

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 2 (Section 16 of the Building Act)

In proposed section 16

1. Replace "contractor or owner-builder" in the first paragraph by "project owner, that is, a contractor who is the owner of the construction premises or an owner-builder";
2. Insert ", a professional technologist" in the second paragraph after "architect";
3. Replace both occurrences of "contractor or owner-builder" in the third paragraph by "project owner";
4. Replace ", conservation and delivery" in the fourth paragraph by "and conservation. Those documents must be delivered to the Board, a municipality, subsequent acquirer, syndicate of co-owners or to any other person, in the cases and subject to the conditions determined by regulation of the Board."

Adopté
ERG

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 2 (Section 16 of the Building Act)

In proposed section 16, as amended:

1. Add “and the plans and specifications” at the end of the first paragraph;
2. Insert “, the cases in which the certificate must also pertain to the work’s conformity with the plans and specifications” after “by the site monitoring plan” in the fourth paragraph.

Adopted
ERB

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 2.1 (Section 17 of the Building Act)

Insert after section 2:

2.1. Section 17 of the Act is repealed.

Adopted
ERB

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 5 (Section 57.1 of the Building Act)

Strike out “, the words “holder of a licence issued under the Building Act”” after ““issued under the Building Act” by” in proposed section 57.1.

Adopted
ERL

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 26.1 (Section 142 of the Building Act)

Insert after section 26:

26.1. Section 142 of the Act is amended by replacing “by regulation and subject to specified conditions, allow a signature to be affixed by means of an automatic device, an electronic signature to be affixed, or a facsimile of a signature to be engraved, lithographed or printed on specified documents” by “on the conditions and on the documents it determines, allow a signature to be affixed by means of an automatic device, an electronic signature to be affixed, or a facsimile of a signature to be engraved, lithographed or printed”.

Adopt
ER6

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 33 (Section 185 of the Building Act)

In paragraph 1:

1. Insert “, the cases in which the certificate must also pertain to the construction work’s conformity with the plans and specifications” after “must be included in the site monitoring plan” in proposed subparagraph 1;
2. Replace “a contractor or owner-builder” in proposed subparagraph 1.1 by “a project owner, that is, a contractor who is the owner of the construction premises or an owner-builder”.

Adopt
ERB

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 38 (Section 197.3 of the Building Act)

Replace "\$6,427 to \$32,128" and "\$19,279 to \$96,386" in the first paragraph of proposed section 197.3 by "\$6,731 to \$33,648" and "\$20,190 to \$100,945", respectively.

Adopt
ERO

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 45.1 (Sections 21.1 and 21.2 of the Master Electricians Act)

Insert after section 45:

45.1. The Act is amended by inserting the following sections after section 21:

“**21.1.** In any penal proceedings related to an offence under this Act, proof that the offence was committed by an agent, mandatary or employee of the defendant is sufficient to establish that it was committed by the defendant, unless the defendant establishes that he exercised due diligence and took all necessary precautions to prevent the offence.

“**21.2.** If a partnership or legal person, or an agent, mandatary or employee of a partnership or legal person, commits an offence under this Act, the officer of the partnership or legal person is presumed to have committed the offence, unless it is established that he exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, a partnership’s special partners are not presumed to be its officers.”

Adopt
ER6

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 49.1 (Sections 20.1 and 20.2 of the Master Pipe Mechanics Act)

Insert after section 49:

49.1. The Act is amended by inserting the following sections after section 20:

“20.1. In any penal proceedings related to an offence under this Act, proof that the offence was committed by an agent, mandatary or employee of the defendant is sufficient to establish that it was committed by the defendant, unless the defendant establishes that he exercised due diligence and took all necessary precautions to prevent the offence.

“20.2. If a partnership or legal person, or an agent, mandatary or employee of a partnership or legal person, commits an offence under this Act, the officer of the partnership or legal person is presumed to have committed the offence, unless it is established that he exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, a partnership’s special partners are not presumed to be its officers.”

Adopted
ERB

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 58 (Section 56.13 of the Regulation respecting the professional qualification of contractors and owner-builders)

Withdraw.

Adopt
ERB

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 60

Replace "two years" by "18 months".

Adopt
ERB

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 60.1

Insert after section 60:

60.1. No monetary administrative penalty may be imposed under Chapter VI.1 of the Building Act (chapter B-1.1), enacted by section 29 of this Act, before the date on which the Régie du bâtiment du Québec makes public the first general framework for applying monetary administrative penalties in accordance with section 159.1 of the Building Act, enacted by section 29 of this Act.

Adopt⁻
ERG

AMENDMENT.

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 61

1. Insert "and section 142" after "141";
2. Replace "section 26" by "sections 26 and 26.1".

Adopt
ERG

AMENDMENT

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

SECTION 64

Replace "sections 38 and" by "section".

Adopt
ERB