

Bill 162

**An Act to amend the Building Act and  
other legislative provisions mainly to  
give effect to certain Charbonneau  
Commission recommendations**

Section 6

**AMENDMENT:**

Insert "of the partnership or legal person" after "the person must be an officer" in the second paragraph of proposed section 52.

*Adapted*

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Section 8

**AMENDMENT:**

1. Replace paragraph 1 by:

(1) by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(5.1) he holds liability insurance whose nature, coverage and other terms are determined by regulation of the Board;”;

2. Replace subparagraphs *d* and *e* of subparagraph 8 proposed by paragraph 2 by:

(*d*) an indictable offence under subsection 1 of section 380, section 462.31 or any of sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46);”;

*Adopted*

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Section 11

**AMENDMENT:**

1. Replace paragraph 1 by:

(1) by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(3.1) it holds liability insurance whose nature, coverage and other terms are determined by regulation of the Board;”;

2. Replace subparagraphs *d* and *e* of subparagraph 6 proposed by paragraph 2 by:

(*d*) an indictable offence under subsection 1 of section 380, section 462.31 or any of sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46);

Adopte' ce

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Section 16

**AMENDMENT:**

Replace paragraph 1 by:

(1) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) if the licence holder or, in the case of a partnership or a legal person, a person referred to in subparagraph 6 of the first paragraph of section 60 has been convicted, in the last five years,

(a) of an indictable offence under section 45 or 47 of the Competition Act (R.S.C. 1985, c. C-34);

(b) of an offence under any of sections 5, 6 and 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19); or

(c) of an indictable offence under subsection 1 of section 380, section 462.31 or any of sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46);”;

*Adopté  
au*

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Section 21

**AMENDMENT:**

1. Insert before paragraph 1:

(0.1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) no longer meets one of the conditions set out in sections 58 to 62.0.4 for obtaining a licence;”;

2. Replace paragraph 1 by:

(1) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) has submitted falsified facts to the Board or misrepresented facts, or has failed to provide the Board with information;”;

3. Strike out paragraph 7.

*Adopted*

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Section 22

**AMENDMENT:**

Replace by:

22. The Act is amended by inserting the following section after section 70:

**“70.0.1.** The Board may suspend or cancel a licence where a guarantor has submitted falsified facts to it or misrepresented facts, failed to provide it with information or failed to comply with any of his obligations under this Act or the regulations.”

*Adopted*

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Section 23

**AMENDMENT:**

Replace by:

23. Section 72 of the Act is amended
- (1) by replacing “business” by “latter’s activities”;
  - (2) by replacing “90” by “120”.

*Adopted*

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Section 24

**AMENDMENT:**

Replace "60" and "90" in the first paragraph of proposed section 73 by "90" and "120", respectively.

*Adopted*



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Section 25.1

**AMENDMENT:**

Insert after section 25:

**25.1.** The Act is amended by inserting the following section after section 76:

“76.1. A natural person, partnership or legal person whose licence is suspended or cancelled shall, at the Board’s request and within the time it specifies, provide the list of construction work under way, the name of the clients concerned and the contact information necessary for the Board to contact them to provide them with useful information for the completion of the work.

The information required under the first paragraph may also be requested by the Board to enable it to ensure that the ruling it delivered on the suspension or cancellation of the licence is complied with.”

*Adopte' au*

AM 10  
s. 26 (84.1)

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Section 26

**AMENDMENT:**

Withdraw.

*Adopted*

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Section 29

**AMENDMENT:**

Withdraw.

*Adopted*

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Section 34

**AMENDMENT:**

Withdraw.

*Adopted*

AM 13  
s. 35 (164.1)

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Section 35

**AMENDMENT:**

Withdraw.

*Adopted*

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Section 36

**AMENDMENT:**

1. Strike out “solely” in paragraph 9.2 proposed by paragraph 2.
2. Replace paragraph 4 by:

(4) by inserting the following paragraphs after paragraph 11:

“(11.1) determine the nature, coverage and other terms of liability insurance a natural person, partnership or legal person applying for a licence must hold;

“(11.2) require each natural person who wishes to qualify as a guarantor for the same licence to sign the licence application;”;

*Adopted*

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Section 37

**AMENDMENT:**

Withdraw.

*Adopted as*

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Section 38

**AMENDMENT:**

Add after paragraph 2:

- (3) by inserting "76.1," after "69," in paragraph 7.

*Adopted*



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Section 39.1

**AMENDMENT:**

Insert after section 39:

**39.1.** Section 197.1 of the Act is replaced by the following section:

“**197.1.** Any person who contravenes section 46 or 48 is guilty of an offence and is liable, as the case may be, to a fine

(1) of \$5,523 to \$27,614 in the case of an individual and \$16,568 to \$82,844 in the case of a legal person if the individual or legal person does not hold a licence of the appropriate class or subclass or uses the services of another person who does not hold a licence of the appropriate class or subclass; or

(2) of \$11,047 to \$82,844 in the case of an individual and \$33,138 to \$165,687 in the case of a legal person if the individual or legal person does not hold a licence or uses the services of another person who does not hold a licence.”

*Adopted*

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Section 43

**AMENDMENT:**

Replace by:

**43.** Section 3.1 of the Act respecting labour standards (chapter N-1.1) is amended by replacing "14" in the second paragraph by "15".

*Adopted*

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Section 44

**AMENDMENT:**

Replace by:

44. Section 122 of the Act is amended by adding the following subparagraph at the end of the first paragraph:

“(15) on the ground that the employee has, in good faith, communicated information to the Régie du bâtiment du Québec under section 129.2.1 of the Building Act (chapter B-1.1) or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication.”

*Adopté*

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Section 45

**AMENDMENT:**

Replace by:

**45.** Section 140 of the Act is amended by replacing “11, 13 and 14” in paragraph 6 by “11 and 13 to 15”.

*Adopted*