

(3) his parents or his sponsor are deceased, and one of his parents or his sponsor had his residence in Québec at the time of his death;

(4) he maintains his residence in Québec despite the fact that his parents or his sponsor have ceased to reside here;

(5) Québec is the last place in which he has had his residence for 12 consecutive months without being a full-time student during that time;

(6) he has a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2) or has been residing in Québec for not less than three months without having resided in another province for more than three months, and his parents or his sponsor do not have their residence elsewhere in Canada;

(7) his spouse has or had his residence in Québec in accordance with the criteria set forth in subparagraphs 1 to 6.

For the purposes of the first paragraph, the word “parents” means the student’s father and mother, and the word “sponsor” means a Canadian citizen or a permanent resident, other than the father, mother or spouse, who sponsors an application for landing filed by a permanent resident within the meaning of the Immigration Act.

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

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Gouvernement du Québec

### **O.C. 1113-97, 28 August 1997**

An Act respecting market intermediaries (R.S.Q., c. I-15.1)

#### **Market intermediaries in insurance of persons — Amendments**

By-law to amend the By-law of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons

WHEREAS under section 78 of the Act respecting market intermediaries (R.S.Q., c. I-15.1), each council shall determine, by by-law applicable to the market intermediaries of whom it regulates the activity;

WHEREAS the Conseil des assurances de personnes made the By-law to amend the By-law of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons;

WHEREAS under section 78 of the Act respecting market intermediaries, the by-laws made by a council under that section shall be submitted to the Government for approval;

WHEREAS under section 203 of the Act respecting market intermediaries, the Government may amend any by-law submitted to it for approval;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the By-law made by the Conseil des assurances de personnes was published in Part 2 of the *Gazette officielle du Québec* of 1 February 1995, with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the By-law with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance:

THAT the By-law to amend the By-law of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **By-law to amend the By-law of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons**

An Act respecting market intermediaries (R.S.Q., c. I-15.1, s. 78)

**1.** The By-law of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons, approved by Order in Council 1014-91 dated 17 July 1991 and amended by the By-law approved by Order in Council 208-94 dated 2 February 1994 and by the By-law approved by Order in Council 1589-95 dated 6 December 1995, is further amended by substituting the following for the second paragraph of section 2:

“A certificate provided for in paragraph 2 of section 1 may be issued only to a natural person. That certificate permits its holder to carry on activities only under the supervision and responsibility of a natural person holding one of the certificates provided for in paragraphs 3 and 4 of section 1. The holder of that certificate may carry on his activities only as an agent in accident or health insurance. The holder of that certificate is limited to the field of insurance of persons that relates to accident or health insurance.”

**2.** Section 5 is amended:

(1) by adding the following after the second item of subparagraph *b* of paragraph 2:

“iii. hold a College Studies Attestation in insurance of persons recognized in the agreement reached for such purpose between the Conseil and the general and vocational colleges;”

(2) by inserting, at the end of paragraph 10, after the word “years”, the words “, except in the case of a cancellation referred to in paragraph 2 of section 38.3, in which case he is eligible again as soon as he has become a member of the Association again.”

**3.** The following is substituted for section 8:

“8. A candidate who fails a supplemental examination or fails to be present at a supplemental examination, must wait 6 months before filing a new application for registration for the examination from the date of the supplemental examination or the expiry of the three-month period provided for in section 7, if he was not present at the supplemental examination.”

**4.** Section 13 is amended by substituting the following for subparagraph *a* of paragraph 3:

“(a) have completed a training period of a duration of at least 3 continuous months under the supervision and responsibility of the same natural person or of another natural person required to replace him in case of absolute necessity, who has been carrying on activities for at least 2 years and who holds a certificate of market intermediary in insurance of persons of the same class or a class comprising the one applied for by the applicant, subject to the provisions of section 13.1;”

**5.** This By-law is amended by inserting the following after section 13:

“13.1. If there is a change of person, for reasons other than of absolute necessity, under whose supervision and responsibility the training period is carried out,

the three-month period provided for in subparagraph *a* of paragraph 3 of section 13 resumes on the date on which the Conseil receives a written notice of the change.

**13.2.** The provisions of paragraph 1 and subparagraph *a* of paragraph 3 of section 13 and paragraph 1 of section 14 are not applicable to the holder of a certificate for an individual agent or broker in insurance of persons restricted to life insurance who applies for a certificate for an individual agent or broker in insurance of persons.”

**6.** Section 14 is amended:

(1) by substituting the words “the declaration of registration carried out in conformity with the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45) and of any amending declaration” for the words “the registration of his firm name and of any amendments thereto” in paragraph 5;

(2) by substituting the following paragraphs for paragraph 6:

“(6) the documents and information provided for in paragraphs 1, 3, 4, 7, 8 and 11 of section 10, for an applicant to which sections 16 or 16.1 apply;

(7) an attestation that security has been furnished or that professional civil liability insurance coverage has been taken out in accordance with the requirements of Chapter V.”

**7.** The following is substituted for section 16:

“16. A natural person applying for a certificate for an individual market intermediary in insurance of persons within the year following the surrendering of such a certificate is exempt from the application of paragraphs 1 and 3 of section 13 and of paragraph 1 of section 14, if he has carried on activities as a market intermediary in insurance of persons in the field of insurance of persons referred to in the certificate being applied for during at least one year before the surrendering of his certificate.”

**8.** This By-law is amended by inserting the following after section 16:

“16.1. A natural person applying for a certificate for an individual market intermediary in insurance of persons more than one year and less than 5 years following the surrendering of such a certificate is exempt from the application of paragraph 1 and subparagraph *a* of paragraph 3 of section 13 and paragraph 1 of section 14, if he

has carried on activities as a market intermediary in insurance of persons in the field of insurance of persons referred to in the certificate being applied for during at least 5 years before the surrendering of such a certificate.

**16.2.** A natural person who already carries on activities as a market intermediary in insurance of persons in another province and who applies for a certificate for an individual market intermediary in insurance of persons is exempt from the application of paragraph 1 and subparagraph *a* of paragraph 3 of section 13 and paragraph 1 of section 14 if he fulfills the following conditions:

(1) he has already carried on the activity of a market intermediary in insurance of persons in the field of insurance of persons referred to in the certificate being applied for at least 5 years;

(2) notwithstanding paragraph 2 of section 13, he passes an examination of the Conseil on legislation and regulations relative to insurance of persons referred to in subparagraph *g* of paragraph 4 or legislation and regulations relative to accidents or health insurance in subparagraph *e* of paragraph 5 of section 5, according to the class of the certificate being applied for.”

**9.** Section 17 is amended:

(1) by adding the following subparagraph after subparagraph *f* of paragraph 2:

“(g) did not comply with the provisions of paragraph 15 of section 5;”;

(2) by substituting the following for paragraph 4:

“(4) not have a certificate issued by the Conseil that has been cancelled in the past 5 years, except in the case of a cancellation provided for in one of paragraphs 2, 3 or 4 of section 38.4, in which case he is eligible as soon as the cause which resulted in such a cancellation has ceased to exist;”;

(3) by inserting the following after paragraph 9:

“(9.1) have at least one associate residing in Québec;”;

(4) by adding the following at the end:

“(11) have repaid, if applicable, any amount of principal, interest and costs from any final judgment that he was ordered to pay by reason of his liability for one of the causes referred to in section 175 of the Act respecting market intermediaries (R.S.Q., c. I-15.1), and have repaid any funds disbursed, as the case may be, by the

Fonds d’indemnisation en assurance de personnes that it may recover by subrogation under section 178 of that Act.”.

**10.** Section 18 is amended by substituting the following paragraph for paragraph 8:

“(8) a copy of the declaration of registration carried out in conformity with the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons and, if applicable, of any amending declaration;”;

(8.1) a copy of the partnership contract and its amendments, if applicable;”;

**11.** Section 19 of this By-law is amended:

(1) by replacing paragraph (6) by the following:

“(6) not have a certificate issued by the Conseil that has been cancelled in the past 5 years, except in the case of a cancellation provided for in either paragraph 2 or 3 of section 38.5, in which case he is eligible again as soon as the cause which resulted in a cancellation has ceased to exist;”;

(2) by adding the following at the end:

“(12) have repaid, if applicable, any amount of principal, interest and costs from any final judgment that he was ordered to pay by reason of his liability for one of the causes referred to in section 175 of the Act respecting market intermediaries (R.S.Q., c. I-15.1), and have repaid any funds disbursed, as the case may be, by the Fonds d’indemnisation en assurance de personnes that it may recover by subrogation under section 178 of that Act.”.

**12.** Section 20 of this By-law is amended by inserting the following after paragraph 11:

“(11.1) A copy of the declaration of registration carried out in conformity with the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons and, if applicable, of any amending declaration;”.

**13.** Section 22 of this By-law is amended by adding the following after paragraph (1):

“(1.1) In the case of a natural person, the firm name under which he intends to carry on activities alone and the address of its principal establishment in Québec or, as the case may be, the name of the underwriter or the firm for which he intends to carry on activities as well as the address of their principal establishment in Québec;”.

**14.** The following is substituted for section 24:

“**24.** During the period of validity of a certificate, if a change occurs in circumstances modifying the accuracy of the information and documents furnished, the certificate holder must immediately notify the Conseil thereof in writing.”.

**15.** Section 28 is amended:

(1) by adding, in the first paragraph, after the word “certificate”, the words “, applies to the Conseil thereof in writing and”;

(2) by substituting the following subparagraphs for subparagraphs 1, 2 and 3:

“(1) demonstrates that the holder meets the conditions for the issue of a certificate provided for in paragraphs 1, 6 to 10, 14 and 15 of section 5 for a natural person, in paragraphs 1 to 4, 8 to 9.1 and 11 of section 17 for a partnership and in paragraphs 1 to 6, 10 and 12 of section 19 for a legal person;

(2) send the Conseil the documents and information provided for in paragraphs 2, 4, 5 and 7 of section 14 for a natural person, section 18 for a partnership and section 20 for a legal person;”.

**16.** Section 33 is amended:

(1) by substituting the following for paragraph 5:

“(5) maintain security or professional civil liability insurance coverage in conformity with the requirements of Chapter V and, if there is a change, send the Conseil a new attestation or copy;”;

(2) by inserting the following paragraphs at the end:

“(6) work in an establishment in Québec when he carries on activities of a market intermediary;

(7) be continuously under the supervision and responsibility of a market intermediary in insurance of persons referred to in subparagraph *a* of paragraph 3 of section 13 in the case of the holder of a trainee’s certificate.”.

**17.** Section 34 is amended:

(1) by substituting the following for subparagraph 2 of the second paragraph:

“(2) be in default of maintaining security or professional civil liability insurance coverage in conformity

with the requirements of Chapter V and, if there is a change, send the Conseil a new attestation or copy;”;

(2) by adding the following subparagraphs after subparagraph 2 of the second paragraph:

“(3) cease to have an establishment in Québec;

(4) cease to have at least one of its partners residing in Québec;

(5) owe a sum of money for one of the reasons referred to in section 175 of the Act.”.

**18.** Section 35 is amended by substituting the following paragraphs for paragraph (4):

“(4) maintain security or professional civil liability insurance coverage in conformity with the requirements of Chapter V and, if there is a change, send the Conseil a new attestation or copy;

(5) not cease to have an establishment in Québec;

(6) not owe a sum of money for one of the reasons referred to in section 175 of the Act.”.

**19.** The following sections are substituted for sections 37 and 38:

“**37.** The certificate for a market intermediary in insurance of persons of a natural person is suspended *pleno jure* from the occurrence of one of the following events:

(1) where he is suspended from the Association;

(2) where, as a trainee, he ceases to be under the supervision and responsibility of a market intermediary in insurance of persons referred to in subparagraph *a* of paragraph 3 of section 13;

(3) where he is in default of paying the fees and contributions provided for in Chapters VI and VIII;

(4) where he is in default of maintaining security or a professional civil liability insurance in conformity with the requirements of Chapter V or, if there is a change, of sending the Conseil a new attestation or copy;

(5) where he ceases to work in an establishment in Québec in conformity with paragraph 6 of section 33.

**38.** The certificate for a market intermediary in insurance of persons of a partnership is suspended *pleno jure* from the occurrence of one of the following events:

(1) where the partnership is suspended from the Association;

(2) where it is in default of paying the fees provided for in Chapter VI;

(3) where it is in default of maintaining security or a professional civil liability insurance in conformity with the requirements of Chapter V or, if there is a change, of sending the Conseil a new attestation or copy.

**38.1.** The certificate for a market intermediary in insurance of persons of a legal person is suspended *pleno jure* from the occurrence of one of the following events:

(1) where the legal person is suspended from the Association;

(2) where it is in default of paying the fees provided for in Chapter VI;

(3) where it is in default of maintaining security or a professional civil liability insurance in conformity with the requirements of Chapter V or, if there is a change, of sending the Conseil a new attestation or copy.

**38.2.** The suspension of a certificate is lifted where the certificate holder provides proof that the cause which resulted in the suspension has ceased to exist.

If the cause ceases to exist after the certificate's expiry date, a new certificate of the same class is issued by the Conseil upon request according to the terms and conditions provided for in sections 16 or 16.1, as the case may be.

**38.3.** The certificate for a market intermediary in insurance of persons of a natural person is cancelled *pleno jure* from the occurrence of one of the following events:

(1) where he is expelled from the Association;

(2) where he voluntarily ceases to be a member of the Association;

(3) where he is under protective supervision for persons of full age.

**38.4.** The certificate for a market intermediary in insurance of persons of a partnership is cancelled *pleno jure* from the occurrence of one of the following events:

(1) where the partnership is expelled from the Association;

(2) where it voluntarily ceases to be a member of the Association;

(3) where it no longer has an establishment in Québec;

(4) where it ceases to have at least one of its partners residing in Québec.

**38.5.** The certificate for a market intermediary in insurance of persons of a legal person is cancelled *pleno jure* from the occurrence of one of the following events:

(1) where the legal person is expelled from the Association;

(2) where it voluntarily ceases to be a member of the Association;

(3) where it no longer has an establishment in Québec.”

**20.** Section 39 is amended:

(1) by substituting the following for the first paragraph:

“A suspension or cancellation of a certificate referred to in sections 37 to 38.1 and 38.3 to 38.5 must be followed by a notice by mail sent by the Conseil to the natural person, partnership or legal person, as the case may be, providing evidence of receipt or served in accordance with the Code of Civil Procedure (R.S.Q., c. C-25). The notice shall indicate the cause and effective date of the suspension or cancellation.”;

(2) by substituting the words “published in a newspaper, journal or periodical or announced by means of telecommunications related to insurance” for the words “published in a journal dealing specifically with insurance of persons” in the second paragraph.

**21.** The following is substituted for section 40:

“**40.** Where a suspension is lifted by the Conseil, it notifies in writing the intermediary concerned. The notice indicates the date of lifting of the suspension. It must also be sent to the Inspector General of Financial Institutions and to the Association des intermédiaires en assurance de personnes du Québec and published in a newspaper, journal or periodical or announced by means of telecommunications related to insurance”.

**22.** The following is substituted for section 41:

“**41.** The holder of a market intermediary certificate in insurance of persons, in the performance of his duties,

must state his title of agent or broker to any person with whom he is dealing and the fields of insurance in which he is authorized to act as they appear on his certificate.”.

**23.** This By-law is amended by inserting the following after section 46:

“**46.1.** A market intermediary in insurance of persons may not use his title of financial planner or a similar title as long as he does not fulfill the conditions of use of the title of financial planner provided for in sections 45 or 46.”.

**24.** Section 76 of this By-law is amended by adding the following after the second paragraph:

“The registers mentioned in paragraphs 1, 3 and 4 may be grouped into one register provided that all required information be recorded therein and that the registers of clients be separate therefrom.”.

**25.** This By-law is amended by inserting the following after section 110:

“**110.1.** The holder of a certificate provided for in paragraphs 1 and 2 of section 1 may not proceed with the replacement of contracts referred to in section 107 without the specific authorization of the market intermediary in insurance of persons under whose supervision and responsibility he is carrying out his training and in conformity with the procedure provided for in sections 111 and 116.”.

**26.** Section 111 is amended:

(1) by inserting the following after paragraph 2:

“(2.1) in the case of a trainee, seek authorization for the replacement by the intermediary under whose supervision and responsibility the training is being carried out; for such purpose, the form provided for in Schedule I or II, as the case may be, must be signed by that intermediary;”;

(2) by substituting the words “by any means providing evidence of the date of its delivery” for the words “by registered or certified mail” in paragraph 4.

**27.** Section 117 of this By-law is amended by adding the following paragraphs after paragraph 6:

“(7) his years of experience in the field of insurance of persons;

(8) his membership in the Million Dollar Round Table (MDRT), if applicable.”.

**28.** Section 157 of this By-law is amended by deleting paragraphs 1, 3 and 6.

**29.** Schedule I to this By-law is amended by adding the following after the item “SIGNATURES”:

“  
 \_\_\_\_\_  
 Name of market intermediary responsible for trainee  
 (in block letters)  
 \_\_\_\_\_  
 Signature of the market intermediary  
 \_\_\_\_\_  
 Telephone”.

**30.** Schedule II to this By-law is amended by adding the following after the item “SIGNATURES”:

“  
 \_\_\_\_\_  
 Name of market intermediary responsible for trainee  
 (in block letters)  
 \_\_\_\_\_  
 Signature of the market intermediary  
 \_\_\_\_\_  
 Telephone”.

**31.** This By-law comes into force on 1 November 1997.

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## M.O., 1997

Order of the Minister of Education dated 14 August 1997 concerning the Regulation to amend the Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels

An Act respecting private education  
 (R.S.Q., c. E-9.1)

The Minister of Education

CONSIDERING that under section 112 of the Act respecting private education (R.S.Q., c. E-9.1), the Minister of Education may, by regulation, establish rules to determine the financial contribution and the additional financial contribution referred to in section 93 of that Act, and define, within the meaning of that section the expression “student from outside Québec”;