



CHAPTER 95

An Act respecting collecting agents

[Assented to, the 13th of April, 1933]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enact as follows:

- 1.** This act may be cited as the *Collecting Agents' Act*. Short title.
- 2.** In this act, unless the context indicates a different Interpreta-
tion.
meaning:
 - a.* The words "collecting agent" mean a person whose "Collecting
agent".
business is the collecting, either by himself or through a representative, of debts owing to other persons;
 - b.* The word "person" includes a partnership or a cor-"Person".
poration.
- 3.** 1. Any person desirous of acting as a collecting agent Giving of
security.
in the Province of Quebec must, before acting as such, give security in the sum of five thousand dollars to the prothonotary of the Superior Court of the district where such person has his domicile, guaranteeing to the mandator of such collecting agent the handing over of any sum collected by the latter for his mandator.
2. Such security must be furnished by means of a guar-How
security
furnished.
antee policy issued by a company authorized to act as surety in this Province and such policy must contain a renunciation, by the surety, of the benefit of discussion.
- 4.** No surety may terminate the suretyship before the Termin-
ating of
suretyship.
last day of April following the date of issue of the guarantee policy, and the collecting agent must cease to act as such as soon as the suretyship ceases.

Where place
of business
outside of
Province. **5.** No person whose place of business is outside of this Province may act as a collecting agent within this Province without having previously complied with the provisions of the above section 3.

In case of
agent refus-
ing, etc., to
hand over
monies
collected. **6.** Whenever a collecting agent refuses or neglects to hand over to his mandator the sums collected for the latter, after deducting the costs of collection, such mandator may require the surety to fulfil his obligations, and, if he fails to do so, may institute proceedings against the surety, under the guarantee policy.

Offences and
penalties. **7.** Every person who contravenes any provision of this act may, in addition to any penalty enacted by law, be condemned by way of summary conviction to a fine not exceeding two hundred dollars, and costs, and, in default of payment of such fine and costs, to imprisonment for not more than three months.

Applica-
tion. **8.** This act shall not apply to members of the Bar of the Province of Quebec, nor to notaries nor to persons employed exclusively by a business establishment, nor to banks, insurance companies or trust companies, nor to bailiffs, administrators of estates, public service companies, municipal or school corporations, nor to their employees in the performance of their duties.

Coming into
force. **9.** This act shall come into force on the day of its sanction.