

(3) having been found guilty, by final judgment, of a criminal act related to the activity of representative;

(4) contravening any provision of the Act and its regulations applicable to him;

(5) being an undischarged bankrupt, unless the bankruptcy resulted from causes unrelated to the activity of representative;

(6) carrying on activities under conditions or in situations likely to comprise the quality of his services;

(7) directly or indirectly paying or compensating a person who is not a representative in order for that person to act in that capacity or use that title;

(8) directly or indirectly accepting or obtaining payment or compensation from a person who is not a representative and who acts or attempts to act in that capacity;

(9) directly or indirectly accepting or obtaining payment or compensation not authorized by the Act from a person other than the person who used his services;

(10) sharing, offering to share or promising to share his commission or compensation with a person who is not a representative;

(11) paying or promising to pay remuneration or compensation in order for his services to be used, except as provided for by the Act;

(12) carrying on activities not authorized by his certificate or by the class indicated thereon, or implying that he is authorized to do so;

(13) falsely implying that he holds a particular certificate;

(14) knowingly making a false statement;

(15) participating in gathering or in conserving evidence that he knows is false;

(16) concealing or knowingly withholding that which a legislative or regulatory provision requires him to disclose;

(17) advising or encouraging a client to do something that the damage insurance agent knows is illegal or fraudulent;

(18) using or paying a third party to obtain a mandate where that party is not authorized by the Act to do so;

(19) unjustifiably refusing or neglecting to appear at the office of the syndic, of one of his assistants or of an investigator referred to in sections 339 and following of the Act, at the request of any of them;

(20) carrying on activities with persons not authorized to carry on such activities by the Act or the regulations adopted thereunder, or using their services to do so;

(21) charging for professional services not rendered or falsely described;

(omitted)

(22) carrying out solicitation or placing advertisements not permitted by the Act or the regulations adopted thereunder, or allowing such solicitation to be carried out or such advertisements to be placed;

(23) out of malice, filing a complaint or making an unfounded accusation against another representative;

(24) using or appropriating, for personal purposes, money or securities entrusted to him in the carrying out of any mandate, whether the activities carried on by the agent are in the discipline of damage insurance or in another discipline contemplated in the Act.

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Draft Regulation

An Act respecting the distribution of financial products and services
(1998, c. 37)

Chambre de l'assurance de dommages — Titles of associate insurance broker and chartered insurance broker

In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), notice is hereby given that the Regulation of the Chambre de l'assurance de dommages respecting the titles of associate insurance broker and chartered insurance broker, the text whereof is set forth hereinbelow, will be submitted to the Government which may approve it, with or without any amendments, upon the expiry of 45 days from the present publication.

According to the Chambre, this proposed regulation sets forth the purpose of the program of studies leading to the title of "associate insurance broker" and the abbreviation "A.I.B.", as well as the title of "chartered insurance broker" and the abbreviation "C.I.B.", by fo-

cussing training on corporate management and risk management. These provisions will harmonize the training requirements needed for obtaining these titles with the various programs offered in the general and vocational colleges (CEGEPs) and in the universities.

It sets forth the procedures to be followed when an individual wishes to have his prior learning recognized in order to obtain the title of associate insurance broker (A.I.B.) or chartered insurance broker (C.I.B.).

Finally, it sets forth transitional provisions required in order to make the transition from the former training requirements to the new training requirements for obtaining these titles and in order to make the transition to the *Chambre de l'assurance de dommages*.

According to the *Chambre*, a review of this file has not disclosed any impact upon the public.

Additional information may be obtained by contacting Mrs. Maya Raic, Director General and Interim Secretary, *Chambre de l'assurance de dommages*, 500, rue Sherbrooke Ouest, 7^e étage, Montreal (Québec) H3A 3C6, telephone number (514) 842-2591 or 1-800-361-7288, telecopier number (514) 842-3138, e-mail: acapq@videotron.ca.

Any interested persons wishing to comment on the above matter are requested to send two copies of their comments to the Minister of State for the Economy and Finance and Minister of Finance, 12, rue Saint-Louis, bureau 1.01, Québec (Québec) G1R 5L3 before the expiry of the 45-day time period.

BERNARD LANDRY,
*Minister of State for the Economy and Finance
and Minister of Finance*

Regulation of the *Chambre de l'assurance de dommages* respecting the titles of associate insurance broker and chartered insurance broker

An Act respecting the distribution of financial products and services
(1998, c. 37)

CHAPTER I THE TITLE OF ASSOCIATE INSURANCE BROKER

1. The Chamber may authorize a damage insurance broker, who holds a certificate issued by the Bureau authorizing him to act as such, to use the title of "associate insurance broker" and the abbreviation "(A.I.B.)", provided:

(1) he has acted as a damage insurance broker for at least 12 consecutive months;

(2) he holds a certificate for a broker in personal and commercial lines insurance;

(3) he has fulfilled one of the following conditions:

(a) he has taken and successfully completed the compulsory courses determined by the Chamber as provided for in the programs of studies for the Attestation of College Studies in damage insurance, the Diploma of College Studies in administrative techniques in the field of (damage) insurance or the title of Associate of the Institut d'assurance de dommages du Canada and the Chamber, unless his prior learning has been recognized;

(b) he holds an Attestation of College Studies in damage insurance and has successfully completed the course of Associate of the Institut relating to the same subject as that contemplated in subparagraph 12 of the second paragraph of this section and the course of the Chamber relating to the same subject as that contemplated in subparagraph 13 of the said second paragraph, unless his prior learning has been recognized;

(c) he holds a Diploma of College Studies in administrative techniques in the field of (damage) insurance and has successfully completed the courses for the Attestation of College Studies in damage insurance relating to the same subjects as those contemplated in subparagraphs 4, 5, 7 and 10 of the second paragraph of this section and the course of Associate of the Institut relating to the same subject as that contemplated in subparagraph 12 of the second paragraph as well as the course of the Chamber relating to the same subject as that contemplated in subparagraph 13 of the said second paragraph, unless his prior learning has been recognized;

(d) he holds a Diploma of College Studies in administrative techniques in the field of (damage) insurance and has successfully completed the courses of Associate of the Institut relating to the same subjects as those contemplated in subparagraphs 4, 5, 12 of the second paragraph of this section and the courses for the Attestation of College Studies relating to the same subjects as those contemplated in subparagraphs 7 and 10 of the second paragraph as well as the course of the Chamber relating to the same subject as that contemplated in subparagraph 13 of the said second paragraph, unless his prior learning has been recognized.

For purposes of this section, a program of studies is a program which comprises fourteen courses relating to the following subjects:

- (1) laws and regulations
- (2) home insurance
- (3) automobile insurance
- (4) commercial lines insurance
- (5) building mechanics
- (6) financial accounting
- (7) computer science
- (8) communications
- (9) sales
- (10) customer service
- (11) claims adjustment
- (12) introduction to risk management
- (13) portfolio analysis.

2. The Chamber shall issue to a damage insurance broker an attestation that it authorizes him to use the title of “associate insurance broker” and the abbreviation “(A.I.B.)”.

(omitted)

CHAPTER II THE TITLE OF CHARTERED INSURANCE BROKER

3. The Chamber may authorize a damage insurance broker, who holds a certificate issued by the Bureau authorizing him to act as such, to use the title of “chartered insurance broker” and the abbreviation “(C.I.B.)”, provided:

- (1) he has acted as a damage insurance broker for at least 24 consecutive months;
- (2) he is authorized by the Chamber to use the title of “associate insurance broker”;
- (3) he has taken and successfully completed the training courses permitting access to the said title, as provided for in the university program in damage insurance, unless his prior learning has been recognized.

The university program in damage insurance contemplated in subparagraph 3 of the first paragraph comprises fifteen courses of which thirteen must compulsorily relate to the subjects set forth in subparagraphs 1 to 11 of this paragraph as well as two courses relating, at the damage insurance broker’s choosing, to one of the subjects set forth in subparagraphs 12 to 14:

- (1) organizational management
- (2) accounting
- (3) financial management
- (4) economics
- (5) business law
- (6) entrepreneurship

- (7) leadership
- (8) marketing
- (9) human resources management
- (10) mathematics
- (11) risk management
- (12) operations management
- (13) training
- (14) advertising

4. The Chamber shall issue to a damage insurance broker an attestation that it authorizes him to use the title of “chartered insurance broker” and the abbreviation “(C.I.B.)”.

5. A damage insurance broker who is authorized by the Chamber to use the title of “chartered insurance broker” and the abbreviation “(C.I.B.)” must cease using the title of “associate insurance broker” and the abbreviation “(A.I.B.)”.

CHAPTER III RECOGNITION OF PRIOR LEARNING

6. Notwithstanding the provisions of subparagraphs 1 and 3 of the first paragraph of section 1 and those of section 3, the Chamber may authorize a broker to use the title of associate insurance broker and the abbreviation “(A.I.B.)” or the title of chartered insurance broker and the abbreviation “(C.I.B.)” if the broker can prove to the Chamber that he has attained a level of knowledge equivalent to that of a broker having taken the course and passed the examination for which he is requesting an exemption.

CHAPTER IV WITHDRAWAL OF A TITLE

7. A damage insurance broker shall no longer be authorized to use either of the titles set forth in the first paragraph of section 318 of the Act:

- (1) if he ceases to hold a certificate for a damage insurance broker;
- (2) if his certificate for a damage insurance broker is suspended by a final decision of the committee on discipline or the Court of Québec sitting in appeal from a decision of the said committee;
- (3) if he has failed, for more than 30 days, to pay the fines or costs imposed by a final decision of the committee on discipline of the Chamber or the Court of Québec sitting in appeal from a decision of the said committee, as the case may be;
- (4) if he has failed, for more than 3 months, to comply with the obligation to remit a sum of money imposed

pursuant to subparagraph d of the first paragraph of section 156 of the Professional Code (R.S.Q., c. C-26) as a penalty by means of a final decision of the committee on discipline or the Court of Québec sitting in appeal from a decision of the said committee;

(5) if he has failed to comply with the rules governing compulsory professional development which are applicable to him.

A broker who remedies the defaults for which his authorization to use either of the titles contemplated in this Regulation has been withdrawn pursuant to the first paragraph shall once again be authorized to use his title.

The provisions of the second paragraph shall not apply to a broker whose certificate has been cancelled by a final decision of the committee on discipline or the Court of Québec sitting in appeal from a decision of the said committee, as the case may be.

CHAPTER V TRANSITIONAL PROVISION

8. A damage insurance broker who, prior to the coming into force of this Regulation, has started to take the training program of the Association des courtiers d'assurances de la province de Québec leading to the title of associate insurance broker (A.I.B.) or the university training program leading to the title of chartered insurance broker (C.I.B.) may, at his option, for the purpose of asking the Chamber for the authorization to use the title sought, satisfy the requirements of the provisions of this Regulation, or the requirements governing the aforesaid program which led to the title sought, provided that in the latter case, he has taken the courses and successfully passed the examinations prescribed by the said program within the following period:

(1) where the authorization request relates to the title of associate insurance broker and its abbreviation "(A.I.B.)", a period of 1 year from the coming into force of this Regulation;

(2) where the authorization request relates to the title of chartered insurance broker and its abbreviation "(C.I.B.)", a period of 5 years from the said date.

However, if the broker is unable to satisfy the requirements of the provisions of the training program mentioned in the first paragraph which are applicable to him due to the fact that one or more of the prescribed courses are no longer offered, in such a case, he may take the courses and successfully pass the examinations deemed to be equivalent by the Chamber.

(omitted)

Draft Regulation

An Act respecting the distribution of financial products and services
(1998, c. 37)

Claims adjusters — Code of ethics

In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), notice is hereby given that the Regulation of the Chambre de l'assurance de dommages respecting ethics of Claims Adjusters, the text whereof is set forth hereinbelow, will be submitted to the Government which may approve it, with or without any amendments, upon the expiry of 45 days from the present publication.

According to the Chambre de l'assurance de dommages, the proposed regulation sets forth the obligations of Claims Adjusters, including their obligations towards the public, towards clients, insurers, and representatives, and towards the Bureau des services financiers and the Chambre de l'assurance de dommages. The regulation draws on the current rules of ethics set forth in the By-law of the Conseil des assurances de dommages respecting market intermediaries in damage insurance. However, adjustments and amendments have been made in order to clarify the current rules and provide greater detail regarding certain obligations, given the new environment created by An Act respecting the distribution of financial products and services, and in order to fill certain gaps which had been noted.

The Chambre believes that to date, a review of this file has not disclosed any impact upon the public, other than a greater degree of protection through effective monitoring of the Claims Adjusters with whom the public will do business.

Additional information may be obtained by contacting Mrs. Maya Raic, Director General and Interim Secretary, Chambre de l'assurance de dommages, 500, Sherbrooke Ouest, 7^e étage, Montréal (Québec) H3A 3C6, telephone number (514) 842-2591 or 1-800-361-7288, telecopier number (514) 842-3138, e-mail: acapq@videotron.ca.

All interested persons wishing to provide comments with regard to the foregoing are requested to send such comments, in duplicate, prior to the expiry of the 45-day deadline, to the Minister of Finance, 12, rue Saint-Louis, bureau 1.10, Québec (Québec) G1R 5L3.

BERNARD LANDRY,
Minister of State for the Economy and Finance