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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 150

**An Act respecting mainly the  
implementation of certain provisions of  
the Budget Speeches of 17 March 2016  
and 28 March 2017**

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**Introduction**

**Introduced by  
Mr. Carlos J. Leitão  
Minister of Finance**

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## **EXPLANATORY NOTES**

*This bill amends or enacts a number of legislative provisions mainly to implement certain provisions of the Budget Speech of 17 March 2016 and the Budget Speech of 28 March 2017.*

*The bill enacts the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund, which establishes the broad parameters of a financial assistance program for investments under which enterprises carrying out an eligible project will be able to obtain financial assistance applicable in the form of a partial payment of their electricity bills. The new Act also provides that the Minister of Finance will administer the program, determine its specific eligibility requirements and, if the Minister considers it necessary, create various components. In addition, that Act establishes the Special Contracts and Financial Assistance for Investment Fund, which is dedicated to financing the program.*

*The Act respecting the Ministère des Transports is amended to add the financing of cycling or walking and cycling infrastructures to the purposes to which the sums in the Land Transportation Network Fund may be allocated.*

*The Highway Safety Code is amended to allow certain road vehicle owners to apply for a registration plate bearing a personalized number. Under the bill, the validity of the registration certificate of a road vehicle is made permanent provided the road vehicle is owned by the same person, driver's licences and the authorizations to put a road vehicle into operation are renewed automatically, the payment of duties for a driver's licence and the payment of duties and fees for the registration of a road vehicle are synchronized, and the Société de l'assurance automobile du Québec is allowed to send and receive documents by means of information technologies, including in connection with the registration of road vehicles and driver's licences.*

*The Act respecting the Health and Welfare Commissioner is repealed. Consequently, the Act respecting the Institut national d'excellence en santé et en services sociaux is amended to entrust certain functions of the Health and Welfare Commissioner to the institute.*

*Under the bill, the Land Registrar is authorized to commercialize the data the Land Registrar keeps and to collect land and geographic data from municipalities. In addition, the Act respecting registry offices is amended to allow the Minister of Energy and Natural Resources to establish by order the location of a registry office for each registration division.*

*The Financial Administration Act is amended to provide a framework for the budget planning of bodies other than budget-funded bodies listed in Schedule 2 to that Act. As a result, the Minister of Finance and the Chair of the Conseil du trésor may jointly propose to the Conseil du trésor multi-year budgetary policy directions, common to all such bodies or specific to each, which are to be forwarded, once approved, to the ministers responsible for the bodies. Each minister is to forward the policy directions to the bodies under the minister's responsibility and may append directives, including directives relating to the forwarding and form of an annual budget. The bodies must adopt an annual budget and multi-year budgetary estimates and forward them to the minister responsible. The Conseil du trésor will approve the multi-year budgetary estimates and the ministers will be responsible for ensuring that the bodies under their responsibility meet their annual budget and their multi-year budgetary estimates.*

*The Act respecting Investissement Québec is amended so as to broaden the scope of the Hydrocarbon Capital Fund to cover the energy sector, and, consequently, to rename the fund the "Mining and Energy Capital Fund". The endowment transferred to the fund is converted into an advance.*

*Under the bill, the Act constituting Capital régional et coopératif Desjardins is amended to introduce new governance rules, such as appointing independent persons to fill the majority of seats on the board of directors, limiting the term of board members to 12 years and the term of the chief executive officer to 5 years, setting up a committee responsible for governance and ethics, which is also to be responsible for human resources unless the board sets up another committee, and to introduce rules governing the approval of investments.*

*The following Acts under the responsibility of Revenu Québec are amended:*

*(1) the Tax Administration Act, to allow information to be sent to the Commission des normes, de l'équité, de la santé et de la sécurité du travail, the Minister of Families, the Minister of Tourism and the Ethics Commissioner; increase the thresholds for bringing a summary appeal before the Small Claims Division of the Court of Québec, introduce, in connection with such proceedings, the possibility of resorting to mediation, and allow Revenu Québec to establish and implement a financial compensation program for non-profit organizations participating in the Volunteer Program;*

*(2) the Tax Administration Act and the Act respecting the Québec sales tax, to provide for a technological solution that exploits the possibilities regarding recording sales in the remunerated passenger transportation sector;*

*(3) the Act respecting the Agence du revenu du Québec, to allow members of the Agency's board of directors who were appointed as such on the basis of their employment with a government department or agency to which Revenu Québec provides collection services, or with the Ministère des Finances, in cases where that employment ends, to complete their term provided they have been exercising their functions on the board of directors for at least one year and continue to occupy a position as a high-ranking public servant;*

*(4) the Act to facilitate the payment of support, to allow a designated state, province or territory to carry out an administrative seizure on a third person situated in Québec; and*

*(5) the Educational Childcare Act, to reduce the additional contribution payable for a second child receiving childcare.*

*The Building Act is amended to add certain tariffs, and the Safety Code is amended to reduce certain tariffs payable by owners or operators of a piped gas undertaking and by wholesale owners or operators of an undertaking for the bulk distribution of liquefied petroleum gas.*

*With respect to alcoholic beverages,*

*(1) the Act respecting liquor permits is amended to allow holders of a brewer's permit or small-scale beer producer's permit who also hold a reunion permit to sell, during a tasting salon or an exhibition, alcoholic beverages they make and hold in stock; and*

*(2) the Act respecting the Société des alcools du Québec is amended to allow holders of a small-scale beer producer's permit to sell the alcoholic beverages they make to holders of a reunion permit, to allow holders of a distiller's permit to sell the alcohol or spirits they make, at the place where they are produced, for consumption elsewhere, except to holders of a permit authorizing the sale of alcoholic beverages, and to prohibit holding an industrial wine maker's permit or distiller's permit and a small-scale production permit simultaneously.*

*The Act respecting tourist accommodation establishments is amended to allow the Government to exempt certain types of residence, in accordance with the terms prescribed by regulation, from certain provisions of that Act and to entrust the Agence du revenu du Québec with inspection and investigation powers in tourist accommodation matters.*

*The Act respecting Investissement Québec is amended to require the Company to send, for the determination of the Company's remuneration by the Government, an audited report to the Minister of Economy, Science and Innovation and the Minister of Finance concerning the sums allocated by the Company to the administration of the programs and to the carrying out of the mandates given to it by the Government.*

*With respect to matters concerning the financial sector,*

*(1) the Civil Code is amended, in particular with regard to divided co-ownerships of immovables, to require co-owners to take out liability insurance, the minimum amount of which will be determined by government regulation, to require the syndicate to establish a self-insurance fund to be used to pay the deductibles provided for by the insurance the syndicate takes out, to specify the rules applicable to contributions to the self-insurance fund and to the insurance covering the immovable, and to empower the Government to determine by regulation the terms applicable to those contributions and that insurance; in addition, the Code is amended to introduce conditions and restrictions applicable to the assignment of an individual life insurance contract by its holder, and to allow a group damage insurance contract to be entered into;*

*(2) the Act respecting the distribution of financial products and services is amended to specify that damage insurance brokers must offer clients products from at least four insurers by insurance proposal; to require damage insurance firms to be registered as agencies or brokerage firms; to prohibit registration as a brokerage*

*firm if a financial institution or financial group or a legal person affiliated with them has a significant interest in the firm's decisions or equity capital, and to specify the terms according to which a brokerage firm no longer able to comply with those obligations must change its registration to registration as an agency;*

*(3) the Act respecting the Autorité des marchés financiers is amended to allow recognized self-regulatory organizations, when investigating a person under their jurisdiction, to request any person to communicate any document or information and, when examining a disciplinary matter, to call witnesses, and to allow such an organization to request the Financial Markets Administrative Tribunal to issue an order in respect of a person who fails to respond to such a request or to attend in response to a subpoena;*

*(4) the Act respecting Nasdaq stock exchange activities in Québec is repealed; and*

*(5) the Securities Act is amended to allow the Autorité des marchés financiers to make that Act applicable to a benchmark, thus making the benchmark administrator, among others, subject to the rules the Authority may prescribe by regulation.*

*With respect to agricultural land,*

*(1) the Act respecting municipal taxation is amended to allow the local municipalities of the Communauté métropolitaine de Montréal to impose, by by-law, a tax on workable but unworked farm land, to grant the owner of such land the right to apply for a review of an account including such a tax, and to require revenues from the tax to be paid into a fund intended exclusively to receive them and to help consolidate farm land, encourage the maintenance of agricultural activities, and preserve or re-establish the land for agricultural use; and*

*(2) the Act respecting the preservation of agricultural land and agricultural activities is amended to allow the Government, following an order it makes to exclude a lot from an agricultural zone, to compensate for the agricultural land lost by including an area of land of equivalent quality in that zone.*

*The Act respecting the Institut de tourisme et d'hôtellerie du Québec is amended to increase the minimum and maximum numbers of directors, further define the composition of the board of directors, extend to three years the term of the directors, who may be reappointed only twice for a consecutive or non-consecutive term, allow the*

*institute to establish a college centre for technology transfer, with the authorization of the minister responsible for general and vocational colleges, provide that the staff members of the institute will no longer be public service employees and will be appointed in accordance with a staffing plan, and allow the minister responsible for that Act to authorize the institute to award the degrees, diplomas, certificates or other attestations of university studies to which a university-level program leads.*

*The constituting Acts of certain bodies of which the Minister of Finance is a shareholder are amended to allow the bodies to acquire loan securities issued by that Minister.*

*Under the bill,*

*(1) the Minister of Finance is allowed to carry out certain financial transactions relating to the business of bodies or categories of bodies designated by the Government;*

*(2) a rule rounding penal contributions to the nearest dollar is added to the Code of Penal Procedure;*

*(3) the Act to establish the Fund for the Promotion of a Healthy Lifestyle is repealed;*

*(4) the amount taken from the proceeds of the tobacco tax each year to finance the Sports and Physical Activity Development Fund is increased by \$8,000,000;*

*(5) any Minister or budget-funded body may credit sums to the tourism partnership fund;*

*(6) the portion of advances made to the financing fund and used to fund government enterprises and bodies excluded from the Government's reporting entity is to be included in calculating the gross debt under the Act to reduce the debt and establish the Generations Fund; and*

*(7) diesel used for purposes other than transportation is to be excluded in calculating the annual duty payable into the Green Fund under the Act respecting the Régie de l'énergie for the period from 13 June 2013 to 1 January 2015.*

*Lastly, the bill contains consequential and transitional provisions necessary for its application.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Civil Code of Québec;
- Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01);
- Financial Administration Act (chapter A-6.001);
- Tax Administration Act (chapter A-6.002);
- Public Administration Act (chapter A-6.01);
- Act respecting the Agence du revenu du Québec (chapter A-7.003);
- Act respecting legal aid and the provision of certain other legal services (chapter A-14);
- Act respecting insurance (chapter A-32);
- Act respecting the Autorité des marchés financiers (chapter A-33.2);
- Building Act (chapter B-1.1);
- Act respecting Bibliothèque et Archives nationales du Québec (chapter B-1.2);
- Act respecting registry offices (chapter B-9);
- Act constituting Capital régional et coopératif Desjardins (chapter C-6.1);
- Act respecting the Centre de la francophonie des Amériques (chapter C-7.1);
- Act respecting the Centre de recherche industrielle du Québec (chapter C-8.1);
- Act respecting the Centre de services partagés du Québec (chapter C-8.1.1);
- Highway Safety Code (chapter C-24.2);
- Code of Penal Procedure (chapter C-25.1);
- Professional Code (chapter C-26);



- General and Vocational Colleges Act (chapter C-29);
- Act respecting the national capital commission (chapter C-33.1);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1);
- James Bay Region Development Act (chapter D-8.0.1);
- Act respecting the distribution of financial products and services (chapter D-9.2);
- Territorial Division Act (chapter D-11);
- Act respecting tourist accommodation establishments (chapter E-14.2);
- Act respecting Financement-Québec (chapter F-2.01);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the Fonds d’aide aux actions collectives (chapter F-3.2.0.1.1);
- Act to establish the Sports and Physical Activity Development Fund (chapter F-4.003);
- Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03);
- Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1);
- Hydro-Québec Act (chapter H-5);
- Act respecting offences relating to alcoholic beverages (chapter I-8.1);
- Public Infrastructure Act (chapter I-8.3);
- Act respecting the Institut de la statistique du Québec (chapter I-13.011);

- Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02);
- Act respecting the Institut national d’excellence en santé et en services sociaux (chapter I-13.03);
- Act respecting Institut national de santé publique du Québec (chapter I-13.1.1);
- Act respecting the Institut national des mines (chapter I-13.1.2);
- Act respecting Investissement Québec (chapter I-16.0.1);
- Act respecting administrative justice (chapter J-3);
- Act respecting the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1);
- Act respecting the Ministère des Finances (chapter M-24.01);
- Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);
- Act respecting the Ministère des Transports (chapter M-28);
- Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001);
- Act respecting the Ministère du Tourisme (chapter M-31.2);
- Act respecting the Office Québec-Amériques pour la jeunesse (chapter O-5.1);
- Act to establish the Office Québec-Monde pour la jeunesse (chapter O-5.2);
- Act to facilitate the payment of support (chapter P-2.2);
- Act respecting liquor permits (chapter P-9.1);
- Police Act (chapter P-13.1);
- Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);
- Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1);

- Act respecting the Régie de l’assurance maladie du Québec (chapter R-5);
- Act respecting the Régie de l’énergie (chapter R-6.01);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Fire Safety Act (chapter S-3.4);
- Educational Childcare Act (chapter S-4.1.1);
- Act respecting pre-hospital emergency services (chapter S-6.2);
- Act respecting the James Bay Native Development Corporation (chapter S-9.1);
- Act respecting the Société de développement des entreprises culturelles (chapter S-10.002);
- Act respecting the Société des alcools du Québec (chapter S-13);
- Act respecting the Société des établissements de plein air du Québec (chapter S-13.01);
- Act respecting the Société des loteries du Québec (chapter S-13.1);
- Act respecting the Société des Traversiers du Québec (chapter S-14);
- Act respecting the Société du Centre des congrès de Québec (chapter S-14.001);
- Act respecting the Société du parc industriel et portuaire de Bécancour (chapter S-16.001);
- Act respecting the Société du Plan Nord (chapter S-16.011);
- Act respecting Société Innovatech du Grand Montréal (chapter S-17.2.0.1);

- Act respecting Société Innovatech du sud du Québec (chapter S-17.2.2);
- Act respecting Société Innovatech Québec et Chaudière-Appalaches (chapter S-17.4);
- Act respecting Société Innovatech Régions ressources (chapter S-17.5);
- Act respecting the Société québécoise d’information juridique (chapter S-20);
- Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01);
- Act respecting the Québec sales tax (chapter T-0.1);
- Act respecting Transition énergétique Québec (chapter T-11.02);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1);
- Securities Act (chapter V-1.1);
- Petroleum Resources Act (2016, chapter 35, section 23).

**LEGISLATION ENACTED BY THIS BILL:**

- Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (*insert the year, chapter number and number of the section of this Act enacting that Act*).

**LEGISLATION AMENDED BY THE LEGISLATION ENACTED BY THIS BILL:**

- Hydro-Québec Act (chapter H-5);
- Act respecting administrative justice (chapter J-3).

**LEGISLATION REPEALED BY THIS BILL:**

- Act respecting the Health and Welfare Commissioner (chapter C-32.1.1);
- Act respecting Nasdaq stock exchange activities in Québec (chapter E-20.01);
- Act to establish the Fund for the Promotion of a Healthy Lifestyle (chapter F-4.0021).

**REGULATIONS AMENDED BY THIS BILL:**

- Regulation respecting land registration (chapter CCQ, r. 6);
- Construction Code (chapter B-1.1, r. 2);
- Safety Code (chapter B-1.1, r. 3);
- Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal (chapter C-12, r. 2);
- Regulation respecting road vehicle registration (chapter C-24.2, r. 29);
- Regulation respecting tourist accommodation establishments (chapter E-14.2, r. 1);
- Regulation respecting liquor permits (chapter P-9.1, r. 5);
- Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages (chapter P-9.1, r. 6);
- Regulation respecting the Québec sales tax (chapter T-0.1, r. 2).



## **Bill 150**

### **AN ACT RESPECTING MAINLY THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE BUDGET SPEECHES OF 17 MARCH 2016 AND 28 MARCH 2017**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **FINANCIAL ASSISTANCE FOR INVESTMENT PROGRAM**

**1.** The Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund, the text of which appears in this chapter, is enacted.

##### **“ACT RESPECTING THE FINANCIAL ASSISTANCE FOR INVESTMENT PROGRAM AND ESTABLISHING THE SPECIAL CONTRACTS AND FINANCIAL ASSISTANCE FOR INVESTMENT FUND**

**1.** The Minister of Finance administers the Financial Assistance for Investment Program, which assistance is applicable in the form of a partial payment of the electricity bill of a recipient enterprise that carries out an investment project which pursues the objectives determined by order.

The classes of eligible enterprises and the eligibility requirements of a project are determined by order. An order may pertain to one or more components of the Program according to the class of enterprises to which it applies.

**2.** An enterprise or a group to which it belongs may, according to the terms determined by order, be entitled to more than one amount of financial assistance.

Enterprises, one of which controls the other or which are controlled by the same person or partnership, form a group. A person or partnership that controls an enterprise, which in turn controls another enterprise, controls that other enterprise.

The following persons or partnerships control an enterprise:

(1) if the enterprise is a business corporation, the person or partnership that may choose the majority of the directors;

(2) if the enterprise is a limited partnership, the general partner; and

(3) if the enterprise is any other partnership, the partner who may determine collective decisions, if applicable.

**“3.** The maximum amount of financial assistance to which an enterprise or the group to which it belongs may be entitled is 40% of the eligible costs of the project or, if the project includes production methods provided for by order that contribute to reducing greenhouse gas emissions, 50% of the eligible costs of the project.

However, the amount of financial assistance may not exceed 20% of the electricity costs for each billing period during the maximum period of application of the financial assistance, which is 48 consecutive months, even if, at the end of that period, the maximum amount provided for in the first paragraph has not been reached.

The manner in which the financial assistance is applied is to be determined by order.

**“4.** The eligible costs of a project that are incurred on the dates set by order are the amounts giving entitlement to tax depreciation.

If an enterprise belongs to a group, the eligible costs and the financial assistance are calculated for the group.

**“5.** Financial assistance is applicable only to electricity bills for a consumption period prior to 1 January 2025.

**“6.** To receive financial assistance, an enterprise must send an application to the Minister before 1 January 2019, in the manner determined by order.

**“7.** The financial assistance is subject to a verification conducted in the manner determined by order.

In the course of the verification, the Minister may revise or cancel the financial assistance. In such a case, the assistance may be recovered in the manner determined by order.

**“8.** The decisions made in accordance with this Act are notified to the enterprise.

If a decision grants or modifies financial assistance, it is also notified to the electric power distributor, within the meaning assigned to that expression by section 2 of the Act respecting the Régie de l'énergie (chapter R-6.01), which must specify, in the manner determined by order, the amount of the assistance on the electricity bill it issues to the enterprise.



**“9.** An enterprise has 15 days from the notification to apply in writing for a review of an unfavourable decision. The review decision must be notified within the same number of days.

An enterprise that is not satisfied with a review decision may contest the decision before the Administrative Tribunal of Québec within 30 days of its notification.

**“10.** This Act does not modify an enterprise’s contract with the electric power distributor; the rates and the conditions for the distribution of electric power remain those provided for in the first paragraph of section 22.0.1 of the Hydro-Québec Act (chapter H-5).

However, the electric power distributor and the enterprise may, if necessary for the application of this Act, enter into a side agreement whose duration may not exceed the period of application of the financial assistance.

**“11.** The Minister must pay an amount to the electric power distributor as a partial payment of the enterprise’s electricity costs that corresponds to the financial assistance to which the enterprise is entitled.

If financial assistance is recovered in accordance with the second paragraph of section 7, the distributor must remit the amounts so recovered to the Minister.

**“12.** The orders provided for by this Act are not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) or to the date of coming into force set out in section 17 of that Act.

**“13.** The Special Contracts and Financial Assistance for Investment Fund, dedicated to the payments referred to in section 11 of this Act and the third paragraph of section 22.0.1 of the Hydro-Québec Act, is established under the Minister’s responsibility.

**“14.** The following are credited to the Fund:

- (1) the amounts paid under section 15.1.2 of the Hydro-Québec Act;
- (2) the amounts transferred to it by the Minister out of the appropriations granted for that purpose by Parliament;
- (3) the amounts remitted to the Minister in accordance with the second paragraph of section 11;
- (4) the amounts transferred to it by the Minister under sections 53 and 54 of the Financial Administration Act (chapter A-6.001); and
- (5) the gifts, legacies and other contributions paid into the Fund to further the achievement of its purposes.

**“15.** The following are debited from the Fund:

(1) the amounts paid by the Minister to the electric power distributor in accordance with the first paragraph of section 11; and

(2) the amounts paid by the Minister to Hydro-Québec in accordance with the third paragraph of section 22.0.1 of the Hydro-Québec Act.

**“16.** The accumulated surpluses of the Fund are to be transferred to the general fund on the dates and to the extent determined by the Government.

“AMENDING PROVISIONS

“HYDRO-QUÉBEC ACT

**“17.** The Hydro-Québec Act (chapter H-5) is amended by inserting the following section after section 15.1.1:

**“15.1.2.** The Minister of Finance must pay into the Special Contracts and Financial Assistance for Investment Fund, established under section 13 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (*insert the year, chapter number and number of the section of this Act enacting that Act*), out of the dividends paid by the Company, the amounts necessary for the application of that Act and of the third paragraph of section 22.0.1.

The information necessary to determine the amounts necessary for the purposes of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund and of the third paragraph of section 22.0.1 must be submitted with the financial data referred to in section 15.1.”

**“18.** Section 22.0.1 of the Act is amended

(1) by inserting “, on the recommendation of the Minister and the Minister of Finance,” after “may” in the second paragraph;

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

“The Minister of Finance may, if that Minister considers it advisable, pay the Company the amounts corresponding to any difference between the rates and conditions fixed by the Board in accordance with the first paragraph or, where applicable, those fixed by the Government in accordance with the second paragraph and the rates and conditions stipulated in a special contract determined by that Minister and entered into after 31 December 2016. Those amounts are debited from the Special Contracts and Financial Assistance for Investment Fund.”

“ACT RESPECTING ADMINISTRATIVE JUSTICE

“**19.** Schedule IV to the Act respecting administrative justice (chapter J-3) is amended by adding the following paragraph at the end:

“(33) the second paragraph of section 9 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (*insert the year, chapter number and number of the section of this Act enacting that Act*).”

“FINAL PROVISIONS

“**20.** This Act replaces Orders in Council 675-2016 (2016, G.O. 2, 4068, French only) and 883-2016 (2016, G.O. 2, 5784, French only).

Special contracts covered by the Programme de rabais d’électricité applicable aux consommateurs facturés au tarif «L», set out in Order in Council 883-2016, are terminated on (*insert the date of assent to this Act*). The rebates to which the beneficiaries of that program are entitled are, as of that date, governed by this Act.

“**21.** The title of this Act will be replaced on 1 April 2025 by the following title:

“ACT TO ESTABLISH THE SPECIAL CONTRACTS FUND”.

“**22.** The second paragraph of section 1 and sections 2 to 6, 10 and 12 of this Act will be repealed on 1 January 2025.

“**23.** The first paragraph of section 1, sections 7, 8 and 11, paragraph 3 of section 14 and paragraph 1 of section 15 of this Act will be repealed on 1 April 2025.

“**24.** Section 9 of this Act and paragraph 33 of Schedule IV to the Act respecting administrative justice (chapter J-3) will be repealed on 31 May 2025.

“**25.** Section 13 of this Act will be replaced on 1 April 2025 by the following section:

“**13.** The Special Contracts Fund, dedicated to the payment provided for in the third paragraph of section 22.0.1 of the Hydro-Québec Act, is established under the Minister’s responsibility.”

“**26.** Section 15.1.2 of the Hydro-Québec Act (chapter H-5) will be replaced on 1 April 2025 by the following section:

“**15.1.2.** The Minister of Finance must pay into the Special Contracts Fund, established under section 13 of the Act to establish the Special Contracts Fund (*insert the year, chapter number and number of the section of this Act*

*enacting that Act*), out of the dividends paid by the Company, the amounts necessary for the application of the third paragraph of section 22.0.1.

The information necessary to determine the amounts necessary for the application of the third paragraph of section 22.0.1 must be submitted with the financial data referred to in section 15.1.”

**“27.** Section 22.0.1 of the Act will be amended on 1 April 2025 by replacing “Special Contracts and Financial Assistance for Investment Fund” in the third paragraph by “Special Contracts Fund”.

**“28.** The Minister of Finance is responsible for the administration of this Act.”

#### SPECIAL TRANSITIONAL PROVISION

**2.** The expenditure and investment estimates for the Special Contracts and Financial Assistance for Investment Fund, listed in Schedule I, are approved for the 2017–2018 fiscal year.

### CHAPTER II

#### HIGHWAY SAFETY IMPROVEMENT

##### ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

**3.** Section 12.30 of the Act respecting the Ministère des Transports (chapter M-28) is amended by adding the following subparagraph after subparagraph *i* of paragraph 1:

“(j) the development, improvement and preservation of cycle lanes or cycling and walking paths and their accessories;”.

**4.** Section 12.32.1 of the Act is amended by adding the following sentence at the end of the sixth paragraph: “The sums referred to in paragraph 1 of section 12.32 may also be allocated to financing the activities referred to in subparagraph *j* of paragraph 1 of section 12.30.”

#### SPECIAL TRANSITIONAL PROVISION

**5.** The expenditures and investments made between 1 April 2017 and (*insert the date of assent to this Act*) by the Minister of Transport, Sustainable Mobility and Transport Electrification out of the appropriations allocated by Parliament and that, on the date they were made, were costs that may be debited from the Land Transportation Network Fund under subparagraph *j* of paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28), enacted by section 3, are debited from the Fund.

## CHAPTER III

### IMPROVEMENT OF THE PERFORMANCE OF THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

#### DIVISION I

##### AMENDING PROVISIONS

##### HIGHWAY SAFETY CODE

**6.** Section 4 of the Highway Safety Code (chapter C-24.2) is amended by inserting the following definition in alphabetical order:

“**personalized registration plate**” means a registration plate bearing a number chosen by the applicant;”.

**7.** Section 10.1 of the Code is amended by striking out “and the person in whose name registration is effected must renew them upon expiry” in the second paragraph.

**8.** The Code is amended by inserting the following sections after section 10.2:

“**10.3.** Every registration plate issued by the Société remains the property of the Société.

“**10.4.** A personalized registration plate may, on payment of the fees prescribed by regulation and in the cases and on the conditions prescribed by government regulation, be issued to any person having a file at the Société relating to the registration of a road vehicle or to a licence authorizing the person to drive a road vehicle, provided that the person is the owner of such a vehicle or, if the person is not, that the person gives an undertaking to the Société to become the owner.

The Société is not responsible for any injury or damage which may result from an applicant’s choice of number.”

**9.** Section 21 of the Code is amended

(1) by replacing the second paragraph by the following paragraphs:

“The authorization to put a registered road vehicle into operation is valid for the period determined by regulation and is renewed by operation of law, unless

(1) the vehicle is prohibited from being put back into operation; or

(2) the owner

(a) elects not to put his vehicle into operation by notifying the Société on or before the due date prescribed by regulation,

(b) is in default of payment to the Société of sums due under this Code or another Act in respect of another authorization or transaction,

(c) no longer complies with the conditions and formalities established by regulation, or

(d) has not obtained the prior authorization of the Commission des transports du Québec required under subparagraph 4 of the first paragraph.

The owner of a vehicle who, when registering the vehicle, notifies the Société of his election not to put the vehicle into operation is not required to pay the amounts referred to in the first paragraph, except the acquisition duty and the fees.

The owner who has elected not to put his vehicle into operation, who is no longer in default of payment to the Société or to whom the grounds preventing the renewal provided for in the second paragraph no longer apply may obtain authorization to put his vehicle back into operation if the owner complies with the requirements of the first paragraph, except the payment of the acquisition duty.

If the authorization to put the vehicle into operation is not renewed by operation of law under the second paragraph, no person may, as of the day following the due date and without a notice by the Société being necessary, put the vehicle back into operation.

If, when registering a vehicle, the owner of the vehicle elects not to put it into operation, no person may, as of the date of registration of the vehicle and without a notice by the Société being necessary, put the vehicle into operation.”;

(2) by replacing “the sums referred to in the second paragraph have been paid by the owner or, in the case of a heavy vehicle, before” in the third paragraph by “, in the case of a heavy vehicle,”.

**10.** Section 31.1 of the Code is amended

(1) by replacing “To retain the right to drive a registered road vehicle, the owner thereof must, unless exempted by regulation, pay to the Société, at the intervals and over the periods determined by regulation,” in the first paragraph by “On the expiry of the authorization to put a vehicle into operation, the owner of the vehicle must, unless exempted by regulation, pay to the Société, for the renewal of the authorization,”;

(2) by replacing the second, third and fourth paragraphs by the following paragraph:

“At any time during the period of validity of the authorization to put a road vehicle into operation, the owner of the vehicle may waive the authorization for the unexpired portion of the period by notifying the Société. As of the date specified in the waiver notice, no person may, without a notice to that effect by the Société being necessary, put the vehicle back into operation.”

**II.** The Code is amended by inserting the following sections after section 32:

**“32.1.** Every registration plate number must be made up of Latin alphabet capital letters, Arabic numerals or a combination of both. It must be compatible with the plate numbering system established by the Société and be easy to read.

A registration plate number must not cause confusion with another plate number and, in the case of a personalized number, must not include an expression or a message, including when read in reverse, that

(1) falsely suggests that the owner of the road vehicle is, or is related to, a public authority;

(2) conveys a careless attitude with respect to road safety;

(3) expresses an obscene or scandalous notion;

(4) promotes the commission of a criminal offence;

(5) the law reserves for another person or prohibits from being used; or

(6) is not in conformity with the Charter of the French language (chapter C-11).

In the event of non-compliance with the conditions of this section, the Société may refuse to issue the plate or may invalidate it if the non-compliance is identified after the issuance of the plate.

A government regulation may prescribe rules for the creation of a plate number, in particular to allow the use of special characters; such rules may vary according to the classes of road vehicles.

**“32.2.** Every personalized registration plate must, prior to its utilization, be activated in order to be associated, in the Société’s register, with the vehicle on which it will be affixed. The time limit and other conditions of activation are prescribed by government regulation.

**“32.3.** The holder of a personalized registration plate is required to pay the management fee for the administration of the personalized registration plate system, at the intervals and during the periods prescribed by government regulation.

The management fee is payable even if the holder no longer intends to associate the plate with his vehicle, does not have the authorization to put the vehicle into operation or transfers it to a third person.

If the holder fails to pay the management fee, the Société may invalidate the registration plate.

**“32.4.** Where a personalized registration plate is invalidated, the road vehicle owner must apply to the Société for the replacement of the plate and pay the fees exigible prescribed by regulation.

Where the plate is invalidated under the third paragraph of section 32.1, the Société shall, when the plate is replaced, reimburse the fees paid in accordance with section 10.4.

**“32.5.** The conditions for the reuse of a personalized number by another person having a registration file or a licence file at the Société are prescribed by government regulation.”

**12.** Section 35 of the Code is amended by inserting “in the form determined by regulation” after “copy of it” in the first paragraph.

**13.** Section 37 of the Code is amended by adding the following paragraph at the end:

“If the copy of the registration certificate is illegible or damaged, the person referred to in the first paragraph must make a new copy of the certificate.”

**14.** Section 39 of the Code is amended, in the first paragraph,

(1) by replacing “Every person contemplated in section 10.2” by “The transferor of a road vehicle who does not request the transfer of a registration plate to another vehicle, a person contemplated in section 10.2”;

(2) by inserting “or where the registration plate is invalid or has not been activated in accordance with section 32.2” at the end.

**15.** Section 39.1 of the Code is amended by inserting “or under the second paragraph of section 573.0.1” after “202.0.1”.

**16.** Section 40 of the Code is amended by replacing “the transferor must remit to the Société the registration certificate and the registration plate issued for the vehicle, after endorsing the certificate, and the new purchaser” by “the transferor and the new owner must declare the transfer of ownership to the Société in the manner determined by the Société and the new owner”.

**17.** Section 41 of the Code is repealed.



**18.** The Code is amended by inserting the following sections after section 54:

“**54.1.** Every owner of a road vehicle who drives the vehicle or allows it to be driven while it is carrying a registration plate that has not been activated in accordance with section 32.2 is guilty of an offence and is liable to a fine of \$100 to \$200.

“**54.2.** Every owner of a road vehicle who drives the vehicle or allows it to be driven while it is carrying an invalid personalized registration plate is guilty of an offence and is liable to a fine of \$200 to \$300.”

**19.** Section 59 of the Code is amended by replacing “the third, fourth or fifth paragraph of section 21, the third or fifth paragraph of section 31.1” in the first paragraph by “the fifth, sixth, seventh, eighth or ninth paragraph of section 21, the second or third paragraph of section 31.1”.

**20.** Section 69 of the Code is amended

(1) by striking out “or renew” and “, to obtain a licence” in the first paragraph;

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

“A driver’s licence or a restricted licence issued under section 76.1.1 is valid for the period determined by regulation and is renewed by operation of law, unless

(1) the licence is suspended or the title evidencing it was not replaced when it expired; or

(2) the licence holder

(a) notifies the Société on or before the due date prescribed by regulation that he does not intend to apply for its renewal,

(b) is in default of payment to the Société of sums due under this Code or another Act in respect of another authorization or transaction, or

(c) no longer complies with the conditions or formalities established by regulation.

If a licence is not renewed by operation of law under the third paragraph, the person who held the licence may not, as of the day following the due date and without a notice to that effect by the Société being necessary, drive a road vehicle.”

**21.** Section 73 of the Code is amended, in the first paragraph,

(1) by striking out “or for the renewal of a licence,”;

(2) by inserting “, or may require that person, on the renewal of his licence” after “removed”.

**22.** Section 81 of the Code is amended by striking out paragraph 5.

**23.** Section 93.1 of the Code is amended

(1) in the first paragraph,

(a) by replacing “The holder of a driver’s licence or a restricted licence issued under section 76.1.1 must, at the intervals prescribed by regulation, pay the Société” by “At the expiry of the period of validity of a driver’s licence or of a restricted licence issued under section 76.1.1, the holder must, for the renewal of the licence, pay to the Société”;

(b) by striking out “If, on the due date, the licence holder has not made the required payments or notified the Société of his intention to pay by pre-authorized debit, he may not, as of the first day following the due date, and without further notice, drive any road vehicle.”;

(2) by replacing the second paragraph by the following paragraph:

“The holder of a driver’s licence or of a restricted licence issued under section 76.1.1 is required to replace the title evidencing the licence when it expires and pay to the Société the fees prescribed by regulation.”;

(3) by striking out the third and fourth paragraphs.

**24.** Section 95 of the Code is amended by replacing “or renewing a licence” in the first paragraph by “a licence or replacing the title evidencing it”.

**25.** Section 141 of the Code is amended by replacing “first paragraph of section 93.1” in the first paragraph by “fourth paragraph of section 69”.

**26.** Section 188 of the Code is amended by striking out paragraphs 4, 6 and 7.

**27.** Section 190 of the Code is amended

(1) by replacing “or renewing his licence or the class applied for” in paragraph 5 by “his licence or the class applied for, when replacing the title evidencing it”;

(2) by striking out paragraphs 7 and 8.

**28.** Section 209.1 of the Code is amended by adding the following paragraph at the end:

“A person whose licence has not been renewed by operation of law solely because of failure to pay the Société is not subject to this section.”

**29.** The Code is amended by inserting the following section after section 549:

**“549.1.** The Société shall publish, on its website, the cases in which and conditions on which a document or information may be transmitted to the Société by means of information technologies and shall specify, in particular, the location where such a document or information must be filed.

Despite the second paragraph of section 31 of the Act to establish a legal framework for information technology (chapter C-1.1), only a notice from the Société confirms receipt of such a document or information.

A document or information is not presumed to have been received in a case where a notice concerning its unintelligibility has been filed at the designated location.”

**30.** The Code is amended by inserting the following section after section 550.1:

**“550.2.** Despite the fourth paragraph of section 550 and of section 550.1, if a person has agreed to a decision or the notice referred to in section 553 being transmitted to him by means of information technologies at the location designated by the Société, the document is deemed to be received once the Société has filed it at that location and a notice informing the person concerned of the filing has been notified by the technological means last preferred by that person as of the date of the transmission, as it appears in the Société’s record.”

**31.** Section 553 of the Code is amended by inserting “or of its filing at the location designated by the Société” after “from the time of mailing of the notice” in the first paragraph.

**32.** The Code is amended by inserting the following section before section 573.1:

**“573.0.1.** Failure to pay sums that the Société is responsible for collecting under this Code or another Act entails by operation of law the imposition, on the day following the date on which the sums become payable, of the recovery fee and the interest prescribed by regulation. In addition, no authorization or other transaction may be issued, renewed or carried out, as the case may be, by the Société as long as the person concerned is in default of payment.

If a person has failed to pay a sum to the Société, the Société may revoke the authorizations obtained by the person or suspend the right to obtain them. In such a case, no authorization may be issued as long as the default of payment continues.”

**33.** Section 618 of the Code is amended

(1) by replacing “in which cases and subject to what conditions the Société may issue one or more of the following documents” in paragraph 2 by “in which cases and subject to what conditions any of the following documents are issued or invalidated”;

(2) by inserting “, the form of those certificates and of copies of them,” after “temporary registration certificate” in paragraph 4.1;

(3) by adding “or for renewing the authorization to put a road vehicle into operation” at the end of paragraph 7;

(4) by striking out paragraph 8.7;

(5) by replacing paragraph 8.8 by the following paragraph:

“(8.8) determine the period of validity of the authorization to operate a road vehicle and the period within which the duties, fees and insurance contribution and, where applicable, the contribution of motorists to public transit or the contribution of off-highway vehicle owners and the additional duties exigible under section 31.1 in respect of a registered road vehicle must be paid, periods which may vary according to criteria determined by the Government;”;

(6) by striking out paragraph 11.2.

**34.** Section 619 of the Code is amended

(1) by replacing paragraph 1 by the following paragraphs:

“(1) determine, according to the nature of each licence, the information that the title evidencing it must include and the form of that licence;

“(1.0.1) determine the period of validity of each licence and of the title evidencing it, except as regards a restricted licence issued under section 118;”;

(2) by striking out paragraph 4.1;

(3) by striking out paragraph 5.2;

(4) by replacing “or renewal of such a licence” and “for obtaining or renewing that licence” in paragraph 6 by “or renewal of such a licence, the replacement of the title evidencing it” and “for obtaining or renewing that licence or replacing the title evidencing it”, respectively.

**35.** Section 619.3 of the Code is amended by inserting “or, as the case may be, renewing” after “for obtaining” in subparagraph 2 of the first paragraph.

**36.** Section 624 of the Code is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 1:

“(1.0.1) determine the amount of the management fee exigible for the administration of the personalized registration plate system;”;

(2) by striking out subparagraph 1.1;

(3) by inserting the following subparagraph after subparagraph 1.1:

“(1.2) determine the amount of the fee for the issue of personalized registration plates;”;

(4) by replacing “or renewing such a licence” in subparagraph 3 by “such a licence or for replacing the title evidencing it;”;

(5) by striking out subparagraph 3.1;

(6) by replacing subparagraph 15 by the following subparagraphs:

“(15) fix the amount of the fee exigible in respect of any mode of payment or any transaction rejected by a financial institution;

“(15.1) fix the amount of the recovery fee and the interest rate in respect of the sums it is responsible for collecting under this Code or another Act and establish rules for calculating the fee and the interest;”.

**37.** Section 648.4 of the Code is amended, in the first paragraph,

(1) by inserting “and the fourth paragraph” after “subparagraphs 3, 5 and 6 of the first paragraph” in subparagraph 1;

(2) by replacing “the first and fourth paragraphs” in subparagraph 2 by “the first paragraph”.

#### REGULATION RESPECTING ROAD VEHICLE REGISTRATION

**38.** Section 3 of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended by replacing paragraph 3 by the following paragraph:

“(3) the number of the registration plate, if applicable;”.

**39.** Section 5 of the Regulation is amended by striking out the first paragraph.

**40.** The Regulation is amended by inserting the following sections after section 7:

**“7.1.** Only persons who are not legal persons may obtain a personalized registration plate. Such a plate may be associated only with the following road vehicles, unless they are discarded:

(1) passenger vehicles, for which this regulation does not prescribe a registration plate bearing a prefix;

(2) motorcycles, mopeds or motor homes with a net weight of 3,000 kg or less; and

(3) all-terrain vehicles and snowmobiles with a net weight of 450 kg or less.

**“7.2.** A personalized registration plate may not be affixed to a vehicle before being activated. The plate must be activated according to the instructions enclosed with the plate when it is sent to the recipient, which are also published on the Société’s website.

The plate must be activated within 48 months after the date it is received. Failing that, the plate number becomes available and may be reused by another person as of the day following the date of the default.

A personalized registration plate may not be associated with a road vehicle not belonging to the applicant or be transferred to another person.

**“7.3.** Despite section 5, every personalized registration plate becomes invalid at the expiry of 48 months after the day on which

(1) the owner of the vehicle for which the plate was issued notifies the Société that he no longer wishes to associate the plate with the vehicle;

(2) the vehicle with which the plate is associated is prohibited from being put into operation; or

(3) ownership of the vehicle is transferred.

However, the plate remains valid beyond the time limit prescribed in the first paragraph if, before the expiry of the time limit, the holder requests the Société to associate the plate with another vehicle owned by the holder or the prohibition referred to in subparagraph 2 of the first paragraph is lifted.

**“7.4.** Unless it results from the application of the third paragraph of section 32.1 of the Code, the invalidation of a personalized registration plate makes the plate number available; in such a case, the number may be reused by another person who applies for it in accordance with section 10.4 of the Code.

However, if the invalidation of a personalized registration plate results from a failure to pay the management fee provided for in section 32.3 of the Code, the number becomes available only at the expiry of 48 months after the date of invalidation.

**“7.5.** Despite sections 7.2 and 7.4, if a personalized registration plate is reported lost or stolen, the number may be reused at the expiry of 60 months after the date on which the loss or theft was reported.

**“7.6.** Sections 19 to 25.7 apply, with the necessary modifications, to payment of the management fee for the administration of the personalized registration plate system.”

**41.** Section 139 of the Regulation is amended

(1) by inserting the following paragraph after the first paragraph:

“Despite the first paragraph, a personalized registration plate affixed to an all-terrain vehicle shall bear the prefix “V” followed by a hyphen.”;

(2) by replacing “first paragraph” in the second paragraph by “this section”.

**42.** Section 141 of the Regulation is amended

(1) by inserting the following paragraph after the first paragraph:

“However, a personalized registration plate affixed to a snowmobile referred to in the first paragraph shall bear the prefix “V” followed by a hyphen.”;

(2) by replacing “the first paragraph” in the second paragraph by “this section”.

## **DIVISION II**

### **SPECIAL TRANSITIONAL PROVISIONS**

**43.** Until a regulation is made under subparagraph 1.0.1 of the first paragraph of section 624 of the Highway Safety Code (chapter C-24.2), enacted by paragraph 1 of section 36, the management fee for the administration of the personalized registration plate system is \$30.

**44.** Until a regulation is made under subparagraph 1.2 of the first paragraph of section 624 of the Highway Safety Code, enacted by paragraph 3 of section 36, the fee payable under section 10.4 of that Code, enacted by section 8, for the issue of a personalized registration plate is \$217.

**45.** Until a regulation is made under subparagraph 5 of the first paragraph of section 624 of the Highway Safety Code concerning the fee payable for the replacement of a personalized registration plate by a plate bearing the same number, the fee is \$50.

**46.** Despite section 648 of the Highway Safety Code, the fees collected under sections 43 to 45 of this Act belong to the Société de l'assurance automobile du Québec.

**47.** Section 32.3 of the Highway Safety Code, enacted by section 11, applies to road vehicle owners who have not paid the fees fixed in section 43.

**48.** The fees fixed in sections 43 to 45 are indexed in accordance with Chapter VIII.1 of the Financial Administration Act (chapter A-6.001), despite section 83.11 of that Act.

**49.** Section 31.1 of the Highway Safety Code, as it read before the coming into force of section 10, and the related provisions of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) continue to apply in respect of the owner of a registered road vehicle who is not a legal person within the meaning of that Regulation until the day before the owner's next birthday. That birthday corresponds to the date on which section 31.1 of that Code, as amended by section 10, begins to apply in respect of the owner and also corresponds to the first payment due date for the amounts payable under that section 31.1.

**50.** When, in respect of the owner of a registered road vehicle who is not a legal person within the meaning of the Regulation respecting road vehicle registration, the first payment due date for the amounts required to be paid under the first paragraph of section 31.1 of the Highway Safety Code, as amended by paragraph 1 of section 10, occurs, the amounts that have been paid for the period remaining between that due date and the one fixed under the Regulation respecting road vehicle registration, as it read before the coming into force of paragraph 1 of section 10, are subtracted from the amounts payable on that first payment due date.

The deduction provided for in the first paragraph is calculated in accordance with the calculation rules for reimbursing the duties, the insurance contribution, the contribution of motorists to public transit and the contribution of off-highway vehicle owners that are prescribed, as the case may be, by the Regulation respecting road vehicle registration or the Regulation respecting insurance contributions (chapter A-25, r. 3.2), as they read before the coming into force of paragraph 1 of section 10.

**51.** If, at the time of the coming into force of paragraph 1 of section 10, the owner of a registered road vehicle who is not a legal person within the meaning of the Regulation respecting road vehicle registration pays by pre-authorized debit the amounts payable under section 31.1 of the Highway Safety Code, as it read before that date, the frequency of the pre-authorized debit is maintained



until the first payment due date for the amounts payable under the first paragraph of section 31.1 of that Code, as amended by paragraph 1 of section 10.

**52.** On the first payment due date for the amounts payable under the first paragraph of section 31.1 of the Highway Safety Code, as amended by paragraph 1 of section 10, a registration certificate is issued to the owner of a registered road vehicle and replaces the certificate previously issued to that owner.

**53.** From the date of coming into force of sections 20 and 23 and until the driver's licences, and the restricted licences referred to in section 76.1.1 of the Highway Safety Code, issued before that date have been replaced, the French expression "expire le" appearing on the titles evidencing the licences refers to the expiry of the period of validity of the titles on which the licences are issued.

**54.** From the date of coming into force of sections 9, 26 and 27, the decisions of the Société de l'assurance automobile du Québec, in force or rendered but not yet in force, to prohibit putting a road vehicle back into operation under the second paragraph of section 21 of the Highway Safety Code or any of paragraphs 4, 6 and 7 of section 188 of that Code and its decisions to suspend a licence under paragraph 7 or 8 of section 190 of that Code become, without further notice, revocations of the authorization to operate a vehicle or, as the case may be, of the authorization to drive. Section 573.0.1 of that Code, enacted by section 32, applies to the owner of the vehicle or to the licence holder concerned, except the provisions relating to the recovery fee and the interest.

**55.** Until a regulation is made under subparagraph 15.1 of the first paragraph of section 624 of the Highway Safety Code, enacted by paragraph 6 of section 36, the recovery fee payable under section 573.0.1 of the Code, enacted by section 32, corresponds to the greater of

(1) \$11.10; and

(2) the amount corresponding to 5% of the sums due.

The interest payable under section 573.0.1 of the Code is calculated daily on the balance due for the period beginning on the day following the due date and ending on the reimbursement day, on the basis of the interest rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

## **CHAPTER IV**

### **REPEALING OF THE ACT RESPECTING THE HEALTH AND WELFARE COMMISSIONER**

#### **DIVISION I**

##### **AMENDING PROVISIONS**

##### **ACT RESPECTING THE HEALTH AND WELFARE COMMISSIONER**

**56.** The Act respecting the Health and Welfare Commissioner (chapter C-32.1.1) is repealed.

##### **ACT RESPECTING CLINICAL AND RESEARCH ACTIVITIES RELATING TO ASSISTED PROCREATION**

**57.** Section 9 of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01) is amended by striking out “, such as the Health and Welfare Commissioner,”.

##### **FINANCIAL ADMINISTRATION ACT**

**58.** Schedule 1 to the Financial Administration Act (chapter A-6.001) is amended by striking out “Health and Welfare Commissioner”.

##### **ACT RESPECTING THE GOVERNANCE AND MANAGEMENT OF THE INFORMATION RESOURCES OF PUBLIC BODIES AND GOVERNMENT ENTERPRISES**

**59.** Section 2 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03) is amended by striking out “the Health and Welfare Commissioner,” in subparagraph 5 of the first paragraph.

##### **ACT RESPECTING THE INSTITUT NATIONAL D’EXCELLENCE EN SANTÉ ET EN SERVICES SOCIAUX**

**60.** Section 5 of the Act respecting the Institut national d’excellence en santé et en services sociaux (chapter I-13.03) is amended by inserting the following paragraphs after paragraph 10:

“(10.1) evaluating all the components of the health and social services system to determine their relevance;

“(10.2) periodically assessing the results achieved by the health and social services system in light of the resources allocated to it and of reasonable expectations given those resources;

“(10.3) informing the Minister and the public of the overall performance of the health and social services system, the changes proposed by the institute to improve the system’s effectiveness and efficiency, and the issues and implications associated with the proposed changes;

“(10.4) publishing information that would enable public debate on and a general understanding of the issues involved and the choices to be made to ensure the sustainability of the health and social services system; and”.

#### REGULATION RESPECTING THE PROCEDURE FOR THE RECRUITMENT AND SELECTION OF PERSONS APT FOR DESIGNATION TO THE FUNCTION OF ARBITRATOR OR APPOINTMENT TO THE FUNCTION OF ASSESSOR WITH THE HUMAN RIGHTS TRIBUNAL

**61.** Section 16 of the Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal (chapter C-12, r. 2) is amended by striking out paragraph 4.

#### REGULATION RESPECTING THE QUÉBEC SALES TAX

**62.** Schedule III to the Regulation respecting the Québec sales tax (chapter T-0.1, r. 2) is amended by striking out “Health and Welfare Commissioner”.

### DIVISION II

#### SPECIAL TRANSITIONAL PROVISIONS

**63.** The term of the interim Health and Welfare Commissioner ends on *(insert the date of coming into force of section 56)*.

**64.** The Institut national d’excellence en santé et en services sociaux acquires the rights and assumes the obligations of the Health and Welfare Commissioner, except rights and obligations related to the functions provided for in paragraph 5 of section 14 of the Act respecting the Health and Welfare Commissioner (chapter C-32.1.1), as it read before being repealed, which become rights and obligations of the Minister of Health and Social Services.

The records and other documents of the Commissioner become records and documents of the institute or the Minister, as applicable. However, all the information assets of the Commissioner are transferred to the Minister.

**65.** The employees of the Health and Welfare Commissioner with permanent tenure become, without further formality, employees of the Ministère de la Santé et des Services sociaux.

**66.** The Institut national d'excellence en santé et en services sociaux becomes, without continuance of suit, a party to all proceedings to which the Health and Welfare Commissioner was a party with respect to the responsibilities of the Commissioner, except proceedings related to the performance of the functions described in paragraph 5 of section 14 of the Act respecting the Health and Welfare Commissioner, as it read before being repealed, in which case the Attorney General of Québec becomes, without continuance of suit, a party to such proceedings.

## **CHAPTER V**

### **OPTIMIZATION AND ENHANCEMENT OF LAND AND GEOSPATIAL INFORMATION-RELATED ACTIVITIES**

#### **CIVIL CODE OF QUÉBEC**

**67.** Article 3018 of the Civil Code of Québec is amended by adding the following paragraph at the end:

“Subject to the second paragraph, the Land Registrar may, however, use, for commercial purposes and according to the terms and conditions prescribed by regulation, the registers and other documents the Land Registrar keeps. Such use of the registers and documents must respect privacy.”

#### **ACT RESPECTING REGISTRY OFFICES**

**68.** Section 2 of the Act respecting registry offices (chapter B-9) is amended by replacing “registry offices established in land” in the first paragraph by “registry offices established for”.

**69.** Section 11 of the Act is amended

(1) by replacing “in which registry offices are established” by “for which registry offices are established”;

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

“A registry office, whose location is determined by a ministerial order published in the *Gazette officielle du Québec*, is established for each of the registration divisions.”

#### **TERRITORIAL DIVISION ACT**

**70.** Section 11 of the Territorial Division Act (chapter D-11) is amended by striking out any reference to an Office.

## ACT RESPECTING MUNICIPAL TAXATION

**71.** Section 263 of the Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following subparagraph after subparagraph 9.1 of the first paragraph:

“(9.2) designate any minister or government body that may obtain a copy of or extract from any property assessment roll in force or any data contained in the geographic information system provided for in the regulation made under subparagraph 1; specify from whom that information may be obtained and the conditions applicable to its transmission; prescribe, subject to respect for privacy, the manner in which a minister or body may use that information, in particular with a view to making the information available to the public or commercializing it;”.

## ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

**72.** Section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by inserting the following paragraph after paragraph 17.7:

“(17.8) supplying, on request and in return for payment, land information; and”.

**73.** Section 17.4 of the Act is amended by replacing “and 17.7” in the first paragraph by “, 17.7 and 17.8”.

## REGULATION RESPECTING LAND REGISTRATION

**74.** Section 38.1 of the Regulation respecting land registration (chapter CCQ, r. 6) is amended by striking out the second sentence of the first paragraph.

## CHAPTER VI

### IMPROVEMENT OF THE BUDGETARY ESTIMATES OF GOVERNMENT BODIES

#### FINANCIAL ADMINISTRATION ACT

**75.** The Financial Administration Act (chapter A-6.001) is amended by inserting the following chapter after Chapter IV:

## **“CHAPTER IV.1**

### **“BUDGET PLANNING OF BODIES OTHER THAN BUDGET-FUNDED BODIES**

**“45.1.** In developing the Government’s budgetary and financial policies, provided for in section 2 of the Act respecting the Ministère des Finances (chapter M-24.01), and preparing the estimated results referred to in paragraph 3.1 of section 77 of the Public Administration Act (chapter A-6.01), the Minister of Finance and the Chair of the Conseil du trésor shall develop, and propose to the Conseil du trésor, multi-year budgetary policy directions applicable to bodies other than budget-funded bodies, for the number of years they determine.

The policy directions may be common to all of those bodies or be specific to each one. They may concern, among other things, revenues, expenditures and cumulative surpluses or deficits.

In addition, the policy directions may include net result targets, set in accordance with section 4.1 of the Act respecting the Ministère des Finances, and an expenditure reduction method, approved in accordance with section 74.1 of the Public Administration Act.

**“45.2.** After being approved by the Conseil du trésor, the multi-year budgetary policy directions are forwarded to the ministers responsible for bodies other than budget-funded bodies.

Each minister shall forward the policy directions to each of the bodies under the minister’s responsibility and append directives relating to the forwarding and form of an annual budget, including the information it must include. The directives may also specify a method for forwarding and the form of multi-year budgetary estimates that are consistent with the method and form determined under paragraph 3.0.1 of section 77 of the Public Administration Act.

A minister may also issue directives specifying, for all or each of the bodies under the minister’s responsibility, the application of the policy directions in their respect.

**“45.3.** The board of directors or, if there is none, the most senior officer of any body other than a budget-funded body shall, on the basis of the multi-year budgetary policy directions and, if applicable, the directives of the minister responsible for the body, adopt an annual budget and multi-year budgetary estimates for the number of years covered by the policy directions.

Each body shall forward its budget and estimates to the minister responsible according to the minister’s directives.

**“45.4.** Each minister shall ensure that the annual budgets and multi-year budgetary estimates of the bodies other than budget-funded bodies under the minister’s responsibility are consistent with the multi-year budgetary policy directions and, if applicable, the minister’s directives.

If they are not, the minister responsible may require a body to adopt a new budget or new estimates that incorporate the corrections the minister requests the body to make for consistency with the policy directions or the minister’s directives.

**“45.5.** The Chair of the Conseil du trésor shall collect the multi-year budgetary estimates of the bodies other than budget-funded bodies from the ministers responsible and forward those estimates to the Minister of Finance.

The Chair of the Conseil du trésor and the Minister of Finance shall submit to the Conseil du trésor for approval the multi-year budgetary estimates and, if applicable, the amendments they consider appropriate on the basis of the budgetary and financial policies proposed by the Minister of Finance. The approved estimates are submitted to the Government.

**“45.6.** After the Expenditure Budget has been tabled, the amendments referred to in section 45.5 are, if applicable, forwarded to the ministers responsible, who shall inform the bodies concerned. The board of directors or, as the case may be, the most senior officer of the body must, if necessary, amend the annual budget and forward it to the minister responsible for the body.

**“45.7.** Each minister must ensure that the bodies other than budget-funded bodies under the minister’s responsibility respect their annual budget and multi-year budgetary estimates.

Where a minister is of the opinion that a body under the minister’s responsibility will not be able to respect its annual budget, the minister may require the body to draw up corrective measures, in accordance with the laws applicable to the body, and submit them to the minister for approval within the time the minister determines. If, in the minister’s opinion, the measures are insufficient, the minister may recommend an expenditure reduction method for the purposes of section 77.3 of the Public Administration Act to the Chair of the Conseil du trésor and the Minister of Finance.

**“45.8.** This chapter does not apply to bodies other than budget-funded bodies whose estimates are included in the special funds budget.”

## PUBLIC ADMINISTRATION ACT

**76.** Section 77 of the Public Administration Act (chapter A-6.01) is amended

(1) by replacing “budget policy” in paragraph 1 by “budgetary policies”;

(2) by inserting the following paragraph after paragraph 3:

“(3.0.1) determine, for the purposes of Chapter IV.1 of the Financial Administration Act (chapter A-6.001), after consultation with the Minister of Finance, the method for forwarding and the form of the multi-year budgetary estimates, as well as the information they must include, of the bodies other than budget-funded bodies listed in Schedule 2 to that Act;”;

(3) by replacing “listed in Schedule 2 to the Financial Administration Act (chapter A-6.001)” in paragraph 3.1 by “referred to in paragraph 3.0.1, except those whose estimated results are included in the special funds budget”.

#### ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC

**77.** Section 54 of the Act respecting the Agence du revenu du Québec (chapter A-7.003) is repealed.

#### ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

**78.** Section 84 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is repealed.

#### ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS

**79.** Section 47 of the Act respecting the Autorité des marchés financiers (chapter A-33.2) is repealed.

**80.** Section 110 of the Act is amended

(1) by striking out the last sentence of the first paragraph;

(2) by replacing the fourth paragraph by the following paragraph:

“The budgetary estimates of the Tribunal are included in the special funds budget.”

#### BUILDING ACT

**81.** Section 149.1 of the Building Act (chapter B-1.1) is repealed.

#### ACT RESPECTING BIBLIOTHÈQUE ET ARCHIVES NATIONALES DU QUÉBEC

**82.** Section 26.1 of the Act respecting Bibliothèque et Archives nationales du Québec (chapter B-1.2) is repealed.



ACT RESPECTING THE CENTRE DE LA FRANCOPHONIE DES AMÉRIQUES

**83.** Section 37 of the Act respecting the Centre de la francophonie des Amériques (chapter C-7.1) is repealed.

ACT RESPECTING THE CENTRE DE SERVICES PARTAGÉS DU QUÉBEC

**84.** Section 48 of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) is repealed.

PROFESSIONAL CODE

**85.** Section 16.3 of the Professional Code (chapter C-26) is repealed.

ACT RESPECTING THE NATIONAL CAPITAL COMMISSION

**86.** Section 23 of the Act respecting the national capital commission (chapter C-33.1) is repealed.

ACT RESPECTING THE CONSERVATOIRE DE MUSIQUE ET D'ART DRAMATIQUE DU QUÉBEC

**87.** Section 53 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1) is repealed.

ACT RESPECTING THE FONDS D'AIDE AUX ACTIONS COLLECTIVES

**88.** Section 16 of the Act respecting the Fonds d'aide aux actions collectives (chapter F-3.2.0.1.1) is amended by striking out the first paragraph.

ACT RESPECTING HÉMA-QUÉBEC AND THE BIOVIGILANCE COMMITTEE

**89.** Section 29 of the Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1) is repealed.

**90.** Section 39 of the Act is amended by inserting “, in accordance with the directives provided for in section 45.2 of the Financial Administration Act (chapter A-6.001)” after “Minister” in the first paragraph.

## PUBLIC INFRASTRUCTURE ACT

**91.** Section 93 of the Public Infrastructure Act (chapter I-8.3) is replaced by the following section:

“**93.** The Société must attach a capital budget to the multi-year budgetary estimates it is required to adopt under section 45.3 of the Financial Administration Act (chapter A-6.001).”

## ACT RESPECTING THE INSTITUT DE LA STATISTIQUE DU QUÉBEC

**92.** Section 34 of the Act respecting the Institut de la statistique du Québec (chapter I-13.011) is repealed.

## ACT RESPECTING THE INSTITUT DE TOURISME ET D’HÔTELLERIE DU QUÉBEC

**93.** Section 31 of the Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02) is replaced by the following section:

“**31.** For the purposes of Chapter IV.1 of the Financial Administration Act (chapter A-6.001), the Minister shall consult with the Minister of Education, Recreation and Sports before forwarding budgetary policy directions and directives to the institute or requiring that the institute adopt a new budget or new estimates.

The Minister shall forward the institute’s budget and estimates to the Minister of Education, Recreation and Sports.”

## ACT RESPECTING THE INSTITUT NATIONAL D’EXCELLENCE EN SANTÉ ET EN SERVICES SOCIAUX

**94.** Section 48 of the Act respecting the Institut national d’excellence en santé et en services sociaux (chapter I-13.03) is repealed.

## ACT RESPECTING INSTITUT NATIONAL DE SANTÉ PUBLIQUE DU QUÉBEC

**95.** Section 28 of the Act respecting Institut national de santé publique du Québec (chapter I-13.1.1) is repealed.

## ACT RESPECTING THE INSTITUT NATIONAL DES MINES

**96.** Section 8 of the Act respecting the Institut national des mines (chapter I-13.1.2) is amended by striking out “and the related budget” in the first paragraph.

## ACT RESPECTING ADMINISTRATIVE JUSTICE

**97.** Section 94 of the Act respecting administrative justice (chapter J-3) is amended

(1) by striking out the last sentence of the first paragraph;

(2) by replacing the fourth paragraph by the following paragraph:

“The budgetary estimates of the Tribunal are included in the special funds budget.”

## ACT RESPECTING THE MINISTÈRE DE L'ENSEIGNEMENT SUPÉRIEUR, DE LA RECHERCHE, DE LA SCIENCE ET DE LA TECHNOLOGIE

**98.** Section 43 of the Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1) is amended by replacing “sends the budgetary estimates for the year concerned, along with the list of the activities planned for that year,” by “must send the list of the activities planned for that year”.

## ACT RESPECTING THE MINISTÈRE DES FINANCES

**99.** Section 4 of the Act respecting the Ministère des Finances (chapter M-24.01) is amended by replacing “orientations” in paragraph 1 in the French text by “politiques”.

**100.** Section 4.1 of the Act is amended by replacing “orientations” in the first paragraph in the French text by “politiques”.

## ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

**101.** Section 15.4.32 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is repealed.

## ACT RESPECTING THE OFFICE QUÉBEC-AMÉRIQUES POUR LA JEUNESSE

**102.** Section 30 of the Act respecting the Office Québec-Amériques pour la jeunesse (chapter O-5.1) is amended by striking out “its estimates and”.

## ACT TO ESTABLISH THE OFFICE QUÉBEC-MONDE POUR LA JEUNESSE

**103.** Section 35 of the Act to establish the Office Québec-Monde pour la jeunesse (chapter O-5.2) is amended by striking out “its budgetary estimates and”.

## POLICE ACT

**104.** Section 47 of the Police Act (chapter P-13.1) is repealed.

## ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

**105.** Section 24.2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5) is repealed.

**106.** Section 24.3 of the Act is amended by replacing “sections 24.1 and 24.2” by “section 24.1 of this Act and section 45.3 of the Financial Administration Act (chapter A-6.001), in relation to the adoption of its annual budget and budgetary estimates”.

**107.** Section 24.4 of the Act is amended by striking out “and the budgetary estimates established by it pursuant to section 24.2”.

**108.** Section 40.2 of the Act is amended by replacing “by the Government in accordance with section 40.4” in paragraph *b* by “in accordance with section 45.5 of the Financial Administration Act (chapter A-6.001)”.

**109.** Section 40.4 of the Act is replaced by the following section:

**“40.4.** The prescription drug insurance fund is considered to be a body other than a budget-funded body for the purposes of Chapter IV.1 of the Financial Administration Act (chapter A-6.001) and paragraphs 3.0.1 and 3.1 of section 77 of the Public Administration Act (chapter A-6.01); the Board shall assume, on behalf of the fund, the obligations imposed under those provisions on bodies other than budget-funded bodies.

The fund’s annual budget that the board of directors of the Board is required to adopt under section 45.3 of the Financial Administration Act must, in particular, include the amounts mentioned in sections 40.1, 40.1.1 and 40.2 of this Act.”

## ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

**110.** Section 106 of the Act respecting the Régie de l'énergie (chapter R-6.01) is repealed.

## FIRE SAFETY ACT

**III.** Section 80 of the Fire Safety Act (chapter S-3.4) is repealed.

## ACT RESPECTING PRE-HOSPITAL EMERGENCY SERVICES

**II2.** Sections 99 and 100 of the Act respecting pre-hospital emergency services (chapter S-6.2) are repealed.

## ACT RESPECTING THE SOCIÉTÉ DE DÉVELOPPEMENT DES ENTREPRISES CULTURELLES

**II3.** Section 19 of the Act respecting the Société de développement des entreprises culturelles (chapter S-10.002) is amended by striking out “and budget” in the third paragraph.

## ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC

**II4.** Section 37 of the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01) is replaced by the following section:

“**37.** The Société shall attach a capital budget to the multi-year budgetary estimates it is required to adopt under section 45.3 of the Financial Administration Act (chapter A-6.001).”

## ACT RESPECTING THE SOCIÉTÉ DU CENTRE DES CONGRÈS DE QUÉBEC

**II5.** Section 27 of the Act respecting the Société du Centre des congrès de Québec (chapter S-14.001) is repealed.

## ACT RESPECTING THE SOCIÉTÉ DU PARC INDUSTRIEL ET PORTUAIRE DE BÉCANCOUR

**II6.** Section 40 of the Act respecting the Société du parc industriel et portuaire de Bécancour (chapter S-16.001) is repealed.

## ACT RESPECTING THE SOCIÉTÉ DU PLAN NORD

**II7.** Section 59 of the Act respecting the Société du Plan Nord (chapter S-16.011) is repealed.

## ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'INFORMATION JURIDIQUE

**118.** Section 15 of the Act respecting the Société québécoise d'information juridique (chapter S-20) is amended by striking out the first paragraph.

## ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE

**119.** Section 25 of the Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01) is repealed.

## ACT RESPECTING TRANSITION ÉNERGÉTIQUE QUÉBEC

**120.** Section 21 of the Act respecting Transition énergétique Québec (chapter T-11.02) is amended by replacing “Government under section 51” by “Conseil du trésor under section 45.5 of the Financial Administration Act (chapter A-6.001)”.

**121.** Section 51 of the Act is repealed.

## ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

**122.** Section 101 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended

(1) by striking out the second paragraph;

(2) by replacing the fifth paragraph by the following paragraph:

“The Tribunal’s budgetary estimates are included in the special funds budget.”

## CHAPTER VII

### MINING AND ENERGY CAPITAL FUND

#### DIVISION I

##### AMENDING PROVISIONS

## ACT RESPECTING INVESTISSEMENT QUÉBEC

**123.** Section 12.1 of the Act respecting Investissement Québec (chapter I-16.0.1) is amended

(1) by inserting “in the energy sector or” after “financial services”;

(2) by replacing “Hydrocarbon” by “Energy”.

**124.** The heading of subdivision 3 before section 35.1 of the Act is amended by replacing “*Hydrocarbon*” by “*Energy*”.

**125.** Section 35.1 of the Act is amended

(1) by replacing “Hydrocarbon” in the first paragraph by “Energy”;

(2) by replacing the second paragraph by the following paragraph:

“The purpose of the Fund is to expand and grow the advance credited to it through investments in participations in enterprises whose principal activity is

(1) the mining of mineral substances or the production of petroleum forming part of the domain of the State or the processing of such substances or petroleum in Québec, provided that, in the latter case, a significant portion of the mineral substances or petroleum so processed was first mined or produced in Québec by the enterprise or an affiliated enterprise;

(2) the production, storage, transmission and distribution of fuels that, as substitutes for other fuels, including fossil fuels, allow carbon intensity to be reduced;

(3) the production, storage, transmission and distribution of renewable energy or of fossil fuel substitutes, provided that, in the latter case, such substitutes allow greenhouse gas emissions to be reduced or contribute to the clean or hydrogen energy supply in Québec; or

(4) the development, commercialization or implementation of technologies that promote energy transition, innovation or efficiency, reduce fugitive emissions or make possible the activities described in subparagraph 3.”

**126.** Section 35.3 of the Act is amended by replacing “the endowment” in paragraph 1 by “the advance”.

**127.** Section 35.4 of the Act is amended

(1) by replacing “endowment” by “advance”;

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

“The advance does not bear interest and its term, which may exceed 10 years, is determined by the Government.”

**128.** Section 35.5 of the Act is amended

(1) by replacing “the endowment referred to” by “the advance provided for”;

(2) by inserting “, or in enterprises whose principal activity, corresponding to an activity described in any of subparagraphs 2 to 4 of the second paragraph of section 35.1, takes place in that area” at the end.

**129.** Section 35.13 of the Act is amended by inserting “or an enterprise whose principal activity is described in any of subparagraphs 2 to 4 of the second paragraph of section 35.1” after “State” in the first paragraph.

## PETROLEUM RESOURCES ACT

**130.** Section 219 of the Petroleum Resources Act (2016, chapter 35, section 23) is repealed.

## DIVISION II

### SPECIAL TRANSITIONAL PROVISIONS

**131.** The transfer made to the Mining and Hydrocarbon Capital Fund and referred to in Order in Council 672-2015 dated 14 July 2015 (French only) is an advance having a term of 10 years. The Government may extend that term.

**132.** Section 35.1 of the Act respecting Investissement Québec (chapter I-16.0.1) is to be read, until the date of coming into force of the Petroleum Resources Act (2016, chapter 35, section 23), as if subparagraph 1 of the second paragraph were replaced by the following subparagraph:

“(1) the mining of mineral substances forming part of the domain of the State or the processing of such substances in Québec, provided that, in the latter case, a significant portion of the mineral substances so processed was first mined in Québec by the enterprise or an affiliated enterprise;”.

## CHAPTER VIII

### GOVERNANCE OF CAPITAL RÉGIONAL ET COOPÉRATIF DESJARDINS

## DIVISION I

### AMENDING PROVISIONS

### ACT CONSTITUTING CAPITAL RÉGIONAL ET COOPÉRATIF DESJARDINS

**133.** Section 4 of the Act constituting Capital régional et coopératif Desjardins (chapter C-6.1) is amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) six persons appointed by the president of the Fédération des caisses Desjardins du Québec;”;



(2) by replacing “two” in paragraph 2 by “three”;

(3) by replacing paragraph 3 by the following paragraph:

“(3) three persons appointed by the members referred to in subparagraphs 1 and 2, including one considered by those members to be representative of the eligible entities described in subparagraph 1 of the first paragraph of section 18 and another considered by those members to be representative of the eligible entities described in subparagraph 2 of that paragraph; and”;

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

“At least a majority of the board members, including four appointed by the president of the Fédération des caisses Desjardins du Québec, must qualify as independent persons.”

**134.** The Act is amended by inserting the following sections after section 4:

**“4.1.** The members of the board of directors, other than the chief executive officer of the Société, may not hold office for more than 12 years.

**“4.2.** Persons qualify as independent persons if, in the opinion of the board of directors, they have no direct or indirect relationship or interest, for example of a financial, commercial, professional or philanthropic nature, that might compromise their judgment as regards the interests of the Société.

A person is deemed not to be independent if that person

(1) is, or was in the three years prior to being elected or appointed,

(a) an employee or officer of the Société, one of its subsidiaries, a credit union that is a member of the Fédération des caisses Desjardins du Québec or a subsidiary of the Fédération, unless the person is an officer solely because the person is a member of the board of directors of a legal person referred to in this subparagraph *a*, or

(b) an employee, officer or director of the Fédération des caisses Desjardins du Québec or a legal person or partnership that has a business relationship with the Société;

(2) is a director of one of the subsidiaries of the Fédération des caisses Desjardins du Québec; or

(3) has an immediate family member who is an officer of the Société or of an employer referred to in subparagraph 1.

The board shall adopt a policy to determine whether a person in a situation submitted to it qualifies as an independent person.

The sole fact that a person is, or was in the three years prior to being elected or appointed, a director of a credit union that is a member of the Fédération des caisses Desjardins du Québec does not prevent the person from qualifying as an independent person.

“Officer” and “subsidiary” have the meanings assigned to them by the Securities Act (chapter V-1.1). In addition, a person’s immediate family members are the person’s spouse, father, mother, child, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law, or any other person who shares that person’s dwelling, except an employee of that person.

**“4.3.** The members of the board of directors shall elect, from those among them who qualify as independent persons, the chair of the board according to the expertise and experience profile established by the committee responsible for governance and ethics.

**“4.4.** The board of directors shall set up a committee responsible for governance and ethics, which is also responsible for human resources, unless the board sets up another committee.

The committee responsible for governance and ethics must be composed exclusively of board members. It shall be chaired by a member who qualifies as an independent person, and may only deliberate and make decisions in the presence of a majority of independent members.

The board may assign all or part of a committee’s functions to another committee.

**“4.5.** The functions of the committee responsible for governance and ethics include

(1) supervising the application of the rules on governance, independence and conflicts of interest management;

(2) establishing, after consultation with the president of the Fédération des caisses Desjardins du Québec, the expertise profile of the chair of the board of directors; and

(3) developing and recommending to the board

(a) the overall expertise and experience profile sought for the board,

(b) the procedure for examining the past experience of persons who may be appointed or elected as board members,

(c) a policy to determine whether a person in a situation submitted to the board qualifies as an independent person, and

(d) the candidate nomination process for the election of board members by the general meeting of shareholders.

Where the chair of the board is a member of a committee that exercises the function described in subparagraph 2 of the first paragraph, the chair may not vote on a resolution to recommend the profile referred to in that subparagraph to the board nor be present during deliberations on the matter.

**“4.6.** The functions of the committee responsible for human resources include

(1) developing and proposing to the board of directors an expertise and experience profile for the appointment of the chief executive officer, as well as criteria for evaluating the chief executive officer’s performance; and

(2) making recommendations to the board as regards the chief executive officer’s terms of employment, including remuneration.

Where the chief executive officer is a member of a committee that exercises those functions, the chief executive officer may not vote on a resolution to propose or recommend the elements referred to in the first paragraph to the board nor be present during deliberations on the matter.”

**135.** Section 5 of the Act is amended by inserting the following paragraphs after the first paragraph:

“The term of office of the chief executive officer may not exceed five years. The term may be renewed if the other board members, after having evaluated the performance of the chief executive officer outside his or her presence, consider such a renewal to be appropriate.

The chief executive officer may not be an employee, officer or director of a credit union that is a member of the Fédération des caisses Desjardins du Québec, the Fédération des caisses Desjardins du Québec, one of its subsidiaries or one of the Société’s subsidiaries, or have been such an employee, officer or director in the year preceding the date of appointment to office.”

**136.** The Act is amended by inserting the following section after section 5:

**“5.1.** The functions of the chief executive officer include

(1) negotiating an agreement with an investment fund manager, within the meaning of the Securities Act (chapter V-1.1), and ensuring follow-up;

(2) negotiating agreements with the Fédération des caisses Desjardins du Québec and its subsidiaries and ensuring follow-up;

(3) coordinating, to the extent determined by the Société’s board of directors, the Société’s relations with the manager referred to in paragraph 1, with the Fédération des caisses Desjardins du Québec and with their subsidiaries;

(4) ensuring that the board of directors has the necessary information, including a rendering of account by the manager referred to in paragraph 1, to evaluate that manager; and

(5) reporting to the shareholders at the annual general meeting.”

**137.** Section 6 of the Act is amended by replacing “the president of the Mouvement des caisses Desjardins” by “the president of the Fédération des caisses Desjardins du Québec”.

**138.** Section 7 of the Act is amended

(1) in the first paragraph,

(a) by inserting “or officer” after “Any director” and “or officer’s” after “director’s”;

(b) by replacing “and abstain” by “. In addition, such a director shall abstain”;

(2) in the second paragraph,

(a) by replacing “A director” by “The director or officer”;

(b) by replacing “the director’s spouse or child” by “an immediate family member”.

**139.** The Act is amended by inserting the following after the heading of Chapter III before section 17:

**“DIVISION I**

**“INTERPRETATION”.**

**140.** The Act is amended by inserting the following after section 18:

**“DIVISION II**

**“PRIOR APPROVAL OF INVESTMENTS**

**“18.1.** The board of directors shall identify which investments it must approve in advance, with or without a favourable recommendation by the investment committee charged with examining them, and which investments may, to the extent the board determines, be approved by such a committee or by the manager referred to in paragraph 1 of section 5.1.

**“18.2.** The board of directors shall set up at least one investment committee.

If it sets up more than one investment committee, the board shall specify the field in which the investments each committee is responsible for are to be made.

**“18.3.** An investment committee may be composed of persons who are not members of the board of directors. It must be chaired by one of its members who qualifies as an independent person, and may only deliberate and make decisions in the presence of a majority of independent persons.

### **“DIVISION III**

#### **“INVESTMENTS”.**

**141.** Section 24 of the Act is amended

(1) by replacing “, his or her spouse or a child” in the first paragraph by “or a member of the immediate family”;

(2) by striking out the second paragraph.

### **DIVISION II**

#### **SPECIAL TRANSITIONAL PROVISIONS**

**142.** The board of directors of Capital régional et coopératif Desjardins shall identify from among its members in office on (*insert the date of assent to this Act*) those who qualify as independent persons.

**143.** Despite the new provisions of section 5 of the Act constituting Capital régional et coopératif Desjardins (chapter C-6.1), the chief executive officer in office on (*insert the date of assent to this Act*) continues to hold office until the expiry of the term.

### **CHAPTER IX**

#### **PROVISIONS RELATING TO THE ADMINISTRATION OF CERTAIN ACTS UNDER THE RESPONSIBILITY OF REVENU QUÉBEC**

### **DIVISION I**

#### **COMMUNICATION OF INFORMATION, SUMMARY APPEALS AND VOLUNTEER PROGRAM**

#### **TAX ADMINISTRATION ACT**

**144.** Section 69.1 of the Tax Administration Act (chapter A-6.002) is amended, in the second paragraph,

(1) by inserting “, the identification number and the amounts paid by the employer as contributions under section 39.0.2 of that Act” after “Act respecting labour standards (chapter N-1.1)” in subparagraph *g*;

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

“(z.3) the Minister of Families, Seniors and the Status of Women, in respect of inspections and investigations conducted under the Educational Childcare Act (chapter S-4.1.1) in relation to the application of any of sections 6, 13 and 16 of that Act;

“(z.4) the Minister of Tourism, in respect of information held for the purposes of section 55.1 of the Act respecting tourist accommodation establishments (chapter E-14.2), to the extent that the information is required for the purposes of that Act; and

“(z.5) the Ethics Commissioner, in respect of verifications and inquiries conducted or authorized by the Ethics Commissioner under the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1), the Regulation respecting the rules of conduct applicable to the office staff of ministers (chapter C-23.1, r. 2) and the rules of ethics applicable to the staff of the Members and the office staff of the House officers of the National Assembly adopted under section 124.3 of the Act respecting the National Assembly (chapter A-23.1).”

**145.** Section 69.8 of the Act is amended by replacing “and z.1 of the second paragraph” in the introductory clause of the first paragraph by “, z.1 and z.5 of the second paragraph of that section 69.1”.

**146.** The Act is amended by inserting the following section after section 69.11:

**“69.11.1.** Information contained in the tax record of a person who is a party to a mediation in connection with a summary appeal governed by Chapter IV may be communicated to the mediator without the consent of the person concerned if the information is necessary for the exercise of the mediator’s functions.

Such information may not be communicated or used for purposes other than those for which it was obtained.”

**147.** Section 93.2 of the Act is amended

(1) by replacing “An individual” in the introductory clause by “A person”;

(2) by replacing both occurrences of “\$15,000” in subparagraph *i* of paragraph *a* by “\$55,000”;

(3) by replacing “\$4,000” in subparagraph *ii* of paragraph *a* and paragraphs *b*, *b.1*, *g*, *h.2*, *i*, *j* and *k* by “\$15,000”;

- (4) by replacing “\$1,500” in paragraphs *c* and *d* by “\$5,500”;
- (5) by replacing “section 83” in paragraph *o* by “section 83 or 84”;
- (6) by adding the following paragraph at the end:

“However, a person other than an individual may avail itself of the rules of this chapter only if a maximum of 10 persons bound to it by an employment contract were under its direction or control at any time during the 12-month period preceding the time at which it brings an appeal.”

**148.** Section 93.2.1 of the Act is amended

- (1) by replacing “the individual resides” in the first paragraph by “the person’s residence or establishment is situated”;
- (2) by replacing “an individual residing” in the second paragraph by “a person residing or having an establishment”.

**149.** Section 93.6 of the Act is amended by replacing “No individual may, to avail himself” in the first paragraph by “No person may, to avail himself”.

**150.** Section 93.11 of the Act is amended

- (1) by replacing “An individual having objected” in the first paragraph by “A person having objected”;
- (2) by replacing “individual” in the second paragraph by “person”.

**151.** Section 93.12 of the Act is amended

- (1) by replacing “an individual” in the first paragraph by “a person”;
- (2) by replacing “the individual demonstrates that it was in fact impossible for him” in the second paragraph by “the person demonstrates that it was impossible in fact for the person”.

**152.** Section 93.13 of the Act is amended

- (1) by replacing the first paragraph by the following paragraph:

“A summary appeal is exercised by means of the prescribed form, in which the person shall set out the reasons for the application and all the relevant facts and which the person shall file with or send by registered mail to the office of the Small Claims Division of the Court of Québec. The person shall also specify whether the person might consider mediation.”;

(2) by inserting the following paragraphs after the first paragraph:

“The prescribed form must include a statement by the person attesting to the accuracy of the facts put forward. If the person is not an individual, the statement must also attest that a maximum of 10 persons bound to it by an employment contract were under its direction or control at any time during the 12-month period preceding the filing or sending of the form.

A statement referred to in the second paragraph is deemed to be a sworn statement.”;

(3) by replacing “de la production” in the second paragraph in the French text by “du dépôt”.

**153.** The Act is amended by inserting the following section after section 93.14:

**“93.14.1.** Within 90 days following the date the office of the Small Claims Division of the Court of Québec receives the summary appeal, the Agency shall file with the office and notify to the person a memorandum setting out the grounds of defence along with the exhibits or copies of the exhibits in support of the contentions of the defence.

The summary must concisely state the facts, contentions, main arguments, applicable legislation and conclusions.

The Agency shall also specify whether the dispute may be submitted to mediation.”

**154.** Section 93.15 of the Act is amended by replacing “the individual could not avail himself” by “the person could not avail himself”.

**155.** Section 93.18 of the Act is replaced by the following section:

**“93.18.** Despite section 34 of the Charter of human rights and freedoms (chapter C-12), an individual may not be represented or assisted by an advocate, a person other than an individual may be represented only by an officer or an employee exclusively employed by it who is not an advocate, and the Agency may be represented only by an employee, or a person authorized by the Minister, who is not an advocate.

An individual must self-represent. However, if unable to do so, the individual may give his spouse, a relative, a person connected to him by marriage or civil union or a friend a non-remunerated mandate to represent him. The mandate must be recorded in a document identifying the mandatary and stating the reasons why the individual is unable to self-represent, and be signed by the individual. If the individual cannot self-represent or give his spouse, a relative, a person connected to him by marriage or civil union or a friend a mandate to represent him, the summary appeal is ex officio entered on the roll of the Court of Québec to be continued in accordance with the procedure provided for in Chapter III.2.”



**156.** The Act is amended by inserting the following division before Division III of Chapter IV:

**“DIVISION II.1**

**“MEDIATION**

**“93.21.1.** A dispute may be submitted to mediation at no additional cost if the parties consent. In such a case, the mediation session is presided over by an advocate or a notary, certified as a mediator by his professional order.

The Regulation respecting the mediation of small claims (chapter C-25.01, r. 0.6) applies, with the necessary modifications, to the mediation provided for in this division.

**“93.21.2.** The mediator and the parties to the mediation shall preserve the confidentiality of anything said, written or done during the mediation process, subject to any agreement between them on the matter or to any special provisions of the law.

The mediator and the parties cannot be compelled, in arbitration, administrative or judicial proceedings, whether related or unrelated to the dispute, to disclose anything they hear or learn in the course of the mediation process. Nor can the mediator and the parties be compelled to produce a document prepared or obtained in the course of the mediation process, unless the law requires its disclosure or unless its disclosure is necessary for the mediator to be able to defend against a claim of professional fault.

No information given or statement made in the course of the mediation process may be admitted in evidence in proceedings referred to in the second paragraph.

**“93.21.3.** If the mediation ends the dispute, the parties shall file with the office of the Small Claims Division of the Court of Québec a notice that the case has been settled or the signed settlement agreement. A settlement agreement homologated by the court is equivalent to a judgment.”

**157.** The Act is amended by inserting the following section after section 93.26:

**“93.26.1.** At any time in the course of the proceeding, the court, even on its own initiative, may take the case management measures it sees fit and, if necessary, convene a case management conference or hear a preliminary application and issue any appropriate order.

If circumstances permit, the court may attempt to reconcile the parties during the hearing or at a settlement conference. If no settlement is reached, the judge seized may, with the parties’ consent, resume hearing the matter.

If the parties reach a settlement, the court clerk shall draw up minutes in which the settlement agreement is recorded. Once signed by the parties and homologated by the court, the settlement agreement is equivalent to a judgment.”

**158.** Section 93.29 of the Act is amended, in the third paragraph,

- (1) by replacing “un particulier” in the French text by “une personne”;
- (2) by replacing “the individual” by “the person”.

**159.** The Act is amended by inserting the following division after section 94.8:

**“DIVISION I.2**

**“VOLUNTEER PROGRAM**

**“94.9.** The Minister may establish and implement a financial compensation program to subsidize non-profit organizations for the costs related to filing fiscal returns in accordance with section 1000 of the Taxation Act (chapter I-3) on behalf of others.”

**DIVISION II**

**SYSTEM FOR RECORDING SALES IN THE REMUNERATED  
PASSENGER TRANSPORTATION SECTOR**

**TAX ADMINISTRATION ACT**

**160.** Section 17.3 of the Tax Administration Act (chapter A-6.002) is amended by replacing “any of sections 350.52 to 350.52.2” in subparagraph *n* of the first paragraph by “any of sections 350.52 to 350.52.2 or paragraph 1 of section 350.61”.

**161.** Section 17.5 of the Act is amended by replacing “any of sections 350.52 to 350.52.2” in subparagraph *p* of the first paragraph by “any of sections 350.52 to 350.52.2 or paragraph 1 of section 350.61”.

**162.** Section 60.3 of the Act is amended by replacing “section 350.53” by “section 350.53 or 350.62”.

**163.** Section 61.0.0.1 of the Act is amended by replacing “or any of sections 350.52 to 350.52.2” by “any of sections 350.52 to 350.52.2 or paragraph 1 of section 350.61”.

## ACT RESPECTING THE QUÉBEC SALES TAX

**164.** Section 1 of the Act respecting the Québec sales tax (chapter T-0.1) is amended by replacing the definition of “taxi business” by the following definition:

““taxi business” means

(1) a business carried on in Québec of transporting passengers by taxi for fares that are regulated by the Act respecting transportation services by taxi (chapter S-6.01); or

(2) a business carried on in Québec by a person of transporting passengers, for a fare, by motor vehicle—which vehicle would be an automobile within the meaning that would be assigned by section 1 of the Taxation Act if the definition it sets out were read without reference, in its paragraph *b*, to “a motor vehicle acquired or leased primarily for use as a taxi,” and without reference to its paragraph *d*—within and in the vicinity of the territory of a municipality if the transportation is organized or coordinated through an electronic platform or system other than

(a) the part of the business that is not a business of making taxable supplies;

(b) the part of the business that is a business of offering sightseeing services or providing transportation for elementary or secondary school students; or

(c) a prescribed business or a prescribed activity of a business;”.

**165.** The Act is amended by inserting the following division after section 350.60:

### “DIVISION XXIII

#### “TAXI TRANSPORTATION SERVICES

“**350.61.** If a person engaged in a taxi business makes a taxable supply of a passenger transportation service (other than a prescribed service) in the course of that business, the person must, subject to the prescribed cases and conditions,

(1) send the prescribed information to the Minister in the prescribed manner and at the prescribed time; and

(2) provide an invoice produced in the prescribed manner and containing the prescribed information to the recipient without delay at the end of the trip, and keep a copy of it.

**“350.62.** No person referred to in section 350.61 or person acting on that person’s behalf may print or send the invoice containing the information provided for in paragraph 2 of section 350.61 more than once, except when providing it to the recipient for the purpose of that section. If such a person generates or transmits a copy, duplicate, facsimile or any other type of partial or total reproduction for another purpose, the person must do so in the prescribed manner.

Such a person may not provide a recipient of a supply who is referred to in paragraph 2 of section 350.61 with any other document stating the consideration paid or payable by the recipient for the supply and the tax payable in respect of the supply, except in the prescribed cases and on the prescribed conditions.

**“350.63.** The Minister may, on such terms and conditions as the Minister determines, exempt a person or class of persons from a requirement set out in sections 350.61 and 350.62. The Minister may, however, revoke the exemption or modify its terms and conditions.

**“350.64.** Whoever fails to comply with paragraph 1 of section 350.61 incurs a penalty of \$300; with paragraph 2 of section 350.61, a penalty of \$100; and with section 350.62, a penalty of \$200.

**“350.65.** In any proceedings respecting an offence under section 60.3 of the Tax Administration Act (chapter A-6.002), when it refers to section 350.62, an offence under section 60.4 of the Tax Administration Act, when it refers to paragraph 2 of section 350.61, or an offence under section 61.0.0.1 of the Tax Administration Act, when it refers to paragraph 1 of section 350.61, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee had knowledge that an invoice was provided to the recipient by a person engaged in a taxi business referred to in section 350.61, or by a person acting on his behalf, is proof, in the absence of any proof to the contrary, that the invoice was provided by the person and that the amount shown in the invoice as being the consideration corresponds to the consideration received by the person from the recipient for a supply.

**“350.66.** In proceedings respecting an offence referred to in section 350.65, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee analyzed an invoice and found that it did not contain the information prescribed in accordance with paragraph 2 of section 350.61 is proof, in the absence of any proof to the contrary, that the invoice does not contain the prescribed information in accordance with that paragraph 2.”

**166.** Section 677 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 2.1:

“(2.1.1) determine, for the purposes of the definition of “taxi business” in section 1, the prescribed businesses and prescribed activities;”;

(2) by inserting the following subparagraphs after subparagraph 33.7:

“(33.8) determine, for the purposes of section 350.61, the prescribed services, prescribed cases and conditions, prescribed manner, prescribed time and prescribed information;

“(33.9) determine, for the purposes of section 350.62, the prescribed manner and prescribed cases and conditions;”.

### **DIVISION III**

#### **OTHER AMENDING PROVISIONS**

#### **ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC**

**167.** Section 14 of the Act respecting the Agence du revenu du Québec (chapter A-7.003) is amended

(1) by inserting “, at the time of their appointment or of the renewal of their term, if applicable,” before “be in the employ” in the second paragraph;

(2) by inserting the following paragraph after the second paragraph:

“A member referred to in the second paragraph who ceases to be in the employ of a government department or agency to which the Agency provides collection services, or of the Ministère des Finances, may complete his or her term provided the member has been exercising his or her functions on the board of directors for at least one year and continues to occupy the position of deputy minister, assistant deputy minister, associate deputy minister, president, vice-president or chair or vice-chair in another government department or agency.”

#### **ACT TO FACILITATE THE PAYMENT OF SUPPORT**

**168.** The Act to facilitate the payment of support (chapter P-2.2) is amended by inserting the following chapter after section 70:

#### **“CHAPTER VIII.1**

#### **“SUPPORT ORDERS MADE OUTSIDE QUÉBEC**

**“70.1.** The Minister may, by written notice, require a person who, by virtue of an existing obligation, is or will be bound to make a payment to a person owing an amount under a support order referred to in the second paragraph, to pay to a designated person all or part of the amount to be paid to his creditor, such payment to be made at the time at which the amount

becomes payable, where the following information and documents are sent to the Minister by the designated person:

- (1) a copy of the support order;
- (2) an application relating to the execution of the support order, drawn up in French; and
- (3) the amount to be paid, converted, where applicable, to Canadian currency at the exchange rate in force on the date of the support order.

The support order to which the first paragraph refers is the support order provided for by a judgment enforceable in a state, province or territory designated in accordance with the Act respecting reciprocal enforcement of maintenance orders (chapter E-19) or any other document having the same force and effect in that state, province or territory.

For the purposes of the first paragraph, “designated person” means the support collector in the designated state, province or territory in which the support order is enforceable.

**“70.2.** Any person who neglects or refuses to comply with a notice from the Minister under section 70.1 becomes solidarily liable for the amount claimed in the notice with the person owing an amount payable under the support order.

**“70.3.** Division VI of Chapter IV of Title I of Book VIII of the Code of Civil Procedure (chapter C-25.01) applies to this chapter.”

## EDUCATIONAL CHILDCARE ACT

**169.** Section 88.5 of the Educational Childcare Act (chapter S-4.1.1) is amended by replacing the first paragraph by the following paragraph:

“Where, for a year, an individual or, if applicable, the individual’s eligible spouse for the year is required to pay an additional contribution under the first paragraph of section 88.2 for a child who is of the second rank or a subsequent rank, considering the total number of the individual’s and, if applicable, the individual’s eligible spouse’s children who received subsidized childcare services during the year, the following rules apply:

- (1) if the child is of the second rank, the amount of the additional contribution that would otherwise be payable for the child for the year is reduced by 50%; and
- (2) if the child is of the third rank or a subsequent rank, the individual and, if applicable, the individual’s eligible spouse for the year are exempted from paying the additional contribution that would otherwise be payable for that child for the year.”

**DIVISION IV**  
**SPECIAL PROVISIONS**

**170.** Proceedings that, on the date of coming into force of section 147, would be under the jurisdiction of the Small Claims Division of the Court of Québec continue before division of the Court of Québec already seized of the matter.

**171.** The Minister of Revenue may establish and implement a transitional financial compensation program to compensate a person engaged in a tax business for the expenses the person incurs for the purpose of complying with section 350.61 of the Act respecting the Québec sales tax (chapter T-0.1), enacted by section 165.

**CHAPTER X**  
**RÉGIE DU BÂTIMENT DU QUÉBEC TARIFFS**

**DIVISION I**  
**AMENDING PROVISIONS**

**BUILDING ACT**

**172.** The Building Act (chapter B-1.1) is amended by inserting the following sections after section 151:

“**151.1.** The plumbing contractor or owner-builder must, when declaring construction work relating to plumbing systems as required under the Construction Code (chapter B-1.1, r. 2), pay the Board the following fees:

(1) \$149.57 for a new single-family detached or semi-detached house or row house;

(2) \$90.54 per dwelling unit other than those referred to in paragraph 1 for the construction of a new building intended for housing or for the conversion of a building of another nature into a building intended for housing, regardless of the number of fixtures and service water heaters; or

(3) in the case of work other than work referred to in paragraph 1 or 2,

(a) \$12.01 per fixture or service water heater, where the work is performed on more than one, or

(b) \$20.59 where the work is performed on only one or no fixture or service water heater.

“**151.2.** In addition to the annual levy payable by an electrical contractor under the Construction Code (chapter B-1.1, r. 2), a contractor must pay an amount corresponding to 2.5% of the contractor’s payroll.

This additional amount is payable in the manner prescribed in that Code.

**“151.3.** For the purposes of section 151.2, “payroll” means the total payments made, before deductions, to journeymen and apprentice electricians carrying out construction work on an electrical installation, including hourly or piece-work wages, commissions, bonuses, pay for leave and any other form of remuneration. The payments made annually to a journeyman or apprentice electrician by an electrical contractor are presumed to be made to a person assigned to construction work on an electrical installation.

The following payments are not included in the payroll:

(1) payments to a person who qualifies an electrical contractor for the issue of a licence because of his or her technical knowledge; and

(2) payments for construction work on an electrical installation at a hydroelectric power station at the time of the original construction.

An electrical contractor renting the services of journeymen or apprentice electricians through a third party that does not hold a licence shall include the cost of those services in calculating the payroll.

A journeyman or apprentice electrician who is a partner in a partnership is, for calculation of the payroll, presumed to receive annual wages of \$37,055.86 for the electrical installation work he carries out for the partnership. The second and third paragraphs of section 153 apply to the amount of the presumed wages.”

**173.** The Act is amended by inserting the following sections after section 216:

**“216.1.** Every person who, between (*insert the date that is three years before the date of coming into force of this section*) and (*insert the date of coming into force of this section*), acquired either of the following gases in Québec for a purpose other than resale shall pay the Board a duty equal to

(1) \$0.462 per 1,000 m<sup>3</sup> of piped gas; or

(2) \$0.896 per 1,000 litres or fraction of 1,000 litres of liquefied petroleum gas distributed in bulk.

Such a person is deemed to have paid the duty on the date on which the person acquired such a gas.

A gas distribution undertaking is deemed, for the period between (*insert the date that is three years before the date of coming into force of this section*) and (*insert the date of coming into force of this section*), to be a mandatary of the Board for the purpose of collecting the duty and is deemed to have collected the duty in that capacity. No remuneration or compensation is owed to the undertaking for collecting the duty.



For the purposes of this section, “gas distribution undertaking” means the owner or operator of a piped gas undertaking and any person or partnership operating an undertaking for the storage, sale or distribution of liquefied petroleum gas in Québec and buying liquefied petroleum gas from a producer in Québec or from any source outside Québec for resale in Québec.

The amounts collected by the Board between (*insert the date that is three years before the date of coming into force of this section*) and (*insert the date of coming into force of this section*) as a levy payable by a gas distribution undertaking, for the purposes of sections 86 and 87 of the Safety Code (chapter B-1.1, r. 3), as they read before (*insert the date of assent to this Act*), are deemed to have been collected in accordance with this section.

**“216.2.** Sections 151.1 to 151.3 cease to have effect on the date or dates to be set by the Government.”

#### CONSTRUCTION CODE

**174.** Section 3.06 of the Construction Code (chapter B-1.1, r. 2) is amended, in paragraph 3,

(1) by striking out Sentence (1) of Article 2.2.5.1.;

(2) by replacing “Sentence 2.2.5.1.(1)” in Sentence (1) of Article 2.2.5.2. by “section 151.1 of the Building Act (chapter B-1.1)”.

**175.** Section 5.04 of the Code is amended, in paragraph 5,

(1) by striking out “plus an amount corresponding to 2.5% of the contractor’s payroll” in Subrule (1) of Rule 2-008;

(2) by striking out Subrules (2) to (5) of Rule 2-008;

(3) by inserting “and the amount payable under section 151.2 of the Building Act (chapter B-1.1)” after “this Rule” in the portion of Subrule (8) of Rule 2-008 before item (a);

(4) by inserting “payable under Subrule (1)” at the end of the first sentence of Subrule (9) of Rule 2-008.

#### SAFETY CODE

**176.** Section 86 of the Safety Code (chapter B-1.1, r. 3) is amended by replacing “\$0.462” in the first paragraph by “\$0.130”.

**177.** Section 87 of the Code is amended by replacing “\$0.896” in the first paragraph by “\$0.252”.

## DIVISION II

### SPECIAL TRANSITIONAL PROVISION

**178.** The fees payable for construction work relating to plumbing systems under Sentence (1) of Article 2.2.5.1. of paragraph 3 of section 3.06 of the Construction Code (chapter B-1.1, r. 2) and the portion of the annual levy payable by an electrical contractor in respect of the contractor's payroll under Subrule (1) of Rule 2-008 of paragraph 5 of section 5.04 of that Code are deemed to have been set respectively by sections 151.1 and 151.2 of the Building Act (chapter B-1.1), enacted by section 172, from *(insert the date that is three years before the date of coming into force of section 172)*.

Such fees or such portions of the annual levy paid under those provisions of the Construction Code, as they read before *(insert the date of assent to this Act)*, are deemed to be fees or levies validly collected under the first paragraph. These amounts belong to the Régie du bâtiment du Québec.

## CHAPTER XI

### PROVISIONS RESPECTING ALCOHOLIC BEVERAGES

#### DIVISION I

##### AMENDING PROVISIONS

##### ACT RESPECTING LIQUOR PERMITS

**179.** Section 72.1 of the Act respecting liquor permits (chapter P-9.1) is amended, in subparagraph 2 of the second paragraph,

- (1) by replacing "the establishment" in the introductory clause by "the case";
- (2) by inserting the following subparagraph after subparagraph *b*:

"(c) a brewer's permit or small-scale beer producer's permit if the holder holds both permits simultaneously for the purposes of a tasting salon or an exhibition;"

##### ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

**180.** Section 24.2 of the Act respecting the Société des alcools du Québec (chapter S-13) is amended

- (1) by inserting the following paragraph after the second paragraph:

"The holder of a small-scale beer producer's permit may also sell the alcoholic beverages he makes to the holder of a reunion permit issued under the Act respecting liquor permits.";

(2) by inserting “, subject to the third paragraph,” after “or” in the fourth paragraph.

**181.** Section 26 of the Act is amended

(1) by striking out “also” in the second paragraph;

(2) by inserting the following paragraph after the second paragraph:

“The holder of a distiller’s permit may also sell the alcohol or spirits he makes, at the place where they are produced, for consumption elsewhere, provided that they were purchased from the Société. However, he may not sell them to the holder of a permit issued under the Act respecting liquor permits (chapter P-9.1).”;

(3) by adding the following sentence at the end of the third paragraph: “In addition, no holder of such a permit may hold a small-scale production permit authorizing him to make alcoholic beverages requiring the same raw materials, except cider and other apple-based alcoholic beverages.”

**182.** Section 27 of the Act is amended by adding the following paragraph at the end:

“No wine maker’s permit holder may hold a small-scale production permit authorizing him to make alcoholic beverages requiring the same raw materials.”

**183.** Section 33.2 of the Act is amended

(1) in the first paragraph,

(a) by inserting “59,” after “sections”;

(b) by replacing the second sentence by the following sentence: “However, the holders of a small-scale production, small-scale beer producer’s, brewer’s or distiller’s permit are, as regards the sale of alcoholic beverages for consumption elsewhere than at the place where they are produced, subject to section 60 of that Act.”;

(2) by replacing “paragraphs 4 and” in the second paragraph by “paragraph”.

**ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES**

**184.** Section 82.1 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1) is amended by striking out “as the holder of a small-scale production permit or a small-scale beer producer’s permit” in the introductory clause of the first paragraph.

**185.** Section 83 of the Act is amended

(1) by replacing “or a person authorized by it” in paragraph 1 by “, a person authorized by it or the holder of a distiller’s permit”;

(2) by inserting “or brewer’s permit” at the end of paragraph 4.1.

**186.** The Act is amended by replacing “or a brewer’s permit” or “or brewer’s permit” in the following provisions by “, brewer’s permit or distiller’s permit”:

(1) paragraph *f* of section 92;

(2) the first paragraph of section 103.1;

(3) paragraph 3 of section 109;

(4) paragraph 3 of section 112; and

(5) sections 116 and 132.1.

#### REGULATION RESPECTING LIQUOR PERMITS

**187.** Section 15.1 of the Regulation respecting liquor permits (chapter P-9.1, r. 5) is amended by inserting “or a small-scale beer producer’s permit issued under the Act respecting the Société des alcools du Québec (chapter S-13)” after “grocery permit”.

**188.** The Regulation is amended by inserting the following section after section 15.1:

“**15.2.** Despite section 15.1, a reunion permit holder who also holds a small-scale beer producer’s permit or brewer’s permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) may use alcoholic beverages that he makes and holds in stock when selling on the premises where a tasting salon or an exhibition is held.”

#### REGULATION RESPECTING PROMOTION, ADVERTISING AND EDUCATIONAL PROGRAMS RELATING TO ALCOHOLIC BEVERAGES

**189.** Section 12 of the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages (chapter P-9.1, r. 6) is amended, in subparagraph 1 of the first paragraph,

(1) by striking out “un permis de production artisanale” in the French text;

(2) by inserting “or distiller’s permit” at the end.

## DIVISION II

### SPECIAL TRANSITIONAL PROVISION

**190.** The holder of a wine maker's or distiller's permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) who, on (*insert the date of assent to this Act*), also holds a small-scale production permit authorizing him to make alcoholic beverages requiring the same raw materials must, before (*insert the date that is one year after the date of assent to this Act*), dispose of either of those permits or cease making the alcoholic beverages covered by the prohibition set out in the second sentence of the fourth paragraph of section 26 or the third paragraph of section 27 of that Act, as enacted respectively by paragraph 3 of section 181 and section 182, and notify the Régie des alcools, des courses et des jeux before that date.

The Régie must send a notice to the holder informing him that his permits will be revoked by operation of law on (*insert the date that is one year after the date of assent to this Act*) if he does not, before that date, apply for the revocation of either of the permits or cease to make the alcoholic beverages referred to in the first paragraph.

The holder may, until (*insert the date that is three years after the date of assent to this Act*), sell the alcoholic beverages that he is no longer authorized to make under the second sentence of the fourth paragraph of section 26 or the third paragraph of section 27 of the Act respecting the Société des alcools du Québec, as enacted respectively by paragraph 3 of section 181 and section 182, and that the holder has in stock. The rules applicable to the revoked permit or to the permit relating to the alcoholic beverages the holder has ceased to make, as applicable, apply to the sale of those alcoholic beverages.

## CHAPTER XII

### REGULATING TOURIST ACCOMMODATION ESTABLISHMENTS

#### DIVISION I

##### AMENDING PROVISIONS

##### ACT RESPECTING TOURIST ACCOMMODATION ESTABLISHMENTS

**191.** Section 7 of the Act respecting tourist accommodation establishments (chapter E-14.2) is amended, in the third paragraph,

(1) by inserting “, a type of residence” after “class of establishment”;

(2) by inserting “in accordance with the terms specified in the regulation” after “provisions”.

**192.** Divisions IV and IV.1 of the Act, comprising sections 32.2 to 35.3, are repealed.

**193.** Section 37 of the Act is amended

(1) by replacing “or 32 or of the first paragraph of section 34” in paragraph 5 by “or 32”;

(2) by striking out paragraph 7.

**194.** Section 55 of the Act is amended by replacing “The” by “Subject to section 55.1, the”.

**195.** The Act is amended by inserting the following section after section 55:

“**55.1.** The Minister of Revenue is responsible for inspections and investigations relating to the enforcement of this Act and the regulations and for the administration of Division VI; for those purposes, this Act is deemed to be a fiscal law for the purposes of the Tax Administration Act (chapter A-6.002).”

#### TAX ADMINISTRATION ACT

**196.** Section 60.4 of the Tax Administration Act (chapter A-6.002) is amended by replacing “or any of sections 350.55, 350.56 and 350.56.1” by “, any of sections 350.55, 350.56 and 350.56.1, paragraph 2 of section 350.61 or any of sections 541.25 to 541.28, 541.30 and 541.32”.

#### ACT RESPECTING THE QUÉBEC SALES TAX

**197.** Section 541.23 of the Act respecting the Québec sales tax (chapter T-0.1) is amended

(1) by replacing the definition of “sleeping-accommodation establishment” by the following definition:

““sleeping-accommodation establishment” means an establishment in which at least one accommodation unit is offered for rent to tourists, in return for payment, for a period not exceeding 31 days, on a regular basis in the same calendar year, the availability of which unit is made public;”;

(2) by replacing the definition of “ready-to-camp unit” by the following definition:

““ready-to-camp unit” means a structure installed on a platform, on wheels or directly on the ground, and provided with the equipment necessary to stay there, including self-catering kitchen facilities;”;

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

“For the purposes of the definition of “sleeping-accommodation establishment” in the first paragraph, a group of movables and immovables, adjacent or grouped together, having accessories or dependencies in common, may constitute a

single sleeping-accommodation establishment provided that the movables and immovables composing it are operated by the same person and are all the same type of prescribed sleeping-accommodation establishment referred to in the first paragraph of section 541.24.”

## REGULATION RESPECTING TOURIST ACCOMMODATION ESTABLISHMENTS

**198.** Section 16.1 of the Regulation respecting tourist accommodation establishments (chapter E-14.2, r. 1) is replaced by the following section:

“**16.1.** The regulatory provision referred to in section 36.2 of the Act respecting tourist accommodation establishments (chapter E-14.2) is any of sections 11.1, 11.2, 13.1 and 16.”

## DIVISION II

### SPECIAL TRANSITIONAL PROVISIONS

**199.** Subject to the conditions of employment applicable to them, employees of the Ministère du Tourisme who are assigned inspection or investigation duties relating to the enforcement of the Act respecting tourist accommodation establishments (chapter E-14.2) and are identified by the Deputy Minister of Tourism on (*insert the date of assent to this Act*) become, from (*insert the date that is 60 days after the date of assent to this Act*), employees of the Agence du revenu du Québec.

**200.** An employee transferred to the Agence du revenu du Québec under section 199 may apply for a transfer to a position in the public service or enter a promotion-only qualification process for such a position in accordance with the Public Service Act (chapter F-3.1.1) if, at the time of the employee’s transfer to the Agency, the employee was a public servant with permanent tenure.

Section 35 of the Public Service Act applies to an employee who enters a promotion-only qualification process.

**201.** An employee referred to in section 200 who applies for a transfer or enters a promotion-only qualification process may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into account the classification that the employee had in the public service on the date of transfer, as well as the years of experience and the level of schooling attained while in the employ of the Agence du revenu du Québec.

If an employee is transferred into the public service under section 200, the deputy minister or the chief executive officer of the body assigns to the employee a classification compatible with the assessment provided for in the first paragraph.

If an employee is promoted under section 200, the employee must be given a classification on the basis of the criteria set out in the first paragraph.

**202.** If some or all of the operations of the Agence du revenu du Québec are discontinued, an employee referred to in section 199 who had permanent tenure on the date of his or her transfer to the Agency is entitled to be placed on reserve in the public service with the same classification the employee had on the date of the transfer.

If only some of those operations are discontinued, the employee continues to exercise his or her functions within the Agency until the Chair of the Conseil du trésor is able to place the employee in accordance with section 100 of the Public Service Act.

When placing an employee under this section, the Chair of the Conseil du trésor determines the employee's classification on the basis of the criteria set out in the first paragraph of section 201.

**203.** An employee with permanent tenure referred to in section 199 who, in accordance with the conditions of employment applicable to him or her, refuses to be transferred to the Agence du revenu du Québec is temporarily assigned to the Agency until the Chair of the Conseil du trésor is able to place the employee in accordance with section 100 of the Public Service Act.

**204.** Subject to remedies available under a collective agreement, an employee referred to in section 199 who is dismissed may bring an appeal under section 33 of the Public Service Act if, on the date of his or her transfer to the Agence du revenu du Québec, the employee had permanent tenure.

**205.** The records and other documents of the Ministère du Tourisme relating to the administration of Divisions IV and IV.1 of the Act respecting tourist accommodation establishments, as they read before being repealed, as well as any software and computer applications used for the administration of those divisions are transferred to the Agence du revenu du Québec.

**206.** The rights and obligations of the Minister of Tourism under Divisions IV and IV.1 of the Act respecting tourist accommodation establishments, as they read before being repealed, continue to be exercised and performed, from *(insert the date of assent to this Act)*, by the Minister of Revenue.



## CHAPTER XIII

### MANDATARY ACTIVITIES OF INVESTISSEMENT QUÉBEC

#### ACT RESPECTING INVESTISSEMENT QUÉBEC

**207.** Section 27 of the Act respecting Investissement Québec (chapter I-16.0.1) is replaced by the following section:

“**27.** After consultation with the Company, the Government, on the recommendation of the Minister and the Minister of Finance, sets a remuneration for the Company that the Government considers reasonable for the administration by the Company of the financial assistance programs the Government develops or designates under this Act, and for the carrying out by the Company of the mandates given to it by the Government, except mandates referred to in the third paragraph of section 21.

For the determination of a reasonable remuneration, the Company sends an audited report to the Minister and the Minister of Finance at the time determined by the Minister. The report must, among other things, specify the amount corresponding to the sums allocated by the Company to the administration of the financial assistance programs and to the carrying out of the mandates given to it by the Government.

When setting the Company’s remuneration, the Government takes into account the investment revenue generated by the sums paid to the Company or to one of its subsidiaries under the Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4).

The Government determines, in the same manner, the other sums allocated to the administration of the financial assistance programs and the carrying out of the mandates it gives the Company that the Company may debit from the Fund.

The Government may set the conditions on which that remuneration and those sums may be debited from the Fund. If it does, the Minister ensures compliance with the conditions set by the Government.

The Company debits the remuneration from the Fund.

The Government may delegate the powers conferred on it by this section to the Minister.”

**208.** Section 35.11 of the Act is amended

(1) by inserting “, on the recommendation of the Minister and the Minister of Finance,” after the first occurrence of “Government”;

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

“For the determination of a reasonable remuneration, the Company sends an audited report to the Minister and the Minister of Finance at the time determined by the Minister. The report must, among other things, specify the amount corresponding to the sums allocated by the Company or, if applicable, its subsidiary to the carrying out of such a mandate.”

**209.** Section 35.12 of the Act is amended

(1) by inserting “and, if applicable, dispose of” after “acquire” in subparagraph 1 of the first paragraph;

(2) by striking out the second paragraph.

## **CHAPTER XIV**

### **PROVISIONS CONCERNING THE FINANCIAL SECTOR**

#### **DIVISION I**

##### **DIVIDED CO-OWNERSHIP INSURANCE, GROUP DAMAGE INSURANCE AND ASSIGNMENT OF CONTRACTS OF INSURANCE OF PERSONS**

###### *§1. — Amending provisions*

#### **CIVIL CODE OF QUÉBEC**

**210.** Article 1064 of the Civil Code of Québec is amended by replacing “contingency fund” by “to the contingency fund and the self-insurance fund”.

**211.** The Code is amended by inserting the following article after article 1064:

**“1064.1.** Each co-owner shall take out third person liability insurance the minimum compulsory amount of which is determined by government regulation.”

**212.** Article 1070 of the Code is amended by adding the following paragraph at the end:

“In addition, the syndicate keeps at the disposal of the co-owners a description of the private portions that is sufficiently precise to allow any improvements made by co-owners to be identified. The same description may be valid for two or more portions having the same characteristics.”

**213.** Article 1071 of the Code is replaced by the following article:

**“1071.** The syndicate establishes a contingency fund and a self-insurance fund.

The contingency fund is to be used for major repairs and to replace the common portions; it is established according to the estimated cost of such repairs and replacement. The self-insurance fund is to be used to pay the deductibles provided for by the insurance taken out by the syndicate; it is established according to the deductibles.

The syndicate is the owner of the funds, which are liquid and available on short notice.”

**214.** Article 1072 of the Code is amended

(1) by inserting “and the self-insurance fund” at the end of the first paragraph;

(2) by inserting the following paragraph after the second paragraph:

“The Government determines by regulation the terms according to which the co-owners’ minimum contribution to the self-insurance fund is determined.”

**215.** Article 1073 of the Code is amended

(1) in the first paragraph,

(a) by replacing “against ordinary risks, such as fire and theft, on” by “, which provides for a reasonable deductible, against ordinary risks covering”;

(b) by inserting “, where they can be identified in relation to the description of that portion” after “his portion”;

(c) by replacing “is equal to the replacement cost of the immovable” by “must cover the reconstruction of the immovable in accordance with the standards, usage and good practice applicable at that time; the amount must be evaluated at least every five years by a member of a professional order designated by government regulation”;

(2) by inserting the following at the end of the second paragraph: “for itself and for the members of its board of directors and the manager as well as for the president and the secretary of the general meeting of the co-owners and the other persons responsible for seeing to its proper conduct”;

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

“The Government may prescribe, by regulation, the criteria according to which a deductible is considered unreasonable. In addition, an insurance contract entered into by a syndicate covers, by operation of law, at least the risks prescribed by government regulation, unless the policy or a rider sets out, expressly and in clearly legible characters, which of those risks are excluded. The regulations may establish categories of buildings, in particular on the basis of the buildings’ size, value or geographic location.”

**216.** The Code is amended by inserting the following articles after article 1074:

**“1074.1.** When a loss occurs which falls under the coverage provided for by a property insurance contract entered into by the syndicate and the syndicate decides not to avail itself of the insurance, it shall without delay see that the damage caused to the insured property is repaired.

The sums incurred by the syndicate to repair the damage are common expenses. The same applies to the payment of the deductibles provided for by the insurance contracts entered into by the syndicate and, if applicable, to the difference between the material loss suffered by the syndicate and the amount of the indemnity it receives from the insurer.

**“1074.2.** Where insurance against the same risks and covering the same property has been taken out separately by the syndicate and a co-owner, the insurance taken out by the syndicate constitutes primary insurance.”

**217.** Article 1075 of the Code is amended by replacing the first paragraph by the following paragraph:

“The syndicate is bound, following a loss that is substantial according to the criteria determined by government regulation, to appoint a trustee, unless a trustee is appointed in the act constituting the co-ownership; the indemnity owing to the syndicate following the substantial loss is, despite article 2494, paid to the trustee.”

**218.** The Code is amended by inserting the following article after article 1075:

**“1075.1.** An insurer may not, despite article 2474, be subrogated to the rights of a syndicate against a director, a co-owner or a person who is a member of the co-owner’s household, unless the injury is due to an intentional or gross fault.”

**219.** Article 1078 of the Code is amended by inserting “, or against the self-insurance fund, unless the judgment is in respect of the recovery of an insurance deductible” after “common portions” in the second paragraph.

**220.** Article 1086 of the Code is amended by inserting “or the self-insurance fund” after “or to the contingency fund”.

**221.** Article 1094 of the Code is amended by inserting “or the self-insurance fund” after “contingency fund”.

**222.** The Code is amended by inserting the following article after article 1106:

“**1106.1.** Within 30 days after the special meeting of the co-owners, the developer shall transmit to the syndicate the description of the private portions provided for in article 1070.”

**223.** Article 1791 of the Code is amended by inserting “and the self-insurance fund” after “contingency fund” in the second paragraph.

**224.** Article 2391 of the Code is amended by adding the following paragraph at the end:

“Non-marine insurance is either individual insurance or group insurance.”

**225.** Article 2392 of the Code is amended by striking out the second paragraph.

**226.** Article 2395 of the Code is amended by adding the following paragraph at the end:

“Group damage insurance covers, under a master policy, the patrimony of participants in a specified group and, in some cases, the patrimony of their family members, their dependants or the client.”

**227.** Article 2411 of the Code is amended by inserting “or the insured” after “of the client”.

**228.** The Code is amended by inserting the following article after article 2417:

“**2417.1.** In individual life insurance, a clause preventing the holder of a contract from assigning the contract or a clause discharging, even in part, the insurer from liability in the event of assignment of the insurance has effect only in the first two years of the insurance and with regard solely to an assignment by onerous title to an assignee who has no insurable interest in the life or health of the insured.

However, such a clause remains without effect if a physician certifies in writing that the insured is not likely to survive more than two years.”

**229.** The Code is amended by inserting the following section after section 2462:

“**2462.1.** Within 30 days after the time from which the assignment of an individual life insurance may be set up against an insurer, the insurer may cancel the insurance by paying to the assignee the amount in consideration of which the assignor assigned the insurance to the assignee.”

**230.** The Code is amended by adding “, *misrepresentation and concealment*” at the end of the heading preceding article 2466.

**231.** The Code is amended by inserting the following article after article 2468:

“**2468.1.** Misrepresentation or concealment by an insured has effect on group insurance only with regard to the coverage on the insured’s patrimony.

The same applies to failure by such an insured to notify the insurer of any circumstances that increase the risks stipulated in the policy.”

**232.** Article 2724 of the Code is amended by inserting “and the self-insurance fund” after “contingency fund” in paragraph 3.

**233.** Article 2729 of the Code is amended by inserting “or the self-insurance fund” after “contingency fund”.

**234.** Article 3119 of the Code is amended by replacing “contract of group insurance of persons” in the second paragraph by “group insurance contract”.

#### ACT RESPECTING INSURANCE

**235.** The Act respecting insurance (chapter A-32) is amended by inserting the following sections after section 222.2:

“**222.3.** An insurer who enters into a group insurance contract must deliver to the client, in addition to the insurance certificates referred to in article 2401 of the Civil Code, a document intended for participants that informs them, in a timely manner, of any information necessary for making an enlightened decision and for the performance of the contract.

Such information must include

- (1) the scope of the coverage considered and any exclusions;
- (2) the time limits, in conformity with the Civil Code, within which the insurer must be notified of a loss and the time limits within which the insurer is required to pay the insured sums or the indemnity provided for; and
- (3) the information necessary for filing a complaint referred to in section 285.29 with the insurer.

“**222.4.** An insurer who enters into a group insurance contract with a client that is affiliated with the insurer or that belongs to the insurer’s group, as the case may be, must see that the client delivers to participants the document required under the first paragraph of section 222.3.

Such an insurer is liable for the acts performed by or on behalf of the client toward enrolling participants under the group insurance contract.

For the purposes of this section, “group” has the meaning assigned to it by section 1.5 of this Act and section 3 of the Act respecting financial services cooperatives (chapter C-67.3).”

§2. — *Special transitional provisions*

**236.** The first regulation made under article 1064.1 of the Civil Code, as enacted by section 211, will come into force on the date that is six months after the date of its publication in the *Gazette officielle du Québec*.

The first regulation made under the third paragraph of article 1072 of that Code, as amended by section 214, will come into force on the date that is 24 months after the date of its publication in the *Gazette officielle du Québec*, while the first regulation made under the third paragraph of article 1073 of that Code, as amended by section 215, will come into force on the date that is 12 months after the date of its publication in the *Gazette officielle du Québec*.

Those regulations must be published not later than (*insert the date that is two years after the date of assent to this Act*).

**237.** For the purposes of article 1070 of the Civil Code, as amended by section 212, in divided co-ownerships established before (*insert the date of introduction of this bill*), the private portions are deemed, in the condition they are in on that date, to include no improvement made by a co-owner, unless the syndicate has already placed a description of the private portions that complies with that article at the disposal of the co-owners.

## **DIVISION II**

### **DAMAGE INSURANCE AGENTS, BROKERS AND FIRMS**

§1. — *Amending provisions*

#### **ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES**

**238.** Section 3 of the Act respecting the distribution of financial products and services (chapter D-9.2) is amended

(1) by striking out “and is authorized to secure the adhesion of a person in respect of a group insurance or group annuity contract” in the second paragraph;

(2) by striking out subparagraph 1 of the third paragraph.

**239.** Section 5 of the Act is amended by inserting “by client proposal” after “insurance products” in the first paragraph.

**240.** Section 6 of the Act is amended by replacing “a range of damage insurance products from several insurers directly to the public” by “directly to the public a range of damage insurance products from several insurers by client proposal”.

**241.** Section 27 of the Act is amended by replacing “propose the insurance product that best meets those needs” by “offer the insurance products that best meet those needs”.

**242.** Section 28 of the Act is amended by replacing “the proposed product” in the first paragraph by “the products offered”.

**243.** Section 31 of the Act is amended by replacing “an insurance product” by “insurance products”.

**244.** Section 38 of the Act is amended

(1) by replacing “from several insurers” by “from at least four insurers who do not belong to the same financial group, within the meaning assigned to that expression by section 147, by proposition”;

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

“If a broker is no longer able to offer clients insurance products from at least four insurers, by proposal, the broker must keep the information allowing the broker to prove that the broker made every effort to comply with the first paragraph. In such a case, the broker may continue to offer those insurance products.

The broker must regularly update the information referred to in the second paragraph until the broker is once again able to comply with the first paragraph.”

**245.** Section 75 of the Act is amended by adding the following paragraph at the end:

“In addition, a firm registered for the damage insurance sector is also registered by the class of representatives through whom it intends to pursue its activities. Therefore, a firm acting through damage insurance agents is a damage insurance agency and a firm acting through damage insurance brokers is a damage insurance brokerage firm.”

**246.** The Act is amended by inserting the following section after section 83:

**“83.1.** A damage insurance agency or damage insurance brokerage firm must disclose, on its website and in its communications with its clients, the name of the insurers for which it offers insurance products. Where applicable, it must specify the insurers with which it is bound by an exclusive contract and which products are included in the contract.”



**247.** Section 115.2 of the Act is amended by inserting “or fails to comply with the requirements referred to in the second paragraph of section 125.1” after “103.1” in the first paragraph.

**248.** The Act is amended by inserting the following section before section 126:

**“125.1.** If, following an inspection referred to in section 107, the Authority considers that the proof provided under the second paragraph of section 38 is insufficient, it may require, within not more than one month, the brokerage firm for which the broker referred to in that section acts to change its registration to registration as a damage insurance agency, to change the registration of the representatives through whom it acts to registration as damage insurance agents, to enter into an exclusive contract with an insurer and to comply with section 83.1.

The firm and the representatives through whom it acts may, during that period, continue to offer the insurance products they were authorized to offer on the date the Authority imposed those requirements.”

**249.** Section 146 of the Act is amended by inserting “125.1,” after both occurrences of “114.1.”

**250.** The heading of Chapter III of Title II before section 147 of the Act is amended by inserting “BROKERAGE” before “FIRMS”.

**251.** Section 147 of the Act is amended by replacing “firm registered for the damage insurance sector that acts through a damage insurance broker and” in the definition of “firm” by “damage insurance brokerage firm that”.

**252.** Section 148 of the Act is repealed.

**253.** Section 150 of the Act is amended

(1) by striking out “that is not in compliance with the provisions of section 148” and inserting “if a financial institution or financial group or a legal person related to them has a significant interest in the firm’s decisions or equity capital” at the end;

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

“The power to exercise 20% or more of the voting rights attached to the shares issued by the firm is a significant interest in its decisions. Holding shares issued by the firm that represent 20% or more of its equity capital is a significant interest in that equity capital.

This section does not prohibit any financing agreement or any service contract between a financial institution and a firm or prevent a firm from allotting its shares or registering a transfer of its shares to give effect to a contract entered into before 21 December 1988.”

**254.** Section 235 of the Act is amended by adding the following sentence at the end of the second paragraph: “Where applicable, the register shall specify whether the firm is a damage insurance agency or a damage insurance brokerage firm.”

**255.** Section 408 of the Act is amended by striking out “or secures a client’s adhesion in respect of such an insurance product” in the second paragraph.

**256.** Section 409 of the Act is repealed.

**257.** Section 426 of the Act is repealed.

**258.** Section 435 of the Act is amended by striking out “or securing a client’s adhesion in respect of”.

**259.** Section 444 of the Act is repealed.

**260.** Section 473 of the Act is amended by striking out “or securing a client’s adhesion in respect of”.

§2. — *Special transitional provision*

**261.** A firm which, on (*insert the date of coming into force of section 245*), is registered for the damage insurance sector must, before (*insert the date that is six months after the date of coming into force of section 245*), apply to the Autorité des marchés financiers for registration as a damage insurance agency or a damage insurance brokerage firm.

### **DIVISION III**

#### **SUPERVISION OF FINANCIAL MARKETS**

##### **ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS**

**262.** The Act respecting the Autorité des marchés financiers (chapter A-33.2) is amended by inserting the following sections after section 62:

“**62.1.** Where a recognized organization conducts an investigation, within the meaning of its rules of operation, into the conduct of its members or participants as regards the carrying on, in Québec, of an activity governed by an Act referred to in Schedule 1, it may request any person to communicate any document or information relating to the member or participant concerned that it considers useful to the investigation.

**“62.2.** A recognized organization examining a disciplinary matter, within the meaning of its rules of operation, may call the witnesses it or the other party considers useful to have them give an account of the facts of which they have personal knowledge or produce any document relating to the matter.

**“62.3.** The persons designated by a recognized organization to hear a disciplinary matter referred to in section 62.2 and the organization’s personnel members assisting them must take the oath set out in Schedule II to the Professional Code (chapter C-26).

**“62.4.** If a person fails to respond to a request under section 62.1 or to attend in response to a subpoena under section 62.2, the recognized organization may request the Financial Markets Administrative Tribunal to order the person to comply with the request or summons.”

#### ACT RESPECTING NASDAQ STOCK EXCHANGE ACTIVITIES IN QUÉBEC

**263.** The Act respecting Nasdaq stock exchange activities in Québec (chapter E-20.01) is repealed.

#### SECURITIES ACT

**264.** Section 5 of the Securities Act (chapter V-1.1) is amended by inserting the following definitions in alphabetical order:

““benchmark” means a price, estimate, rate, index or value that is regularly determined by applying a formula or method to one or more underlying interests or by evaluating those interests, that is published or made available to the public by onerous or gratuitous title, and that is used as a reference for such purposes as setting the interest or any other sum payable under a contract or financial instrument, setting the purchase or sale price or the value of a financial instrument or measuring the performance of a financial instrument or of an investment fund;

““benchmark administrator” means a person who controls the creation or provision of a benchmark;”.

**265.** The heading of Title VI preceding section 169 of the Act is amended by replacing “AND CREDIT RATING ORGANIZATIONS” by “, CREDIT RATING ORGANIZATIONS, BENCHMARKS AND BENCHMARK ADMINISTRATORS”.

**266.** Section 186.1 of the Act is amended by adding the following paragraphs at the end:

“It may also, in accordance with the criteria and conditions determined by regulation, make this Act applicable to a benchmark and designate that benchmark. In such a case, the benchmark administrator becomes subject to this Act.

For the purposes of section 35 of the Act respecting the Autorité des marchés financiers (chapter A-33.2), the decision to make this Act applicable to a benchmark is deemed to be an individual decision in respect of the benchmark administrator. The administrator is deemed to be a citizen within the meaning of the Act respecting administrative justice (chapter J-3).”

**267.** The Act is amended by inserting the following section after section 186.2:

**“186.2.1.** A benchmark administrator subject to this Act must comply with the requirements set by regulation, in particular with respect to

- (1) governance, internal controls and conflict of interest management;
- (2) establishing, publishing and applying a code of conduct for contributors as well as the minimum requirements of such a code;
- (3) the integrity and reliability of the designated benchmarks that the administrator administers;
- (4) any restriction or prohibition relating to the provision and administration of a designated benchmark;
- (5) keeping the books and registers necessary for the conduct of its business;
- (6) the disclosure of information to the Authority, to the public or to the users of a designated benchmark that the administrator administers; and
- (7) the methods used to establish the designated benchmarks that the administrator administers.”

**268.** Section 186.3 of the Act is amended by inserting “and the affairs of a benchmark administrator subject to this Act” after “organization” in the first paragraph.

**269.** Section 186.4 of the Act is amended

- (1) by replacing “or another person acting on its behalf” by “, a benchmark administrator subject to this Act or another person acting on their behalf”;
- (2) by inserting “or the benchmark administrator subject to this Act” at the end.

**270.** Section 186.6 of the Act is amended by inserting “or of a benchmark administrator subject to this Act” after “organization”.

**271.** The Act is amended by inserting the following section after section 199.1:

**“199.2.** A person who directly or indirectly engages or participates in any act, practice or course of conduct is guilty of an offence if the person knows, or ought reasonably to know, that the act, practice or course of conduct

(1) constitutes or contributes to the provision of false or misleading information or data to be used in establishing a designated benchmark; or

(2) constitutes or contributes to the manipulation of the computation of a designated benchmark.”

**272.** Section 204.1 of the Act is amended by replacing “or 199.1” by “, 199.1 or 199.2”.

**273.** Section 237 of the Act is amended by adding the following subparagraph after subparagraph 10 of the first paragraph:

“(11) a benchmark administrator subject to this Act, a person whose activities are governed by an Act listed in Schedule 1 to the Act respecting the Autorité des marchés financiers (chapter A-33.2) or by an equivalent Act of another legislative jurisdiction in Canada and who provides information or data applied to establish a designated benchmark, or a person responsible for the computation of a designated benchmark.”

**274.** Section 308.2.1.1 of the Act is amended by replacing “or credit rating organization” by “, credit rating organization or benchmark administrator”.

**275.** Section 331.1 of the Act is amended

(1) by inserting the following paragraph after paragraph 9.2:

“(9.2.1) determine the criteria and conditions in accordance with which the Authority may make this Act applicable to a benchmark;”;

(2) in paragraph 9.3,

(a) by inserting “and benchmark administrators subject to this Act” after “organizations”;

(b) by replacing “and the person whose securities are being rated” by “, the person whose securities are being rated, or users of a designated benchmark”;

(3) by inserting the following paragraphs after paragraph 9.4:

“(9.5) prescribe requirements in respect of a benchmark administrator subject to this Act or a person responsible for the computation of a designated benchmark, including rules concerning the integrity and reliability of designated benchmarks, the code of conduct for contributors, conflicts of interest, the methods used to establish designated benchmarks and the keeping of the books and registers necessary for the conduct of its business;

“(9.6) determine the rules applicable to designated benchmarks, which may vary according to the categories the Authority establishes;”.

## **CHAPTER XV**

### **PROVISIONS CONCERNING AGRICULTURAL LAND**

#### **ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL**

**276.** Section 119 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by inserting the following paragraph after paragraph 2.1:

“(2.2) agricultural development;”.

**277.** The Act is amended by inserting the following division after section 151.2:

#### **“DIVISION III.2**

##### **“AGRICULTURAL DEVELOPMENT**

“**151.3.** The Community may take any measure for the purpose of promoting agricultural development in its territory.

For that purpose, the Community may, in particular, despite the Municipal Aid Prohibition Act (chapter I-15), establish a fund dedicated to land reclamation, in particular by acquiring an immovable, financing the expenditures related to its being brought back into active production, its sale or its lease for agricultural purposes, or to consolidate it into an agricultural operation.

“**151.4.** If a lot is excluded from the Community’s agricultural zone by a decision of the Commission de protection du territoire agricole following an application filed in accordance with section 65 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the Community shall take compensatory measures to include or bring back under cultivation, in the agricultural zone, land having an area at least equivalent to the size of the lot.

**“151.5.** If the Community opts for compensatory measures to bring land back under cultivation, it may require the municipality where the excluded lot is situated to pay into the fund dedicated to land recultivation a contribution that the Community sets by by-law.

Any revenue from the contributions paid into the fund forms part of the fund.

**“151.6.** Before the end of each fiscal year, the Community shall file a report with the Minister of Agriculture, Fisheries and Food on the compensatory measures taken and on the fund’s management. The report must include a list of activities, projects and initiatives financed by the fund dedicated to land recultivation and show that, for every area excluded from the agricultural zone, an equivalent area was included or brought back under cultivation in the zone. The Minister shall publish the report within 60 days after its receipt.”

#### ACT RESPECTING MUNICIPAL TAXATION

**278.** The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following division after section 244.74:

#### **“DIVISION III.7**

#### **“TAX ON WORKABLE BUT UNWORKED FARM LAND SITUATED IN THE TERRITORY OF THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL**

**“244.75.** Every local municipality mentioned in Schedule I to the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) may, by by-law, impose a tax on workable but unworked farm land in respect of a fiscal year.

For the purposes of this division, workable but unworked farm land is all or part of a parcel of land

(1) on which no cultivation of the soil and plants or raising of livestock is carried on even though the parcel of land is suitable for it;

(2) that is included in a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

(3) that is not included in an agricultural operation registered in accordance with a regulation adopted under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);

(4) that is not covered by a forest producer’s certificate issued under section 130 of the Sustainable Forest Development Act (chapter A-18.1);

(5) that does not constitute a wetland or body of water within the meaning of section 46.0.2 of the Environment Quality Act (chapter Q-2);

(6) that is not covered by an agricultural use prohibition under a government order, a by-law or regulation or an Act;

(7) that is not the subject of a right of use for a use other than an agricultural use under the Act respecting the preservation of agricultural land and agricultural activities; and

(8) that does not constitute the site of a building whose value is greater than \$10,000.

**“244.76.** The tax is based on the taxable value of the workable but unworked farm land.

**“244.77.** The tax rate is fixed in the by-law adopted under section 244.75. It shall not exceed the basic general property tax rate for the fiscal year concerned.

**“244.78.** Within 60 days after the tax account is sent, the owner of the land concerned may apply to the municipality for a review of the account if the land no longer meets at least one of the requirements listed in the second paragraph of section 244.75.

The municipality shall respond to the applicant within 60 days after receiving the application.

**“244.79.** Revenues from the tax must be paid into a fund created by the municipality and intended exclusively to receive them and to help achieve the purposes listed in the second paragraph.

The sums contained in the fund must be used by the municipality exclusively to

- (1) help consolidate farm land;
- (2) encourage the maintenance of agricultural activities; and
- (3) preserve or re-establish the land for agricultural use.

The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under the second paragraph. However, where the assistance is paid under subparagraph 1 of that paragraph, the amount of the assistance shall not exceed the actual cost of the expenses necessary to consolidate the farm land concerned.”



ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND  
AND AGRICULTURAL ACTIVITIES

**279.** The Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) is amended by adding the following section after section 96:

“**96.1.** In a decision it makes under section 66 or 96 in respect of an agricultural zone, the Government may include an order to include an equivalent area of land in the agricultural zone concerned.”

**CHAPTER XVI**

INSTITUT DE TOURISME ET D’HÔTELLERIE DU QUÉBEC

**DIVISION I**

AMENDING PROVISIONS

GENERAL AND VOCATIONAL COLLEGES ACT

**280.** Section 17.2 of the General and Vocational Colleges Act (chapter C-29) is amended by adding the following paragraph at the end:

“For the purposes of this section, the Institut de tourisme et d’hôtellerie du Québec is considered to be a college.”

**281.** Section 25 of the Act is amended by adding the following paragraph at the end:

“Such rules may also provide for the allocation of subsidies to the Institut de tourisme et d’hôtellerie du Québec to establish and maintain a college centre for technology transfer. In such a case, the Minister shall also consult the institute before establishing the rules.”

ACT RESPECTING THE INSTITUT DE TOURISME ET D’HÔTELLERIE  
DU QUÉBEC

**282.** Section 5 of the Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02) is amended

(1) by replacing “7” and “11” in the first paragraph by “11” and “15”, respectively;

(2) by adding the following sentences at the beginning of the second paragraph: “One member of the board shall be a director of the institute designated by the member’s peers. One member of the board shall be a teacher at the institute designated by the member’s peers.”

**283.** Section 7 of the Act is amended

(1) by replacing “two” in the first paragraph by “three”;

(2) by inserting the following paragraphs after the first paragraph:

“Board members may be reappointed twice to serve in that capacity only for a consecutive or non-consecutive term.

In addition to terms served as a board member, the chair of the board may be reappointed twice to serve in that capacity for a consecutive or non-consecutive term.”

**284.** Section 14 of the Act is replaced by the following section:

**“14.** The other staff members of the institute shall be appointed in accordance with the staffing plan and the standards it establishes.

Subject to the provisions of a collective agreement, the institute shall determine the standards and scales of remuneration, employment benefits and other conditions of employment of its staff members in accordance with the conditions defined by the Government.”

**285.** Section 17 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) establish a college centre for technology transfer in accordance with the third paragraph of section 17.2 of the General and Vocational Colleges Act (chapter C-29);”.

**286.** Section 19 of the Act is amended by adding the following paragraphs at the end:

“The Minister may also, on the conditions determined by the Minister, authorize the institute to award the degrees, diplomas, certificates or other attestations of university studies to which a university-level program leads.

The Minister may determine the necessary information, analyses and documents the institute must provide to the Minister before it applies for authorization under this section.”

#### ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

**287.** Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by inserting the following in alphabetical order:

“—The Institut de tourisme et d’hôtellerie du Québec”.

## ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**288.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by replacing “the Institut du tourisme et de l’hôtellerie du Québec, in respect of employees of the Adult Education Service” in paragraph 1 by “the Institut de tourisme et d’hôtellerie du Québec”.

## ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

**289.** Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by replacing “the Institut du tourisme et de l’hôtellerie du Québec, in respect of employees of the Adult Education Service” in paragraph 1 by “the Institut de tourisme et d’hôtellerie du Québec”.

## DIVISION II

### SPECIAL TRANSITIONAL PROVISIONS

**290.** Subject to the conditions of employment applicable to them, staff members of the Institut de tourisme et d’hôtellerie du Québec in office on (*insert the date preceding the date of coming into force of section 284*) are, from (*insert the date of coming into force of section 284*), deemed to be appointed in accordance with section 14 of the Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02), as replaced by section 284.

**291.** The appointment of institute employees under section 290 is deemed to constitute the alienation of an undertaking or enterprise for the purposes of sections 45 and 46 of the Labour Code (chapter C-27) and article 2097 of the Civil Code.

**292.** Any employee of the institute referred to in section 290 may apply for a transfer to a position in the public service or enter a promotion-only qualification process in accordance with the Public Service Act (chapter F-3.1.1) if, on (*insert the date preceding the date of coming into force of section 284*), the employee was a public servant with permanent tenure.

Section 35 of the Public Service Act applies to an employee who participates in such a promotion-only qualification process.

**293.** An employee referred to in section 292 who applies for a transfer or enters a promotion-only qualification process may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into account the classification that the employee had in the public service on (*insert the date preceding the date of coming into force of section 284*), as well as the years of experience and the level of schooling attained while deemed to be appointed

in accordance with section 14 of the Act respecting the Institut de tourisme et d'hôtellerie du Québec, as replaced by section 284.

If an employee is transferred into the public service under section 292, the deputy minister or chief executive officer the employee comes under assigns to the employee a classification compatible with the assessment provided for in the first paragraph.

If an employee is promoted under section 292, the employee must be given a classification on the basis of the criteria set out in the first paragraph.

**294.** If some or all of the institute's activities are discontinued, an employee referred to in section 290 who was a public servant with permanent tenure on (*insert the date preceding the date of coming into force of section 284*) is entitled to be placed on reserve in the public service with the same classification the employee had on that date.

If some of the institute's activities are discontinued, the employee placed on reserve continues to exercise his or her functions within the institute until the Chair of the Conseil du trésor is able to place the employee in accordance with section 100 of the Public Service Act.

When placing an employee who is placed on reserve, the Chair of the Conseil du trésor determines the employee's classification on the basis of the criteria set out in the first paragraph of section 293.

**295.** A public servant with permanent tenure of the institute who, in accordance with the conditions of employment applicable to him or her, is placed on reserve in the public service before (*insert the date preceding the date of coming into force of section 284*) is assigned to the institute until the Chair of the Conseil du trésor is able to place the employee in accordance with section 100 of the Public Service Act.

**296.** Subject to remedies available under a collective agreement, an employee referred to in section 290 who is dismissed may bring an appeal under section 33 of the Public Service Act if, on (*insert the date preceding the date of coming into force of section 284*), the employee was a public servant with permanent tenure.

**297.** The members of the board of directors of the Institut de tourisme et d'hôtellerie du Québec in office on (*insert the date of coming into force of section 282*) continue in office on the same terms, for the unexpired portion of their term. Section 7 of the Act respecting the Institut de tourisme et d'hôtellerie du Québec, as amended by section 283, does not apply to those members.

## CHAPTER XVII

### INVESTMENTS BY CERTAIN STATE-OWNED ENTERPRISES

#### ACT RESPECTING THE CENTRE DE RECHERCHE INDUSTRIELLE DU QUÉBEC

**298.** Section 20 of the Act respecting the Centre de recherche industrielle du Québec (chapter C-8.1) is amended by inserting “188,” after “184,”.

#### JAMES BAY REGION DEVELOPMENT ACT

**299.** Section 43.1 of the James Bay Region Development Act (chapter D-8.0.1) is amended by inserting “and 188” after “162”.

#### ACT RESPECTING FINANCEMENT-QUÉBEC

**300.** Section 31 of the Act respecting Financement-Québec (chapter F-2.01) is amended by inserting “188,” after “184,”.

#### HYDRO-QUÉBEC ACT

**301.** Section 3.6 of the Hydro-Québec Act (chapter H-5) is amended by inserting “, 188” after “162, 184”.

#### ACT RESPECTING THE JAMES BAY NATIVE DEVELOPMENT CORPORATION

**302.** Section 18 of the Act respecting the James Bay Native Development Corporation (chapter S-9.1) is amended by adding the following paragraph at the end:

“Despite section 188 of that Act, the Corporation may make investments by buying securities issued or guaranteed by the Gouvernement du Québec.”

#### ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

**303.** The Act respecting the Société des alcools du Québec (chapter S-13) is amended by inserting the following section after section 23:

“**23.1.** Section 188 of the Companies Act (chapter C-38) does not apply to the Société.”

#### ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC

**304.** Section 31 of the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01) is amended by inserting “, 188” after “162, 179”.

## ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC

**305.** Section 18 of the Act respecting the Société des loteries du Québec (chapter S-13.1) is amended by striking out “for a term of less than one year”.

## ACT RESPECTING THE SOCIÉTÉ DES TRAVERSIERS DU QUÉBEC

**306.** Section 21 of the Act respecting the Société des Traversiers du Québec (chapter S-14) is amended by inserting “and 188” after “Sections 159 to 162”.

## ACT RESPECTING SOCIÉTÉ INNOVATECH DU GRAND MONTRÉAL

**307.** Section 24 of the Act respecting Société Innovatech du Grand Montréal (chapter S-17.2.0.1) is amended by inserting “188,” after “184,”.

## ACT RESPECTING SOCIÉTÉ INNOVATECH DU SUD DU QUÉBEC

**308.** Section 24 of the Act respecting Société Innovatech du sud du Québec (chapter S-17.2.2) is amended by inserting “188,” after “184,”.

## ACT RESPECTING SOCIÉTÉ INNOVATECH QUÉBEC ET CHAUDIÈRE-APPALACHES

**309.** Section 24 of the Act respecting Société Innovatech Québec et Chaudière-Appalaches (chapter S-17.4) is amended by inserting “188,” after “184,”.

## ACT RESPECTING SOCIÉTÉ INNOVATECH RÉGIONS RESSOURCES

**310.** Section 24 of the Act respecting Société Innovatech Régions ressources (chapter S-17.5) is amended by inserting “188,” after “184,”.

## CHAPTER XVIII

### OTHER PROVISIONS

#### FINANCIAL ADMINISTRATION ACT

**311.** Section 16 of the Financial Administration Act (chapter A-6.001) is amended by inserting “or of any other body or category of bodies designated by the Government” after “section 77” in the introductory clause of the first paragraph.

## CODE OF PENAL PROCEDURE

**312.** Section 8.1 of the Code of Penal Procedure (chapter C-25.1) is amended by adding the following paragraph at the end:

“The amount of the contribution provided for in subparagraph 3 of the first paragraph is rounded down to the nearest dollar if it includes a dollar fraction that is less than \$0.50, or up to the nearest dollar if it includes a dollar fraction that is equal to or greater than \$0.50.”

## ACT TO ESTABLISH THE FUND FOR THE PROMOTION OF A HEALTHY LIFESTYLE

**313.** The Act to establish the Fund for the Promotion of a Healthy Lifestyle (chapter F-4.0021) is repealed.

## ACT TO ESTABLISH THE SPORTS AND PHYSICAL ACTIVITY DEVELOPMENT FUND

**314.** Section 5 of the Act to establish the Sports and Physical Activity Development Fund (chapter F-4.003) is amended

(1) by replacing “\$60,000,000” in the first paragraph by “\$68,000,000”;

(2) by replacing “\$8,000,000” and “\$5,000,000” in the second paragraph by “\$16,000,000” and “\$13,000,000”, respectively.

## ACT RESPECTING THE MINISTÈRE DU TOURISME

**315.** Section 21 of the Act respecting the Ministère du Tourisme (chapter M-31.2) is amended by replacing “the Minister” in paragraph 2 by “a minister or a budget-funded body”.

## ACT TO REDUCE THE DEBT AND ESTABLISH THE GENERATIONS FUND

**316.** Section 1.2 of the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1) is amended by striking out “, nor the portion of advances made to the financing fund established under the Act respecting the Ministère des Finances (chapter M-24.01) and used to fund bodies not subject to the first paragraph of section 89 of the Financial Administration Act (chapter A-6.001) and government enterprises listed in Schedule 3 to that Act” in the second paragraph.

## ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

**317.** Despite any provision to the contrary, diesel fuel used for purposes other than transportation must be excluded from the calculation of the annual duty payable into the Green Fund under the Act respecting the Régie de l'énergie (chapter R-6.01), as it read between 13 June 2013 and 1 January 2015.

### CHAPTER XIX

#### FINAL PROVISIONS

**318.** Section 169 has effect from 21 April 2015; sections 126 and 127 and paragraph 1 of section 128 have effect from 14 July 2015; sections 13 to 16 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund, enacted by section 1, have effect from 1 April 2017; and section 164 and paragraph 1 of section 166 have effect from 1 July 2017.

**319.** This Act comes into force on (*insert the date of assent to this Act*), except

- (1) sections 207 to 209, which come into force on 1 April 2018;
- (2) Chapter VI, which comes into force on 1 October 2018;
- (3) sections 6, 8 and 11, paragraph 2 of section 14 and sections 18 and 38 to 48, which come into force on (*insert the date that is 45 days after the date of assent to this Act*);
- (4) sections 284 and 287 to 297, which come into force on (*insert the date that is 90 days after the date of assent to this Act*);
- (5) sections 216 and 218, which come into force on (*insert the date that is six months after the date of assent to this Act*);
- (6) sections 212 and 222, which come into force on (*insert the date that is six months after the date of assent to this Act*) in respect of divided co-ownerships established on or after (*insert the date of assent to this Act*), and on (*insert the date that is 24 months after the date of assent to this Act*) in respect of the other divided co-ownerships;
- (7) sections 224 to 227, 230, 231, 234 to 238 and 255 to 260, which come into force on (*insert the date that is two years after the date of assent to this Act*) or any earlier date set by the Government;
- (8) paragraphs 1 to 3 of section 133, which come into force on the date of the closing of the first general meeting of holders of Capital régional et coopératif Desjardins shares that is held after (*insert the date of assent to this Act*);



(9) sections 1 to 11 and 20 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund, enacted by section 1, which come into force on the date of coming into force of the first order made under that Act;

(10) sections 70 and 74, which come into force on the date of coming into force of the first order made under the second paragraph of section 11 of the Act respecting registry offices (chapter B-9);

(11) sections 210, 213, 214, 219 to 221, 223, 232 and 233, which come into force on the date of coming into force of the first regulation made under article 1072 of the Civil Code;

(12) section 211, which comes into force on the date of coming into force of the first regulation made under article 1064.1 of the Civil Code;

(13) section 215, which comes into force on the date of coming into force of the first regulation made under article 1073 of the Civil Code;

(14) section 217, which comes into force on the date of coming into force of the first regulation made under the first paragraph of article 1075 of the Civil Code;

(15) sections 7, 9, 10, 12 and 13, paragraph 1 of section 14, sections 15 to 17 and 19 to 32, paragraphs 4 to 6 of section 33, paragraphs 2, 3 and 4 of section 34, section 35, paragraphs 2, 4 and 5 of section 36, section 37, sections 146 to 158, 160 to 163 and 165, paragraph 2 of section 166, section 170, section 196 to the extent that it amends section 60.4 of the Tax Administration Act (chapter A-6.002) to refer to paragraph 2 of section 350.61 of the Act respecting the Québec sales tax (chapter T-0.1), and sections 239 to 254 and 262, which come into force on the date or dates to be set by the Government.

SCHEDULE I  
(Section 2)

**SPECIAL CONTRACTS AND FINANCIAL ASSISTANCE FOR  
INVESTMENT FUND**

	<b>2017-2018</b>
<b>Revenues</b>	\$95,000,000
<b>Expenditures</b>	<b>\$95,000,000</b>
Surplus (Deficit) of the Fiscal Year	<b>0</b>
Ending Cumulative Surplus (Deficit)	<b>0</b>
<b>Investments</b>	<b>0</b>
Total loans or advances <sup>1</sup>	0

<sup>1</sup> To (from) the Financing Fund and the general fund.

AN ACT RESPECTING MAINLY THE IMPLEMENTATION OF  
CERTAIN PROVISIONS OF THE BUDGET SPEECHES OF  
17 MARCH 2016 AND 28 MARCH 2017

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