
NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 59

An Act to amend the Act respecting commercial establishments business hours

First reading

Introduced by
Mr Rodrigue Biron
Minister of Industry, Commerce
and Tourism

EXPLANATORY NOTES

This bill amends the Act respecting commercial establishments business hours, in order to add Sunday, until now covered by the federal Act of 1907, to the list of days covered by Québec statute, and to remove the requirement for commercial establishments to remain closed on certain days or parts of days.

A further object of this bill is to add one hour to Saturday business hours and to extend business hours to nine o'clock in the evening for certain times of the year.

This bill also increases the categories of commercial establishments excluded from the application of the Act.

In addition, it enables the Minister to authorize exemptions from the application of the Act for tourist areas, establishments situated near the territorial limits of Québec or for festivals, fairs, shows or exhibitions.

Lastly, the bill provides for an increase in the amount of the fines payable for offences under the Act.

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respecting commercial
establishments business hours

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Act respecting commercial establishments business hours (R.S.Q., chapter H-2) is replaced by the following section:

“2. No customer may be admitted to a commercial establishment on the following days:

- (1) Sundays;
- (2) the 1st of January;
- (3) the 24th of June, the National Holiday;
- (4) the 1st of July;
- (5) the first Monday in September;
- (6) the 25th of December;
- (7) any other day fixed by proclamation of the Government.”

2. Section 3 of the said Act is replaced by the following section:

“3. No customer may be admitted to a commercial establishment before thirty minutes after eight in the morning from Monday to Saturday, or after six o'clock in the evening from Monday to Wednesday and on Saturday, or after nine o'clock in the evening on Thursday and Friday.

Subject to the prohibition relating to Sundays, no customer may be admitted to a commercial establishment after

(1) nine o'clock in the evening on the six days preceding Easter Sunday;

(2) nine o'clock in the evening on the fourteen days preceding 24 December;

(3) six o'clock in the evening on 24 and 31 December."

3. Section 5 of the said Act is replaced by the following sections:

"5. This Act does not apply to the following commercial establishments or persons:

(1) book stores;

(2) tobacconists' shops;

(3) restaurants and snack bars;

(4) pastry shops and confectioneries;

(5) drugstores;

(6) grocery stores, including convenience stores, where never more than three persons at the same time attend to their operation on any day that they are open;

(7) establishments of the Société des alcools du Québec;

(8) retailers of horticultural products;

(9) retailers of petroleum products;

(10) retailers of road vehicles, farm machinery, trailers or boats;

(11) handicraft shops where products are sold by a craftsman or a group of craftsmen;

(12) art galleries;

(13) antique dealers and secondhand dealers;

(14) retailers of swimming-pools and accessories necessary for their operation;

(15) retailers of tombstones;

(16) any other commercial establishment determined by regulation of the Government.

Any tobacconist's shop, pastry shop, confectionery or drugstore which sells various food products in addition to the characteristic products of that type of establishment remains excluded from the application of this Act if never more than three persons at the same time attend to its operation on any day that it is open.

Any commercial establishment contemplated in subparagraphs 1 to 7 of the first paragraph remains excluded from the application of this Act even if it sells sundries other than those excluded by regulation of the Government in addition to the characteristic products of that type of establishment.

For the purposes of this section, any separate and partitioned section of a commercial establishment is deemed to be a commercial establishment.

“5.1 The Minister may authorize commercial establishments to carry on their activities during periods in which such activities are prohibited by this Act in the case of establishments situated in a tourist area or near the territorial limits of Québec, or on the occasion of a special event, such as a festival, fair, show or exhibition.

The Minister's authorization shall be published in the *Gazette officielle du Québec*.”

4. Sections 7, 8 and 9 of the said Act are replaced by the following sections:

“7. Every draft regulation of the Government is required to be published in the *Gazette officielle du Québec* with notice indicating that it may be adopted with or without amendment at the expiry of thirty days from that publication.

“7.1 Every regulation of the Government made under this Act comes into force fifteen days after the date of its publication in the *Gazette officielle du Québec* or on such later date as is fixed therein.

“8. Every person authorized by the Minister to inquire into the enforcement of this Act may enter any commercial establishment while it is open to the public.

The person may require any information or document relating to his inquiry.

The person shall, on request, produce a certificate attesting his capacity, signed by the Minister.

“9. No person may admit a customer to a commercial establishment or tolerate his presence there contrary to this Act.

“9.1 No person may advertise that a commercial establishment is open at a time or on a day when this Act prohibits the keeping of business hours.

“9.2 No person may hinder the work of a person authorized by the Minister to inquire into the enforcement of this Act, mislead him by concealment or false declarations, refuse to provide him with information or conceal or destroy any information relating to an inquiry.

“9.3 Every person who contravenes section 9, 9.1 or 9.2 is guilty of an offence and liable, on summary proceedings, in addition to costs, to a fine of \$200 to \$5 000 and, in the case of a subsequent offence within two years of conviction for the same offence, to a fine of \$400 to \$10 000.

In determining the amount of the fine, the court shall take particular account of the earnings realized by the offender from the offence.

“9.4 Where an offence is committed by a person other than the owner of a commercial establishment, the owner, if he ordered, authorized or recommended the commission of the offence or consented thereto, is deemed a party to the offence and is liable to the fine prescribed for the offence.”

5. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

6. This Act comes into force on *(insert here the date corresponding to the thirtieth day after the date of sanction of this Act)*.