

334. The insurer or holder of an operating permit may terminate the insurance only on written notice of at least 60 days to the Board.

335. The Board may suspend or refuse to renew an operating permit where the holder

(1) has not informed the Board of any change, in accordance with section 328 or 334;

(2) has not complied with an order issued under section 123 or 124 of the Building Act (R.S.Q., c. B-1.1);

(3) operates an amusement ride or device that is not provided with the identification plate referred to in section 322 or 323; or

(4) has not complied with a remedial notice issued by the Board under section 122 of the Building Act regarding an amusement ride or device referred to in the permit or in the supplementary measure required in such a notice.

DIVISION IX OFFENCE

336. Every contravention of any of the provisions of this Chapter, except section 330, constitutes an offence.”.

DIVISION X FINAL

2. Section 308 of the Safety Code relating to the maintenance of a log book for each amusement ride or device, introduced by section 1 of this Regulation, applies to the log books maintained under the Amusement Rides Regulation, made by Order in Council 649-91 dated 8 May 1991, and to the documents that accompany them.

3. The identification plates issued under the Amusement Rides Regulation, made by Order in Council 649-91 dated 8 May 1991, become, without other formality, identification plates issued under section 322 or 323 of the Safety Code, introduced by section 1 of this Regulation.

4. The Regulation respecting fees exigible from owners of passenger ropeways and amusement park rides, approved by Order in Council 941-95 dated 5 July 1995, is to be revoked on 3 May 2012.

5. For the first application for an operating permit, the owner has 60 days from 3 May 2012 to comply with sections 324 to 335 of the Safety Code introduced by section 1 of this Regulation with respect to amusement rides and devices existing on that date.

6. This Regulation comes into force on 3 May 2012.

2000

Gouvernement du Québec

Décret 364-2012, 4 April 2012

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

Construction Code — Amendment

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec must by regulation adopt a building code containing, in particular, building standards for buildings, facilities intended for use by the public, and installations independent of a building or their vicinity;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards, and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under paragraph 0.1 of section 185 of the Act, the Board may, by regulation, exempt from the application of the Act or certain of its provisions categories of persons, contractors, owner-builders, manufacturers of pressure installations, or owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations, and categories of buildings, pressure installations, facilities, installations or construction work;

WHEREAS, under paragraph 0.2 of section 185 of the Act, the Board may, by regulation, for the purposes of section 10, designate any facility as a facility intended for use by the public and establish criteria for determining whether or not a facility is intended for use by the public;

WHEREAS, under section 192 of the Act, the contents of the Construction Code may vary, in particular, according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use

by the public or installations independent of a building, and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board adopted the Regulation to amend the Construction Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 6 July 2011 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 60 days following that publication;

WHEREAS the Board wants the Regulation to come into force on 3 May 2012;

WHEREAS the comments received were examined;

WHEREAS, under section 189 of the Building Act, every 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 without amendment;

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

THAT the Regulation to amend the Construction Code, attached to this Order in Council, be approved.

Le greffier du Conseil exécutif,
GILLES PAQUIN

Regulation to amend the Construction Code

Building Act
(R.S.Q., c. B-1.1, ss. 128.4, 173, 176, 176.1, 178, 179, 185, pars. 0.1, 0.2, 1, 2.1, 3, 7, 37 and 38, and s. 192)

1. The Construction Code (c. B-1.1, r. 2) is amended by inserting the following after section 8.218:

“CHAPTER IX AMUSEMENT RIDES AND DEVICES

DIVISION I INTERPRETATION

9.01. In this Chapter, unless the context indicates otherwise, “Code” means CSA Standard CAN/CSA Z267-00, Code de sécurité concernant les jeux et les manèges, including Appendix C concerning tests, and

CSA Standard CAN/CSA Z267-00, Safety Code for Amusement Rides and Devices, including Appendix C concerning tests, prepared and published by the Canadian Standards Association.

DIVISION II APPLICATION

9.02. Subject to the exemptions and amendments set out in this Chapter, the Code and provisions of this Chapter apply to the design, construction procedure and all construction work carried out on an amusement ride or device referred to in the Code and designed as facilities intended for use by the public in section 9.03, including their vicinity.

The following are exempted from the application of this Chapter:

(1) amusement rides and devices on a base that are designed to be used as coin-operated rides or devices;

(2) children’s playspaces and equipment complying with CSA Standard CSA Z614, Children’s Playspaces and Equipment, published by the Canadian Standards Association, in public areas, play spaces and other similar areas;

(3) air-supported amusement devices and structures;

(4) soft contained play systems complying with ASTM Standard ASTM F 1918, Standard Safety Performance Specification for Soft Contained Play Equipment, published by the American Society for Testing and Materials;

(5) recoil tethered rides (bungee);

(6) water slides;

(7) sliding playground and equipment that depend on snow or ice;

(8) dry slides;

(9) aerial courses, track rides and zip-lines;

(10) go-kart tracks, karts and race tracks;

(11) mechanical bulls;

(12) hot-air balloons;

(13) live animal rides; and

(14) haunted houses, labyrinths and rides in darkness with no mechanical devices to move users.

9.03. For the purposes of section 10 of the Act, the amusement rides and devices referred to in CSA Standard CAN/CSA Z267-00, Safety Code for Amusement Rides and Devices, are facilities intended for use by the public.

DIVISION III REFERENCES

9.04. A reference in the Code to a standard or another code referred to in Table 1 is a reference to the standard or code referred to in the chapter of the Construction Code referring thereto.

TABLE 1

Designation	Title	Chapter of Construction Code
NRCC 38726	National Building Code of Canada	I
CAN/CSA-B44	Safety Code for Elevators	IV
CAN/CSA C22.1	Canadian Electrical Code, Part I, Safety Standard for Electrical Installations	V
CAN/CSA-Z98	Passenger Ropeways	VII

In the Code, a reference to CSA Standard CAN/CSA B51, Boiler, Pressure Vessel, and Pressure Piping Code, is a reference to the edition referred to in the regulation made under the Act respecting pressure vessels (R.S.Q., c. A-20.01).

DIVISION IV GENERAL

9.05. The design, construction procedure and construction work carried out on an amusement ride or device must be carried out so that the amusement ride or device provides, in normal conditions of use and when used as intended, satisfactory levels of performance while minimizing danger to the public.

9.06. A contractor or owner-builder must, during construction work carried out on an amusement ride or device,

- (1) use construction procedures suitable for the work;
- (2) use the materials, appliances, equipment or devices designed for that purpose;

(3) take the necessary precautions to prevent risk of accidents; and

(4) comply with the manufacturer's requirements regarding installation and assembly.

DIVISION V DECLARATION OF WORK

9.07. A contractor or owner-builder must, at least 45 days before the date of the beginning of construction work, except maintenance or repair work, on an amusement ride or device referred to in section 9.02, declare the work to the Board with the following information and documents:

(1) the name, address, telephone number and licence number of the contractor or owner-builder who will carry out the work;

(2) the name, address and telephone number of the person for whom the work is carried out;

(3) the name, address and telephone number of the person who prepared the plans and specifications related to the construction work;

(4) the address of the site and nature of the work;

(5) the type, trademark and model of the amusement ride or device, the name of the manufacturer and the technical specifications of the amusement ride or device;

(6) the date on which, the place where and the list of the tests and inspections were conducted together with the name of the person recognized under section 9.13 who will sign the certificate of conformity required under section 9.12; and

(7) the expected date on which the amusement ride or device will be put into service for the public.

The declaration may be made on the form provided by the Board or on any other document clearly and legibly written for that purpose and updated if any changes are made to the information provided.

Despite the first paragraph of this section, a contractor or owner-builder who carries out demolition work on an amusement ride or device must declare the work to the Board with the information and documents required under subparagraphs 1 to 5.

9.08. Despite the first paragraph of section 9.07, a contractor or owner-builder who carries out alteration work recommended by the manufacturer on an amusement ride or device following an incident or an accident involving a similar amusement ride or device must, within 2 working days after the end of the alteration work, declare the work to the Board with the information required under subparagraphs 1 to 5 of that paragraph, and the nature of the work carried out.

DIVISION VI PLANS AND SPECIFICATIONS

9.09. A contractor or owner-builder may not begin construction work, except maintenance, repair or demolition work, on an amusement ride or device, referred to in section 9.02, unless plans and specifications have been prepared for the work.

The plans must be drawn to scale and must, with the specifications, indicate the nature and scope of the work. The plans and specifications must include the manufacturer's information and instructions on the erection and assembly of the amusement ride or device.

The plans and specifications must be signed and sealed by an engineer within the meaning of the Professional Code (R.S.Q., c. C-26), authorized to do so.

9.10. Despite section 9.09, a contractor or owner-builder may begin alteration work required following the issue of a bulletin by the manufacturer on an amusement ride or device if the contractor or owner-builder has in his or her possession the manufacturer's instructions, drawings and testing procedures concerning the work.

9.11. A contractor or owner-builder must, at the end of the construction work provided for in section 9.09, give the final plans of the amusement ride or device to the owner.

DIVISION VII CERTIFICATE OF CONFORMITY

9.12. A contractor or owner-builder must, at the end of the construction work on an amusement ride or device, except maintenance, repair, demolition or alteration work recommended by the manufacturer, provide the Board with a certificate of conformity with this Chapter produced and signed by a person recognized under section 9.13, stating that

(1) the design, construction procedure and construction work on the amusement ride or device were carried out in accordance with the Code and this Chapter, and the amusement ride or device may be safely put into service for the public;

(2) the installations related to the amusement ride or device, in particular, fences, ramps, stairs, guardrails, operator and supervisor stations, signals and signs, comply with the Code and this Chapter;

(3) equipment, wiring and electrical connectors are certified as complying with Chapter V of the Construction Code;

(4) the manufacturer's instructions concerning the assembly have been followed;

(5) the tests and inspections provided for in the Code for the amusement ride or device, by the designer and manufacturer, have been performed and their results are satisfactory;

(6) the information on the maintenance, operation and periodic testing required from the designer and manufacturer by the Code have been provided to the owner; and

(7) the pressure vessels are identified by their registration number.

The certificate must contain a declaration from the manufacturer certifying that the amusement device or its prototype has been designed and manufactured so as to withstand loads and constraints under all loading and operating conditions.

The certificate must also specify the information on the information plate required under Clause 4.1.3. of the Code, the components inspected, the means used and the data used as the basis for drawing up the certificate, the address of the site where the amusement ride or device was installed, the nature of the work, the date of the tests and inspections and the name and title of the person who performed them, the date of signature, name, address and telephone number of the recognized person that produced the certificate and the date of the end of the construction work.

The recognized person must provide the Board with information from the designer and manufacturer on the maintenance, operation and periodic testing of the amusement ride or device to which the certificate applies.

The certificate of conformity may be made on the form provided for that purpose by the Board or on any other document containing the same information clearly and visibly written for that purpose.

9.13. The following persons whose professional activities are related to amusement rides and devices may be recognized by the Board to produce and sign the certificate of conformity required under section 9.12:

(1) an engineer who is a member of the Ordre des ingénieurs du Québec; and

(2) the holder of a temporary licence issued under the Engineers Act (R.S.Q., c. I-9).

9.14. A person who applies for recognition must

(1) file an application with the Board that contains

(a) the person's name, home address, telephone number and membership number of the person's professional order or the person's temporary licence number; and

(b) the description of the experience acquired in activities related to the field of design, construction or inspection of amusement rides or devices; and

(2) pay the fees of \$547.48.

9.15. The recognition of a person may be revoked by the Board for the following reasons:

(1) the person no longer meets the conditions set out in section 9.13; or

(2) the person has been convicted of an offence under paragraph 2, 3, 4 or 7 of section 194 of the Building Act.

DIVISION VIII AMENDMENTS TO THE CODE

9.16. The CAN/CSA Z267-00 Code, published by the Canadian Standards Association, is amended

(1) by replacing the words "inspection", "inspect" and "inspected" wherever they appear by the words "verification", "verify" and "verified" with the necessary modifications;

(2) by revoking Clause 1.4;

(3) by revoking Clause 1.5;

(4) by adding the following at the end of Clause 5.3.2:

"The amusement ride or device must be equipped with a device to restrain passengers under all loading and operating conditions planned for the amusement ride or device, in compliance with ASTM Standard ASTM F2291-04, Standard Practice for Design of Amusement Rides and Devices, published by the American Society

for Testing and Materials. The restraining device must be of a type that cannot be inadvertently released when the amusement ride or device is in operation and be inaccessible to passengers.";

(5) by adding the following at the end of Clause 5.3.3:

"The following clearances are considered to comply with the requirements of Clause 5.3.3:

(1) 600 mm between a structural element and any point of the vehicle in contact with the passenger;

(2) 1,200 mm of vertical clearance between the seat and any fixed structural member located above such seat; and

(3) 2,000 mm of vertical clearance between the floor in front of the seat and any fixed structural member located above such floor, where the passenger is not restrained in the vehicle seat.

This section does not apply to a vehicle which is enclosed or has an openwork wire mesh preventing a 38-mm diameter spherical object from going through or 50-mm in the case of an amusement device to be used solely by adults."

(6) by replacing Clause 5.4.3 by the following:

"5.4.3 Welding and welding procedures must comply with CSA Standard CSA W59, Welded Steel Construction, or CSA Standard CSA W59.2, Welded Aluminum Construction, published by the Canadian Standards Association.

Welding must be performed by a qualified welder from a company that is certified according to CSA Standard CSA W47.1, Certification of Companies for Fusion Welding of Steel, or CSA Standard CSA W47.2, Certification of Companies for Fusion Welding of Aluminum, published by the Canadian Standards Association.";

(7) by adding the following paragraph at the end of Clause 5.4.5:

"A rope tensioning device must be designed so that it will not release itself during the operation of an amusement ride or device and be equipped with a positive action manual reset slack rope device.";

(8) by revoking Clause 5.4.6;

(9) by adding the following paragraph at the end of Clause 5.5.4:

“Lighting of a minimum of 100 lx at floor level must be installed at the loading and unloading areas and entrances and egresses.”;

(10) by adding the following at the end of Clause 5.5.5:

“No part of an amusement ride or device is to come nearer to an electrical conductor of more than 750 V than the distance specified in the following table:

Voltage (in volts)	Distance (in metres)
Less than 125,000	5
125,000 or more	30

”;

(11) by adding the following after Clause 5.7.2:

“**5.7.3** A signal system must be provided during the starting or stopping of an amusement ride or device where the loading or unloading areas cannot be seen from the operating controls.

5.7.4 An amusement ride or device must be equipped with an emergency stop device that causes the stoppage of the brakes that complies with CSA Standard CAN/CSA Z431-M89, Colours of Indicator Lights and Push Buttons, published by the Canadian Standards Association and marked “Arrêt de secours”. The device must be of the push-pull type and be provided with contacts which open by positive mechanical separation.”;

(12) by adding the following after Clause 5.8.3:

“**5.8.4** An amusement ride or device must be equipped with devices to prevent the vehicles from making translatory or rotary movements when they are at a standstill in the loading or unloading area or be equipped, to that effect, with a parking brake, except in the case of a vehicle composed of a suspended seat.

5.8.5 A vehicle designed to be towed and each drive mechanism of such a vehicle must be equipped with backstop devices preventing any vehicle in the towing zone from moving back more than 150 mm.

5.8.6 An amusement ride or device must be installed so that it does not exceed the operating limits specified by the designer or manufacturer or be equipped, to that effect, with a speed limiting device.”;

(13) by adding the following after Clause 5.10:

“**5.11** Where a suspension or coupling device for a vehicle or any other moving part of an amusement ride or device is used as a single retainer, a safety retainer must be installed on the vehicle or the moving part to ensure the safety of passengers, unless the single coupling device has a safety factor of at least 10.

5.12 Glazing used in a vehicle must be certified as complying with CGSB Standard CAN/CGSB B-12.1-M90, Tempered or Laminated Safety Glass, or CGSB Standard CAN/CGSB B-12.12-M90, Plastic Safety Glazing Sheets, published by the Canadian General Standards Board (CGSB).

5.13 Every amusement ride or device equipped with a sloping channel and a receptacle basin, which uses water to generate or reduce the speed of a vehicle must be provided with devices allowing for the control of the water level of the basin and the water flow of the flume’s feed pump.

In addition, the devices must automatically stop the operation of the amusement ride or device if the water level or flow does not comply with that required for the operation of the amusement ride or device.

5.14 Every amusement ride or device of the “roller coaster ride” type must comply with the following requirements:

(1) be installed so as to allow for the presence of only one vehicle or only one train of vehicles, at the same time, in the space between each braking system along its path;

(2) the nuts used to lock the wheels of a vehicle must be of the castle type and be locked with cotter pins;

(3) every coupling device for vehicles must be locked, and any bolts, nuts or locks which are used must be equipped with a wire to prevent loosening or disengaging; and

(4) operating controls must be located so as to allow the operator to monitor the entire loading and unloading area.

5.15 Where users are moved in darkness inside an enclosure or in the case of an amusement ride or device completely enclosed, the enclosure must be equipped with

(1) a smoke alarm bearing a seal of approval from Underwriters' Laboratories of Canada (ULC) and installed in compliance with the manufacturer's instructions. The proper working order of the smoke alarm must be checked at every assembly of a portable amusement ride or device and every month in other cases;

(2) signs, visible from the vehicle, indicating egresses;

(3) an emergency lighting system of not less than 10 lx at floor level and egress signs, activated automatically when the main source of electrical supply is interrupted.

In addition, each egress must bear the inscription "SORTIE" in lettering at least 25 mm high and, if locked, it must be possible to open it from the inside without a key."

DIVISION IX OFFENCE

9.17. Every contravention of any of the provisions of this Chapter, except section 9.14, constitutes an offence."

2. This Regulation comes into force on 3 May 2012.

1999

M.O., 2012-04

Order number V-1.1-2012-04 of the Minister for Finance, 3 April 2012

Securities Act
(R.S.Q., c. V-1.1)

CONCERNING Regulation 25-101 respecting designated rating organizations

WHEREAS subparagraphs 1, 2, 3, 9.2, 9.3, 9.4, 11 and 34 of section 331.1 of the Securities Act (R.S.Q., c. V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice

required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS Order in Council no. 930-2011 of September 14, 2011 concerning the Minister for Finance provides that the Minister for Finance exercises, under the supervision of the Minister of Finance, the functions for the application of the Securities Act;

WHEREAS the draft Regulation 25-101 respecting designated rating organizations was published in the *Bulletin de l'Autorité des marchés financiers*, volume 9, no. 4 of January 27, 2012;

WHEREAS the *Autorité des marchés financiers* made, on March 1, 2012, by the decision no. 2012-PDG-0036, Regulation 25-101 respecting designated rating organizations;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister for Finance approves without amendment Regulation 25-101 respecting designated rating organizations appended hereto.

3 April 2012

ALAIN PAQUET,
Minister for Finance

Regulation 25-101 respecting designated rating organizations

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (2), (3), (9.2), (9.3), (9.4), (11) and (34); 2009, c. 58, s. 138)

PART 1 DEFINITIONS AND INTERPRETATION

1. Definitions

In this Regulation

"board of directors" means, in the case of a designated rating organization that does not have a board of directors, a group that acts in a capacity similar to a board of directors;