



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 995

**An Act to amend the Act respecting
prearranged funeral services and sepultures to
require prearranged funeral services contracts
to be registered in the register of personal and
movable real rights**

Introduction

**Introduced by
Mr. Simon Jolin-Barrette
Member for Borduas**

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EXPLANATORY NOTES

The purpose of this bill is to allow a deceased person's close relatives to be informed that he or she had entered into a prearranged funeral services contract.

To that end, the bill amends the Act respecting prearranged funeral services and sepultures to require a notice to be entered in the register of personal and movable real rights when a prearranged funeral services contract is entered into and introduces the obligation that the prearranged funeral services seller enter the notice in the register within 10 days after the contract is entered into.

Under the bill, before entering into a funeral services contract after the death of the person for whom the services are provided, the seller must consult the register of personal and movable real rights and verify whether the person had entered into a prearranged funeral services contract. The seller must inform the buyer if a prearranged funeral services contract is registered in the register for the deceased person.

Lastly, the bill prescribes penal sanctions, should a funeral services seller fail to comply with the requirements relating to the register, and sets out a regulatory provision and a transitional provision.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting prearranged funeral services and sepultures (chapter A-23.001).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting the application of the Act respecting prearranged funeral services and sepultures (chapter A-23.001, r. 1).

Bill 995

AN ACT TO AMEND THE ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES TO REQUIRE PREARRANGED FUNERAL SERVICES CONTRACTS TO BE REGISTERED IN THE REGISTER OF PERSONAL AND MOVABLE REAL RIGHTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

1. The Act respecting prearranged funeral services and sepultures (chapter A-23.001) is amended by inserting the following chapter after section 45:

“CHAPTER V.1

“REGISTRATION IN THE REGISTER OF PERSONAL AND MOVABLE REAL RIGHTS

“DIVISION I

“REGISTRATION

“45.1. A notice of every prearranged funeral services contract must be entered in the register of personal and movable real rights on the application of the seller. The notice must identify the seller and buyer and include any other particulars required by the Act and its regulations.

The seller must enter the notice in the register within 10 days after the contract is made and send a copy of the application for registration to the buyer.

“45.2. The only consideration the seller may require of the buyer to have a notice of a prearranged funeral services contract entered in the register of personal and movable real rights is the registration fee.

“DIVISION II

“STRIKING AN ENTRY

“45.3. Within 10 days of receiving a notice that the contract has been cancelled, the seller must forward a notice of cancellation to the register of personal and movable real rights.

On the application of the seller, the cancelled contract shall be struck from the register.

“45.4. Following delivery of the funeral services stipulated in a contract, the seller must send a notice of cancellation to the register of personal and movable real rights and produce a sworn statement indicating that he holds an attestation to the deceased person’s certificate of death referred to in section 46 of the Public Health Act (chapter S-2.2).

On the application of the seller, the contract’s registration shall be struck from the register.

“DIVISION III

“OBLIGATION TO CONSULT THE REGISTER

“45.5. Before entering into a funeral services contract, the seller must consult the register of personal and movable real rights and verify whether the person for whom the funeral services are provided had entered into a prearranged funeral services contract.

The seller shall inform the buyer when a prearranged funeral services contract is registered in the register for the person and provide the buyer with a copy of the application for registration.

Despite section 1, for the purposes of the first and second paragraphs,

“buyer” means the party to a funeral services contract who undertakes to pay for the property, goods and services stipulated in the contract;

“funeral services contract” means a contract entered into after the death of the person for whom the funeral services are provided;

“seller” means the party to a funeral services contract who undertakes to provide the property, goods and services stipulated in the contract.

“45.6. The seller is exempted from paying the fees required under the Act respecting registry offices (chapter B-9) to have the registrar issue an extract of an application for registration or for consultation of the register of personal and movable real rights.”

2. Section 63 of the Act is amended by inserting the following paragraphs after paragraph 5:

“(6) fails to register a contract in the register of personal and movable real rights in accordance with section 45.1, or

“(7) fails to strike a registered contract from the register of personal and movable real rights as required under sections 45.3 and 45.4.”.

3. The Act is amended by inserting the following section after section 73:

“73.1. Every seller who, before entering into a funeral services contract, contravenes section 45.6, by failing to inform the buyer that a prearranged funeral services contract is registered in the register of personal and movable real rights for the deceased person for whom the services are to be provided, is guilty of an offence and is liable to a fine of not less than \$500 nor more than \$25,000.”

4. Section 81 of the Act is amended by adding the following paragraph at the end:

“(8) prescribing the terms governing the identification of a seller for the purpose of entering a notice registering a prearranged funeral services contract in the register of personal and movable real rights.”

REGULATION RESPECTING THE APPLICATION OF THE ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

5. Section 4 of the Regulation respecting the application of the Act respecting prearranged funeral services and sepultures (chapter A-23.001, r. 1) is amended by adding the following sentence at the end of subparagraph 1 of the second paragraph: “Within 10 days after the contract is made, the seller must enter a notice to that effect in the register of personal and movable real rights.”

TRANSITIONAL PROVISION

6. Within six months after this Act comes into force, sellers within the meaning of the Act respecting prearranged funeral services and sepultures (chapter A-23.001) must enter a notice in the register of personal and movable real rights for every contract for which they have deposited amounts in trust under that Act.

7. This Act comes into force on *(insert the date that is six months after the date of assent to this Act)*.

