

**SCHEDULE 10**

(s. 82.17)

**SECURITY****APPEARING :**

\_\_\_\_\_  
 (name and address of the Fonds, if it is an employer)  
 herein represented by \_\_\_\_\_

duly authorized pursuant to a resolution of its board of directors attached hereto ;

(indicate the name and address of all the Funds, if they are employers, as well as the name of the person duly authorized pursuant to a resolution of the Fund attached hereto)

**WHO DECLARE AS FOLLOWS :**

The legal persons herein represented hereby bind themselves jointly and severally toward the Commission de la santé et de la sécurité du travail to pay the assessment, to a maximum of 50% of the amount corresponding to the aggregate product obtained by multiplying the total estimated wages for the assessment year of each employer in the group by the risk-related portion of the rate applicable to the employer under section 305 of the Act for that year and the interest owing to the Commission for the \_\_\_\_\_ assessment year if any of the parties hereto is the object of a certificate deposited with the Clerk of the court of competent jurisdiction under section 322 of the Act.

An employer that ceases to form part of a group remains bound by the security for the assessment related to that part of the year in which it formed part of the group.

The parties hereto waive the benefits of discussion and division.

IN WITNESS WHEREOF, the parties through their duly authorized representatives have signed this document

\_\_\_\_\_  
 (name of the Fund if it is an employer)

Per: \_\_\_\_\_  
 (duly authorized person) (date)

\_\_\_\_\_  
 (name of the Fund if it is an employer)

Per: \_\_\_\_\_  
 (duly authorized person) (date)

(name and signature of any other employers).”.

**3.** For the 2006 assessment year, the application pursuant to section 82.15 of the Regulation respecting retrospective adjustment of the assessment, as enacted by section 1 of this Regulation, must be filed no later than ten days after the coming into force of this Regulation and it shall be irrevocable upon expiration of the aforementioned ten-day period.

**4.** Where for the 2006 assessment year, a group applies under section 82.15 of the Regulation respecting retrospective adjustment of the assessment, as enacted by section 1 of this Regulation, the group is regarded as having also applied for its qualification for retrospective adjustment of the assessment to be determined under subsection (1) of section 5 of this Regulation.

The group shall advise the Commission of its election for 2006, as provided for in Subdivision 2 of Division II of Chapter III of this Regulation, no later than ten days after the coming into force of this Regulation.

**5.** This Regulation takes effect as of the 2006 assessment year.

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**Draft Regulation**

Consumer Protection Act  
 (R.S.Q., c. P-40.1)

**Rules of conduct for used automobile dealers  
— Extended voluntary undertaking**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that on the expiry of 45 days following this publication, the Government may, by Order, extend the application of the voluntary undertaking appearing below to all used automobile dealers in Québec.

A number of dealers have signed the voluntary undertaking which establishes rules of conduct designed to promote fairness and competence in the used automobile trade in Québec.

The measure will clarify the application of the general provisions in the Consumer Protection Act governing business practices, within the specific context of the used automobile trade. It will make the rules of conduct applicable to all used automobile dealers in Québec, including those who have not signed the voluntary undertaking.

The draft Regulation is conducive to creating fair and equitable competition among all enterprises and to reducing losses incurred by some dealers because of repeated occurrences of misleading practices. In that respect the measure may prove to be more restrictive for certain used automobile dealers.

Further information may be obtained by contacting Marc Migneault, Office de la protection du consommateur, 5199, rue Sherbrooke Est, bureau 3671, Montréal (Québec) H1T 3X2; telephone: 514 873-1993; fax: 514 864-2400.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, Sainte-Foy (Québec) G1V 4M1.

YVON MARCOUX,  
*Minister of Justice*

## Voluntary Undertaking

Consumer Protection Act  
(R.S.Q., c. P-40.1, s. 315.1)

The merchant undertakes to:

- 1.** advertise only the used automobiles available and ready for sale or long-term lease at the time the advertisement order is placed. In the advertisement, the merchant undertakes to indicate the number of such automobiles in the merchant's possession at the time the advertisement order is placed;
- 2.** state in its advertisements and post in its establishments a selling price, or a retail value if a long-term lease is offered, that includes all costs other than the Québec Sales Tax (QST) and the Goods and Services Tax (GST) to be paid on the purchase of the used automobile. The selling price or the retail value, excluding taxes, may be increased only if goods or services are added at the consumer's request;
- 3.** not split up the selling price or the retail value in advertising a used automobile for sale or long-term lease;
- 4.** not claim that the selling price or the retail value of a used automobile, excluding the Québec Sales Tax (QST) and the Goods and Services Tax (GST) and any service or accessory added to the automobile, includes a cost borne by the merchant to which another cost has been added;

**5.** state, in all advertising of a used automobile, the selling price or retail value, excluding the Québec Sales Tax (QST) and the Goods and Services Tax (GST), and the number of kilometres actually travelled;

**6.** state, if the merchant advertises used automobiles for sale or long-term lease by lot, the highest asking price, excluding the Québec Sales Tax (QST) and the Goods and Services Tax (GST), or, as applicable, the highest asking retail value among all the automobiles in the lot. The price or retail value must be in characters as large and visible as any other price or retail value advertised for any other automobile in the lot;

**7.** state the number of kilometres actually travelled among all the automobiles in a lot, if the merchant advertises used automobiles for sale or long-term lease by lot. The number of kilometres travelled must be in characters as large and visible as the number shown for any other automobile in the lot;

**8.** not use the following terms in the used automobile trade, in particular in representations that refer to the merchant or used automobiles the merchant is offering for sale or long-term lease:

(a) "auction", except to advertise the holding of an auction, where the date, time and place of the auction are fixed and stated in the advertisement;

(b) "seizure liquidation", except to advertise the holding of a seizure liquidation, at the date, time and place stated in the advertisement;

(c) "wholesaler";

(d) "wholesale price";

(e) "cost price";

(f) "manufacturer's returns";

(g) "directly from the manufacturer";

or terms of similar import or intent;

**9.** not to make representations that may lead consumers to believe an auction is to be held, in particular by using a recording of a real or fictitious auction, except to announce the holding of an auction, where the date, time and place of the auction are stated in the same representations;

**10.** in advertising a used automobile, not inform the consumer of credit offered or of the terms of a long-term lease, except to mention the availability of credit or a

long-term lease, in which case the merchant undertakes to provide only the name, firm name, trademark or corporate symbol of a merchant dealing in credit or long-term lease contracts, or to use the expressions “credit offered”, “credit accepted”, “credit available”, “leasing offered” or “leasing available”;

**11.** not include illegible text in advertising used automobiles or the used automobile trade;

**12.** use, in advertising used automobiles, only a current photograph or video of the advertised automobile that is a true representation of the automobile;

**13.** allow consumers to road test any used automobile offered for sale or long-term lease;

**14.** before the purchase or long-term lease of a used automobile, allow the consumer to have the automobile inspected by any technician of the consumer’s choice located at a reasonable distance from the merchant’s place of business. The merchant undertakes to not charge a fee and to allow the automobile to be driven to the place of inspection. Should the merchant not allow the automobile to be driven, the merchant undertakes to bear the cost of transporting the automobile to the place of inspection;

**15.** give the consumer, at any time and on request by the consumer, a copy of the contracts, the label and any other document relating to the sale or long-term lease of a used automobile, and documents relating to warranties and extended warranties offered;

**16.** not to disclose outside the merchant’s place of business the last six digits of the identification numbers of the automobiles offered for sale or long-term lease;

**17.** state, in advertising the sale or long-term lease of a rebuilt automobile, that the advertised automobile is a rebuilt automobile, regardless of whether that fact must appear on the automobile’s registration certificate;

**18.** reimburse the Office de la protection du consommateur for the costs of investigations or inspections made under the president’s authority pursuant to the president’s powers under the Act to verify compliance with this voluntary undertaking, up to a maximum of:

1. \$300 for a first investigation or inspection;

2. \$1,200 for a second investigation or inspection if made within six months of a notice given by the president stating that the first investigation or inspection revealed a breach of this voluntary undertaking;

## Exemptions

**19.** the merchant may be exempted from the requirements of paragraphs 13 and 14 of this voluntary undertaking if a used automobile is unfit to be driven or if it is offered for sale for rebuild or for parts. The merchant must in such cases obtain an attestation, written in its entirety by and signed by the consumer, stating that the consumer has been informed by the merchant that the automobile is unfit to be driven, that it is being sold for rebuild, or that it is being sold for parts;

**20.** the merchant may be exempted from the requirement of paragraph 13 of this voluntary undertaking and may refuse to allow the consumer to drive the automobile to have it inspected as provided in paragraph 14, if the consumer cannot demonstrate to the merchant that he or she holds a valid driver’s licence.

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