

Regulation to amend the Construction Code

Building Act

(chapter B-1.1, s. 173, 1st par., subpars. 1, 2, 3, 7, 8 and 10, and s. 178)

1. The Construction Code (chapter B-1.1, r. 2) is amended in section 8.06 by replacing the references in Table 1

“

CCBFC	NRCC 476667F	National Fire Code – Canada 2005	8.21, 1st paragraph
CSA	CSA-B139-04	Installation Code for Oil Burning Equipment	8.21, 2nd paragraph 8.84, paragraph 1, subpar. c

”

by the following:

“

CCBFC	NRCC 53303	National Fire Code – Canada 2010	8.21, 1st paragraph
CSA	CSA-B139-2009	Installation Code for Oil Burning Equipment	8.21, 2nd paragraph 8.84, paragraph 1, subpar. c

”

2. Section 8.07 is replaced by the following:

“**8.07.** Unless otherwise indicated in this Chapter, the referenced documents indicated in Table 1 of section 8.06 include all later amendments to an edition, published by an agency mentioned in that Table.

Despite the foregoing, amendments published after 6 March 2014 apply to construction work only as of the date corresponding to the last day of the sixth month following the month in which those amendments are published.

Unless otherwise provided for, a reference in this Chapter to a standard or code is a reference to that standard or code as adopted by the chapter of the Construction Code or Safety Code (chapter B-1.1, r. 3) that refers to it.”

3. The second paragraph of section 8.21 is replaced by the following:

“Any petroleum equipment that is covered by the standard “Installation Code for Oil Burning Equipment” (CSA-B-139), published by the Canadian Standards Association, must be installed in accordance with the requirements of that standard if the equipment is intended to store diesel fuel or fuel oil and to supply an engine or equipment that is installed permanently.”

4. 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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M.O., 2014

Order number D-9.2-2014-02 of the Minister of Finance and Economy, February 4, 2014

An Act respecting the distribution of financial products and services
(chapter D-9.2)

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

WHEREAS, under paragraph 2 of section 202.1 of the Act respecting the distribution of financial products and services (chapter D-9.2), the Autorité des marchés financiers shall determine, by regulation, the rules governing compulsory professional development for representatives other than financial planners;

WHEREAS the Chambre de l'assurance de dommages is a legal person established under the Act;

WHEREAS, under the fourth paragraph of section 312 of the Act, the Chambre de l'assurance de dommages shall exercise, in respect of its members, the regulatory power provided for in section 202.1;

WHEREAS, under the first and the second paragraphs of section 194 of the Act, the Autorité des marchés financiers shall publish in the information bulletin the draft regulation made by a Chamber under the fourth paragraph of section 312 and every draft regulation must be published with a notice stating the time that must elapse before the draft regulation may be made or be submitted for approval, and stating the fact that any interested person may, during that time, submit comments to the person designated in the notice;

WHEREAS, under the first and the third paragraphs of section 217 of the Act, a regulation made by a Chamber under the fourth paragraph of section 312 must be submitted to the Minister for approval with or without amendment, a draft of a regulation referred to in the first paragraph may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft and the regulation 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 the Regulation of the Chambre de l'assurance de dommages respecting compulsory professional development has been approved by Order in Council no. 1452-2001 dated December 5, 2001;

WHEREAS there is cause to replace this regulation;

WHEREAS the draft Regulation of the Chambre de l'assurance de dommages respecting compulsory professional development was published in the *Bulletin de l'Autorité des marchés financiers*, volume 10, no. 46 of November 21, 2013;

WHEREAS the Chambre de l'assurance de dommages made the Regulation of the Chambre de l'assurance de dommages respecting compulsory professional development on February 28, 2013;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance and Economy approves without amendment the Regulation of the Chambre de l'assurance de dommages respecting compulsory professional development appended hereto.

February 4, 2014

NICOLAS MARCEAU,
The Minister of Finance and Economy

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

An Act respecting the distribution of financial products and services
(chapter D-9.2, s. 202.1, par. 2; s. 312)

DIVISION I SCOPE AND INTERPRETATION

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

2. In this Regulation:

“PDU” means a professional development unit consisting of one hour of training activity recognized by the Chamber;

“Reference period” means any 24-month period beginning on January 1st of an even-numbered year;

“Trainer” means a natural person who acts as an instructor or facilitator and who provides a training activity.

DIVISION II TRAINING

§1. Period, frequency and content of training

3. A representative must accumulate at least 20 PDUs per reference period, in the categories listed in Section 4, as follows:

1° 12 PDUs in the classes listed in paragraphs 1 to 4 of section 4;

2° 5 PDUs in the classes listed in paragraphs 1 to 5 of section 4; and

3° 3 PDUs in the class listed in paragraph 4 of section 4.

4. The training activities recognized by the Chamber shall fall within the following categories:

1° administration:

- (a) economics;
- (b) accounting and finance;
- (c) business management;
- (d) training techniques.

2° insurance techniques:

- (a) personal lines insurance;
- (b) commercial lines insurance;
- (c) risk management;
- (d) claims adjustment.

3° law:

- (a) laws and regulations respecting damage insurance;
- (b) civil law.

4° compliance:

(a) ethics and the professional practice of damage insurance;

(b) laws and regulations respecting the distribution of financial products and services;

(c) laws and regulations respecting the protection of personal information.

5° professional development:

(a) operational efficiency;

(b) development of the advisory role.

§2. Variations in the training requirements and exemptions

5. A representative who is issued a certificate shall, for the reference period in effect, and in accordance with the requirements set forth in section 3, accumulate PDUs pro rata to the number of full months elapsed during the time he holds the certificate.

6. A representative whose certificate is issued for the first time by the Autorité des marchés financiers is exempted from the requirement to accumulate PDUs for a period of 12 months after the issuance of the certificate.

After this period, he must accumulate a number of PDUs equivalent to the total number of PDUs required for the reference period, pro-rated to the number of remaining months for the reference period. For the purposes of this calculation, the number of PDUs is rounded to the closest superior whole number.

7. A representative is exempt from the professional development requirements if he is absent or on leave during a period of at least four consecutive weeks owing to sickness or accident, or for family or parental reasons. For purposes of this section, the causes and terms of an absence or leave are those set out in Divisions V.0.1 and V.1 of Chapter IV of An Act respecting labour standards (chapter N-1.1).

A representative may obtain an exemption in accordance with the 1st paragraph if he submits a written request to the Chamber setting out the reasons justifying the exemption and provides the supporting document or medical certificate attesting the existence of the situation invoked.

The Chamber grants the exemption for the duration and under the conditions provided for in the supporting document or medical certificate.

When it refuses the exemption in whole or in part, the Chamber advises the representative in writing and informs the latter of his right to present written observations within the time limits given by it.

8. The representative must immediately notify the Chamber in writing as soon as the situation giving rise to the exemption ceases to exist. He must then comply with the requirements prescribed by this Regulation and accumulate a number of PDUs equal to the proportion that the number of full months, whether or not elapsed, during which he was not exempted from the requirements during a reference period is to that reference period. In computing such proportion, the number of PDUs is rounded up to the nearest unit.

9. A representative is not exempt from the requirements under this Regulation for the period during which he ceases to be authorized to practise or during which conditions or restrictions on his right to practise are imposed on him. However, if the period for which the representative ceases to be authorized to practise exceeds one year, he is exempted from the requirements for the duration of that period exceeding one year.

10. A training activity imposed on a representative by the board of directors of the Chamber following a recommendation of the discipline committee, constitutes a training activity for the purposes of the present Regulation.

However, the PDUs for that activity cannot be counted for the purposes of the 20 PDUs required per reference period.

§3. Accumulation and assignment of PDUs

11. A representative who acts as a trainer for a training activity recognized by the Chamber is entitled, only once for the activity, to double the number of PDUs usually awarded for the activity.

A representative whose right to practise has been restricted, or who has had conditions imposed on such right, cannot act as a trainer during that period.

12. A representative can follow and accumulate PDUs attributable to a given training activity a maximum of two times, so long as as that activity is followed in different reference periods.

13. A representative who accumulates more PDUs than required during a reference period will have a maximum of 5 PDUs carried forward to the subsequent period.

14. A representative who, as at March 31st following the end of a reference period, has failed to comply with the professional development requirements prescribed by this Regulation may not assign to the period in respect of which he is in default PDUs accumulated after March 31st of the subsequent reference period, unless the Autorité des marchés financiers has rendered a suspension decision under the second paragraph of section 218 of An Act respecting the distribution of financial products and services (chapter D-9.2) and such decision has been fully executed.

§4. Notice from the Chamber

15. Within 30 days following the end of a reference period, the Chamber must send a notice of default to each representative who has not accumulated the number of PDUs required under section 3 and informs him of the consequences under section 14, under the second paragraph of section 218 of An Act respecting the distribution of financial products and services and under sections 57 and 63 of the Regulation respecting the issuance and renewal of representatives' certificates (chapter D-9.2, r. 7).

16. At the latest by March 31st following the end of the reference period, a representative who is in default must accumulate the number of PDUs he has failed to accumulate in one or more of the categories referred to in section 4.

17. At the end of the period referred to in section 16, the Chamber sends the Autorité des marchés financiers a list of the representatives who have not accumulated the required number of PDUs.

§5. Keeping and sending of documents

18. The certified trainer, training body or educational institution providing the training activity shall send to the Chamber a list of representatives who took part in the training activity within 10 business days following the date on which such activity is held.

19. A representative must keep, for a 24-month period following the end of a reference period, the supporting documents regarding each training activity recognized by the Chamber in which he took part and any attendance vouchers, certificates of exam or test results or transcripts provided by the person, organization or educational institution having provided the training activity in question.

20. Within 30 days following a request from the Chamber, a representative must forward to the Chamber a copy of the attestations he is required to keep in accordance with section 19.

DIVISION III
CERTIFICATION OF TRAINERS AND TRAINING ACTIVITIES

21. The Chamber certifies trainers if he or she has three years of experience in the given subject matter and meets one of the following conditions:

1° He or she has followed at least 24 hours of training in knowledge transmission;

2° He or she has 240 hours of experience as trainer;

3° He or she has followed at least 12 hours of training in knowledge transmission and has 100 hours of experience as trainer.

22. The Chamber recognizes training activities and establishes the eligible duration of those activities to calculate the PDUs relating thereto if the activities enable development of the following professional knowledge, competencies and skills:

1° acquisition and betterment of an integrated approach to the pursuit of the activities for which the representatives hold an authorization to practise;

2° acquisition and application of knowledge and analysis methods specific to the activities of representatives;

3° acquisition, comprehension and application of theoretical and technical knowledge in subjects pertaining to compliance with standards, business conduct and professional ethics.

A training activity based on the sale or promotion of a product cannot be recognized under this Regulation.

23. An application for certification of a training activity must be submitted at least 30 days before the activity is held.

24. The application for certification of a training activity must include the following:

1° a description of the training activity in question, its pedagogical framework and the subjects referred to in section 5 that are dealt with in the training activity;

2° the procedure for the activity and its duration;

3° a document setting out the objectives of the activity and explaining how the activity develops the professional knowledge, skills and competencies referred to in section 21;

4° the method for assessing successful completion of the activity, if applicable;

5° the curriculum vitae of the trainer describing his work experience and pedagogical experience.

The application must be accompanied by payment of the fees determined by the Chamber for an application for certification.

25. When the Chamber refuses an application regarding certification of a training activity or decreases the number of eligible PDUs, it must inform the applicant in question of his right to submit written observations within the time limit indicated by it. The Chamber must then send its final decision to the applicant.

26. Certification of an activity is valid for 24 months from the date of the certification decision or from any other date mentioned therein. At the end of that period, if the applicant wishes to maintain the certification, he must submit an application for renewal to the Chamber.

27. Any person, organization or educational institution that wishes to amend a training activity certified by the Chamber must submit a new application for certification.

28. No later than the last day of the reference period in effect, a representative may submit an application to the Chamber for the awarding of PDUs for a training activity in which he took part and which has not been certified by the Chamber. The decision to award PDUs is valid only for the representative in question. In addition to the elements mentioned in section 23, the representative must provide a voucher attesting that he attended the activity or a certificate of exam or test results, as the case may be.

29. The Chamber may cancel recognition of a trainer or certification of an activity, or decrease the number of PDUs awarded therefor if it becomes aware that the activity being provided is different from the activity that was recognized or if the conditions set out in this Regulation are not being met.

DIVISION IV **FINAL PROVISIONS**

30. This Regulation replaces the Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages (chapter D-9.2, r. 12).

31. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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