

Gouvernement du Québec

O.C. 1452-2001, 5 December 2001

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2)

**Chambre de l'assurance de dommages
— Compulsory professional development**

Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages

WHEREAS under subparagraph 2 of the first paragraph of section 313 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), each Chamber shall determine, by regulation, the rules governing compulsory professional development in each sector or class of sectors other than financial planning in which its contributors carry on business;

WHEREAS under the second paragraph of that section, a regulation made under the first paragraph shall be submitted to the Government for approval with or without amendment;

WHEREAS in accordance with that section, the Chambre de l'assurance de dommages made the Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text to the draft Regulation was published in the *Gazette officielle du Québec* of 10 October 2001 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

**Regulation respecting the compulsory professional development of the
Chambre de l'assurance de dommages**

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2, s. 313, par. 1, subpar. 2)

**DIVISION I
SCOPE**

1. This Regulation applies to all representatives who hold a certificate issued by the Bureau des services financiers authorizing them to practise in any sector or class of sector of damage insurance or claims adjustment.

2. In this Regulation, the term «professional development unit», or «PDU», means the quantitative value assigned to a training activity recognized by the Chambre de l'assurance de dommages, one PDU representing one hour of activity.

3. The Chamber shall recognize a training activity, dealing with one of the subjects mentioned in first paragraph of section 4 when it is given in accordance with an agreement concluded under section 316 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2).

**DIVISION II
OBLIGATIONS**

4. As of January 1, 2002, any representative who holds a certificate shall, between that date and December 31, 2003, and every 24 months thereafter, take part in training activities recognized by the Chamber and consisting of 30 PDUs in the subjects falling within the following classes:

(1) administration:

- (a) economics;
- (b) accounting and finance;
- (c) business management;

(2) insurance techniques:

- (a) personal lines insurance;
- (b) commercial lines insurance;
- (c) risk management;
- (d) claims adjustment;
- (e) building services;
- (f) investigation techniques;
- (g) loss prevention;

(3) law:

- (a) laws and regulations respecting damage insurance;
- (b) ethics and the professional practice of damage insurance;
- (c) civil law;
- (d) laws and regulations respecting the protection of personal information;

(4) professional development:

- (a) customer service;
- (b) professional practice.

The PDUs shall be completed in accordance with the following terms and conditions:

- (1) 20 PDUs in the administration class or the insurance techniques class;
- (2) 4 PDUs in the law class;
- (3) 6 PDUs in one or the other of the classes referred to in subparagraphs (1) to (4) of the first paragraph.

The number of PDUs to be accumulated in one or the other of the classes referred to in first paragraph by any representative who is issued a certificate between January 1, 2002, and December 31, 2003, or over the course of any 24-month period thereafter, shall be prorated based on the number of complete months he has held a certificate during these 24 months, unless he has held the certificate for less than 6 months.

5. A representative cannot complete his PDUs within the context of an activity designed to promote an insurer's insurance products or an activity designed to motivate representatives to sell such products.

6. The Chamber may relieve a representative from the obligations referred to in section 4 if, due to superior force, he was unable to comply with them.

The fact that a representative was suspended or struck off the roll, or that his certificate was cancelled, revoked, suspended, not renewed or included restrictions and conditions does not constitute superior force.

7. The representative referred to in the second paragraph of section 6 can take part in training activities recognized by the Chamber and earn PDUs. However, he may not act in the capacity of trainer, instructor or facilitator in these activities.

8. A representative who decides to accumulate more than the PDUs required during any 24-month period cannot carry them forward to a subsequent period.

9. For each 24-month period, each representative shall keep the training attestations or exam or test result attestations given to him by the person, organization or educational institution who offers the training activity and for one year following the end of the 24-month period.

10. At the latest by January 15 following the end of the 24-month period, each representative himself or through the firm for which he is acting or the independent partnership of which he is a partner or employee must forward to the Chamber a copy of the attestations he must keep in accordance with section 9.

11. On January 30 following any given 24-month period, the Chamber shall send a default notice to each representative who has not accumulated the PDUs required under section 4 and notify him of the consequences of such default.

12. A representative who is in default must, after having received such notice from the Chamber, accumulate the number of PDUs he has failed to accumulate in one or more of the classes referred to in section 3, at the latest by March 31 following the end of the 24-month period.

13. At the end of the period referred to in section 12, the Chamber shall send a notice of non-compliance to each representative who has not accumulated the required number of PDUs and notify him of the consequences of such default.

14. The Chamber shall notify the Bureau des services financiers when it sends the notice referred to in section 13 to any representative who is in default.

15. A representative who acts in the capacity of trainer, instructor or facilitator in an activity is entitled, only once for this activity, to double the number of PDUs assigned to it.

16. 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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