



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 161

An Act to amend the Tourist Establishments Act

Introduction

**Introduced by
Mr André Vallerand
Minister of Tourism**



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EXPLANATORY NOTES

The object of this bill is to amend the Tourist Establishments Act mainly to extend the term of a permit from twelve to twenty-four months and allow the transfer to another person of rights conferred by a permit.

The bill also introduces amendments to the regulatory power of the Government in respect of the scale of fees for permits and other payable fees and charges, reservations and special rules and standards applicable to certain establishments, notably with respect to tourist information offices.

Finally, the bill adjusts the amount of the fines imposed for offences under the Act.

Bill 161

An Act to amend the Tourist Establishments Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3 of the Tourist Establishments Act (1987, chapter 12) is amended by adding, at the end, the words “, except in the cases prescribed by government regulation”.

2. Section 6 of the said Act is amended by replacing the words “is required to” in the first line of the first paragraph by the words “or transfer rights conferred by a permit must”.

3. Section 7 of the said Act is amended by replacing the words “or for renewal of a permit is required to” in the first and second lines by the words “, the renewal of a permit or the transfer of rights conferred by a permit must”.

4. Section 8 of the said Act is amended

(1) by inserting the words “or transfer rights conferred by a permit” after the word “permit” in the first line;

(2) by inserting the words “and fees” after the word “duties” in the first line.

5. Section 9 of the said Act is amended by replacing the word “twelve” in the first line by the number “24”.

6. Section 10 of the said Act is repealed.

7. Section 11 of the said Act, amended by section 942 of chapter 4 of the statutes of 1990, is replaced by the following sections:

11. The Minister may refuse to issue a permit or to transfer rights conferred by a permit if

(1) the applicant does not meet the conditions prescribed by this Act and the regulations;

(2) the applicant has, in the last three years, been convicted of an offence under this Act, the Public Buildings Safety Act (R.S.Q., chapter S-3), the Environment Quality Act (R.S.Q., chapter Q-2), the Consumer Protection Act (R.S.Q., chapter P-40.1), the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) or the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30), unless he has been pardoned.

11.1 The Minister may refuse to renew a permit or may suspend or cancel a permit if

(1) the holder no longer meets the conditions prescribed by this Act and the regulations;

(2) the holder has, during the term of the permit, been convicted of an offence under this Act, the Public Buildings Safety Act (R.S.Q., chapter S-3), the Environment Quality Act (R.S.Q., chapter Q-2), the Consumer Protection Act (R.S.Q., chapter P-40.1), the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) or the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30), unless he has been pardoned."

8. Section 12 of the said Act is amended by inserting the words "or refusing to transfer rights conferred by a permit" after the word "permit" in the second line.

9. Section 15 of the said Act, amended by section 66 of chapter 21 of the statutes of 1988, is again amended by adding, at the end, the following paragraph:

"(3) any person whose request for the transfer of rights conferred by a permit has been refused."

10. Section 36 of the said Act is amended

(1) by adding, at the end of subparagraph 2 of the first paragraph, the words "and determine the cases where this Act is not binding on the Government and government departments and agencies";

(2) by adding, at the end of subparagraph 4 of the first paragraph, the words "or for the transfer of rights conferred by a permit";

(3) by inserting the words “or for the transfer of rights conferred by a permit” after the word “permit” in the second line of subparagraph 5 of the first paragraph;

(4) by inserting the words “or for the transfer of rights conferred by a permit” after the words “renewal of a permit” in the second line of subparagraph 6 of the first paragraph;

(5) by replacing subparagraph 8 of the first paragraph by the following subparagraphs:

“(8) determine the form and tenor of a permit and the cases in which a permit may be issued for a period of less than 24 months;

“(8.1) determine the duties payable for the issue or renewal of a permit according to the classes and subclasses of tourist establishments, the number of sleeping accommodations or camping sites and the term of a permit;

“(8.2) determine the nonrefundable fee payable for the classification of a tourist establishment, the consideration of an application for a permit, the transfer of rights conferred by a permit or the furnishing and replacement of the material required for posting the classification of a tourist establishment and the rates for sleeping accommodations or camping sites as well as the charge for a cheque refused for insufficiency of funds or returned by a financial institution for any other reason;”;

(6) by replacing subparagraph 13 of the first paragraph by the following subparagraphs:

“(13) prescribe, according to the classes and subclasses of tourist establishments, rules for the reservation of sleeping accommodations or camping sites, the deposits or guarantees that may be required of customers, the duties and obligations resulting from reservations, the conditions on which the operator of an establishment may retain such deposits or guarantees and the rules applicable when a customer leaves an establishment before the end of his projected stay;

“(13.1) define, for the categories and subcategories of tourist information offices, regions or tourist zones and establish rules to allow determination of the maximum number of permits that may be issued and the standards of operation of such offices;”.

11. Section 37 of the said Act is amended by striking out the number “10” in the first line of paragraph 5.

12. Section 38 of the said Act, replaced by section 943 of chapter 4 of the statutes of 1990, is amended

(1) by replacing the figures “\$500” and “\$2 000” in the third line by the figures “\$625” and “\$2 450”, respectively;

(2) by replacing the figures “\$2 000” and “\$4 000” in the fourth line by the figures “\$2 450” and “\$4 875”, respectively.

13. Section 39 of the said Act, amended by section 944 of chapter 4 of the statutes of 1990, is again amended by replacing the figures “\$200” and “\$500” in the second line by the figures “\$250” and “\$625”, respectively.

14. The provisions of this Act will come into force on the date or dates determined by the Government.