

**AMENDMENT**

**Bill 72**

**AN ACT TO PROTECT CONSUMERS AGAINST ABUSIVE COMMERCIAL  
PRACTICES AND TO OFFER BETTER TRANSPARENCY WITH RESPECT TO  
PRICES AND CREDIT**

**SECTION 1.1 (section 25 of the Consumer Protection Act)**

Insert after section 1:

**1.1.** Section 25 of the Act is amended by adding the following sentence at the end: "However, the contract may instead be drawn up on a technological medium if expressly authorized by the consumer."

*Adopte  
MB*

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**SECTION 1.2 (section 28 of the Consumer Protection Act)**

Insert after section 1.1, introduced by amendment:

**1.2.** Section 28 of the Act is amended by adding the following paragraph at the end:

“In the case of a contract drawn up on a technological medium, the signature of the parties shall be affixed after all the conditions have completely been brought to the consumer’s attention without the consumer having to access them through a hyperlink or in an external clause or in any other similar way.”

*Adopte  
Ms*

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**SECTION 2 (section 32 of the Consumer Protection Act)**

Replace the second paragraph of proposed section 32 by:

However, if expressly authorized by the consumer, the merchant may instead send him a duplicate of the contract and a copy of the other documents referred to in the first paragraph on a technological medium to the technological address provided for that purpose by the consumer. The documents sent in such a manner must be easy for the consumer to retain and print.

*Adopte  
HB*

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**SECTION 10 (sections 65.1 and 65.2 of the Consumer Protection Act)**

Replace by:

10. The Act is amended by inserting the following division after section 65:

**"DIVISION II.1**

**"LIMITATION OF LIABILITY RELATING TO DEMAND DEPOSIT ACCOUNTS**

**"§1. — *Unauthorized use***

**"65.1.** A merchant with whom a consumer holds a demand deposit account must refund the consumer, within the period prescribed by regulation, any sum debited from that account without the consumer's authorization or that of a person authorized to make transactions on that account.

For the purposes of this subdivision, "payment instrument" includes a debit card or any other electronic payment instrument that allows the consumer to access his demand deposit account, including by an electronic device, in particular a cellular telephone, an electronic pad or a computer, for the purpose of initiating a payment order.

Despite the first paragraph, before being notified by the consumer of the loss or theft of the payment instrument or of the fraud or of the non-authorized use of the consumer's account, the merchant is required to refund only the total amount of the sums debited in this way that exceeds \$50.

The consumer is held liable for losses incurred by the merchant if the latter establishes that the consumer committed a gross fault as regards the protection of his means of ensuring his identification for the purpose of using the payment instrument.

**"§2. — *Authorized use***

**“65.2.** A merchant with whom a consumer holds a demand deposit account must refund the consumer, within the period prescribed by regulation, any sum debited with the consumer’s authorization or that of a person authorized to make transactions on that account, where the consumer is the victim of fraud.

The consumer is held liable for losses incurred by the merchant if the latter establishes that he debited the sum either in the absence of strong indications raising a suspicion of fraud or, where there were such indications, after he took the necessary precautions to attempt to prevent fraud.”

*Adopte  
PB*

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**SECTION 20 (section 114.1 of the Consumer Protection Act)**

Replace the first and second paragraphs of proposed section 114.1 by:

If an insurance contract which a consumer subscribed or adhered to on entering into a credit contract has been resolved or resiliated, the merchant must, after having received the refund of the insurance premium, amend the credit contract within ten days to remove the insurance premiums.

In the case of a contract for the loan of money or a contract involving credit, the merchant must, after soliciting the opinion of the consumer, amend the payment or the term based on the consumer's choice. If the consumer fails to give an opinion on the choice, the merchant may decide to amend the payment or the term.

*Adopte  
02*

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**SECTION 28 (section 150.3.0.5 of the Consumer Protection Act)**

Strike out "the charges involved in exercising a conventional option to purchase and" in the second paragraph of proposed section 150.3.0.5.

*Adopted  
1/13*

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**SECTION 28.1 (section 150.3.1 of the Consumer Protection Act)**

Insert after section 28:

**28.1.** Section 150.3.1 of the Act is amended by inserting "and the one to whom the effects of section 150.3.2 apply" at the end of the third paragraph.

*Adopte  
18/3*

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**SECTION 31 (section 150.5 of the Consumer Protection Act)**

Replace paragraph *b* of proposed section 150.5 by:

(*b*) the amount the consumer must pay to acquire the goods or the manner of calculating that amount, depending on whether the option to purchase is exercised at the end of the leasing period or during the contract. The amount may not exceed the residual value of the good if the option is exercised at the end of the leasing period. No additional charges may be claimed from the consumer; and

*Adopte  
TM*

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**SECTION 36.1 (section 150.17.1 of the Consumer Protection Act)**

Insert after section 36:

**36.1.** Section 150.17.1 of the Act is amended by striking out “within 10 days following receipt of the report” and “within the same time” in the second paragraph.

*Adopted  
1/12*

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**SECTION 41 (section 150.31 of the Consumer Protection Act)**

Replace "subparagraph *i*" by "subparagraph *j*".

*Adopte  
19/2*

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**SECTION 44 (section 223.0.1 of the Consumer Protection Act)**

Insert "Except in connection with restaurant services," at the beginning of the first paragraph of proposed section 223.0.1.

*Adopted  
RB*

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**SECTION 52 (section 260.29.1 of the Consumer Protection Act)**

Insert "or that he acquire other goods or services, except insurance required for entering into a credit contract or a long-term contract of lease" at the end of proposed section 260.29.1.

*Adopted  
PB*

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**SECTION 54 (section 278 of the Consumer Protection Act)**

Insert "65.2," after "65.1,".

*Adopte  
173*

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**SECTION 57 (section 350 of the Consumer Protection Act)**

Insert after proposed paragraph c.3:

"(c.4) determining the information relative to the price of gasoline and diesel fuel that a merchant who operates a service station must provide to consumers, the manner in which it is to be provided and the applicable conditions;"

*Adopted  
TMS*

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**SECTION 57 (section 350 of the Consumer Protection Act)**

Insert after proposed paragraph of g.11:

“(g.12)prescribing, for the purposes of sections 65.1 and 65.2, the period for refunding sums and providing for any other standard to facilitate the administration of that division, including standards defining the terms and expressions used in the division or defining their scope;”.

*Adopted  
DB*

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**SECTION 59 (section 7 of the Regulation respecting the application of the  
Consumer Protection Act)**

Withdraw.

*Adopte  
PB*

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**SECTION 59.1 (section 18 of the Regulation respecting the application of  
the Consumer Protection Act)**

Insert before section 60:

**59.1.** Section 18 of the Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended by inserting “, open credit contracts” after “money” in the introductory clause.

*Adopte  
PB*

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**SECTION 61 (section 38 of the Regulation respecting the application of the  
Consumer Protection Act)**

Withdraw.

*Adopte  
1/22*

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**SECTION 62 (section 39 of the Regulation respecting the application of the  
Consumer Protection Act)**

Withdraw.

*Adopte  
R/B*

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**SECTION 63** (section 45.3 of the Regulation respecting the application of  
the Consumer Protection Act)

Withdraw.

*Adopte  
PB*

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**SECTION 64** (section 45.4 of the Regulation respecting the application of  
the Consumer Protection Act)

Withdraw.

*Adopte  
12/2*

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**SECTION 65 (section 91.0.1 of the Regulation respecting the application of  
the Consumer Protection Act)**

Insert "Except in connection with restaurant services," at the beginning of proposed  
section 91.0.1.

*Adopte  
1/2/22*

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**SECTION 65 (article 91.0.2 of the Regulation respecting the application of the  
Consumer Protection Act)**

Insert "Except in connection with restaurant services," at the beginning of proposed  
section 91.0.2.

*Adopte  
PBR*

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**SECTION 65 (section 91.0.3 of the Regulation respecting the application of  
the Consumer Protection Act)**

Insert "Except in connection with restaurant services," at the beginning of proposed  
section 91.0.3.

*Adopte  
TJR*

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**SECTION 67 (section 91.8.1 of the Regulation respecting the application of the Consumer Protection Act)**

Replace paragraphs a to c of proposed section 91.8.1 by:

(a) it contains only, and to the exclusion of any other element, predetermined amounts and the option for the consumer to determine the amount of the tip;

(b) any predetermined amount it contains that corresponds to a proportion of the price must be established on the basis of a price that excludes the Québec sales tax and Canada's Goods and Services Tax;

(c) the elements that it contains must be presented in a uniform manner, without inciting the consumer to favour one over than another.

*Adopté  
PB*

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**SECTION 68 (section 91.15 of the Regulation respecting the application of the Consumer Protection Act)**

Insert “, unless the contract was entered into at the address of the consumer upon the latter’s express request, provided the contract was not solicited elsewhere than at the merchant’s address” at the end of subparagraph c of the first paragraph of proposed section 91.15.

*Adopte'  
PB*

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**SECTION 68** (sections 91.16 to 91.20 of the Regulation respecting the application of the Consumer Protection Act)

Insert after proposed section 91.15 of the bill, as amended:

**“91.16.** An itinerant merchant is exempt from the application of section 60.1 of the Act in any of the following cases:

(a) he entered into a contract in accordance with section 91.19 or 91.20 of this regulation;

(b) he entered into a contract, at the address of the consumer and upon the latter’s express request, the sole object of which is the urgent repair of a door, window or roofing of a building; or

(c) he entered into a broadcasting or telecommunications service contract and installs goods under that contract.

**“91.17.** A financial services cooperative governed by the Act respecting financial services cooperatives (chapter C-67.3) or a bank governed by the Bank Act (S.C. 1991, c. 46) is exempt from the application of subparagraph *a* of the first paragraph of section 244.7 of the Act.

**“91.18.** A merchant who offers a broadcasting or telecommunications service is exempt from the application of subparagraph *b* of the first paragraph of section 244.7 of the Act.

**“91.19.** An itinerant merchant is exempt from the application of subparagraphs *b* and *c* of the first paragraph of section 244.7 of the Act where the following conditions are met:

(a) he presented himself at the address of the consumer upon the latter’s express request;

(b) the consumer's request relates to the repair, at his address, of an appliance essential to heating or to the production of hot water;

(c) the appliance is beyond repair and must be replaced; and

(d) the itinerant merchant enters into a contract, upon the consumer's express request and at the consumer's address, the sole object of which is the replacement of the defective appliance.

**"91.20.** An itinerant merchant is exempt from the application of subparagraphs *b* and *c* of the first paragraph of section 244.7 of the Act where the following conditions are met:

(a) he presented himself at the address of the consumer upon the latter's express request;

(b) the request does not follow initial contact by the merchant with the consumer, by telephone or otherwise, for the purpose of obtaining authorization or an invitation to call on the consumer in order to present a product or give an estimate, or for any other reason;

(c) the request is to obtain an estimate for goods or services;

(d) the itinerant merchant enters into a contract, upon the consumer's express request and at the consumer's address, the sole object of which is the estimate; and

(e) where the contract is a long-term contract of lease of goods, it must not be high-cost."

Adopté  
FB

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**SECTION 69**

Replace by:

**69.** The provisions of this Act come into force on *(insert the date of assent to this Act)*, except

(1) the provisions of section 53, except as concerns contraventions of sections 38.7 to 39.7, 150.3.0.3, 150.9.2, 150.16.1, 223 and 223.0.1 of the Consumer Protection Act (chapter P-40.1), and of section 54, except as concerns contraventions of sections 65.1, 65.2, 119.2, 127.2, 148.1, 150.3.0.7 and 150.3.2 of the Consumer Protection Act, which come into force on 5 January 2025;

(2) the provisions of section 4, of section 53, as concerns contraventions of sections 39 to 39.7 of the Consumer Protection Act, and of paragraph 3 of section 57, which come into force on 5 October 2025;

(3) the provisions of section 3, of section 53, as concerns contraventions of sections 38.7 to 38.9 of the Consumer Protection Act, and of paragraph 2 of section 57, which come into force on 5 October 2026;

(4) the provisions of section 44, insofar as it enacts section 223.0.1 of the Consumer Protection Act, of section 45, of section 53, as concerns contraventions of section 223.0.1 of the Consumer Protection Act, of paragraph 1 of section 57, insofar as it enacts paragraphs c.2 and c.3 of section 350 of the Consumer Protection Act, of section 58 and of sections 65 to 67, which come into force on *(insert the date that is six months after the date of assent to this Act)*;

(5) the provisions of sections 12, 14 to 16, 20 and 23 to 25, of section 32, except insofar as it enacts subparagraph a of the third paragraph of section 150.6 of the Consumer Protection Act, and of section 54, as concerns contraventions of sections 119.2 and 127.2 of the Consumer Protection Act, which come into force on *(insert the date that is nine months after the date of assent to this Act)*;

(6) the provisions of sections 10, 13, 18, 19, 22 and 26 to 31, of section 32, insofar as it enacts subparagraph *a* of the third paragraph of section 150.6 of the Consumer Protection Act, of sections 33 to 36 and 37 to 43, of section 44, insofar as it enacts section 223 of the Consumer Protection Act, of section 50, of section 53, as concerns contraventions of sections 150.3.0.3, 150.9.2, 150.16.1 and 223 of the Consumer Protection Act, of section 54, as concerns contraventions of sections 65.1, 65.2, 148.1, 150.3.0.7 and 150.3.2 of the Consumer Protection Act, of section 55, of section 56, as concerns high-cost credit contracts, of section 57, insofar as it enacts paragraphs *c.1*, *g.9* and *g.12* of section 350 of the Consumer Protection Act, and of section 59.1, which come into force on the date or dates to be set by the Government.

*Adopte*  
*780*