

Draft Regulation

Consumer Protection Act
(chapter P-40.1)

Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods
(2023, chapter 21)

Regulation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the application of the Consumer Protection Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the objectively observable failures to comply with a provision of the Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) that may give rise to the imposition of a monetary administrative penalty and the amounts of the penalties. The draft Regulation determines, among the provisions of the Regulation, those whose contravention constitutes an offence and sets for each offence the minimum and maximum amounts of the fines to which the offender is liable.

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

Further information on the draft Regulation may be obtained by contacting M^{re} Valérie Roy, advocate, Direction des affaires juridiques, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec) G1K 8W4; email: consultationOPC@opc.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Denis Marsolais, President, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec) G1K 8W4; email: presidenceOPC@opc.gouv.qc.ca.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

Consumer Protection Act
(chapter P-40.1, s. 350, pars. z.7 and z.8).

Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods
(2023, chapter 21, s. 32, par. 2).

1. The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended by adding the following after section 178:

“CHAPTER XI MONETARY ADMINISTRATIVE PENALTIES

DIVISION I STIPULATIONS PROHIBITED IN A CONTRACT

179. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to anyone who contravenes any of the provisions of Chapter II.1.

DIVISION II FORM OF WRITINGS

180. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to anyone who contravenes a provision of any of the third paragraph of section 26 and sections 27 and 28.

DIVISION III COMPULSORY CLAUSES

181. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 29, 32 and 43 to 45.1.

DIVISION IV PRESENTATION STANDARDS

182. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes section 50.1.

DIVISION V
CONTRACTS OF CREDIT

183. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes section 61.0.9.

184. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 57, 58, 60, 61 and 62 to 64.

DIVISION VI
LONG-TERM CONTRACTS OF LEASE

185. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 69.4.

DIVISION VII
**AUTOMOBILES, MOTORCYCLES AND
HOUSEHOLD APPLIANCES**

186. A monetary administrative penalty of \$300 in the case of a natural person and \$600 in other cases may be imposed to a merchant who contravenes section 76.

DIVISION VIII
**CONTRACTS RELATING TO A LOYALTY
PROGRAM**

187. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 79.6.5 and 79.6.6.

DIVISION IX
**CONTRACTS MADE BY A DEBT SETTLEMENT
SERVICE MERCHANT**

188. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 79.15.

DIVISION X
SECURITY AND DUTIES

189. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed

- (1) to a permit holder who contravenes section 106;
- (2) to a merchant who contravenes a provision of any of the first and second paragraphs of section 123.

DIVISION XI
**EXEMPTION FROM THE RULES RELATING TO
CERTAIN AMOUNTS TRANSFERRED TO A
TRUST**

190. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 165.

DIVISION XII
ADDITIONAL WARRANTY

191. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of the first paragraph of section 168.1 and sections 171 and 173.1 to 175.

CHAPTER XII
PENAL PROVISIONS

192. Every person who contravenes section 25.4 to 25.10, 57, 58, 60, 61, 62 to 64, 69.4, 79.6.5 to 79.6.7, 79.15, 106, 123, 165, 168.1, 171, 173.1, 174 or 175 is liable

(a) to a minimum fine of \$2,500 in the case of a natural person and \$5,000 in any other case; or

(b) to a maximum fine of \$62,500 in the case of a natural person and \$125,000 in any other case, or of an amount equal to 5% of worldwide turnover for the preceding fiscal year, whichever is greater, without exceeding the amount of \$175,000.

193. Every person who contravenes section 26 to 29, 32, 43 to 45.1, 50.1 or 61.0.9 is liable, in the case of a natural person, to a fine of \$1,500 to \$37,500 and, in any other case, to a fine of \$3,000 to \$75,000.

194. Every person who contravenes a provision of this Regulation not referred to in sections 179 and 180 is liable, in the case of a natural person, to a fine of \$600 to \$15,000 and, in any other case, to a fine of \$1,200 to \$30,000.”

2. This Regulation comes into force on 5 January 2025.

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