

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 94

**An Act to again amend the Act respecting
building contractors vocational qualifications
and respecting other legislation**

First reading
Second reading
Third reading

M. PIERRE MARC JOHNSON
Ministre du travail et de la main-d'oeuvre

L'ÉDITEUR OFFICIEL DU QUÉBEC

1980

EXPLANATORY NOTES

This bill proposes amendments to the Act respecting building contractors vocational qualifications, the Master Electricians Act, the Master Pipe-Mechanics Act and the Act respecting the Government and Public Employees Retirement Plan. The main objects of these amendments are

(1) to establish a person's right to be a member of the Corporation des maîtres électriciens du Québec or of the Corporation des maîtres mécaniciens en tuyauterie du Québec if he complies with the act governing the corporation and the Act respecting building contractors vocational qualifications;

(2) to grant those corporations certain powers and duties in the matter of qualifying examinations for their members;

(3) to grant to the Régie des entreprises de construction du Québec the right to revise the correction and the results of the examinations administered by those corporations;

(4) to withdraw from those corporations the power to suspend or expel members;

(5) to allow the board to suspend or cancel the licence of a member of one of those corporations on a report by the corporation that his conduct warrants such action;

(6) to provide a new condition for the obtention of a licence by a contracting electrician or a piping contractor.

Sec. 1. *The object of the proposed amendment is to allow the general manager of the board to delegate his powers to any person employed by the board.*

Sec. 2. *The proposed amendment establishes a further condition for the obtention of a licence from the board by a natural person who must be a member of the Corporation des maîtres électriciens du Québec or the Corporation des maîtres mécaniciens en tuyauterie du Québec: payment to the corporation in question of the entrance dues and annual assessment.*

Sec. 3. *The proposed amendment establishes a further condition for the obtention of a licence from the board by a partnership or corporation which must be a member of the Corporation des maîtres électriciens du Québec or the Corporation des maîtres mécaniciens en tuyauterie du Québec: payment to the corporation in question of the entrance dues and annual assessment.*

Bill 94

An Act to again amend the Act respecting
building contractors vocational qualifications
and respecting other legislation

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. Section 14 of the Act respecting building contractors vocational qualifications (R.S.Q., c. Q-1) is amended by adding the following paragraph:

“He may delegate in whole or in part, to any person employed by the board, the exercise of his powers as general manager.”

2. Section 31 of the said act, replaced by section 4 of chapter 2 of the statutes of 1979, is amended by adding the following paragraph:

“(g) prove, in the case where, under the Master Electricians Act (R.S.Q., c. M-3) or the Master Pipe-Mechanics Act (R.S.Q., c. M-4), he must be a member of the Corporation des maîtres électriciens du Québec or of the Corporation des maîtres mécaniciens en tuyauterie du Québec, that the entrance dues and annual assessment required under those acts have been paid.”

3. Section 33 of the said act, replaced by section 6 of chapter 2 of the statutes of 1979, is amended by adding the following paragraph:

“(g) prove, in the case where, under the Master Electricians Act (R.S.Q., c. M-3) or the Master Pipe-Mechanics Act (R.S.Q., c. M-4), he must be a member of the Corporation des maîtres électriciens du Québec or of the Corporation des maîtres mécaniciens en tuyauterie du Québec, that the entrance dues and annual assessment required under those acts have been paid.”

Sec. 4. *The object of the proposed amendment is to subject every person whose principal establishment is situated outside Québec and who wishes to carry out construction work or cause it to be carried out in Québec, to furnish security for fraud, fraudulent misuse or misappropriation of funds on his part, if the board so requires by regulation.*

Sec. 5. *The object of the proposed amendment is to give the board the power to revise the correction and the results of the examinations contemplated in sections 12 and 16 of the bill and administered by the Corporation des maîtres électriciens du Québec and the Corporation des maîtres mécaniciens en tuyauterie du Québec.*

Sec. 6. *The object of the proposed amendment is to give the board the power to establish rules of practice applicable to the annulment, cancellation and suspension of licences.*

Sec. 7. *The proposed amendment defines the regulatory power of the board with regard to the qualifying examinations. It also grants the board additional regulatory power as a result of the proposed amendment to section 6 of the bill.*

4. Section 35 of the said act is amended by replacing the third paragraph by the following paragraph:

“The applicant must furnish any security required under section 34 or 34*a* and conform to the other requirements of the board.”

5. The said act is amended by adding, after section 44, the following section:

“44.1 The board may, on its own authority, revise the correction and the results of the examinations administered by the Corporation des maîtres électriciens du Québec under section 12.2 of the Master Electricians Act (R.S.Q., c. M-3) or by the Corporation des maîtres mécaniciens en tuyauterie du Québec under section 11.2 of the Master Pipe-Mechanics Act (R.S.Q., c. M-4) and, where applicable, substitute its own correction and the results thereby obtained.

A person who has undergone the examinations contemplated in the first paragraph may also request the board to make a revision under this section. The application to that effect must be sent to the board by registered letter within thirty days of the receipt of a copy of the board’s decision by registered mail. If the board, as a result of the revision, ascertains that the person passed the examinations, it may revise its decision.”

6. The said act is amended by adding, after section 45, the following section:

“45.1 The board may, by regulation, establish rules of practice for the purposes of sections 43, 44 and 45.”

7. Section 58 of the said act, amended by section 13 of chapter 2 of the statutes of 1979, is again amended:

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

“(r) to require every applicant for a contractor’s licence or, in the case of a partnership or corporation, every qualifying person, to pass examinations, determine the subject matter of the examinations, in particular in the fields of administrative and technical knowledge or knowledge related to safety on construction sites, determine the conditions of admission to or exemption from them, and provide which cases of renewal of a licence entail exemption from those examinations;” and

(2) by adding the following paragraph:

“(t) to establish rules of practice for the purposes of sections 43, 44 and 45.”

Sec. 8. *The proposed amendment is for concordance with sections 2 and 3 of the bill.*

Sec. 9. *The object of the proposed amendment is to enact that every person who complies with the Act respecting building contractors vocational qualifications and the Master Electricians Act is entitled to be a member of the Corporation des maîtres électriciens du Québec.*

Sec. 10. *The proposed amendment is for concordance with section 12 of the bill. Its object is to withdraw from the Corporation des maîtres électriciens du Québec the power to suspend or expel a member.*

Sec. 11. *The object of the proposed amendment is to grant to the Corporation des maîtres électriciens du Québec, in the matter of qualifying examinations for their members, certain powers and duties that would otherwise be exercised by the Régie des entreprises de construction du Québec.*

8. Section 78 of the said act, amended by section 15 of chapter 2 of the statutes of 1979, is again amended by adding, at the end of the first paragraph, the following sentence: "Furthermore, a contractor contemplated in section 76 must, to obtain the licence, make proof of payment of the entrance dues and annual assessment required to be a member of either of the corporations mentioned in that section."

9. Section 5 of the Master Electricians Act (R.S.Q., c. M-3) is replaced by the following section:

"5. Every person who, being subject thereto, complies with the Act respecting building contractors vocational qualifications (R.S.Q., c. Q-1) and with this act is entitled to be a member of the corporation."

10. Section 12 of the said act, amended by section 102 of chapter 53 of the statutes of 1975, is again amended by replacing subparagraph c of paragraph 1 by the following subparagraph:

"(c) the admission and discipline of the members of the corporation, except with regard to their suspension or expulsion;"

11. The said act is amended by adding, after section 12, the following sections:

"12.1 Every person who requires, for the activities contemplated in paragraph 6 of section 1 of this act, a licence issued under the Act respecting building contractors vocational qualifications must, to be admitted to the examinations contemplated in section 12.2 of this act, satisfy the conditions of admission to the examinations determined pursuant to the Act respecting building contractors vocational qualifications.

"12.2 The corporation shall prepare, administer and hold the examinations contemplated in section 31 of the Act respecting building contractors vocational qualifications whose subject matter pertains to administrative and technical knowledge and is determined by regulation made or to be made by the Régie des entreprises de construction du Québec under paragraph r of section 58 of the said act, except examinations pertaining to the electrical code selected pursuant to section 29 of the Act respecting electrical installations (R.S.Q., c. E-4), taking into account any amendment that may subsequently be made to it.

The examinations must take into account the categories of licences determined pursuant to the Act respecting building contractors vocational qualifications and be prepared according to the

Sec. 12. *The proposed amendment is new law. It would allow the Régie des entreprises de construction du Québec to suspend or cancel the licence of a contractor who is a member of the Corporation des maîtres électriciens du Québec if the corporation reported to the board that the member's conduct could warrant such action.*

Sec. 13. *The object of the proposed amendment is to enact that every person who complies with the Act respecting building contractors vocational qualifications and the Master Pipe-Mechanics Act is entitled to be a member of the Corporation des maîtres mécaniciens en tuyauterie du Québec.*

Sec. 14. *The proposed amendment is for concordance with section 16 of the bill. Its object is to withdraw from the Corporation des maîtres mécaniciens en tuyauterie du Québec the power to suspend or expel a member.*

Sec. 15. *The object of the proposed amendment is to grant to the Corporation des maîtres mécaniciens en tuyauterie du Québec, in the matter of qualifying examinations for their members, certain powers and duties that would otherwise be exercised by the Régie des entreprises de construction du Québec.*

criteria and method determined by the Régie des entreprises de construction du Québec.

The corporation shall transmit to the board the file and the results of the examinations of the persons contemplated in section 12.1, not later than the seventh day preceding the expiration of the period contemplated in the first paragraph of section 17 of the Act respecting building contractors vocational qualifications."

12. The said act is amended by adding, after section 20, the following section:

"20.1 If the corporation is of the opinion that a member's conduct is such that it could warrant the suspension or cancellation of a licence issued under the Act respecting building contractors vocational qualifications, it shall report that opinion to the Régie des entreprises de construction du Québec; if the board comes to the same conclusion, it shall then suspend or cancel the licence."

13. Section 5 of the Master Pipe-Mechanics Act (R.S.Q., c. M-4), amended by section 127 of chapter 53 of the statutes of 1975, is replaced by the following section:

"5. Every person who, being subject thereto, complies with the Act respecting building contractors vocational qualifications (R.S.Q., c. Q-1) and to this act is entitled to be a member of the Corporation."

14. Section 11 of the said act, amended by section 130 of chapter 53 of the statutes of 1975, is again amended by replacing subparagraph *c* of paragraph 1 by the following subparagraph:

"(c) the admission and discipline of the members of the Corporation, except with regard to their suspension or expulsion;"

15. The said act is amended by adding, after section 11, the following sections:

"11.1 Every person who requires, for the activities contemplated in subparagraphs *a*, *c* and *d* of paragraph 6 of section 1 of this act, a licence issued under the Act respecting building contractors vocational qualifications must, to be admitted to the examinations contemplated in section 11.2 of this act, satisfy the conditions of admission to the examinations determined pursuant to the Act respecting building contractors vocational qualifications.

"11.2. The Corporation shall prepare, administer and hold the examinations contemplated in section 31 of the Act respecting

Sec. 16. *The proposed amendment is new law. It would allow the Régie des entreprises de construction du Québec to suspend or cancel the licence of a contractor who is a member of the Corporation des maîtres mécaniciens en tuyauterie du Québec if the Corporation reported to the board that the member's conduct warranted such action.*

Sec. 17. *The object of the proposed amendment is to place the chairman of the Office de la construction du Québec and certain members of the Régie des entreprises de construction du Québec under the Government and Public Employees Retirement Plan.*

building contractors vocational qualifications whose subject matter pertains to administrative and technical knowledge and is determined by regulation made or to be made by the Régie des entreprises de construction du Québec under paragraph *r* of section 58 of the said act, except examinations pertaining to the piping code adopted pursuant to section 24 of the Act respecting piping installations (R.S.Q., c. M-7), taking into account any amendment that may subsequently be made to it.

The examinations must take into account the categories of licences determined pursuant to the Act respecting building contractors vocational qualifications and be prepared according to the criteria and method determined by the Régie des entreprises de construction du Québec.

The corporation shall transmit to the board the file and the results of the examinations of the persons contemplated in section 11.1, not later than the seventh day preceding the expiration of the time contemplated in the first paragraph of section 17 of the Act respecting building contractors vocational qualifications."

16. The said act is amended by adding, after section 19, the following section:

"19.1 If the Corporation is of the opinion that a member's conduct is such that it could warrant the suspension or cancellation of a licence issued under the Act respecting building contractors vocational qualifications, it shall report that opinion to the Régie des entreprises de construction du Québec; if the board comes to the same conclusion, it shall then suspend or cancel the licence."

17. Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by section 105 of chapter 7, section 31 of chapter 38, section 25 of chapter 18, section 31 of chapter 24 and section 53 of chapter 64 of the statutes of 1978 and by section 34 of chapter 10, section 128 of chapter 48, section 263 of chapter 51, section 293 of chapter 56, section 311 of chapter 63, section 56 of chapter 64, section 21 of chapter 73, section 87 of chapter 85 and by section 72 of chapter 86 of the statutes of 1979, is again amended by adding, after subparagraph 23 of the first paragraph, the following subparagraphs:

"(24) the members of the Régie des entreprises de construction du Québec appointed pursuant to the second paragraph of section 8 of the Act respecting building contractors vocational qualifications (R.S.Q., c. Q-1);

Sec. 18. *This provision gives retroactive effect to the amendment proposed in paragraph 1 of section 7 of the bill on the date of the coming into force of chapter 2 of the statutes of 1979.*

Sec. 19. *This provision is for concordance with section 136 of chapter 53 of the statutes of 1975.*

Sec. 20 and 21. *The object of these provisions is to give retroactive effect to section 17 of the bill.*

“(25) the chairman of the Office de la construction du Québec.”

18. Except with regard to cases pending on (*insert here the date of the tabling of Bill 94*), paragraph 1 of section 7 has effect as from 15 February 1979 and every regulation made under paragraph *r* of section 58 of the Act respecting building contractors vocational qualifications (R.S.Q., c. Q-1), as it read prior to its replacement by paragraph 1 of section 7 of this act, is deemed to have been made under paragraph *r* of section 58 of the said act as replaced.

19. Sections 2, 3 and 5 and sections 8 to 16 come into force on 1 April 1980.

20. Subparagraph 24 of the first paragraph of section 2 of the Act respecting the Government and Public Employees Retirement Plan, enacted by section 17, has effect as from 27 August 1975, except in respect of the president of the Régie des entreprises de construction du Québec, for whom it has effect as from 13 March 1978.

21. Subparagraph 25 of the first paragraph of section 2 of the said act, enacted by section 17, has effect as from 4 April 1979.

22. Subject to section 19, this act comes into force on the day of its sanction.