

Bill 35

**An Act to prevent, combat and punish  
certain fraudulent practices in the  
construction industry and make other  
amendments to the Building Act**

Section 21

**AMENDMENT:**

(1) Replace paragraph 1 of proposed section 109.6 by:

(1) to decide whether a licence or an amendment to a licence may be refused in light of the conditions prescribed in any of subparagraphs 4, 8, 8.2 and 8.3 of the first paragraph of section 58, sections 59 and 59.1, subparagraphs 6, 6.0.1, 6.3 and 8 of the first paragraph of section 60, the third paragraph of section 60 and sections 61 to 62.0.2;

(2) Insert after paragraph 1 of proposed section 109.6:

(1.1) to decide to indicate a restriction on a licence under subparagraph 4 of the second paragraph of section 65.1;

(1.2) to grant the holder of a licence that contains a restriction the authorization to continue to perform a contract in accordance with section 65.2.1 and to subject the authorization to certain conditions;

*Adopte  
EB*

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Section 37

**AMENDMENT:**

Insert before paragraph 1:

(0.1) by striking out “any of sections 46, 48 and 64,”;

Handwritten signature in black ink, appearing to read "Alex Lévesque" with "EB" written below it.

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Section 37.1

**AMENDMENT:**

Insert after section 37:

**37.1.** The Act is amended by inserting the following section after section 197:

**“197.1.** Any person who contravenes section 46 or 48 by not holding a licence of the appropriate class or subclass is liable to a fine of \$5,000 to \$25,000 in the case of an individual and \$15,000 to \$75,000 in the case of a legal person, and any person who contravenes either of those sections by not holding a licence is liable to a fine of \$10,000 to \$75,000 in the case of an individual and \$30,000 to \$150,000 in the case of a legal person.”



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Sections 48.1 and 48.2

**AMENDMENT:**

Insert after section 48:

**MASTER ELECTRICIANS ACT**

**48.1.** Section 21 of the Master Electricians Act (R.S.Q., chapter M-3) is amended by replacing "between \$500 and \$1,000" and "between \$1,000 and \$2,000" in the introductory clause by "\$5,000 to \$25,000" and "\$15,000 to \$75,000", respectively.

**MASTER PIPE-MECHANICS ACT**

**48.2.** Section 20 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4) is amended by replacing "between \$500 and \$1,000" and "between \$1,000 and \$2,000" in the introductory clause by "\$5,000 to \$25,000" and "\$15,000 to \$75,000", respectively.



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Section 1

**AMENDMENT:**

- (1) Replace “the following subparagraph” in paragraph 1 by “the following subparagraphs”.
- (2) Insert the following subparagraph after proposed subparagraph 8.3:

“(8.4) he has not, in the five years preceding the application, been convicted by a foreign court of an offence referred to in subparagraph 8 which, if committed in Canada, would have resulted in criminal proceedings;”;

A handwritten signature in black ink, appearing to read "A. J. B." with a stylized flourish above the letters.

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Section 3

**AMENDMENT:**

- (1) Replace “of an indictable offence” in proposed subparagraph 6.0.1 in paragraph 1 by “an indictable offence”.
- (2) Replace “the following subparagraph” in paragraph 2 by “the following subparagraphs”.
- (3) Insert after proposed subparagraph 6.3 in paragraph 2:

“(6.4) neither it nor any of its officers have, in the five years preceding the application, been convicted by a foreign court of an offence referred to in subparagraph 6 which, if committed in Canada, would have resulted in criminal proceedings;”;

*Adopte  
ZB*

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Section 6

**AMENDMENT:**

(1) Insert before paragraph 1:

(0.1) by replacing “or section 5” in subparagraph 1 of the second paragraph by “or has been convicted, in the last five years, under paragraph *a* of subsection 1 of section 380 of that Code, subparagraph *i* of paragraph *b* of that subsection, any of sections 467.11 to 467.13 of that Code or section 5”;

(2) Replace paragraph 1:

(1) by striking out subparagraph 2 of the second paragraph;

(3) Insert “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,” after “licence holder” in proposed subparagraph 3 in paragraph 2.

(4) Add “, unless the licence holder proves to the Board that the offence that resulted in the restriction was not committed in the exercise of the person’s functions within the partnership or legal person” at the end of proposed subparagraph 4 in paragraph 2.



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Section 4.1

**AMENDMENT:**

Insert after section 4:

**4.1.** The Act is amended by inserting the following sections after section 62:

**“62.0.1.** The Board may refuse to issue a licence if issuing the licence would be contrary to the public interest, for example because the applicant or, in the case of a partnership or a legal person, it or any of its officers is unable to prove good moral character and a capacity to exercise activities as a contractor with competence and integrity, given the past conduct of the applicant or the officer.

The Board may, in that regard, conduct or commission any verifications it considers necessary.

**“62.0.2.** The Board may refuse to issue a licence to a natural person, a partnership or a legal person that is, in actual fact, directly or indirectly under the direction or control of a person who does not meet the conditions set out in subparagraph 8 of the first paragraph of section 58, subparagraph 6 of the first paragraph of section 60 or section 62.0.1.”

*Adopté  
SB*



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Section 7

**AMENDMENT:**

Replace by:

7. The Act is amended by inserting the following section after section 65.1:

“65.1.1. A licence holder whose licence has been restricted must send the Board, within the time limit set by the Board, the name of every party referred to in section 65.4 with which the licence holder has a contract in process and the name and, if applicable, Québec business number of every partnership or legal person of which the licence holder is an officer.”

*Adopté  
28*

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Section 8

**AMENDMENT:**

Replace proposed section 65.2.1 by:

**“65.2.1.** If the holder’s licence has been restricted, the holder must cease to perform any public contract if the other party to the contract, referred to in section 65.4, fails to apply to the Board, within 20 days after the restriction is registered, for authorization for continued performance of the contract or the Board does not grant the authorization within 10 days after it is applied for.

The Board may subject its authorization to certain conditions, including that the licence holder agree to the implementation, at the licence holder’s own expense, of oversight and monitoring measures determined by regulation of the Board.”

*Adopté  
EB*

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Section 14

**AMENDMENT:**

Replace “contingency” in proposed section 83.0.6 by “guaranty”.

Handwritten signature in black ink, appearing to read "Adopté ZB". The word "Adopté" is written in a cursive style, and "ZB" is written below it in a more blocky, capital style.

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Section 22

**AMENDMENT:**

Replace by:

**22.** Section 111 of the Act is amended

(1) by inserting the following paragraph after paragraph 5:

“(5.1) subsidizing services or bodies whose purpose is to protect guaranty plan beneficiaries;”;

(2) by inserting “a guaranty fund or” after “administer” in paragraph 11.



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Section 23

**AMENDMENT:**

Replace paragraph 1 by:

(1) by replacing “enter a building or” by “enter a building, an establishment where the manager of a guaranty plan carries on activities or a”.

A handwritten signature in black ink, appearing to read "Adopted" with a stylized flourish above the "e".

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Section 32

**AMENDMENT:**

Insert after paragraph 1:

(1.1) by inserting the following paragraph after paragraph 16:

“(16.1) determine, for the purposes of section 65.2.1, the oversight and monitoring measures applicable to the holder of a restricted licence and determine the cases, conditions, period and manner—including the sanctions for non-compliance—in which these measures apply to such a licence holder, who must in all cases assume the expenses;”;



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Section 52

**AMENDMENT:**

Insert "morale" after "personne" in the French text.

*Adopté  
9/9/93*

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Sections 52.1 and 52.2

**AMENDMENT:**

Insert after section 52:

**52.1.** The results of an examination passed under section 58.1 of the Building Act, repealed by section 2, remain valid for a period of three years following the application for admission to the examination.

**52.2.** Pending cases that involve the exercise of a function described in section 109.6 of the Building Act may be continued and decided by the president and chief executive officer or a vice-president of the Board.



Alex Le  
EB



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Sections 42.1 and 42.2

**AMENDMENT:**

Insert after section 42:

**42.1.** Section 21.3 of the Act, enacted by section 49 of chapter 17 of the statutes of 2011, is replaced by the following section:

“**21.3.** The performance of a contract described in section 3 entered into with a public body or a body described in section 7 must cease if the contractor becomes ineligible for public contracts while the contract is in process and the body fails to apply to the Conseil du trésor, within 20 days after becoming ineligible, for authorization for continued performance of the contract or the Conseil du trésor does not grant the authorization within 10 days after it is applied for.

The Conseil du trésor may subject its authorization to certain conditions, including that the contractor agree to the implementation, at the contractor’s own expense, of oversight and monitoring measures determined by regulation.

This section does not apply when section 65.2.1 of the Building Act (chapter B-1.1) is applicable.”

**42.2.** The Act is amended by inserting the following section after section 21.3, enacted by section 49 of chapter 17 of the statutes of 2011:

“**21.3.1.** A contractor that cannot continue to perform a public contract pursuant to the first paragraph of section 21.3 or the first paragraph of section 65.2.1 of the Building Act (chapter B-1.1) is deemed to have defaulted on performance of the contract.”

*Adopté  
gB*

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Sections 39.1 to 39.4

**AMENDMENT:**

Insert after section 39:

**CITIES AND TOWNS ACT**

**39.1.** Section 573.3.3.2 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 41 of chapter 17 of the statutes of 2011, is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts and every municipality is deemed to be a public body, and the Minister of Municipal Affairs, Regions and Land Occupancy exercises, in respect of those contracts, the responsibility conferred on the Conseil du trésor by section 21.3 of that Act and that conferred on the minister responsible by section 21.5 of that Act.”

**MUNICIPAL CODE OF QUÉBEC**

**39.2.** Article 938.3.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), enacted by section 43 of chapter 17 of the statutes of 2011, is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts and every municipality is deemed to be a public body, and the Minister of Municipal Affairs, Regions and Land Occupancy exercises, in respect of those contracts, the responsibility conferred on the Conseil du trésor by section 21.3 of that Act and that conferred on the minister responsible by section 21.5 of that Act.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE  
MONTREAL

**39.3.** Section 118.1.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01), enacted by section 44 of chapter 17 of the statutes of 2011, is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts and the Community is deemed to be a public body, and the Minister of Municipal Affairs, Regions and Land Occupancy exercises, in respect of those contracts, the responsibility conferred on the Conseil du trésor by section 21.3 of that Act and that conferred on the minister responsible by section 21.5 of that Act.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

**39.4.** Section 111.1.1 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02), enacted by section 46 of chapter 17 of the statutes of 2011, is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts and the Community is deemed to be a public body, and the Minister of Municipal Affairs, Regions and Land Occupancy exercises, in respect of those contracts, the responsibility conferred on the Conseil du trésor by section 21.3 of that Act and that conferred on the minister responsible by section 21.5 of that Act.”

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Section 48.3

**AMENDMENT:**

Insert after section 48.2:

**ACT RESPECTING PUBLIC TRANSIT AUTHORITIES**

**48.3.** Section 108.1.1 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01), enacted by section 63 of chapter 17 of the statutes of 2011, is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts and a transit authority is deemed to be a public body, and the Minister of Municipal Affairs, Regions and Land Occupancy exercises, in respect of those contracts, the responsibility conferred on the Conseil du trésor by section 21.3 of that Act and that conferred on the minister responsible by section 21.5 of that Act.”



Adèle  
2015

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Section 43

**AMENDMENT:**

Strike out the second paragraph of proposed section 21.4.1.

*Alvete  
RB*

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Section 46.1

**AMENDMENT:**

Insert after section 46:

**46.1.** Section 21.12 of the Act, enacted by section 49 of chapter 17 of the statutes of 2011, is amended by adding “as well as the name and, if applicable, Québec business number, of every legal person of which the contractor holds shares carrying more than 50% of the voting rights attached to the shares of the capital stock of the legal person that may be exercised under any circumstances” at the end of the second paragraph.

A handwritten signature in black ink, appearing to read 'Adopté' with 'g/b' written below it.

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Section 48

**AMENDMENT:**

Replace “the second paragraph” by “the second and third paragraphs”.

*Adopted*  
*9/5*

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Section 54

**AMENDMENT:**

Replace by:

**54.** This Act comes into force on (*insert the date of assent to this Act*), except sections 10 to 12, 21, 28 and 29, which come into force on the date or dates to be set by the Government, sections 39.1, 39.2, 39.3 and 39.4, which come into force on the same date as that to be set by the Government for the coming into force of sections 41, 43, 44 and 46 of chapter 17 of the statutes of 2011, respectively, sections 40 to 46.1, which come into force on the same date as that to be set by the Government for the coming into force of section 49 of chapter 17 of the statutes of 2011, and section 48.3, which comes into force on the same date as that to be set by the Government for the coming into force of section 63 of chapter 17 of the statutes of 2011.

A handwritten signature in black ink, appearing to be 'A. Ste' with 'EB' written below it.