Gazette officielle du Québec

Part 2
Laws and Regulations

Volume 130
29 July 1998
No. 31

Summary

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Legal deposit — 1st Quarter 1968
Bibliothèque nationale du Québec
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NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 188
(1998, chapter 37)

An Act respecting the distribution of financial products and services

Introduced 11 December 1997
Passage in principle 2 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Québec Official Publisher
1998

EXPLANATORY NOTES

This bill replaces the Act respecting market intermediaries. It creates a single financial services bureau, to be known as the Bureau des services financiers, which will have the mission of protecting the public. The Bureau is to be administered by a board consisting of 15 members, ten of whom are to be appointed by the Minister. The five remaining board members are to be elected by representatives.

The Bureau will issue qualified representatives with certificates authorizing them to act as representatives in insurance of persons, damage insurance agents or brokers, claims adjusters, financial planners, group savings plan representatives, investment contract representatives or scholarship plan representatives. A certificate may be issued by the Bureau to authorize a representative to act in several sectors.

Representatives will be required to pursue their activities for a firm which must register with the Bureau to be able to act, through representatives, in the various sectors governed by the bill. Representatives who are not attached to a firm will be able to register with the Bureau as independent representatives, or they may choose to pursue their activities with a partnership registered as an independent partnership. Firms will be required to carry liability insurance to cover the actions of their representatives. Independent representatives and independent partnerships will also be required to carry liability insurance, and will in addition be required to contribute to a fund established to compensate the victims of fraud, fraudulent practices and embezzlement by representatives.

Every legal person having an establishment in Québec may register as a firm to offer financial products and services through representatives. That possibility is also available to deposit institutions such as trust companies and credit unions. Deposit institutions that register in the insurance sector must comply with special rules intended to prevent conflicts between their role as credit institutions and as distributors of insurance products, and to ensure that the public is protected as regards the information of a medical nature disclosed to representatives.

The powers to regulate representatives will be shared between the Bureau and the Commission des valeurs mobilières du Québec on the basis of whether the representatives pursue activities in the insurance and financial planning sectors or the securities sector. The Bureau will be responsible for ensuring that firms and independent partnerships comply with the requirements incumbent upon them.

Certain insurance products may be offered by distributors who are not insurance representatives. A distributor is a person who, in pursuing activities in a field other than insurance, offers insurance coverage on behalf of an insurer in relation to goods distributed by the person. The insurance products concerned are travel insurance, vehicle rental insurance and credit and debit card insurance. The bill further provides that debtor life, health and employment insurance as well as investor life insurance fall into the same category. If the Government considers that a stricter framework is needed to regulate the sale of a product by distributors, it is empowered to require that distributors hold a restricted certificate.

The bill provides for the establishment of two professional associations; the members of the first, the Chambre de la sécurité financière, will be elected by representatives in insurance of persons, securities representatives and financial planners, and the members of the second, the Chambre de l'assurance de dommages, will be elected by damage insurance agents and brokers and claims adjusters. The presidents and vice-presidents of the two chambers will sit automatically on the board of the Bureau. Each chamber will determine the rules of ethics applicable to its constituent representatives, and make recommendations to the Bureau concerning any matter falling within its jurisdiction. The chambers are also empowered to provide professional development sessions and other services to representatives.

A discipline committee, made up of advocates and representatives, is established within each chamber. It will examine every complaint made against a representative for offences under the provisions of this Act or the regulations.

Lastly, the bill contains transitional and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

– Automobile Insurance Act (R.S.Q., chapter A-25);

– Crop Insurance Act (R.S.Q., chapter A-30);

– Act respecting insurance (R.S.Q., chapter A-32);

– Act respecting the Barreau du Québec (R.S.Q., chapter B-1);

– Savings and Credit Unions Act (R.S.Q., chapter C-4.1);

– Real Estate Brokerage Act (R.S.Q., chapter C-73.1);

– Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1);

– Act respecting labour standards (R.S.Q., chapter N-1.1);

– Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);

– Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);

– Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);

– Securities Act (R.S.Q., chapter V-1.1).

LEGISLATION REPLACED BY THIS BILL:

– Act respecting market intermediaries (R.S.Q., chapter I-15.1).

Bill 188

AN ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

REPRESENTATIVES

CHAPTER I

GENERAL PROVISIONS

1. A representative is either an insurance representative, a securities representative, a claims adjuster or a financial planner.

2. An insurance representative is either a representative in insurance of persons, a group insurance representative, a damage insurance agent or a damage insurance broker.

3. A representative in insurance of persons is a natural person who offers individual insurance products in insurance of persons or individual annuities, including endowment contracts, from one or more insurers directly to the public, to a firm, to an independent representative or to an independent partnership.

A representative in insurance of persons acts as an advisor in the field of individual insurance of persons and is authorized to secure the adhesion of a person in respect of a group insurance or group annuity contract.

The following are not representatives in insurance of persons:

(1) persons who, on behalf of an employer, a union, a professional order or an association or professional syndicate constituted under the Professional Syndicates Act (R.S.Q., chapter S-40), secure the adhesion of an employee of that employer or of a member of that union, professional order, association or professional syndicate in respect of a group contract in insurance of persons or a group annuity contract;

(2) the members of a mutual benefit association that does not guarantee the payment of a benefit upon the occurrence of a risk who offer policies for the mutual benefit association.

4. A group insurance representative is a natural person who offers insurance products in group insurance of persons or group annuities from one or more insurers. A group insurance representative also acts as an advisor in the field of group insurance of persons.

Actuaries who, in pursuing activities as an actuary, offer insurance products in group insurance of persons or group annuities are not group insurance representatives.

5. A damage insurance agent is a natural person who, on behalf of a firm that is an insurer or that is bound by an exclusive contract with a single damage insurer, offers damage insurance products directly to the public. A damage insurance agent also acts as an advisor in the field of damage insurance.

A person who offers liability insurance products for the insurance fund established by the Bureau des services financiers is not a damage insurance agent.

6. A damage insurance broker is a natural person who offers a range of damage insurance products from several insurers directly to the public, or who offers damage insurance products from one or more insurers to a firm, an independent representative or an independent partnership. A damage insurance broker also acts as an advisor in the field of damage insurance.

7. A customs broker who, in pursuing activities as a customs broker, offers insurance products is not a damage insurance agent or damage insurance broker.

8. An insurer is an insurer holding a licence issued under the Act respecting insurance (R.S.Q., chapter A-32), other than a professional order authorized to insure its members' liability.

9. A securities representative is either a group savings plan representative, an investment contract representative or a scholarship plan representative who does not act for a dealer governed by the Securities Act (R.S.Q., chapter V-1.1).

A group savings plan representative is a natural person who offers shares or units in mutual funds.

An investment contract representative is a natural person who offers a participation in investment contracts within the meaning of the second paragraph of section 1 of the Securities Act.

A scholarship plan representative is a natural person who offers units in scholarship plans.

10. A claims adjuster is a natural person who, in the field of damage insurance, investigates insured losses, appraises damages and negotiates the settlement of claims.

The following are not claims adjusters:

(1) persons who, in pursuing activities in a field other than insurance, carry out one of the functions of a claims adjuster;

(2) natural persons who act as appraisers within the meaning of Title VI of the Automobile Insurance Act (R.S.Q., chapter A-25).

11. A financial planner is a natural person who uses the title of financial planner.

12. Subject to the provisions of Title VIII, no person may act as or purport to be a representative without holding the appropriate certificate issued by the Bureau.

However, a financial institution or mutual fund may, by giving out brochures or flyers or using direct mail or any other form of publicity, invite the public to purchase insurance products, shares or units in mutual funds or units in scholarship plans.

13. Representatives pursue their activities in the sectors or classes of sectors in which they are authorized to act by a certificate issued by the Bureau.

The following are sectors:

— insurance of persons;
— group insurance of persons;
— damage insurance;
— claims adjustment;
— financial planning;
— group savings plan brokerage;
— investment contract brokerage;
— scholarship plan brokerage.

14. No representative other than a securities representative may pursue activities as a representative unless the representative is acting for a firm, is registered as an independent representative or is a partner in or employee of only one independent partnership.

Representatives acting for several firms must disclose the name of the firm for which they are acting to the client with whom they are transacting business.

No securities representative may pursue activities as a securities representative unless the representative is acting for only one firm.

15. No person acting in contravention of the provisions of section 12 or 14 may claim or receive remuneration for any products sold or services rendered.

16. All representatives are bound to act with honesty and loyalty in their dealings with clients.

They must act with competence and professional integrity.

17. Where representatives require compensation from the persons with whom they transact business, they must, according to the procedure determined by regulation of the Bureau or, as the case may be, of the Commission des valeurs mobilières du Québec, disclose to the client the fact that they also receive remuneration for the products sold and the services rendered and any other benefit determined by regulation.

18. No representative may make the making of a contract subject to the requirement that the client make an insurance contract.

No representative may exert undue pressure on a client or use fraudulent tactics to induce a client to purchase a financial product or service.

19. Representatives who, at the time a contract is made, cause a client to make an insurance contract must give the client a notice, drawn up in the manner prescribed by regulation of the Bureau, stating that the client may cancel the insurance contract within 10 days of signing it.

20. A client may cancel an insurance contract made at the same time as another contract, within 10 days of signing it, by sending notice by registered or certified mail.

Where such an insurance contract is cancelled, the first contract retains all its effects.

21. No contract may contain provisions allowing it to be amended in the event of the cancellation or termination of an insurance contract made at the same time.

However, a contract may provide that cancellation or termination of the insurance contract will entail, for the remainder of the term, the loss of the favorable conditions extended because more than one contract was made at the same time.

22. Representatives, financial institutions, firms and enterprises that offer financing for the purchase of goods or services and that require the debtor to subscribe for insurance to guarantee the reimbursement of the loan must give the debtor a notice, drawn up in the manner prescribed by regulation of the Bureau, stating that the debtor may subscribe for insurance with the insurer and representative of the debtor's choice provided that the insurance is considered satisfactory by the creditor, who may not refuse it without reasonable grounds. They may not subordinate the making of the contract of credit to the making of an insurance contract with the insurer they specify.

No contract of credit may stipulate that it is made subject to the condition that an insurance contract made with such an insurer remain in force until the expiry of the term, or subject to the condition that the expiry of an insurance contract will entail forfeiture of term.

The rights of the debtor under the contract of credit shall not be forfeited when the debtor cancels, terminates or withdraws from the insurance contract, provided that the debtor subscribes for insurance with another insurer that is considered satisfactory by the creditor, who may not refuse it without reasonable grounds.

23. Representatives shall disclose all the information they gather about clients to the establishment to which they are attached.

Representatives acting for several firms shall disclose such information to the establishment of the firm for which they are acting at the time.

They may disclose such information only to a person authorized by law.

24. No representative may receive an amount deriving from a sharing of commissions except through a firm or independent partnership for which the representative acts.

25. No representative acting on behalf of a firm or an independent partnership may consult information held by that firm or partnership unless granted access in accordance with sections 91 and 92.

CHAPTER II

SPECIAL PROVISIONS

DIVISION I

INSURANCE REPRESENTATIVES

26. Insurance representatives must, when placing a risk with an insurer with which they have, or with which the independent partnership or firm for which they act has, a business relationship, disclose that relationship to the person with whom they are transacting business.

Any direct or indirect interest held by an insurer in the ownership of a firm or held by a firm in the ownership of an insurer, and the granting by an insurer of any benefit or other interest determined by regulation, constitutes a business relationship.

27. Insurance representatives must personally gather the information that is necessary to assess a client's needs, in order to propose the insurance product that best meets those needs.

28. Insurance representatives must, before making an insurance contract, describe the product to the client, specify the nature of the coverage and indicate clearly all exclusions.

29. No insurance representative may be assigned to current over-the-counter deposit and withdrawal transactions, or credit operations, except in connection with

(1) credit referrals;

(2) the provision of credit advice to a client with regard to the client's financial situation and needs;

(3) the granting of credit for the purchase of an insurance product or for investment purposes;

(4) any other credit operation determined by government order.

A counter is any place where current deposit and withdrawal transactions are effected for a financial institution.

The Government shall, before making an order under subparagraph 4 of the first paragraph, give the Bureau 60 days' advance notice.

30. No insurance representative acting on behalf of a firm or independent partnership may pursue activities as a representative in an establishment of the firm or partnership except in a place designated for that purpose where confidentiality is assured.

31. Representatives in insurance of persons, group insurance representatives and damage insurance brokers must, before offering an insurance product, disclose to the person with whom they are transacting business, in the manner prescribed by regulation, the names of the insurers whose products they are authorized to offer, together with the other information on those insurers prescribed by regulation.

32. Insurance representatives acting for a firm that is an insurer or that is bound by an exclusive contract with a single insurer must disclose that fact to the person with whom they are transacting business.

33. Where an insurer requires personal information of a medical or lifestyle-related nature in order to process an insurance proposal, the information must be collected using a form that is separate from the form used to collect the other information needed by the insurer.

34. A form used to collect information other than information of a medical or lifestyle-related nature may nevertheless contain a request for information

(1) on whether or not the client has, during the period mentioned in the form, consulted a health professional, received treatment or undergone test for any of the diseases listed on the form;

(2) on whether or not the client has, during the period mentioned in the form, been admitted to a hospital, clinic or health care institution.

A request for information must be formulated in such a way that the client's answer will not reveal the disease for which the client consulted a health professional, received treatment, underwent tests or was admitted to a hospital, clinic or health care institution.

35. Notwithstanding section 23, an insurance representative acting for a firm, other than an insurer, offering both credit and insurance must, once a form containing information of a medical or lifestyle-related nature has been completed by the client with or without the representative's assistance, forward it only to the insurer concerned. The representative may not keep a copy of the form, and may not disclose any information contained in the form to any other person.

36. Where an insured who has provided personal information of a medical or lifestyle-related nature sustains an insured loss and files a claim with the firm concerned, if it offers both credit and insurance, rather than with the insurer, no information that is brought to the attention of the insurance representative who assists the insured may be disclosed to any other person.

Notwithstanding section 23, the claim and all the required documents must be sent by the representative to the insurer only and no copy may be kept by the representative.

37. No information of a medical or lifestyle-related nature received from a client may be disclosed by an insurer to a firm offering both credit and insurance, even with the authorization of the client.

38. Damage insurance brokers offering insurance products directly to the public must offer their clients a range of products from several insurers.

39. Damage insurance agents and brokers must, when renewing an insurance policy, take the necessary steps to ensure that the coverage provided corresponds to the client's needs.

40. Damage insurance brokers who act as such for a firm or independent partnership that is authorized by an insurer to act as a claims adjuster must, before making an insurance contract, disclose that fact in writing to the person with whom they are transacting business.

41. Only a damage insurance broker acting for a firm, and who is authorized by the Bureau to act as a special broker on the conditions determined by regulation of the Bureau, may offer an insurance product from an outside insurer. The broker's certificate shall include the relevant particulars.

No broker may pursue such activities unless the firm has met the requirements set out in the second paragraph of section 77.

An outside insurer is an insurer in damage insurance that does not hold a licence issued pursuant to the Act respecting insurance.

42. No special broker may offer the products of an outside insurer, except in the fields of automobile insurance and surety insurance, unless justified by market scarcity.

43. Before placing a risk with an outside insurer, special brokers must give the client a written notice stating that the proposed insurer does not hold an insurance licence in Québec and has no establishment in Québec.

The written notice must, in addition, contain any other information determined by regulation.

DIVISION II

CLAIMS ADJUSTERS

44. No person may use the title of claims adjuster or an abbreviation of that title without holding the appropriate certificate issued by the Bureau.

The same rule applies with regard to the titles similar to the title of claims adjuster, and the abbreviations of those titles, determined by regulation.

45. No claims adjuster may be authorized to act in a sector other than claims adjustment.

46. Notwithstanding section 45, damage insurance agents and damage insurance brokers may qualify to act as claims adjusters in respect of policies purchased through the firm for which they act. The Bureau shall determine, by regulation, the circumstances in which such agents or brokers may act and the conditions of exercise with which they must comply.

47. Claims adjusters acting for an insurer must, when contacting a person having suffered an insured loss, inform the person that they are acting for the insurer.

48. Claims adjusters who offer their services to a claimant must propose two contracts, one providing for hourly remuneration and the other providing for percentage remuneration. The client may choose the most suitable contract.

49. The contract is binding on the claimant only from the time the claimant receives a copy of the contract.

50. The claimant may cancel the contract within 10 days of receiving it by sending a notice by registered or certified mail.

In such a case, the firm, the independent representative or the independent partnership may charge only the expenses incurred to prevent any further loss.

DIVISION III

SECURITIES REPRESENTATIVES

51. Securities representatives must, before offering a product, ensure that the product corresponds to the financial situation and investment objectives described by the client.

52. Securities representatives may not receive a payment made out to them, and must pay the amounts they collect for the firm for which they act into the trust account maintained by that firm.

53. Group savings representatives must, when offering shares or units in a mutual fund with which the firm for which they act has a business relationship, disclose that relationship to the person with whom they are transacting business.

Any direct or indirect interest held by a mutual fund in the ownership of a firm or held by a firm in the ownership of a mutual fund, and the granting by the mutual fund of any benefit or other interest determined by regulation of the Commission, constitutes a business relationship.

54. Securities representatives may, on the conditions prescribed by regulation of the Commission, offer permanent shares and preferred shares issued by a savings and credit union, federation or confederation governed by the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) that are not exempted from the application of Titles II to VIII of the Securities Act.

55. No investment contract representative may offer investment contracts in respect of which the Commission, in issuing a receipt or prospectus exemption, imposes on the issuer the requirement that the investment contract be offered only by a dealer registered under the Securities Act.

DIVISION IV

FINANCIAL PLANNERS

56. Subject to section 60, no person may use the title of financial planner or purport to offer financial planning services without holding the appropriate certificate issued by the Bureau.

The same rule applies with regard to the titles similar to the title of financial planner, and the abbreviations of those titles, determined by regulation.

57. Only a person holding a diploma in financial planning issued by the Institut québécois de planification financière may obtain, from the Bureau, a certificate authorizing the person to use the title of financial planner.

58. The Institut québécois de planification financière shall determine the rules governing compulsory professional development in financial planning. The rules shall be submitted to the Government for approval with or without amendment.

CHAPTER III

FINANCIAL PLANNERS BELONGING TO A PROFESSIONAL ORDER

59. Each of the professional orders variously known as the Ordre professionnel des avocats du Québec, the Ordre professionnel des notaires du Québec, the Ordre professionnel des comptables agréés du Québec, the Ordre professionnel des comptables en management accrédités du Québec, the Ordre professionnel des comptables généraux licenciés du Québec and the Ordre professionnel des administrateurs agréés du Québec may enter into an agreement with the Bureau setting out the responsibilities of the order with regard to those of its members who wish to use the title of financial planner.

While such an agreement is in force, the provisions of this Act relating to financial planners, with the exception of the penal provisions, do not apply to such members.

60. The members of the order who hold a diploma in financial planning issued by the Institut québécois de planification financière are, for such time as they meet the requirements and comply with the rules determined by their order, authorized to use the title of financial planner during the term of the agreement.

61. The agreement shall set out the powers and obligations of the order concerning the management and supervision of its members when they pursue activities as financial planners.

The agreement shall also set out the rules of ethics and the professional requirements with which the members must comply.

62. The agreement must provide that the liability insurance that the order requires of its members, and the provisions relating to its indemnity fund, cover the acts of the members using the title of financial planner.

Every act performed by a member as a financial planner within the scope of an agreement is deemed to be an act performed as a member of the order to which the member belongs.

63. The agreement shall have a maximum term of five years, and may be renewed.

It may, following agreement, be amended at any time.

64. The Bureau may not refuse to enter into an agreement if the rules of ethics and the professional requirements submitted by an order are at least as stringent as those applicable to financial planners holding a certificate.

65. An order may require that those of its members who hold a diploma in financial planning undergo additional training, pass examinations or meet specific requirements in order to qualify to hold that title during the term of the agreement.

66. An order may require that those of its members who are authorized to use the title of financial planner pay specific annual dues.

67. Each order shall keep a register of those of its members who are authorized to use the title of financial planner. The register shall be kept available for public consultation.

68. Every member of an order who is authorized to use the title of financial planner and who fails to comply with a provision of the rules established by the order in respect of such a member, commits an offence that may be referred to the committee on discipline of the order concerned.

69. Where the Bureau considers that an order has failed to exercise the responsibilities assigned to it by agreement, the Bureau shall serve notice on the order at least 15 days in advance, stating the grounds that in its view justify the opinion and the order's right to present observations.

Where, after the order has presented or has failed to present its observations, the Bureau maintains its opinion that the order has failed to exercise the responsibilities assigned to it, the Bureau shall refer the matter to the Minister, stating the grounds on which its opinion is based.

In such a case, the Minister may terminate the agreement.

TITLE II

REGISTRATION

CHAPTER I

FIRMS

70. A firm is either a single-sector firm or a multi-sector firm.

A single-sector firm is a firm that offers products and services in a single sector through representatives.

A multi-sector firm is a firm that offers products and services in more than one sector.

71. No person may act as or purport to be a firm without being registered with the Bureau.

72. Only a legal person that maintains an establishment in Québec may register with the Bureau to act as a firm.

The following may, in particular, register as a firm:

— insurers;
— banks governed by the Bank Act (Revised Statutes of Canada, 1985, chapter B-1.01);
— trust and loan companies within the meaning of the Trust and Loan Companies Act (Revised Statutes of Canada, 1985, chapter T-19.8);
— savings and credit unions within the meaning of the Savings and Credit Unions Act;
— trust companies within the meaning of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);
— securities dealers or securities advisers registered under the Securities Act.

For the purposes of this Act, a Lloyd's insurer is deemed to be a legal person.

73. Insurers whose products are distributed solely by insurance representatives who are neither employed by the insurer nor bound to the insurer by an exclusive contract are not required to register with the Bureau when their products are offered by such representatives.

74. The Bureau shall register a legal person that meets the conditions established by this Act and the regulations and that provides the Bureau, in the manner prescribed by regulation, with the information and documents relating to each representative through whom the legal person intends to pursue activities, for each sector for which it is applying for registration, together with any other information or documents prescribed by regulation.

75. A firm is registered for a particular sector.

76. Legal persons who register as firms must establish that they have subscribed for liability insurance that is consistent with the requirements determined by regulation. They must also establish that every representative acting on their behalf without being an employee has liability insurance that is consistent with the requirements determined by regulation.

Where an insurance fund has been established, such legal persons and every representative acting for them without being an employee must, instead, pay the insurance premium fixed by the Bureau.

77. A legal person must, when registering, pay the contribution collected by the Bureau on behalf of the financial services compensation fund and the dues collected on behalf of the Chambers pursuant to section 278 and section 320, in addition to the fees required for registration.

A firm that is to offer products through a special broker must also furnish security to the Bureau, in the form of an insurance policy issued by an insurer in the amount determined by regulation to cover the obligations of the outside insurers concerned.

78. The Bureau may refuse registration for a given sector, or impose restrictions or conditions for registration, where the applicant's registration for any of the sectors listed in the second paragraph of section 13 has previously been cancelled, where the registration of a director or executive officer of the applicant has previously been cancelled, or where a director or executive officer of the applicant has previously been a partner in an independent partnership, or a director or executive officer of a firm, whose registration has previously been cancelled.

79. The Bureau may also refuse registration where the applicant for registration or a director or executive officer of the applicant does not, in the opinion of the Bureau, show the required honesty, competence or solvency.

80. A firm is responsible for any injury caused to a client by the fault of one of its representatives in the performance of the representative's functions.

However, the firm retains the remedies available to it against the representative concerned.

81. While registered, a firm must, annually, pay the fees prescribed by regulation to the Bureau.

The firm must also pay the contribution collected by the Bureau on behalf of the financial services compensation fund and the dues collected by the Bureau on behalf of the Chambers.

82. A firm may act in a given sector only through a representative in whose respect the firm has met the requirements set out in sections 74, 76 and 77.

No legal person that has failed to comply with the provisions of the first paragraph may claim or receive remuneration for products sold or services rendered during that period.

83. A firm must, while registered, maintain liability insurance that is consistent with the requirements determined by regulation or, if an insurance fund has been established, pay the insurance premium fixed by the Bureau. The firm must also ensure that every representative acting on its behalf without being an employee carries liability insurance that is consistent with the requirements determined by regulation or, if an insurance fund has been established, has paid the insurance premium fixed by the Bureau.

Notwithstanding sections 115 to 125, the Bureau shall suspend or, if the offence is not a first offence, may cancel the registration of a firm that fails to maintain liability insurance or to pay the premium fixed, or that acts through a representative who is not an employee and has no liability insurance or has not paid the premium fixed by the Bureau.

84. All firms and their executive officers are bound to act with honesty and loyalty in dealings with clients.

They must act with care and competence.

85. A firm and its executive officers shall oversee the conduct of the firm's representatives. They shall ensure that the representatives comply with this Act and the regulations.

86. The firm shall ensure that its executive officers and employees comply with this Act and the regulations.

87. In no case may a firm or its officers help or, by encouragement, advice or consent, or by an authorization or order, induce another firm, an independent representative or an independent partnership to infringe any provision of this Act or the regulations.

88. Each firm shall keep, in Québec, the records relating to its clients, in accordance with the regulations.

The firm shall keep, in Québec, all the documents and information supplied by its representatives, and make them accessible to the Bureau in the manner determined by the Bureau.

89. Each firm registered for an insurance sector shall, unless it has obtained consent from a client under section 92, keep its insurance records separately from its other records in accordance with the regulations.

The requirement to keep such records separately shall not operate to require a firm to maintain separate computer systems.

90. Each firm shall keep the information relating to its clients for the minimum period determined by regulation.

91. Each firm must ensure that its representatives have access only to the information necessary for the pursuit of their activities.

92. No firm, even a firm that on (*insert here the date of coming into force of section 582*) holds a client's consent to use information on the client held by the firm for purposes unrelated to the object of the file for which the information was collected, may allow one of its representatives to have access to such information unless the client's specific consent is obtained for that purpose.

Specific consent is consent given in a form used solely for that purpose that authorizes a firm to allow one of its representatives to have access to information on the client held by the firm.

93. A firm must, when seeking specific consent from a client, give the client a notice drawn up in the manner prescribed by regulation of the Bureau stating that the client is free to give consent and may revoke it at any time.

94. No firm may refuse to do business with a client on the sole ground that the client refuses to provide it with specific consent.

95. Notwithstanding sections 23 and 24 of the Deposit Insurance Act (R.S.Q., chapter A-26), a firm may, through an insurance representative or securities representative, collect deposits for a deposit institution. No cash deposit may be received by such a representative.

All deposits so collected must be deposited with the deposit institution for which the firm is acting.

96. A firm may, on the conditions prescribed by regulation, engage in brokerage activities in connection with loans secured by immovable hypothec through an insurance representative or securities representative.

97. Only a firm may, in a sector for which the firm is registered, grant a concession to another firm authorizing the operation of a franchise.

98. A firm acting through a securities representative must maintain at all times, in accordance with the regulations made by the Commission, the financial resources necessary to ensure the viability of the firm's business.

99. A firm acting through a securities representative must establish and maintain a trust account in accordance with the regulations of the Commission.

100. A firm may share a commission it receives only with another firm, an independent representative or independent partnership, a real estate broker governed by the Real Estate Brokerage Act (R.S.Q., chapter C-73.1), a securities dealer or securities adviser governed by the Securities Act, a deposit institution, an insurer or a confederation within the meaning of the Savings and Credit Unions Act.

The commission shall be shared in the manner determined by regulation.

The firm shall enter every sharing of a commission in a register, in accordance with the regulations.

101. Notwithstanding section 56, a single-sector firm or an independent partnership all the representatives of which are financial planners may make itself known as a financial planning firm or partnership.

Only financial planners or firms or independent partnerships acting through a financial planner may make themselves known as offering financial planning services.

102. Any insurance premium paid to a firm or to a representative of a firm for the account of an insurer is deemed to have been paid directly to the insurer.

The obligations of an insurer who pays sums of money to a firm for the account of an insured or the beneficiary of an insured are discharged only when the insured or beneficiary receives the money.

103. A firm shall keep a register of the complaints received from its clients in the manner prescribed by regulation. The firm must deal with each complaint with diligence in accordance with the rules determined by regulation.

104. A firm that terminates its association with a representative must inform the Bureau, in writing, without delay.

If the firm terminates its association with a representative for reasons relating to the representative's activities, it must inform the Bureau of those reasons.

A firm that informs the Bureau of such reasons incurs no civil liability thereby.

105. A firm that ceases to do business with an independent representative or independent partnership for reasons relating to the representative's or the partnership's activities must inform the Bureau of those reasons.

A firm that informs the Bureau of such reasons incurs no civil liability thereby.

106. A firm must, at the request of the Bureau, forward any document or information concerning its activities that is required by the Bureau.

107. The Bureau may inspect a firm as often as it considers necessary to ensure compliance with this Act and the regulations.

108. Inspectors must produce identification on request and show evidence of their authority issued by the Bureau.

109. Inspectors may

(1) have access, at any reasonable time, to any of a firm's establishments;

(2) examine and make copies of the firm's books, registers, accounts, records and other documents;

(3) require any document relating to the firm's activities.

Every person having custody, possession or control of such books, registers, accounts, records and other documents must, at the request of the inspector, produce them and allow them to be examined.

110. Inspectors may verify access rights for any computer system to ensure that only authorized persons have access to information.

111. No person may hinder the work of an inspector, in particular by misleading the inspector.

112. The documents, books, registers, accounts and records that the Bureau or the inspector may require must be produced whatever their storage medium and whatever the means by which they may be accessed.

113. The inspector shall report his or her findings regarding the manner in which the firm concerned protects the personal information relating to its clients to the Commission d'accès à l'information established by the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

114. As part of an inspection of the Bureau under Chapter I of Title VII, the Commission may inspect a firm.

Sections 106 to 113, adapted as required, apply to such an inspection.

The members of the Commission, the personnel of the Commission and the persons designated by the Commission to conduct inspections may not be prosecuted by reason of acts performed in good faith in the performance of their duties.

115. The Bureau may cancel a firm's registration for a given sector, suspend registration or subject it to restrictions or conditions, where it considers that the firm is failing to comply with the provisions of this Act or the regulations, or where necessary in order to protect the public.

The Bureau may also impose a penalty on the firm up to an amount not exceeding $100,000.

116. The Bureau may establish committees composed of three of its members to rule on the application of section 115.

117. The Bureau shall serve notice on the firm at least 15 days in advance of the date on which the firm may present its observations.

The notice shall set out the allegations made against the firm.

118. The co-syndic designated by the Commission pursuant to section 327 may intervene at any meeting at which a firm presents its observations if the firm is registered for a securities sector.

119. A decision made under section 115 or 116 by the Bureau or by a committee established by the Bureau, in respect of a firm that is not registered for a securities sector, may be appealed to the Court of Québec.

Sections 326 to 328 and 330 of the Securities Act, adapted as required, apply to the appeal.

120. A decision made under section 115 or 116 by the Bureau or by a committee established by the Bureau, in respect of a firm registered for a securities sector, may be appealed to the Commission.

The appeal may be brought by the co-syndic.

121. An appeal shall not suspend a contested decision, unless a judge of the Court of Québec or, as the case may be, the Commission decides otherwise.

122. The appeal is brought by filing a notice of appeal with the secretary of the Bureau within 30 days of the date of service of the contested decision.

The notice must be accompanied by a transcription of the stenographic record of the meeting at which the firm presented its observations.

123. Where the appellant cannot obtain a transcription of the stenographic record within the time set out in section 122, an application for extension may be submitted to the Bureau.

124. The secretary of the Bureau shall transmit the record to the Court of Québec or, as the case may be, to the Commission.

125. Sections 324 to 330 of the Securities Act apply to a decision made by the Commission.

126. A firm that wishes to terminate its activities in a given sector must apply to the Bureau for the revocation of its registration for that sector.

The Bureau may make the revocation subject to the conditions it determines.

Despite the registration revocation, the Bureau shall retain jurisdiction with regard to acts performed prior to the revocation.

127. A firm whose registration has been cancelled or revoked for a given sector must return the records, books and registers relating to that sector to the Bureau.

The Bureau shall determine the manner of disposing of such records, books and registers.

The firm may, with the authorization of the Bureau, dispose of the records, books and registers otherwise, rather than return them to the Bureau.

CHAPTER II

INDEPENDENT REPRESENTATIVES AND INDEPENDENT PARTNERSHIPS

128. Insurance representatives in insurance of persons and group insurance representatives, other than those referred to in section 32, damage insurance brokers, financial planners and claims adjusters who do not act for a firm and who are not a partner or employee of an independent partnership must, in order to pursue their activities, register with the Bureau as an independent representative in each sector or class of sectors, other than a securities sector, in which they are authorized to act pursuant to a certificate.

A partnership all the partners of which are representatives mentioned in the first paragraph may register with the Bureau to act through its partners as an independent partnership in each sector, other than a securities sector, for which one of its partners is authorized to act.

129. No deposit institution may offer financial products or services in any of its establishments through an independent representative or independent partnership.

130. A partnership applying for registration as an independent partnership must designate one partner to represent the partnership in dealings with the Bureau. Once registration is issued, that partner shall become the partnership's Bureau correspondent.

The partnership may designate another partner, at any time, to act as its Bureau correspondent. The change shall take effect on the date on which the Bureau receives notification of the change.

131. Representatives who register as independent representatives must establish that they have subscribed for liability insurance that is consistent with the requirements determined by regulation.

Where an insurance fund has been established by the Bureau, the representatives must, instead, pay the insurance premium fixed by the Bureau.

Partnerships that register as independent partnerships must do likewise with respect to their partners and the representatives employed by them.

132. The Bureau may refuse to register an applicant as an independent representative or impose restrictions or conditions for registration where the applicant's registration for that sector has previously been cancelled.

The Bureau may also refuse to register a partnership for a particular sector where the registration of one of the partners has previously been cancelled, or where one of the partners was previously a partner in an independent partnership or a director or executive officer of a firm whose registration has previously been cancelled.

133. Representatives who register as independent representatives must pay the contribution collected by the Bureau on behalf of the financial services compensation fund and the dues collected on behalf of the Chambers, in addition to the fees required for registration.

A partnership registered as an independent partnership must make such payments in respect of each partner and each representative employed by it.

134. An independent partnership may, at any time, employ a representative to pursue activities in a sector for which the partnership is registered. The partnership may act through the representative as soon as the requirements set out in sections 131 and 133 have been met.

135. While registered, independent representatives and independent partnerships must, annually, pay the fees prescribed by regulation to the Bureau.

Independent representatives must also pay the contribution collected by the Bureau on behalf of the financial services compensation fund and the dues collected on behalf of the Chambers.

An independent partnership must make such payments in respect of each partner and each representative employed by it.

136. Independent representatives must, while registered, maintain liability insurance that is consistent with the requirements determined by regulation or, if an insurance fund has been established, pay the insurance premium fixed by the Bureau.

Independent partnerships must do likewise with respect to their partners and the representatives they employ.

Notwithstanding sections 115 to 125, the Bureau shall suspend or, if the offence is not a first offence, may cancel the registration of an independent representative that fails to maintain liability insurance or to pay the premium fixed.

137. An independent partnership must oversee the conduct of its representatives. It must ensure that its representatives and employees comply with this Act and the regulations.

138. In no case may an independent representative or a representative who is a partner in or employee of an independent partnership help or, by encouragement, advice or consent, or by an authorization or order, induce a representative, a firm or an independent partnership to infringe any provision of this Act or the regulations.

139. Each independent representative and independent partnership shall keep client-related records in Québec, in accordance with the regulations, in a place that is the establishment of the representative or the partnership, and shall inform the Bureau of the location and address of that place.

The information collected on clients by an independent representative shall be conserved and made accessible to the Bureau, and may be disclosed only to an insurer whose products are offered by the independent representative or to a person to whom disclosure is authorized by law. Where a financial planner is registered as an independent representative, the information may only be disclosed to a person to whom disclosure is authorized by law.

The same requirements apply to an independent partnership.

140. Each independent partnership registered for an insurance sector shall, unless it has received consent from a client under section 92, keep its insurance records separately from its other records, in accordance with the regulations.

The requirement to keep such records separately shall not operate to require an independent partnership to maintain separate computer systems.

141. Independent representatives registered for an insurance sector and independent partnerships acting through an insurance representative may, on the conditions prescribed by regulation, engage in brokerage operations relating to loans secured by immovable hypothec.

142. Independent representatives registered for an insurance sector and independent partnerships acting through an insurance representative may, notwithstanding sections 23 and 24 of the Deposit Insurance Act, receive deposits on behalf of a deposit institution. No such representative may, however, receive a deposit of money.

Such deposits must be deposited with the deposit institution on whose behalf the representative acts.

143. No independent representative or independent partnership may share a commission except with another independent representative or independent partnership, a firm that is not a deposit institution or a real estate broker governed by the Real Estate Brokerage Act.

The commission shall be shared in accordance with the procedure determined by regulation.

Independent representatives and independent partnerships shall enter every sharing of a commission in a register in the manner prescribed by regulation.

144. An independent partnership must inform the Bureau immediately, in writing, when the employment of a representative is terminated or when a partner leaves the partnership.

Where the employment is terminated or the partner leaves the partnership for reasons relating to the pursuit of the representative's or the partner's activities, the partnership must inform the Bureau of those reasons.

A partnership that informs the Bureau of such reasons incurs no civil liability thereby.

145. Where the Bureau or one of its committees holds a meeting to allow an independent representative to present observations regarding an alleged offence, the co-syndic designated by the Commission may intervene if the independent representative is also authorized to act in a securities sector.

In the case of an independent partnership, the co-syndic may intervene where one of the partners or employees of the partnership is authorized to act in a securities sector.

146. Sections 74, 75, 102, 103, 106 to 113, 115 to 117 and 119 to 127, adapted as required, apply to independent representatives.

The first paragraph of section 72 and sections 74, 75, 79, 82, 84, 90, 91, 102, 103, 106 to 113, 115 to 117 and 119 to 127, adapted as required, apply to independent partnerships.

CHAPTER III

OWNERSHIP OF DAMAGE INSURANCE FIRMS

147. For the purposes of this chapter,

— "*financial institution*" means a financial institution other than an insurer engaging exclusively in the business of reinsurance ;

— "*firm*" means a firm registered for the damage insurance sector that acts through a damage insurance broker and does not engage exclusively in the business of reinsurance;

— "*financial group*" means the group composed of all or some of the following legal persons: a confederation governed by the Savings and Credit Unions Act, the federations that are members thereof, legal persons affiliated with the confederation or federations, and any other legal person that is a member thereof.

Any other group of legal persons composed of a financial institution and a legal person affiliated with the financial institution is also a financial group;

—"*affiliated legal person*" means a legal person that is controlled by or that controls another legal person.

A legal person affiliated with another legal person is deemed to be affiliated with any other legal person affiliated with that legal person;

— "*controlled legal person*" means a legal person in which more than 50% of the voting rights attached to its shares are held directly or indirectly by another legal person, or a majority of the directors of which can be elected by another legal person;

— "*legal person related to a financial institution*" or "*legal person related to a financial group*" means a legal person in which more than 20% of the shares or voting rights attached to the shares are held directly or indirectly by financial institutions or financial groups.

148. Not more than 20% of the shares of a firm or voting rights attached to its shares may be held directly or indirectly by financial institutions, financial groups or legal persons related thereto.

However, the first paragraph shall not operate to prevent a firm from allotting its shares or registering a transfer of its shares to give effect to a contract entered into before 21 December 1988.

149. No financial institution, financial group or related legal person may use a name previously used by an independent representative having pursued activities as a damage insurance broker or the name of an independent partnership or firm having pursued activities through a damage insurance broker.

150. A firm that is not in compliance with the provisions of section 148 may not act through a damage insurance broker or purport to be acting through a damage insurance broker.

151. Section 150 does not apply, in relation to the percentage of shares, to a firm incorporated in Canada if the firm's shares were listed on a Canadian stock exchange on 21 December 1988.

Section 150 does not apply to a firm the shares of which are held

(1) by another firm incorporated in Canada the shares of which were listed on a Canadian stock exchange on 21 December 1988, as long as that firm does not become, in relation to the percentage of voting rights, a related legal person; or

(2) by a legal person incorporated in Canada the shares of which were listed on a Canadian stock exchange on 21 December 1988 and that on that date controlled a firm referred to in the first paragraph, as long as that legal person does not become, in relation to the percentage of voting rights, a related legal person.

152. Section 150 does not apply to a firm referred to therein where the percentage of shares or voting rights attached to its shares exceeded 20% on 21 December 1988. However, the percentage may not be increased except to give effect to a contract entered into before 21 December 1988.

Where, on or after 22 December 1988, a firm referred to in the first paragraph allots its shares or registers a transfer of its shares and the effect thereof is to reduce the percentage of its shares or voting rights attached to its shares held directly or indirectly by financial institutions, financial groups or related legal persons, the new percentage shall become the highest percentage of shares or voting rights attached to the shares that may be held directly or indirectly by financial institutions, financial groups or related legal persons. However, this paragraph shall not operate to prevent a firm from allotting its shares or registering a transfer of its shares to give effect to a contract entered into before 21 December 1988.

The first and second paragraphs shall cease to apply to a firm referred to therein if the percentage of shares or voting rights attached to the shares reaches 20%.

153. No firm referred to in the first paragraph of section 152 may, as long as more than 20% of its shares or voting rights attached to its shares are held directly or indirectly by financial institutions, financial groups or related legal persons, directly or indirectly hold shares in another firm or, on or after 11 May 1989, grant it a concession or acquire its business.

A firm referred to in the first paragraph that on 21 December 1988 holds, directly or indirectly, shares of another firm may continue to hold those shares. However, the percentage of such shares may not be increased on or after 22 December 1988, and the percentage of voting rights attached to such shares may not be increased on or after 11 May 1989 and, if either percentage is decreased on or after the applicable date, the new percentage shall become

the highest percentage of such shares or such voting rights that the firm may hold, as long as more than 20% of its shares or voting rights attached to its shares are held directly or indirectly by financial institutions, financial groups or related legal persons.

The first and second paragraphs do not apply to a firm incorporated in Canada the shares of which are listed on a Canadian stock exchange on 21 December 1988.

154. A firm that is not in compliance with the provisions of section 152 or 153 may not act through a damage insurance broker or purport to be acting through a damage insurance broker.

155. Section 148 does not apply to a firm the shares of which are listed on a stock exchange.

However, not more than 49% of the shares of such a firm or voting rights attached to its shares may be held directly or indirectly by a financial institution, financial group or legal person related thereto.

156. No firm referred to in section 155 may, as long as more than 49% of its shares or voting rights attached to its shares are held, directly or indirectly, by a financial institution, financial group or legal person related thereto, directly or indirectly hold the shares of another firm, grant it a concession or acquire its business.

157. A firm referred to in section 155 that is not in compliance with sections 155 and 156 may not act through a damage insurance broker or purport to be acting through a damage insurance broker.

TITLE III

FINANCIAL SERVICES BUREAU

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

158. A financial services bureau is hereby established under the name "Bureau des services financiers".

159. The Bureau is a legal person.

160. The Bureau is not a public body, government body, public agency, government agency or government corporation within the meaning of the Financial Administration Act (R.S.Q., chapter A-6), the Act respecting the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles (R.S.Q., chapter M-21.1), the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) or the Auditor General Act (R.S.Q., chapter V-5.01).

The Regulations Act (R.S.Q., chapter R-18.1) applies to the Bureau, the Commission and the Chambers only with respect to regulations that must be submitted for approval to the Government.

161. The Bureau shall have its head office in the capital of Québec at the place it determines. Notice of the location of the head office, and of any change in its location, shall be published in the *Gazette officielle du Québec*.

162. The affairs of the Bureau shall be administered by a board consisting of 15 members. Ten members shall be appointed by the Minister, including the president and vice-president, and five members shall be designated in accordance with sections 296, 297 and 301.

Five of the members appointed by the Minister shall be selected to represent the general public, and five shall be selected from the financial planning sector, insurers in insurance of persons and damage insurance, deposit institutions and group savings organizations.

163. The president shall be appointed for a term not exceeding five years.

The other members of the board shall be appointed for a three-year term.

164. The president shall serve in a full-time capacity.

The Government shall fix the remuneration, employment benefits and other conditions of employment of the president.

165. The other members of the board shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the Bureau's internal management by-law. They shall, however, be entitled to an attendance allowance and to the reimbursement of the expenses incurred in the performance of their duties on the conditions and to the extent determined by the internal management by-law.

The vice-president, when replacing the president, is entitled to receive the remuneration provided for in the internal management by-law.

166. At the expiry of their term, the members shall continue to serve on the board until reappointed or replaced.

167. A vacancy in a position held by a member appointed by the Minister shall be filled for the unexpired portion of the term of the member to be replaced. If less than one year remains, the new member may be appointed for the applicable term plus the unexpired portion of the term of the member to be replaced.

Every other vacancy shall be filled in accordance with section 301.

168. A vacancy occurs, in particular, when a member fails to attend the number of meetings determined by the internal management by-law, in the cases and circumstances indicated in the by-law.

169. The meetings of the board shall be chaired by the president. The president shall represent the Bureau and supervise its activities.

When the president is absent or unable to act, the vice-president shall perform the duties of president.

170. The Bureau may hold its meetings at any place in Québec.

171. The quorum of the board is eight members.

172. A decision of the board is made by a majority vote of the members present.

Where there is a tie-vote, the member chairing the meeting shall have the casting vote.

The members may take part in a meeting using any means of communication that allows all the participants to communicate orally, such as the telephone.

173. Where both the president and the vice-president are absent or unable to act, the members present at a meeting shall designate one of their number to chair the meeting.

174. A decision signed by all the members of the board entitled to vote has the same value as a decision made at a meeting of the board.

175. A member of the board who is in a situation of conflict of interest must, on pain of forfeiture of office, disclose the situation, refrain from voting on any question concerning the situation, and avoid influencing any decision relating to the situation. The member must, in addition, withdraw from a meeting during any discussion or vote relating to the situation.

Articles 838 to 840 of the Code of Civil Procedure (R.S.Q., chapter C-25), adapted as required, apply to a motion to terminate the term of office of a board member. The decision of the court is executory and final and may not be appealed.

176. The board shall appoint a director general and a secretary.

It may also retain the services of the personnel it needs to pursue its activities.

177. The director general, the secretary and the other employees shall be appointed and remunerated according to the standards, scales and staffing plan established by regulation.

178. The director general is responsible for the management of the Bureau.

179. The Act respecting the disclosure of the compensation received by the executive officers of certain legal persons (1997, chapter 61) applies to the Bureau. For that purpose, the Bureau is considered to be a legal person to which section 1 of the said Act applies. However, the statement of remuneration must be included in its annual report.

180. The Bureau shall determine, by by-law, the rules of ethics and the penalties applicable to its personnel.

181. On the written requisition of five members of the board, the secretary shall convene a special meeting.

182. The Bureau may establish committees, consisting of the persons it designates, to examine the questions it submits. Each such committee shall gather the relevant information and report its observations and recommendations to the Bureau.

183. The members of the board of the Bureau, the personnel of the Bureau and the persons designated by the Bureau to conduct inspections may not be prosecuted by reason of acts performed in good faith in the performance of their duties.

CHAPTER II

FUNCTIONS AND POWERS

184. The mission of the Bureau is to ensure public protection in the fields of activity under its authority.

The Bureau shall ensure compliance with this Act and the regulations governing certificate holders, firms, independent representatives and independent partnerships.

185. The Bureau may make recommendations to the Minister concerning any question relating to the distribution of financial products and services.

The Bureau must advise the Minister on any question submitted by the Minister relating to the matters that fall within its jurisdiction.

186. The Bureau shall receive the complaints made against certificate holders, firms, independent representatives and independent partnerships.

The Bureau shall also act as an information and referral centre in the field of insurance.

187. The Bureau shall also receive the complaints made against distributors.

The Bureau shall investigate complaints of a penal nature and, where it considers that there exists sufficient evidence that an offence has been committed, it shall institute proceedings.

The Bureau shall examine complaints of a civil nature and may forward them to the distributor and insurer concerned.

The Bureau shall, in a periodic report published in its bulletin, state the types of civil complaints it has received.

188. The Bureau shall forward every complaint it receives concerning a representative to the syndic having jurisdiction or to the co-syndic, together with any relevant information or document relating to the complaint.

189. The Bureau may enter into agreements with the Government, a government body, a professional order and any other person in Québec.

The Bureau may, after obtaining the advice of the Commission, enter into agreements authorized by law with any commission, council, bureau, office or any person that, under the legislation of a province or state or of another country, is empowered to supervise or regulate matters similar to those within its jurisdiction, in order to facilitate the administration of this Act.

The agreement may provide for the exchange of personal information to prevent, detect or repress violations of the law.

190. The Bureau may enter into an agreement with the Institut québécois de planification financière concerning professional development in financial planning.

191. The Bureau may exchange personal information with a syndic or the co-syndic for the purpose of detecting or repressing offences under this Act or the regulations.

192. The Bureau may obtain any information necessary for the exercise of its functions from a Chamber, a syndic or the co-syndic.

193. The Bureau shall publish, periodically, an information bulletin to inform representatives, firms, and independent representatives and independent partnerships, as well as the general public, about its activities. The bulletin must, in particular, include the roll of hearings of the discipline committees, a summary of the decisions made by the Bureau in respect of firms, independent representatives and independent partnerships and restricted certificate holders, the decisions made by its discipline committees and the decisions made on appeal by the Commission, together with a summary of the Bureau's report on activities and of the reports of the fund and the Chambers.

194. The Bureau shall publish, in the bulletin, every draft regulation prepared by the Bureau, the Commission, the financial services compensation fund or the Chambers.

Every draft regulation must be published with a notice stating the time that must elapse before the draft regulation may be made or be submitted for approval.

The Bureau shall also publish all regulations in the bulletin.

195. The Bureau shall adopt separately those of its regulations that must be submitted for approval to the Government or to the Commision.

The Commission shall adopt separately those of its regulations that are to be submitted for approval to the Government.

196. The Bureau may determine by regulation, for each sector and class of sectors, the requirements with which the liability insurance contracts of firms, representatives acting on behalf of a firm without being employees, independent representatives and independent partnerships must be consistent.

The regulation may, in particular, prescribe the extent of coverage, the amount covered per claim, the amount of the deductible and the notice that must be given before a contract is cancelled.

The regulation must be submitted to the Government for approval with or without amendment.

197. Insurers must, within the time prescribed by regulation, advise the Bureau of their intention not to renew or to cancel the liability insurance contract of an independent representative, independent partnership or firm.

Insurers must also advise the Bureau upon receiving a notice cancelling such a contract from an independent representative, independent partnership or firm.

Independent representatives, independent partnerships and firms must, at least 30 days before the date of expiry of their liability insurance contract, either renew the contract or make a contract with another insurer for a period of at least one year beginning on the day following the date of expiry.

198. The Bureau may establish an insurance fund and require firms, representatives acting for firms without being employees, independent representatives and independent partnerships to subscribe to it.

The Bureau shall fix, by regulation, the premium to be paid by each firm, independent representative or independent partnership on the basis of the number of representatives involved, the risk presented by each sector or class of sectors, the fact that a trust fund is or is not maintained and any other criteria determined in the regulation.

The regulation shall be submitted to the Government for approval with or without amendment.

Sections 174.1 to 174.11 and 174.13 to 174.18 of the Act respecting insurance, adapted as required, apply to any insurance fund established by the Bureau.

The Bureau is, in such a case, an insurer within the meaning of the Act respecting insurance.

199. The insurance fund established by the Bureau shall be authorized to offer liability insurance to any person whose activities relate to a sector to which this Act applies.

200. The Bureau, with regard to insurance representatives, claims adjusters and financial planners, and the Commission, with regard to securities representatives, may make regulations to determine, for each sector,

(1) the minimum qualifications required to obtain a certificate, the courses that an applicant for a certificate must take, and the rules relating to the preparation and passing of prescribed examinations;

(2) the cases in which the requirements of paragraph 1 do not apply;

(3) the rules relating to compulsory training periods, the acts that trainees may perform during training periods, notwithstanding section 12, and the rules relating to the obligations of training supervisors;

(4) the cases in which training periods are not compulsory;

(5) the other conditions for obtaining a certificate;

(6) the titles or abbreviations that a representative may use, the rules for obtaining authorization to use such titles and abbreviations, and the rules relating to their use;

(7) the various classes of sectors;

(8) the information that a representative must disclose to a person from whom the representative requires compensation, and the manner of disclosing the information;

(9) the information and documents that a representative or prospective representative must furnish.

201. The Commission may, after consulting the chamber of financial products, make a regulation to determine the rules of ethics applicable to securities representatives.

The regulation shall be submitted to the Government for approval with or without amendment.

202. The Bureau, with regard to insurance representatives, claims adjusters and financial planners, and the Commission, with regard to securities representatives, may make regulations to determine, for each sector,

(1) the occupations that are incompatible with the pursuit of activities as a representative;

(2) the conditions and restrictions that apply to the pursuit of activities as a representative;

(3) the rules applicable to client solicitation and the representations made by representatives;

(4) the product information that representatives must give to clients, and the manner of giving such information.

A regulation made under the first paragraph must be submitted to the Government for approval with or without amendment.

203. The Bureau may, for each sector, make regulations to determine

(1) the term of a representative's certificate;

(2) the fees payable by a representative for the issue and renewal of a certificate;

(3) the rules and procedure governing the issue and renewal of certificates;

(4) the particulars that a certificate may contain;

(5) the forms that must be used to meet a requirement prescribed by regulation, the medium of such forms, and the manner in which they are to be used;

(6) the manner in which and time within which the Bureau must be informed by a representative of any change affecting the information entered in the register in respect of that representative.

A regulation made under subparagraph 2 of the first paragraph shall be submitted to the Government for approval with or without amendment.

204. The Bureau and the Commission may exercise the powers conferred on them by sections 200 to 203 according to such classes of sectors as they may determine.

205. The Bureau, with regard to insurance representatives, claims adjusters and financial planners, and the Commission, with regard to securities representatives, may allow representatives in a given sector to pursue activities in Québec from a base in another province or another country, and fix the professional requirements for the pursuit of such activities.

206. The Bureau may, by regulation, determine the conditions to be met by an insurance representative or securities representative before engaging in brokerage operations in connection with loans secured by immovable hypothec.

207. The Bureau may, by regulation, determine what constitutes a business relationship and the rules relating to the disclosure of business relationships for the purposes of section 26.

The Commission may, similarly, make a regulation for the purposes of section 53.

208. The Bureau may, by regulation, determine the information that must be disclosed by representatives in insurance of persons, group insurance representatives and damage insurance brokers to the person with whom they are transacting business concerning the insurers whose products they offer, and the manner in which the information must be disclosed.

209. The Bureau may, by regulation, determine the form and content of notices under sections 19 and 22 and the form and the content of forms for seeking specific consent under section 93.

210. The Bureau may, by regulation, determine the rules for drafting and presenting distribution guides.

211. The Bureau may, by regulation, determine the formalities, conditions and restrictions that apply to representatives in insurance of persons upon replacing an insurance policy.

212. The Bureau may, by regulation, determine

(1) the conditions to be met by a damage insurance broker in order to be authorized to act as a special broker, and the documents and reports that the broker must send to the Bureau;

(2) the amount or method of calculating the security that the firm for which such a broker is acting must furnish to the Bureau to secure the obligations of the outside insurers whose products are distributed by the broker;

(3) the information that the broker must give to clients in writing before placing a risk.

213. The Bureau may, by regulation, determine the circumstances under which a damage insurance agent or a damage insurance broker may be authorized to act as a claims adjuster and the conditions of exercise with which the agent or broker must comply.

Such a regulation may provide for rules that differ according to whether they apply to a damage insurance agent or a damage insurance broker.

214. The Commission may, by regulation, determine the conditions to be met by a securities representative offering permanent shares and preferred shares issued by a credit union, federation or confederation governed by the Savings and Credit Unions Act that are not exempted from the application of Titles II to VIII of the Securities Act.

215. The Bureau may, by regulation, determine the titles similar to the title of financial planner or claims adjuster, and the abbreviations, that may not be used.

216. The Bureau may, by regulation,

(1) determine special rules applicable to a natural person who, in accordance with the legislation of another province or state or of another country, acts as an insurance representative or claims adjuster and applies for a certificate to act as such in Québec;

(2) determine the activities that such a person may pursue;

(3) set conditions and restrictions applicable to the pursuit of such activities.

217. Regulations made under sections 206, 207, 211 to 213, 214, 215 and 216 shall be submitted to the Government for approval with or without amendment.

218. The Bureau may cancel, suspend or impose restrictions or conditions on a certificate where the certificate holder

(1) has made an assignment of property or has been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3);

(2) has been convicted by a court inside or outside Canada of a criminal act or indictable offence which, in the opinion of the Bureau, is linked to the pursuit of the activity of representative, or has pleaded guilty to such an act or offence;

(3) has been assigned a tutor, curator or adviser.

219. The Bureau may, for a given sector, refuse to issue or renew a certificate or impose restrictions or conditions on the certificate

(1) where the applicant's certificate or right to transact business, in a sector referred to in the second paragraph of section 13, has previously been cancelled or suspended, or where restrictions or conditions have previously been imposed on the applicant's certificate, by the discipline committee or by a body in Québec, another province or another state that is responsible for supervising and monitoring persons acting as representatives;

(2) where the applicant has previously been convicted by a court inside or outside Canada of an indictable offence or criminal act which, in the opinion of the Bureau, is linked to the pursuit of the activity of representative, or has pleaded guilty to such an offence or act;

(3) where the applicant has been assigned a tutor, curator or adviser;

(4) where the applicant has made an assignment of property or has been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act.

220. The Bureau may, for a given sector, refuse to issue a certificate where in its opinion the applicant does not possess the degree of honesty it considers necessary to pursue activities in that sector, or is in a situation it considers to be incompatible with the pursuit of activities in that sector.

221. The Bureau may establish committees consisting of three of its members to rule on the application of sections 218 to 220.

222. A certificate issued by the Bureau must specify each sector or class of sectors for which the holder is authorized to act, together with the conditions and restrictions to which the holder is subject.

223. The Bureau may, by regulation, determine for each sector

(1) the rules applicable to the registration of firms, independent representatives and independent partnerships;

(2) the experience required of a representative in order to register as an independent representative or become a partner in or employee of an independent partnership;

(3) the cases in which the requirements prescribed under subparagraph 2 do not apply;

(4) the information and documents to be provided by applicants for registration;

(5) the rules relating to maintenance of registration;

(6) the rules applicable to client solicitation;

(7) the rules relating to advertisements and representations made by firms, independent representatives and independent partnerships, and the elements they may contain;

(8) the rules relating to the keeping of records, the register of commissions and the register of complaints;

(9) the manner in which commissions are to be shared, and the rules relating to their entry in the register;

(10) the rules to be followed by firms, independent representatives and independent partnerships in dealing with complaints from clients;

(11) the nature, form and content of the books and other registers to be kept by firms, independent representatives and independent partnerships;

(12) the rules relating to the use, conservation and destruction of the records, books and registers to be kept by firms, independent representatives and independent partnerships;

(13) the titles and abbreviations under which a firm, an independent representative or an independent partnership may make itself known;

(14) the forms that firms, independent representatives and independent partnerships must use to meet a requirement prescribed by regulation, the medium of such forms, and the manner in which they are to be used;

(15) the procedure by which and time within which firms, independent representatives and independent partnerships must advise the Bureau of any change affecting the information entered in the register in their respect.

A regulation made under subparagraph 2, 3 or 6 to 10 of the first paragraph must be submitted to the Government for approval with or without amendment.

A regulation made under subparagraph 11 or 12 of the first paragraph must be submitted to the Commission for approval with or without amendment.

224. The Bureau shall, by regulation, determine the rules applicable to franchisers and franchisees.

The regulation shall be submitted to the Government for approval with or without amendment.

225. The Bureau shall, by regulation, determine for each sector the fees payable for registration and the annual fees payable to maintain registration. In the case of a firm or an independent partnership, the fees shall be determined on the basis of the number of establishments the firm or partnership maintains or proposes to maintain in Québec, the number of representatives through whom it pursues or proposes to pursue its activities, and any other criteria the Bureau considers relevant.

The regulation shall be submitted to the Government for approval with or without amendment.

226. The Bureau shall, by regulation, determine the fees payable for any formality or other measure prescribed by this Act or the regulations, and the charges for the goods and services provided by the Bureau.

A regulation made under the first paragraph shall be submitted to the Government for approval with or without amendment.

227. The Commission may, by regulation, determine

(1) the rules relating to the establishment and maintenance of the trust account that must be maintained by a firm acting through a securities representative;

(2) the rules relating to the financial resources that must be maintained by a firm acting through a securities representative.

A regulation made under the first paragraph shall be submitted to the Government for approval with or without amendment.

228. The Bureau shall, by regulation, determine

(1) the standards, scales and staffing plan applicable to the appointment and remuneration of the employees of the compensation fund;

(2) the rules of ethics and the disciplinary sanctions applicable to the board members and personnel members of the compensation fund;

(3) the rules relating to the administration of the compensation fund;

(4) the conditions governing the eligibility of a claim presented to the compensation fund and the maximum amount of compensation that may be paid.

A regulation made under subparagraph 4 of the first paragraph shall be submitted to the Government for approval with or without amendment.

229. The Bureau may, by motion, apply to a judge of the Superior Court for an injunction in any matter relating to this Act or the regulations.

A motion for an injunction constitutes a proceeding.

The procedure provided for in the Code of Civil Procedure applies, except that the Bureau is not required to furnish security.

230. On application by the Bureau, the Superior Court may prohibit a person from acting as a director or executive officer of a firm where the person has, on more than one occasion, acted as such for a firm while under a sanction imposed under section 115 or 116.

231. The Bureau may, on its own initiative and without notice, intervene in any proceeding in which a question relating to this Act or a regulation under it has been raised.

232. The Minister may request that the Bureau take into account the guidelines and objectives indicated by the Minister in performing its functions.

The report on activities of the Bureau must indicate the steps it has taken in that respect.

233. The Commission may prescribe any measure to be taken by the Bureau where the Commission considers that it is necessary to do so to ensure the proper functioning of the securities market.

If the Bureau fails to take the measure prescribed, the Commission may refer the matter to the Minister. The Minister may, in such a case, exercise the powers conferred on the Minister by Chapter II of Title VII in respect of the Bureau.

CHAPTER III

DOCUMENTS AND REGISTERS

234. The Bureau shall keep and maintain the register of the representatives to whom it has issued a certificate.

The register shall, in the case of a representative acting for a firm, contain the representative's name, the name of each firm for which the representative acts, the address of each establishment to which the representative is attached, each sector or class of sectors for which the representative is authorized to act, the conditions or restrictions appearing on the representative's certificate and the term of the certificate.

In the case of an independent representative, the register shall contain the representative's name, the address of the representative's establishment, each sector or class of sectors for which the representative is authorized to act, the conditions or restrictions appearing on the representative's certificate and the term of the certificate.

In the case of a representative who is a partner in or employee of an independent partnership, the register shall contain the representative's name, the name of the independent partnership for which the representative acts, the address of the establishment to which the representative is attached, each sector or class of sectors for which the representative is authorized to act, the

conditions or restrictions appearing on the representative's certificate and the term of the certificate.

235. The Bureau shall keep and maintain a register of the firms, independent representatives and independent partnerships to which it grants registration.

The register shall, in the case of a firm, contain its name, the address of its head office and of each establishment it maintains in Québec, the sector or sectors for which registration is granted, and the name of each of the firm's representatives together with each sector or class of sectors in which the representative pursues activities and the establishment to which the representative is attached.

In the case of an independent representative, the register shall contain the representative's name, the address of the representative's establishment, and the sectors and classes of sectors for which the representative is registered.

In the case of an independent partnership, the register shall contain the partnership's name, the address of all the partnership's establishments, and the names of all the partners of and representatives employed by the partnership, together with the sectors or classes of sectors in which they pursue activities and the establishments to which they are attached.

236. The registers shall, in addition, contain any other information relating to representatives, firms and independent representatives and independent partnerships that the Bureau considers relevant.

237. The Bureau shall make the information entered in the registers in connection with a firm that pursues activities in the securities field available to the Commission.

238. Representatives, firms and independent representatives and independent partnerships shall inform the Bureau, in the manner prescribed by regulation, of any change affecting the information contained in the register in their regard.

239. The Bureau shall keep the registers available for public consultation, except the register referred to in section 240. Any person may obtain copies on payment of the fees prescribed by regulation.

240. The Bureau may, with the authorization of the Government, keep a register of individual life insurance policies.

The register shall contain the name and address of each insured, the name and address of the insurer that issued the policy, and any other information determined by government regulation.

241. Every insurer in insurance of persons must, within the time and in the manner determined by regulation of the Bureau, send the Bureau the information it requires for the purposes of the register of individual life insurance policies.

The insurer must thereafter, in the same manner, send the Bureau the information relating to newly-issued policies and cancelled policies.

242. At the request of the Bureau, an insurer in insurance of persons must verify whether a person whose particulars are forwarded to the insurer by the Bureau is covered by an individual life insurance policy or a group insurance policy issued by the insurer.

The insurer shall send any relevant information to the Bureau within the time determined by the Bureau.

243. Only the following persons may obtain information from the Bureau concerning the existence of an insurance policy: an heir or successor of a deceased person, the beneficiary of a life insurance policy, a person having parental authority over such an heir, successor or beneficiary, and the liquidator of the succession.

Upon proof of a person's death, the Bureau shall give such a person the information contained in the register concerning the deceased person or the information obtained by the Bureau from an insurer pursuant to section 242, on payment of the fees prescribed.

244. The Bureau must, at the request of the Minister, forward any document or information the Minister requires concerning the Bureau's activities.

245. The minutes of the meetings of the board, when approved by the board and certified as true by the president or the secretary, are authentic. Documents and copies of documents emanating from the Bureau or forming part of its records, when signed or certified as true by one of those persons, are also authentic.

246. No act, document or writing is binding on the Bureau unless signed by the president or, to the extent determined by regulation, by the secretary.

The Bureau may, on the conditions and for the documents it determines, allow the required signature to be affixed by means of an automatic device, or allow a facsimile of the signature to be engraved, lithographed or printed. However, the facsimile has the same force as the signature only when the document is countersigned by a person authorized by the Bureau for that purpose.

CHAPTER IV

FINANCIAL PROVISIONS

247. The financial year of the Bureau ends on 31 December.

248. The Bureau shall finance its activities.

249. The expenditure incurred by the Government for the application of this Act, as determined by the Government each year, shall be charged to the Bureau.

250. The Bureau shall, annually, pay to the Commission the indemnity fixed by the Commission to compensate for the expenditure incurred by the Commission for the administration of this Act.

The indemnity shall be established on the basis of the rates established by regulation of the Commission. The regulation shall be submitted to the Government for approval with or without amendment.

251. The Bureau may not make commitments for terms exceeding five years.

The Bureau may not, without the authorization of the Government, make commitments for an amount that exceeds the limits determined by the Government.

252. The Bureau shall, each year, cause its books and accounts to be audited by an auditor, who must be a person referred to in section 293 of the Act respecting insurance. If no such audit is carried out, the Minister may designate an auditor for that purpose; the latter's remuneration shall be paid by the Bureau.

253. The auditor shall have access to all the books, registers, accounts and other accounting records of the Bureau, and to all vouchers. Every person having custody of such documents must facilitate the auditor's examination of them.

The auditor may require the members, mandataries and employees of the Bureau to provide any information and document necessary for the audit.

254. At the request of the Minister, the auditor shall, in addition, conduct an audit of the adequacy and proper functioning of the systems and procedures implemented by the Bureau, to ensure that its resources are acquired and utilized with due regard to economy and effectiveness.

255. The auditor may require that a meeting of the board be held concerning any matter relating to the audit.

256. The Bureau shall file with the Minister its financial statements and report on activities for the preceding financial year not later than 30 April of each year.

The financial statements and the report on activities must contain all the information required by the Minister.

The report on activities shall contain the Bureau's findings regarding the manner in which firms, independent representatives, independent partnerships and the holders of restricted certificates protect the personal information they hold on their clients.

257. The Minister shall lay the annual report before the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

TITLE IV

FINANCIAL SERVICES COMPENSATION FUND

258. A financial services compensation fund is hereby established under the name "Fonds d'indemnisation des services financiers".

259. The fund is a legal person.

260. The head office of the fund shall be in the capital of Québec at the place determined by the Bureau. Notice of the location of the head office, and of any change in its location, shall be published in the *Gazette officielle du Québec*.

261. The affairs of the fund shall be administered by a board consisting of seven members appointed by the Bureau for a three-year term, including a president and a vice-president.

Two of the members of the board shall be appointed from among persons qualified to represent the general public.

At the expiry of their term, the members shall continue to serve on the board until reappointed or replaced.

262. A vacancy occurs, in particular, when a member fails to attend the number of meetings determined by the internal management by-law of the fund, in the cases and circumstances indicated in the by-law.

263. The members of the board of the fund shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the internal management by-law. They shall, however, be entitled to an attendance

allowance and to the reimbursement of the expenses incurred in the performance of their duties, on the conditions and to the extent determined by the internal management by-law.

264. The board meetings of the fund shall be chaired by the president. The president shall also act as the fund's representative with respect to the Bureau.

When the president is absent or unable to act, the vice-president shall perform the duties of president.

265. The fund shall hold its board meetings at its head office, or at any other place authorized by the Bureau.

266. The quorum at the fund's board meetings is four members.

267. A decision of the fund is made by a majority vote of the board members present.

Where there is a tie-vote, the member chairing the meeting shall have the casting vote.

The members may take part in a meeting using any means of communication that allows all the participants to communicate orally, such as the telephone.

268. Where both the president and the vice-president are absent or unable to act, the members present at a meeting shall designate one of their number to chair the meeting.

269. A decision signed by all the members of the board entitled to vote has the same value as a decision made at a meeting of the board.

270. A board member of the fund who is in a situation of conflict of interest must, on pain of forfeiture of office, disclose the situation, refrain from voting on any question concerning the situation, and avoid influencing any decision relating to the situation. The member must, in addition, withdraw from a meeting during any discussion or vote relating to the situation.

Articles 838 to 840 of the Code of Civil Procedure, adapted as required, apply to a motion to terminate the term of office of a member. The decision of the court becomes executory immediately, is final and may not be appealed.

271. The internal management by-law of the fund shall be made by the Bureau.

272. The Bureau may designate a secretary and the personnel required for the pursuit of the activities of the fund.

The secretary and the other employees shall be appointed and remunerated according to the standards, scales and staffing plan established by regulation of the Bureau.

273. The Bureau shall determine, by regulation, the rules of ethics and the disciplinary sanctions applicable to the board members and personnel members of the fund.

274. The object of the fund is to administer the sums of money deposited with it to compensate the victims of fraud, fraudulent tactics or embezzlement for which a firm, an independent representative or an independent partnership, is responsible.

For such purpose, the fund shall, in accordance with the rules determined by regulation,

(1) administer the moneys deposited with the fund;

(2) determine whether the claims presented to the fund are eligible, and the amount of compensation to be paid.

Expenses required for the operation of the fund are authorized by the fund.

275. The fund may obtain from the Bureau, from a syndic and from the co-syndic, any information or document necessary for the pursuit of its objects.

276. The fund may determine eligibility of a claim whether or not the perpetrator of the offence has been prosecuted or convicted.

277. The fund is subrogated in all the rights of a victim it compensates, up to the amount of compensation paid.

278. The fund shall determine, by regulation, the amount of the contribution to be paid by each firm, independent representative and independent partnership.

The fund shall determine the contribution on the basis of the risk presented by each sector or class of sectors and any other criteria it considers relevant.

The regulation must be submitted to the Bureau for approval with or without amendment.

279. The investments made by the fund must be made in accordance with the rules of the Civil Code concerning investments presumed sound.

280. The Bureau shall have, with regard to the fund, the powers conferred on it by sections 106 to 112 with regard to a firm.

281. The fund shall cause its books and accounts to be audited each year by an auditor, who must be a person referred to in section 293 of the Act

respecting insurance. If no such audit is carried out, the Bureau may designate an auditor for that purpose ; the latter's remuneration shall be paid by the fund.

Sections 253 to 255, adapted as required, apply to the audit.

282. The financial year of the fund ends on 31 December.

283. The fund shall file with the Bureau its financial statements and report on activities for the preceding financial year not later than 30 April each year.

The financial statements and the report on activities must contain all the information required by the Bureau.

TITLE V

CHAMBRE DE LA SÉCURITÉ FINANCIÈRE AND CHAMBRE DE L'ASSURANCE DE DOMMAGES

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

284. Two Chambers are hereby established under the names "Chambre de la sécurité financière" and "Chambre de l'assurance de dommages".

285. Each Chamber is a legal person.

286. The Chambers and the Bureau are subject to the Act respecting Access to documents held by public bodies and the Protection of personal information.

287. Each Chamber shall have its head office in Québec at the place it determines. Notice of the location of the head office, and of any change in its location, shall be published in the *Gazette officielle du Québec*.

288. The affairs of each Chamber shall be administered by a board consisting of eleven members.

Two members shall be appointed by the Minister to represent the general public, for a term of three years.

289. The board members of the Chambre de la sécurité financière, except those appointed by the Minister, shall be elected by all representatives in insurance of persons, group insurance representatives, securities representatives and financial planners.

Three members of the board shall be elected by representatives in insurance of persons, one member by group insurance representatives, three members by group savings plan representatives, one member by investment contract

representatives and scholarship plan representatives, and one member by financial planners, from among their number.

290. The members of the board of the Chambre de l'assurance de dommages, except those appointed by the Minister, shall be elected by damage insurance agents, damage insurance brokers and claims adjusters.

Two members of the board shall be elected by damage insurance agents, five members by damage insurance brokers, and two members by claims adjusters, from among their number.

291. The election of the members of the board of each Chamber shall be held by mail, in accordance with the internal management by-law of the Chamber.

The election may also be held by any other means of communication determined by the internal management by-law of the Chamber.

292. The secretary of the Bureau shall act as the returning officer.

The secretary shall draw up a list of electors for each vacant position, using the information contained in the register of representatives.

293. A representative authorized to act in one sector shall be entitled to stand as a candidate for a vacant position and to vote. However, a representative authorized to act in more than one sector may stand as a candidate for only one position.

294. Except with regard to group insurance representatives, investment contract representatives, scholarship plan representatives and financial planners, elections shall be held on the basis of regions delimited by a by-law of each Chamber.

If no such delimitation is effected, the regions shall be delimited by the secretary of the Bureau.

295. The secretary of the Bureau shall send notice of the poll to all representatives. The secretary shall also draw up the list of candidates, send it to the representatives, and compile the votes.

The secretary shall then forward a list of the candidates declared elected to the Minister and to the Bureau and shall publish the list in the information bulletin of the Bureau.

296. The candidates elected to the Chambre de la sécurité financière shall designate a president from among their number. They shall also designate a vice-president for insurance from among the candidates elected by the representatives in insurance of persons and group insurance representatives, and a vice-president for securities from among the candidates elected by securities representatives.

The president and vice-presidents are, by virtue of their office, members of the board of the Bureau.

297. The candidates elected to the Chambre de l'assurance de dommages shall designate a president from among their number. They shall also designate a vice-president from among the candidates elected by the damage insurance agents or by claims adjusters.

The president and vice-president are, by virtue of their office, members of the board of the Bureau.

298. The members of the board of each Chamber shall be elected for a term of three years.

299. The members of the board of a Chamber shall receive no remuneration. They shall, however, be entitled to an attendance allowance and to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the internal management by-law of the Chamber.

300. Every vacancy, except a vacancy occurring among the positions held by members appointed by the Minister, shall be filled for the unexpired portion of the term of the member to be replaced.

If the unexpired portion of the term is one year or more, the position shall be filled by way of a by-election held by the secretary of the Bureau among the representatives of the sector concerned and, where required, the region concerned. If the unexpired portion of the term is less than one year, the Minister shall select the replacement from among the representatives concerned.

301. Where the member to be replaced was a president or vice-president of a Chamber, the members of the Chamber shall designate from their number a member to hold that office, after the replacement member has been elected or appointed.

302. A vacancy occurs, in particular, when a member fails to attend the number of meetings determined by the internal management by-law of the Chamber, in the cases and circumstances indicated in the by-law.

303. The meetings of the board of the Chamber shall be chaired by the president. The president shall represent the Chamber and supervise its activities.

When the president is absent or unable to act, the vice-president of the Chambre de l'assurance de dommages or, in the case of the Chambre de la sécurité financière, the vice-president designated by the internal management by-law, shall perform the duties of president.

304. A Chamber may hold its meetings at any place in Québec.

305. The quorum at board meetings of a Chamber is six members.

306. A decision by a Chamber is made on a majority vote of the members present.

Where there is a tie-vote, the member chairing the meeting shall have the casting vote.

The members may take part in a meeting using any means of communication that allows all the participants to communicate orally, such as the telephone.

307. Where both the president and the vice-president are absent or unable to act, the members present at a meeting shall designate one of their number to chair the meeting.

308. A decision signed by all the members of the board has the same value as a decision made at a meeting of the board.

309. Each Chamber shall appoint a secretary.

It may also retain the personnel it needs to pursue its activities.

The personnel members of the Chamber shall be appointed according to the staffing plan and standards established by regulation of the Chamber. The regulation shall also determine the standards and scales of remuneration, employment benefits and the other conditions of employment of the personnel members.

310. Each Chamber shall determine, by regulation, the rules of ethics and the sanctions applicable to its personnel.

311. On the written requisition of three members of the board, the secretary of a Chamber shall convene a special meeting.

CHAPTER II

FUNCTIONS AND POWERS

312. The mission of a Chamber shall be to ensure the protection of the public by maintaining discipline among and supervising the training and ethics of its contributors.

The contributors of the Chambre de la sécurité financière are the representatives listed in the first paragraph of section 289, and the contributors of the Chambre de l'assurance de dommages are the representatives listed in the first paragraph of section 290.

313. Each Chamber shall determine, by regulation,

(1) the rules of ethics applicable to the representatives, other than the securities representatives, of each sector or class of sectors in which its contributors carry on business;

(2) the rules governing compulsory professional development in each sector or class of sectors other than financial planning in which its contributors carry on business;

(3) the criteria, including the equivalency criteria, governing the granting or withdrawal of the titles mentioned in sections 317 and 318.

A regulation made under the first paragraph shall be submitted to the Government for approval with or without amendment.

314. A Chamber shall give its opinion on any matter submitted to it by the Bureau. It may make recommendations to the Bureau on any matter within the jurisdiction of the Bureau.

To that end, a Chamber may establish committees composed of the persons it designates to collect all relevant information and report their findings to the Chamber together with their recommendations.

315. A Chamber may offer services to its contributors, such as professional development sessions for sectors other than the financial planning sector, and advisory services in quality control and compliance with professional requirements.

The Chamber shall determine, by regulation, the fees payable for such services.

316. A Chamber may enter into an agreement concerning the provision of compulsory upgrading and professional development sessions by any person.

317. The Chambre de la sécurité financière has exclusive jurisdiction to authorize a representative in insurance of persons or a group insurance representative to use the title of "chartered life underwriter" and the abbreviation "(C.L.U.)" or the title of "registered life underwriter" and the abbreviation "(R.L.U.)".

No person may use such a title or abbreviation unless the person holds an authorization from the Chamber and is authorized by the Bureau to act as a representative in insurance of persons or a group insurance representative.

The Chamber may take all appropriate steps to prevent the unlawful use of such a title or abbreviation.

318. The Chambre de l'assurance de dommages has exclusive jurisdiction to authorize a damage insurance broker to use the title of "chartered insurance broker" and the abbreviation "(C.I.B.)" or the title of "associate insurance broker" and the abbreviation "(A.I.B.)".

No person may use such a title or abbreviation unless the person holds an authorization from the Chamber and is authorized by the Bureau to act as a damage insurance broker.

The Chamber may take all appropriate steps to prevent the unlawful use of such a title or abbreviation.

319. The Chambre de la sécurité financière shall make recommendations to the Commission concerning the rules of ethics applicable to each securities sector and class of sectors.

320. A Chamber shall determine, by regulation, the amount of the annual dues to be collected by the Bureau on its behalf from firms, independent representatives and independent partnerships for each representative authorized to act in a sector in which its contributors carry on business.

The contribution shall be determined on the basis of the number of representatives through whom the firm or independent partnership carries on business in each sector, and any other criteria the Chamber considers relevant.

The regulation must be submitted to the Government for approval with or without amendment.

321. Within one year from 20 June 1998, the Bureau and the Chambers shall agree on the pooling of the resources necessary for

(1) collecting and allocating, according to a method that may vary from the method prescribed by this Act, the fees determined by the Bureau for the issue and renewal of representatives' certificates, the fees determined by the Bureau for registration and for maintaining registration, the contributions determined by the financial services compensation fund, and the dues determined by each Chamber ;

(2) a method, other than the method prescribed by this Act, for managing the register of representatives, firms, independent representatives and independent partnerships.

If the Bureau and the Chambers fail to conclude an agreement within the prescribed time, the Government may, by order, impose the terms of an agreement.

322. The Bureau and the Chambers may, even after the Government has imposed the terms of an agreement pursuant to the second paragraph of section 321, conclude an agreement to replace the agreement imposed by the Government.

323. The financial year of a Chamber ends on 31 December.

324. A Chamber may not make commitments for terms exceeding five years.

A Chamber may not, without the authorization of the Government, make commitments for an amount that exceeds the limits determined by the Government.

325. Each Chamber shall cause its books and accounts to be audited each year by an auditor, who must be a person referred to in section 293 of the Act respecting insurance. If no such audit is carried out, the Bureau may designate an auditor for that purpose; the latter's remuneration shall be borne by the Chamber.

Sections 253 to 255, adapted as required, apply to the audit.

326. Each Chamber shall file with the Bureau its financial statements and report on activities for the preceding financial year not later than 30 April each year.

The financial statements and the report on activities must contain all the information required by the Bureau.

CHAPTER III

SYNDICS

327. The Minister shall appoint a syndic for each Chamber.

The Commission shall appoint a co-syndic for the Chambre de la sécurité financière.

328. The Minister shall fix the remuneration, employment benefits and other conditions of employment of each syndic, to be borne by the Chamber concerned.

The co-syndic shall receive the same remuneration as the syndic of the Chambre de la sécurité financière, to be borne by that Chamber.

329. The duties of the syndics and of the co-syndic shall involve inquiring into matters on their own initiative or on receiving information to the effect that a representative has committed an offence under a provision of this Act or the regulations.

330. The duties of the syndic of the Chambre de la sécurité financière shall relate to representatives in insurance of persons, group insurance representatives and financial planners.

The duties of the co-syndic shall relate to securities representatives.

The duties of the syndic of the Chambre de l'assurance de dommages shall relate to damage insurance agents and brokers and claims adjusters.

The syndics and the co-syndic have jurisdiction to act in respect of a representative authorized to act in more than one sector if one such sector falls within their jurisdiction.

331. The Minister may appoint assistants to assist in the performance of the duties of each syndic, and shall fix the remuneration, employment benefits and other conditions of employment of the assistants.

The Commission may appoint assistants to assist in the performance of the duties of the co-syndic. The assistants shall receive the same remuneration as that paid to an assistant of the Chambre de la sécurité financière.

The remuneration of the assistants shall be borne by the Chamber concerned.

332. The assistants to a syndic or co-syndic shall perform their duties under the direction of the syndic or co-syndic.

The assistants shall have all the powers conferred on the syndic or co-syndic.

333. Each Chamber shall appoint the personnel required to enable the activities of the syndic or co-syndic to be pursued.

The personnel shall be appointed and remunerated in accordance with the standards, scales and staffing plan established by the Chamber by regulation.

334. No syndic, co-syndic or assistant may be prosecuted by reason of acts performed in good faith in the performance of their duties.

335. The syndics and the co-syndic may exchange personal information with the Bureau and with each other for the purpose of detecting or repressing offences under this Act or the regulations.

They may also obtain information from the fund.

336. Upon receiving a complaint, a syndic or co-syndic shall immediately advise the Bureau and, where applicable, the syndic or the co-syndic having jurisdiction in respect of the representative concerned.

337. Insurers, firms and independent partnerships must, at the request of a syndic or the co-syndic, forward any required document or information concerning the activities of a representative.

338. The syndics and the co-syndic may conduct an inquiry into a firm or the establishment of an independent representative or independent partnership.

339. The person conducting the inquiry must produce identification and, on request, show evidence of authority issued by a syndic or by the co-syndic.

340. A person conducting an inquiry may

(1) have access, at any reasonable time, to any establishment of a firm, independent representative or independent partnership;

(2) examine and make copies of the books, registers, accounts, records and other documents of the firm, independent representative or independent partnership;

(3) require any document relating to their activities.

Every person having custody, possession or control of such books, registers, accounts, records and other documents must, at the request of the person conducting the inquiry, produce them and allow them to be examined.

341. A person conducting an inquiry may verify access rights for any computer system to ensure that only authorized representatives have access to information.

342. No person may hinder the work of a person conducting an inquiry, in particular by misleading that person.

343. The documents, books, registers, accounts and records that a syndic, the co-syndic or the person conducting the inquiry may require must be produced whatever their storage medium and whatever the means by which they may be accessed.

344. Where a syndic or the co-syndic has reasonable grounds to believe that an offence has been committed, a complaint shall be filed before the discipline committee against the representative concerned.

A complaint may also be filed by the Bureau or by the Commission.

345. A person who requests the holding of an inquiry shall be informed, in writing, by the syndic or co-syndic if a complaint is filed.

346. A complaint may be filed against a person who is not the holder of a certificate issued by the Bureau if, at the time of the alleged offence, the person was the holder of such a certificate.

347. The person who requests the holding of an inquiry shall be informed, in writing, by the syndic or co-syndic of any decision not to file a complaint, and of the reasons for the decision.

In such a case, the complaint may be filed by the person.

348. The syndics or the co-syndic may, out of the sums granted for that purpose, retain the services of an expert.

349. Where a syndic or the co-syndic files a complaint with the discipline committee, the syndic or co-syndic shall conduct the proceedings.

350. The syndic or co-syndic shall communicate the decision of the discipline committee to the person who requested the holding of the inquiry.

351. The syndics and the co-syndic shall report on their activities to the Chambers and the Bureau in the manner determined by the Bureau.

The Chambre de la sécurité financière shall forward the co-syndic's report to the Commission.

TITLE VI

DISCIPLINE COMMITTEES

CHAPTER I

ESTABLISHMENT

352. A discipline committee is hereby established within each Chamber.

353. A complaint made against a representative for an offence under the provisions of this Act or the regulations shall be brought before the discipline committee concerned.

354. The discipline committee of the Chambre de la sécurité financière shall decide all complaints filed against representatives in insurance of persons, group insurance representatives, securities representatives and financial planners.

The discipline committee of the Chambre de l'assurance de dommages shall decide all complaints filed against damage insurance agents, damage insurance brokers and claims adjusters.

355. Each discipline committee shall be composed of advocates and representatives.

356. The business of each discipline committee shall be directed by a president appointed by the Minister, after consulting the Barreau, from among advocates having at least ten years of practice.

The Minister shall fix the remuneration, employment benefits and other conditions of employment of the president, which shall be borne by the Chamber.

357. The Minister shall, after consulting the Barreau, appoint the vice-president from among the advocates having at least ten years of practice. The vice-president shall exercise the duties of the president when the latter is absent or unable to act.

358. The president of each discipline committee shall, after consulting the Barreau, appoint the members, with the exception of the vice-president, who are to be chosen from among the advocates having at least ten years of practice.

The president shall prepare a list of the members and file the list with the Chamber.

359. Each Chamber shall appoint a sufficient number of members to the discipline committee for each sector in which its contributors pursue activities and according to three marketing sectors, chosen from among the members who are representatives.

360. The first marketing sector is formed by the representatives who pursue activities for a firm that is a deposit institution.

361. The second marketing sector is formed by the representatives who pursue activities for a firm that is a financial institution or a person related to a financial institution, other than a deposit institution, that is part of the same financial group or that operates a franchise authorized by such a financial group.

The expressions “financial institution”, “related person” and “financial group” have the meaning assigned in section 147, with the necessary modifications.

362. The third marketing sector is formed by the remaining representatives.

363. Each Chamber shall forward the list of the members appointed for each marketing sector to the president of the discipline committee.

364. Each Chamber shall fix, by regulation, the salary and fees or other remuneration of the members of the discipline committee other than the president. The regulation shall prescribe the remuneration to be received by the vice-president when the latter replaces the president.

The regulation shall be submitted to the Government for approval with or without amendment.

365. The term of the president shall not exceed five years and the term of the other members shall not exceed three years.

At the expiry of their them, the members of the discipline committee shall continue to serve on the committee until reappointed or replaced.

366. Each Chamber shall appoint a secretary to its discipline committee. It shall also appoint another person to replace the secretary when the latter is absent or unable to act.

The Chamber shall also appoint the personnel required to ensure the proper functioning of the discipline committee.

367. The secretary shall, in particular, prepare and keep the records of the committee.

The secretary shall also keep a roll of hearings which shall be made available for public consultation, and which the secretary shall post at least ten days before the date on which a hearing is to be held.

368. A complaint made against a representative shall be served on the representative by the secretary, in the manner provided for in the Code of Civil Procedure, at the establishment to which the representative is attached according to the register of the Bureau.

369. The secretary shall forward each executory decision of the discipline committee to the Bureau and to the Chamber concerned.

370. Each discipline committee shall forward an annual report on its activities to the Bureau and to the Chamber concerned, on the date and in the form determined by the Chamber.

CHAPTER II

HEARINGS

371. A complaint shall be heard by three members of the discipline committee designated by the president, including an advocate who shall chair the hearing.

However, if a member of a discipline committee other than the chair becomes unable to act, the hearing may be validly continued and a valid decision made by the two remaining members.

372. Where the president considers that, in a given sector, the number of members entered on the list for a marketing sector does not allow the members to be selected in a way that ensures impartiality, the president may correct the situation by designating any other member of the discipline committee to hear the complaint.

373. A member of the discipline committee who is in a situation of conflict of interest must, on pain of forfeiture of office, disclose the situation to the president; that member may not hear a complaint.

Articles 838 to 840 of the Code of Civil Procedure, adapted as required, apply to a motion for termination of a term of office. The judgment of the court is executory and final and may not be appealed.

374. A member of the discipline committee who has begun the hearing of a complaint but whose term as a member of the discipline committee has not been renewed may validly continue to hear the complaint and take part in the decision.

375. The members of the discipline committee may not be prosecuted by reason of acts performed in good faith in the performance of their duties.

376. The provisions of the Professional Code (R.S.Q., chapter C-26) relating to the filing and hearing of a complaint, and to the decisions and penalties arising from the complaint, adapted as required, apply to the complaints received by the discipline committee.

377. The president, or a member of the discipline committee designated by the president who is an advocate, acting alone, may hear and decide any preliminary exception.

378. In no case may the committee, in the event of non-compliance with any of sections 18, 19, 29, 35 and 36, impose a reprimand or a fine of less than $2,000.

CHAPTER III

APPEALS

379. A decision made by the discipline committee with respect to a representative, except a representative authorized to act in the securities field, may be appealed to the Court of Québec.

Sections 326 to 328 and 330 of the Securities Act, adapted as required, apply to the appeal.

380. A decision made by the committee with respect to a representative authorized to act in the securities field may be appealed to the Commission.

381. The appeal shall not suspend the contested decision, unless a judge of the Court of Québec or, as the case may be, the Commission decides otherwise.

382. An appeal under section 379 or 380 is brought within 30 days of the date of service of the decision by filing a notice with the secretary of the discipline committee.

In the case of an appeal under section 380, the notice must be accompanied by a transcript of the stenographic record of the hearing.

Where the appellant is unable to obtain a transcription of the stenographic record within the prescribed time, the appellant may request an extension from the secretary of the discipline committee.

383. The secretary of the discipline committee shall forward the record to the Court of Québec or, as the case may be, to the Commission, without delay.

384. Sections 324 to 330 of the Securities Act apply to a decision made by the Commission.

TITLE VII

SUPERVISION

CHAPTER I

INSPECTION OF THE BUREAU AND OF THE CHAMBERS

385. At the request of the Commission, within the time and in the form specified, the Bureau shall forward the statements, statistical data, reports, documents and other information relating to securities representatives that the Commission considers relevant for the purposes of this Act, the Securities Act and the regulations.

386. The Commission may, as often as it considers necessary, designate a person to inspect the Bureau to ensure that it is enforcing the regulations it has adopted with respect to securities representatives.

387. Inspectors must produce identification and, on request, show evidence of their authority issued by the Commission.

388. Inspectors may

(1) have access, at any reasonable time, to the head office of the Bureau;

(2) examine and make copies of all books, registers, accounts, records and other documents relating to the Bureau's activities;

(3) require any information or document relating to the application of this Act and the regulations made by the Commission.

Every person having custody, possession or control of such books, registers, accounts, records and other documents must, at the request of the person conducting the inspection, produce them and allow them to be examined.

389. No person may hinder the work of an inspector, in particular by misleading the inspector.

390. The books, registers, accounts, records, statements, statistical data, reports and other documents that the Commission or the inspector may request must be provided whatever their storage medium and whatever the means by which they may be accessed.

391. The inspector shall report on the inspection to the Commission.

392. Where the Commission considers that the work of an inspector was hindered, or that information or documents were concealed from the inspector, it may report that fact to the Minister.

393. Where the Commission is of the opinion that the Bureau is neglecting to ensure compliance with the provisions of this Act and of the regulations made by the Commission, the Commission shall report that fact to the Minister.

394. At the request of the Minister, the Commission, the Inspector General of Financial Institutions or any other person designated by the Minister shall inspect the Bureau or a Chamber. The Bureau may also, at the request of the Minister, inspect a Chamber. Sections 387 to 393, adapted as required, apply to such an inspection.

CHAPTER II

POWERS OF THE MINISTER

395. Where, in the opinion of the Minister, the Bureau or a Chamber is contravening this Act or a regulation, neglecting to exercise the responsibilities entrusted to it, or acting in such a way that the protection of the public is not assured, the Minister may order the Bureau or the Chamber concerned to alter its course of action and remedy the situation.

An order issued by the Minister shall state the grounds on which it is based.

396. Before issuing an order, the Minister shall serve notice on the Bureau or the Chamber concerned at least 15 days in advance, stating the grounds that appear to justify the making of the order and the Bureau's or the Chamber's right to present its observations in writing.

397. Where the Minister considers that the conduct of the Bureau or of a Chamber may cause serious or irreparable harm, or create a situation of fact or law liable to render an order inoperative, the Minister may, without prior notice, issue a provisional order for a period of not more than 30 days.

The provisional order shall set out the grounds on which it is based. It must be accompanied by an order in the nature of an order described in section 395, and by the notice referred to in section 396.

398. The Minister may, at any time, amend or revoke an order or a provisional order.

399. No person may contravene an order or provisional order issued by the Minister or authorize, counsel, order or advise a contravention of such an order.

400. The Bureau or the Chamber may, by way of a motion served within 30 days of the taking effect of an order, contest it before the Superior Court. The order shall cease to have effect only if it is quashed by the Superior Court.

401. A decision by the Superior Court is final and may not be appealed.

402. Where the Bureau or the Chamber acts in contravention of an order, the Minister may order that some or all of its functions and powers are to be suspended for the period the Minister determines, and appoint an administrator to exercise, at the expense of the Bureau or the Chamber, the functions and powers so suspended.

An administrator appointed by the Minister may retain the services of experts.

The Minister may extend a period of suspension.

The administrator may, subject to the rights of third persons in good faith, cancel any decision made by the Bureau or the Chamber.

CHAPTER III

INQUIRIES

403. The Minister may order that an inquiry be held into any question relating to the carrying out of this Act.

The Minister shall appoint the person responsible for conducting the inquiry.

404. The person responsible for conducting the inquiry may summon any person to appear and order that person to testify on oath and produce any required document.

405. The testimony of a person heard as a witness may not be used against the person in a proceeding, except in the case of perjury, the giving of contradictory evidence or contempt of court.

406. Any failure to comply with the provisions of section 404 may be referred to by way of motion to the Superior Court, which shall rule on the matter in accordance with articles 49 to 54 of the Code of Civil Procedure (R.S.Q., chapter C-25) in order to ensure compliance with this chapter.

407. The persons responsible for conducting an inquiry may not be prosecuted by reason of acts performed in good faith in the performance of their duties.

TITLE VIII

DISTRIBUTION OTHER THAN THROUGH A REPRESENTATIVE

CHAPTER I

INSURERS

408. An insurer may, in accordance with this Title, offer insurance products through a distributor.

A distributor is a person who, in pursuing activities in a field other than insurance, offers, as an accessory, for an insurer, an insurance product which relates solely to goods sold by the person or secures a client's adhesion in respect of such an insurance product.

409. An employee of an insurer whose principal duties consist in offering credit may act as a distributor and secure the adhesion of clients in respect of an insurance product referred to in paragraph 1 of section 426.

410. An insurer may not offer a product through a distributor without first preparing a distribution guide and providing the distributor with a copy of the guide.

411. The distribution guide must describe the product offered, state the nature of the guarantee and state clearly all exclusions from the guarantee.

The distribution guide shall specify the way in which eventual claims are to be presented, and the time for presenting a claim. The guide shall also indicate the lapse of time available to the insurer, in such a case, to pay the amounts insured, and the steps to be taken by the insured, within the time specified in the guide, if the insurer fails to allow the claim.

412. Where applicable, the distribution guide shall mention that the insurer is aware that other insurance products offering guarantees similar to those of the product offered are available on the market.

413. A distribution guide must be drafted and presented in accordance with the rules determined by the Bureau.

414. The insurer must, before furnishing a distribution guide to distributors, forward a copy of the guide to the Bureau. A copy must also be forwarded following any amendment to the guide.

The distribution guide must include a copy of the policy related to the products described in the guide.

In addition, the distribution guide must include a list of the names and addresses of the distributors through whom the product described in the guide is offered by the insurer.

415. The insurer shall, without delay, send a copy of an amended distribution guide to the distributors, and shall take the necessary steps to ensure that outdated guides are recovered.

416. The Bureau may, as often as it considers it necessary, order an insurer to amend a distribution guide in the manner and within the time it specifies. The insurer must send a copy of the amended guide to the Bureau within that time.

The Bureau may, before the expiry of the time specified, grant an extension.

417. The insurer may, before the expiry of the time for making an amendment, notify the Bureau of its decision to terminate the distribution of the insurance product concerned.

The insurer shall, without delay, inform its distributors of its decision and take the necessary steps to ensure that the distribution guides and the blank contract forms relating to the product are recovered.

The same applies in all cases where an insurer terminates the distribution of a product.

418. The insurer must, without delay, inform the Bureau of the name and address of every new distributor through whom an insurance product is offered, together with a description of the product.

The same applies where the insurer ceases to do business with a distributor.

419. Where an insurer fails to comply with an order of the Bureau, the Bureau shall inform the Inspector General of Financial Institutions who may order the insurer to cease distributing the product through distributors.

420. Depending on the complexity of the product concerned, the insurer must, in addition to preparing a distribution guide, take all other appropriate steps to ensure that its distributors are sufficiently familiar with the product.

421. The insurer shall maintain a consultation service to answer any inquiries from a distributor or from a client concerning the distribution guide.

422. The Bureau shall keep the distribution guides received from insurers available for public consultation.

423. The Bureau shall, by regulation, fix the fees to be paid to it by an insurer for the examination of each distribution guide sent to the Bureau pursuant to section 414.

424. For the purposes of this Title, the following types of products are deemed to be insurance products which relate solely to goods:

(1) travel insurance;

(2) vehicle rental insurance, where the rental period is less than four months;

(3) credit card and debit card insurance.

425. A deposit institution may distribute travel insurance products. In such a case, it is deemed to act as a distributor.

An employee of an insurer may also distribute travel insurance products. In such a case, the employee is deemed to act as a distributor.

426. For the purposes of this Title, the following insurance products are deemed to be insurance products which relate solely to goods and to which clients adhere:

(1) debtor life, health and employment insurance;

(2) investor life insurance.

427. The Government may order that an insurance product it specifies, except a product referred to in section 424 or 426, may not be offered by an insurer through a distributor.

428. The Government may also order, after consulting the Bureau, that an insurance product that cannot be offered by a distributor may be offered in accordance with Chapters I and II by any person it specifies.

The persons specified in the order are deemed to be distributors for that product.

CHAPTER II

DISTRIBUTORS

429. A distributor must, before offering an insurance product, take all necessary steps to ensure that every person responsible for distributing the product is sufficiently familiar with the distribution guide relating to the product.

430. Where the distribution guide so indicates, the person responsible for distributing the product shall inform the client that other insurance products offering coverage similar to that of the product offered are available on the market.

The person distributing the product shall also ask if the client is already covered by such an insurance product and, if the client is unsure, encourage the client to look into the matter.

431. A person who distributes an insurance product must describe the product to the client and explain the nature of the guarantee.

The person distributing the product must clearly explain the exclusions under the guarantee to enable the client to decide whether the situation applying in the client's case constitutes an exclusion under the guarantee.

The person distributing the product must also, if the remuneration received by the distributor for the sale of the product exceeds 30% of its sale price, disclose that remuneration to the client.

432. An insurer must, at the request of the Bureau, disclose the remuneration it grants to distributors for the sale of a product.

433. A distributor offering more than one insurance product for the same goods must disclose to the client the remuneration paid by the insurer for the sale of each insurance product.

434. The person distributing a product must inform the client of the procedure and time limits for making a claim. The client must also be informed of the time available to the insurer to pay the insured amounts, and of the steps to be taken within a specified time limit if the insurer fails to allow the claim.

435. Before selling or securing a client's adhesion in respect of an insurance product, the person distributing the product must give the client a copy of the distribution guide.

436. Where a client of a distributor has not received the information required under section 431, the distributor is liable for any resulting injury to the client.

437. Sections 35 and 36, adapted as required, apply to a distributor who collects personal information of a medical or lifestyle-related nature from a client.

Sections 92 to 94 and 102, adapted as required, apply to distributors.

438. Where a distributor is notified by an insurer of the latter's decision to terminate the distributor's distribution of an insurance product, the distributor must return to the insurer, without delay, all distribution guides and blank contract forms relating to that product.

Where a distributor who has received such notification sells an insurance product to a client, the distributor is liable for any injury suffered by the client.

439. A distributor may not subordinate the making of a contract to the making of an insurance contract with the insurer specified by the distributor.

The distributor may not exercise undue pressure on the client or use fraudulent tactics to induce the client to purchase a financial product or service.

440. A distributor that, at the time a contract is made, causes the client to make an insurance contract must give the client a notice, drafted in the manner prescribed by regulation of the Bureau, stating that the client may cancel the insurance contract within 10 days of signing it.

441. A client may cancel an insurance contract made at the same time as another contract, within 10 days of signing it, by sending notice by registered or certified mail.

Where such an insurance contract is cancelled, the first contract retains all its effects.

442. No contract may contain provisions allowing its amendment in the event of cancellation or termination by the client of an insurance contract made at the same time.

However, a contract may provide that the cancellation or termination of the insurance contract will entail, for the remainder of the term, the loss of the favourable conditions extended because more than one contract was made at the same time.

443. A distributor that offers financing for the purchase of goods or services and that requires the debtor to subscribe for insurance to guarantee the reimbursement of the loan must give the debtor a notice, drawn up in the manner prescribed by regulation of the Bureau, stating that the debtor may subscribe for insurance with the insurer and representative of the debtor's choice provided that the insurance is considered satisfactory by the creditor, who may not refuse it without reasonable grounds. The distributor may not subordinate the making of the contract of credit to the making of an insurance contract with the insurer specified by the distributor.

No contract of credit may stipulate that it is made subject to the condition that the insurance contract subscribed with such an insurer remain in force until the expiry of the term, or subject to the condition that the expiry of such an insurance contract will entail forfeiture of term or the reduction of the debtor's rights.

The rights of the debtor under the contract of credit shall not be forfeited when the debtor cancels, terminates or withdraws from the insurance contract, provided that the debtor has subscribed for insurance with another insurer that is considered satisfactory by the creditor, who may not refuse it without reasonable grounds.

444. A distributor that, on granting a loan, solicits the adhesion of a client to debtor life, health or job loss insurance must provide the client with

confirmation of insurance from the insurer within 30 days of the application for adhesion.

CHAPTER III

RESTRICTED CERTIFICATES

445. The Government may, by order, provide that an insurance product that may be offered by a distributor may only be offered by a distributor holding a restricted certificate issued by the Bureau for that purpose.

A copy of the order shall be forwarded to the Bureau to allow it to adopt the regulation that will govern the distribution of the product.

Upon the coming into force of the regulation, the distributors concerned shall be governed only by the provisions of this chapter for the distribution of that product.

446. No person may undertake to offer a benefit in the event of a loss relating to goods referred to in section 445 unless the person is a distributor holding a restricted certificate and offering only one insurance product.

447. The Government may, by order, provide that an insurance product that may not be offered by a distributor may be offered by any person holding a restricted certificate issued by the Bureau for that purpose.

A copy of the order shall be forwarded to the Bureau to allow it to adopt the regulation that will govern the distribution of the product.

448. Sections 35 and 36, adapted as required, apply to the holder of a restricted certificate who collects personal information of a medical or lifestyle-related nature from a client.

Sections 92 to 94 and 102, adapted as required, apply to the holder of a restricted certificate.

Sections 18 to 22, adapted as required, apply to the holder of a restricted certificate referred to in section 447.

Sections 439 to 444, adapted as required, apply to the holder of a restricted certificate referred to in section 445.

449. The Bureau may, by regulation, determine

(1) the minimum qualifications required to obtain a restricted certificate and the courses that applicants for a restricted certificate must take;

(2) the rules relating to the preparation and sitting of prescribed examinations;

(3) the conditions and procedure applicable to the issuance and renewal of a restricted certificate;

(4) the term of a restricted certificate;

(5) the information and documents to be furnished by a person applying for a restricted certificate;

(6) the fees payable for the issuance or renewal of a restricted certificate;

(7) the nature, form and content of the records, books and registers to be kept by the holder of a restricted certificate;

(8) the rules relating to the use, conservation and destruction of the records, books and registers to be kept by the holder of a restricted certificate.

A regulation under subparagraph 6 of the first paragraph must be submitted to the Government for approval with or without amendment.

450. The Bureau shall issue a restricted certificate, on payment of the prescribed fees, to every person who meets the requirements prescribed by regulation.

451. Where the applicant for a restricted certificate is a legal person, a natural person forming part of its personnel must be designated to meet the requirements of subparagraphs 1 and 2 of the first paragraph of section 449.

Where the Bureau issues a restricted certificate to a legal person, only a person who has passed the examination may offer the insurance products offered by the holder.

452. The Bureau may, by regulation, prescribe the fees to be paid by every natural person who registers for an examination.

453. Sections 218 and 219, adapted as required, apply to a restricted certificate.

454. The Bureau, or a panel of three of its members established for the purpose, may cancel, suspend or impose conditions or restrictions on a restricted certificate, where the holder of the restricted certificate fails to comply with the provisions of this Act or the applicable regulations.

455. The Bureau shall serve on the holder of a restricted certificate at least 15 days in advance notice of the date on which the holder may present observations.

456. An appeal lies to the Court of Québec from any decision rendered by the Bureau or by a panel of its members under section 454.

The second paragraph of section 119 and sections 121 to 124, adapted as required, apply to the appeal.

457. The Bureau shall have the same powers of inspection with regard to the holder of a restricted certificate as with regard to a firm.

458. The Bureau shall keep a register of the distributors holding restricted certificates available for public consultation.

The register shall contain, for the holders of restricted certificates who are natural persons, their name, the address of their establishment, the insurance products they are authorized to offer, the conditions or restrictions affecting their certificate, and its period of validity.

The register shall contain, for the holders of restricted certificates that are legal persons, their name, the address of their head office and of every establishment they maintain in Québec, the insurance product they are authorized to offer, the name of each natural person qualified to distribute the product and the establishment to which that person is attached, the conditions or restrictions affecting their certificate, and its period of validity.

The register shall, in addition, contain any other information relating to the holders of restricted certificates that the Bureau considers appropriate.

459. The holders of restricted certificates shall inform the Bureau, in the manner prescribed by regulation, of any change affecting the information contained in the register in their regard.

460. The holder of a restricted certificate whose restricted certificate has not been renewed or has been cancelled must return the records, books and registers relating to the insurance policies sold under the restricted certificate to the Bureau.

The Bureau shall determine the manner of disposing of such records, books and registers.

A person may, with the authorization of the Bureau, dispose of the records, books and registers otherwise, rather than return them to the Bureau.

TITLE IX

PENAL PROVISIONS

461. Subject to the provisions of the second paragraph of section 12 and of Title VIII, every person that, without authorization from the Bureau, acts as a representative, uses the title or abbreviated title of a representative, or purports to be a representative is guilty of an offence.

462. Every person that, without being registered with the Bureau, acts as a firm in a given sector, or purports to be a registered firm, is guilty of an offence.

463. Every person that, without being a representative or the holder of a restricted certificate, subordinates the making of a contract to a requirement that the client make an insurance contract is guilty of an offence.

464. Every person that, without being a representative or the holder of a restricted certificate, exercises undue pressure on a client or uses fraudulent tactics to induce the client to purchase a financial product or service is guilty of an offence.

465. Every person that, without authorization, uses titles similar to the title of claims adjuster or financial planner, as determined by regulation by the Bureau, or an abbreviation of such a title, is guilty of an offence.

466. Every person that, without being a financial planner, an independent partnership or a firm acting through a financial planner, purports to offer financial planning services is guilty of an offence.

467. Every person that, not being a person referred to in section 100, receives a commission from a representative, an independent representative, an independent partnership or a firm in connection with the sale of a financial product or the provision of a financial service is guilty of an offence.

468. Every person that hinders the work of a person inspecting the establishment of an independent representative, independent partnership, firm or restricted certificate holder pursuant to this Act is guilty of an offence.

469. Every person that, without holding a restricted certificate, undertakes to offer a benefit in the event of a loss relating to a type of goods referred to in an order made under section 445 is guilty of an offence.

470. Every person that, without being a representative or the holder of a restricted certificate, offers an insurance product that may only be offered by a representative or the holder of a restricted certificate is guilty of an offence.

471. Every distributor that receives remuneration for the sale of an insurance product that exceeds 30% of the sale price of the product is guilty of an offence if the remuneration is not disclosed to the client by the distributor or by the person distributing the product.

472. Every distributor that offers more than one insurance product for the same goods and that fails, when offering one of those products to a client, to disclose the remuneration paid by the insurer for the sale of each product is guilty of an offence.

473. Every distributor that, before selling or securing a client's adhesion in respect of an insurance product, fails to give the client a copy of the distribution guide relating to the insurance product is guilty of an offence.

474. Every insurer that offers a product through a distributor without having first sent the distribution guide relating to the product to the Bureau is guilty of an offence.

475. Every insurer that offers a product through a distributor without having first given the distribution guide or amended distribution guide relating to the product to the distributor, is guilty of an offence.

476. Every insurer that offers a product through a distributor without having amended the distribution guide relating to the product as required by the Bureau within the required time is guilty of an offence.

477. Every distributor that fails to comply with the provisions of one of sections 35, 36 and 92 to 94 is guilty of an offence.

478. Every distributor that causes a client to make an insurance contract upon making another contract and fails to give the client the notice provided for in section 440 or 443 is guilty of an offence.

479. An offence under any of sections 463, 464, 471, 472, 473, 477 and 478 that is committed by a person entrusted by a distributor with the distribution of an insurance product is deemed to have been committed by the distributor.

480. Every insurer that fails to comply with the provisions of section 33, 34 or 37 is guilty of an offence.

481. Every insurer that ceases to distribute an insurance product through a distributor and fails to take the necessary steps to ensure that the contract forms relating to that product are withdrawn is guilty of an offence.

482. Every insurer that helps or, by encouragement, advice or consent or by an authorization or order, induces a firm or an independent representative or independent partnership through which it offers insurance products or an executive officer, director, partner, employee or representative of such a firm or independent partnership to contravene any provision of this Act or the regulations is guilty of an offence.

The same applies to any director, executive officer, employee or mandatary of an insurer.

483. Every director, executive officer, employee or mandatary of a legal person who helps or, by encouragement, advice or consent or by an authorization or order, induces a legal person to commit an offence under any of sections 461 to 480 is guilty of an offence.

484. Every person that contravenes an order or provisional order issued by the Minister pursuant to section 395 or 397 or that authorizes, encourages, orders or advises such a violation, is guilty of an offence.

485. A natural person convicted of an offence under any of sections 461, 462, 465 to 473 and 484 is liable to a fine of not less than $500 and not more than $10,000 and, for every subsequent offence, to a fine of not less than $1,000 and not more than $20,000.

486. A natural person convicted of an offence under any of sections 463, 464, 477 and 478 is liable to a fine of not less than $2,000 and not more than $20,000 and, for every subsequent offence, to a fine of not less than $4,000 and not more than $50,000.

487. A legal person convicted of an offence under any of sections 461, 462, 465 to 473 and 484 is liable to a fine of not less than $1,000 and not more than $25,000 and, for every subsequent offence, to a fine of not less than $2,000 and not more than $50,000.

488. A legal person convicted of an offence under any of sections 463, 464, 477 and 478 is liable to a fine of not less than $4,000 and not more than $40,000 and, for every subsequent offence, to a fine of not less than $8,000 and not more than $80,000.

489. An insurer convicted of an offence under any of sections 474 to 476 and 481 is liable to a fine of not less than $1,000 and not more than $25,000 and, for every subsequent offence, to a fine of not less than $2,000 and not more than $50,000.

490. An insurer convicted of an offence under section 480 or 482 is liable to a fine of not less than $10,000 and not more than $50,000 and, for every subsequent offence, to a fine of not less than $20,000 and not more than $100,000.

491. A person convicted of an offence under section 483 is liable to the same penalty as that prescribed for the offence the person helped or induced to commit.

492. Proceedings for an offence under any of sections 461 to 483 may be instituted by the Bureau, if the offence relates to insurance, financial planning and claims adjustment, and by the Commission, if the offence relates to securities.

The Commission has, in that respect, the powers conferred by section 239 of the Securities Act.

493. The fine imposed as a penalty for an offence under any of sections 461 to 483 belongs to the Bureau or the Commission according to whether the Bureau or the Commission has taken charge of the prosecution.

494. Penal proceedings for an offence under any of sections 461 to 483 are prescribed one year after the date of the opening of the record of inquiry relating to the offence. However, no proceedings may be instituted if more than five years have elapsed since the date on which the offence was committed.

A certificate from the secretary of the Bureau or of the Commission stating the date on which the record of inquiry was opened is conclusive proof of that fact in the absence of any evidence to the contrary.

TITLE X

AMENDING PROVISIONS

495. Section 93 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing the words "to the market intermediary in insurance business" in the third and fourth lines of the first paragraph by the words "to a firm, to an independent partnership or to an independent representative within the meaning of the Act respecting the distribution of financial products and services (1998, chapter 37)" and by replacing the words "by a market intermediary in insurance business" in the fifth line of that paragraph by the words "by a firm, an independent partnership or independent representative".

496. Section 82 of the Crop Insurance Act (R.S.Q., chapter A-30) is amended by replacing the words "Act respecting market intermediaries (chapter I-15.1)" by the words "Act respecting the distribution of financial products and services (1998, chapter 37)".

497. Section 1 of the Act respecting insurance (R.S.Q., chapter A-32), amended by section 80 of chapter 63 of the statutes of 1996, is again amended

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

"(*i*) "insurance representative": an insurance representative within the meaning of the Act respecting the distribution of financial products and services (1998, chapter 37);";

(2) by replacing the words "Act respecting market intermediaries" in paragraph *j* by the words "Act respecting the distribution of financial products and services".

498. Section 10 of the said Act is amended by striking out the words "or a market intermediary in insurance business" in the second line of subparagraph 1 of the first paragraph.

499. Section 57 of the said Act, amended by section 80 of chapter 63 of the statutes of 1996, is again amended by replacing the words "Market intermediaries in insurance business" in the first line of the first paragraph by the words "Insurance representatives and claims adjusters".

500. Section 93.79 of the said Act is amended by replacing the words "a market intermediary in insurance business" in subparagraph 2 of the second paragraph by the words "an insurance representative, a claims adjuster, and".

501. Section 93.86 of the said Act is amended by replacing the words "of market intermediaries in insurance business" by the words "or independent partnership, within the meaning of the Act respecting the distribution of financial products and services, registered to act in a sector of insurance".

502. The said Act is amended by inserting, after section 93.160, the following section:

"**93.160.1.** A federation may register one of its members as a firm for an insurance sector in accordance with the Act respecting the distribution of financial products and services (1998, chapter 37).

At the request of the member, the federation may also register it for any other sector."

503. The said Act is amended by inserting, after section 93.165, the following section:

"**93.165.1.** A federation may, by agreement with the Bureau des services financiers established by section 158 of the Act respecting the distribution of financial products and services, inspect those of its members that are registered as firms, in accordance with the terms of the agreement.

Sections 107 and 113 of the said Act, adapted as required, apply to inspections performed under this section.

An agreement may specify

(1) the manner in which the federation is required to report to the Bureau;

(2) the powers of inspection that the Bureau may exercise in respect of the federation;

(3) any other measure that the Bureau considers appropriate."

504. Section 93.214 of the said Act, amended by section 82 of chapter 63 of the statutes of 1996, is again amended, in the English text, by replacing the word "corporation" in the fourth line by the words "guarantee fund".

505. Section 93.226 of the said Act, amended by section 81 of chapter 63 of the statutes of 1996, is again amended, in the English text, by replacing the word "its" in the third line by the word "his".

506. Section 93.229 of the said Act, amended by section 82 of chapter 63 of the statutes of 1996, is again amended, in the English text, by replacing the

word “corporation” in the third line of the first paragraph by the words “guarantee fund”.

507. Section 130 of the said Act, amended by section 80 of chapter 63 of the statutes of 1996, is again amended by replacing the words “market intermediaries in insurance business,” in paragraph 2 by the words “insurance representatives, claims adjusters and”.

508. Section 174.8 of the said Act, amended by sections 80 and 87 of chapter 63 of the statutes of 1996, is again amended by replacing the words “a market intermediary in insurance business,” in paragraph 1 by the words “an insurance representative, a claims adjuster and”.

509. Section 204 of the said Act, amended by section 85 of chapter 63 of the statutes of 1996, is replaced by the following section:

“**204.** Damage insurers having no establishment in Québec may nevertheless issue insurance contracts there without a licence, provided such contracts are issued through a firm acting through a special broker referred to in the Act respecting the distribution of financial products and services.

Such insurers may not, however, advertise or publicize their business in Québec.”

510. Section 222 of the said Act, amended by section 80 of chapter 63 of the statutes of 1996, is again amended, in the English text, by replacing the words “business office” in the third line of the first paragraph by the word “establishment”, and by replacing the words “business offices” in the second and third lines of the second paragraph by the word “establishments”.

511. Section 303 of the said Act is amended by striking out the words “or a market intermediary in insurance business” in the first paragraph.

512. Section 304 of the said Act is amended by replacing the words “market intermediary in insurance business” in the fifth and sixth lines by the words “firm, independent representative or independent partnership in a sector of insurance”.

513. Section 406.1 of the said Act is amended by replacing the words “a market intermediary in insurance business” in the third line by the words “a person authorized to do so under the Act respecting the distribution of financial products and services”.

514. Section 406.3 of the said Act is repealed.

515. Section 406.4 of the said Act is amended by replacing “to 406.3” by “and 406.2”.

516. Section 136 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 84 of chapter 2 of the statutes of 1996, is again amended by replacing the words "Act respecting market intermediaries (chapter I-15.1) applicable to insurance agents and brokers in damage insurance or insurance of persons" in paragraph *g* by the words "Act respecting the distribution of financial products and services (1998, chapter 37) applicable to insurance representatives".

517. Section 213 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) is amended

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

"(4.1) pursue activities as a firm, a distributor or a restricted certificate holder in accordance with the Act respecting the distribution of financial products and services (1998, chapter 37) ;";

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

"For the purposes of subparagraph 4.1 of the first paragraph, a credit union may enter into an agreement with another credit union to constitute a legal person or a partnership and entrust it with pursuing the activities authorized under that subparagraph.

A credit union, or a legal person or partnership constituted under the second paragraph, must comply with the standards relating to commercial practices regarding the distribution of financial products and services that are applicable to it."

518. The said Act is amended by inserting, after section 367, the following section:

"**367.1.** A federation that is not affiliated with a confederation may adopt standards relating to commercial practices in the distribution of financial products and services to apply to the credit unions affiliated with that federation, where they pursue the activities referred to in subparagraph 4.1 of the first paragraph of section 213, or to the legal persons or partnerships through which they pursue such activities."

519. Section 378 of the said Act, amended by section 122 of chapter 69 of the statutes of 1996, is again amended by adding, at the end, the following paragraph:

"A further purpose of the annual inspection shall be to ensure compliance with the standards relating to commercial practices in the distribution of financial products and services by a credit union, where it pursues the activities referred to in subparagraph 4.1 of the first paragraph of section 213, or by the legal person or partnership through which it pursues such activities."

520. The said Act is amended by inserting, after section 451, the following section:

"**451.1.** A confederation may adopt standards relating to commercial practices in the distribution of financial products and services to apply to the federations affiliated with that confederation and the credit unions affiliated with those federations, where they pursue the activities referred to in subparagraph 4.1 of the first paragraph of section 213, or to the legal persons or partnerships through which they pursue such activities."

521. Section 462 of the said Act, amended by section 154 of chapter 69 of the statutes of 1996, is again amended by adding, at the end, the following paragraph:

"A further purpose of such an inspection shall be to ensure compliance with the standards relating to commercial practices in the distribution of financial products and services by the federation and the credit union affiliated with the federation, where it pursues activities referred to in subparagraph 4.1 of the first paragraph of section 213, or by the legal person or partnership through which it pursues such activities."

522. Section 20 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) is amended

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

"(1) the activity of representative within the meaning of the Act respecting the distribution of financial products and services (1998, chapter 37)";

(2) by striking out the second paragraph.

523. Section 25 of the said Act is replaced by the following section:

"**25.** Notwithstanding sections 3 and 20, a multi-sector firm referred to in section 549 of the Act respecting the distribution of financial products and services may pursue the activity of real estate broker and, if authorized by regulation of the Bureau, use the title of real estate broker."

524. Section 26 of the said Act is amended by replacing the words "market intermediary" by the words "firm, independent representative or independent partnership within the meaning of the Act respecting the distribution of financial products and services".

525. Sections 27 and 28 of the said Act are amended by replacing the words "market intermediary" by the words "firm, independent representative or independent partnership".

526. Section 74 of the said Act is amended by replacing the words "market intermediary" in subparagraph 10 of the first paragraph by the words "firm, independent representative or independent partnership".

527. Section 155 of the said Act is amended by striking out paragraphs 3, 4 and 14.

528. Schedule I to the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1) is amended by striking out the words "Act respecting market intermediaries (chapter I-15.1)".

529. Section 77 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by replacing subparagraph 5 of the first paragraph by the following subparagraph :

"(5) a representative within the meaning of the Act respecting the distribution of financial products and services (1998, chapter 37) remunerated entirely by commission ;".

530. Section 62 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30) is amended by replacing the words "Act respecting market intermediaries (chapter I-15.1)" by the words "Act respecting the distribution of financial products and services (1998, chapter 37)".

531. Section 6 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is amended by replacing the words "a market intermediary in insurance business" in paragraph 1 by the words "a claims adjuster, an insurance representative".

532. Section 170 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by inserting, after paragraph 5, the following paragraph :

"(5.1) act as a firm or distributor or hold a restricted certificate in accordance with the Act respecting the distribution of financial products and services (1998, chapter 37) ;".

533. Section 148 of the Securities Act (R.S.Q., chapter V-1.1) is amended by adding, at the end, the following paragraph :

"A legal person required under the Act respecting the distribution of financial products and services (1998, chapter 37) to register with the Bureau des services financiers to pursue activities through a securities representative governed by that Act may not register with the Commission."

TITLE XI

TRANSITIONAL PROVISIONS

534. A natural person who, on (*insert here the date preceding the date of coming into force of section 552*), holds a certificate issued under the Act respecting market intermediaries (R.S.Q., chapter I-15.1) is entitled to be issued a certificate corresponding to the certificate previously held.

Moreover, a natural person who, on (*insert here the date preceding the date of coming into force of section 552*), holds a certificate of market intermediary in insurance of persons issued under the Act respecting market intermediaries is entitled to be issued a certificate authorizing the natural person to act both as a representative in insurance of persons and as a group insurance representative.

A natural person who, on (*insert here the date preceding the date of coming into force of section 552*), is registered as the representative of a restricted practice broker in group savings plans, investment contracts or scholarship plans in accordance with the Securities Act is entitled, subject to the same conditions and restrictions, to be issued a certificate corresponding to that registration.

535. From (*insert here the date occurring three years after the date of coming into force of section 552*), every group insurance representative must, in order to obtain a certificate authorizing the pursuit of activities as a group insurance representative, possess the skills, schooling and experience determined by a regulation made by the Bureau under paragraphs 1 to 4 of section 200.

536. A person referred to in section 534 who, on (*insert here the date preceding the date of coming into force of section 552*), is under a suspension, shall remain similarly suspended.

537. When issuing a first certificate to a natural person referred to in section 534, the Bureau shall grant a reduction in the fees payable, calculated on a monthly basis, to offset the fees previously paid by the person that apply to the period after the certificate takes effect.

538. A natural person referred to in paragraph 1 of section 4 of the Act respecting market intermediaries who, on (*insert here the date preceding the date of coming into force of section 552*), acts as a damage insurance agent is entitled to be issued a certificate authorizing the person to act as a damage insurance agent.

539. A damage insurance broker that, on (*insert here the date preceding the date of coming into force of section 552*), pursues activities as a claims adjuster may, on making a first application for a certificate under this Act, include any document proving that the broker was authorized to pursue such activities on that date.

Notwithstanding section 534, where the Bureau grants the application, the certificate shall indicate that the broker is authorized to act as a claims adjuster with regard to policies effected by the firm to which the broker is attached.

540. A natural person who, on (*insert here the date preceding the date of coming into force of section 552*), as part of that person's principal activity, pursues activities as a claims adjuster as the employee of an insurer, and who has a Bachelor's degree in administration with a major in insurance, a diploma of college studies in administrative techniques in the field of insurance, an attestation of college studies in damage insurance, or an attestation establishing passage of the examinations of the Associate of the Insurance Institute of Canada (AIIC) program, is entitled to be issued a certificate authorizing that person to act as a claims adjuster.

An employee of an insurer who, on (*insert here the date preceding the date of coming into force of section 552*), has pursued activities as a claims adjuster for at least one year but who is not in possession of an attestation or diploma referred to in the first paragraph is entitled, on presenting a statement of his or her employer certifying that the employee has pursued such activities for at least one year, to be issued a certificate authorizing the employee to act as a claims adjuster.

An employee of an insurer who has pursued activities as a claims adjuster for less than one year but who is not in possession of such an attestation must, to obtain a certificate, pass the examination prepared by the Bureau for that purpose.

541. A natural person who, on (*insert here the date preceding the date of coming into force of section 552*), holds a diploma in financial planning issued by the Institut québécois de planification financière is entitled to be issued a certificate authorizing the use of the title of financial planner.

542. A natural person who, on (*insert here the date preceding the date of coming into force of section 552*), holds a certificate as a real estate broker or agent restricted to loans secured by immovable hypothec may, if the person is an insurance representative or securities representative, continue to pursue such activities.

543. A natural person who, on 20 June 1998, holds a certificate authorizing the person to pursue activities as a market intermediary under the Act respecting market intermediaries and who, within two years from that date, establishes a legal person in order to act as a firm within the meaning of this Act is exempted from the payment of the fees payable for the filing of articles of constitution and for the related research report.

544. Notwithstanding paragraph 2 of section 223, a representative referred to in section 128 who, on (*insert here the date preceding the date of coming into force of section 552*), held a certificate issued under the Act respecting

market intermediaries may register as an independent representative or be a partner in or employee of an independent partnership.

545. Notwithstanding section 128 and paragraph 2 of section 223, a natural person who, on 20 June 1998, holds a certificate issued under the Act respecting market intermediaries authorizing that person to act as an agent in insurance of persons or a damage insurance agent may, within two years from (*insert here the date preceding the date of coming into force of section 552*), register as an independent representative.

An insurer whose products are distributed through an independent representative referred to in the first paragraph is not required, by virtue of that fact, to register with the Bureau.

546. A person referred to in the first paragraph of section 545 whose registration is cancelled or withdrawn may not re-register as an independent representative.

547. Persons who were employed by a market intermediary in damage insurance and who were, pursuant to the By-law of the Conseil des assurances de dommages respecting market intermediaries in damage insurance and the Regulation respecting multidisciplinary firms, declared on or before 12 June 1998 on the lists forwarded to the Inspector General of Financial Institutions or the Conseil des assurances de dommages may exercise the activities they were permitted to exercise.

548. Notwithstanding section 224 and subject to section 97, an agreement to authorize the operation of a franchise that is in force on 20 June 1998 may continue to apply in its existing form.

549. A legal person that, on (*insert here the date preceding the date of coming into force of section 552*), holds a certificate as a multidisciplinary firm issued by the Inspector General of Financial Institutions authorizing the pursuit of activities in the field of real estate brokerage may register with the Bureau as a multi-sector firm in that field. For the purposes of this Act, that field is deemed, in respect of that person, to be a sector.

The legal person may, in such a case, pursue that activity through the holder of a real estate agent's certificate or an affiliated real estate broker's certificate issued under the Real Estate Brokerage Act.

For the purposes of Title II, such certificate holders are deemed to be representatives. However, the firm and its executive officers must ensure that the representatives also comply with the Real Estate Brokerage Act and the regulations under it.

550. Upon the registration of a firm that, on (*insert here the date preceding the date of coming into force of section 552*), has paid fees to act as a market

intermediary or restricted practice securities broker, the Bureau shall reduce the fees payable, calculated on a monthly basis, to offset the fees previously paid by the firm that apply to the period after the registration takes effect.

551. The Inspector General of Financial Institutions and the Commission shall remit to the Bureau the amounts corresponding to the fee reductions granted by the Bureau in respect of previously paid fees pursuant to sections 537 and 550.

The sums required to enable the Inspector General to fulfil the requirements of the first paragraph shall be taken out of the consolidated revenue fund.

552. The Bureau may, before (*insert here the date of coming into force of section 582*), issue representative's certificates and restricted certificates, and register legal persons as firms, or register representatives or partnerships as independent representatives or independent partnerships. Such certificates, restricted certificates and registrations shall take effect on (*insert here the date of coming into force of section 582*).

553. Notwithstanding section 96, an insurance representative may not pursue brokerage activities relating to loans guaranteed by immovable hypothec unless on 20 June 1998, the representative was authorized to pursue such activities or unless the Government, by order, authorizes the pursuit of such activities.

The Government shall, before making an order under the first paragraph, give the Bureau 60 days' advance notice.

554. Every insurance broker that, on (*insert here the date preceding the date of coming into force of section 582*), is authorized to use the title of "chartered insurance broker" or "associate insurance broker" may, so long as authorized by the Bureau to act as a damage insurance broker, continue to use such a title.

Every market intermediary in insurance of persons that, on (*insert here the date preceding the date of coming into force of section 582*), is authorized to use the title of "chartered life underwriter" or the title of "registered life underwriter" may, so long as authorized by the Bureau to act as an insurance representative in insurance of persons, continue to use such a title.

555. The property, rights and obligations of the Association des intermédiaires en assurance de personnes du Québec and the Association des courtiers d'assurances de la province de Québec are transferred, respectively, to the Chambre de la sécurité financière and the Chambre de l'assurance de dommages, and the two associations are dissolved.

556. The property, rights and obligations of the Conseil des assurances de personnes and the Conseil des assurances de dommages, established under

section 58 of the Act respecting market intermediaries, are transferred to the Bureau and the two councils are dissolved.

557. Subject to section 562, the register of financial planners and multidisciplinary firms holding a certificate issued by the Inspector General of Financial Institutions, together with the files and other documents concerning them, in whatever the medium they are stored, shall become the register, files and documents of the Bureau.

The same applies to the register, files and other documents of the Commission relating to restricted practice brokers in group savings, investment contracts and scholarship plans, and their representatives.

558. The property, rights and obligations of the Fonds d'indemnisation en assurance de personnes, the Fonds d'indemnisation en assurance de dommages and the Fonds d'indemnisation des planificateurs financiers, established under section 161 of the Act respecting market intermediaries, are transferred to the Fonds d'indemnisation des services financiers, and the funds are dissolved.

The sums of money deriving from the funds shall be kept separate from the other assets of the Fonds d'indemnisation des services financiers and shall be allocated exclusively to the payment of claims arising from acts referred to in section 175 of the Act respecting market intermediaries that occurred between 1 September 1991 and (*insert here the date preceding the date of coming into force of section 582*) and to the payment of the amounts required for their operation.

559. The Fonds d'indemnisation des services financiers shall rule on the admissibility for payment of claims arising from acts occurring between 1 September 1991 and (*insert here the date that is one day before the date of coming into force of section 582*) in accordance with section 175 and paragraph 2 of section 176 of the Act respecting market intermediaries as those provisions read on (*insert here the date that is one day before the date of coming into force of section 582*).

560. Should the sums of money from the Fonds d'indemnisation en assurance de personnes and the Fonds d'indemnisation en assurance de dommages prove insufficient to meet the claims made on them, the Fonds d'indemnisation des services financiers shall impose a special contribution on representatives in insurance of persons or, as the case may be, on damage insurance agents, damage insurance brokers and claims adjusters.

A representative referred to in the first paragraph must, not later than 30 days after the notice of assessment is mailed, pay the special contribution.

561. The Government may, from (*insert here the date of the day occurring five years after the coming into force of section 558*), authorize the Fonds d'indemnisation des services financiers to integrate the remainder of the amounts from the three separate funds referred to in section 558 into its assets.

562. The Inspector General may validly pursue the hearing of a case begun before (*insert here the date of coming into force of section 582*) concerning the holder of a certificate issued by the Inspector General, and render a decision.

The same applies to the Commission where it has begun to hear a case relating to an offence committed by a restricted practice broker in group savings, investment contracts or scholarship plans, or a representative of such a broker.

563. The Inspector General or the Commission may send the decision to the Bureau which, where necessary, shall implement it in accordance with this Act.

564. The discipline committee referred to in section 352 is competent to hear and decide any complaint filed with a disciplinary committee referred to in section 148 of the Act respecting market intermediaries before (*insert here the date that is one day before the date of coming into force of section 582*).

565. The syndic may file a complaint before the discipline committee against a market intermediary who has committed an offence under the Act respecting market intermediaries or a regulation thereunder. The discipline committee has jurisdiction to hear the complaint.

The same applies to the co-syndic in connection with an offence under the Securities Act or a regulation thereunder committed by the representative of a restricted practice broker in group savings, investment contracts or scholarship plans. The discipline committee has jurisdiction to hear the complaint.

566. The Bureau has jurisdiction to cancel, suspend or impose restrictions or conditions on registration in a given sector where it considers that a firm has, before (*insert here the date preceding the date of coming into force of section 582*), infringed a provision of the Act respecting market intermediaries, the Securities Act or the Real Estate Brokerage Act or of a regulation under those Acts.

Sections 117 to 127 apply to such a case heard by the Bureau.

567. The Bureau has jurisdiction to institute or continue proceedings relating to a penal offence under Chapter X of the Act respecting market intermediaries.

568. The members of the first boards of directors of the Chambre de la sécurité financière and the Chambre de l'assurance de dommages shall be appointed by the Minister. They shall be appointed for a term of two years.

The Minister shall designate, from among the members the Minister appoints to the board of directors of the Chambre de la sécurité financière, the members who are to fill the positions of president, of vice-president, insurance, and of vice-president, securities.

The Minister shall also designate, from among the members the Minister appoints to the board of the Chambre de l'assurance de dommages, the members who are to fill the positions of president and vice-president.

569. The Minister shall determine the amount of the first dues that firms, independent representatives and independent partnerships must pay to the Bureau for the account of each Chamber. The amount shall remain applicable until a new amount is determined in accordance with section 320.

570. The Chambre de l'assurance de dommages may, during the first two years following 20 June 1998, collect special annual contributions of $100 from damage insurance brokers for the financing of the broker identification campaign managed by the Insurance Brokers Association of Canada.

The special contributions shall be remitted to the organization having its head office in Québec that has been authorized to receive them by the manager of the broker identification campaign.

571. The Minister shall determine the amount of the first contribution that firms, independent representatives and independent partnerships must pay to the Bureau for the account of the compensation fund. The amount shall remain applicable until a new amount is determined in accordance with section 278.

572. Notwithstanding section 177, the board of directors of the Bureau may appoint its personnel before adopting a by-law under that section. However, as soon as the by-law is adopted, the remuneration, employment benefits and other conditions of employment of the persons so appointed shall be revised, where necessary, in accordance with the by-law.

573. In addition to the insurance products referred to in sections 424 and 426, a credit union may, in accordance with the provisions of Title VIII, continue to distribute the insurance products it distributed on 20 June 1998.

The Government shall, by order, identify those products.

574. The provisions of Chapter III of Title II, adapted as required, apply to a firm acting through a representative in insurance of persons or a group insurance representative during the year following (*insert here the date of coming into force of section 582*).

During that period, the Bureau may, by regulation, create a class of agents and a class of brokers in the sectors of insurance of persons and group insurance of persons, and determine the requirements of each class.

A regulation made under the second paragraph shall be submitted to the Government for approval with or without amendment.

575. When a regulation made under the second paragraph of section 574 is approved, the provisions of the first paragraph of that section shall continue to apply while the regulation remains in force.

576. In addition to the amounts to be paid by the Bureau to the Commission pursuant to section 250, the Commission may claim from the Bureau an amount representing a share of the surplus the Commission pays into the consolidated revenue fund pursuant to section 26 of the Act to amend the Securities Act (1997, chapter 36).

577. In addition to the transitional provisions provided for in this Title, the Government may, in a regulation made before 1 July 1999, make any other transitional provision needed to supply any deficiency and ensure the application of this Act.

A regulation made pursuant to the first paragraph is not subject to the publication requirements prescribed by section 8 of the Regulations Act.

TITLE XII

MISCELLANEOUS PROVISIONS

578. In Acts and the statutory instruments under them, and in contracts or other documents, unless otherwise indicated by the context,

(1) a reference to the Act respecting market intermediaries (R.S.Q., chapter I-15.1) is a reference to this Act;

(2) the expressions “market intermediary in insurance business”, “market intermediary in damage insurance” and “market intermediary in insurance of persons” mean, respectively, “insurance representative”, “agent or broker in damage insurance or claims adjuster” and “representative in insurance of persons” within the meaning of this Act.

579. The Government may, on the conditions and to the extent it determines, guarantee any loan contracted by the Bureau during fiscal years 1998-1999 and 1999-2000.

Where the Government guarantees such a loan, the Bureau must, at the request of the Minister, either directly or through the financial institutions with which it does business, provide the Minister with any information concerning its financial situation in the manner and within the time indicated by the Minister.

The sums required for the purposes of this section shall be taken out of the consolidated revenue fund.

580. The Minister must, on or before (*insert here the date occurring five years after the coming into force of section 582*), and every five years thereafter, report to the Government on the application of this Act and, if need be, on the advisability of maintaining it in force or amending it.

The report shall be tabled in the National Assembly within 15 days or, if the Assembly is not sitting, within 15 days of resumption.

581. The Minister of Finance is responsible for the administration of this Act.

582. This Act replaces the Act respecting market intermediaries.

583. The provisions of this Act come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 262
(Private)

An Act respecting Ville de Montréal-Est

Introduced 13 November 1997
Passage in principle 19 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Québec Official Publisher
1998

Bill 262

(Private)

AN ACT RESPECTING VILLE DE MONTRÉAL-EST

WHEREAS it is in the interest of Ville de Montréal-Est that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The council may, by by-law, adopt a revitalization program for the sector described in the schedule. The second paragraph of section 542.1 and section 542.2 of the Cities and Towns Act (R.S.Q., chapter C-19) apply to the program.

2. This Act comes into force on 20 June 1998.

SCHEDULE

A sector situated in Ville de Montréal-Est, in the cadastre of the parish of Pointe-aux-Trembles, comprising lots numbers P.1 and P.2 as described as follows:

PART OF LOT 1

Of irregular shape, bounded on the southeast and on the south by part of lot 1 (Metropolitan Boulevard), on the southwest by lots 1 005 729, 1 148 003, 1 005 727, 1 144 220, 1 144 221, 1 144 222, 1 144 218, 1 144 219 and 1 144 242 of the cadastre of Québec, on the northwest by part of lot 1, and on the northeast by part of lot 2, measuring 54.01 m and 31.39 m to the southeast, 67.12 m along an arc of circle having a radius of 42.67 m and 76.61 m along an arc of circle having a radius of 48.77 m to the south, 59.49 m and 1,571.58 m to the southwest, 202.54 m to the northwest, and 1,668.82 m to the northeast; containing an area of 303,918.4 square metres.

The northwest corner of such part of lot 1 being situated 31.55 metres from the southeast corner of lot 1-1, measured along the dividing line between lots 1 and 2.

PART OF LOT 2

Of irregular shape, bounded on the southeast by part of lot 2 (Metropolitan Boulevard), on the southwest by part of lot 1, on the northwest by part of lot 2, and on the northeast by lot 584, measuring 88.81 m to the southeast, 1,668.82 m to the southwest, 85.95 m to the northwest, and 1,645.88 m to the northeast; containing an area of 142,430.0 square metres.

The northwest corner of such part of lot 2 being situated 31.55 metres from the southeast corner of lot 2-1, measured along the dividing line between lots 2 and 584.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 265
(Private)

An Act respecting Ville de Laterrière

Introduced 3 June 1998
Passage in principle 19 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Québec Official Publisher
1998

Bill 265

(Private)

AN ACT RESPECTING VILLE DE LATERRIÈRE

WHEREAS it is expedient to validate certain by-laws of Ville de Laterrière under which allowance roads must be maintained;

Whereas it is in the interest of Ville de Laterrière that it be granted jurisdiction over the maintenance of allowance roads;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. By-laws 91-178, 92-187, 92-190, 92-251, 94-223, 95-266 and 95-268 of Ville de Laterrière may not be invalidated on the ground that the council did not have jurisdiction to pass those by-laws.

2. The town may exercise the powers provided for in the Municipal Code of Québec (R.S.Q., chapter C-27.1) with regard to allowance roads in respect of chemin du Puits consisting of lots 5A-22 and 5A-23 of Range Ouest Rivière-Chicoutimi of the cadastre of the township of Laterrière and in respect of parts of certain lots of the same cadastre and of the cadastre of the township of Chicoutimi that are also known to constitute the right of way of chemin des Prés, chemin Gravel, chemin des Copains, chemin Edgar, chemin des Saint-Bernard and chemin Grenon shown on the plans and technical descriptions signed by Pierre Thibault, land surveyor, under minutes Nos. 2974, 2975, 2976, 2977, 2979 and 2980, the whole in accordance with the schedule.

3. This Act comes into force on 20 June 1998.

SCHEDULE
(Section 2)

Name of road	Minute No.	Parts of certain lots of the cadastre of the township of Laterrière
chemin des Prés	2974	4-2 of Range 3
chemin Gravel	2975	15B, 15B-2 and 15B-3 of Range Sud Rivière-Chicoutimi
chemin des Copains	2976	15 and 16 of Range Nord Rivière-Chicoutimi
chemin Edgar	2977	7A and 7A-58 of Range 6
chemin des Saint-Bernard	2980	A-2 and B-1 of Range Sud Rivière-Chicoutimi

Name of road	Minute No.	Part of a lot of the cadastre of the township of Chicoutimi
chemin Grenon	2979	19A of Range 4 sud-ouest

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 266
(Private)

An Act respecting Ville de Verdun

Introduced 9 June 1998
Passage in principle 19 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Québec Official Publisher
1998

Bill 266

(Private)

AN ACT RESPECTING VILLE DE VERDUN

WHEREAS it is in the interest of Ville de Verdun that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The council may impose the special tax for the acquisition of immovables on the basis of the municipal assessment, on all the taxable immovables of the territory of the municipality, of Île des Soeurs or of that part of the territory of the municipality situated on the island of Montréal.

2. By-law 1625 of the city which provides for the acquisition of lot 4740-1024 of the official cadastre of the municipality of the parish of Montréal for park purposes on Île des Soeurs and which orders the borrowing of a sum of $1,140,000 for such purposes may not be declared invalid on the ground that the tax ordered by the by-law is imposed on the immovables of only one sector of the territory of the city.

3. The city is authorized, subject to the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), to enter into a memorandum of agreement with Jacques Cartier and Champlain Bridges Incorporated on the joint use of certain immovables, the pooling of municipal services or the joint carrying out of studies and works in respect of road traffic or any other public services matter.

4. This Act comes into force on 20 June 1998.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 267
(Private)

An Act respecting Ville de Saint-Laurent

Introduced 2 June 1998
Passage in principle 19 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Québec Official Publisher
1998

Bill 267

(Private)

AN ACT RESPECTING VILLE DE SAINT-LAURENT

WHEREAS it is in the interest of Ville de Saint-Laurent that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 8 of the Act respecting the city of Saint-Laurent (1992, chapter 69) is amended by striking out ", with the authorization of the Minister of Municipal Affairs," in the second paragraph.

2. This Act comes into force on 20 June 1998.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 268
(Private)

An Act respecting Pavillon du Parc Inc.

Introduced 12 May 1998
Passage in principle 19 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Québec Official Publisher
1998

Bill 268

(Private)

AN ACT RESPECTING PAVILLON DU PARC INC.

WHEREAS Pavillon du Parc Inc. was constituted as a legal person by letters patent issued on 2 January 1970 under Part III of the Companies Act (R.S.Q., 1964, chapter 271) to organize, administer, direct, supervise, support, help and control, in the Gatineau, Hull, Papineau and Pontiac counties, one or more houses or centres intended for the education of mentally handicapped young persons and adolescents ;

Whereas Pavillon du Parc Inc. was authorized, under section 44 of the Act respecting health services and social services (1971, chapter 48), to construct a rehabilitation centre for socially maladjusted persons in the city of Aylmer, at a cost of $2,500,000, by Order in Council No. 1688-73 dated 10 May 1973 as amended by Order in Council No. 4679-73 dated 12 December 1973 ;

Whereas, by a deed of sale registered at the registry office of the registration division of Gatineau on 8 February 1973 under No. 107292, Pavillon du Parc Inc. had previously acquired the vacant land described in the schedule from J. Robert Proulx ;

Whereas, however, Pavillon du Parc Inc. had not been granted the authorization by order in council, required by the provisions of section 44 of the Act respecting health services and social services, to acquire the land to be used for the construction of the rehabilitation centre for socially maladjusted persons and, as a result, the deed of acquisition of Pavillon du Parc Inc. is null under the provisions of section 48 of that Act ;

Whereas three notices of expropriation and transfer of ownership have been served on Pavillon du Parc Inc. by the Attorney General of Québec, acting on behalf of the Minister of Transport (files 500-34-000097-913, 500-34-000064-947 and 500-34-000029-932), in which the Minister of Transport requires part of the vacant land as well as no-access and sewer servitudes for the building of McConnell-Laramée road ;

Whereas the absence of the authorization under section 44 of the Act respecting health services and social services does not enable the right of ownership in the immovables required by the Minister of Transport or subject to the abovementioned servitudes to be guaranteed beyond all doubt ;

Whereas it is expedient to validate the title of ownership of Pavillon du Parc Inc. in respect of the immovables described in the schedule ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. No irregularity or illegality may be raised against the right of ownership of Pavillon du Parc Inc. with respect to the immovables described in the schedule on the grounds that the deed of acquisition of Pavillon du Parc Inc. was not authorized by order in council, as is required by the provisions of section 44 of the Act respecting health services and social services (1971, chapter 48).

2. This Act shall be registered at the registry office of the registration division of Gatineau.

3. This Act comes into force on 20 June 1998.

SCHEDULE

DESCRIPTION:

The whole of the immovable property situate in the city of Aylmer, in the registration division of Gatineau, Province of Québec, comprised by the following:

1. Lots ONE and TWO of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-1 and 15A-1-2) of the official cadastre of the village of Aylmer.

2. Lot THREE of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-3) of the official cadastre of the village of Aylmer, EXCEPTING AND SUBTRACTING THEREFROM the subdivided part of the aforementioned lot known and described as lot ONE of the subdivision of lot THREE of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-3-1) of the official cadastre of the village of Aylmer.

3. Lot ONE of the subdivision of lot THREE of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-3-1) of the official cadastre of the village of Aylmer.

4. Lot FOUR of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-4) of the official cadastre of the village of Aylmer, EXCEPTING AND SUBTRACTING THEREFROM the subdivided parts of the aforementioned lot known and described as lots ONE and TWO of the subdivision of lot FOUR of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-4-1 and 15A-1-4-2) of the official cadastre of the village of Aylmer.

5. Lots ONE and TWO of the subdivision of lot FOUR of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-4-1 and 15A-1-4-2) of the official cadastre of the village of Aylmer.

6. Lot FIVE of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-5) of the official cadastre of the village of Aylmer, EXCEPTING AND SUBTRACTING THEREFROM the subdivided part of the aforementioned lot known and described as lot ONE of the subdivision of lot FIVE of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-5-1) of the official cadastre of the village of Aylmer.

7. Lot ONE of the subdivision of lot FIVE of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-5-1) of the official cadastre of the village of Aylmer.

OTHERWISE KNOWN AND DESCRIBED:

The whole of which immovable property or parcel of land, irregular in shape and situate in the city of Aylmer, Gatineau county, Province of Québec, being

known and described as part of lot number fifteen 'A' (15A Part) in the official plan and book of reference of the village of Aylmer in the registration division of Gatineau, and being shown in red on the plan prepared by Marcel Ste-Marie, land surveyor, dated 26 January 1973, a certified copy of which shall remain appended to the original of the deed of sale registered in the registry office of the registration division of Gatineau on 8 February 1973 under No. 107292, and with reference to the said plan more specifically described as follows:

Bounded on the north by Chemin McConnel, on the northeast by Chemin Klock, on the south by another part of lot number 15A, and on the west by lot 2182; measuring fifty-nine and ninety-five hundredths feet (59.95') to the north, one thousand five hundred and seventy-one and forty-four hundredths feet (1,571.44') to the northeast, nine hundred and ninety-four and four hundredths feet (994.04') to the south, and one thousand two hundred and ninety-five and fifteen hundredths feet (1,295.15') to the west; containing an area of fifteen and sixty-four hundredths acres (15.64 acres) more or less.

The south boundary of the above-described parcel of land being parallel to and situate at a distance of one hundred feet (100') to the north of the north side of Lakeview road.

All dimensions in English measure.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 270
(Private)

An Act respecting The Bank of Nova Scotia Trust Company and National Trust Company

Introduced 28 May 1998
Passage in principle 19 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Québec Official Publisher
1998

Bill 270

(Private)

AN ACT RESPECTING THE BANK OF NOVA SCOTIA TRUST COMPANY AND NATIONAL TRUST COMPANY

WHEREAS National Trust Company is issued from the amalgamation of National Trust Company and Canborough Corporation on 1 November 1989 and received its letters patent of continuance on 12 March 1998 under the Trust and Loan Companies Act (S.C., 1991, chapter 45);

Whereas The Bank of Nova Scotia Trust Company was organized by letters patent issued on 22 June 1992 under the Trust and Loan Companies Act;

Whereas The Bank of Nova Scotia acquired in August 1997 the voting shares of National Trustco Inc. and thereby acquired control of National Trust Company, a wholly-owned subsidiary of National Trustco Inc.;

Whereas The Bank of Nova Scotia Trust Company, a wholly-owned subsidiary of The Bank of Nova Scotia, proposes to acquire part of the trusteeship and agency business of National Trust Company in which the company acts for or for the benefit of a natural person;

Whereas for that purpose, The Bank of Nova Scotia Trust Company must be appointed as successor trustee to National Trust Company in relation to that trusteeship and agency business;

Whereas because of the number of trusts and instances of administration of the property of others involved, it would be impractical to apply to the court to have The Bank of Nova Scotia Trust Company appointed as successor to National Trust Company;

Whereas the enactment by the Parliament of Québec of a statute relating to the transfer of that trusteeship and agency business of National Trust Company to The Bank of Nova Scotia Trust Company is in the interest of the persons having relations with the said two trust companies in relation to such trusteeship and agency business, and aims at clarifying their rights and obligations;

Whereas The Bank of Nova Scotia Trust Company and National Trust Company have consented to and wish the enactment of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. From the date set forth in a notice published in the *Gazette officielle du Québec* by The Bank of Nova Scotia Trust Company advising of the acquisition of the trusteeship and agency business of National Trust Company referred to in this section by The Bank of Nova Scotia Trust Company, the latter is substituted by operation of law for National Trust Company with respect to any situation wherein National Trust Company acts for or for the benefit of a natural person, as a trust company as defined in section 1 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01), notwithstanding by what document or instrument National Trust Company was appointed and whatever title was used to appoint it.

The fact that some of the movables and immovables referred to in this section are situate outside Québec does not prevent such substitution.

2. Subject to section 8, where a notarial act or a private writing, a judgment or any other instrument imposes any obligations on National Trust Company in relation to any situation described in section 1, or confers any rights on the same, the name "The Bank of Nova Scotia Trust Company" is substituted for the name "National Trust Company" from the date set forth in the notice published pursuant to section 1 or from the date on which such instrument comes into force if after the date set forth in such notice.

3. From the date set forth in the notice published pursuant to section 1, The Bank of Nova Scotia Trust Company is substituted by operation of law for National Trust Company in all rights related to property, corporeal or incorporeal, movable or immovable, vested in it in relation to any situation described in section 1, whether in the form in which it was originally acquired by National Trust Company or otherwise, and such substitution is effective without any need of registration or deposit of this Act or any other document indicating such substitution in any register whatsoever in Québec.

4. Subject to section 8, no proceeding exercised by or against National Trust Company in relation to any situation described in section 1, before any court or administrative tribunal or any governmental agency in Québec, shall be suspended or terminated as a result of the coming into force of this Act. However, such proceedings may be continued in the name of The Bank of Nova Scotia Trust Company, which shall have the same rights and obligations as if they had been commenced in its name or against it, upon a simple written notice served on all interested parties and deposited in the record of such proceedings.

Subject to section 8, any proceeding which might have been exercised by National Trust Company or against it, in relation to any situation described in section 1, may be exercised by The Bank of Nova Scotia Trust Company or against it, which shall have the same rights and obligations and shall be subject to the same liabilities in respect thereof as National Trust Company would have had or been subject to if this Act had not been enacted, and for

purposes of examination for discovery or production of documents in relation to any such proceeding, National Trust Company and its officers or employees shall be subject to the same obligations as if this Act had not been enacted.

With respect to such proceedings, National Trust Company as well as its officers and employees, are deemed to have been acting for The Bank of Nova Scotia Trust Company with respect to any situation described in section 1.

5. Nothing in this Act affects the rights of a person having any claim in relation to events that occurred before the date set forth in the notice published pursuant to section 1 which may be qualified as non-performance or bad performance by National Trust Company in respect of its obligations in relation to any situation described in section 1, but all such rights as may be enforceable in Québec may be asserted against The Bank of Nova Scotia Trust Company, which shall be responsible for all debts, liabilities and obligations of National Trust Company in respect thereof.

6. Any person under an obligation to make payments to National Trust Company in relation to any situation described in section 1, may make such payments to such company until The Bank of Nova Scotia Trust Company has given notice to such person in writing that the payments shall be made to The Bank of Nova Scotia Trust Company in the future and thereupon the person's obligation is owed to The Bank of Nova Scotia Trust Company.

7. For the cancellation, upon The Bank of Nova Scotia Trust Company's demand, of the registration of a right or a power of National Trust Company vested in The Bank of Nova Scotia Trust Company because of this Act, the document transmitted to the registry office for the registration division concerned or to the register of personal and movable real rights shall mention that The Bank of Nova Scotia Trust Company acts in the rights of National Trust Company pursuant to the substitution operated by this Act and shall refer to this Act.

8. This Act shall not be interpreted as denying to a person who named National Trust Company as trustee or administrator of the property of others, or who is beneficiary of such administration, the right, if applicable, of such person to name such another person other than The Bank of Nova Scotia Trust Company.

9. This Act does not apply to the following property and trusts:

(*a*) property, corporeal or incorporeal, movable or immovable, and each interest in such property, held by National Trust Company exclusively and for its own use and benefit, and not for the use or benefit of any other person or for any other purpose;

(*b*) the trusts relating to money received for guaranteed investment and any property, corporeal or incorporeal, movable or immovable, held in trust by National Trust Company with respect to such guaranteed investment, including,

without limitation, trusts relating to any registered home ownership savings plan, registered retirement savings plan, retirement income fund, deferred profit sharing plan or income averaging annuity contract, as those terms are defined in the Income Tax Act (R.S.C., (1985) 5th Supplement, chapter 1) or the Taxation Act (R.S.Q., chapter I-3), or other registered or unregistered deferred income or employee benefit plan;

(*c*) property, corporeal or incorporeal, movable or immovable, held by or vested in National Trust Company pursuant to or in respect of the following:

i. any trust deed or other instrument to which section 1 would otherwise apply, wherein National Trust Company is or may be a trustee and by virtue of which bonds, debentures or other evidences of indebtedness, warrants or rights have been or may be issued,

ii. any document or trust to which section 1 would otherwise apply, pursuant to which National Trust Company acts as trustee for unit holders in respect of any oil or gas royalty trust fund,

iii. any document or trust to which section 1 would otherwise apply, wherein National Trust Company acts as manager, advisor, registrar or transfer agent, and

iv. any document or trust to which section 1 would otherwise apply pursuant to which National Trust Company acts as custodian or trustee for the benefit of one or more persons under a plan or other arrangement established by a legal person, partnership or other entity or person other than a natural person.

10. This Act comes into force on 20 June 1998.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 403
(1998, chapter 38)

An Act to establish the Grande bibliothèque du Québec

Introduced 17 December 1997
Passage in principle 24 March 1998
Passage 17 June 1998
Assented to 20 June 1998

Québec Official Publisher
1998

EXPLANATORY NOTES

This bill provides for the establishment of a library to be known as the "Grande bibliothèque du Québec".

The mission of the library will be to offer democratic access to culture and knowledge, and to act in that respect as a catalyst in relation to Québec documentary institutions, thus contributing to the personal development of citizens. The library will pursue the following objectives: to assert the importance of reading and acquiring knowledge, to promote Québec publishing, to facilitate ongoing independent learning, to further the integration of newcomers to Québec, to reinforce inter-library cooperation and exchanges and to stimulate Québec's participation in the development of the virtual library. The library is given the powers necessary to fulfil its mission.

The bill also sets out rules relating to the operation of the library and to the composition of its board of governors.

The Act respecting the Bibliothèque nationale du Québec is amended so as to require that library to enter into an agreement, subject to government approval, with the library established under this bill whereby the latter library will be given custody of the second copy of every published document deposited with the Bibliothèque nationale du Québec, together with a mandate to promote such documents and make them available to the public.

Finally, the bill provides that agreements with the city of Montréal concerning the collection of the Bibliothèque centrale and the city's contribution towards the operating expenses of the Grande bibliothèque must be submitted to the Government for approval.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1).

Bill 403

AN ACT TO ESTABLISH THE GRANDE BIBLIOTHÈQUE DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

1. A library is hereby established under the name of "Grande bibliothèque du Québec".

The library may also be designated by the acronym "GBQ" and by any other name determined by the Government.

The library is a legal person.

2. The library is a mandatary of the State.

The property of the library forms part of the domain of the State, but the performance of its obligations may be levied against its property other than published documents or the property forming part of its collections.

The library binds none but itself when it acts in its own name.

3. The library and the head office of the library shall be located in the territory of Ville de Montréal at the place determined by the Government.

Notice of the location or of any change in location of the head office shall be published in the *Gazette officielle du Québec*.

4. The affairs of the library shall be administered by a board of governors composed of the following persons who shall become members of the board upon their appointment or election:

(1) seven persons, including the chair, appointed by the Government on the recommendation of the Minister of Culture and Communications; at least one of those persons shall be a librarian;

(2) two persons appointed by Ville de Montréal;

(3) two users of the library, including one resident of Ville de Montréal, elected by a majority vote of their peers, in accordance with the by-laws of the library.

The chair of the Bibliothèque nationale du Québec and the head librarian of Ville de Montréal shall also be members of the board of the library.

5. The term of office of the board members referred to in the first paragraph of section 4 shall not exceed five years.

The term of office of the members referred to in subparagraphs 1 and 2 of the first paragraph of section 4 may be renewed only once.

6. On the expiry of their term, the members of the board shall remain in office until replaced or reappointed.

7. The chair shall preside at meetings of the board and be responsible for the administration and direction of the library within the scope of its by-laws and policies.

The functions of the chair shall be exercised on a full-time basis.

8. The members of the board shall designate a vice-chair from among their number.

If the chair is absent or unable to act, the vice-chair shall act as chair of the board.

9. The quorum at meetings of the board is a majority of its members.

In the case of a tie-vote, the chair has the casting vote.

The board shall meet at least six times a year.

10. The Government shall determine the remuneration, employment benefits and other conditions of employment of the chair.

The other members of the board shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. The members are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

11. The members of the personnel of the library shall be appointed according to the staffing plan and the standards established by by-law of the library. The by-law shall also determine the standards and scales of remuneration, employment benefits and other conditions of employment of the members of the personnel.

The by-law must be submitted to the Government for approval.

12. Neither the chair nor any member of the personnel of the library may, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing their personal interest to conflict with that of the library. However, forfeiture of office is not incurred where the interest devolves to them by succession or gift, provided they renounce or dispose of it with dispatch.

Any other member of the board who has a direct or indirect interest in an enterprise causing the member's personal interest to conflict with that of the library must, on pain of forfeiture of office, disclose the interest in writing to the chair, abstain from voting on any matter relating to the enterprise, and avoid influencing any decision relating to the enterprise. The member must also withdraw from a meeting during any discussion or vote on such a matter.

13. The library may make by-laws to provide for its internal management.

Such by-laws may, in particular,

(1) establish an executive committee composed of not fewer than five members of the board of governors, including the chair and a member appointed by Ville de Montréal, determine its functions and powers and fix the term of office of its members;

(2) establish such advisory committees as the library considers necessary for the fulfilment of its mission;

(3) provide that absence from a number of meetings fixed therein, in the cases and circumstances determined therein, constitutes a vacancy.

The members of the committees formed under subparagraph 2 of the second paragraph shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. The members are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

CHAPTER II

MISSION AND POWERS

14. The mission of the library is to offer democratic access to culture and knowledge, and to act as a catalyst in relation to Québec documentary institutions, thus contributing to the personal development of citizens.

More specifically, the library shall pursue the following objectives: to assert the importance of reading, research and acquiring knowledge, promote Québec publishing, facilitate ongoing independent learning, foster the integration of newcomers to Québec, reinforce inter-library cooperation and

exchanges and stimulate Québec's participation in the development of the virtual library.

15. To fulfil its mission, the library may, in particular,

(1) make the documents in the collections of the library available for consultation or for loan and afford researchers access to specialized collections;

(2) facilitate access to those collections throughout the territory of Québec, in particular by the use of computer-generated media;

(3) offer introductory services in documentary research and in the use of new technology;

(4) organize informational activities to enhance public awareness with respect to reading and activities to promote Québec publishing;

(5) offer services adapted to handicapped persons, newcomers to Québec, persons with reading difficulties, workers undergoing career transition, businesses and other special users;

(6) contribute to enhancing the international influence of Québec's expertise and heritage through active participation in the network of international documentary institutions, particularly those of the French-speaking world;

(7) encourage cooperation between public libraries and other library networks and act as an auxiliary library for all public libraries in Québec;

(8) develop support and specialized technical services and make them available to public libraries;

(9) participate in the elaboration of a virtual union catalogue and encourage the participation of documentary institutions in the development of applications in the virtual library.

16. In addition, the library may, in particular,

(1) acquire, alienate, rent, lend, borrow, exchange, preserve and restore documents;

(2) enter into agreements or participate in joint projects with any person or body;

(3) enter into an agreement authorized by law with a government other than the Government of Québec, with a department of such a government, with an international organization or with an agency of such a government or organization;

(4) receive gifts, bequests, subsidies and other contributions, provided that any attached conditions are consistent with the fulfilment of its mission;

(5) conduct research or studies.

Every agreement entered into with Ville de Montréal pertaining to the Bibliothèque centrale collection, including the Phonothèque collection and the multilingual biblioservice collection, must be submitted to the Government for approval.

17. The library shall, on the date fixed by the Minister, submit a three-year plan of its activities to the Minister. The plan must be consistent with the orientations and objectives given to the library by the Minister.

The plan shall be established in the form determined by the Minister and contain the information the Minister requires. The plan must be submitted to the Minister for approval.

The Minister shall table the plan in the National Assembly within 30 days of its approval or, if the Assembly is not sitting, within 30 days of resumption.

The competent parliamentary committee of the National Assembly shall examine the plan and hear the representatives designated by the library for that purpose.

18. The library may not, without the authorization of the Government,

(1) build, acquire, alienate or hypothecate an immovable;

(2) contract a loan that raises the aggregate of the unrepaid borrowings of the library to an amount that exceeds an amount determined by the Government.

19. The library shall offer, free of charge, access to and on-site consultation of the catalogues and collections of the library and, except in the cases provided by by-law of the library, the lending of documents.

The library may not charge subscription fees.

20. The Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) does not apply to a document acquired, rented, received in exchange or borrowed by the library from a person or body other than those to which sections 3 to 7 of that Act apply.

CHAPTER III

FINANCIAL PROVISIONS

21. The fiscal year of the library ends on 31 March.

22. The Government may, subject to the terms and conditions it determines,

(1) guarantee the payment of the principal of and interest on any loan contracted by the library as well as the performance of its obligations;

(2) authorize the Minister of Finance to advance to the library any amount considered necessary for the performance of its obligations or the fulfilment of its mission;

(3) grant a subsidy to the library to provide for the performance of its obligations.

Sums that the Government may be called upon to pay under subparagraphs 1 and 2 of the first paragraph shall be taken out of the consolidated revenue fund.

23. Ville de Montréal shall contribute on an annual basis towards the operating expenses of the library subject to the terms and conditions agreed by the Minister of Culture and Communications and the city. Such agreement must be submitted to the Government for approval.

24. The sums received by the library shall be applied to the payment of its obligations. Any surplus shall be retained by the library unless the Government decides otherwise.

CHAPTER IV

DOCUMENTS, ACCOUNTS AND REPORTS

25. A deed, document or writing binds the library only if it is signed by the chair of the board or a member of the personnel of the library and, in the latter case, only to the extent determined by by-law of the library.

The library, subject to the conditions it determines, may allow a required signature to be affixed by means of an automatic device to the documents it determines, or a facsimile of a signature to be engraved, lithographed or printed on such documents. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair of the library.

26. The minutes of the meetings of the board of governors, approved by it and certified by the chair or any other person authorized to do so by the library, are authentic. The same applies to documents or copies of documents emanating from the library or forming part of its records, provided they are signed or certified by any such person.

27. Not later than 31 July each year, the library must file its financial statements with the Minister together with a report on its activities for the preceding fiscal year.

The financial statements and the report must contain all the information prescribed by the Minister.

28. The Minister shall table the report and the financial statements before the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

29. The books and accounts of the library shall be audited each year by the Auditor General, and whenever so ordered by the Government.

The report of the auditor must accompany the activities report and the financial statements of the library.

CHAPTER V

AMENDING AND MISCELLANEOUS PROVISIONS

30. The Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1) is amended by inserting, after section 18, the following section:

"**18.1.** The library shall enter into an agreement with the Grande bibliothèque du Québec to give the latter library custody of the second copy of the documents referred to in section 36, together with a mandate to promote such documents and make them available to the public. The agreement must be submitted to the Government for approval."

31. The library shall carry out the construction, layout and equipment installation work required for the fulfilment of its mission. The library may take any action to prepare for its opening to the public.

Sections 16 to 18 apply for the purposes of this section.

32. The appropriations granted for the fiscal year (*insert here the fiscal year in which this provision comes into force*) to the Ministère de la Culture et des Communications shall, to the extent and according to the procedure determined by the Government, be transferred to the library.

The appropriations granted for the fiscal year (*insert here the fiscal year in which this provision comes into force*) to the Bibliothèque nationale du Québec shall, to the extent and according to the procedure determined by the Government, be transferred to the library.

33. The Minister of Culture and Communications is responsible for the administration of this Act.

34. The provisions of this Act come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 404
(1998, chapter 39)

An Act to amend the Act respecting health services and social services and amending various legislative provisions

Introduced 18 December 1997
Passage in principle 13 May 1998
Passage 19 June 1998
Assented to 20 June 1998

Québec Official Publisher
1998

EXPLANATORY NOTES

This bill amends the Act respecting health services and social services to simplify or eliminate certain administrative formalities and constraints, to adjust and refine the rules governing the organization and operation of institutions and regional boards, and to confer new powers that introduce more flexibility into the administration of the Act.

Several provisions of the current legislation concerning complaints filed by users of the health and social services system and the complaints examination procedures set up by institutions, regional boards and the complaints commissioner, are revised.

The bill contains new measures relating to the election and appointment of members to the boards of directors of public institutions and regional boards, eligibility for election or appointment, and the filling of vacant positions. Other related amendments are made to redefine the rules and procedures concerning the establishment and composition of the users' committee and the multidisciplinary council of each institution and the recognition granted to a foundation attached to an institution.

The bill streamlines the procedure to be followed by an institution in making contracts, expropriating property and drawing up organization plans, simplifies the procedure for calling and holding meetings of the boards of directors of public institutions and regional boards, makes public institutions and regional boards more accountable for their administration to the general public, and facilitates the production of certain reports by regional boards.

The bill provides a new definition for the intermediate resources attached to an institution to ensure that they are not considered as facilities maintained by the institution. In addition, regional boards, rather than the Minister, will be responsible for determining the rates of compensation to be paid to intermediate resources.

The rules governing the preparation of the regional service organization plan and the regional medical staffing plan by a regional board and their approval by the Minister are modified to ensure that each regional medical staffing plan covers all the physicians practising in private health facilities in the region. A regional department of general medicine, consisting of all the general

practitioners practising in the region, will be established within each regional board. The bill specifies the responsibilities of the department and the rules applicable to its operations.

The bill proposes other amendments to streamline or redistribute powers in several areas. The permits currently issued to institutions for two years will be replaced by permanent permits, and the Minister will be authorized to delegate to a regional board the power to inspect an institution, or to evacuate and relocate institutionalized persons. The Minister's power to enter into financing agreements with private institutions will be transferred to the regional boards, and certain regulatory powers currently exercised by the Government or the Minister are abolished, made more flexible or assigned to regional boards or institutions. The mandate of the referral centre for executive directors and senior management staff is also modified by the bill.

The bill introduces new ministerial and regional powers concerning the use of information technology in the health and social services system. In another connection, it adds a series of special provisions applicable to part of the Nord-du-Québec region, where the existing regional board is to be abolished, and a single public institution with certain regional responsibilities is to operate.

Lastly, the bill includes a number of technical, terminological and consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);

– Automobile Insurance Act (R.S.Q., chapter A-25);

– Hospital Insurance Act (R.S.Q., chapter A-28);

– Health Insurance Act (R.S.Q., chapter A-29);

– Act respecting the Conseil de la santé et du bien-être (R.S.Q., chapter C-56.3);

– Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1);

– Public Health Protection Act (R.S.Q., chapter P-35);

– Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);

– Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5);

– Act respecting occupational health and safety (R.S.Q., chapter S-2.1);

– Act respecting health services and social services (R.S.Q., chapter S-4.2);

– Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);

– Act respecting administrative justice (1996, chapter 54).

Bill 404

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 29 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is replaced by the following section:

"**29.** Every institution shall establish a procedure for the examination of the complaints filed by users. The executive director shall designate a member of the institution's personnel as the complaints officer responsible for the application of the complaints examination procedure, and cause the designation to be confirmed by the board of directors."

2. Section 31 of the said Act is amended by adding, at the end, the words "or by an intermediate resource or family-type resource whose services are called upon by the institution".

3. Section 32 of the said Act is amended by replacing the words "to express his views" by the words "and, where applicable, the intermediate resource or family-type resource to express their views".

4. Section 33 of the said Act is amended

(1) by striking out the second paragraph;

(2) by replacing the words "senior management officer" in the first line of the third paragraph by the words "complaints officer responsible for the application of the complaints examination procedure".

5. Section 34 of the said Act is amended

(1) by replacing the words "senior management officer" in the first line by the words "complaints officer";

(2) by striking out the word "written" in the second line.

6. The said Act is amended by inserting, after section 34, the following section:

"**34.1.** Users, intermediate resources, family-type resources and the personnel members of an institution must provide the information required by the complaints officer for the examination of the complaint and, unless they have a valid reason, must attend any meeting to which they are called by the complaints officer."

7. Section 35 of the said Act is replaced by the following section:

"**35.** The complaints officer must examine a complaint within 45 days of receiving it.

Before the expiry of the time limit, he must inform the user of his conclusions, giving the reasons on which they are based, and of the terms and conditions governing the remedy available to the user before the regional board. If the complaint is in writing, the information must be given in writing.

The complaints officer must also, where applicable, inform the intermediate resource or family-type resource of his conclusions without delay, giving reasons."

8. Section 36 of the said Act is amended

(1) by replacing "senior management officer" in the first line of the first paragraph by "complaints officer";

(2) by replacing the words "In the case of a complaint in writing, such" in the first line of the second paragraph by the word "Such".

9. Section 37 of the said Act is amended

(1) by replacing the words "senior management officer" in the first line of the first paragraph by the words "complaints officer";

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

"He must inform the user, in writing if the complaint is in writing."

10. Section 42 of the said Act is amended

(1) by striking out the words "in writing" in the first line;

(2) by replacing the words "senior management officer", wherever they occur, by the words "complaints officer".

11. Section 43 of the said Act is replaced by the following section:

"**43.** The regional board shall establish a procedure for the examination of the complaints filed by users. The executive director shall designate a member of the regional board's personnel as the complaints officer responsible

for the application of the complaints examination procedure, and cause the designation to be confirmed by the board of directors."

12. Section 44 of the said Act is amended by inserting the words ", the intermediate resource, the family-type resource" after the word "user" in the first line.

13. Section 46 of the said Act is replaced by the following section:

"**46.** The complaints officer of the regional board shall send a copy of the complaint submitted to him to the institution, the intermediate resource or the family-type resource concerned and, within five days of receiving the copy, the institution must transmit the complete record of complaint to the complaints officer."

14. Section 47 of the said Act is replaced by the following section:

"**47.** Users, intermediate resources, family-type resources and institutions must provide the information required by the complaints officer of the regional board for the examination of the complaint and, unless they have a valid reason, must attend any meeting to which they are called by the complaints officer."

15. Section 49 of the said Act is amended

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

"**49.** The complaints officer of the regional board must examine a complaint within 45 days of receiving it.";

(2) by adding, at the end of the second paragraph, the following sentence: "He must also inform the institution concerned and, where applicable, the intermediate resource or family-type resource of his conclusions without delay, giving reasons."

16. Section 53 of the said Act is replaced by the following section:

"**53.** Any natural person may file a complaint with the regional board in connection with any function or activity of the regional board by which the person is affected as regards services that have or should have been provided by an institution, an intermediate resource, a family-type resource or a community organization.

Sections 43, 44 and 47 to 52, adapted as required, apply to such a complaint."

17. The said Act is amended by inserting, after section 53, the following section:

"**53.1.** A complaint may be filed under section 53 in oral or written form.

The complaints officer must assist or ensure that assistance is given to any person requiring it for the formulation of a complaint and for any step to be taken in relation to that complaint."

18. Section 54 of the said Act is amended by replacing the words "the regional board or an institution of the region" in the fourth and fifth lines by the words "an institution in the region, the regional board or the complaints commissioner".

19. Section 56 of the said Act is amended

(1) by replacing the words "senior management officer of the" in the second line of subparagraph 1 of the first paragraph by the words "complaints officer of a";

(2) by replacing the words "senior management officer of the" in the second line of subparagraph 2 of the first paragraph by the words "complaints officer of a";

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

"(3) from persons who disagree with the conclusions transmitted to them by the complaints officer of a regional board pursuant to section 53."

20. Section 57 of the said Act is amended by inserting the words "the intermediate resource," after the word "institution," in the second line.

21. Section 58 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**58.** The complaint must be in writing and submitted with the conclusions, if any, transmitted by the complaints officer of the regional board."

22. Section 59 of the said Act is replaced by the following section:

"**59.** The complaints commissioner shall transmit a copy of every complaint submitted to him to the institution, intermediate resource, family-type resource, community organization, holder of nursing home accreditation or regional board, as the case may be, and within five days of receiving that copy, the institution and the regional board must transmit the complete record of the complaint to him."

23. Section 60 of the said Act is amended by inserting the words "intermediate resource," after the word "institution," in the first line.

24. Section 61 of the said Act is replaced by the following section:

"**61.** The complaints commissioner may, on summary examination, dismiss any complaint the commissioner judges to be frivolous, vexatious or in bad faith.

The complaints commissioner may also refuse or cease to examine a complaint in either of the following situations:

(1) where the complaints commissioner has reasonable grounds to believe that an intervention will clearly serve no useful purpose;

(2) where the time that has elapsed between the events that gave rise to the dissatisfaction of the user or the person and the filing of the complaint makes it impossible to examine the complaint.

In such cases, the complaints commissioner shall inform the user or person who transmitted the complaint accordingly."

25. Section 62 of the said Act is replaced by the following section:

"**62.** The complaints commissioner must, without delay, transmit the conclusions of the examination and the reasons on which they are based, together with any recommendations made, to the user or the person, to the intermediate resource, family-type resource, institution, community organization or holder of nursing home accreditation concerned, and to the regional board.

An intermediate resource, family-type resource, institution, community organization, holder of nursing home accreditation or regional board that receives a recommendation from the complaints commissioner must, within 30 days of reception, inform the complaints commissioner and the user or person who filed the complaint of the action it intends to take in response or, if it intends to take no action, of the reasons for its decision."

26. The said Act is amended by inserting, after section 62, the following section:

"**62.1.** The complaints commissioner may, whenever he considers it necessary, advise the Minister on any matter relating to the respect of users' rights and the subjects of users' complaints."

27. The said Act is amended by inserting, after section 65, the following section:

"**65.1.** The complaints commissioner may give a person who is not a member of the complaint commissioner's personnel a written mandate to carry out an inquiry or to seek a settlement between the interested parties, and

require that the person submit a report within the time fixed by the complaints commissioner.

The last paragraph of section 56, adapted as required, applies to the person."

28. Section 69 of the said Act is amended

(1) by adding, at the end of the second paragraph, the following subparagraph:

"(4) the time needed for the examination of complaints.";

(2) by replacing the words "after a brief examination, or examined by the board or which the board has refused or ceased to examine" in the first, second and third lines of subparagraph 1 of the third paragraph by the words "on summary examination, examined, refused or abandoned".

29. The said Act is amended by inserting, after section 69, the following section:

"**69.1.** Each institution and regional board must send to the complaints commissioner, whenever required by him, a report concerning the complaints under examination."

30. Section 70 of the said Act is amended by inserting the words ", intermediate resources" after the word "institutions" in the first line of subparagraph 1 of the third paragraph.

31. Section 72 of the said Act is amended in the first paragraph

(1) by replacing the words "a family-type resource referred to in section 310, or of" in the first line by the word "the";

(2) by replacing, in the French text, the word "et" in the third line by the word "ou";

(3) by striking out the word "resource," in the fifth line.

32. Section 73 of the said Act is amended by striking out the words "the resource," in the third line.

33. Section 74 of the said Act is amended

(1) by striking out the second sentence of the first paragraph;

(2) by replacing the words "senior management officer" in the first line of the second paragraph by "complaints officer responsible for the application of the complaints examination procedure".

34. Section 75 of the said Act is replaced by the following section :

"**75.** The complaints officer of the regional board must give the person referred to in section 72 who has filed a complaint in writing a written notice indicating the date on which his complaint was received.

The complaints officer must examine the complaint within 45 days of receiving it.

Before the expiry of the time limit, he must inform the person of his conclusions and give the reasons on which they are based and of the terms and conditions governing the remedy available to him before the complaints commissioner. If the complaint is in writing, the information must be given in writing. He must also inform the community organization or holder of nursing home accreditation, as the case may be, of his conclusions without delay.

Where the complaints officer fails to inform the person of his conclusions within the time limit prescribed in the second paragraph, he is deemed to have transmitted negative conclusions on the date on which the prescribed time expires. Such a failure shall give rise to an examination by the complaints commissioner."

35. Section 76 of the said Act is amended

(1) by replacing the words "senior management officer" in the first line by the words "complaints officer";

(2) by replacing the words "user in writing" in the third line by the words "person. He must do so in writing if the complaint is in writing."

36. Section 80 of the said Act is amended by replacing the first paragraph by the following paragraph :

"**80.** The mission of a local community service centre is to offer, at the primary level of care, basic health and social services, and to offer health and social services of a preventive or curative nature and rehabilitation or reintegration services to the population in the territory served by it."

37. Section 105 of the said Act is amended by striking out the words "to achieve the objectives set out in the various programs established by the Minister" in the fifth and sixth lines of the first paragraph.

38. Section 108 of the said Act is amended by replacing the last paragraph by the following paragraph :

"The agreement must be transmitted to the regional board."

39. Section 109 of the said Act is amended by replacing the words "regional board" in the second line of the third paragraph by the word "institution".

40. Section 110 of the said Act is amended in the second paragraph

(1) by striking out the words ", after obtaining the authorization of the regional board," in the first line;

(2) by adding, at the end, the following sentence: "The contract must be transmitted to the regional board."

41. Section 126.4 of the said Act is amended

(1) by replacing the words "to attend the public meeting" in the first line of the second paragraph by the words "for the purposes of the election";

(2) by replacing the words "a public meeting is normally" in the fourth and fifth lines of the third paragraph by the words "an election is".

42. Section 126.5 of the said Act is amended by striking out the last paragraph.

43. Section 127 of the said Act is amended by adding, at the end, the following paragraph:

"For the purposes of sections 183 to 208, the institution is deemed to operate only the centre corresponding to the type of board of directors that must be established in accordance with the Minister's decision."

44. Section 129 of the said Act is amended

(1) by replacing the words "public meeting" in the first line of paragraph 1 by the word "election";

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

"(3) two persons elected by the users' committees of the institutions or, if there is only one institution with a users' committee, appointed by that committee;";

(3) by replacing paragraph 5 by the following paragraph:

"(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned;".

45. Section 130 of the said Act is amended

(1) by replacing the words “public meeting” in the first line of paragraph 1 by the word “election”;

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

“(3) one person appointed by the users’ committee of the institution operating the child and youth protection centre and another person elected by the users’ committees of the other institutions; however, where the institution operating the child and youth protection centre also operates, jointly with other institutions, a rehabilitation centre for young persons with adjustment problems or a rehabilitation centre for mothers with adjustment problems, the two persons must be elected by the users’ committees of all those institutions and, where the institution operating the child and youth protection centre is the only institution operating a rehabilitation centre for young persons with adjustment problems or a rehabilitation centre for mothers with adjustment problems, the two persons must be appointed by the users’ committee of that institution;”;

(3) by replacing paragraph 5 by the following paragraph:

“(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned;”.

46. Section 131 of the said Act is amended

(1) by replacing the words “public meeting” in the first line of paragraph 1 by the word “election”;

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

“(3) where applicable, two persons appointed by the users’ committee of the institution;”;

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

“(4) where applicable, one person or, if paragraph 3.1 cannot be applied, two persons appointed by the board of directors of the foundation of the institution or, if there is more than one foundation for the institution, elected jointly by the boards of directors of those foundations;”.

47. Section 131.1 of the said Act is amended

(1) by replacing the words “public meeting” in the first line of paragraph 1 by the word “election”;

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

"(3) where applicable, two persons elected by the users' committees of the institutions or, if there is only one institution with such a committee, appointed by that committee;";

(3) by replacing paragraph 5 by the following paragraph:

"(5) where applicable, one person appointed by the board of directors of the foundation of the institution operating the local community service centre or, if there is more than one foundation for that institution, elected jointly by the boards of directors of those foundations and, if paragraph 4 cannot be applied, one person appointed by the board of directors of the foundation of one of the other institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned; however, in the case of the institutions referred to in the second paragraph of section 126.1, one person shall be appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned;".

48. Section 132 of the said Act is amended

(1) by replacing the words "public meeting" in the first line of paragraph 1 by the word "election";

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

"(3) where applicable, two persons appointed by the users' committee of the institution;";

(3) by replacing paragraph 5 by the following paragraph:

"(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of the institution or, if there is more than one foundation for the institution, elected jointly by the boards of directors of those foundations;".

49. Section 132.1 of the said Act is amended

(1) by replacing the words "public meeting" in the first line of paragraph 1 by the word "election";

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

"(3) where applicable, two persons elected by the users' committees of the institutions or, if there is only one institution with a users' committee, appointed by that committee;";

(3) by replacing paragraph 5 by the following paragraph:

"(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned;".

50. The said Act is amended by inserting, after section 132.1, the following section:

"**132.2.** For the purposes of paragraph 5 of each of sections 129, 130, 131.1, 132 and 132.1 and paragraph 4 of section 131, a "foundation of an institution" means a legal person established for non-profit purposes whose object is, essentially, to collect contributions made for the benefit of an institution designated by name in the constituting act of the foundation or of a new institution resulting from the amalgamation or conversion of the designated institution, or whose principal object is to collect contributions to be used, for a purpose or purposes corresponding to those mentioned in section 272, in the pursuit of all or part of the mission of such an institution."

51. Section 133.2 of the said Act is amended in the first paragraph

(1) by inserting, after subparagraph 2, the following subparagraph:

"(2.1) a users' committee is established pursuant to the second paragraph of section 209;";

(2) by replacing subparagraph 3 by the following subparagraph:

"(3) a foundation of an institution within the meaning of section 132.2 is established;";

(3) by replacing the words "further member can be appointed" in the third line of subparagraph 4 by the words "member can be added".

52. Section 134 of the said Act is amended by adding, at the end, the words ", except if the centre is designated as a university hospital centre, university institute or affiliated university centre".

53. Section 135 of the said Act is amended

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

"**135.** Every institution shall, every three years, on such day in the month of October or November as the Minister determines, invite the population to elect the persons referred to in paragraph 1 of each of sections 129 to 132.1, as the case may be. No minor is entitled to vote.";

(2) by replacing the words “public meeting” and “a meeting”, wherever they occur in the second paragraph, by the words “election” and “an election”, respectively, and by replacing the words “public meetings” and “meetings”, wherever they occur in that paragraph, by the word “elections”;

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

“The mechanisms whereby candidates may address the population before an election, and the election procedure to be followed shall be determined by by-law of the regional board, as well as the standards relating to advertising, financing, the powers and duties of election officers and campaign literature. The by-law must be submitted to the Minister for approval; once approved, it shall come into force on the date of its publication in the *Gazette officielle du Québec*.”

54. Section 136 of the said Act is repealed.

55. Section 137 of the said Act is amended by replacing the words “a public meeting” wherever they occur in the second paragraph by the words “an election”.

56. Section 138 of the said Act is amended by adding, at the end, the following paragraph:

“An appointment made under this section must, to be valid, be submitted to the regional board for approval.”

57. Section 147 of the said Act is replaced by the following section:

“**147.** If a position cannot be filled by the application of section 135, 137 or 138, the regional board shall appoint a person to the position within 60 days.”

58. Section 151 of the said Act is amended

(1) by replacing the words “, any other organization providing services related to the field of health and social services or” in the second and third lines of the first paragraph by the words “or any other organization providing services related to the field of health and social services and receiving subsidies from a regional board or the Minister, or employed by”;

(2) by replacing the words “a public meeting” in the fifth line of the first paragraph by the words “an election”;

(3) by replacing the words “during a public meeting” in the third line of the last paragraph by the words “at an election”.

59. Section 152 of the said Act is amended by replacing the words “at a public meeting held under” in the first line of the second paragraph by the words “pursuant to”.

60. The said Act is amended by inserting, after section 161, the following section:

"**161.1.** A member of the board of directors may, where a quorum of members is physically present at the place where a meeting of the board of directors is to be held and where a majority of those members have consented thereto, participate in the meeting by means of videoconferencing, telephone or other communications equipment by means of which all persons participating in the meeting can hear each other. In such a case, the member is deemed to have attended the meeting.

The minutes of such a meeting must mention

(1) the fact that the meeting was held with the assistance of the communications equipment they indicate;

(2) the name of the members physically present at the meeting, and the names of the members who agreed to the use of the communications equipment;

(3) the name of the member who participated in the meeting using the communications equipment."

61. Section 163 of the said Act is amended, in the French text, by replacing the words "voix des" in the second line of the first paragraph by the words "voix exprimées par les".

62. Section 164 of the said Act is amended by adding, at the end, the following paragraphs:

"The members of the board of directors may also, in emergencies, if there is a quorum and if all the members have consented thereto, participate in a special meeting by way of a telephone conference call.

The minutes of such a meeting must mention the fact that the meeting was held by way of a telephone conference call, and that all the members who participated in the meeting agreed to the procedure. The decisions made at the meeting must be tabled at the following public meeting."

63. Section 173 of the said Act is amended

(1) by replacing the words "senior management" in the first and second lines of paragraph 2 by the word "complaints";

(2) by replacing the words "to the" in the second line of paragraph 5 by the words "determine the portion of those financial resources that is to be reserved for the payment of family-type resources and".

64. Section 177 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentence: "The meeting may be held at the same time as a meeting held pursuant to section 176.";

(2) by replacing the words "under paragraph 7 of section 505" in the second and third lines of the third paragraph by the words "by the Minister under section 487.1".

65. Section 178 of the said Act is amended by adding, at the end, the following sentence: "However, only one such meeting may be held at the same time as a meeting held pursuant to section 176."

66. Section 183 of the said Act is amended by replacing the third paragraph by the following paragraph:

"The organization plan must be transmitted on request to the regional board or to the Minister."

67. Section 184 of the said Act is amended

(1) by adding, at the end of the second paragraph, the following sentence: "Once approved by the regional board, the said part of the organization plan shall constitute the medical and dental staffing plan of the institution.";

(2) by replacing the words "This part of the organization plan" in the first line of the third paragraph by the words "The medical and dental staffing plan".

68. Section 185 of the said Act is amended by replacing the words "regulation under paragraph 18 of section 505" in the second line by the word "order".

69. Section 186 of the said Act is amended

(1) by adding, at the end of the sixth paragraph, the following sentence: "Once approved by the regional board, the said part of the organization plan shall constitute the medical and dental staffing plan of the institution.";

(2) by replacing the words "This part of the organization plan" in the first line of the last paragraph by the words "The medical and dental staffing plan".

70. Section 193 of the said Act is amended by striking out the second and third paragraphs.

71. Section 193.1 of the said Act is repealed.

72. Section 204 of the said Act is amended by inserting, after paragraph 5, the following paragraph:

"(5.1) discharge the obligations imposed by the Civil Code and the Public Curator Act (chapter C-81) regarding the protective supervision of incapable persons and mandates given by persons in anticipation of their incapacity;".

73. Section 209 of the said Act is amended by adding, at the end of the third paragraph, the following sentence: "However, where it is impossible to obtain a majority of users on the committee, the users may elect any other person of their choice, provided the person is not a person working for the institution or practising a profession in a centre operated by the institution."

74. Section 212 of the said Act is amended by inserting the words ", on request," after the word "and" in the second line of the second paragraph.

75. Section 226 of the said Act is amended by adding, at the end of the first paragraph, the words ", provided the institution operates one or more centres in which at least five people who qualify for membership in the council work".

76. Sections 234 and 235 of the said Act are replaced by the following sections:

"**234.** The board of directors of a public institution must, by by-law, determine the standards applicable to a senior management officer or a middle management officer as regards conflict of interest as well as the standards applicable to a senior management officer as regards exclusivity of office.

No senior management officer or middle management officer may contravene any of the standards prescribed pursuant to the first paragraph, under pain of sanctions which may go as far as dismissal.

"**235.** The board of directors of a public institution must, by by-law, establish measures to prevent or put an end to the conflicts of interest that may arise from the awarding of a contract by the institution to a person employed by the institution or a person practising a profession in a centre operated by the institution, or from the awarding of a contract by the institution to an enterprise in which such a person has a direct or indirect interest."

77. Section 238 of the said Act is amended by replacing the word "organization" in the fourth line of the first paragraph by the words "medical and dental staffing".

78. Section 239 of the said Act is amended

(1) by inserting the figure ", 243.1" after the figure "240" in the first line;

(2) by replacing the words "organization plan of the institution approved in accordance with section 378" in the third and fourth lines by the words "medical and dental staffing plan of the institution".

79. Section 240 of the said Act is amended by replacing the words "organization plan of the institution approved in accordance with section 378" in the second line of paragraph 1 by the words "medical and dental staffing plan of the institution".

80. The said Act is amended by inserting, after section 243, the following section:

"**243.1.** Where the appointment of a physician or dentist is intended solely to provide for the replacement of a physician or dentist whose appointment has been duly accepted by the board of directors but who is absent or temporarily unable to practise, the application for appointment is not subject to the provisions relating to the institution's medical and dental staffing plan.

Any appointment made following such an application is valid only for the duration of the absence or inability to practise of the physician or dentist concerned and, notwithstanding any inconsistent provision of this subdivision, may not be the subject of an application for renewal."

81. Section 260 of the said Act is amended

(1) by striking out the words "or assign an immovable and give it as security" in the second line of subparagraph 1 of the first paragraph;

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

"A public institution is not subject to the first paragraph as regards the disposition of any one of the following immovable real rights:

(1) a superficiary right and the servitudes of right-of-way or support required by a public utility, a municipality or any other organization working in the general interest for the purposes of a cable telecommunications network, water distribution network, electric power line, petroleum product pipeline or waste water disposal system;

(2) a superficiary right and the servitudes of water, snow and ice runoff required to legalize an encroachment resulting from the construction of a roof erected in contravention of the prescriptions of article 983 of the Civil Code;

(3) a superficiary right and the rights of use required to legalize a minor encroachment in accordance with article 992 of the Civil Code;

(4) a servitude required to legalize an existing view not in conformity with the prescriptions of article 993 of the Civil Code.";

(3) by replacing the words “assign an immovable and give it as security” in the second and third lines of the second paragraph by the words “dispose of one of the immovable real rights mentioned in the second paragraph”.

82. Section 262.1 of the said Act is amended

(1) by replacing the words “or a non-profit legal person” in the third line of the second paragraph by the words “of the institution”;

(2) by replacing the words “or non-profit legal person” in the third line of the fifth paragraph by the words “of the institution”.

83. Section 264 of the said Act is amended by adding, at the end, the following paragraph:

“No contract made by an institution before (*insert here the date of coming into force of the section that enacts this paragraph*), the object of which is to transfer one of the rights mentioned in the second paragraph of section 260, may be invalidated on the ground that such a transfer is an act for which the institution did not obtain the authorization required under this Act, an Act replaced by this Act or any previous Act applicable to the institution.”

84. Section 265 of the said Act is amended by adding, at the end, the following paragraph:

“The prohibition under subparagraph 2 of the first paragraph does not apply where an institution lends money to another institution, if both institutions are administered by the same board of directors.”

85. Section 266 of the said Act is amended

(1) by replacing the words “it needs to enlarge its facilities or to organize services relating to the general operations of any centre it operates” in the first, second and third lines of the first paragraph by the words “required for its purposes”;

(2) by striking out the words “for the purposes of the institution” in the third line of the second paragraph.

86. Section 268 of the said Act is amended

(1) by replacing the word “administered” in the third line of the first paragraph by the word “operated”;

(2) by replacing the words “to which direct or indirect charges for an amount greater than that fixed by regulation of the Minister are attached” in the second, third and fourth lines of the second paragraph by the words “that are paid on the condition that a project having the same particularities as a project mentioned in subparagraph 1 or 2 of the second paragraph of section 272 be carried out”;

(3) by replacing the third and fourth paragraphs by the following paragraph :

"Where the project whose carrying out is a required condition has the same particularities as a project mentioned in subparagraph 2 of the second paragraph of section 272, the regional board shall grant the prior authorization only if the institution shows that the extra cost can be borne without requiring a budgetary adjustment or a special subsidy from the regional board or the Minister."

87. Section 269 of the said Act is amended by replacing the words "that are determined by regulation of the Minister" in the fifth line of the first paragraph by the words "prescribed by section 269.1".

88. The said Act is amended by inserting, after section 269, the following section :

"**269.1.** A public institution's own property may not be used for other purposes than those relating to the carrying out of the mission of a centre it operates.

However, if an intended use involves the carrying out of a project having the same particularities as a project mentioned in subparagraph 1 or 2 of the second paragraph of section 272, the public institution must submit its project to the regional board for evaluation and acceptance in accordance with that section.

Notwithstanding subparagraph 4 of the first paragraph of section 265, all or part of the property of a public institution may be transferred to another public institution where both institutions are administered by the same board of directors."

89. Section 271 of the said Act is amended

(1) by replacing all that follows the word "foundation" in the first paragraph by the words "of the institution within the meaning of section 132.2, provided that the foundation is established in accordance with the statutes of Québec and that nothing in its constituting act prevents it from administering such a fund." ;

(2) by replacing the words "or non-profit legal person" in the first and second lines of the second paragraph by the words "of the institution" ;

(3) by replacing the words "or non-profit legal person" in the first line of the third paragraph by the words "of the institution".

90. Section 272 of the said Act is amended

(1) by replacing the words "a foundation or legal person referred to in section 271" in the first and second lines of the first paragraph by the words "any foundation or legal person that solicits funds or gifts from the public in the field of health care or social services" ;

(2) by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:

"(1) where the assistance is intended to finance a project for which the prior authorization of the Conseil du trésor, the Minister or the regional board is required under this Act;

"(2) where the immediate or foreseeable effect of the project is to increase the amount of the annual operating or capitalization expenditures of the institution;";

(3) by striking out subparagraph 4 of the second paragraph;

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

"However, the regional board may accept a project referred to in subparagraph 2 of the second paragraph only if the institution shows that the extra cost can be borne without a budgetary adjustment or a special subsidy from the regional board or the Minister."

91. Section 290 of the said Act is amended by replacing the second paragraph by the following paragraphs:

"The institution must issue a call for tenders, at least once every four years and whenever it intends to retain the services of a new auditing firm, to ensure that the services it receives are as cost-effective as possible.

A new institution constituted as a legal person under this Act, including an institution resulting from an amalgamation or conversion carried out pursuant to this Act, must apply the tendering procedure mentioned in the second paragraph before engaging the services of an auditing firm."

92. Section 299 of the said Act is amended in the first paragraph

(1) by replacing the word "current" in the third line by the word "ensuing";

(2) by replacing the word "Minister" in the fourth line by the words "regional board".

93. Section 300 of the said Act is amended by replacing the word "Minister" in the last line of the second paragraph by the words "regional board".

94. Section 302 of the said Act is replaced by the following section:

"**302.** Every resource attached to a public institution through which the institution provides a user registered for the institution's services with a living environment suited to the user's needs, together with the support or assistance services required by the user's condition, in order to maintain the user in or integrate the user into the community, is an intermediate resource.

The immovable or dwelling premises in which the services of an intermediate resource are provided is not deemed to be a facility maintained by the public institution to which the resource is attached, except for the purposes of the Youth Protection Act (chapter P-34.1), in which case it is considered to be a place where foster care is provided by an institution operating a rehabilitation centre."

95. Section 303 of the said Act is amended by replacing the second paragraph by the following paragraph:

"The Minister shall establish and submit to the Conseil du trésor for approval the general terms and conditions applicable to the determination by regional boards of the rates or the scale of rates of compensation in accordance with paragraph 3 of section 304."

96. Section 304 of the said Act is amended by replacing paragraph 3 by the following paragraph:

"(3) determine the rates or the scale of rates of compensation applicable to each type of service listed in the classification established by the Minister pursuant to section 303 and submit them to the Minister for approval;".

97. Section 314 of the said Act is amended by adding, at the end, the following words ", except with regard to the rates or the scale of rates of compensation applicable to the services provided by the resources, which shall be determined by the Minister".

98. Section 340 of the said Act is amended

(1) by replacing the words "health and social services programs prepared by" in the second and third lines of the first paragraph by the words "orientations determined and policies established by";

(2) by adding, at the end of subparagraph 3 of the second paragraph, the words "and the advice of the regional department of general medicine established pursuant to section 417.1".

99. The said Act is amended by inserting, after section 342, the following section:

"**342.1.** Each regional board may adopt the by-laws needed to conduct its affairs and exercise its responsibilities. It must adopt by-laws for each matter determined in a regulation made under paragraph 6 of section 505, where the matter falls within the competence of the regional board.

A copy of the by-laws adopted by a regional board must be forwarded to the Minister at the Minister's request."

100. Section 344 of the said Act is amended by replacing the figure "53" in the second line by the figure "53.1".

101. Section 346 of the said Act is amended by striking out the words "and programs" in the third line of subparagraph 3 of the first paragraph.

102. Section 347 of the said Act is amended

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

"The plans must be consistent with the orientations determined and policies established by the Minister.";

(2) by replacing the word "These" in the first line of the second paragraph by the words "In addition, the";

(3) by striking out subparagraph 1 of the second paragraph;

(4) by striking out the words "or program" in the third line of the third paragraph;

(5) by replacing the last paragraph by the following paragraphs:

"The Minister may, subject to the rights of third persons, cancel a decision made by a regional board pursuant to a service organization plan that is inconsistent with the Minister's orientations and policies.

The part of the plans dealing with the highly specialized services determined by the Minister that are provided by the institutions in the region, and the part dealing with the services for which an institution has been granted a supra-regional vocation by the Minister pursuant to paragraph 1 of section 112, must be submitted to the Minister for approval."

103. Section 350 of the said Act is amended by replacing the words "as well as expenses incurred by that institution for equipment" in the fourth and fifth lines of the fourth paragraph by the words "expenses incurred by such an institution for equipment, and capital expenditure incurred by a private institution under agreement in its region that occupies an immovable belonging to a public institution or to the Corporation d'hébergement du Québec".

104. Section 355 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**355.** The regional board shall determine the procedure for setting up mechanisms to coordinate access to the services provided by residential and long-term care centres, rehabilitation centres of the class specified by the board, intermediate resources attached to institutions and family-type resources in its region."

105. Section 359 of the said Act is amended

(1) by inserting the words "and the regional department of general medicine" after the word "board" in the second line;

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

"(1.1) designate the institutions that are to dispense emergency services;";

(3) by replacing the words "the institutions" in paragraphs 2 and 3 by the words "the institutions designated under paragraph 1.1", and by replacing the words "these institutions" in paragraph 4 by the words "the institutions designated under paragraph 1.1".

106. Section 361 of the said Act is amended by replacing the words "proposals as may be made by the regional medical commission" in the second and third lines of the first paragraph by the words "recommendations as may be made by the regional department of general medicine".

107. Section 365 of the said Act, amended by section 730 of chapter 43 of the statutes of 1997, is again amended by replacing the words "regional medical commission" in the fourth line by the words "regional department of general medicine".

108. Section 369 of the said Act is amended

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

"(1.1) for advising it on the quality of the medical services organization in the territory, and on the accessibility and coordination of services;";

(2) by striking out subparagraph 3 of the first paragraph;

(3) by replacing the words ", in a non-nominative form, the individual or group practice profiles of the physicians who practise in the region" in the third and fourth lines of the second paragraph by "the practice profiles and information referred to in the third paragraph of section 66.1 of the Health Insurance Act".

109. Section 371 of the said Act is amended by striking out the words "in the same manner as the other programs" in the first and second lines of subparagraph 1 of the first paragraph.

110. Section 373 of the said Act is amended by striking out the words "to benefit all the programs entrusted to the regional board" in the second and third lines of paragraph 3.

111. Section 375.1 of the said Act is repealed.

112. Section 377 of the said Act is amended by replacing the first, second and third paragraphs by the following paragraphs:

"**377.** Each regional board shall prepare a regional medical staffing plan on the basis of the parts of the organization plans of institutions transmitted to it in accordance with sections 184 and 186, the number of physicians required to perform the specific activities referred to in section 361, and the number of general practitioners and medical specialists, listed by speciality, who are remunerated by the Régie de l'assurance-maladie du Québec and practise in the region, including those who practise in a private health facility.

In preparing its regional plan, the regional board shall take into account the expansion or reduction objectives identified by the Minister, the medical activities of the physicians practising in the region who receive remuneration from the Régie de l'assurance-maladie du Québec, and the number of positions determined by the Minister to be reserved for physicians having practised in other regions.

In preparing its regional plan, the regional board must also take into account the recommendations of the regional medical commission, obtained in the manner set out in subparagraph 1 of the first paragraph of section 369, and the recommendations of the regional department of general medicine, obtained in the manner set out in subparagraph 1 of the first paragraph of section 417.2.

The regional plan, together with the parts of the organization plans of institutions that were used in preparing the regional plan, must be submitted to the Minister for approval with or without amendment."

113. The said Act is amended by inserting, after section 377, the following section:

"**377.1.** In order to ensure compliance with the regional medical staffing plan, every physician in the region who is remunerated by the Régie de l'assurance-maladie du Québec and practises in a private health facility shall be bound by an agreement entered into under the seventh paragraph of section 19 of the Health Insurance Act."

114. Section 378 of the said Act is amended

(1) by replacing the words "each organization plan submitted to it by an institution" in the second line of the first paragraph by the words "the parts of the organization plans transmitted to it by institutions in accordance with sections 184 and 186";

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

"However, before approving the parts of the organization plans referred to in the first paragraph that were transmitted to it by institutions which operate a

centre designated as a university hospital centre or university institution, the regional board shall consult the university with which each institution is affiliated. Such consultation shall bear on all the parts of the organization plans of the institutions.";

(3) by inserting the words "part of an" after the word "each" in the first line of the third paragraph.

115. Section 383 of the said Act is amended by replacing the last paragraph by the following paragraphs:

"The provisions of sections 260 to 265, 278 to 280, 282, 289 to 292, 294 to 297, 436, 485, 486, 489, 499 and 500, adapted as required, apply to a legal person referred to in this section.

The auditor appointed by a legal person pursuant to section 290 must, for the fiscal year of the appointment, audit the financial report of the legal person and perform the other duties included in the audit mandate determined by the legal person, the regional board or the Minister."

116. Section 384 of the said Act is replaced by the following section:

"**384.** The regional board shall determine the procedure according to which, and the intervals at which, a public institution, a private institution under agreement, and an accredited private resource must respond to the questions of the regional board concerning their management.

The regional board shall also determine the procedure according to which it must, once a year, account for its management to the population of its territory, more specifically by presenting an annual report on its activities. The procedure must be submitted to the Minister for approval."

117. Section 390 of the said Act is replaced by the following section:

"**390.** A regional board is subject to the provisions of section 115 and the first paragraph of section 269.1, adapted as required, with regard to the complementary activities it organizes and the rules governing the use of its own property."

118. Section 391 of the said Act is replaced by the following section:

"**391.** Not later than 30 September each year, a regional board shall submit a report on its activities for the year ending on the preceding 31 March to the Minister.

The report must contain a description of the role of the regional board and a general statement of its operations for the preceding fiscal year, with a description of the objectives set at the beginning of the fiscal year, the results

obtained, the new orientations adopted, and any changes affecting the activities and the human, material and financial resources of the board for that year.

The report must include financial statements, consisting of a balance sheet, a statement of revenue and expenditure and a statement of changes in financial position. The statements must be presented in a way that allows each item for the fiscal year just ended to be compared with the corresponding item for the previous fiscal year. The regional board must mention, in its financial statements and in the notes and tables to which the statements refer, if any, all the relevant information needed for a full disclosure of its financial position.

The report must also mention the activities of the institutions in the region and the community organizations that receive subsidies from the regional board under section 336 for the year ending on the preceding 31 March."

119. Section 393 of the said Act is repealed.

120. Section 395 of the said Act is amended

(1) by replacing the words "reports and" in the second line by the words "the reports it must transmit to the Minister and the";

(2) by replacing the words "that must be made" in the second line by the words "it must cause to be carried out".

121. Section 397 of the said Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) two persons elected by the public educational institutions having their head offices in the region from among the members of the boards of directors of those institutions;".

122. Section 397.1 of the said Act is repealed.

123. Section 397.2 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: "The Minister may also, in determining the composition of each group, take into account the representation of each part of the territory of the regional board."

124. The said Act is amended by inserting, after section 398, the following section:

"**398.0.1.** If a position cannot be filled by the application of section 397 or 398, the Minister shall appoint a person to the position within 60 days."

125. Section 398.1 of the said Act is amended by inserting the words "a director of a private institution," after the words "with the exception of" in the first line of the second paragraph.

126. The said Act is amended by inserting, after section 398.1, the following section:

"**398.2.** A person ceases to be a member of a board of directors when the person no longer qualifies for appointment or election to the board of directors.

However, a person elected to the board of directors of a public institution under paragraph 1 of one of sections 129 to 132.1 is considered to remain qualified when the institution is amalgamated if the person is a member of the board of directors of the institution resulting from the amalgamation."

127. Section 400 of the said Act is amended by striking out the figure "152," in the first line.

128. Section 401 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

"If the board of directors fails to fill a vacancy within 60 days, the Minister may fill the vacancy."

129. Section 405 of the said Act is amended by replacing the words "senior management" in the second and third lines of subparagraph 3 of the second paragraph by the word "complaints".

130. Section 407 of the said Act is replaced by the following section:

"**407.** Sections 175 and 181, adapted as required, apply to the regional board."

131. Section 409 of the said Act is replaced by the following section:

"**409.** Sections 161, 161.1, 162 and 164, adapted as required, apply to meetings of the board of directors."

132. Section 410 of the said Act is amended by replacing the words "the majority vote of" in the second and third lines of the first paragraph by the words "a majority of the votes cast by".

133. Section 411 of the said Act is repealed.

134. Section 414 of the said Act is amended by striking out the second and third paragraphs.

135. Section 417 of the said Act is replaced by the following section:

"**417.** Sections 234 and 235, adapted as required, apply to the board of directors of a regional board."

136. The said Act is amended by inserting, after section 417, the following division:

"DIVISION VI

"REGIONAL DEPARTMENT OF GENERAL MEDICINE

"**417.1.** A regional department of general medicine is hereby established within each regional board.

The department shall consist of all the general practitioners who are remunerated by the Régie de l'assurance-maladie du Québec and practise in the region, including those who practise in a private medical facility.

"**417.2.** Within the framework of the powers conferred on the regional board, the regional department of general medicine shall, while taking account of the responsibilities of the institutions in the territory of the regional board, exercise the following responsibilities under the authority of the executive director:

(1) making recommendations concerning the part of the regional medical staffing plan relating to general practitioners that must be drawn up in accordance with section 377 and, once the plan has been approved by the Minister, ensuring the implementation and application of the regional board's decision concerning the plan;

(2) defining and proposing the regional organization plan for general medical care services, and ensuring its implementation and application of the regional board's decision concerning the plan;

(3) defining and proposing the system of access to general medical care, that may include an integrated duty roster and an on-call duty roster for services dispensed in residential and long-term care centres and under the home-care program and ensuring the implementation and coordination of the regional board's decision concerning the system, the whole within the framework of the regional organization plan for general medical care services;

(4) making recommendations on the nature of the general medical care services arising from priority programs, and ensuring the implementation of the regional board's decision concerning such matters;

(5) making recommendations concerning the list of specific medical activities referred to in section 361, and ensuring the implementation of the regional board's decision concerning the list;

(6) evaluating the degree to which the objectives of the regional organization plan for general medical care services and of the part of the regional medical staffing plan relating to general practitioners have been met;

(7) giving its opinion on any project concerning the dispensing of general medical care services;

(8) carrying out any other function assigned to it by the executive director of the regional board in connection with general medical services.

Where the regional department of general medicine fails to exercise its responsibilities under subparagraph 2 or 3 of the first paragraph, the board of directors of the regional board may request that they be exercised by the executive director.

"**417.3.** The responsibilities of the regional department of general medicine shall be exercised by a supervisory committee comprising the following members:

(1) three physicians elected by and from among the physicians who are members of the department;

(2) two to nine physicians who are members of the department, co-opted by the physicians elected under paragraph 1 in the number fixed in accordance with section 417.4;

(3) the executive director of the regional board, or a physician designated by the executive director.

"**417.4.** The specific composition of the supervisory committee of the regional department of general medicine, the procedure governing the election and appointment of members under paragraphs 1 and 2 of section 417.3 and their terms of office shall be determined by a by-law made by the physicians who are members of the department and who are present at a general meeting called for that purpose.

The by-law must prescribe that a majority of the members of the supervisory committee are to be physicians practising in primary health care, and that the composition of the committee is to ensure equitable representation of each part of the territory of the regional board and each area of medical practice. The by-law shall come into force after being approved by the board of directors of the regional board.

"**417.5.** The regional department of general medicine shall be directed by a department head appointed by the supervisory committee from among the members of the committee referred to in paragraphs 1 and 2 of section 417.3; the appointment must be approved by the board of directors of the regional board.

"**417.6.** The supervisory committee of the regional department of general medicine may adopt by-laws concerning its internal management, the creation of committees and sub-territorial units together with their mode of operation, and the pursuit of the department's objectives.

Such by-laws may also prescribe the manner in which some or all of the responsibilities assigned to the supervisory committee may be entrusted to the department head of the regional department of general medicine. The by-laws shall come into force after being approved by the board of directors of the regional board."

137. Section 431 of the said Act, amended by section 50 of chapter 75 of the statutes of 1997, is again amended in the second paragraph

(1) by striking out the words "and programs" in the first line of subparagraph 1;

(2) by inserting the words ", in the cases provided for in the last paragraph of section 347, the parts of" after the word "and" in the first line of subparagraph 2;

(3) by striking out the words "for the implementation of the programs," in the second line of subparagraph 3;

(4) by replacing subparagraph 6 by the following subparagraph:

"(6) establish policies and orientations relating to the workforce in the health and social services network, monitor their implementation and evaluate them;";

(5) by replacing subparagraph 8 by the following subparagraph:

"(8) establish the public health program, take the measures that are best suited to ensure the protection of public health, and ensure inter-regional coordination."

138. Section 433 of the said Act is amended by striking out the words "concerning the programming of health services and social services" in the first and second lines.

139. The heading of Division I of Chapter II of Title II of Part III of the said Act is replaced by the following heading:

"ISSUE AND MODIFICATION".

140. Section 438 of the said Act is amended by replacing the words "associated with an institution from using the name of the institution in its corporate name" in the first and second lines of the second paragraph by the words "of an institution within the meaning of section 132.2 from using the name of the institution in its name,".

141. Section 442 of the said Act is replaced by the following section:

"**442.** A permit is valid until it is modified, cancelled or withdrawn."

142. Section 443 of the said Act is repealed.

143. The heading of Division III of Chapter II of Title II of Part III of the said Act is replaced by the following heading:

"SUSPENSION AND CANCELLATION".

144. Section 446 of the said Act is amended by replacing the words ", cancel or refuse to renew" in the first line by the words "or cancel".

145. Section 447 of the said Act is amended

(1) by replacing the words ", cancelling or refusing to renew" in the second line of the first paragraph by the words "or cancelling";

(2) by replacing the words ", cancel or refuse to renew" in the second line of the second paragraph by the words "or cancel".

146. Section 448 of the said Act is amended by replacing the words ", cancel or refuse to renew" in the second line of the second paragraph by the words "or cancel".

147. Section 449 of the said Act, amended by section 732 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing the words ", cancelling or refusing to renew" in the first paragraph by the words "or cancelling";

(2) by replacing the words ", cancels or refuses to renew" in the first line of the second paragraph by the words "or cancels".

148. Section 450 of the said Act, amended by section 733 of chapter 43 of the statutes of 1997, is again amended by striking out the words "or whose application for renewal is rejected" in the first and second lines.

149. Section 451.2 of the said Act is amended by replacing the words "sections 442 and 443" in the first line of the second paragraph by the words "section 442".

150. The said Act is amended by inserting, after section 453, the following section:

"**453.1.** The Minister may delegate the powers that may be exercised by the Minister pursuant to this division to each regional board."

151. Section 457 of the said Act is replaced by the following section:

"**457.** Every person applying for accreditation must file an application with the regional board.

The regional board, once it has approved the application, shall send it to the Minister who may grant accreditation on the conditions determined by the Minister."

152. Section 463 of the said Act is amended

(1) by striking out the words "implement the programs for which they are responsible and to" in the second and third lines of the second paragraph;

(2) by replacing the words "regional service organization plans" in the first line of the third paragraph by the words "the part of the regional service organization plans referred to in the last paragraph of section 347".

153. Section 475 of the said Act is amended

(1) by replacing the words "After consulting the regional board, the Minister may, if he considers it in the public interest and justified by the needs of a" in the first and second lines by the words "A regional board may, if it considers it in the public interest and justified by the needs of the";

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

"The terms and conditions of financing set out in an agreement entered into pursuant to the first paragraph are subject to the provisions of section 476. The same applies in the case of the renewal of such an agreement.

In case of disagreement between a regional board and a private institution as regards the determination of the terms and conditions of financing applicable under an agreement or upon the renewal of an agreement, the regional board may, six months after the beginning of discussions, apply to the Minister for a determination of such terms and conditions."

154. Section 476 of the said Act is replaced by the following section:

"**476.** The Minister shall determine, with the approval of the Conseil du trésor, the general terms and conditions relating to the financing of the activities of private institutions, and that shall be applicable, subject to the exceptions provided for by the Minister, to all financing agreements entered into pursuant to subparagraph 2 of the first paragraph of section 475.

The Minister shall also determine the minimum content, the duration and, where necessary, the form of agreements entered into pursuant to section 475. The content of such agreements may vary according to the region concerned, the nature or scope of the services dispensed by the institutions having a similar mission, or the users served by such institutions."

155. The said Act is amended by inserting, after section 487, the following sections:

"**487.1.** The Minister may, by regulation, determine the information relating to the report on activities and the annual financial report that a public institution must present during its public information session.

"**487.2.** The Minister may, by regulation, determine the standards and scales which must be used by regional boards, public institutions and private institutions under agreement for

(1) the selection, appointment and engagement of and the remuneration and other terms of employment applicable to executive directors and senior and middle management personnel;

(2) the remuneration and other terms of employment applicable to the other staff members, subject to the collective agreements in force.

The Minister may establish by regulation for persons referred to in subparagraphs 1 and 2 of the first paragraph who are not governed by a collective agreement, a procedure of appeal for cases of dismissal, termination of employment or non-renewal of employment, except when arising from forfeiture of office, and for cases of suspension without pay or of demotion. The regulation may also prescribe a procedure for the settlement of disagreements over the interpretation and application of the terms of employment established thereby. Lastly, the regulation may prescribe a method for the designation of an arbitrator, to which sections 100.1 and 139 to 140 of the Labour Code (chapter C-27) apply, and the measures the arbitrator may take after having heard the parties.

A regulation under this section must be submitted for approval to the Conseil du trésor."

156. The said Act is amended by inserting, after section 489, the following section:

"**489.1.** The Minister may delegate the powers exercised by the Minister under this division to each regional board."

157. Section 505 of the said Act is amended

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

"(1) determine the care and services to be included in the emergency services dispensed by the institutions designated by the regional board pursuant to paragraph 1.1 of section 359, and fix the maximum bed occupation time in emergency services;";

(2) by replacing the word "in" in the second line of paragraph 5 by the word "by";

(3) by striking out the words "may or" in the first line of paragraph 6;

(4) by striking out paragraphs 7, 9, 12, 18 and 20;

(5) by replacing paragraph 21 by the following paragraph:

"(21) determine the form and tenor of an application for a permit, the qualifications required of the applicant, and the conditions to be fulfilled and information and documents to be provided by the applicant;";

(6) by adding, at the end of paragraph 25, the words "and, for the institution to which Part IV.2 applies, the information that it may require from community organizations";

(7) by striking out paragraph 29.

158. Section 506 of the said Act is amended by inserting, after paragraph 3, the following paragraph:

"(3.1) determine the procedure to be followed by, and the content of the form to be used by, a physician or dentist practising in a centre operated by an institution in order to receive remuneration from the Régie de l'assurance-maladie du Québec;".

159. Section 507 of the said Act is repealed.

160. Section 512 of the said Act is amended by replacing the words "including any intermediate resource of a public institution, or taken in charge" in the third and fourth lines of the first paragraph by the words "or taken in charge by an intermediate resource of a public institution or".

161. The said Act is amended by inserting, after section 520, the following:

"PART III.1

"EDP ASSETS AND SECURITY OF ELECTRONIC INFORMATION

"**520.1.** In this Part, "EDP asset" means any electronic database, computer system, telecommunications system, information technology, facility, or combination of such; certain components of a piece of specialized or ultra-specialized medical equipment may be considered to be EDP assets, in particular when the equipment is connected electronically to other EDP assets.

"**520.2.** The Minister shall determine orientations relating to EDP assets, and the regional boards shall be responsible for implementing those orientations within the health and social services network.

"**520.3.** The Minister may, in accordance with the rules governing the awarding of contracts that apply to government departments and bodies,

select the supplier of the provincial telecommunications network for the health and social services network, and require the regional boards and public institutions to use the services of that supplier.

"**520.4.** The Minister may, by regulation, prescribe security standards to assure the confidentiality and security of electronic information, that shall apply to regional boards, institutions, and any person who uses the EDP assets of the health and social services network.

The regulation shall specify those of its provisions whose contravention constitutes an offence."

162. Section 522 of the said Act is replaced by the following section:

"**522.** The Centre shall carry out the mandates specified in the regulation made under section 487.2, or that are entrusted to it by the Minister."

163. Section 529 of the said Act is replaced by the following section:

"**529.** The Centre shall make by-laws for its internal management."

164. Section 530.4 of the said Act is repealed.

165. Section 530.5 of the said Act is amended

(1) by replacing the word "person" in the first line of the second paragraph by the words "complaints officer";

(2) by replacing the words "senior management" in the third line of the second paragraph by the word "complaints";

(3) by replacing the words "person responsible" in the sixth line of the second paragraph by the words "complaints officer of the institution referred to in section 530.1";

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

"In addition, where the complaints officer of the institution whose head office is situated outside the territory to which this Part applies receives a complaint directly from a user whose place of residence is situated in the territory to which this Part applies as regards services that have or should have been provided to the user by that institution, the complaints officer must, after informing the complaints officer of the institution referred to in section 530.1, examine the complaint in the manner set out in sections 32 to 41 and communicate the results to the complaints officer of the institution referred to in section 530.1, who shall inform the user with dispatch of the action taken in response to the complaint."

166. Section 530.6 of the said Act is repealed.

167. Section 530.7 of the said Act is amended

(1) by striking out the words "in writing" in the first line of the first paragraph;

(2) by replacing the word "person" in the third line of the first paragraph by the words "complaints officer";

(3) by replacing the last two paragraphs by the following paragraphs:

"In such a case, the complaints officer must, with dispatch, transmit the complaint to the complaints officer of the regional board concerned, who shall examine the complaint in the manner set out in sections 44 to 52 and communicate the results to the complaints officer of the regional board referred to in section 530.25, who shall inform the user with dispatch of the action taken in response to the complaint.

In addition, where the complaints officer of a regional board established for a different territory from that of the regional board referred to in section 530.25 receives a complaint on the grounds set out in the first paragraph directly from a user whose place of residence is situated in the territory to which this Part applies, the complaints officer must, after informing the complaints officer of the regional board referred to in section 530.25, examine the complaint in the manner set out in sections 44 to 52 and communicate the results to the complaints officer of the institution concerned, who shall inform the user with dispatch of the action taken in response to the complaint."

168. Section 530.8 of the said Act is replaced by the following section:

"**530.8.** A person whose place of residence is situated in the territory to which this Part applies and who uses the services of a community organization referred to in section 334 or is lodged in a nursing home accredited for purposes of subsidies under section 454, may, where the head office of that organization or nursing home is situated outside the territory of the person's residence, file a complaint with the complaints officer responsible for the application of the complaint examination procedure of the regional board referred to in section 530.25 as regards the services that have or should have been provided to the person by the organization or nursing home.

In such a case, the complaints officer of the regional board referred to in section 530.25 must, with dispatch, transmit the complaint to the complaints officer of the regional board established for the territory in which the head office of the organization or nursing home referred to in the first paragraph is situated, who shall examine the complaint in the manner set out in sections 73 to 76 and communicate the results to the complaints officer of the regional board referred to in section 530.25, who must inform the person, with dispatch, of the action taken in response to the complaint.

In addition, where the complaints officer of the regional board established for the territory in which the head office of the organization or nursing home referred to in the first paragraph is situated receives a complaint directly from a person in one or other of the situations referred to in the first paragraph, the complaints officer must, after notifying the complaints officer of the regional board referred to in section 530.25, examine the complaint in the manner set out in sections 73 to 76 and communicate the results to the complaints officer of the regional board referred to in section 530.25, who shall inform the person, with dispatch, of the action taken in response to the complaint."

169. Division IV of Chapter III of Title I of Part IV.1 of the said Act, comprising section 530.22, is repealed.

170. Division IV of Chapter IV of Title I of Part IV.1 of the said Act, comprising section 530.32, is repealed.

171. The said Act is amended by inserting, after section 530.42, the following:

"PART IV.2

"SPECIAL PROVISIONS APPLICABLE IN A PART OF THE NORD-DU-QUÉBEC REGION

"TITLE I

"GENERAL PROVISIONS

"**530.43.** This Part applies in the territory of the Nord-du-Québec administrative region described in paragraph 16 of Schedule I to Order in Council 2000-87 dated 22 December 1987, with any present and future amendments, except the territory defined in section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) and the territory delimited by Order in Council 1213-78 dated 20 April 1978 and coming under the jurisdiction of the James Bay Cree health and social services council.

"**530.44.** Only one public institution shall have its head office in the territory to which this Part applies.

"**530.45.** No regional board shall be established in that territory.

"**530.46.** The provisions of this Act applicable to public institutions apply to the institution to which this Part applies, subject to any special provisions enacted by this Part.

“TITLE II

“COMPLAINTS

“**530.47.** A user having filed a complaint with an institution may address the complaint to the complaints commissioner if the user disagrees with the conclusions sent to the user by the complaints officer responsible for the complaints examination procedure or deemed to have been sent to the user under section 36, or if the complaints officer has refused or ceased to examine the complaint.

The provisions of sections 56 to 62 and 67 apply to the filing of a complaint with the complaints commissioner; for that purpose, the expressions “the regional board” and “regional board” mean the institution. In addition, the remedy available under section 35 or 36 is the remedy available under this section.

“**530.48.** Complaints made under section 72 shall be filed with the institution.

The provisions of sections 67 and 72 to 76 apply to those complaints and the provisions of sections 56 to 62 apply to the filing of a complaint with the complaints commissioner. For such purposes, the expressions “the regional board” and “regional board” mean the institution and a reference to section 43 is a reference to section 29.

“**530.49.** The institution must send the report referred to in section 68 to the Minister.

The Minister shall table the report before the National Assembly together with the reports referred to in section 71.

“TITLE III

“SPECIAL FUNCTIONS OF THE INSTITUTION

“**530.50.** In addition to exercising the functions inherent in the missions of the centres it operates, the object of the institution to which this Part applies is to exercise the responsibilities of a regional board referred to in section 340, except the responsibilities to be exercised in respect of other institutions.

The advice of the regional medical commission required under subparagraph 3 of the second paragraph of section 340 must be obtained from the council of physicians, dentists and pharmacists of the institution.

“**530.51.** The institution must inform the users in the region of the health services and social services available to them and of their rights, recourses and obligations in that respect.

"**530.52.** The institution shall exercise the functions of a regional board relating to the health and welfare priorities provided for in section 346 and the functions relating to the organization of services provided for in sections 347 to 349.

The institution shall apply section 105 in accordance with the regional service organization plans referred to in section 347 and shall submit the parameters referred to in the second paragraph of section 105 to the Minister for approval.

"**530.53.** The institution shall exercise the coordination functions of a regional board referred to in section 352 in respect of the activities of community organizations and specific medical activities as well as the functions referred to in section 353.

"**530.54.** The institution shall determine, within the framework of its regional service organization plans and in accordance with the orientations identified for that purpose by the Minister, the general rules governing access to the services it offers. It shall implement any mechanism of access to services it considers necessary to ensure a prompt and adequate response to users' needs.

The mechanisms of access to services must take the sociocultural and linguistic characteristics of the users into account.

"**530.55.** The institution shall ensure that intermediate resources and family-type resources are developed in harmony with the capacity of the region concerned to accept them.

"**530.56.** The institution shall adopt adequate operating standards for its emergency services and apply standards consistent with the principle of an adequate distribution of emergency cases in determining the use and allocation of beds.

The institution shall develop and implement a regional information system to monitor, on a daily basis, the situation in the centres operated by it as regards the number and nature of registrations and admissions of users and their transfer and transport by ambulance.

"**530.57.** The provisions of sections 360 to 366 are applicable. For that purpose and according to the rules set out in section 361, the institution shall establish a list of specific medical activities based on regional service organization plans and exercise the other powers and duties of a regional board; in addition, the expression "regional medical commission" means the council of physicians, dentists and pharmacists of the institution.

"**530.58.** The council of physicians, dentists and pharmacists of the institution shall exercise the powers and duties of the regional medical commission described in the first paragraph of section 369; for the purposes

of that provision, the expressions “the regional board” and “the board” mean the institution.

“**530.59.** The institution shall exercise the functions of a regional board relating to public health provided for in the first paragraph of section 371. The provisions of sections 372 to 375 are applicable to the public health director; for that purpose, the expressions “Each regional board”, “A regional board” and “the regional board” mean the institution.

However, instead of creating a public health directorate pursuant to paragraph 2 of section 371, the institution may enter into an agreement with a regional board whereby the responsibilities provided for in sections 373 to 375 are assumed by the public health director of another region.

The public health director of the institution or of the regional board with which the institution has entered into an agreement referred to in the second paragraph shall become a member of the council of physicians, dentists and pharmacists of the institution.

“**530.60.** The institution shall draw up a regional human resources development plan in keeping with the orientations determined and policies established by the Minister and in cooperation with the organizations concerned, and see to its implementation.

To that end, the institution shall

(1) organize professional development activities within the framework of the implementation of the regional service organization plans;

(2) organize professional development activities for the members of its board of directors;

(3) assist community organizations with regard to professional development activities for their members.

“**530.61.** The institution shall exercise the powers and duties of a regional board provided for in section 377 concerning the medical staffing plan of the region, the powers and duties provided for in section 380 concerning the advice to be given to the Minister, the powers and duties provided for in section 381 concerning community organizations and the powers and duties provided for in section 384 concerning accredited private resources.

Section 377.1 applies in respect of the medical staffing plan developed by the institution.

“TITLE IV

“BOARD OF DIRECTORS OF THE INSTITUTION

“CHAPTER I

“ESTABLISHMENT

“**530.62.** The board of directors of the institution to which this Part applies shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed:

(1) five persons elected by the population;

(2) one person elected by and from among the physicians, dentists and pharmacists who practise their profession in any centre operated by the institution;

(3) three persons elected by and from among the persons employed by the institution, provided, however, the position titles of the elected persons are different and, where applicable, those persons are members of different professional orders and work in facilities situated in different localities;

(4) one person elected by the users’ committee of the institution;

(5) where applicable, one person appointed by the board of directors of the foundation of the institution within the meaning of section 132.2 or, if there is more than one foundation for the institution, elected jointly by the boards of directors of such foundations;

(6) one person elected by the community organizations designated by the Minister;

(7) two persons appointed by the members referred to in paragraphs 1 to 6;

(8) the executive director of the institution.

“**530.63.** The institution shall, every three years, on such day as the Minister determines, invite the population to elect the persons referred to in paragraph 1 of section 530.62. No minor is entitled to vote.

The mechanisms whereby candidates may address the population before an election, and the election procedure to be followed shall be determined by regulation of the Minister, as well as the standards relating to advertising, financing, the powers and duties of election officers and campaign literature.

“**530.64.** The Minister shall determine, by regulation, the procedure to be followed for the election or appointment of the persons referred to in paragraphs 2 to 6 of section 530.62.

The Minister shall fix the date on which each such election is to be held or appointment made.

"**530.65.** Once the members referred to in paragraphs 1 to 6 of section 530.62 have been elected or appointed, the members shall, within 30 days, elect two persons to the board of directors by cooptation.

The members shall, by means of the election by cooptation, allow for membership on the board of directors of persons whose competence and skills are considered useful to the administration of the institution, and ensure just representation of the parts of the territory of the region, the sectors of activity or the sociocultural, linguistic or demographic groups of the region and the most equitable representation possible of women and men.

An appointment made under this section must, to be valid, be submitted to the Minister for approval.

"**530.66.** If a position cannot be filled by the application of section 530.62 or section 530.65, the Minister shall appoint a person to the position within 60 days.

"**530.67.** Any interested person may present a motion in contestation or annulment of any election held under this chapter before the Administrative Tribunal of Québec.

The provisions of section 148 apply to the proceeding.

"CHAPTER II

"TERM OF OFFICE, QUALIFICATION FOR MEMBERSHIP AND VACANCIES

"**530.68.** The term of office of a member of the board of directors cannot be renewed more than once.

"**530.69.** No person employed by a community organization may be elected or appointed as a member of the board of directors of the institution except under paragraph 6 of section 530.62.

"**530.70.** In section 156, the expression "the regional board" means the Minister, the reference to paragraph 2 or 3 of sections 129 to 132.1 is a reference to paragraphs 2, 3 and 4 of section 530.62 and the reference to section 135 is a reference to section 530.63.

“CHAPTER III

“OPERATION

“**530.71.** The board of directors of the institution shall meet at least six times a year.

“**530.72.** In addition to the powers provided for in section 181, the board of directors may, by by-law,

(1) set up the committees necessary for the pursuit of its objects;

(2) determine the composition, functions, duties and powers of the committees and their operating procedures, internal management rules and financing;

(3) determine the mode of appointment, qualifications, functions, duties and powers and the terms of office of committee members and the dismissal procedure.

“TITLE V

“OTHER PROVISIONS SPECIFIC TO THE INSTITUTION

“**530.73.** Every agreement entered into by the institution to which this Part applies in accordance with section 108 shall become effective 60 days after it is filed with the Minister unless it is disallowed by the Minister.

“**530.74.** An institution must obtain authorization from the Minister before entering into a contract referred to in the second paragraph of section 110.

“**530.75.** The organization plan of the institution shall be transmitted to the Minister.

The elements of the plan referred to in section 184 must be determined taking into account the regional service organization plans drawn up by the institution. That part of the organization plan of the institution must be transmitted to the Minister for approval. Once approved by the regional board, the said part of the organization plan shall constitute the medical and dental staffing plan of the institution. During a review, the medical and dental staffing plan of the institution shall continue to apply until the Minister makes a decision concerning the review.

“**530.76.** The authorization referred to in the fourth paragraph of section 199 shall be given to the institution by the Minister.

“**530.77.** The copy of the report required under section 212 shall be transmitted to the Minister by the institution.

"**530.78.** The approval required under section 240 shall be given to the institution by the Minister and the notification required under sections 245 and 256 shall be given to the Minister by the institution.

"**530.79.** Section 263 does not apply to the institution, except for the purposes of section 260.

The institution is not required to obtain the authorizations or acceptations provided for in sections 268, 269.1, 271 and 272.

The advice and authorizations provided for in sections 265 and 296 shall be given to the institution by the Minister.

The Minister may require the institution to furnish the information referred to in section 279.

"**530.80.** The annual report on activities of the institution, forwarded to the Minister in accordance with section 278, must also include the elements prescribed by the fourth paragraph of section 391 concerning community organizations.

The Minister shall table the report before the National Assembly within 30 days of its receipt or, if the Assembly is not in session, within 30 days after resumption.

The National Assembly shall refer the report to the Parliamentary Committee on Social Affairs which shall examine it and hear the institution at least once every three years.

"**530.81.** The operating budget estimates for the institution shall be drawn up on the basis of the budgetary parameters transmitted by the Minister.

In sections 286 to 288, the expression "the regional board" means the Minister.

The report required under section 295 shall be submitted to the Minister.

"**530.82.** The institution may call upon the services of an intermediate resource for the purpose of carrying out the mission of a centre operated by the institution. The institution shall exercise the responsibilities of a regional board in respect of such resources.

The institution may also call upon the services of a family-type resource for the placement of adults or elderly persons and, if it operates a centre referred to in the second or third paragraph of section 310, for the placement of children. The institution shall exercise the responsibilities of a regional board in respect of such resources.

In section 307, the expression "the regional board" means the Minister.

"**530.83.** The institution shall exercise the functions of a regional board referred to in section 336 concerning the granting of subsidies to community organizations. The institution shall notify the Minister within 30 days of any decision concerning the granting of a subsidy.

The institution must ensure control over the subsidies granted to community organizations.

"**530.84.** The institution shall send any application concerning its permit to the Minister.

"**530.85.** The institution may allocate a financial allowance referred to in section 454 to a person operating a private nursing home.

For the purposes of sections 457 and 459, the expression "the regional board" means the institution.

"**530.86.** Sections 463 to 465 relating to the funding of services apply to the institution as if it were a regional board.

"**530.87.** The regulation made under section 510 must prescribe the formation of a regional committee for the territory to which this Part applies; in that section, the expressions "the regional board" and "that board" mean the institution.

"**530.88.** The institution shall exercise the responsibilities entrusted to a regional board under Part III.1."

172. Section 531 of the said Act, amended by section 49 of chapter 36 of the statutes of 1996, is again amended by adding the words "or in the second paragraph of section 520.4" after the figure "511" in the second line of the first paragraph.

173. The said Act is amended by replacing the words "senior management officer", wherever they occur in sections 38 to 41, 45, 48 and 50 to 52, by the words "complaints officer".

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

174. Section 195 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by adding, at the end, the following paragraph:

"For the territory to which Part IV.2 of the Act respecting health services and social services applies, the specific agreement shall be made with the institution having its head office in that territory."

AUTOMOBILE INSURANCE ACT

175. Section 155.5 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by inserting the words ", to the institution to which Part IV.2 of that Act applies" after the words "(chapter S-4.2)" in the second line of the first paragraph.

HOSPITAL INSURANCE ACT

176. Section 2 of the Hospital Insurance Act (R.S.Q., chapter A-28) is amended by inserting the words "and to the institution to which Part IV.2 of the Act respecting health services and social services applies" after the word "centre" in the fifth line of the first paragraph.

HEALTH INSURANCE ACT

177. Section 19 of the Health Insurance Act (R.S.Q., chapter A-29) is amended

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

"An agreement may, to ensure compliance with the regional medical staffing plans referred to in section 377 of the Act respecting health services and social services, provide for different remuneration for certain classes of health care professionals according to the location of their practice or the territory in which they exercise their activities.";

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

"Failing an agreement to determine the different remuneration referred to in the seventh paragraph, the Government may fix the remuneration in a regulation to stand in lieu of the agreement."

178. Section 19.0.1 of the said Act is amended by replacing the word "seventh" in the second line by "eighth".

179. Section 19.1 of the said Act is amended by replacing the word "eleventh" in the second paragraph by the word "thirteenth".

180. Section 65 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by inserting the words "and to the institution to which Part IV.2 of that Act applies" after the words "(chapter S-4.2)" in the second line of the third paragraph.

181. Section 66.1 of the said Act is amended by adding, at the end of the third paragraph, the following: "together with information, in nominative form concerning the specialty in which general practitioners and medical specialists are classified, the fact that they receive or do not receive remuneration from the Board, and the location of their practice, in other words

the name of the institution concerned if they practise in a centre operated by an institution, or the name of the locality, in other cases. The Board shall also, on request, send the practice profiles to the organization representing general practitioners and the organization representing medical specialists with which the Minister has entered into an agreement within the meaning of section 19, and to the group formed by the regional boards."

182. Section 69 of the said Act is amended by inserting the words "or by the institution to which Part IV.2 of the Act respecting health services and social services applies" after the word "board" in the second line of subparagraph *x* of the first paragraph.

ACT RESPECTING THE CONSEIL DE LA SANTÉ ET DU BIEN-ÊTRE

183. Section 4 of the Act respecting the Conseil de la santé et du bien-être (R.S.Q., chapter C-56.3) is amended by inserting the words "or from the institution to which Part IV.2 of that Act applies" after the words "(chapter S-4.2)" in the fifth line.

ACT TO ENSURE THAT ESSENTIAL SERVICES ARE MAINTAINED IN THE HEALTH AND SOCIAL SERVICES SECTOR

184. Section 19 of the Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1) is amended by replacing the words "or regional council" in the first and second lines of the second paragraph by the words ", the regional council or the institution to which Part IV.2 of the Act respecting health services and social services applies".

PUBLIC HEALTH PROTECTION ACT

185. Section 1 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by adding the words "and the institution to which Part IV.2 of that Act applies" at the end of paragraph *g*.1.

ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH

186. Section 33 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by adding, at the end of the second paragraph, the following sentence: "An agreement entered into with the institution to which Part IV.2 of that Act applies has effect only from the sixtieth day following its filing with the Minister of Health and Social Services, unless the Minister has disallowed the agreement."

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

187. Section 7 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is amended by inserting the words "or of the institution to which Part IV.2 of that Act applies" after the word "Act" in the fourth line of the fifth paragraph.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

188. Section 1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) , amended by section 34 of chapter 27 of the statutes of 1997, is again amended by adding the words "and the institution to which Part IV.2 of that Act applies" at the end of the definition of "regional board".

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

189. Section 149.26 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended

(1) by replacing the words "or regional board" in the first line of the first paragraph by the words ", every regional board or the institution to which Part IV.2 of the Act respecting health services and social services applies";

(2) by replacing the words "or board" in the third line of the first paragraph by the words ", board or institution".

190. Section 149.27 of the said Act is amended

(1) by replacing the words "and every regional board" in the first line of the first paragraph by the words ", every regional board or the institution to which Part IV.2 of the Act respecting health services and social services applies";

(2) by replacing the words "or regional board" in the sixth and seventh lines of the first paragraph by the words ", the regional board or the institution".

191. Section 149.28 of the said Act is amended by replacing the words "or regional board" in the first line of the first paragraph by the words ", a regional board or the institution to which Part IV.2 of the Act respecting health services and social services applies where the council, board or institution is".

192. Section 149.32.1 of the said Act is amended

(1) by inserting the words "or the institution to which Part IV.2 of the Act respecting health services and social services applies" after the word "board" in the first line of the first paragraph;

(2) by inserting the words ", adapted as provided in section 530.48 of that Act as concerns the institution to which Part IV.2 of that Act applies," after the words "(chapter S-4.2)" in the second line of the second paragraph;

(3) by inserting the words "or the institution" after the word "board" in the fourth line of the third paragraph;

(4) by inserting the words ", adapted as provided in section 530.48 of the said Act as concerns the institution to which Part IV.2 of the said Act applies," after the word "Act" in the fifth line of the third paragraph.

193. The said Act is amended by inserting, after section 173.2, the following section:

"**173.3.** The Minister may, by regulation, prescribe security standards to assure the confidentiality and security of electronic information, that shall apply to the James Bay Cree health and social services council and to any person who, in the region in which the head office of the council is situated, uses the EDP assets of the health and social services network.

The regulation shall specify those of its provisions whose contravention constitutes an offence."

194. Section 179 of the said Act is amended by adding the words ", and every person who contravenes a regulatory provision referred to in the second paragraph of section 173.3 is guilty of an offence and liable to a fine of $325 to $1,150 in the case of a natural person, or a fine of $700 to $7,000 in the case of a legal person" at the end of the second paragraph.

ACT RESPECTING ADMINISTRATIVE JUSTICE

195. Section 3 of Schedule I to the Act respecting administrative justice (1996, chapter 54), amended by section 871 of chapter 43 of the statutes of 1997, is again amended by replacing the words "or 530.16" in the first line of paragraph 11 by the words ", 530.16 or 530.67".

TRANSITIONAL AND FINAL PROVISIONS

196. Institutions, regional boards and the complaints commissioner must modify their respective complaints examination procedures to comply with the modifications made by this Act and perform the obligations relating to the implementation of the modified procedures from 20 December 1998.

Until that date, the following provisions apply to complaints filed by users of family-type resources:

(1) Every complaint filed with a regional board by such a user in accordance with section 72 of the Act respecting health services and social services, as it read before 20 June 1998, shall continue to be heard by the regional board

according to the established procedure. If the examination of such a complaint has not been completed on 20 December 1998, it shall be continued in accordance with that procedure.

(2) The complaints commissioner shall retain authority to examine a complaint filed by such a user, in accordance with the procedure applicable before 20 December 1998, where the user disagrees with the conclusions transmitted by the senior management officer or by the complaints officer of the regional board pursuant to paragraph 1.

197. Unless otherwise decided by the Government, the following institutions are deemed to have been designated by a government order made pursuant to section 185 of the Act respecting health services and social services, as amended by section 68:

(1) L'Hôpital de Montréal pour enfants;

(2) Hôpital neurologique de Montréal;

(3) Hôpital Ste-Justine;

(4) Institut de cardiologie de Montréal;

(5) Hôpital Shriners pour enfants (Québec) Inc.;

(6) L'Institut de réadaptation de Montréal.

198. The board of directors of a public institution must discharge its obligation to adopt by-laws under sections 234 and 235 of the Act respecting health services and social services, replaced by section 76 of this Act, on or before 20 December 1998.

199. For the purposes of the second paragraph of section 290 of the Act respecting health services and social services, replaced by section 91 of this Act, the first period of four years shall be computed from the fiscal year beginning on 1 April 1994.

The provisions of the third paragraph of the said section 290, enacted by section 91 of this Act, apply to a new institution established after 20 June 1998.

200. The rates or scale of rates of compensation determined by a regional board pursuant to section 304 of the Act respecting health services and social services, as amended by section 96 of this Act, apply in respect of the services provided by any new intermediate resource granted recognition after the date of coming into force of those rates.

With regard to the services provided by an intermediate resource granted recognition before that date, if, in the opinion of the regional board, the rates

or scale of rates of compensation determined by the regional board would necessitate major adjustments in relation to the amounts formerly received by the intermediate resource, the regional board may allow an interim period, not exceeding three years, during which the adjustments will be made gradually according to the scope of the corrections required.

201. The provisions of section 391 of the Act respecting health services and social services, replaced by section 118 of this Act, apply with regard to the year ending on 31 March 1999 and to all subsequent years.

202. A permit issued to an institution under the Act respecting health services and social services that is in force on (*insert here the date of coming into force of this section*) shall remain valid, notwithstanding its date of expiry, until it is amended, cancelled or withdrawn in accordance with the provisions of section 442 of the said Act, as replaced by section 141 of this Act.

203. Any agreement entered into under section 475 of the Act respecting health services and social services as it read before 20 June 1998 shall remain valid and shall be deemed to be an agreement entered into under section 475 of the said Act, as amended by section 153 of this Act.

However, the terms and conditions of financing provided for in such an agreement shall, without further formality, be subordinated to compliance with the provisions of section 476 of the Act respecting health services and social services, as replaced by section 154 of this Act.

204. Nowithstanding any inconsistent provision, the general terms and conditions relating to the financing of the activities of private institutions and the other measures determined in accordance with the provisions of section 476 of the Act respecting health services and social services, as replaced by section 154 of this Act, shall apply with respect to the fiscal year that began on 1 April 1998.

However, provided it is accepted by the Conseil du trésor and signed by the parties not later than 1 September 1998, an agreement entered into for the purpose of accepting the general terms and conditions and the other measures negotiated in accordance with the provisions of section 476 of the Act respecting health services and social services as it read before 20 June 1998 shall stand in lieu of the general terms and conditions and other measures referred to in the first paragraph and shall cease to have effect on 31 March 2003.

205. Any regulation made by the Government under section 507 of the Act respecting health services and social services, repealed by section 159 of this Act, shall remain in force and shall be deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services, enacted by section 155 of this Act.

206. The Minister may, upon the coming into force of section 520.3 of the Act respecting health services and social services, enacted by section 161 of this Act, require the regional boards and public institutions to use the services of the supplier of the telecommunications network already selected by the Minister in accordance with the rules governing the awarding of contracts that apply to government departments and bodies.

207. The Centre de santé et de services sociaux de la Radissonie is the institution to which Part IV.2 of the Act respecting health services and social services, enacted by section 171 of this Act, applies. To ensure that the composition of the board of directors of that institution meets the requirements of Chapter I of Title IV of the said Part, the Minister shall designate the provisional members of the board of directors of that institution after consulting the institution.

The provisional members designated by the Minister shall remain in office until they are replaced by persons elected or appointed pursuant to Chapter I of Title IV of Part IV.2 of the Act respecting health services and social services.

208. The Régie régionale de la santé et des services sociaux du Nord-du-Québec, established by Order in Council 1825-91 dated 18 December 1991, shall cease to exist on (*insert here the date of coming into force of this section*) and its rights and obligations become, without other formality, the rights and obligations of the Centre de santé et de services sociaux de la Radissonie.

The Centre becomes a party to any proceedings to which the Régie was a party, without continuance of suit.

The by-laws, resolutions and other acts of the Régie are deemed to be the by-laws, resolutions and acts of the Centre; the same applies to the permits issued by and the recognitions and accreditations granted by the Régie.

The records and other documents of the Régie become those of the Centre.

Complaints addressed to the Régie pursuant to section 42 of the Act respecting health services and social services are transferred to the complaints commissioner and complaints addressed to the Régie pursuant to section 72 of the said Act are transferred to the Centre.

209. This Act comes into force on 20 June 1998, except the provisions of paragraph 2 of section 63, sections 94 to 97, 139, 141 to 149, 160, 171, 202, 207 and 208, which come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 430
(1998, chapter 40)

An Act respecting owners and operators of heavy vehicles

Introduced 14 May 1998
Passage in principle 26 May 1998
Passage 19 June 1998
Assented to 20 June 1998

Québec Official Publisher
1998

EXPLANATORY NOTES

This bill proposes a new framework for road transport in Québec aimed at increasing the safety of road users and preserving the integrity of the road network. The provisions of the bill are directed at the owners and operators of heavy vehicles that travel on roads open to public vehicular traffic, and at transport service intermediaries.

The bill introduces an administrative registration system for owners and operators that includes on-going conduct review. After receiving an application for registration, the Commission des transports du Québec will assign a safety rating to each owner and operator of heavy vehicles. The bill also provides for a list on which transport service intermediaries will have to be registered in order to carry on their business. The Commission will be authorized to impose administrative measures on persons assigned a conditional or unsatisfactory safety rating or on transport service intermediaries whose conduct is unlawful. The decisions of the Commission may be contested before the Administrative Tribunal of Québec.

The Société de l'assurance automobile du Québec is responsible for the on-going review of the conduct of the persons registered. In the event of violations of the Highway Safety Code or certain other legislative provisions, the Société will deal directly with the offending owner or operator and if need be, refer the person's file to the Commission.

The bill also amends the Highway Safety Code to bring the current rules governing the transportation of persons and goods into harmony with the proposed road transport framework and to make certain sections of the Code applicable to certain forest roads. Other rules pertaining to signs and signals are clarified and the fines imposed under various legislative provisions relating to road transport are harmonized according to the seriousness of the offence.

Lastly, the bill contains consequential amendments and repeals the Act respecting truck transportation.

LEGISLATION AMENDED BY THIS BILL:

— Automobile Insurance Act (R.S.Q., chapter A-25);

— Highway Safety Code (R.S.Q., chapter C-24.2);

— Code of Penal Procedure (R.S.Q., chapter C-25.1);

— Transport Act (R.S.Q., chapter T-12);

— Act respecting administrative justice (1996, chapter 54).

LEGISLATION REPEALED BY THIS BILL:

— Act respecting truck transportation (R.S.Q., chapter C-5.1).

Bill 430

AN ACT RESPECTING OWNERS AND OPERATORS OF HEAVY VEHICLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

1. This Act establishes special rules applicable to owners and operators of heavy vehicles with a view to increasing the safety of road users on roads open to public vehicular traffic and to preserving the integrity of the road network.

Land occupied by shopping centres and other land where public traffic is allowed shall be considered to be a road open to public vehicular traffic.

2. For the purposes of this Act,

(1) an owner of a heavy vehicle is a person whose name appears on the vehicle's registration certificate or a person who holds, in respect of the vehicle, a right within the meaning of section 2 of the Highway Safety Code (R.S.Q., chapter C-24.2);

(2) an operator of a heavy vehicle is a person who offers services related to the transportation of persons or goods or to vehicle assistance, or who operates a heavy vehicle for personal purposes or as a tool or equipment, whether the person is the owner of the vehicle or operates the vehicle pursuant to a leasing contract, regardless of whether the services of a driver are supplied by the lessor;

(3) "heavy vehicle" means

(*a*) a road vehicle or a combination of road vehicles, within the meaning of the Highway Safety Code, having a net mass in excess of 3,000 kg;

(*b*) a minibus or a tow truck, within the meaning of that Code, regardless of net mass;

(*c*) a road vehicle subject to the Transportation of Dangerous Substances Regulation made by Order in Council 674-88 (1988, G.O. 2, 2082).

In this Act and the regulations, unless otherwise indicated by the context, "person" means, in addition to a natural person and a legal person, a partnership.

3. The Government may, by regulation and subject to the conditions it determines,

(1) exempt certain heavy vehicles or certain classes of heavy vehicles from the application of all or part of this Act;

(2) prescribe, for the purpose of harmonizing this Act with the rules governing persons who operate heavy vehicles mainly outside Québec, a net mass other than the net mass referred to in subparagraph *a* of subparagraph 3 of the first paragraph of section 2, or determine a total loaded mass applicable to those persons.

CHAPTER II

REGISTER OF OWNERS AND OPERATORS OF HEAVY VEHICLES

4. A register in which owners and operators of heavy vehicles are to be registered and containing the information referred to in sections 7, 12 and 35 is hereby established at the Commission des transports du Québec under the name "Registre des propriétaires et des exploitants de véhicules lourds".

The Government may, by regulation, exempt any group or any class of persons it determines from the requirement to be registered. The exemption may be subject to conditions and be granted for a limited period of time. Persons so exempted are deemed not to be governed by this Act insofar as the persons comply with the conditions, if any, imposed on them.

5. Only owners registered in the Commission's register may put a heavy vehicle into operation on a road open to public vehicular traffic. Only operators registered in the register may operate or offer the services of a heavy vehicle on a road open to public vehicular traffic.

A person may register as both an owner and operator.

6. An application for registration must be in the form and tenor determined by the Commission and be made with payment of the fees fixed by regulation of the Government.

7. To register as an owner or operator a person must provide the following information:

(1) the person's name and address and, where applicable, the names and addresses of the person's directors;

(2) where heavy vehicles are currently registered or operated outside Québec, the identification number, if any, assigned by another administrative authority having jurisdiction over the operation of heavy vehicles in its territory;

(3) where applicable, the amount of any unpaid fine in respect of which no appeal has been filed, that was imposed under this Act, the Transport Act (R.S.Q., chapter T-12), the Highway Safety Code or a legislative or regulatory provision referred to in section 519.65 of that Code in respect of which an agreement has been entered into with the Société de l'assurance automobile du Québec.

The Commission may require a person applying for registration to furnish any information it considers relevant, including the number, class, assignment and habitual use made of the heavy vehicles owned or operated as well as a description of the proposed transport services.

8. The Minister or the Commission may, in accordance with the law, enter into a reciprocity agreement with another government or a department of that government or with any body, providing, in particular, for the recognition of the registrations granted and the decisions made by the Commission.

The agreement may provide for partial exemptions for any person from the application of this Act, recognize the registration of an owner or operator of heavy vehicles granted by another administrative authority and make applicable any administrative measure imposed as a sanction for conduct materially similar to conduct to which this Act applies.

The Commission is responsible for the implementation of such an agreement.

9. The Commission shall refuse to register a person if

(1) the person has not furnished the information required under the first paragraph of section 7;

(2) the person has been convicted of an indictable offence related to the operation of a heavy vehicle in the last five years and for which the person has not been granted a pardon;

(3) at the time the application is made, the person or any of the person's directors is subject to a decision of the Commission prohibiting the person or director from putting a heavy vehicle into operation or from operating a heavy vehicle;

(4) at the time the application is made, the person is subject to a decision of an administrative authority that is a party to an agreement under section 8 prohibiting the person from putting a heavy vehicle into operation or from operating a heavy vehicle;

(5) the person does not hold the licence required under section 50.0.6 of the Fuel Tax Act (R.S.Q., chapter T-1), is not registered in the register established under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) or is not registered under section 290 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001); or

(6) the person has not paid a fine imposed under this Act, the Transport Act, the Highway Safety Code or a legislative or regulatory provision referred to in section 519.65 of that Code in respect of which an agreement has been entered into with the Société, unless an appeal has been brought or the person's situation is regularized with the Commission.

10. The Commission may refuse an application for registration made by a person who fails or refuses to furnish to the Commission the information it requires under the second paragraph of section 7 or who furnishes inaccurate information.

11. The Commission may enter into any administrative agreement necessary for the purposes of this Act with any minister or body.

The Commission may enter into an administrative agreement with the Minister of Justice to allow the Commission, on the terms and conditions provided for in the agreement, to act in the capacity of mandatary to recover the fines covered by the agreement.

Following an agreement with any other minister or body, the Commission may, in particular, accept a mandate to collect the information required for the registration of a person who is subject to a special obligation imposed by that authority, and to collect the related fees and duties.

The Commission may, with the approval of the Minister and subject to the conditions it establishes, appoint and authorize persons to collect on its behalf the sums referred to in this section and to make any transaction it indicates relating to the application of this Act, and may determine the amount and method of compensation of the persons appointed.

12. The Commission shall assign an identification number and an initial rating to every person it registers. An initial rating must bear the word "satisfactory" unless, at the time the Commission is to issue the identification number, the person is subject to a decision of the Commission or of an administrative authority that is a party to an agreement under section 8 imposing conditions regarding the ownership or operation of a heavy vehicle. In such a case, the initial rating must bear the word "conditional".

13. A person registered must, to maintain the person's rights as an owner or operator, notify the Commission within 30 days of any change in the information required under the first paragraph of section 7.

The person must also pay, each year, to the Commission the registration renewal fees fixed by regulation of the Government, subject to the terms and conditions it fixes.

14. The Commission shall update, at least once a year, the information in the public register it maintains and in respect of which the Government may, by regulation, fix access fees.

15. The Commission shall establish and maintain a list of transport service intermediaries carrying on business in Québec. The list is public. The Commission shall also establish a file on each transport service intermediary who applies for registration.

Only intermediaries entered on the list may provide such services.

The expression "transport service intermediary" means any person who, for remuneration, acts directly or indirectly as an intermediary in a transaction between third persons the object of which is the transportation of persons or property by a heavy vehicle.

16. Every transport service intermediary must register or renew registration by filing an application with the Commission, in the form and tenor determined by the Commission, together with payment of the fees fixed by regulation of the Government.

Where such a person fails to register or renew registration, any contract entered into by the person is null by operation of law.

17. The Commission may require any information it considers pertinent from a person applying to be registered on the list of transport service intermediaries. A person who fails to provide such information shall be struck off the list.

18. The Société shall transmit to the Commission all the information it holds concerning a transport service intermediary. The Commission shall enter that information in the file of the intermediary concerned.

CHAPTER III

OBLIGATIONS

19. An operator of heavy vehicles must, if the operator is not the owner, keep in each vehicle a copy of the leasing contracts or contracts for services.

20. An owner of heavy vehicles who is not the operator must, if the owner is subject to an administrative measure prohibiting the putting into operation of all or certain of the owner's heavy vehicles or imposing certain restrictions on their use, notify the operator by supplying the operator with a copy of the decision of the Commission. As well, an operator must notify the owner of the vehicles being operated in the event that the operator is subject to an administrative decision prohibiting or restricting the operation of the vehicles.

For the purposes of section 39, the owner is responsible for ascertaining that the operator is not subject to a measure imposing a prohibition or restriction and the operator is responsible for ascertaining that the owner is not subject to a measure imposing a prohibition.

21. No person shall lease a heavy vehicle to a person who is subject to an administrative measure prohibiting the operation of heavy vehicles or to a person who is not registered under this Act, or entrust such a person with the control of heavy vehicles except, in the latter case, if the person is exempt from the requirement to be registered.

CHAPTER IV

MONITORING AND CONTROL OF HEAVY VEHICLES

DIVISION I

POWERS OF THE SOCIÉTÉ

22. The Société shall maintain, using the information reported to it, in particular the information transmitted by the police forces and the Commission, a file on each owner and each operator of heavy vehicles. The Société shall, in accordance with its administrative policy, identify the owners and operators who require special monitoring because of conduct that presents a risk. For that purpose, the Société shall consider, in particular, contraventions of the provisions of this Act and the Highway Safety Code, reports and statements of offence or convictions in respect of those persons and the drivers of the heavy vehicles owned or operated by those persons, inspections and road check operations concerning them, even those that reveal no irregularity and any accident involving a heavy vehicle owned or operated by those persons.

The Société shall consider only reports and statements of offence or convictions in respect of an act done by a driver of heavy vehicles in performing work as a driver.

23. The Société shall also consider any contravention of a provision of an Act the application of which it is responsible for pursuant to section 519.65 of the Highway Safety Code if such a provision, as determined by the Government by regulation, concerns the safety of the users of roads open to public vehicular traffic or the integrity of the road network and an agreement has been entered into between the Société and the authority responsible for the application of that provision.

24. To establish or modify the administrative policy referred to in the first paragraph of section 22, the Société shall, according to the classes of road transport services it determines, consult representatives of the owners and operators of heavy vehicles and take into consideration, where relevant, the factors retained by the Commission in its decisions.

The Société shall publicize its administrative policy and any modification it makes to the policy in the manner it considers appropriate so that the rules to be used as a guide in assessing the conduct of owners and operators of heavy vehicles are known.

25. The Société may, after assessing the file, propose to the Commission

(1) that the rating of the person registered be replaced by a more favourable rating or that an additional condition attached to the person's registration be removed, if the person's conduct has improved; or

(2) that the rating of the person registered be replaced by an unfavourable rating, that the assigned rating be maintained but with an additional condition attached to the maintenance of the person's rights as an owner or operator, or that the person be declared disqualified, if the person's conduct presents a risk.

In the case of an emergency or a situation which, in the opinion of the Société, endangers the safety of the users of roads open to public vehicular traffic or threatens the integrity of the road network, the Société shall submit to the Commission, after a summary assessment, a report with its recommendations.

DIVISION II

POWERS OF THE COMMISSION

26. On its own initiative or after examining a proposal or a request made by the Société or any other person, the Commission may, if it has ascertained a contravention of the provisions of this Act, the Highway Safety Code or any other Act referred to in section 23, promptly take one or more of the following measures:

(1) prohibit the putting into operation or the operation of all or certain heavy vehicles owned or operated by a person;

(2) declare an owner or an operator of heavy vehicles totally or partially disqualified;

(3) make a total disqualification applicable to the partners of a partnership or the directors of a legal person who, in its opinion, had a determining influence;

(4) impose special conditions concerning, in particular, the class of heavy vehicles that may be used, their capacity and mechanical condition, the qualifications of drivers, hours of driving, loads and dimensions, reports to be filed, security to be furnished and the safety or monitoring equipment to be installed on heavy vehicles, as conditions for maintaining a person's rights as an owner or operator;

(5) in the case of a person whose activities are considered by the Commission to be in the public interest, appoint, for the period it fixes and at the expense of that person, a director who is deemed to exercise alone all the powers of the board of directors in relation to the operation of any heavy vehicle;

(6) appoint, for the period it fixes and at the expense of the person concerned, a supervisor who will report to the Commission on the putting into operation or operation of the heavy vehicles by the person concerned;

(7) identify from among the employees of a person concerned the employees who require training courses, at the expense of that person, within the time and on the conditions determined by the Commission, in various fields of activity related to safety in the transportation of persons or goods or to the protection of the road network;

(8) strike off transport service intermediaries from the list established under section 15 for a period of not more than five years or impose conditions for the maintenance of their registration if their practices endanger the safety of road users or threaten the integrity of the road network;

(9) enter into administrative agreements with any person registered; and

(10) take any other measure it considers appropriate and reasonable.

Owners, operators or transport service intermediaries may apply to the Commission to have the Commission consider their files, in particular for the purposes of an agreement under subparagraph 9 of this section.

27. The Commission shall declare totally disqualified any person who

(1) by actions or omissions has, in the Commission's opinion, placed the safety of the users of the road network at risk or significantly threatened the integrity of the road network;

(2) has furnished false information with regard to subparagraph 1 or 3 of the first paragraph of section 7;

(3) has contravened a decision of the Commission to which the person is subject or an administrative agreement entered into with the Commission;

(4) has been convicted of an indictable offence related to the operation of a heavy vehicle and for which the person has not been granted a pardon;

(5) has been subject to a decision of another administrative authority that is a party to an agreement under section 8 prohibiting the person from putting a heavy vehicle into operation or from operating a heavy vehicle.

28. The Commission shall also declare totally disqualified any person who, in the Commission's opinion, endangers the safety of the users of roads open to public vehicular traffic or threatens the integrity of the road network by repeated and habitual contravention of a provision of this Act, the Highway Safety Code or any other Act referred to in section 23.

29. The Commission shall declare partially disqualified any person who

(1) by actions or omissions has, in the Commission's opinion, endangered the safety of the users of the road network or threatened the integrity of the road network;

(2) is no longer the holder of a licence required under section 50.0.6 of the Fuel Tax Act, is not registered in the register established under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons or is not registered under section 290 of the Act respecting industrial accidents and occupational diseases;

(3) has failed to pay a fine imposed under this Act, the Transport Act, the Highway Safety Code or a legislative or regulatory provision referred to in section 519.65 of that Code in respect of which an agreement has been entered into with the Société, unless an appeal has been filed;

(4) has refused to allow an inspection to be conducted by or has hindered the work of a person authorized by law to make an inspection.

30. Where the Commission declares a person totally disqualified, the Commission shall assign to the person a rating of "unsatisfactory". Such a declaration operates to prohibit the putting into operation or the operation of heavy vehicles. The Commission shall notify its decision to the person concerned.

31. A person declared totally disqualified and, where applicable, the person's partners or directors referred to in subparagraph 3 of the first paragraph of section 26 may not apply for registration, personally or on behalf of a partnership or legal person they control or of which they are directors, before the time fixed by the Commission in that respect has expired. That time may not exceed five years.

32. Where the Commission declares a person partially disqualified, the Commission shall assign to the person a rating of "conditional" and attach such special conditions to the person's registration as it determines. The Commission shall notify its decision to the person concerned.

33. A person declared totally or partially disqualified shall not transfer or otherwise dispose of heavy vehicles registered in the person's name except with the consent of the Commission; the Commission shall withhold its consent if it considers that the transfer or disposal is to be made for the purpose of avoiding the imposed administrative measure.

34. The Commission may, of its own initiative or on request, change a rating it has assigned.

The Commission may reassess a rating assigned where it is of the opinion that the person registered has taken efficient action or implemented concrete measures that allow the Commission to reasonably believe that the unsafe conduct that was the subject of the administrative measure has been remedied and will not reoccur.

35. The ratings assigned by the Commission are public. The Commission shall make the ratings and its decisions available to the public in the manner it considers appropriate.

36. The Commission may, in exercising its powers, take into consideration any inspections and road check operations that have revealed no irregularity as well as any corrective measures taken by a person registered.

37. Before making a decision declaring a person disqualified or prohibiting the person from putting a heavy vehicle into operation or from operating a heavy vehicle, the Commission shall inform the owner or operator in writing as provided in section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the owner or operator at least 10 days to present observations. The same applies where the Commission proposes to strike off a transport service intermediary from the list or impose conditions for the maintenance of the intermediary's registration.

The Commission shall transmit a copy of the prior notice referred to in the first paragraph to the Société if the file was proposed or referred to the Commission by the Société, and inform the Société of the date of the meeting, if any, with the owner or operator. The Société must be represented at such a meeting.

An exception shall be made to such prior obligations if the decision is made in urgent circumstances or to prevent irreparable harm to users of the roads open to public vehicular traffic or to the integrity of the road network.

38. The decisions of the Commission, except decisions refusing a registration under section 9, may be reviewed under sections 17.2 to 17.4 of the Transport Act. Such decisions may also be contested before the Administrative Tribunal of Québec in accordance with sections 51 to 53 of that Act.

DIVISION III

SEIZURE, INSPECTION AND INQUIRY

39. A heavy vehicle being operated on a road open to public vehicular traffic in contravention of a measure prohibiting the putting of a heavy vehicle into operation or the operation of a heavy vehicle may be immediately seized by a peace officer and impounded for a period of 30 days. The seizure, to which the provisions of sections 209.3 to 209.10 of the Highway Safety Code apply, adapted as required and replacing therein, except in section 209.8, "Société" by "Commission", shall be effected on behalf of the Commission and the costs of the seizure shall be chargeable to the person subject to the prohibition.

Where the owner or the person subject to the prohibition is unaware of the prohibition, or where the seizure was effected by mistake, release may be

obtained in accordance with the provisions of sections 209.11 to 209.16 of the Highway Safety Code, adapted as required and replacing therein, except in sections 209.15 and 209.16, "Société" by "Commission".

The provisions of sections 209.17 to 209.26 of that Code, adapted as required, also apply to a seizure.

40. The Commission may communicate, to any person who gives the number of a registered person, information about the entitlement of an owner or operator to put into operation or operate a heavy vehicle.

However, the information communicated must not reveal directly or indirectly the name or address of the person concerned.

41. An inspector or a peace officer may require that any registration number or any document to which this Act applies be communicated for examination.

42. The Commission may, of its own initiative or on request, make an inquiry to determine whether a person is contravening this Act or whether the operation of a heavy vehicle or the practices of a transport service intermediary endanger the safety of road users or threaten the integrity of the road network.

CHAPTER V

PENAL PROVISIONS

43. Every person who furnishes false information with regard to the first paragraph of section 7 is guilty of an offence and is liable to a fine of $500 to $1,500 and, in the case of a subsequent offence, $1,500 to $2,500.

44. Every person who fails to comply with an obligation under any of sections 19 to 21 or section 33, as the case may be, is guilty of an offence and is liable to a fine of $500 to $1,500 and, in the case of a subsequent offence, $1,500 to $2,500.

45. Every registered person who fails to notify the Commission of a change in the information furnished under the first paragraph of section 7 within 30 days of the event giving rise to the change is guilty of an offence and is liable to a fine of $250 to $750 and, in the case of a subsequent offence, $750 to $1,500.

46. The following are guilty of an offence and are liable to a fine of $250 to $750 :

(1) every registered person who claims to have a rating other than the rating assigned under this Act ;

(2) every person who falsely claims to be registered in compliance with this Act.

In the case of a subsequent offence, the fine is $750 to $1,500.

47. The following are guilty of an offence and are liable to a fine of $350 to $1,050 and, in the case of a subsequent offence, $700 to $2,100:

(1) every transport service intermediary who falsely claims to be registered in compliance with this Act;

(2) every transport service intermediary who offers transport services without being registered under this Act;

(3) every operator who makes a contract to which a transport service intermediary not registered in compliance with this Act is a party.

48. Every non-registered person who contravenes section 5 and every registered person who puts a heavy vehicle into operation or operates a heavy vehicle on a road open to public vehicular traffic while prohibited from doing so following a decision of the Commission is guilty of an offence and is liable to a fine of $500 to $1,500 and, in the case of a subsequent offence, $1,500 to $2,500.

CHAPTER VI

ACCESS TO INFORMATION AND RETENTION OF INFORMATION

49. The Société shall make available to the Commission any information the Commission requires to make a decision in a matter that it takes up or that is referred to it under this Act. As well, the Commission shall make available to the Société any information enabling the Société to monitor the operation of heavy vehicles on roads open to public vehicular traffic, whatever the source of the information.

The Commission may transmit to another administrative authority that is a party to an agreement under section 8 any information concerning a person subject to this Act if communication of the information is necessary for the purposes of such an agreement.

50. On payment of the fees fixed by the Société, a person registered in the Commission's register may have access to the information in a statement of offence or a conviction concerning acts done by drivers employed by the person or a person with whom the person registered is bound by a contract for the use of a heavy vehicle under the control of the person registered, provided that the acts were done in the performance of their work as drivers. However, the information communicated must reveal only the identity of the driver, the nature of the act and the time at which the act was done.

51. The Commission shall retain all the information concerning a registered person for a period of five years from the date on which the Commission declares the person's total disqualification. The same applies, from the same time, in the case of a person who is not registered but who is declared totally disqualified, from the date of the Commission's refusal in the case of a person who is not registered as a result of a refusal by the Commission, or from the date on which the payment referred to in section 13 became payable in the case of a registered person who ceased to be registered as a result of failure to maintain the person's rights as an owner or operator.

CHAPTER VII

AMENDING, TRANSITIONAL AND MISCELLANEOUS PROVISIONS

52. Section 87.1 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing "a carrier" in the first line of the first paragraph by "an owner or operator".

53. Section 186 of the said Act is amended by replacing "a carrier" in the second line of the first paragraph by "an owner or operator".

54. The Act respecting truck transportation (R.S.Q., chapter C-5.1) is repealed.

55. Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by inserting, after the definition of "taxi", the following definition:

""tow truck" means a motor vehicle equipped to lift and tow a road vehicle or to load a road vehicle onto its platform.";

(2) by inserting, before the definition of "minibus" and before the definition of "tow truck", respectively, the following definitions:

""heavy vehicle" means a heavy vehicle within the meaning of the Act respecting owners and operators of heavy vehicles (1998, chapter 40);

""tool vehicle" means a road vehicle, other than a vehicle mounted on a truck chassis, manufactured to perform work and the work station of which is an integral part of the driver's compartment. For the purposes of this definition, a truck chassis is a frame equipped with all the mechanical components required on a road vehicle designed for the transportation of persons, goods or equipment;".

56. Section 21 of the said Code is amended by adding, at the end of the third paragraph, the following: "or, in the case of an owner or operator of a heavy vehicle, is not a person registered in the Registre des propriétaires et des exploitants de véhicules lourds at the Commission des transports du Québec".

57. Section 35 of the said Code is amended by adding, at the end of the third paragraph, the following: "It also applies on highways under the administration of or maintained by the Ministère des Ressources naturelles."

58. Section 39 of the said Code is amended

(1) by striking out "189," in the third line of the first paragraph;

(2) by adding, at the end of the first paragraph, the following: "The same applies where the Société acts under section 189."

59. Section 39.1 of the said Code is amended

(1) by striking out "189," in the second line;

(2) by adding, at the end, the following: "The same applies where the Société acts under section 189."

60. Section 59 of the said Code is amended by adding, at the end, the following:

"Every owner of a heavy vehicle who knowingly supplies false or misleading information on applying for registration or in respect of a change referred to in section 28 is guilty of an offence and is liable to a fine of $500 to $1,500."

61. Section 65 of the said Code is amended by inserting ", on a highway under the administration of or maintained by the Ministère des Ressources naturelles," after "highway" in the first line.

62. Section 80.3 of the said Code is repealed.

63. Section 97 of the said Code is amended by inserting "on highways under the administration of or maintained by the Ministère des Ressources naturelles," after "applies" in the first line of the second paragraph.

64. Section 145 of the said Code is amended by adding, at the end, the following:

"Every operator of a heavy vehicle whose driver is liable to a fine under the first paragraph is also guilty of an offence and is liable to a fine of $700 to $2,100."

65. Section 187.2 of the said Code is repealed.

66. Section 188 of the said Code is amended by inserting, after paragraph 4, the following:

"(4.1) the owner of the road vehicle has not complied, within 10 days, with the request of the Société or a peace officer to furnish a weighing certificate to establish the vehicle's net mass;".

67. Section 189 of the said Code is amended by inserting, after paragraph 1, the following:

"(1.1) the Commission des transports du Québec, in accordance with the Act respecting owners and operators of heavy vehicles, prohibits the heavy vehicles subject to the administrative measure it has taken from being put into operation;".

68. Section 209.7 of the said Code is amended by replacing "carrier" in the first line by "owner or operator of a heavy vehicle".

69. The said Code is amended by inserting, after section 212, the following:

"**212.1.** The Société may require the removal, repair or modification of any equipment on a road vehicle that has not been installed by the manufacturer of the road vehicle if the equipment presents a risk for road users."

70. Section 213 of the said Code is amended by adding, at the end, the following:

"This section applies, in addition to public highways, to highways under the administration of or maintained by the Ministère des Ressources naturelles."

71. Section 214.1 of the said Code is amended by adding, at the end of the first paragraph: "and the combination of road vehicles does not travel at a rate of speed of less than 40 km/h."

72. Section 216 of the said Code is amended by striking out "as close as practicable to the top of the vehicle," in the second line of subparagraph 5 of the first paragraph.

73. Section 218 of the said Code is repealed.

74. Section 220.2 of the said Code is amended by replacing "reflective stripe markers" in the first and second lines by "reflective material".

75. The said Code is amended by inserting, after section 220.2, the following:

"**220.3.** Except for trailers designed exclusively for dwelling or office purposes, trailers and semi-trailers measuring at least 2.05 m in width and having a net mass in excess of 3,000 kg must be equipped with reflective material in accordance with the Motor Vehicle Safety Act.

The first paragraph applies from 1 January 1999 to every semi-trailer that is not less than 15.5 m and not more than 16.20 m in length and to every trailer or semi-trailer built on or after 1 December 1993. It applies from 1 January 2002 to every other trailer or semi-trailer."

76. The said Code is amended by inserting, after section 226, the following:

"**226.1.** Only emergency vehicles designed to serve as a command and coordination post may be equipped with a green rotating light which may be used solely within the safety perimeter established by the person in charge of the emergency operation."

77. Section 240.1 of the said Code is amended by replacing "prescribed under this chapter for the trailer or semi-trailer being towed" in the second and third lines by "on the road vehicle being towed. Detachable equipment may be used to replace the lights."

78. The said Code is amended by inserting, after section 272, the following:

"**272.1.** A tractor truck is not required to be fitted with detachable mudguards if it is drawing a trailer or semi-trailer providing adequate protection against material being thrown towards the rear."

79. Section 281 of the said Code is amended by adding, after the first paragraph, the following:

"Every person who uses a green rotating light in contravention of section 226.1 is guilty of an offence and is liable to a fine of $175 to $525."

80. Section 284 of the said Code is amended by adding, at the end, the following:

"Every owner of a heavy vehicle who contravenes section 250 is guilty of an offence and is liable to a fine of $350 to $1,050."

81. Section 285 of the said Code is amended by adding, at the end, the following:

"Every owner or operator of a heavy vehicle that does not comply with section 244 is guilty of an offence and is liable to a fine of $350 to $1,050."

82. Section 286 of the said Code is amended by adding, at the end, the following:

"Every owner of a heavy vehicle who contravenes section 211 is guilty of an offence and is liable to a fine of $700 to $2,100."

83. Section 289 of the said Code is replaced by the following:

"**289.** The meaning of a road or traffic sign message, whatever the medium, is the meaning assigned to the sign by the Minister in an order published to that effect in the *Gazette officielle du Québec*.

The manufacturing and installation standards for road signs or signals to be erected on a public highway are determined by the Minister and set out in a traffic control manual.

Every person responsible for the management or maintenance of public highways must comply with standards set out in the manual where a requirement to do so is indicated therein.

The Minister may remove, at the expense of the person responsible for the management of the road, any sign or signal that does not conform to the Minister's manual."

84. Sections 291 and 292 of the said Code are replaced by the following:

"**291.** The person responsible for the maintenance of a public highway may, by means of proper signs or signals, restrict or prohibit the use of the highway by all or certain heavy vehicles, in particular, heavy vehicles having dimensions or a number of axles that exceed the maximum limits authorized. Where that person is responsible for the maintenance of a bridge or viaduct, the person may also restrict or prohibit the use of the bridge or viaduct by heavy vehicles having a mass that exceeds the maximum limits authorized on the infrastructure.

In the case of a municipality, that power is exercised by by-law or, where the law so authorizes, by ordinance, the coming into force of which is subject to the approval of the Minister of Transport under section 627, except in an emergency; in the absence of approval, the Minister may remove the unauthorized sign or signal.

No person may drive a vehicle referred to in the first paragraph on a public highway on which traffic is restricted or prohibited unless the vehicle is used to maintain the highway or to install or maintain public utilities on the highway.

"**291.1.** A restriction or prohibition under section 291 may, by means of proper signs or signals, be partially removed 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.

"**292.** The driver of a heavy vehicle must verify the condition of the vehicle's brakes where the proper sign or signal requires a mandatory stop at a brake verification area.

"**292.0.1.** The person responsible for the maintenance of a public highway may, by means of proper signs or signals, designate a slow vehicle lane. Where such a lane has been designated, the driver of a slow vehicle must use that lane."

85. Section 292.1 of the said Code is amended by replacing the second and third paragraphs by the following:

"In the case of a municipality, that power is exercised by by-law or, where the law so authorizes, by ordinance, the coming into force of which is subject to the approval of the Minister of Transport under section 627, except in an emergency; in the absence of approval, the Minister may remove the unauthorized sign or signal.

No person may drive a vehicle referred to in the first paragraph on a public highway on which traffic is restricted or prohibited unless the vehicle is used to maintain the highway or to install or maintain public utilities on the highway."

86. Section 293.1 of the said Code is replaced by the following:

"**293.1.** The person responsible for the maintenance of a public highway may, by means of proper signs or signals and for reasons of safety, restrict or prohibit the operation on the highway of all road vehicles or certain road vehicles including the vehicles to which the Transportation of Dangerous Substances Regulation applies.

In the case of a municipality, that power is exercised by by-law or, where the law so authorizes, by ordinance, the coming into force of which is subject to the approval of the Minister of Transport under section 627, except in an emergency; in the absence of approval, the Minister may remove the unauthorized sign or signal.

No person may drive a vehicle referred to in the first paragraph on a public highway on which traffic is prohibited or restricted unless the vehicle is used to maintain the highway or to install or maintain public utilities on the highway."

87. Section 295 of the said Code is amended by replacing "413" in the second line of paragraph 5 by "519.13".

88. Section 314.1 of the said Code is amended by replacing the second paragraph by the following:

"However, where the traffic of heavy vehicles in transit is regulated by a sign or signal, every driver of a heavy vehicle who contravenes section 310 is guilty of an offence and is liable to a fine of $175 to $525."

89. Section 315.1 of the said Code is replaced by the following:

"**315.1.** Every driver of a vehicle who contravenes section 292 or the third paragraph of section 293.1 is guilty of an offence and is liable to a fine of $350 to $1,050.

"**315.2.** Every driver of a heavy vehicle who contravenes the third paragraph of section 291 is guilty of an offence and is liable to a fine of $175 to $525.

"**315.3.** Every driver of a road vehicle who contravenes section 292.0.1 by failing to drive in a mandatory designated lane is guilty of an offence and is liable to a fine of $90 to $270."

90. Section 316.1 of the said Code is replaced by the following:

"**316.1.** Every driver of a passenger vehicle who contravenes the third paragraph of section 293.1 is guilty of an offence and is liable to a fine of $300 to $600."

91. Section 320 of the said Code is amended by adding, at the end, the following:

"This section applies, in addition to public highways, to highways under the administration of or maintained by the Ministère des Ressources naturelles."

92. Section 327 of the said Code is amended by inserting "on highways under the administration of or maintained by the Ministère des Ressources naturelles," after "applies" in the first line of the second paragraph.

93. Section 328 of the said Code is amended by adding, at the end, the following:

"Subparagraph 3 of the first paragraph applies on highways under the administration of or maintained by the Ministère des Ressources naturelles. The Minister, on the recommendation of the Minister of Natural Resources, may by order increase the speed limit to 90 km/h on all or any part of such highways."

94. Section 389 of the said Code is amended by replacing "a minibus or a commercial vehicle" in the third line by "a motor vehicle".

95. Section 396 of the said Code is amended by adding, at the end, the following:

"This section applies, in addition to public highways, to highways under the administration of or maintained by the Ministère des Ressources naturelles."

96. Section 397 of the said Code is amended by adding, at the end, the following:

"This section applies, in addition to public highways, to highways under the administration of or maintained by the Ministère des Ressources naturelles."

97. Sections 413 and 414 of the said Code are repealed.

98. Section 437.1 of the said Code is replaced by the following:

"**437.1.** No person may draw a trailer or semi-trailer without using an adequate coupling device. Furthermore, the lights, braking system, chains, cables and any other safety device on the trailer or semi-trailer must be connected to the towing vehicle and be in proper working condition.

However, the obligations concerning the braking system referred to in the first paragraph do not apply to a tow truck which, on the request of a peace officer or for safety reasons, must move a trailer or semi-trailer that has a damaged braking system to the nearest safe area.

"**437.2.** No person may draw a combination of road vehicles unless, at the request of a peace officer or for safety reasons, the combination of road vehicles must be moved to the nearest safe area."

99. Section 463 of the said Code is amended by replacing "carrier" in the first line of the first paragraph by "operator".

100. Section 468 of the said Code is amended by replacing "owner's expense" in the third line of the first paragraph by "expense of the owner, or of the operator in the case of a heavy vehicle,".

101. Section 469 of the said Code is amended by replacing "carrier" in the second line by "operator of a heavy vehicle".

102. Section 470 of the said Code is repealed.

103. Section 471 of the said Code is amended

(1) by striking out ", interferes with the stability or handling of the vehicle" in the second line of paragraph 2;

(2) by replacing paragraph 3 by the following:

"(3) that is placed, secured or covered in a manner that interferes with the stability or handling of the vehicle;";

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

"(4) that is not placed, secured or covered in accordance with the regulation respecting the securing of loads.";

(4) by adding, at the end, the following:

"Subparagraphs 1, 2 and 3 apply on highways under the administration of or maintained by the Ministère des Ressources naturelles."

104. Section 472 of the said Code is amended by replacing "owner's expense," in the third line of the first paragraph by "expense of the owner or the operator of a heavy vehicle".

105. Section 473 of the said Code is replaced by the following:

"**473.** No owner or lessee of a road vehicle or operator of a heavy vehicle shall allow a road vehicle or combination of road vehicles to be operated if its load or equipment exceeds its width, including the width of its mandatory accessories, or exceeds its length by more than 1 metre at the front or 2 metres at the rear.

However, a special permit may be issued

(1) to authorize equipment or a load of an indivisible nature where the person meets the requirements of a regulation under paragraph 20 of section 621;

(2) to authorize equipment or any load where the person meets the conditions of an authorization by the Minister under section 633.

This section does not apply to road vehicles used to level, clear or mark the roadway when they are being operated for construction or maintenance work on a public highway."

106. Sections 475 and 476 of the said Code are repealed.

107. Section 509 of the said Code is amended by striking out "474," in the fourth line.

108. The said Code is amended by adding, after section 509, the following:

"**509.1.** Every person who contravenes section 474 is guilty of an offence and is liable to a fine of $90 to $270."

109. Section 510 of the said Code is amended

(1) by inserting "437.2," after "437.1," in the second line and by striking out "413," and "471,";

(2) by replacing "section 473, the second paragraph of section 475, or section 497" in the third and fourth lines by "section 473 or 497";

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

"Every driver of a heavy vehicle who contravenes the second paragraph of section 472 is guilty of an offence and is liable to a fine of $350 to $1,050."

110. The said Code is amended by inserting, after section 510, the following:

"**510.1.** Every person who contravenes section 471 is guilty of an offence and is liable to a fine of

(1) $175 to $525 for an offence under paragraph 2 of that section;

(2) $350 to $1,050 for an offence under paragraph 1 or 3 of that section;

(3) $90 to $270, $175 to $525 or $350 to $1,050 for an offence under paragraph 4 of that section and according to the seriousness of the offence as specified by regulation."

111. Section 512 of the said Code is replaced by the following:

"**512.** Every person who contravenes section 327 or 422 or, other than in the case of the driver of a heavy vehicle, the second paragraph of section 468 is guilty of an offence and is liable to a fine of $300 to $600.

Every driver of a heavy vehicle who contravenes the second paragraph of section 468 is guilty of an offence and is liable to a fine of $700 to $2,100."

112. Section 513 of the said Code is replaced by the following:

"**513.** Every driver of a heavy vehicle who contravenes a regulatory provision the violation of which constitutes an offence under paragraph 35 of section 621 is guilty of an offence and is liable to a fine of $90 to $270, $175 to $525 or $350 to $1,050 according to the seriousness of the offence as specified by regulation. Every driver who fails to comply with a condition fixed under section 633 is guilty of an offence and is liable to a fine of $175 to $525.

Every holder of a special permit who contravenes a regulatory provision the violation of which constitutes an offence under paragraph 35 of section 621 is guilty of an offence and is liable to a fine of $175 to $525, $350 to $1,050 or $700 to $2,100 according to the seriousness of the offence as specified by regulation. Every holder who fails to comply with a condition fixed under section 633 is guilty of an offence and is liable to a fine of $350 to $1,050.

However, the fine is

(1) $175 plus $75 per excess metre if the offence is for exceeding the length limit authorized in the special permit;

(2) $175 plus $75 per excess 10 centimetres if the offence is for exceeding the width or height limit authorized in the special permit;

(3) $600 plus $100 per excess 1,000 kg, not counting the first excess 1,000 kg, if the offence is for exceeding the axle load limit or the total loaded mass authorized in the special permit;

(4) an amount corresponding, under section 517.1, to the nature of the offence if a heavy vehicle is stopped on a public highway on which it is not authorized to travel as provided in the special permit, if the vehicle is being operated during the thaw period without special authorization, if the vehicle's configuration is not the configuration described in the special permit or if the vehicle is travelling on a bridge or viaduct on which the heavy vehicle is not authorized to travel according to a sign or signal specifying the limit on the structure.

Every holder of an escort permit who contravenes a regulatory provision the violation of which constitutes an offence under paragraph 20.3 of section 621 is guilty of an offence and is liable to a fine of $175 to $525, $350 to $1,050 or $700 to $2,100 according to the seriousness of the offence as specified by regulation.

The period of validity of a special permit or escort permit for a heavy vehicle in respect of which an offence was committed is suspended for a period of three months if the holder of the permit commits a second offence while the permit is valid. If a subsequent offence is committed during the same period of validity, the permit is suspended for three months, whether or not the vehicles covered by the permit were the subject of proceedings. The right to obtain a special permit or escort permit, for the same or another heavy vehicle is, for the operator, subject to the rules governing a second or subsequent offence.

If an offence relating to axle load or total loaded mass is committed while the vehicle is travelling on a bridge or viaduct where a sign or signal prohibits overweight vehicles, the fines prescribed in this section are doubled."

113. Section 515 of the said Code is repealed.

114. Section 517 of the said Code is replaced by the following:

"**517.** Every driver of a heavy vehicle who contravenes section 464 is guilty of an offence and is liable to a fine of $175 to $525."

115. Section 517.1 of the said Code is replaced by the following:

"**517.1.** Every owner or lessee of an outsized vehicle or, where applicable, every owner or operator of a heavy vehicle who contravenes section 463 is guilty of an offence and is liable to a fine of

(1) $175 plus $75 per excess metre if the vehicle is outsized as to length;

(2) $175 plus $75 per excess 10 centimetres if the vehicle is outsized as to width or height;

(3) $150 to $450 if the vehicle does not conform to its authorized axle load but conforms to its authorized total loaded mass;

(4) $300 to $900 if the vehicle does not conform to its authorized axle load and also does not conform to its authorized total loaded mass;

(5) $300 if the vehicle does not conform to its authorized total loaded mass, plus

(*a*) $50 per excess 1,000 kg, up to 5,000 kg in excess;

(*b*) $75 per excess 1,000 kg, where the excess is between 5,000 kg and 10,000 kg;

(*c*) $100 per excess 1,000 kg, where the excess is greater than 10,000 kg;

(6) twice the amount of the fines under this section, if an offence relating to axle load or total loaded mass is committed while the vehicle is travelling on a bridge or viaduct where a sign or signal prohibits overweight vehicles;

(7) $600 if the vehicle is travelling on a bridge or viaduct where the heavy vehicle is not authorized to travel according to a sign or signal specifying the limit on the structure, plus

(*a*) $100 per excess 1,000 kg, up to 5,000 kg in excess;

(*b*) $150 per excess 1,000 kg, where the excess is between 5,000 kg and 10,000 kg;

(*c*) $200 per excess 1,000 kg where the excess is greater than 10,000 kg."

116. Section 517.2 of the said Code is replaced by the following:

"**517.2.** Where a load considered to be a full load, attributable to a single person who requests transportation of the load, causes a heavy vehicle to be outsized, every person who requested or participated in the arranging of the transportation is guilty of an offence and is liable to a fine of

(1) $175 plus $75 per excess metre if the vehicle is outsized as to length;

(2) $175 plus $75 per excess 10 centimetres if the vehicle is outsized as to width or height;

(3) $300 if the vehicle does not conform to its authorized total loaded mass, plus

(*a*) $50 per excess 1,000 kg, up to 5,000 kg in excess;

(*b*) $75 per excess 1,000 kg, where the excess is between 5,000 kg and 10,000 kg;

(*c*) $100 per excess 1,000 kg, where the excess is greater than 10,000 kg.

Proof of commission of the offence is, in the absence of evidence to the contrary, proof that the offence was committed with the authorization or consent of the person who requested or participated in the arranging of the transportation."

117. Section 518 of the said Code is amended by adding, at the end, the following:

"An owner of a road vehicle must, at the request of the Société or a peace officer, furnish the weighing certificate within 10 days of the request to establish the net mass of the vehicle."

118. Section 519 of the said Code is amended by inserting "or the operator of a heavy vehicle" after "vehicle" in the third line.

119. Title VIII.1 of the said Code is replaced by the following:

"TITLE VIII.1

"SPECIAL RULES RESPECTING OWNERS AND OPERATORS OF HEAVY VEHICLES

"CHAPTER I

"SCOPE

"**519.1.** This Title applies to heavy vehicles and to the owners and operators governed by the Act respecting owners and operators of heavy vehicles.

"CHAPTER II

"OBLIGATIONS OF DRIVERS AND OPERATORS OF HEAVY VEHICLES

"DIVISION I

"OBLIGATIONS OF DRIVERS

"**519.2.** A driver of a heavy vehicle must, in accordance with the standards prescribed by regulation, conduct a pre-departure inspection of the heavy vehicle to be driven and enter all observations of the mechanical condition of the vehicle in the vehicle's inspection report.

However, in the case of a bus, the pre-departure inspection may be conducted by a person responsible for maintenance who is deemed to be the driver within the meaning of sections 519.2 to 519.5.

"**519.3.** A driver must, in accordance with the standards prescribed by regulation, complete and keep up to date the inspection report of the heavy vehicle being driven.

"**519.4.** A driver must keep on board the inspection report of the heavy vehicle being driven.

Only one inspection report for the vehicle being driven shall be kept in the driver's possession and must be surrendered for examination by the driver to any peace officer who so requests.

The report must be returned to the driver after examination.

"**519.5.** A driver who discovers a mechanical defect must report the defect without delay to the persons determined by regulation in the form, with the particulars and in the manner prescribed therein.

"**519.6.** No person shall drive a heavy vehicle which has a major defect discovered during a pre-departure inspection.

"**519.7.** A driver whose driver's licence or class authorizing the driving of a heavy vehicle has been modified, suspended or cancelled must without delay inform the operator, the owner and, where required, any person determined by regulation in the manner prescribed therein.

"**519.8.** A driver of a bus or minibus must distribute and secure freight, express and baggage, other than carry-on baggage, so as to ensure

(1) unrestricted freedom of movement for the driver and proper operation of the bus or minibus by the driver;

(2) unobstructed access by passengers to all exits;

(3) protection of passengers against injury caused by falling or shifting articles transported in the bus or minibus.

"**519.9.** No person shall exceed the number of hours of driving or hours of service prescribed by regulation or the number of hours of driving or hours of service specified in an authorization granted by the Société under section 519.31, or fail to comply with the standards, conditions and procedures established or provided in the regulation or authorization, as the case may be.

"**519.10.** A driver, including a relief driver, must keep a daily log of hours of driving and hours of service in accordance with the terms and conditions prescribed by regulation, and enter all required information therein.

No driver or relief driver shall be in possession of more than one daily log of hours of driving and hours of service.

A driver or relief driver must keep the daily logs and any other document prescribed by regulation in the vehicle. In addition, the driver or relief driver must surrender the daily logs for examination at the request of a peace officer or an inspector appointed under section 519.69. The daily logs as well as any other documents requested must be returned after examination to the driver or relief driver, as the case may be.

"**519.11.** A driver must, at the request of a peace officer or an inspector appointed under section 519.69, surrender the leasing contract or the contract for services.

The peace officer or inspector must return the documents to the driver after examination.

"**519.12.** A peace officer may, for the period corresponding to the number of hours of rest prescribed by regulation, remove the driver's licence from any driver who has exceeded the number of hours of driving or hours of service prescribed by regulation or authorized by the Société, and take possession of the driver's vehicle to have it driven to an appropriate place.

The driver must comply without delay with the directions of the peace officer and may recover the driver's licence in the manner specified by the peace officer.

"**519.13.** A driver of a heavy vehicle must, unless exempted from doing so by regulation or by a sign or signal, stop the heavy vehicle at least five metres from any level crossing and then proceed only after ascertaining that it is safe to proceed.

The Minister of Transport may, by order published in the *Gazette officielle du Québec*, designate certain level crossings at which the driver of a heavy vehicle is not required to stop.

"**519.14.** A driver of a heavy vehicle shall drive the vehicle to a roadside inspection station and facilitate any inspection under this Code when so required by a peace officer or a sign or signal.

"DIVISION II

"OBLIGATIONS OF OPERATORS AND OWNERS

"**519.15.** Heavy vehicles must be maintained in good mechanical order by the owner of the vehicles who must comply with the maintenance standards and the inspection frequency and inspection procedure prescribed by regulation.

An operator must ensure that the driver or person responsible for maintenance conducts the pre-departure inspection of the heavy vehicle for which the operator is responsible.

"**519.16.** An operator must, subject to the conditions and in the manner prescribed by regulation, place only one inspection report in each heavy vehicle for which the operator is responsible.

The operator is also required to ensure that the driver keeps the inspection report on board and records all the information in accordance with the standards prescribed by regulation.

Where the operator is not the owner of the heavy vehicle, the operator must without delay inform the owner of any defect recorded and must forward a copy of the heavy vehicle's inspection report to the owner.

"**519.17.** An owner must correct any defect which is reported to the owner. In the case of a minor defect, the owner must make the necessary repairs or have them made within 48 hours to preserve the right to maintain the vehicle in operation. In the case of a major defect, the vehicle may not be operated.

All repairs must be made in compliance with the maintenance standards prescribed by regulation.

"**519.18.** The owner of a heavy vehicle that is operated by an operator is responsible for obtaining a copy of the inspection report.

"**519.19.** An operator shall not allow a bus or minibus in which freight, express or baggage has not been distributed or secured in conformity with section 519.8 to be operated.

"**519.20.** An owner, operator or any other person who supplies the services of a driver must maintain the records, reports, files and other documents prescribed by regulation.

"**519.21.** An owner who is advised that a notice of defect has been issued by a vehicle manufacturer pursuant to the Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16) must without delay take the necessary measures to have the defect corrected as specified in the manufacturer's directions or to have the vehicle repaired or modified so as to eliminate the defect.

Any minor or major defect listed in the Regulation respecting mechanical inspection and safety standards for road vehicles (R.R.Q., 1981, chapter C-24.1, r.21) constitutes a defect within the meaning of this section.

"**519.22.** An operator is responsible for ensuring that the driver, in accordance with the conditions and in the manner prescribed by regulation,

keeps on board the daily logs of hours of driving and hours of service and any other document prescribed by regulation and that the driver enters therein all the required information.

"**519.23.** Where a driver is exempted by regulation from the requirement to maintain a daily log of hours of driving and hours of service, the operator and any person who supplies the services of a driver must maintain a document in which the operator or person must enter all the information required by regulation.

"**519.24.** An operator is responsible for ensuring that the driver does not exceed the number of hours of driving or the number of hours of service prescribed by regulation or specified in an authorization granted by the Société under section 519.31, and complies with the standards, conditions and procedures established or set out in the regulation or authorization.

The operator is also responsible for ensuring that the driver forwards a copy of the daily logs of hours of driving and hours of service to the operator along with the documents required by regulation in accordance with the standards prescribed by regulation.

"**519.25.** An operator who uses the services of a driver must obtain from the person who supplies the driver the daily logs of the driver's hours of driving and hours of service in the manner prescribed by regulation.

"**519.26.** A person in the business of supplying the services of a driver must transmit to the operator the daily logs of the driver's hours of driving and hours of service in the manner prescribed by regulation.

"**519.27.** An operator is responsible for ensuring that the driver complies with the obligation to drive the vehicle to a roadside inspection station as provided in section 519.14.

"**519.28.** Where it is found by a peace officer that a regulation relating to the transportation of dangerous substances has been contravened, the peace officer may order that the vehicle be driven to an appropriate place and detained at the expense of the operator until the operator or the owner of the vehicle or of its load complies with the provisions of the regulation.

The driver must immediately comply with that order.

The vehicle and its load remain the responsibility of the operator, the owner of the vehicle or of the load, as the case may be.

"**519.29.** In a proceeding for an offence under this Title or under the second paragraph of section 145, proof that the offence was committed by an agent, a mandatary or an employee of an owner or operator is sufficient to establish that the offence was also committed by the owner or operator unless it is established by the owner or operator that due care was exercised by the

taking of all necessary measures to ensure compliance with this Act or a regulation.

"CHAPTER III

"POWERS AND OBLIGATIONS OF THE SOCIÉTÉ

"**519.30.** The Société may appoint, subject to the conditions it determines, an operator or heavy-vehicle driving school to administer the qualification examinations, except medical examinations, required for the issue of a class of licence authorizing the driving of a heavy vehicle.

"**519.31.** The Société may, within the framework of a fatigue management program prescribed by regulation or in the cases and on the conditions prescribed by any other regulation, grant to an operator who applies therefor an authorization to increase the number of hours of driving or hours of service of drivers to a number that is greater than the number prescribed by regulation, and specify therein standards, conditions and procedures other than those prescribed by regulation.

The Société shall grant such an authorization for a determined number of hours only.

"CHAPTER IV

"PENAL PROVISIONS

"**519.32.** Every person who contravenes a section of this Code to which a provision of this chapter applies is liable only to the fine imposed under this chapter.

"**519.33.** Every driver of a heavy vehicle that does not meet the requirements of any of sections 212, 213, 215 to 223, 225, 228, 234, the first paragraph of section 235, any of sections 236, 237, 254, 258, 261 to 265, 269, 270, 272 or 273 is guilty of an offence and is liable to a fine of $90 to $270.

Every owner or operator who operates or permits the operation of a heavy vehicle that does not meet the requirements of any of the sections referred to in the first paragraph is guilty of an offence and is liable to a fine of $175 to $525.

Every driver of a heavy vehicle that does not meet the requirements of section 441 is guilty of an offence and is liable to a fine of $150 to $450.

Every owner or operator who operates or permits the operation of a heavy vehicle that does not meet the requirements of section 441 is guilty of an offence and is liable to a fine of $300 to $900.

"**519.34.** Every driver of a heavy vehicle who contravenes any of sections 240.1, 274, 437.1, 437.2 and 519.8 is guilty of an offence and is liable to a fine of $175 to $525.

Every driver who contravenes section 519.12 or 519.28 is guilty of an offence and is liable to a fine of $700 to $2,100.

Every operator who contravenes any of sections 274, 437.1, 437.2 and 519.19 is guilty of an offence and is liable to a fine of $350 to $1,050.

"**519.35.** Every driver of a heavy vehicle who contravenes section 519.5 is guilty of an offence and is liable to a fine of $175 to $525 if the driver fails or refuses to report a minor defect and to a fine of $350 to $1,050 if the driver fails or refuses to report a major defect.

"**519.36.** Every driver of a heavy vehicle that has not been registered as required under section 6, 7 or 8 is guilty of an offence and is liable to a fine of $125 to $375.

Every owner who operates or permits the operation of a heavy vehicle that does not meet the requirements of any of the sections referred to in the first paragraph is guilty of an offence and is liable to a fine of $250 to $750.

"**519.37.** Every driver of a heavy vehicle who contravenes section 474 is guilty of an offence and is liable to a fine of $175 to $525.

Every operator who contravenes section 474 is guilty of an offence and is liable to a fine of $350 to $1,050.

"**519.38.** Every driver of a heavy vehicle who contravenes section 248 or 519.3 by failing to maintain a pre-departure inspection report for the driver's vehicle is guilty of an offence and is liable to a fine of $175 to $525.

"**519.39.** Every driver of a heavy vehicle and every person responsible for maintenance who contravenes section 519.2 by not making the pre-departure inspection or by not recording observations, section 519.3 by not filling out the pre-departure inspection report, section 519.4 by not keeping the pre-departure inspection report in the vehicle or by being in possession of more than one such report or refusing to surrender it to a peace officer for examination, or section 519.9 or 519.14 is guilty of an offence and is liable to a fine of $350 to $1,050.

"**519.40.** Every owner who operates or permits the operation of a heavy vehicle carrying a registration plate for a class other than that vehicle's class, or who operates or permits the operation of a heavy vehicle registered for a use other than the use being made of the vehicle, or every driver who drives a heavy vehicle carrying a registration plate issued for another vehicle is guilty of an offence and is liable to a fine of $250 to $750.

"**519.41.** Every owner who contravenes section 266 or 268 is guilty of an offence and is liable to a fine of $175 to $525.

Every owner or operator who contravenes any of sections 214, 239, 240.1 and 260 or who permits the operation of a heavy vehicle that does not meet the requirements of section 423 is guilty of an offence and is liable to a fine of $350 to $1,050.

"**519.42.** Every owner or operator who, notwithstanding proper notification in accordance with section 519.7, permits a heavy vehicle to be operated by a driver to whom that section applies is guilty of an offence and is liable to a fine of $700 to $2,100 if the driver of the vehicle is liable to the fine under sections 143 and 144.

"**519.43.** Every person who supplies the services of a driver and every operator who contravenes section 519.23 is guilty of an offence and is liable to a fine of $700 to $2,100.

Every owner or operator who contravenes the second paragraph of section 531 or section 532 is guilty of an offence and is liable to a fine of $350 to $1,050.

"**519.44.** Every driver who contravenes section 519.10 or 519.11 is guilty of an offence and is liable to a fine of $350 to $1,050.

Every operator who contravenes section 519.22 is guilty of an offence and is liable to a fine of $700 to $2,100.

Every person who contravenes section 519.26 is guilty of an offence and is liable to a fine of $700 to $2,100.

"**519.45.** Where false or inaccurate information is entered in a daily log referred to in section 519.10, the following persons are guilty of an offence and are liable to the following fines:

(1) $350 to $1,050 in the case of a driver of the heavy vehicle;

(2) $700 to $2,100 in the case of an operator of the heavy vehicle;

(3) $700 to $2,100 in the case of a person referred to in section 519.26 who supplies the services of a driver.

"**519.46.** Every owner who contravenes section 519.21 is guilty of an offence and is liable to a fine of $350 to $1,050 if the heavy vehicle in respect of which a notice was given has a minor defect, and to a fine of $700 to $2,100 if the heavy vehicle has a major defect.

"**519.47.** Every owner or operator who contravenes section 519.17 is guilty of an offence and is liable to a fine of

(1) $350 to $1,050 if the owner or operator permitted the heavy vehicle to be operated with a minor defect after 48 hours;

(2) $700 to $2,100 if the owner or operator permitted the heavy vehicle to be operated with a major defect.

"**519.48.** Every owner or operator who operates or permits the operation of a heavy vehicle that does not meet the requirements of section 34 or who operates a vehicle to which a validation sticker issued for another vehicle has been affixed is guilty of an offence and is liable to a fine of $250 to $750.

Every owner or operator who attaches to a heavy vehicle a registration plate issued for another vehicle or who operates or permits the operation of a heavy vehicle carrying a registration plate issued for another vehicle is guilty of an offence and is liable to a fine of $500 to $1,500.

Every owner or operator who contravenes section 519.15 is guilty of an offence and is liable to a fine of $700 to $2,100.

"**519.49.** Every driver of a heavy vehicle that does not meet the requirements of section 229 is guilty of an offence and is liable to a fine of $350 to $1,050.

"**519.50.** Every driver who contravenes any of sections 519.6, 519.7 or 519.14 is guilty of an offence and is liable to a fine of $350 to $1,050.

"**519.51.** Every operator who contravenes section 519.27 is guilty of an offence and is liable to a fine of $700 to $2,100.

Every owner who contravenes section 519.18 or 534 is guilty of an offence and is liable to a fine of $700 to $2,100.

"**519.52.** Every operator who contravenes the second paragraph of section 519.16 is guilty of an offence and is liable to a fine of $350 to $1,050.

Every operator who contravenes the first or third paragraph of section 519.16 is guilty of an offence and is liable to a fine of $700 to $2,100.

Every owner or operator who operates or permits the operation of a heavy vehicle whose braking system has been modified or altered in such a way as to reduce its effectiveness or who contravenes any of sections 473, 523, 538 and 539 is guilty of an offence and is liable to a fine of $700 to $2,100. In the case of an offence under section 471, the fine for which such an owner or operator is liable is

(1) $350 to $1,050 for an offence under paragraph 2 of section 471;

(2) $700 to $2,100 for an offence under paragraph 1 or 3 of that section;

(3) $175 to $525 for an offence under paragraph 4 of that section.

Every person who supplies the services of a driver and every owner or operator who contravenes section 519.20 is guilty of an offence and is liable to a fine of $700 to $2,100.

"**519.53.** Every operator who contravenes section 519.24 or 519.25 is guilty of an offence and is liable to a fine of $700 to $2,100.

"**519.54.** In the case of an offence under the Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 (1988, G.O. 2, 2082), every person who requested or participated in the arranging of the transportation is guilty of an offence and is liable to a fine of $700 to $2,100."

120. Section 519.64 of the said Code is amended by replacing ", under this Title," in the second line by "under this Title, for the application of the Act respecting owners and operators of heavy vehicles and".

121. Section 519.65 of the said Code is amended by striking out paragraph 1.

122. Section 519.67 of the said Code is amended by inserting ", of the Act respecting owners and operators of heavy vehicles" after "Code" in the fourth line.

123. Section 519.69 of the said Code is amended

(1) by replacing "of Title VIII.1, this Title" in the third line of the first paragraph by "of this Code, the Act respecting owners and operators of heavy vehicles";

(2) by adding, at the end of the first paragraph, the following: "and sections 96 and 186 of the Automobile Insurance Act".

124. Section 519.70 of the said Code is amended

(1) by replacing "of a carrier referred to in Title VIII.1" in the first and second lines of subparagraph 1 of the first paragraph by "of a person to whom a legislative provision governing the operation of a heavy vehicle applies or of an owner or operator of a heavy vehicle";

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

"(3) inspect any heavy vehicle and, for such purpose, order the immobilization of the vehicle if necessary, enter it, examine the registers and records referred to in subparagraph 2, open or cause to be opened any container or recipient and cause, if necessary, a vehicle that is not in storage or waiting to be repaired to be submitted to a mechanical inspection;";

(3) by replacing "Title VIII.1 and" in the first line of subparagraph 4 of the first paragraph by "this Code and the".

125. Section 519.73 of the said Code is amended by inserting "acting under this Code or an Act under the responsibility of the Société pursuant to section 519.64" after "duties" in the second line.

126. Section 519.75 of the said Code is amended by replacing "certificate" in the third line by "permit or certificate for occasional trips".

127. Section 519.77 of the said Code is replaced by the following:

"**519.77.** Every person who contravenes the second paragraph of section 519.67.1, the second paragraph of section 519.70 or section 519.73 is guilty of an offence and is liable to a fine of $700 to $2,100.

"**519.78.** Every person who contravenes section 519.75 is guilty of an offence and is liable to a fine of $500 to $1,500."

128. Section 521 of the said Code is amended

(1) by replacing paragraph 5 by the following:

"(5) vehicles having a net mass in excess of 3,000 kg, except motor homes, house trailers, tool vehicles and farm trailers, farm machinery as well as construction trailers and farm trailers defined by regulation;";

(2) by adding the following:

"Paragraphs 10 and 10.1 apply to vehicles being operated on highways under the administration of or maintained by the Ministère des Ressources naturelles, on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed."

129. Section 532 of the said Code is amended by striking out the second paragraph.

130. The said Code is amended by inserting, after section 538, the following:

"**538.0.1.** The Société may revoke, for a period of two years, the certificate of competency referred to in section 543.3.1 of any mechanic who issues a certificate of mechanical inspection without being authorized to do so by the Société in accordance with section 520."

131. Section 543.2 of the said Code is amended by inserting "periodic" before "mechanical" in the first line.

132. The said Code is amended by inserting, after section 543.3, the following:

"**543.3.1.** The Société, or a mandatary designated by the Société, shall issue a certificate of competency in the cases determined by regulation to any mechanic assigned to the preventive maintenance of road vehicles who has passed the examination established or recognized by the Société.

"**543.3.2.** The Société may exempt an owner of a road vehicle who files an application pursuant to section 543.2 from the requirement to comply with the minimum standards pertaining to the qualifications of mechanics assigned to the maintenance of road vehicles.

The Société may refuse such an exemption if, in the Société's opinion, mechanics do not have qualifications equivalent to those required for a certificate of competency to be issued."

133. The said Code is amended by inserting, after section 545.1, the following:

"**545.2.** Every person who contravenes section 543 is guilty of an offence and is liable to a fine of $250 to $750."

134. Section 546 of the said Code is replaced by the following:

"**546.** Every person who contravenes the first paragraph of section 523 or any of sections 534, 538, 538.1 or 539 is guilty of an offence and is liable to a fine of $300 to $600.

Every driver of a heavy vehicle who contravenes section 523 or 534 is guilty of an offence and is liable to a fine of $350 to $1,050."

135. Section 546.0.1 of the said Code is amended by replacing "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," in the third, fourth and fifth lines by "or to a fine of $350 to $1,050 or of $700 to $2,100 if Title VIII.1 applies to the owner,".

136. Section 546.0.2 of the said Code is amended by replacing "or to a fine of $300 to $600 if the owner is a carrier within the meaning of section 519.2" in the third and fourth lines by "or to a fine of $350 to $1,050 if Title VIII.1 applies to the owner".

137. Section 546.0.3 of the said Code is replaced by the following:

"**546.0.3.** Every owner to whom Chapter I.1 of Title IX applies who contravenes section 543.6 is guilty of an offence and is liable to a fine of $300 to $600 or, in the case of an owner of a heavy vehicle, to a fine of $700 to $2,100."

138. Section 546.0.4 of the said Code is amended by replacing "$600 to $2,000" in the second and third lines by "$700 to $2,100".

139. Section 550 of the said Code is amended by replacing "and 519.61" in the first paragraph by ", 519.61 and 538.0.1 or the second paragraph of section 543.3.2".

140. Section 560 of the said Code is amended by replacing "and 519.61" in paragraph 2 by ", 519.61 and 538.0.1 or the second paragraph of section 543.3.2".

141. Section 587.1 of the said Code is amended

(1) by inserting "every statement issued and of" after "Société of" in the third line;

(2) by replacing "a carrier or driver relating to the use of a bus or commercial vehicle having a net mass of more than 3,000 kg" in the fourth and fifth lines by "an owner or operator to which Title VIII.1 applies or of a driver in relation to the operation of a heavy vehicle".

142. Section 596.1 of the said Code is amended by adding, at the end, the following:

"Any person who fails to furnish to an owner or operator of heavy vehicles or who furnishes false or misleading or erroneous information, the knowledge or truth of which would have prevented an offence under this Code is liable to the same fine as the offender, whether or not the offender has been prosecuted or convicted."

143. Section 609 of the said Code is amended by replacing "a carrier or a driver working for the carrier under their authority" in the second and third lines of the second paragraph by "an owner or operator of a heavy vehicle or a driver under their responsibility, who is under the authority of those persons, departments or agencies".

144. Section 621 of the said Code is amended

(1) by replacing "bus, a minibus or a commercial vehicle" in the third line of paragraph 12 by "heavy vehicle or of a motor vehicle whose weight is 3,000 kg or less";

(2) by adding, at the end of paragraph 12.0.1, ", "home base", "sleeper berth" and "daily logs"";

(3) by replacing "a carrier" in the second line of paragraph 12.0.2 by "an operator";

(4) by replacing paragraph 12.1 by the following:

"(12.1) prescribe the manner, the form, the content and the rules for the retention of the daily log of hours of driving and hours of service to be

maintained by a driver of a heavy vehicle or any other document required under a fatigue management program;";

(5) by replacing paragraph 12.2 by the following:

"(12.2) determine, subject to the conditions it determines, in what cases a driver of a heavy vehicle is partially or totally exempted from the obligation of keeping a daily log of hours of driving and hours of service and from the obligation of retaining the daily logs as well as any other document concerning the trip in the driver's possession while the driver is operating the vehicle or is at work;";

(6) by inserting, after paragraph 12.2, the following:

"(12.3) determine the standards, conditions and manner of implementing a fatigue management program;";

(7) by adding, at the end of paragraph 20.3, the following: "and indicate for each offence the minimum and the maximum amounts of the fine to which the offender is liable";

(8) by inserting, at the end of paragraph 23, the following: "and indicate, for each offence, the minimum and maximum amounts to which the offender is liable, according to the seriousness of the offence, namely $100 to $200, or $300 to $600 for an owner to whom Chapter I.1 of Title IX applies or $350 to $1,050 or $700 to $2,100 if Title VIII.1 applies to the owner";

(9) by inserting, after paragraph 25, the following:

"(25.1) define, for the purposes of the safety standards for road vehicles, classes and subclasses of road vehicles other than those provided for in this Code;";

(10) by adding, at the end of subparagraph *d* of paragraph 32.1, the following: "and the cases in which they must be holders of a certificate of competency issued pursuant to section 543.3.1;";

(11) by replacing "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" in the fourth and fifth lines of paragraph 32.8 by "according to the seriousness of the offence, namely $100 to $200, or $300 to $600 for an owner to whom Chapter I.1 of Title IX applies, or $350 to $1,050 or $700 to $2,100 if Title VIII.1 applies to the owner";

(12) by adding, at the end of paragraph 35, the following: "and indicate, for each offence, the minimum and the maximum amounts of the fine to which the offender is liable";

(13) by replacing "motor vehicles that are subject to Title VIII.1" in the first and second lines of paragraph 37 by "heavy vehicles" and by replacing "carriers" in the third line by "owners";

(14) by replacing paragraph 38 by the following:

"(38) prescribe standards for the pre-departure inspection of a heavy vehicle referred to in section 519.2, and exempt certain drivers, owners and operators from making the inspection in the cases it indicates;";

(15) by replacing paragraph 39 by the following:

"(39) determine the form, content and rules for the retention of the reports, daily logs, files or other documents referred to in Title VIII.1 and exempt certain owners, operators or persons who supply the services of a driver from retaining them in the cases it indicates;";

(16) by inserting, after paragraph 39, the following:

"(39.1) fix the manner in which the daily logs must be transmitted to the operator by a person offering the services of a driver;";

(17) by replacing paragraph 40 by the following:

"(40) determine the form, content and rules for the retention of the inspection report referred to in section 519.3 and exempt certain drivers from making the report in the cases it indicates;";

(18) by inserting, after paragraph 40, the following:

"(40.1) determine the persons who must be informed of a mechanical defect found on a heavy vehicle and the form and content of the report referred to in section 519.5 and the manner of making the report;";

(19) by striking out paragraph 41;

(20) by replacing "motor" in the second line of paragraph 42 by "heavy";

(21) by inserting, after paragraph 42, the following:

"(42.1) exempt certain heavy vehicles from the obligation of stopping at a level crossing;";

(22) by striking out paragraph 43;

(23) by replacing "a carrier" in the first line of paragraph 44 by "an operator or any other person it determines" and by replacing "motor vehicle subject to Title VIII.1" in the third line by "heavy vehicle";

(24) by striking out paragraph 48.

145. Section 622 of the said Code is amended

(1) by replacing "to a person who requests the transportation of dangerous substances" in the second and third lines of subparagraph 7 of the first paragraph by "to a person who offers a dangerous substance for transport, to an owner or operator of a heavy vehicle, to a carrier or to a driver of a vehicle that transports dangerous substances";

(2) by replacing subparagraph 8 of the first paragraph by the following:

"(8) determine, among the provisions of a regulation under this section, those the violation of which constitutes an offence and prescribe for each offence the minimum and maximum amounts to which the following persons are liable:

(*a*) the person who offers dangerous substances for transport, the owner or the operator of the heavy vehicle or the carrier of dangerous substances, each amount to be from $175 to $525, $350 to $1,050 or $700 to $2,100, according to the seriousness of the offence;

(*b*) the driver of the vehicle that transports dangerous substances, each amount to be from $90 to $270, $175 to $525 or $350 to $1,050, according to the seriousness of the offence."

146. Section 626 of the said Code is amended by inserting ", where the law so authorizes, by" after "by by-law or" in the first line.

147. Section 627 of the said Code is amended

(1) by inserting ", where the law so authorizes, every" after "every by-law, resolution or" in the second line of the first paragraph;

(2) by striking out "to by-laws, resolutions or ordinances passed or issued under section 293.1, or" in the first and second lines of the second paragraph.

148. Section 636 of the said Code is amended by inserting "and the Act respecting owners and operators of heavy vehicles" after "Code" in the second line.

149. Section 636.1 of the said Code is amended by inserting "on highways under the administration of or maintained by the Ministère des Ressources naturelles," after "applies" in the first line of the second paragraph.

150. Section 636.2 of the said Code is amended

(1) by inserting "the Act respecting owners and operators of heavy vehicles," after "Code" in the second line;

(2) by inserting "under the Act respecting owners and operators of heavy vehicles," after "Code" in the fourth line;

(3) by replacing "its owner's expense" in the seventh and eighth lines by "the expense of the owner or operator of a heavy vehicle, as the case may be".

151. Section 643.2 of the said Code is amended by adding, after the first paragraph, the following:

"Every driver of a heavy vehicle who contravenes section 636 is guilty of an offence and is liable to a fine of $700 to $2,100."

152. Section 645.1 of the said Code is repealed.

153. Article 158.1 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by replacing "is imputable to the owner or lessee of a commercial vehicle or bus within the meaning of the Highway Safety Code (chapter C-24.2) or to a carrier as defined in article 519.2 of that Code," in the first, second and third lines of the first paragraph by "under the Highway Safety Code (chapter C-24.2) or the Act respecting owners and operators of heavy vehicles (1998, chapter 40) is imputable to the owner or operator of a heavy vehicle within the meaning of that Act,".

154. Section 1 of the Transport Act (R.S.Q., chapter T-12) is amended by inserting "and except where the Commission acts under the Act respecting owners and operators of heavy vehicles (1998, chapter 40)" after "Within the meaning of this Act" in the first line of the second paragraph.

155. Section 2 of the said Act is amended by striking out the third paragraph.

156. Section 5 of the said Act is amended

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

"(*n*) determine the requirements applicable to estimates, contracts, bills of lading and shipping documents in the case of a carrier or any person to whom the Act respecting owners and operators of heavy vehicles applies;";

(2) by adding, after paragraph *q*, the following:

"(*r*) determine, among the provisions of a regulation under this section, those the violation of which constitutes an offence and prescribe for each offence the minimum and maximum amounts to which the offender is liable, namely from $125 to $375, $250 to $750 or $500 to $1,500, according to the seriousness of the offence and, where applicable, whether the offender is an owner or operator of heavy vehicles, a transport service intermediary, a carrier, a driver or a broker;

"(s) determine the offences under this Act or a regulation thereunder for which a 72-hour notice may be issued."

157. Section 17.2 of the said Act is amended by adding, at the end, the following:

"A decision containing an error in writing or in calculation or any other clerical error may be corrected by the Commission."

158. Section 34.1 of the said Act is amended by striking out the second paragraph.

159. Section 35 of the said Act is amended by inserting, at the end, the following:

"This section does not apply to a person subject to the Act respecting owners and operators of heavy vehicles."

160. Section 36 of the said Act is amended by adding, at the end, the following:

"In addition, this section does not operate to require an owner or operator of heavy vehicles, within the meaning of the Act respecting owners and operators of heavy vehicles, to obtain a permit under this Act except to the extent provided for therein."

161. Section 48 of the said Act is amended by adding, at the end, the following:

"The Commission has all the powers necessary to publish, cause to be published at the expense of the person it designates or make public by any other means any decision or notice required under this Act or the Act respecting owners and operators of heavy vehicles."

162. Section 49.2 of the said Act is amended

(1) by inserting "and on public highways as well as roads open to public vehicular traffic" after "duties," in the second line of the second paragraph;

(2) by striking out "operated on a public highway" in the first and second lines of subparagraph 3 of the second paragraph.

163. Section 73 of the said Act is amended by replacing "$325" and "$1 400" in the second line by "$700" and "$2,100", respectively.

164. Section 74 of the said Act is amended

(1) by inserting "section 42, the second paragraph of section 47.4 or" in the first line after "contravenes";

(2) by replacing "$75 nor more than $700 in the case of a natural person, and of not less than $75 nor more than $1 400 in the case of an artificial person, for a first offence, and of not less than $325 nor more than $1 400 in the case of a natural person, and of not less than $1 125 nor more than $7 000 in the case of an artificial person for each second or subsequent conviction" in the sixth, seventh, eighth, ninth, tenth and eleventh lines by "$125 nor more than $375 for a first offence, and of not less than $250 nor more than $750 for a second or subsequent offence".

165. Section 74.1 of the said Act is replaced by the following:

"**74.1.** Every person who contravenes section 36, the first paragraph of section 36.1 or section 43 is guilty of an offence and is liable for each day or part of a day during which the offence continues, to a fine of not less than $500 nor more than $1,500 for a first offence, and of not less than $1,500 nor more than $2,500 for a second or subsequent offence.

"**74.1.1.** Every person who contravenes any of sections 36.2, 42 and 47.3 or the first paragraph of section 47.4 is guilty of an offence and is liable, for each day or part of a day during which the offence continues, to a fine of not less than $250 nor more than $750 for a first offence, and of not less than $750 nor more than $2,250 for a second or subsequent offence."

166. Section 74.2 of the said Act, amended by chapter 8 of the statutes of 1998, is again amended by replacing "74" by "74.1.1".

167. Section 74.2.1 of the said Act is amended by replacing "$200 nor more than $300" in the second line by "$250 nor more than $750".

168. Section 74.2.2 of the said Act is amended by replacing "$30 nor more than $60" in the second line by "$250 nor more than $750".

169. Section 74.2.3 of the said Act is amended by replacing "$100 nor more than $200" in the second and third lines by "$250 nor more than $750".

170. Section 74.2.4 of the said Act is amended by replacing "$300 nor more than $600" in the second line by "$250 nor more than $750".

171. Section 80 of the said Act is amended by adding, at the end of the second paragraph, the following: ", at the owner's expense".

172. Schedule IV to the Act respecting administrative justice (1996, chapter 54) is amended by adding, at the end, the following:

"(29) section 26 of the Act respecting owners and operators of heavy vehicles."

173. The experimental preventive maintenance programs certified by the Société de l'assurance automobile before (*insert here the date of coming into*

force of section 543.4 of the Highway Safety Code enacted by section 106 of chapter 56 of the statutes of 1996) are exempted from the certification under Chapter I.1 of Title IX of the Highway Safety Code but are subject to the other provisions of that chapter and to the regulatory provisions made for the application of the programs.

Programs in respect of which no decision on an application for certification has been made before the date mentioned in the first paragraph are subject to the provisions of that chapter.

174. The Commission shall, beginning on 1 August 1998 and on the basis of the information held by it as well as the information held by the Société, notify owners and operators of the rules prescribed by this Act.

Where the Commission is of the opinion that the information held by it is sufficient for it to make a decision and assign a rating of "satisfactory", the Commission shall notify the person concerned that the person will be registered accordingly as of 1 April 1999 and that the person will be assigned a rating of "satisfactory" so long as the person's situation remains unchanged.

Where the Commission is of the opinion that the information held by it is insufficient or would lead to a refusal or a declaration of disqualification, the Commission shall notify the person concerned and invite the person to make an application or to appear for a meeting before 1 April 1999.

175. Within 30 days of the date of a notice under the second paragraph of section 174, the person concerned must pay the registration fees fixed and send to the Commission the information required under the second paragraph of section 7 of the Act respecting owners and operators of heavy vehicles. Where the person fails to do so, the registration under section 174 is without effect.

176. For the purposes of section 174, the Commission may consider the information entered in a carrier's file under the Regulation respecting carriers' demerit points made by Order in Council 672-88 (1988, G.O. 2, 1988).

177. Every regulation made under a provision of the Highway Safety Code or the Transport Act that is replaced or amended by a provision of this Act shall remain in force until it is replaced, amended or repealed.

178. The first regulations made under section 3, the second paragraph of section 4, section 6, the second paragraph of section 13 and sections 14 and 23 of the Act respecting the owners and operators of heavy vehicles, the new provisions of the Highway Safety Code and of the Transport Act enacted by this Act are not subject to the publication requirement in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

179. Notwithstanding section 54 and until the Government, by order, prohibits the privilege or imposes terms and conditions for the maintenance of the privilege, a person who, on the date of coming into force of this section,

(1) was a person to whom section 124 of the repealed Act applied, may continue, where applicable, to benefit from the privilege conferred by sections 12.77 and 12.78 of Regulation 12 respecting bulk trucking continued by section 68 of the Regulation respecting bulk trucking (R.R.Q., c. T-12, r.3);

(2) was the holder of a trucking licence under the repealed Act continues to be authorized to transport, throughout Québec, wood for veneer and timber sawn across the grain or along the grain.

Section 54 shall not be construed as prohibiting a person from transporting a matter the person would have been authorized to transport under the repealed Act on the date of its repeal.

180. Sections 19 to 30 and Schedule II to the Trucking Regulation made by Order in Council 47-88 (1988, G.O. 2, 659), notwithstanding section 54 of this Act, shall remain in force until they are replaced by a regulation made under paragraph *n* of section 5 of the Transport Act. Contravention of a provision of that regulation is punishable as provided in section 74 of the Transport Act.

181. The Minister shall, on or before 20 June 2001, make a report to the Government on the implementation of this Act and the advisability of maintaining it in force and, if necessary, of amending it.

The report shall be tabled before the National Assembly within the following 15 days or, if the Assembly is not sitting, within 15 days of resumption.

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

183. The provisions of this Act come into force on the date or dates to be fixed by the Government.

Coming into force of Acts

Gouvernement du Québec

O.C. 985-98, 21 July 1998

An Act respecting owners and operators of heavy vehicles (1998, c. 40)
— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting owners and operators of heavy vehicles

WHEREAS the Act respecting owners and operators of heavy vehicles (1998, c. 40) was assented to on 20 June 1998;

WHEREAS under section 183 of the Act, its provisions will come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 21 July 1998 as the date of coming into force of sections 1 to 4, 6 to 14, 19, 20, 22 to 46, 48, 49, 51, 54, paragraph 1 of section 55, paragraph 2 of section 55 as regards the definition of the word "tool vehicle", sections 58, 59, 62, 65, 66, 69, 71 to 76, 78, 79, 94, 117, 120 to 123, 125, 126, paragraph 1 of section 128, paragraphs 7, 8 and 12 of section 144, sections 146 to 148, paragraphs 1 and 2 of section 150, and sections 154 to 162, 171, 172, 174 to 182 of the Act;

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

THAT 21 July 1998 be fixed as the date of coming into force of sections 1 to 4, 6 to 14, 19, 20, 22 to 46, 48, 49, 51, 54, paragraph 1 of section 55, paragraph 2 of section 55 as regards the definition of the word "tool vehicle", sections 58, 59, 62, 65, 66, 69, 71 to 76, 78, 79, 94, 117, 120 to 123, 125, 126, paragraph 1 of section 128, paragraphs 7, 8 and 12 of section 144, sections 146 to 148, paragraphs 1 and 2 of section 150, and sections 154 to 162, 171, 172, 174 to 182 of the Act respecting owners and operators of heavy vehicles (1998, c. 40).

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 965-98, 21 July 1998

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Hunting
— Amendments

Regulation to amend the Regulation respecting hunting

WHEREAS under paragraphs 9 and 18 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) amended by section 22 of Chapter 29 of the Statutes of 1998, the Government may, in addition to the other regulatory powers conferred on it by the Act, make regulations respecting the matters set forth therein;

WHEREAS by Order in Council 1383-89 dated 23 August 1989, the Government made the Regulation respecting hunting;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation to amend the Regulation respecting hunting was published in Part 2 of the *Gazette officielle du Québec* of 13 May 1998 with a notice that upon the expiry of 45 days following that publication it could be made by the Government;

WHEREAS under section 18 of that Act, a regulation may come into force within a shorter time period than that provided for in section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, the reason justifying such coming into force shall be published with the Regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such coming into force:

— it is important to determine as soon as possible the conditions that must be fulfilled by a person wishing to obtain the new hunting licence for white-tailed deer and deer without antlers, which shall be available on 1 August 1998;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting hunting with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Regulation to amend the Regulation respecting hunting, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting hunting(*)

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, pars. 9 and 18;
1998, c. 29, s. 22)

1. The Regulation respecting hunting is amended by substituting the following for subparagraph 4 of the first paragraph of section 22:

"(4) each of the licences provided for in paragraphs *a* and *c* or the licence provided for in paragraph *d* of section 2 of Schedule I;

(4.1) each of the licences provided for in sections 3 to 8 of Schedule I;".

2. Section 27 is amended

(1) by striking out "hunting by shooting an animal found on a public road or shooting towards or across such a road in areas 5 and 6 and in the parts of area 22 described in Schedules VII and XVII during the caribou hunting season provided for in section 2 of Schedule III for those parts of territory is prohibited; shooting an animal from a public road is also prohibited, including the 10-metre strip on each side of the right-of-way, is also prohibited in areas 5 and 6;" in the first paragraph;

(*) The Regulation respecting hunting, made by Order in Council 1383-89 dated 23 August 1989 (1989, G.O. 2, 3731) was last amended by the Regulation made by Order in Council 538-98 dated 22 April 1998 (1998, *G.O.* 2, 1644). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

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

"No person who is hunting may shoot an animal found on a public road or towards or across such a road in areas 5 and 6 and in the parts of area 22 described in Schedules VII and XVIII during the caribou hunting season provided for in section 2 of Schedule III for those parts of the territory. No person may shoot an animal from a public road, including the 10-metre strip on each side of the right-of-way, in areas 5 and 6.".

3. This Regulation comes into force on 1 August 1998.

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Gouvernement du Québec

O.C. 966-98, 21 July 1998

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Development of wildlife
— Scale of fees and duties
— Amendments

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

WHEREAS under paragraphs 10, 10.1 and 16 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) amended by section 22 of Chapter 29 of the Statutes of 1998, in addition to the other regulatory powers conferred on it by the Act, the Government may make regulations respecting the matters set forth therein;

WHEREAS by Order in Council 1291-91 dated 18 September 1991, the Government made the Regulation respecting the scale of fees and duties related to the development of wildlife;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the provisions of sections 1 and 4 of the draft Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife were published in Part 2 of the *Gazette officielle du Québec* of 13 May 1998 with a notice that upon the expiry of a 45-day period following that publication, they could be made by the Government;

WHEREAS the provisions of sections 2 and 3 of the Regulation attached to this Order in Council have been added since that publication;

WHEREAS under section 12 of the Regulations Act, a proposed regulation may be made without having been published, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force within a period shorter than that provided for in section 17 of that Act if the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of publication of the provisions of sections 2 and 3 of the Regulation and such coming into force for every provision of the Regulation:

— it is important to determine as soon as possible the fees exigible for the new hunting licence for white-tailed deer and deer without antlers, which must be available on 1 August 1998 as well as for the registration of big game whose hunting seasons begin on that same date for several species;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife (*)

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, pars. 10, 10.1 and 16; 1998, c. 29, s. 22)

1. The Regulation respecting the scale of fees and duties related to the development of wildlife is amended by inserting the following after subparagraph *c* of paragraph 1 of section 14:

" (*c*.1) white-tailed deer elsewhere than in Area 20 and white-tailed deer, female or male whose antlers measure less than 7 cm valid for the southern part of Area 5, 6 or 8 $3.25; ".

2. The following is inserted after Division VI:

"**DIVISION VI.I**
REGISTRATION

14.1 The fees exigible upon registration of an animal are determined as follows:

(1) Caribou	$5.00
(2) White-tailed deer	$5.00
(3) Moose	$5.00
(4) Black bear	$5.00".

3. Section 15 is amended by substituting ", the amounts of the minimum annual rents in section 12 and the fees exigible for the registration of an animal in section 14.1" for the words "and the amounts of the minimum annual rents in section 12" in the first paragraph.

4. Schedule I is amended by inserting the following after paragraph *b* of section 2:

"

Section	Column I Type of licence	Column II Annual fee
2	*(c)* Elsewhere than in Area 20 and white-tailed deer, female or male whose antlers measure less than 7 cm valid for the southern part of Area 5, 6 or 8 for a resident	$44.78

".

5. This Regulation comes into force on 1 August 1998.

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* The Regulation respecting the scale of fees and duties related to the development of wildlife made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908) was last amended by Order in Council 308-98 dated 18 March 1998 (1998, *G.O.* 2, 1362). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

Gouvernement du Québec

O.C. 986-98, 21 July 1998

An Act respecting owners and operators of heavy vehicles
(1998, c. 40)

Regulation

Regulation respecting the Act respecting owners and operators of heavy vehicles

WHEREAS under paragraph 1 of section 3 of the Act respecting owners and operators of heavy vehicles (1998, c. 40), the Government may, by regulation and subject to the conditions it determines, exempt certain heavy vehicles or certain classes of heavy vehicles from the application of all or part of the Act;

WHEREAS under the second paragraph of section 4 of that Act, the Government may, by regulation, exempt any group or any class of persons it determines from the requirement to be entered in the Registre des propriétaires et des exploitants de véhicules lourds; the exemption may be subject to conditions and be granted for a limited period;

WHEREAS under section 6 and the second paragraph of section 13 of that Act, the Government may, by regulation, fix the fees to be paid for an application for registration, for updating a registration and for consulting the Registre des propriétaires et des exploitants de véhicules lourds;

WHEREAS under section 178 of that Act, the first regulations made under section 3, the second paragraph of section 4, section 6 or the second paragraph of sec-

tion 13 of that Act are not subject to the publication requirement in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS under section 18 of the Regulations Act, a regulation may come into force within a period shorter than that applicable under section 17 of that Act, where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, the reason justifying such coming into force shall be published with the regulation;

WHEREAS in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— section 174 of the Act respecting owners and operators of heavy vehicles establishes that the Commission des transports du Québec initiates the procedure for the pre-registration of owners and operators as of 1 August 1998. To that end, the Commission must know the exemptions referred to in section 3 and in the second paragraph of section 4 of the Act, as well as the fees that the Government intends to charge for an application for registration and for the updating of a registration in the Registre des propriétaires et des exploitants de véhicules lourds. Notwithstanding section 178 of the Act, which provides that the first regulations made under section 3, the second paragraph of section 4, section 6 and the second paragraph of section 13 of that Act may be made without having been published as provided for in section 8 of the Regulations Act, the period between the date the Act was assented to, 20 June 1998, and the date set for the beginning of pre-registration by the Commission, 1 August 1998, is not long enough to make it possible to respect the intention of the National Assembly unless the Regulation respecting the Act respecting owners and operators of heavy vehicles comes into force within a period shorter than that applicable under section 17 of the Regulations Act;

WHEREAS it is expedient to make the Regulation respecting the Act respecting owners and operators of heavy vehicles, attached to this Order in Council;

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

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

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation respecting the Act respecting owners and operators of heavy vehicles

An Act respecting owners and operators of heavy vehicles
(1998, c. 40, s. 3, par. 1, s. 4, 2nd par., ss. 6 and 13, 2nd par.)

1. The following groups or classes of persons are exempt from registration in the Registre des propriétaires et des exploitants de véhicules lourds, provided that they meet the conditions applicable to their exemption:

(1) the owner and operator who uses a heavy vehicle to apply emergency measures in the event of disaster within the meaning of the Act respecting the protection of persons property in the event of disaster (R.S.Q., c. P-38.1);

(2) persons who rent a heavy vehicle for less than 30 days to transport persons or goods for purposes that are not commercial or professional;

(3) owners of campers, motor homes or trailers, as well as persons who rent such campers, motor homes or trailers, when they are used for purposes that are not commercial or professional;

(4) lessors, except as regards the application of section 519.22 of the Highway Safety Code (R.S.Q., c. C-24.2);

(5) owners of heavy vehicles who do not operate heavy vehicles in Québec, those who do not have such vehicles registered in Québec and those whose heavy vehicles are not covered by Title IX of the Highway Safety Code.

2. Tool vehicles within the meaning of section 4 of the Highway Safety Code (R.S.Q., c. C-24.2; 1998, c. 40, s. 55) are totally exempt from the application of the Act respecting owners and operators of heavy vehicles.

3. The fees for an application for registration under section 6 of the Act respecting owners and operators of heavy vehicles and those for the annual updating of a registration are

(1) $50, for owners and operators who own or operate no more than 2 heavy vehicles, during a calendar year;

(2) $100, for owners and operators who own or operate more than 2 heavy vehicles, during a calendar year.

4. The fees prescribed in this Regulation shall be indexed on 1 April of each year, as of 1 April 1999, on the basis of the cumulative rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada, for the period beginning on 31 December 1997 and ending on 31 December of the year preceding the indexing.

The fees indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than $0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than $0.50.

The president of the Commission des Transports du Québec shall inform the public, through the *Gazette officielle du Québec* and by such other means as he considers appropriate, of the indexing calculated under this section.

5. This Regulation comes into force on 1 August 1998.

2426

M.O., 1998-1

Order of the Minister of the Environment and Wildlife dated 14 July 1998

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Regulation to amend the Regulation respecting hunting

THE MINISTER OF THE ENVIRONMENT AND WILDLIFE,

CONSIDERING that under section 54.1 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) replaced by section 7 of Chapter 29 of the Statutes of 1998, the Minister of the Environment and Wildlife may, by regulation,

"(1) fix the kinds and classes of licences and certificates, in particular for residents and non-residents, and limit the number of licences of each class for an area, territory or place the Minister indicates;

(2) determine the content and term of a licence or certificate and the manner of issuing, replacing and renewing a licence or certificate according to the category of persons concerned or according to the species of wildlife sought or the age or sex of animals.";

CONSIDERING that under the second and third paragraphs of section 56 amended by section 8 of Chapter 29 of the Statutes of 1998, the Minister may, by regulation, allow the hunting and trapping of any animal or any animal of a class of animals it determines and may also determine,

"(1) on the basis of sex or age, what animal or animal of a class of animals may be hunted;

(2) the period of the year, day or night during which the animal may be hunted or trapped;

(3) the area, territory or place in which the animal may be hunted or trapped;

(4) the types of arms or traps which may be used.";

CONSIDERING that under the fourth paragraph of section 56 of the Act, the Minister may also, by regulation,

"(1) determine the means and their specifications, and the animals, including domestic animals and dogs, with which hunting, trapping or capturing an animal the Minister indicates is permitted;

(2) determine the maximum number of animals that may be killed or captured by a person or group of persons during a period and in an area, territory or place the Minister indicates.";

CONSIDERING that under section 35 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29), the provisions of the regulations made by the Government under section 56, paragraphs 5, 6, 8 and 10 in respect of the determination of the tenor and term of a licence or certificate, its mode of issue, replacement or renewal according to the category of persons concerned or according to the species of wildlife sought or the age or sex of animals, as well as paragraphs 14 and 15 of section 162 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by order of the Minister of the Environment and Wildlife;

CONSIDERING that the Regulation respecting hunting was made by Order in Council 1383-89 dated 23 August 1989;

CONSIDERING that under section 164 of the Act respecting the conservation and development of wildlife replaced by section 23 of Chapter 29 of the Statutes of 1998, a regulation made by the Minister under sections 54.1 and 56 is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING that under section 18 of the Regulations Act, a regulation may come into force within a shorter time period than that provided for in section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

CONSIDERING that under section 18 of that Act, the reason justifying such a coming into force shall be published with the Regulation;

CONSIDERING that the Minister of the Environment and Wildlife is of the opinion that the urgency due to the following circumstances justifies such a coming into force:

— it is important to create as soon as possible the new hunting licence for white-tailed deer and deer without antlers and to determine the manner in which it is issued so as to make the licence available before the beginning of the hunting season of that species which begins on 19 September 1998 for one of the areas;

— it is also important to provide, as soon as possible, for the number of hunting licences for white-tailed deer and deer without antlers, as well as of hunting licences for the female white-tailed deer or the male with antlers measuring less than 7 cm with a type 2 implement and of hunting licences for female moose, more than one year old, which shall be granted by a draw of lots before the beginning of the hunting season of those species;

CONSIDERING that it is expedient to replace certain provisions of the Regulation respecting hunting;

ORDERS:

THAT the Regulation to amend the Regulation respecting hunting, attached thereto, be made.

Québec, 14 July 1998

PAUL BÉGIN,
Minister of the Environment and Wildlife

Regulation to amend the Regulation respecting hunting(*)

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 54.1 and 56; 1998, c. 29, ss. 7 and 8)

1. The following is substituted for the second paragraph of section 12 of the Regulation respecting hunting:

"In order to obtain a licence provided for in paragraphs *a*, *b* and *f* of section 1, in paragraphs *c* and *d* of section 2 and in paragraph *b* of section 5 of Schedule I, a person shall have been selected by a draw of lots.".

2. The following is substituted for section 25:

"**25.** A resident may hunt the female white-tailed deer or the male with antlers measuring less than 7 cm with a type 2 implement in an area or part of an area other than Area 20 only if he holds each of the licences provided for in paragraphs *a* and *c* of section 2 of Schedule I.

A resident may also hunt the female white-tailed deer or the male with antlers measuring less than 7 cm with a type 2 implement in Area 5, 6 or 8 south indicated on the transportation coupon if he holds a licence provided for in paragraph *d* of section 2 of Schedule I to which is attached the transportation coupon bearing the notice "deer without antlers".

A non-resident may hunt the female white-tailed deer or the male with antlers measuring less than 7 cm in an area or part of an area other than Area 20 during the season in which hunting with a type 6 or 9 implement is permitted.".

3. The following is substituted for the first paragraph of section 26:

"**26.** The number of hunting licences for the female white-tailed deer or the male with antlers measuring less than 7 cm, with a type 2 implement and the number of hunting licences for white-tailed deer elsewhere than in Area 20 and the female white-tailed deer or the male with antlers measuring less than 7 cm, valid for Area 5,

(*) The Regulation respecting hunting, made by Order in Council 1383-89 dated 23 August 1989 (1989, *G.O.* 2, 3731), was last amended by the Regulation made by Order in Council 538-98 dated 22 April 1998 (1998, *G.O.* 2, 1644). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

6 or 8 south, shall be limited each year to the number indicated in sections 1 and 1.1 of Schedule II for each of the areas or parts of areas provided for therein.".

4. The following is substituted for the first paragraph of section 27:

"**27.** Subject to the second, third and fourth paragraphs, hunting is permitted for the animals and under the conditions provided for in Schedule III; notwithstanding the foregoing, in the parts of territories whose plans appear in Schedules XXXV to CXCI, the hunting of moose is governed by the provisions of Schedule III.1 subject to the second, third and fourth paragraphs and in controlled zones, the hunting of moose and white-tailed deer with type 1 or 2 implements is governed by Schedule IV subject to the second, third and fourth paragraphs.".

5. The following is substituted for paragraph 1 of section 34:

"(1) 1 white-tailed deer in any area other than Area 20 for the holder of a licence provided for in paragraph *a* of section 2 of Schedule I or for the holder of each of the licences provided for in paragraphs *a* and *c* of section 2 of that Schedule;

(1.1) 2 white-tailed deer for the holder of a licence provided for in paragraph *d* of section 2 of Schedule I on the condition that a female white-tailed deer or a male with antlers measuring less than 7 cm, in the area indicated on the transportation coupon bearing the notice "deer without antlers" be slaughtered first; failure to comply with that condition, the bag limit for that licence holder shall be one white-tailed deer;".

6. The following is substituted for section 2 of Schedule I:

"

Section	Column I Type of licence	Column II Number of transportation coupons
2	White-tailed deer	
	(a) Elsewhere than in Area 20	
	i. resident	1
	ii. non-resident	1
	(b) In Area 20	
	i. resident	2
	ii. non-resident	2
	(c) Female or male with antlers measuring less than 7 cm with a type 2 implement	
	i. resident	0
	(d) Elsewhere than in Area 20 and the female white-tailed deer or the male with antlers measuring less than 7 cm, valid for Area 5, 6 or 8 south	
	i. resident	2

".

7. The following is substituted for sections 1 and 3 of Schedule II:

"1. For the hunting licence for the female white-tailed deer or the male with antlers measuring less than 7 cm, with a type 2 implement:

Area	Number of licences
3, part described in Schedule X	550
4	1 600
5	0
6	0
8, southern part described in Schedule VI	0
9	0
10, except the part described in Schedule XVI	800
10 west, part described in Schedule XVI	2 200
11	500

;

1.1 For the hunting licence for white-tailed deer elsewhere than in Area 20 and for the female white-tailed deer or the male, with antlers measuring less than 7 cm, valid for Area 5, 6 or 8 south:

Area	Number of licences
5	5 200
6	10 000
8, the southern part described in Schedule VI	1 100

;

3. For the hunting licence for the female moose more than 1 year old:

Areas	Number of licences
1	350
2	350
8	100
9	525
10	610
11	300
14	1 700
15	1 250
18, eastern part described in Schedule XII of the Regulation respecting hunting	3 760
18, western part described in Schedule XIII of the Regulation respecting hunting	1 350

".

8. The following is substituted for section 4 of Schedule III:

"

Section	Column I	Column II	Column III	Column IV
	Animal	**Type of implement**	**Area**	**Hunting season**
4	Female white-tailed deer, or male with antlers measuring less than 7 cm	(1) 9	*(a)* 4	*(a)* From the Saturday on or closest to 21 November to the Friday on or closest to 27 November
			(b) 5, 6	*(b)* From the Saturday on or closest to 21 November to the Sunday on or closest to 29 November

".

9. Schedule III.1, attached to this Regulation, is inserted after Schedule III.

10. Schedules XXXV to CXCI, attached to this Regulation, are inserted after Schedule XXXIV.

11. This Regulation comes into force on 1 August 1998.

SCHEDULE III.1
(s. 27)

HUNTING SEASONS IN CERTAIN PARTS OF TERRITORIES

Column I	Column II	Column III	Column IV
Animal	**Type of implement**	**Parts of territories**	**Hunting seasons**
Moose	1	Parts whose plans appear in Schedules XXXV to XL	Season established for the Ashuapmushuan Wildlife Sanctuary [(1)]
		Part whose plan appears in Schedule XLI	Season established for the Chic-Chocs Wildlife Sanctuary [(1)]
		Parts whose plans appear in Schedules XLII to CXI, CXC, CXCI	Season established for the Laurentides Wildlife Sanctuary [(1)]
		Parts whose plans appear in Schedules CXII to CLXXIX	Season established for the La Vérendrye Wildlife Sanctuary [(1)]
		Parts whose plans appear in Schedules CLXXX to CLXXXIX	Season established for the Papineau-Labelle Wildlife Sanctuary [(1)]

[1] The hunting seasons indicated in this column refer to the moose hunting seasons provided for in Schedule I to the Hunting in Wildlife Sanctuaries Regulation made by Order in Council 838-84 dated 4 April 1984 (1984, *G.O.* 2, 1494).

Notices

Notification of adoption

An Act respecting transportation by taxi
(R.S.Q., c. T-11.1; 1998, c. 8)

Commission des transports du Québec
— Fixing tariffs of private transportation by taxi

Regarding Tariffs of private transportation by taxi

Take notice that the Commission des transports du Québec, in accordance with section 42 of the Act respecting transportation by taxi (R.S.Q., c. T-11.1), amended by section 6 of Chapter 8 of the Statutes of 1997, has adopted Tariffs of private transportation by taxi, attached hereto.

Furthermore, take notice that under section 42.2 of the Act respecting transportation by taxi mentioned above, this proposed regulation was not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1); however, in accordance with this section, it has been subject to prior consultation at a public hearing held in Montreal on February 17, 1998, after the publication of a notice in the daily Le Devoir of January 24, 1998, inviting interested persons to present their observations.

In accordance with section 17 of the Regulations Act (R.S.Q., c. R-18.1), Tariffs of private transportation by taxi, attached hereto, comes into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

LOUIS GRAVEL,
President of the Commission
des transports du Québec

Tariffs of private transportation by taxi

An Act respecting transportation by taxi
(R.S.Q., c. T-11.1, s. 42; 1998, c. 8, s. 6)

DIVISION I
GENERAL PROVISIONS

1. This tariff is applicable to private transportation by taxi except for transportation provided under a specialized taxi permit.

2. When the vehicle used by the holder of a taxi permit is not equipped with a taximeter, the distance covered with a customer is measured with an odometer.

3. A taxi driver cannot claim for the price of a trip a price higher than the one calculated in accordance with this tariff.

4. For the purpose of this tariff, the term "hour or fractions of an hour wait" designates the time during which the taxi is not running or is running at less than 21.818 km per hour during a trip.

The number 21.818 is calculated from the hourly tariff divided by the tariff per km specified in section 6.

DIVISION II
GENERAL TARIFFS

5. General tariffs are applicable to private transportation provided by holders of permits for the "urban area" and "region" categories overall the Quebec territory, subject to the application of particular tariffs.

6. The price of a trip calculated by the taximeter is as follows:

	Drop rate	By kilometer covered with a customer	Per hour or fractions of an hour wait
Basic price	$1.95	$0.96	$20.87
7 % GST	$0.14	$0.07	$1.46
Price including GST	$2.09	$1.03	$22.33
7.5 % PST	$0.16	$0.07	$1.67
Taximeter rate	$2.25	$1.10	$24.00

7. The price of a trip calculated by the odometer is as follows:

	Drop rate	By kilometer covered with a customer	Per hour or fractions of an hour wait
Basic price	$0.00	$0.96	$20.87
7 % GST	$0.00	$0.07	$1.46
Price including GST	$0.00	$1.03	$22.33
7.5 % PST	$0.00	$0.07	$1.67
Odometer rate	$0.00	$1.10	$24.00

DIVISION III
PARTICULAR TARIFFS

§1. Tariffs applicable to transportation whose starting point or destination is Montreal Dorval Airport

8. The price of a trip between the airport and downtown Montreal, whatever the number of passengers, is as follows:

Basic flat rate	$21.08
7 % GST	$1.48
Rate including GST	$22.56
7.5 % PST	$1.69
Total flat rate	$24.25

This price applies when the trip has only one pick up point and one drop-off point.

For the purpose of this section, downtown Montreal is marked off as follows:

— westward: from Atwater Street to Lachine Canal; from Lachine Canal to the foot of Conde Street; from Conde Street to St-Patrick Street; from St-Patrick Street to Bridge Street, to the east; from Bridge Street to Victoria Bridge;

— eastward: Papineau Street;

— southward: Saint-Lawrence River;

— northward: Pine Avenue; St-Denis Street, from Pine Avenue to Cherrier Street; Cherrier Street, from St-Denis Street to Sherbrooke Street; Sherbrooke Street, from Cherrier Street to Papineau Street.

Houses and buildings on either side of bordering streets are part of downtown Montreal.

9. When picking up customers at several locations, and after having stopped a first time to drop off a customer, a taxi driver must calculate the price of a trip with the taximeter.

10. The minimum price for a trip starting at Montreal Dorval Airport is $10.00.

Any lower taximeter reading is assumed to be $10.00.

11. A supplement of $1.00 including GST and PST is added to the price of a trip starting at Montreal Dorval Airport.

§2. Tariffs applicable to Quebec Jean-Lesage Airport

12. The price of a trip between the main terminal of Jean-Lesage Airport and downtown Quebec, whatever the number of passengers, is as follows:

Basic flat rate	$19.31
7 % GST	$1.35
Rate including GST	$20.66
7.5 % PST	$1.54
Total flat rate	$22.20

For the purpose of this section, downtown Quebec is marked off as follows:

— northward: De la Capitale Highway;

— eastward:D'Estimauville Avenue and its extension to the Saint-Lawrence River;

— southward: Saint-Lawrence River;

— westward: Laurentian Highway; Saint-Anselme Street to Des Commissaires Street; Des Commissaires Street; Langelier Boulevard; the Côte-de-Salaberry; De Salaberry Avenue and its extension to the Saint-Lawrence River.

Houses and buildings on either side of bordering streets are part of downtown Quebec.

13. The price of a trip from the main terminal of Jean-Lesage Airport to the Ste-Foy area, whatever the number of passengers, is as follows:

Basic flat rate	$8.79
7 % GST	$0.61
Rate including GST	$9.40
7.5 % PST	$0.70
Total flat rate	$10.10

These tariffs are applicable when there are only one pick up point and one drop-off point.

For the purpose of this section, the Ste-Foy area is marked off as follows:

— northward: Sainte-Anne Rural Road; the Airport Road and Sainte-Genevieve Avenue;

— eastward: Henri IV Highway;

— southward: Charest Highway;

— westward: Jean-Gauvin Avenue; Wilfrid-Hamel Boulevard; Jouvence and Champs-Elyses Streets and their respective extension between Wilfrid-Hamel Boulevard and Charest Highway.

Houses and buildings on either side of bordering streets are part of the Ste-Foy area.

14. When picking up customers at several locations, and after having stopped a first time to drop off a customer, a taxi driver must calculate the price of the trip with the taximeter.

§3. Tariffs applicable to the Fermont Region

15. The price of a trip of 1.6 km or less is as follows:

Basic flat rate	$3.43
7 % GST	$0.24
Rate including GST	$3.67
7.5 % PST	$0.28
Total flat rate	$3.95

16. The price of a trip over 1.6 km is as follows:

	Drop rate	By kilometer covered with a customer	Per hour or fractions of an hour wait
Basic price	$0.00	$1.35	$20.87
7 % GST	$0.00	$0.09	$1.46
Price including GST	$0.00	$1.44	$22.33
7.5 % PST	$0.00	$0.11	$1.67
Odometer rate	$0.00	$1.55	$24.00

For the purpose of this sub-division, the Fermont Region consists of the municipality of Fermont and any territory which could be added to the region.

§4. Tariffs appplicable to the James Bay Region (Radisson)

17. The price of a trip of 1.6 km or less is as follows:

Basic flat rate	$3.43
7 % GST	$0.24
Rate including GST	$3.67
7.5 % PST	$0.28
Total flat rate	$3.95

18. The price of a trip over 1.6 km is as follows:

	Drop rate	By kilometer covered with a customer	Per hour or fractions of an hour wait
Basic price	$0.00	$1.35	$20.87
7 % GST	$0.00	$0.09	$1.46
Price including GST	$0.00	$1.44	$22.33
7.5 % PST	$0.00	$0.11	$1.67
Odometer rate	$0.00	$1.55	$24.00

For the purpose of this sub-division, the James Bay Region (Radisson) consists of the locality of Radisson and any territory which could be added to the region.

§5. Tariffs applicable to the Saint-Augustin Region (Basse Côte Nord)

19. The price of a trip between Saint-Augustin Airport or pier and the locality of Saint-Augustin as well as between Saint-Augustin Airport and Pakuashipi Reservation is $5.00 per customer per trip.

For the purpose of this sub-division, the Saint-Augustin Region (Basse Côte-Nord) consists of the municipality of Saint-Augustin and any territory which could be added to the region.

DIVISION IV
FINAL PROVISIONS

20. This tariff replaces Tariff 6 of Volume 15 of the Recueil des tarifs du transport par taxi, passed by the Commission des transports du Québec as per its decision MPTC94-00513 of January 22, 1994.

21. This tariff will come into force the 15th day following the date of its publication in the *Gazette officielle du Québec.*

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Erratum

O.C. 737-98, 3 June 1998

Regulation to amend the Regulation respecting the reduction of pollution from agricultural sources

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

Gazette officielle du Québec, 17 June 1998, Volume 130, No. 25, Part 2, pages 2208 to 2211.

The second paragraph of section 92.1 introduced by section 7 of the Regulation to amend the Regulation respecting the reduction of pollution from agricultural sources, made by Order in Council 737-98 dated 3 June 1998, is amended by deleting the second sentence: “Finally, if the parcels concerned are in the Chaudière-Appalaches administrative region (region 12), the spreading agreement shall also be prepared by a notary.”.

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

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