

SCHEDULE II

(s. 208)

MAINTENANCE SCHEDULE

In this Schedule, "S" means service to be performed

| Categories of road vehicles | | Maintenance intervals | | | | |
|---|----------------|-----------------------|---------|--------|--------|-------|
| The vehicle shall be serviced according to the annual mileage or to the number of months specified therein, whichever comes first | Months Mileage | 3 | 4 | 6 | 6 | 6 12 |
| | | | | 10 000 | 20 000 | 5 000 |
| Bus and other vehicle engaged in the transportation of schoolchildren | | E | | | | |
| Bus except a school bus | | E(1) | | | | |
| Motorcycle | | | | | | E |
| Trailer | | | E(1, 2) | | | |
| Taxi | | E | | | | |
| Light and medium-weight emergency vehicle | | | E | | | |
| Heavy emergency vehicle | | | | | E | |
| Fire department vehicle | | | | | | E |
| Heavy and medium-weight vehicle | | E(1) | | | | |
| Road vehicle used by a driving school | | E(1) | | | | |

Notes:

1. If the annual mileage is less than 20 000 km, the vehicle may be serviced every 6 months.
2. A trailer shall be serviced every 6 months instead of every 4 months if the owner provides the Société with a copy of the directive he adopted concerning the application of the inspection provided for in Division I of Chapter IV, provided that the directive is complied with.

In addition to the standards provided for in Division I of Chapter IV, the directive shall provide for the following points:

- (1) a practical training for the drivers on the inspection, particularly on the items listed in section 190;
- (2) a 10-minute period granted every day to drivers to inspect their vehicles;
- (3) controls used by the owner to enforce inspection.

2288

Draft Regulation

Act respecting the Québec Pension Plan
(R.S.Q., c. R-9; 1997, c. 73)

**Benefits
— Amendements**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting benefits, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

This Regulation is made necessary by the assent, given on 17 December 1997, to the Act to reform the Québec Pension Plan and to amend various legislative provisions (1997, c. 73).

The regulatory provisions are mainly intended to specify the circumstances in which a proof of civil status must be presented to the Régie, to provide for the documents and information that must be presented by de facto spouses who desire, from 1 July 1999, either to apply for partition of their retirement pension or partition of their pensionable earnings. The Regulation defines the concept of substantially gainful employment as applied to verifying maintenance of eligibility for a disability pension. Finally, it provides for the documents that must accompany an application for transfer of the retroactive amount of a disability pension to the administrator of a disability insurance plan. These provisions will, consequently, have some impact on contributors to the Québec Pension Plan.

Further information may be obtained from Mr. Jean-Luc Boisjoli, Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec) G1V 4T3 (tel.: (418) 643-7890, fax: 643-9590).

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Claude Legault, President and General Manager of the Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, 5^e étage, Sainte-Foy (Québec) G1V 4T3. Comments will be forwarded by the Board to the Minister of Employment and Solidarity, who is responsible for the administration of the Supplemental Pension Plans Act, under which this Regulation may be made.

LOUISE HAREL,
Minister of State for Employment and Solidarity,
Minister of Employment and Solidarity

Regulation to amend the Regulation respecting benefits*

Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 219, para. c, g, h, h.1, l, t and x; 1997, c. 73, s. 84)

1. Section 1 of the Regulation respecting benefits is amended by adding, at the end, the following sentence:

“A proof of civil status does not, however, have to be provided unless requested by the Board.”.

2. Section 8 of the Regulation is amended by replacing the word “succession” by the word “heirs”.

3. Section 9 of the Regulation is replaced by the following section:

“**9.** A pension may, on written application to the Régie, be paid semi-annually, by cheque or by direct deposit, in June for the benefits payable for the months of January through June and in December for the benefits payable for the months of July through December.

Any pension of which the amount is less than \$10 may also, on the Board’s own initiative, be paid semi-annually, in the said months.”.

4. Section 12 of the Regulation is replaced by the following section:

“**12.** A contributor who wishes his pension to be paid to him before 65 years of age shall state in his application the date as of which he stopped or will stop working or, if the application pertains to a phased retirement based on an agreement with his employer, the date on which the reduction of his remuneration reached or will reach at least 20 %.”.

5. Section 15 of the Regulation is amended

(1) by inserting, in the first paragraph, after the word “pension”, the words “between married spouses”;

(2) by adding, after paragraph 3 of the first paragraph, the following paragraph:

“(4) the period, if any, of conjugal relationship prior to the spouses’ marriage, which period shall be attested by the signing of the application by both spouses.”;

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

“Where the application is made by de facto spouses, it shall be accompanied with, in addition to the information referred to in paragraph 1 of the first paragraph, the following information and documents:

(1) the date on which the conjugal relationship began;

(2) a statement that neither of the spouses is married to another person;

(3) a mention of any period during which the spouses did not live together in a conjugal relationship.”;

(4) by replacing, in the second paragraph, the words “a statement by that spouse to the effect that no contribution has been paid for him” by the words “a statement that no contributions were paid for the spouse who is not the recipient of such pension”.

6. The Regulation is amended by adding, after section 15, the following section:

“**15.1** For the purpose of partitioning a retirement pension, de facto spouses are reputed not to have lived in a conjugal relationship during the period beginning on the first day of the month in which they stopped living in a conjugal relationship and ending on the last day of the month preceding the one in which they resumed living in a conjugal relationship.”.

7. Section 16 of the Regulation is amended by striking out, in the first paragraph the words “; in addition, where the contributor has a spouse, his income must be equal to 50 % or more of the sum of his income and that of his spouse”.

8. The Regulation is amended by adding, after section 19, the following sections:

“**19.1** For the purpose of applying the third paragraph of section 96 of the Act, an occupation is deemed to be substantially gainful if the average monthly income therefrom for the three previous months, multiplied by 12, is equal to or greater than 12 times the maximum disability pension payable for the month following the last of the said months.

19.2 The request for transfer of the retroactive amount of a disability pension, which is referred to in the third paragraph of section 145 of the Act, shall

* The Regulation respecting benefits, approved by Order in Council 967-94, dated 22 June 1994 (1994, G.O. 2, 2343), was amended by Order in Council 102-97, dated 29 January 1997 (1997, G.O. 2, 826).

(1) include the contributor's name and social insurance number as well as the name and address of the administrator of the disability insurance plan;

(2) authorize the Board to deduct, from the retroactive amount of the disability pension that may become payable to the contributor, the amount that must be remitted to the administrator of the disability insurance plan;

(3) authorize the Board and the administrator of the disability insurance plan to provide to one another the information required to make a deduction from the retroactive amount and to remit the said deduction to the administrator;

(4) include a confirmation, from the administrator of the disability insurance plan, of the monthly insurance benefit that would not have been paid under the said plan because of integration with the disability pension payable under the Act, as well as the period of integration for which the said benefit was paid.

19.3 The deduction and remittance owing to the administrator of an insurance plan, as referred to in section 145 of the Act, may not be made except where the following conditions are met:

(1) The contributor signed the request for transfer referred to in section 19.2 no more than 12 months prior to his application for a disability pension;

(2) The Board received the request for transfer before the contributor was deemed to be entitled to a disability pension;

(3) The amount of the deduction and remittance is more than \$50.”.

9. Section 21 of the Regulation is amended by adding, after paragraph 4, the following paragraph:

“(5) where the application for partition covers a period of conjugal relationship prior to marriage, the agreement referred to in section 22.3, which agreement shall accompany the application referred to in section 22.4.”.

10. Section 22 of the Regulation is replaced by the following section:

“**22.** When an application for partition is withdrawn in accordance with section 102.8 or 102.10.8 of the Act, the Board shall forthwith inform each of the former spouses at their last know addresses.

In order for partition to be carried out notwithstanding the withdrawal of the application, a new application for partition must be made.”.

11. The Regulation is amended by adding, after section 22.1, the following sections:

“**22.2** Former de facto spouses are deemed, for the purpose of partitioning their earnings, not to have lived in a conjugal relationship during the period beginning on the first day of the year in which they stopped living in a conjugal relationship and ending on the last day of the year in which they resumed living in a conjugal relationship.

22.3 The agreement on partition of earnings between former de facto spouses, including an agreement on partition for a period of conjugal relationship prior to marriage, shall include

(1) the name, address and social insurance number of each of the former de facto spouses;

(2) the beginning date of the conjugal relationship and, where known at the time of signing the agreement, the ending date of the conjugal relationship;

(3) the beginning and ending dates of all periods of interruption of the conjugal relationship;

(4) the provision, if any, that the application may be made by only one of the spouses;

22.4 For the purpose of section 102.10.7 of the Act, the application for partition shall include

(1) the name, address and social insurance number of each of the former de facto spouses;

(2) the name and address of each child born of their union or adopted jointly or of any child of one of them who was adopted by the other;

(3) the beginning and ending dates of the conjugal relationship;

(4) the signature of both former de facto spouses or of the spouse who, under the terms of the agreement referred to in section 22.3, is authorized to make singly an application for partition.

The application shall be accompanied with the convention on partition referred to in section 22.3, if any.”.

12. Section 24 of the Regulation is amended

(1) by replacing paragraph 2 and 3 by the following paragraphs:

“(2) under sections 99 and 116.1, section 116.2 except insofar as factor “G” therein defined is concerned and sections 116.5, 116.6, 119, 120, 123, 124, 131, 133, 134 to 138 and 179, only the first two digits after the decimal point shall be retained and, where the third digit is greater than 4, the second digit shall be increased by one unit;

(3) for the purpose of calculating factor “G” as defined in section 116.2 and after making the calculations referred to in sections 116.3 and 116.4, no digit after the decimal point shall be retained and, where the first digit is greater than 4, the number shall be increased by one unit;”;

(2) by replacing, in paragraph 4, “and 107,” by “, 107 and 107.1”.

13. Section 26 of the Regulation is amended by inserting, after the word “three”, the words “, four or five”.

14. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*, with the exception of paragraph 1 to 3 of section 5 and sections 6, 9, 10 and 11, which will come into force on 1 July 1999.