



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 11

An Act to amend the Consumer Protection Act and other legislation

Introduction

**Introduced by
Mr Gil Rémillard
Minister of Justice**

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EXPLANATORY NOTES

The principal aim of this bill is to amend the provisions of the Consumer Protection Act concerning voluntary undertakings. It provides that a voluntary undertaking may be used to govern relations between a merchant, or group of merchants, and consumers, whether or not an offence has been committed. In addition, it gives the Government the power to extend, by order, the application of a voluntary undertaking to all merchants in a particular sector of activity and provides that a breach of such an undertaking may lead to civil or penal sanctions.

Finally, the bill adjusts the amount of the fines prescribed for offences against provisions concerning consumer protection in that Act and other Acts.

ACTS AMENDED BY THIS BILL:

- Travel Agents Act (R.S.Q., chapter A-10)
- Consumer Protection Act (R.S.Q., chapter P-40.1)
- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2)

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 272 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by replacing the words “or the regulations” in the second line by the words “, by the regulations or by a voluntary undertaking made under section 314 or whose application has been extended by an order under section 315.1”.

2. Section 277 of the said Act is amended by replacing paragraph *d* by the following paragraph:

“(d) does not comply with a voluntary undertaking made under section 314 or whose application has been extended by an order under section 315.1;”.

3. Section 278 of the said Act, amended by section 703 of chapter 4 of the statutes of 1990, is replaced by the following section:

“278. A person convicted of an offence constituting a prohibited practice or an offence under paragraph *b*, *c*, *d*, *e* or *f* of section 277 is liable

(a) in the case of a person other than a corporation, to a fine of \$600 to \$15 000;

(b) in the case of a corporation, to a fine of \$2 000 to \$100 000.

For a second or subsequent conviction, the offender is liable to a fine with minimum and maximum limits twice as high as those prescribed in subparagraph *a* or *b*, as the case may be.”

4. Section 279 of the said Act, amended by section 704 of chapter 4 of the statutes of 1990, is replaced by the following section:

“279. A person convicted of an offence other than an offence under section 278 is liable

(a) in the case of a person other than a corporation, to a fine of \$300 to \$6 000;

(b) in the case of a corporation, to a fine of \$1 000 to \$40 000.

For a second or subsequent conviction, the offender is liable to a fine with minimum and maximum limits twice as high as those prescribed in subparagraph *a* or *b*, as the case may be.”

5. Section 314 of the said Act is replaced by the following section:

“314. The president may accept a voluntary undertaking from a person with the object of governing the relations between a merchant, or group of merchants, and consumers, in particular in order to determine the information to be given to consumers, the quality of the goods or services with which they are to be provided, standard contracts, methods of settling disputes or rules of conduct.

Where he believes that a person has contravened or is contravening any act or regulation the application of which is supervised by the Office, the president may also accept a voluntary undertaking from that person to comply with the act or regulation in question.”

6. The said Act is amended by inserting, after section 315, the following section:

“315.1 The Government may, by order and with or without modification, extend the application of a voluntary undertaking made under section 314 to all merchants in the same sector of activity, for all or part of the territory of Québec.”

7. Section 39 of the Travel Agents Act (R.S.Q., chapter A-10), amended by section 45 of chapter 4 of the statutes of 1990, is replaced by the following section:

“39. Every person convicted of an offence against section 4 or 33 is liable to a fine of \$2 000 to \$10 000 and, for a second or subsequent conviction, to a fine of \$4 000 to \$20 000.”

8. Section 40 of the said Act, amended by section 46 of chapter 4 of the statutes of 1990, is replaced by the following section:

“40. Every person convicted of an offence other than an offence under section 39 is liable to a fine of \$500 to \$2 500 and, for a second or subsequent conviction, to a fine of \$1 000 to \$5 000.”

9. Section 54 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2), amended by section 750 of chapter 4 of the statutes of 1990, is replaced by the following section:

“54. Every natural person convicted of an offence against this Act or a regulation is liable to a fine of \$300 to \$6 000 and, for a second or subsequent conviction, to a fine of \$600 to \$12 000.

A corporation convicted of an offence against this Act or a regulation is liable to a fine of \$1 000 to \$40 000 and, for a second or subsequent conviction, to a fine of \$2 000 to \$80 000.”

10. This Act comes into force on 30 June 1992.
