

Draft Regulations

Draft Regulation

Transport Act
(R.S.Q., c. T-12)

Brokerage of bulk trucking services — Amendments

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 the brokerage of bulk trucking services, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to automatically renew the brokerage permits for bulk trucking services expiring on 31 March 2007 for a 1-year period ending on 31 March 2008.

To date, the draft Regulation has no financial impact on enterprises, including small and medium-sized businesses and will result in a cost saving to the brokerage businesses concerned.

Further information may be obtained by contacting Yanick Blouin, Ministère des Transports, 700, boulevard René-Lévesque Est, 2^e étage, Québec (Québec) G1R 5H1; telephone: 418 644-4719 extension 2345; fax: 418 644-5178.

Any interested person having comments to make on the matter is asked to send them in writing before the expiry of the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

MICHEL DESPRÉS,
*Minister of Transport and
Minister responsible for the
Capitale-Nationale region*

Regulation to amend the Regulation respecting the brokerage of bulk trucking services*

Transport Act
(R.S.Q., c. T-12, s. 5, par. f)

1. The Regulation respecting the brokerage of bulk trucking services is amended by inserting the following after section 37:

“**37.1.** Every brokerage permit expiring on 31 March 2007 is automatically renewed for a 1-year period ending on 31 March 2008.”.

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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Draft Regulation

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

Information to be provided to consumers — Amendments

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 information to be provided to consumers, appearing below, was made by the Autorité des marchés financiers on 2 October 2006 and may be submitted to the Government which may approve it with or without amendment on the expiry of 45 days following this publication.

The draft Regulation sets out the rules relating to the disclosure of the business relationships referred to in section 26 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), including the manner in which insurance representatives must

* The Regulation respecting the brokerage of bulk trucking services, made by Order in Council 1483-99 dated 17 December 1999 (1999, *G.O.* 2, 5079), was last amended by the regulation made by Order in Council 1402-2000 dated 29 November 2000 (2000, *G.O.* 2, 5602).

disclose the relationships. The draft Regulation also determines the benefits and interests granted that constitute a business relationship.

The draft Regulation has no significant impact on the public or on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Maurice Lalancette, Director General, Encadrement et développement du secteur financier, Ministère des Finances, 8, rue Cook, 4^e étage, Québec (Québec) G1R 0A4; telephone: 418 646-7572; fax: 418 646-5744; e-mail: maurice.lalancette@finances.gouv.qc.ca

Interested persons having comments to make on the draft Regulation are asked to send them in writing before the expiry of the 45-day period to the Minister of Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

MICHEL AUDET,
Minister of Finance

Regulation to amend the Regulation respecting information to be provided to consumers*

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2, s. 26, 2nd par., 31, 207, 208 and 217)

1. The Regulation respecting Information to be Provided to Consumers is amended by replacing Division 3 with the following:

**“DIVISION 3
DISCLOSURE OF INFORMATION ON INSURERS
WHOSE REPRESENTATIVE IS AUTHORIZED TO
OFFER PRODUCTS OR WITH WHOM THE
REPRESENTATIVE HAS A BUSINESS
RELATIONSHIP”.**

2. Section 4.5 of the Regulation is replaced by the following:

“4.5 The provisions of this Division only apply to damage insurance agents and damage insurance brokers, other than section 4.6, which only applies to representatives in insurance of persons, representatives in group insurance of persons and damage insurance brokers.”.

3. Section 4.7 of the Regulation is repealed.

4. The Regulation is amended by adding the following after section 4.7:

“4.8 Damage insurance brokers must, before offering an insurance product, verbally disclose to the person with whom they are transacting business the names of the insurers with whom the brokers, the independent partnership or the firm on whose behalf they are acting have a business relationship as defined in the second paragraph of section 26 of the Act and section 4.10, and specify the nature of the relationship, in the manner prescribed in Schedule 4.

4.9 Damage insurance agents, must, before placing a risk with an insurer with whom the agents or the firm on whose behalf they are acting have a business relationship as defined in the second paragraph of section 26 of the Act and section 4.10, disclose such business relationship verbally to the person with whom they are transacting business, in the manner prescribed in Schedule 4.

4.10 For the purposes of the second paragraph of section 26 of the Act, a business relationship is entered into where an insurer that is a financial institution, other than an insurer engaging exclusively in the business of reinsurance, a financial group or a legal person related to the financial institution or financial group, within the meaning of section 147 of the Act, grants a benefit by lending a sum of money or granting any other form of financing to a firm, an independent partnership or an independent representative or, as the case may be, the executive officers, directors, shareholders or partners thereof, or other legal persons or partnerships for which these executive officers, directors, shareholders or partners are also executive officers, directors, shareholders or partners.

Moreover, such a business relationship is entered into and an interest is granted by an insurer to a firm, an independent partnership or an independent representative where the aggregate of risks placed with the insurer or other insurers that are members of the same financial group represented 60% or more of the total volume of risks placed in personal-lines damage insurance by the firm, the independent partnership or the independent representative, calculated on the value basis of written premiums annualized as at December 31 of each year.

* The Regulation respecting Information to be Provided to Consumers, adopted on July 23, 1999 pursuant to resolution No. 99.07.22 and published in the Bulletin of the Bureau des services financiers (BSF), No. 5, dated November 11, 1999, was amended under the Regulation adopted on February 8, 2001 pursuant to resolution No. 2001.02.27 and published in BSF Bulletin No. 12, dated March 5, 2001, and the Regulation adopted on February 13, 2003 pursuant to resolution No. 2003.02.11 and published in BSF Bulletin No. 32, dated March 6, 2003.

4.11. Damage insurance agents and damage insurance brokers are not required to disclose the business relationship contemplated in the second paragraph of section 4.10 if they are, with respect to the person with whom they are transacting business, acting in the commercial-lines damage insurance sector class; this exemption shall also apply to agents who have made the disclosure prescribed in section 32 of the Act.

4.12. Damage insurance agents and damage insurance brokers are deemed to have disclosed the interest held by the insurer in the ownership of the firm on behalf of which they are acting or, conversely, the interest held by the firm in the ownership of the insurer, or the benefit the insurer has granted to the firm in accordance with the first paragraph of section 4.10, when the use of the firm's name indicates this business relationship.

4.13. At the time of issuance of the insurance policy, damage insurance agents or damage insurance brokers who place a risk with an insurer must confirm in writing the disclosure they have made pursuant to sections 4.8 or 4.9, regarding their business relationship with that insurer, by using the phrases set out in Schedule 4.

At the time of the renewal of the insurance policy, damage insurance agents or damage insurance brokers must disclose, in writing and in the manner provided for in the first paragraph, this business relationship as well as any new relationship established during the year prior to the renewal date. Where these agents or brokers have verbal communication with their client, they must also disclose such business relationships verbally in the manner provided for in Schedule 4.”.

5. The Regulation is amended by adding the following after Schedule 3:

“SCHEDULE 4
(ss. 4.8 and 4.9)

DISCLOSURE OF INFORMATION ON INSURERS

The business relationships to be disclosed are as follows:

— the fact that the insurer with which the damage insurance agent or damage insurance broker may place a risk holds a direct or indirect interest in the ownership of the firm on behalf of which this agent or broker is acting;

— the fact that the firm on behalf of which the damage insurance agent or damage insurance broker is acting holds a direct or indirect interest in the ownership of the insurer with which this agent or broker may place a risk;

— the fact that the firm or the independent partnership on behalf of which the damage insurance agent or damage insurance broker is acting or this broker as an independent representative or, as the case may be, the executive officers, directors, shareholders or partners thereof or other legal persons or partnerships on behalf of which these executive officers, directors, shareholders or partners are also executive officers, directors, shareholders or partners, have been granted a loan or any other form of financing by the insurer with which they may place a risk; and

— the fact that the aggregate risks placed with the insurer or other insurers that are members of the same financial group represented 60% or more of the total volume of risks placed in personal-lines damage insurance by the firm or the independent partnership on behalf of which the damage insurance agent or damage insurance broker is acting or by this broker as an independent representative, calculated on the value basis of direct written premiums annualized as at December 31 of each year.

The damage insurance agent or damage insurance broker must make the disclosure prescribed in section 4.8 or 4.9 by using one of the following phrases, and making the necessary changes:

(1) for disclosure of ownership interests with an insurer or the granting of a loan or any other form of financing by an insurer:

— “Our firm has a financial relationship with the insurer ABC Inc.”;

— “The insurer ABC Inc. has granted a loan or financing to our firm.”;

— “Our firm is owned in part by the insurer ABC Inc.”;

— “Our firm owns part of the insurer ABC Inc.”.

(2) for disclosure of the name of the insurer with which the aggregate risks placed by the firm represent 60% or more of the total volume of risks placed in personal-lines damage insurance:

— “Our firm does business primarily with the insurer ABC Inc.”;

— “ABC Inc. is our firm’s principal insurer.”;

— “I am an agent for the insurer ABC Inc. and I propose only products offered by that insurer.”.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, other than section 4.13, which is introduced by section 4 of this Regulation and will come into force on the date of the first anniversary of the coming into force of this Regulation.

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Notice

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Solid waste removal — Montréal — Amendment

Notice is hereby given in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour has received a petition from the contracting parties to amend the Decree respecting the removal of solid waste in the Montréal region (R.R.Q., 1981, c. D-2, r.29) and that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation to amend the Decree respecting the removal of solid waste in the Montréal region, a copy of which appears below, may be made by the Government on the expiry of the 45 days following this publication.

The purpose of this draft regulation is to increase the wage rates of the Decree and to update the legal name of a union contracting party.

The consultation period shall serve to clarify the impact of the proposed amendments. According to the 2005 annual report of the Comité paritaire des boueurs de la région de Montréal, the Decree governs 274 employers and 1 394 employees.

Further information may be obtained by contacting:

M. Patrick Bourassa
Direction des données sur le travail et des décrets
Ministère du Travail, 200, chemin Sainte-Foy, 5^e étage
Québec (Québec) G1R 5S1

Telephone: 418 528-9738

Fax: 418 644-6969

E-mail: patrick.bourassa@travail.gouv.qc.ca

Any interested person having comments to make on this subject is asked to send them in writing before the 45-day expiry date to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

JULIE GOSSELIN,
Deputy Minister of Labour

Decree to amend the Decree respecting the removal of solid waste in the Montréal region *

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 2 and 6.1)

1. The Decree respecting the removal of solid waste in the Montréal region is amended in the first WHEREAS preceding DIVISION 1.00, by replacing “L’Union des chauffeurs de camions, hommes d’entrepôts et aides, local 106” by “L’Union des chauffeurs de camions, hommes d’entrepôts et autres ouvriers, Teamsters Québec, section locale 106.”

2. Section 6.01 of the Decree is amended as follows:

* The last amendments to the Decree respecting the removal of solid waste in the Montréal region (R.R.Q., 1981, c. D-2, r.29) were approved under the regulation made by Order in Council No. 736-2005 dated 9 August 2005 (2005, *G.O.* 2, 4616). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2006, updated to 1 September 2006.