealed.

50. Section 277 of the said Act is amended

(1) by replacing the words “transacting damage insurance must maintain sufficient reserves to guarantee its obligations to its insured in accordance with” in the first and second lines by the words “, other than a mutual benefit association, must establish provisions and reserves that are good and sufficient having regard to its obligations to the insured, and that conform to”;

(2) by replacing paragraph *a* by the following paragraph:

“(a) the assumptions used to establish the provisions and reserves must be the assumptions that the actuary designated in accordance with Division III.1 of Chapter IV of this Title considers good and sufficient having regard to the insurer’s position and the insurance contracts, and considered appropriate by the Inspector General;”;

(3) by replacing the words “standards and methods established by regulation” in paragraph *b* by the word “regulations”.

51. Section 279 of the said Act is replaced by the following section:

“**279.** Every mutual benefit association constituted under the laws of Québec must establish provisions and reserves that are good and sufficient having regard to the payment at maturity of the obligations of each of the funds established by the association in accordance with this Act, according to the methods established by the regulations.”

52. The heading of Division V of Chapter III of Title IV of the said Act is replaced by the following heading:

“SEPARATE FUNDS”.

53. Section 285.18 of the said Act is amended by replacing the words “, actuary or expert referred to in the fifth paragraph of section 309” in subparagraph 11 of the first paragraph by the words “and the actuary designated in accordance with Division III.1 of Chapter IV of Title IV”.

54. Section 291.1 of the said Act is replaced by the following section:

“291.1. Insurers must inform the Inspector General in writing, within 10 days, of the resignation of their auditor.

Insurers must also give the Inspector General an advance notice in writing of not less than 10 days of their intention to propose the revocation or the non-renewal of their auditor’s appointment.”

55. The said Act is amended by inserting, after section 294.2, the following section :

“294.3. An auditor who resigns for reasons connected with his duties as an auditor or with the conduct of the insurer’s business shall, within 10 days of the sending of his letter of resignation, submit a statement to the Inspector General giving the reasons for his resignation. The auditor shall forward a copy thereof to the insurer’s secretary within the same time limit.

An auditor who believes that his appointment was revoked or was not renewed for reasons mentioned above shall, within 10 days, submit a statement to inform the Inspector General, and forward a copy thereof to the insurer’s secretary.”

56. Section 295 of the said Act is amended by replacing the words “and officers” in the first line of the second paragraph by the words “, officers and employees”.

57. Section 295.1 of the said Act is amended

(1) by inserting the words “to the director general, or to any person holding a similar office, and” after the word “report” in the first line of the first paragraph;

(2) by striking out the second sentence of the first paragraph;

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

“He shall transmit a copy of that report to the actuary designated in accordance with Division III.1 of Chapter IV of this Title.”;

(4) by striking out the third paragraph.

58. Section 295.2 of the said Act is replaced by the following section :

“295.2. An auditor in good faith who makes a statement under section 294.3 or who files a report under section 295.1 shall not be liable in any civil action arising therefrom.

The same rule applies to a person in good faith who provides information or explanations under the second paragraph of section 295.”

59. Section 297 of the said Act is amended by replacing the figure “309” in the second line of the second paragraph by the figure “298.15”.

60. The said Act is amended by inserting, after section 298.2, the following division :

“DIVISION III.1

“ACTUARY

“298.3. Every insurer shall designate an actuary who shall carry out the duties prescribed under this division.

“298.4. Responsibility for the actuary’s appointment or the revocation of the actuary’s appointment lies with the board of directors of the insurer.

“298.5. Insurers shall, within 10 days, forward to the Inspector General a copy of the resolution appointing their actuary or inform the Inspector General in writing of their actuary’s resignation.

In addition, insurers shall give the Inspector General an advance notice in writing of not less than 10 days of their intention to propose the revocation of their actuary’s appointment.

“298.6. The actuary’s term of office terminates on his ceasing to be a Fellow of the Canadian Institute of Actuaries.

“298.7. An actuary who resigns for reasons connected with his duties as an actuary or with the conduct of the insurer’s business shall, within 10 days of the sending of his letter of resignation, submit a statement to the Inspector General giving the reasons for his resignation. The actuary shall forward a copy thereof to the insurer’s secretary.

An actuary who believes that his appointment was revoked for reasons mentioned above shall, within 10 days, submit a statement to inform the Inspector General of such reasons, and forward a copy thereof to the insurer’s secretary within the same time limit.

“298.8. No person shall accept an appointment as actuary of an insurer before asking the insurer’s secretary whether the former actuary filed a statement under section 298.7.

The insurer’s secretary shall provide the actuary with a copy of any such statement.

“298.9. In the carrying out of his duties, the actuary shall have access to all the books, registers, accounts and other records of the insurer, and any person having custody of them shall facilitate his examination of them.

The actuary is also entitled to require from the directors, officers and employees of the insurer the information and explanations necessary for the carrying out of his duties.

“298.10. An actuary in good faith who submits a statement under section 298.7 or who files a report under section 298.11 or 298.12 shall not be liable in any civil action arising therefrom.

The same applies to a person in good faith who provides information or explanations under the second paragraph of section 298.9.

“298.11. The actuary shall, if he becomes aware in the course of his duties of any fact, transaction or situation that, in his opinion, has or is likely to have a material adverse effect on the financial condition of the insurer, draft a detailed report thereof. He shall forward a copy of the report to the chief executive officer of the insurer or to the person who carries out the duties of that office.

The actuary shall, at the same time, forward a copy of the report to the board of directors and to the auditor.

“298.12. Where the actuary is of the opinion that no suitable corrective action has been taken within a reasonable time, he shall send to the Inspector General a copy of his report together with a description of the events that have occurred since the drafting of the report and any other information he considers relevant.

“298.13. The actuary shall prepare, before the end of each fiscal year, a study concerning the current financial position of the insurer. He shall send a copy to the board of directors, to the auditor and, where he so requests, to the Inspector General.

At the request of the Inspector General, the study shall also concern the expected future financial condition of the insurer, and shall describe the potential financial repercussions of the insurer’s activities.

The actuary shall meet with the board of directors to present his findings to it. Instead of meeting the actuary, the board of directors may ask that he present his findings to the audit committee.

“298.14. The Inspector General may, at any time, require that a study be prepared in the manner and within the time he indicates concerning the financial position of the insurer. The actuary shall transmit the study to the Inspector General within the allotted time.

The Inspector General may, for such purpose, designate another actuary to prepare such a study. Any expenses incurred in such a case are, after they are approved by the Inspector General, payable by the insurer.

“298.15. The actuary shall prepare, at the end of each fiscal year, a report that establishes and presents the provisions and reserves he considers good and sufficient, having regard to the obligations of the insurer. The report shall include any other information required by the Inspector General.

The insurer shall forward a copy of the report to the Inspector General, where he so requests.

The report shall be accompanied with the certificate of the actuary concerning the valuation of the provisions and reserves. The certificate must be appended to the annual statement of the insurer.

“298.16. The actuary shall apply generally accepted actuarial practice. He shall, however, take into account any changes made thereto by the Inspector General in respect of the insurer.”

61. Section 299 of the said Act is amended by replacing paragraph *d* by the following paragraph :

“(d) the actuary’s certificate referred to in section 298.15 ;”.

62. Section 301 of the said Act, amended by section 457 of chapter 40 of the statutes of 1994, is again amended

(1) by striking out the words “at the same time as the auditor’s report is submitted” in the second line of the first paragraph ;

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

“In the case of a professional order, the report must be submitted to the Bureau of the order, which shall make the report available to its members.”

63. Section 307 of the said Act is amended

(1) by replacing paragraph *d* by the following paragraph :

“(d) provisions and reserves ;”;

(2) by striking out paragraph *e*.

64. Section 308 of the said Act is amended by replacing paragraph *e* by the following paragraph :

“(e) variations in the provisions.”

65. Section 309 of the said Act is amended

(1) by inserting the words “and with the actuary’s certificate for the annual report on provisions and reserves” after the word “auditor” in the third line of the first paragraph ;

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

“At the request of the Inspector General, every insurer shall, within the time he indicates, send to the Inspector General a report prepared in accordance with section 298.15 or a study prepared in accordance with section 298.13.”;

(3) by striking out the third, fourth and fifth paragraphs.

66. Section 312 of the said Act is amended by inserting the words “provisions and” after the words “that the” in the fourth line.

67. Section 316 of the said Act is amended by replacing the words “external actuary of” in the third line by the words “actuary designated by”.

68. Section 318 of the said Act is amended by inserting the words “provisions and” before the word “reserves” in paragraph *b*.

69. Section 320 of the said Act is amended by inserting the words “provisions and” before the word “reserves” in the second line.

70. Section 323 of the said Act is amended

(1) by replacing the words “real security” in the second line of the first paragraph by the word “hypothecs”;

(2) by replacing the word “security” in the third line of the first paragraph by the word “hypothecs”.

71. Section 325.7 of the said Act is amended by replacing the words “jointly and severally, either the amount of damage” in the second and third lines of the second paragraph by the words “solidarily, either the amount of damages awarded as compensation for the injury”.

72. Section 374 of the said Act is amended in the French text by replacing the word “jurisdiction” in the first line by the word “compétence”.

73. Section 378 of the said Act is amended

(1) by replacing the words “at his request or if he is absent or unable to act” in the first and second lines of the first paragraph by the words “if he is absent or unable to act, or at his request”;

(2) by replacing the words “compulsory reserves” in the third line of subparagraph *b* of the first paragraph by the word “provisions”.

74. Section 384 of the said Act is amended by striking out the words “in council” in the first line of the second paragraph.

75. Section 387 of the said Act is amended in the French text by replacing the words “incapacité d’agir” in the second line of the first paragraph by the word “empêchement”.

76. Section 388 of the said Act is amended by striking out the words “in council” in the first line of the second paragraph.

77. Section 394 of the said Act is amended by striking out the words “moveable or immoveable” in the second line of the first paragraph.

78. Section 399 of the said Act is amended by replacing the words “reserve fund or surplus fund” in the third line of the first paragraph by the words “current net assets”.

79. Section 420 of the said Act is amended

(1) by replacing the words “or liquidators, to testamentary executors or” in paragraph *m* by the words “, liquidators or”;

(2) by striking out paragraph *ag*.

80. The said Act is amended by replacing the word “corporation” or “corporations” by the words “legal person” or “legal persons”, respectively, wherever it appears in sections 1, 1.1 to 1.6, 22, 24, 34, 41 to 50.1, 52.2, 56, 57, 59, 93.21, 93.68, subparagraph 2 of the first paragraph, the fourth line of subparagraph 1 and subparagraph 2 of the second paragraph of section 93.79, the fourth line of the second paragraph of section 93.147, section 93.154.4, the third paragraph of section 93.238.4, paragraph 2 of section 93.247, the second line and paragraphs 2 and 3 of section 93.248, the second line and paragraphs 1 and 2 of section 93.249, the second and fourth lines of section 93.250, subparagraph 2 of the first paragraph and the second line of the second paragraph of section 93.254, sections 94, 99, 102, 106, 130, 164, 174, 174.6, 174.8, 181, 185 to 189, 192 to 195, 197, 198, 200, 200.1, 200.3, 201, 205 to 211, 218, 219.1, 220, 222, 243, 248, 268, 274, 280, 285.12, subparagraph 3, the third line of subparagraph 4 and subparagraph 5 of the second paragraph of section 285.13, section 285.17, subparagraphs 2, 6, 8, 9, 12 and 13 of the first paragraph and the second paragraph of section 285.18, sections 285.21, 285.23, 286, 291 and 293, subparagraph 1, the second line of subparagraph 2, subparagraphs 3 and 4 of the first paragraph and the second paragraph of section 294, subparagraph 3, the third line of subparagraph 4 and subparagraph 5 of section 298.2, sections 316, 319, 325.2, 363, 365, 366, 387, 393.1 to 399, 401 to 404, 407 and 413, and paragraphs *k* and *aa* of section 420.

81. The said Act is amended by replacing the word “corporation” by the words “guarantee fund”, with the necessary modifications, wherever it appears in the fourth paragraph of section 93.209, sections 93.220, 93.224, 93.225, 93.226 and 93.227, the third line of section 93.228, sections 93.231, 93.232, 93.233, 93.238 and 93.238.3, the fourth line of the first paragraph of section 93.238.4, the second, third and fourth paragraphs of section 93.239, sections 93.240 to 93.246, the first line of sections 93.247, 93.248, 93.249 and 93.250, sections 93.251 to 93.253, the first line of the first and second paragraphs of section 93.254, sections 93.255 to 93.270, subparagraph 2 of the first paragraph of section 93.271 and sections 93.272 and 93.273.

82. The said Act is amended by replacing the words “fund corporation” by the word “fund”, with the necessary modifications, wherever they appear in sections 93.18 and 93.24, the third line of subparagraph 1 of the second paragraph of section 93.79, sections 93.123 and 93.140, the third line of the second paragraph of section 93.147, sections 93.193, 93.194, 93.196, 93.199 and 93.202, the first, second and third paragraphs of section 93.209, sections 93.213 to 93.216, sections 93.218, 93.219, 93.221 and 93.223, the second line of section 93.228, sections 93.229 and 93.238.2, the first line of the first paragraph of section 93.238.4, the first paragraph of section 93.239, the second line of the first paragraph of section 93.271, section 245.1, the third line of subparagraph 4 of the second paragraph of section 285.13, subparagraph 3 of the first paragraph of section 285.18, the third line of subparagraph 2 of the first paragraph of section 294, the third line of subparagraph 4 of the first paragraph of section 298.2, section 325.1 and paragraphs *af* and *ai* of section 420.

83. The said Act is amended by replacing the words “corporate name” and “corporate names” by the words “name” and “names”, respectively, wherever they appear in sections 19, 24, 45, 52.2, 93.15 and 93.20, the heading of Division VI of Chapter III.1 of Title III, sections 93.22 to 93.25, sections 93.27.1, 93.27.2 and 93.29, the heading of Division III of Chapter III.2 of Title III, section 93.126, the heading of Division II of Chapter III.3 of Title III, sections 93.221, 98 and 100.1, the heading of Division III of Chapter IV of Title III, sections 106, 107, 109, 121, 186, 192, 194, 200, 200.3, 205, 218, 222, 248, 270 and 275.4.

84. The said Act is amended in the French text by replacing the words “siège social” by the word “siège” wherever they appear in sections 63, 90, 93.15 and 93.18, the heading of Division VIII of Chapter III.1 of Title III and sections 93.35, 93.35.1, 93.36, 93.37, 93.180, 93.201, 93.202, 93.255, 98, 121, 125, 145, 186, 188, 194, 197, 200.3, 205, 207, 222, 239, 241, 275.4, 366, 394, 395 and 413.

85. The said Act is amended by replacing the words “business office” and “office” by the word “establishment” wherever they appear in sections 204, 208 and 366.

86. The said Act is amended by replacing the words “damages, if any,” wherever they appear in the first paragraph of sections 56, 93.85, 93.155, 93.239 and 174.10 by the words “any damages awarded as compensation for any injury”.

87. The said Act is amended by replacing the words “tutorship or curatorship or declared incapable” and “tutorship or curatorship or who has been declared incapable” by the words “protective supervision or who has been totally or partially deprived of the right to exercise his civil rights” wherever they appear in sections 93.79, 93.147, 93.229 and 174.8.

88. The said Act is amended by replacing the words “names in full”, “name in full”, “full name”, “given names” and “given name” by the word “name” or “names”, as the case may be, wherever they appear in sections 45, 52.2, 93.15, 93.18, 93.34, 93.180, 93.182, 93.230, 93.255, 93.261, 98, 145, 186, 194, 200.3 and 285.16.

89. All persons holding qualified common shares of a mutual insurance association on 23 December 1996 are deemed to be holders of common shares. The new provisions of section 93.57 of the Act respecting insurance, introduced by section 14 of this Act, shall apply to persons who are members on 22 December 1996.

90. The new provisions of section 93.222 of the Act respecting insurance, introduced by section 28 of this Act, shall not apply to legal persons constituted before 23 December 1996.

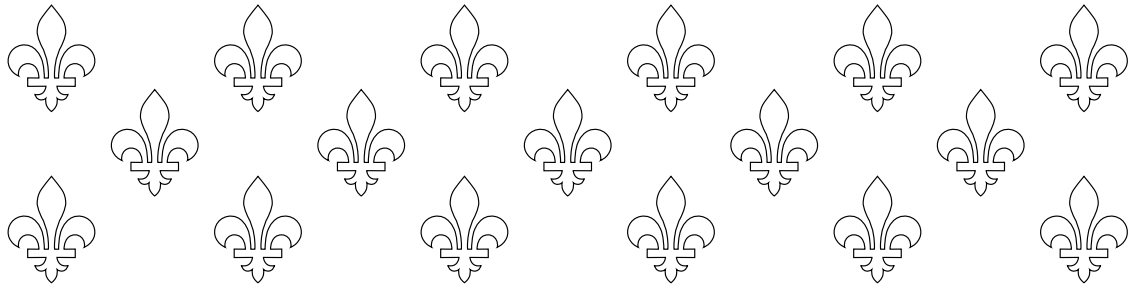
91. The “Corporation de fonds de garantie du groupe Promutuel”, established by an incorporation certificate of the Inspector General of Financial Institutions on 23 December 1985, shall be continued under the name of “Fonds de garantie Promutuel”. The new name shall be substituted for the old name in every document concerning that legal person, and proceedings involving the legal person may be continued by or against it without continuance of suit.

92. The new provisions of sections 298.13 and 298.15 of the Act respecting insurance, introduced by section 60 of this Act, and sections 61 and 65 of this Act shall apply in respect of every fiscal year of an insurer beginning after 23 December 1996.

The former provisions shall continue to apply in respect of the fiscal year in progress on that date.

93. For the purposes of the provisions of sections 298.4 to 298.12, 298.14 and 298.16 of the Act respecting insurance, introduced by section 60 of this Act, the actuary of an insurer appointed to have charge of the valuation of reserves, in office on 22 December 1996, is deemed to have been appointed pursuant to the provisions of section 298.3 of the Act respecting insurance, introduced by section 60 of this Act.

94. This Act comes into force on 23 December 1996.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 61
(1996, chapter 64)

**An Act to amend the Act respecting the
Ministère de la Justice and other legislative
provisions concerning the management and
disposition of proceeds of crime**

**Introduced 7 November 1996
Passage in principle 14 November 1996
Passage 20 December 1996
Assented to 23 December 1996**

**Québec Official Publisher
1996**

EXPLANATORY NOTES

The purpose of this bill is to provide a legislative framework for the management of property seized, restrained or forfeited pursuant to the Criminal Code and other federal legislation of a similar nature, in particular as part of efforts to curb profits from criminal activities and drug trafficking.

The Attorney General becomes responsible for the custody and administration of such property or of the fines in lieu of such property, as well as for the disposition of such property where it is forfeited to the State or deemed to be property without an owner and appropriated by the State.

The bill also provides for the sharing of the net proceeds from the disposition of such property between the Fonds d'aide aux victimes d'actes criminels, the community organizations active in crime prevention, municipal bodies, the Minister of Public Security if a police force was involved in the operations leading to the confiscation of the property or the imposition of the fines and the Minister of Justice in his capacity as Attorney General. The bill also provides that any balance remaining will be paid into the consolidated revenue fund.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2);
- Public Curator Act (R.S.Q., chapter C-81);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4).

Bill 61

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DE LA JUSTICE AND OTHER LEGISLATIVE PROVISIONS CONCERNING THE MANAGEMENT AND DISPOSITION OF PROCEEDS OF CRIME

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by inserting, after section 32.10, the following division :

“DIVISION III.2

“MANAGEMENT AND DISPOSITION OF PROPERTY SEIZED, RESTRAINED OR FORFEITED PURSUANT TO FEDERAL LEGISLATION

“**32.11.** This division applies to property seized, restrained or forfeited pursuant to the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27), the Narcotic Control Act (Revised Statutes of Canada, 1985, chapter N-1) or the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or pursuant to any rule of law in connection with any offence under the said Code or the said Acts and in respect of which the proceedings are conducted by the Attorney General.

“**32.12.** The Attorney General is responsible for the custody and management of seized property where, on his application, the property has been entrusted to him by a justice of the peace or competent legal authority in accordance with the law.

The Attorney General is also responsible for the custody and management of property seized pursuant to section 462.32 of the Criminal Code of which he has taken control.

“**32.13.** The Attorney General is responsible for the custody and management of property restrained pursuant to a restraint order which, on his application, has been entrusted to him by the competent legal authority.

“**32.14.** The Attorney General is responsible for the custody and management of property forfeited to the State and of fines corresponding to the value of the property.

“32.15. Property which, under section 43 of the Food and Drugs Act or section 15 of the Narcotic Control Act, is remitted to the Attorney General so that he may dispose of it is deemed to be property without an owner and is appropriated by the State and managed by the Attorney General who has custody thereof.

“32.16. The Attorney General shall, as regards the management of forfeited property and property referred to in section 32.15, act as if he were charged with the full administration of the property and may dispose of the property without authorization or formality.

“32.17. The Attorney General may entrust the General Purchasing Director designated under the Act respecting the Service des achats du gouvernement (chapter S-4) or any other person he designates with the mandate to manage the property of which he has custody and with the responsibility for disposing of forfeited property and property referred to in section 32.15.

“32.18. The Attorney General may, on the conditions fixed by the Government, make a short-term loan to the consolidated revenue fund of any part of the sums under his custody or management. Any loan made to the consolidated revenue fund is repayable out of the fund.

“32.19. The proceeds of forfeited property, of fines corresponding to the value of the property and of property referred to in section 32.15 shall, subject to the provisions of section 32.20, be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

“32.20. The Government may, in the circumstances and in the proportions it determines, allow the property referred to in section 32.19 to be shared in whole or in part with one or more of the following bodies or organizations:

- (1) the Fonds d'aide aux victimes d'actes criminels;
- (2) the municipal entities whose law enforcement agencies participated in the investigations that led to the forfeiture of the property or to the imposition of fines;
- (3) community organizations having crime prevention, particularly among young people, as their primary object;
- (4) the Ministère de la Sécurité publique where the Sûreté du Québec participated in the investigations that led to the forfeiture of the property or to the imposition of fines;
- (5) the Ministère de la Justice.

The Attorney General shall, where applicable, pay into the Fonds d'aide aux victimes d'actes criminels or to the organizations referred to in

subparagraphs 2 and 3 of the first paragraph the sums allotted according to the shares determined. In addition, the Attorney General shall pay the sums allotted to the Ministère de la Sécurité publique and to the Ministère de la Justice as well as any unshared balance remaining into the consolidated revenue fund.

“32.21. The sums allotted to the Ministère de la Sécurité publique and to the Ministère de la Justice under section 32.20 constitute, for all intents, an appropriation for the fiscal year in which they are paid into the consolidated revenue fund and are used by the departments for the purposes of crime prevention, detection and control.

“32.22. The Minister shall report on all proceeds of property referred to in section 32.19 and on the sharing of proceeds pursuant to section 32.20 in the annual report tabled by the Minister in the National Assembly.”

2. Section 12 of the Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2) is amended by replacing the words “and the sums paid into it by the Minister out of the sums contemplated in section 13” in the second and third lines of paragraph 1 by the words “, the sums paid by the Minister out of the sums referred to in section 13 and all other sums paid pursuant to an Act”.

3. Section 24 of the Public Curator Act (R.S.Q., chapter C-81) is amended by adding the following at the end of subparagraph 8 of the first paragraph: “, except property referred to in Division III.2 of the Act respecting the Ministère de la Justice (chapter M-19)”.

4. The Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) is amended by inserting, after section 4.1, the following section:

“4.2. Where so mandated by the Attorney General, the Director shall manage and, as the case may be, dispose of property referred to in section 32.17 of the Act respecting the Ministère de la Justice.

The Director shall deliver the net proceeds from the disposed property to the Attorney General.”

5. This Act comes into force on 23 December 1996.

Regulations and other acts

M.O., 1996

Order of the Minister of Transport respecting the approval of weigh scales dated 20 December 1996

Highway Safety Code
(R.S.Q., c. C-24.2, a. 467)

1. The Minister of Transport approves the following wheel-load scales:

Make	Model	Serial No.
HAENNI	WL-101	17152
HAENNI	WL-101	17153
HAENNI	WL-101	17154
HAENNI	WL-101	17155
HAENNI	WL-101	17156
HAENNI	WL-101	17157
HAENNI	WL-101	17158
HAENNI	WL-101	17159
HAENNI	WL-101	17160
HAENNI	WL-101	17161
HAENNI	WL-101	17162
HAENNI	WL-101	17163
HAENNI	WL-101	17164
HAENNI	WL-101	17165
HAENNI	WL-101	17166
HAENNI	WL-101	17167

2. Schedule V of the Minister of Transport's Order dated May 22, 1990, published on March 29, 1995, in the *Gazette officielle du Québec*, amended by the Orders published on April 26, 1995, November 22, 1995, March 13, 1996 and May 8, 1996, in the *Gazette officielle du Québec*, is further amended by inserting, after HAENNI wheel-load scale, model WL-101, serial number 16522, the following:

Make	Model	Serial No.
HAENNI	WL-101	17152
HAENNI	WL-101	17153
HAENNI	WL-101	17154
HAENNI	WL-101	17155
HAENNI	WL-101	17156
HAENNI	WL-101	17157
HAENNI	WL-101	17158
HAENNI	WL-101	17159
HAENNI	WL-101	17160
HAENNI	WL-101	17161
HAENNI	WL-101	17162
HAENNI	WL-101	17163
HAENNI	WL-101	17164

Make	Model	Serial No.
HAENNI	WL-101	17165
HAENNI	WL-101	17166
HAENNI	WL-101	17167

3. This Order takes effect on the date of its signature.

Québec, 20 December 1996

JACQUES BRASSARD,
Minister of Transport

1175

Extract from the Operating Rules of the National Assembly (Adopted on 22 March 1984)

CHAPTER III
RULES FOR THE CONDUCT OF PROCEEDINGS
RESPECTING PRIVATE BILLS

32. Objects — A bill relating to private or local matters must be introduced by a Member of the Assembly.

33. Deposit with law clerk — A Member who sponsors a bill relating to private or local matters shall deposit such bill with the law clerk.

The said Member shall not be answerable for the contents of the bill, nor shall he be required to endorse anything that may be provided therein.

34. Documents to be provided — Such bill shall be accompanied by a notice stating the name of the Member who is to introduce it and by a copy of every document mentioned therein and of every other document that may be pertinent thereto.

Any bill relating to a municipal corporation governed by the Cities and Towns Act, the Municipal Code, or a special charter shall likewise be accompanied by a certified true copy of the resolution authorizing its introduction.

35. Introduction and passage during same sessional period — No bill deposited with the law clerk between the second Tuesday in March and the twenty-third day of June or between the second Tuesday in September and the twenty-first day of December may be passed within that same period.

36. Notice in *Gazette officielle du Québec* — The applicant for a private bill shall cause to be published in the *Gazette officielle du Québec*, over his signature, a notice entitled “Avis de présentation d’un projet de loi d’intérêt privé.” Such notice shall specify the objects of the bill and state that any party whose interest may be affected by it and who wishes to make submissions with respect thereto must so advise the law clerk.

37. Notices in newspaper — The said notice shall likewise be published in a newspaper circulating in the judicial district wherein the applicant is domiciled; and if there be no newspaper circulating in that district, it shall be published in a newspaper circulating in the nearest district thereto.

Such notice shall be published once in each week for four weeks.

A copy of this notice shall accompany the bill upon its deposit with the law clerk.

38. Reports from the law clerk — The law clerk shall submit to the President of the Assembly a report stating whether such notice has been drafted and published in accordance with these rules.

The President shall forward a copy of this report to the Government House leader and to the Member sponsoring the bill.

39. Private bills register — The law clerk shall keep a register in which he shall enter the name, the occupation, and the place of residence of the applicant for a private bill and those of every party who has advised him that his interest is affected by such bill and that he wishes to make submissions with respect thereto.

The law clerk shall provide to the Government House leader and to the Member who is to introduce such bill a list of the parties who have advised him of their wish to make submissions with respect thereto.

40. Notices to interested parties — The director of the Secrétariat des commissions shall convene the interested parties not less than seven days before such bill is to be considered in committee.

41. Annual publication of rules — The law clerk shall publish in the *Gazette officielle du Québec*, in January of each year, the rules pertaining to private bills, together with Title III, Chapter IV, of the Standing Orders of the National Assembly.

EXTRACT FROM THE STANDING ORDERS
OF THE NATIONAL ASSEMBLY
(ADOPTED ON 13 MARCH 1984)

TITLE III

CHAPTER IV
PRIVATE BILLS

264. Notice and introduction — Any Member may, at the request of an interested person or body of persons, introduce a bill relating to private or local matters.

He shall give notice of his intent not later than the sitting day preceding that on which such bill is to be introduced and shall provide a copy thereof to the President before the sitting at which it is to be introduced.

265. Report from law clerk — Before such bill is introduced the President shall communicate to the Assembly the contents of the report from the law clerk thereon.

266. Preamble — A private bill shall require no explanatory notes; but every such bill shall contain a preamble setting out the facts on which it is founded and the circumstances giving rise to the necessity for it.

267. Referral to committee — When a private bill has been introduced the Government House leader shall move, without notice, that it be referred to a committee; and such motion shall be decided without debate.

The committee shall hear the interested parties, examine the bill clause by clause, and report thereon to the Assembly. The question for concurrence in such report shall be put forthwith and decided without debate.

268. Motions for passage in principle and passage — The passage in principle of the bill shall be set down for a future sitting day. No motion may be made to divide such bill or to defer its passage in principle.

A private bill when passed in principle shall not again be referred to a standing committee but may be passed during the same sitting day, and Standing Order 257 shall apply: Provided that the bill may not then be passed if opposition to its passage is taken by five Members.

269. Debate — During the debates on the passage in principle and the final passage of a private bill, each Member may speak for up to ten minutes: Provided that the Member sponsoring the bill and the leaders of the parliamentary groups may each speak for up to thirty minutes.

270. Procedure — Except as otherwise provided in this chapter of these Standing Orders, the general rules pertaining to bills shall apply to private bills.

Draft Regulations

Draft Regulation

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1; 1995, c. 61)

Civil Code of Québec
(1991, c. 64)

Criteria for the fixing of rent

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the criteria for the fixing of rent, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the Draft Regulation is to establish, as is done every year, the percentages applicable to certain criteria which the Régie du logement must take into account in fixing rent during the next period for fixing rents.

The impact of the Draft Regulation will be to ensure, for lessees and lessors, that the adjustment percentages for the criteria for fixing rent will vary in accordance with the fluctuation of prices in corresponding expenditure items. As for the adjustment of net income, it would reflect the current economic situation.

Further information may be obtained by contacting Mr. Daniel Maisonneuve, Régie du logement, 5199, rue Sherbrooke Est, 1st floor, bureau 2360, Montréal (Québec), H1T 3X1, tel.: (514) 873-6575, fax: (514) 873-6805.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs, édifice Cook-Chauveau, secteur B, 20, rue Chauveau, Québec (Québec), G1R 4J3.

RÉMY TRUDEL,
Minister of Municipal Affairs

Regulation to amend the Regulation respecting the criteria for the fixing of rent

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1, s. 108, 1st par., subpars. 3 and 6;
1995, c. 61, s. 1)

Civil Code of Québec
(1991, c. 64, a. 1953)

1. The Regulation respecting the criteria for the fixing of rent, made by Order in Council 738-85 dated 17 April 1985 and amended by the Regulations made by Orders in Council 1430-85 dated 10 July 1985, 562-86 dated 30 April 1986, 1047-87 dated 30 June 1987, 688-88 dated 11 May 1988, 528-89 dated 12 April 1989, 344-90 dated 21 March 1990, 519-91 dated 17 April 1991, 637-92 dated 29 April 1992, 580-93 dated 28 April 1993, 454-94 dated 30 March 1994, 825-94 dated 8 June 1994, 505-95 dated 12 April 1995 and 692-96 dated 12 June 1996, is further amended by adding the following after paragraph XII of Schedule I:

“XIII. Applications for the fixing of rent in respect of leases expiring between 1 April 1997 and 31 March 1998 and for contestations of adjustment of rent to take effect between 2 April 1997 and 1 April 1998:

Percentage applicable to the cost of electricity subject to the:

domestic rate (D or DM)	0.7 %
domestic dual energy rate (DT)	0.5 %
general small power rate (G)	0.0 %
all other rates	0.7 %

Percentage applicable to the cost of fuel:

heating oil	1.1 %
gas and other form of energy	2.8 %

Percentage applicable to the cost of maintenance: 2.0 %

Percentage applicable to the cost of providing services 3.1 %

Percentage applicable to management costs: 3.1 %

Percentage applicable to capital expenditure: 6.8 %

Percentage applicable to net revenue: 0.5 %

Where the percentage applicable to the costs of electricity and fuel is not representative for the building concerned, the tribunal, where it has the necessary information, shall take those costs into account by proceeding, in their respect, in the manner provided for in the second paragraph of section 4.”

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

1164

Draft Regulation

An Act respecting financial assistance for students (R.S.Q., c. A-13.3)

Financial assistance for students — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act, that the Regulation to amend the Regulation respecting financial assistance for students, the text of which appears below, may be made by the Government upon the expiry of 45 days from this publication.

The purpose of the draft Regulation is to amend, for the purposes of computing the financial assistance granted to a student, the amounts of his foreseeable employment income, the amounts of the expenses allowable as school fees, living expenses, transportation expenses, child day-care expenses and chiropractic and medication expenses, as well as the maximum amounts of loans in certain cases. Other amendments are made to clarify certain measures and to simplify certain administrative requirements.

The draft Regulation also prescribes the amounts of advance financial assistance that may be granted by the Minister of Education in the form of loans. Finally, it prescribes the maximum level of indebtedness that a person must not exceed in order to be eligible for a loan.

To date, study of the matter has revealed no impact on businesses.

Further information may be obtained by contacting Mr. Pierre-Paul Allaire, Director, Direction de l'aide financière aux étudiants, ministère de l'Éducation, 1035, rue de La Chevrotière, 20^e étage, Québec (Québec), G1R 5A5; tel.: (418) 646-5313.

Any interested person having comments to make is asked to send them in writing, before the expiry of the

45-day period, to the Minister of Education, 1035, rue de La Chevrotière, 16^e étage, Québec (Québec), G1R 5A5.

PAULINE MAROIS
Minister of Education

Regulation to amend the Regulation respecting financial assistance for students

An Act respecting financial assistance for students (R.S.Q., c. A-13.3, s. 57; 1996, c. 79, s. 11)

1. The Regulation respecting financial assistance for students, made by Order in Council 844-90 dated 20 June 1990 and amended by the Regulations made by Orders in Council 767-91 dated 5 June 1991, 647-92 dated 29 April 1992, 761-93 dated 2 June 1993, 831-94 dated 8 June 1994, 1071-94 dated 13 July 1994, 1103-95 dated 16 August 1995 and 537-96 dated 8 May 1996, is further amended in section 2 by substituting the following for the amounts appearing respectively in subparagraphs 1 to 4 of the first paragraph:

- (1) “\$1 175”;
- (2) “\$2 805”;
- (3) “\$4 425”;
- (4) “\$4 425”.

2. Section 3 is amended

(1) by substituting the following for subparagraph 3 of the first paragraph:

“(3) he receives benefits under the Employment Insurance Act (S.C., 1996, c. 23) and is participating in a program of training offered to him and paid in accordance with that Act;”;

(2) by adding the following subparagraph in the first paragraph after subparagraph 3:

“(4) he is incarcerated.”.

3. The following is substituted for subparagraph 2 of the first paragraph of section 4:

“(2) 60 % of his actual employment income referred to in Schedule II, for the calendar year ending during the current year of allocation or, in the case of income referred to in paragraph 11 of that Schedule, for the

fiscal year that comes to an end during the calendar year ending during the current year of allocation, except income provided for in paragraph 7 of that Schedule where the student is participating in a program of training offered to him and paid in accordance with the Employment Insurance Act (S.C., 1996, c. 23);”.

4. The following is substituted for the second paragraph of section 21:

“For the purposes of the computation provided for in subparagraph 1, the actual employment income referred to in subparagraph 11 of Schedule II is the income for the fiscal year that comes to an end during the calendar year ending during the current year of allocation.”.

5. Section 24 is amended

(a) by substituting the following for subparagraph 3 of the second paragraph:

“(3) he receives benefits under the Employment Insurance Act (S.C., 1996, c. 23) and is participating in a program of training offered to him and paid in accordance with that Act;”;

(b) by adding the following subparagraph after subparagraph 3 of the second paragraph:

“(4) he is incarcerated.”.

6. The following paragraphs are inserted after the first paragraph of section 25:

“The compulsory tuition and registration fees and the compulsory related fees allocated to a student pursuing studies in Québec may not exceed \$6 000 per trimester.

For each trimester of full-time studies, the amounts allocated to a student for the purchase of educational materials are the following:

- | | |
|--|-----------|
| (1) for the secondary level, in vocational training: | \$125.00; |
| (2) for the college level, in general education: | \$125.00; |
| (3) for the college level, in vocational training: | \$150.00; |
| (4) for the university level: | \$325.00; |

(5) for the university level, for the following programs: architecture, visual (plastic) arts, chiropractic, physical education, ergotherapy, medicine, veterinary medicine, music, speech therapy and audiology, optometry, pharmacy, physiotherapy and engineering:	\$375.00;
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(6) for the graduate level of university, where the trimester is devoted to drafting a thesis or dissertation:	\$150.00.
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Notwithstanding the third paragraph, no amount shall be allocated for the purchase of educational materials in respect of a trimester during which a student takes a training period that covers a full trimester.”.

7. The second paragraph of section 27 is deleted.

8. The following words are added at the end of the second paragraph of section 32:

“and except where that trimester is the winter trimester and the student enrolls in vocational training at the secondary level”.

9. Section 33 is amended

(a) by substituting the amount “\$50” for the amount “\$39” in the first paragraph; and

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

“The total amount resulting from the application of this section may not exceed \$1 045 per year of allocation.”.

10. Section 38 is revoked.

11. The following is substituted for the first paragraph of section 41:

“**41.** A student who pursues studies shall be allocated day-care expenses for the child living with him, for the number of weeks determined according to sections 31 and 32 less 2 weeks, on the following conditions:

- | | |
|---|-------|
| (1) where the child is less than 6 years of age: | \$50; |
| (2) where the child is 6 years or more but less than 12 years of age: | \$25; |

(3) where the child is 12 years of age or more and suffers from a major functional deficiency as defined in section 54 or from mental disorders described in a medical certificate issued by a physician: \$25.”.

12. The amount “\$200” is substituted for the amount “\$100” in the first paragraph of section 44.

13. Section 47 is amended

(1) by substituting the following for subparagraph 3 of the first paragraph:

“(3) for the undergraduate level of university, after obtaining an undergraduate degree in Québec or such a degree or the equivalent outside Québec: \$4 255;”;

(2) by substituting the following for the second paragraph:

“Notwithstanding the first paragraph, where a student begins his studies at the secondary level in vocational training in the winter trimester and where he was not pursuing post-secondary studies during the preceding trimester, the maximum amount of a loan, for that year of allocation and for the subsequent year of allocation, shall be reduced by one-half.

The maximum amount of an authorized loan shall be increased by the compulsory tuition and registration fees, up to the amount of the expenses allowable as such under section 25, where the student attends an educational institution at the secondary level in vocational training or at the college level for a program not subsidized under the Act governing the institution or where the student attends an educational institution outside Québec.”.

14. The following is inserted after section 49:

“**49.1** The total of all authorized loans, at every level of education and cycle, may not exceed the following maximum levels of indebtedness:

(1) where the student is at the secondary level, in vocational training: \$21 000;

(2) where the student is at the college level, in general education: \$15 000;

(3) where the student is at the college level, in vocational training: \$21 000;

(4) where the student is at the undergraduate level of university, for a program of study of less than 8 trimesters: \$25 000;

(5) where the student is at the undergraduate level of university, for a program of 8 trimesters or more: \$30 000;

(6) where the student is at the master’s level of university: \$35 000;

(7) where the student is at the doctoral level of university: \$45 000.”.

15. Division X of Chapter I is revoked.

16. The following is substituted for section 62:

“**62.** Unless he has been recognized as a borrower in a precarious financial situation under section 71, the borrower shall, at the end of his period of exemption, sign a repayment agreement for all loans granted to him under the Act with the financial institution that is the creditor of those loans.”.

17. The following is substituted for section 69:

“**69.** A borrower is considered to be in a precarious financial situation where his average gross monthly income, within the meaning of section 70, does not exceed \$980 for a period of 6 months.”.

18. The following is substituted for the second paragraph of section 71:

“Recognition by the Minister that the borrower is in a precarious financial situation terminates the repayment agreement.

During the period prescribed in the first paragraph, the Minister shall pay to the financial institution the interest on the balance of all loans granted under the Act at the rate fixed following the method provided for in section 67.”.

19. The following is substituted for section 74:

“**74.** A borrower who ceases to be a borrower in a precarious financial situation shall sign a repayment agreement in accordance with sections 62 to 64.

The rate of interest stipulated in the repayment agreement shall, however, be determined on the date the borrower ceases to be in such a situation and shall thereafter be fixed every 5 years from the date on which his period of exemption ends.”.

20. The following is substituted for paragraph 4 of section 76:

“(4) he has kept his residence in Québec although his parents or sponsor have ceased to reside in Québec;”.

21. The following is inserted after section 81:

**“DIVISION IV
ADVANCE FINANCIAL ASSISTANCE**

81.1 The Minister may grant advance financial assistance in the form of a loan to a student who made an application for financial assistance and who is in a situation that, within the meaning of section 25 of the Act respecting income security (R.S.Q., c. S-3.1.1), could lead him to complete destitution.

The amount of an advance loan shall be \$500, except if the student is covered by section 39, in which case the amount shall be \$775.”.

22. The following is substituted for paragraph 7 of Schedule II:

“(7) benefits received under the Employment Insurance Act (S.C., 1996, c. 23);”.

23. The following is substituted for Schedule VII:

**“SCHEDULE VII
(s. 45)**

**ELIGIBILITY PERIOD
Secondary level in vocational training
College level or the equivalent**

	Loan and bursary		Loan only	
	Number of trimesters	from	to	
(1) secondary level in vocational training:	5	6 th trim.	7 th trim.;	
(2) secondary level in vocational training, program of study covered by the apprenticeship system:	8	9 th	10 th ;	
(3) general college level:	5	6 th	7 th ;	
(4) general college level, under a program of study lasting 6 trimesters or more:	7	8 th	9 th ;	
(5) vocational college level:	7	8 th	9 th ;	
(6) the naval engineering program at the Institut maritime du Québec, Cégep de Rimouski:	9	10 th	11 th ;	

Number of trimesters	Loan only	
	from	to

(7) the navigation program at the Institut maritime du Québec, Cégep de Rimouski:

(8) Conservatoire de musique et d’art dramatique de la province de Québec (program of college study):

(9) the National Theater School of Canada:

(10) vocational college level, program of college study under a cooperative plan:

In order to determine the eligibility period for financial assistance for a student at the secondary level in accordance with subparagraph 1 or 2 of the first paragraph, deduction shall be made, from the number of trimesters authorized by the subparagraph in question, of the number of trimesters for which the student has already received financial assistance under subparagraph 1 or 2 of the first paragraph.”.

In order to determine the eligibility period for financial assistance for a student at the college level in accordance with subparagraphs 3 to 10 of the first paragraph, deduction shall be made, from the number of trimesters authorized by the subparagraph in question, of the number of trimesters for which the student has already received financial assistance under one or more of subparagraphs 3 to 10 of the first paragraph.”.

24. Schedule VIII is amended

(1) by substituting the following for the table:

“ELIGIBILITY PERIOD

University level or the equivalent

	Loan and bursary	Loan only	
	Number of trimesters	from	to
(1) undergraduate level:	7	8 th trim.	9 th trim.;
(2) master's level:	5	6 th	7 th ;
(3) doctoral level:	9	10 th	11 th ;
(4) doctoral level, without having obtained a master's degree:	11	12 th	13 th ;
(5) undergraduate level, in Québec, under a program whose normal duration is 8 trimesters or more, or, outside Québec, 10 trimesters or more:	9	10 th	11 th ;
(6) undergraduate level, in medicine:	11	12 th	13 th ;
(7) undergraduate level, program of university studies under a cooperative plan:	11	12 th	13 th ;
(8) undergraduate level, in a chiropractic program:	12	13 th	14 th ;
(9) Conservatoire de musique et d'art dramatique de la province de Québec (graduate program of study):	7	8 th	9 th ;
(10) master's level, dentistry program with the “orthodontics” or “prostodontic rehabilitation” option:	10	11 th	12 th ;
(11) master's level, in the program “diplôme d'études spécialisées en médecine vétérinaire” offered by the Faculté de médecine vétérinaire of the Université de Montréal:	10	11 th	12 th ;
(12) Conservatoire de musique et d'art dramatique de la province de Québec, “programme de fin d'études après l'obtention d'un diplôme d'études supérieures”:	5	6 th	7 th .”

(2) by substituting the figures “1, 5, 6, 7, 8 and 9” for the figures “1, 5, 6, 7 and 8” wherever they appear in the third paragraph;

(3) by substituting the figures “2, 10, 11 and 12” for the figures “2, 9 and 10” wherever they appear in the fifth paragraph.

25. This Regulation applies from the 1997 summer trimester of the 1997-1998 year of allocation.

Notwithstanding the foregoing, for the 1997-1998 year of allocation, the maximum amount of a loan shall be increased by taking into account, for the summer trimester, all the compulsory tuition fees and registration fees where the student was studying during the fall of 1996 in the same program of study.

In addition, for that same year of allocation, a reference to the Employment Insurance Act (S.C., 1996, c. 23) includes the Unemployment Insurance Act (R.S.C., 1985, c. U-1).

26. The second paragraph of section 71 and section 74 of the Regulation respecting financial assistance for students, as they read before being replaced, remain applicable, in respect of a borrower who was recognized as being in a precarious financial situation before 1 July 1997, until the period for which he was so recognized expires.

27. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 16 to 19, which come into force on 1 July 1997.

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

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