

Regulations and other acts

Gouvernement du Québec

O.C. 306-2008, 2 April 2008

Education Act
(R.S.Q., c. I-13.3)

Student transportation — Amendments

Regulation to amend the Regulation respecting student transportation

WHEREAS, under section 453 of the Education Act (R.S.Q., c. I-13.3), the Government may regulate student transportation, namely, to determine the stages of the process for awarding contracts for the transportation of students, to provide, for each stage, restrictions and conditions for awarding contracts, to limit the carriers with whom a school board may make agreements, to prescribe the minimum stipulations required to be included in a contract and establish standards in respect of its duration, and whereas a regulation under that section may allow the Minister to exempt contracts for the transportation of students from the application of some of the provisions of that regulation;

WHEREAS, under section 454 of the Act, the Government may, by regulation, establish the composition, mode of operation and functions of the advisory committee on student transportation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting student transportation was published in Part 2 of the *Gazette officielle du Québec* of 4 July 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT the Regulation to amend the Regulation respecting student transportation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting student transportation*

Education Act
(R.S.Q., c. I-13.3, ss. 453 and 454)

1. Section 1 of the Regulation respecting student transportation is amended

(1) by striking out “a regional school board or” at the beginning of the definition of “board”;

(2) by adding the following definition after the definition of “educational institution”:

“intermunicipal board of transport” means every intermunicipal board of transport or regional public transport board established under the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., c. C-60.1); (conseil intermunicipal de transport en commun)”;

(3) by replacing the definition of “public transit authority” by the following:

“public transit authority” means every transit authority established under the Act respecting public transit authorities (R.S.Q., c. S-30.01); (organisme public de transport en commun)”.

2. Section 2 is amended

(1) by striking out paragraph 3;

* The Regulation respecting student transportation, made by Order in Council 647-91 dated 8 May 1991 (1991, *G.O.* 2, 1699), was last amended by the regulation made by Order in Council 642-98 dated 13 May 1998 (1998, *G.O.* 2, 2053). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

(2) by replacing paragraphs 5, 6 and 7 by the following:

“(5) the principal of a school of the board;

(6) a representative of the parents’ committee of the board and, where the board provides all or part of the transportation services of another school board, a representative of the parents’ committee of that board;

(7) two school commissioners of the board and, where the board provides all or part of the transportation services of another school board, two commissioners of that board;”;

(3) by adding the following paragraph:

“(11) a representative of each intermunicipal board of transport whose territory intersects with that of the board.”.

3. Section 13 is replaced by the following:

“**13.** A board whose territory intersects with that of a public transit authority or of an intermunicipal board of transport, or an educational institution situated in the territory of such an authority or board must offer to that authority or board, at least 10 days before proceeding with negotiations by agreement or with public tenders, the possibility of providing the transportation service required for the students residing in the territory of the public transit authority or of the intermunicipal board of transport.”.

4. Sections 15.1, 16.1 and 17.1 are struck out.

5. Section 18 is amended by replacing the first paragraph by the following:

“**18.** A board or an educational institution that avails itself of paragraph 2 of section 16 or subparagraph 4 of the second paragraph of section 17 may not grant to any one carrier more than one contract for one vehicle.”.

6. Section 19 is amended by replacing “to 17.1” by “and 17”.

7. Section 20 is amended by replacing “17.1” by “17”.

8. Section 21 is replaced by the following:

“**21.** Public tenders must be called by means of a notice circulated in the electronic tendering system approved by the Government.”.

9. Section 23 is amended

(1) by striking out “que” in the first paragraph of the French text;

(2) by adding the following paragraph at the end:

“Despite the preceding, this section does not apply to a tenderer who shows that the tenderer is a member of a group of carriers providing school busing or transportation services that meets the following conditions:

(1) the group is duly constituted as a non-profit legal person;

(2) the group has at least 50 members who are carriers providing school busing or transportation services;

(3) the members have, collectively, the exclusive use of at least 2,000 buses or minibuses under contract for school busing or transportation purposes for the school year covered by the performance guarantee referred to in the first paragraph; and

(4) the members have solidarily undertaken to carry out, on the same conditions, any school busing or transportation contracts that other group members fail to carry out.”.

10. Section 31 is amended

(1) by replacing “the date of manufacture of their chassis” in paragraph 2 by “the year of the vehicle”;

(2) by adding the following paragraph at the end:

“Despite the preceding, subparagraph 5 does not apply to a carrier who shows that the carrier is a member of a group of carriers providing school busing or transportation services that meets the following conditions:

(1) the group is duly constituted as a non-profit legal person;

(2) the group has at least 50 members who are carriers providing school busing or transportation services;

(3) the members have, collectively, the exclusive use of at least 2,000 buses or minibuses under contract for school busing or transportation purposes for the school year covered by the performance guarantee referred to in subparagraph 5;

(4) the members have solidarily undertaken to carry out, on the same conditions, any school busing or transportation contracts that other group members fail to carry out.”

11. Section 33 is amended by replacing “according to the variation of the consumer price index” by “on the basis of the average change in the monthly consumer price indexes”.

12. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 8 which comes into force on that date or on the date of coming into force of section 11 of the Act respecting contracting by public bodies (2006, c. 29), whichever date is later.

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Gouvernement du Québec

O.C. 314-2008, 2 April 2008

Building Act
(R.S.Q., c. B-1.1)

Contractors and owner-builders — Professional qualification

Regulation respecting the professional qualification of contractors and owner-builders

WHEREAS, under paragraphs 8 to 18, 19.7, 20 and 38 of section 185 and section 192 of the Building Act (R.S.Q., c. B-1.1), amended by section 63 of chapter 10 of the Statutes of 2005 and by section 45 of chapter 22 of the Statutes of 2005, the Régie du bâtiment du Québec may, by regulation, determine the requirements for the professional qualification of contractors and owner-builders;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the professional qualification of contractors and owner-builders was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2007 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS the comments received have been examined;

WHEREAS, under section 189 of the Building Act, a regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation respecting the professional qualification of contractors and owner-builders, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the professional qualification of contractors and owner-builders

Building Act
(R.S.Q., c. B-1.1, s. 185, 1st par., subpars. 8 to 18, 19.7, 20 and 38 and s. 192; 2005, c. 10, s. 63; 2005, c. 22, s. 45)

CHAPTER I INTERPRETATION

1. In this Regulation, “guarantor” means a natural person doing business alone or an officer who, following examinations under this Regulation or any other method of evaluation considered appropriate by the Régie du bâtiment du Québec under subparagraph 1 of the first paragraph of section 58 of the Building Act (R.S.Q., c. B-1.1), unless the person or officer is exempt therefrom under the Act or one of its regulations, has demonstrated having the knowledge or experience relevant to managing a building undertaking and carrying out construction work, or has been recognized or holds an attestation issued by the Board under section 58.1 of the Act.

2. A member of a partnership, or in the case of a legal person, a director, officer or shareholder holding 20% or more of the voting shares is deemed to be an officer within the meaning of section 45 of the Act; a full-time manager and, for construction work on an owner-builder’s electrical installation, a journeyman electrician who has carried on the trade of electrician for at least two years, is a full-time employee of the owner-builder and supervises such work on behalf of the owner-builder, are also deemed to be officers and are authorized to apply for a licence on behalf of a partnership or legal person.