

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 61

**An Act respecting pressure vessels,
and other legislation**

First reading
Second reading
Third reading

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

This act revises and replaces the Pressure Vessels Act and repeals the Lightning Rods Act; it transfers the provisions of the latter act to the Electricians and Electrical Installations Act.

The object of the Act respecting pressure vessels is to ensure the safety of such vessels by supervising their construction, installation and use, as well as further commercial dealings with them. For this reason it allows an inspector to order the cessation of operation of a pressure vessel and to affix seals to it when it constitutes an imminent danger.

The amendments made to the Electricians and Electrical Installations Act are for the purpose of subjecting installations for protection against lightning, with the exception of the licences required, to the general rules governing electrical installations.

Sec. 1 to 38. *These sections are new law.*

Bill 61

An Act respecting pressure vessels, and other legislation

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

DIVISION I

DEFINITION AND APPLICABILITY

“Pressure
vessel”.

1. In this act, unless otherwise required by the context, the expression “pressure vessel” designates any of the following apparatus, including the plumbing and accessories used for its operation:

(1) a boiler or furnace, operated by steam or hot water or by another liquid or gas;

(2) an automatic apparatus for heating a boiler or furnace;

(3) a refrigerating plant; and

(4) a tank or a vessel containing a gas or a liquid under pressure.

Applica-
bility.

2. The Government may, by regulation, subject other pressure vessels to the application of this act and the regulations hereunder or exempt certain apparatus or classes of apparatus from the application of this act and the regulations hereunder, in whole or in part.

Manufac-
ture.

3. This act applies to the manufacture of every pressure vessel.

Install-
ation and
use.

It also applies to the installation and use of a pressure vessel on a vehicle, in a public building within the meaning of the Public

Buildings Safety Act (R.S.Q., c. S-3), in an industrial establishment within the meaning of the Industrial and Commercial Establishments Act (R.S.Q., c. E-15) and in a commercial establishment within the meaning of that act, including a hotel, restaurant or store where only members of the same family work.

Applica-
bility.

4. This act applies to the manufacturer, installer and repairer of a pressure vessel, and to its user, whether as owner, lessee or possessor.

Govern-
ment.

5. This act is binding on the Government, and government departments and mandataries.

Respon-
sible
minister.

6. The Ministre du travail et de la main-d'oeuvre is responsible for the application of this act.

Inspectors.

7. To see that this act and the regulations under it are carried out, a chief inspector and other inspectors shall be appointed and remunerated in accordance with the Civil Service Act (1978, c. 15).

Delegation.

8. The Minister may, in writing and on such conditions as he may fix, delegate, to the chief inspector, an inspector or any other person, the powers provided by this act.

DIVISION II

CONSTRUCTION

Approval.

9. A manufacturer of pressure vessels must obtain approval of the plans and specifications of the pressure vessels he manufactures and, in the cases provided for by regulation, approval of a quality control programme for those vessels.

Informa-
tion.

The plans, specifications and programme must contain the information required by regulation and be submitted within the time prescribed by regulation.

Inspection.

10. A pressure vessel must be so constructed that it can be inspected.

Certifi-
cate.

11. A certificate of approval of construction of a pressure vessel shall be issued to a manufacturer,

(1) if he has complied with the requirements of section 9;

(2) if he has furnished a declaration of conformity, attesting that the qualifications of his labour force and the quality of the materials used are in accordance with the regulations; and

(3) if the vessel has been inspected during construction by an inspector or a person to whom the Minister has delegated powers or, in the case of a pressure vessel constructed outside Québec for use in Québec, it has been inspected during construction by a body recognized by regulation.

Exemption.

The Government may, by regulation, exempt certain classes of pressure vessels from the obligation imposed by subparagraph 3 of the first paragraph, provided that the manufacturer labels the vessels of that class in accordance with the standards provided by regulation.

Welding.

12. A person who does welding on a pressure vessel must hold a qualification certificate.

Approval.

A person who does welding on a pressure vessel or who causes it to be done must have his welding procedure approved and registered in accordance with the standards determined by regulation.

DIVISION III

INSTALLATION AND USE

Notice.

13. The installer of a pressure vessel must, before beginning work, give notice of the place where the vessel will be installed.

Approval.

14. The installer of a pressure vessel must have its installation approved.

Inspection.

15. A pressure vessel must be so installed that it can be inspected.

Approval.

16. No user of a pressure vessel may put it into operation unless its installation has been approved.

Quality control.

17. The installer, repairer or user of a pressure vessel must obtain approval of a quality control programme for it, in the cases determined by regulation.

Certificate.

18. A certificate of approval of installation shall be issued to the user of a pressure vessel when the requirements of sections 14 and, as the case may be, 17 have been complied with.

Outside Québec.

19. Notwithstanding section 11, the installation of a pressure vessel constructed outside Québec that is not accompanied with a certificate of approval of construction may be approved.

Certifi-
cate.

A certificate of approval of installation shall be issued when the user demonstrates that the vessel meets the safety standards prescribed by regulation.

Used
pressure
vessel.

20. No used pressure vessel may be again commercially dealt with or used for another purpose before it has been inspected and its user has obtained a certificate of approval for the re-use of the vessel.

Inspection.

21. A pressure vessel must be inspected periodically, as the Government may determine by regulation.

Certifi-
cate.

A certificate of inspection shall then be issued to the user.

Out of use.

22. If a pressure vessel has not been in use for over a year, the user shall obtain a certificate of inspection before putting it into operation again.

DIVISION IV

INSPECTION

Powers.

23. An inspector or a person to whom the Minister has delegated powers may

(1) enter any place where pressure vessels are constructed or installed, to inspect them;

(2) take, without charge, for analysis, samples of materials used in the manufacture or use of a pressure vessel; in such a case, he must inform the manufacturer or user and, if possible, return the samples to him after analysis;

(3) for purposes of control or analysis, conduct tests of a pressure vessel or order the user or the manufacturer to conduct them at his own expense;

(4) require a demonstration of the quality of the welding of a pressure vessel;

(5) require the production of a certificate prescribed by this act;

(6) order, in writing, the manufacturer, installer or user of a pressure vessel to make the necessary changes to it within the time he indicates or, if he believes the defects constitute an imminent danger, immediately.

Operation
ceased.

24. An inspector may order the operation of a pressure vessel to cease, and affix seals to it,

(1) if its user cannot produce, on demand, the certificates required by this act;

(2) if its operation constitutes an imminent danger.

Authoriza-
tion.

A pressure vessel contemplated in the first paragraph shall not be put into operation again without the authorization of the inspector.

Powers.

25. An inspector or a person to whom the Minister has delegated powers does not cease to act as an official when exercising the powers contemplated in section 23 or 24.

Approval.

26. The Minister may approve the use of a material, accessory, device, or a method of design or manufacture different from that prescribed by regulation, if he considers that it meets the safety standards prescribed by regulation.

DIVISION V

REGULATIONS

Regula-
tion.

27. The Government may, by regulation,

(1) determine which pressure vessels, other than those contemplated in section 1, are governed by this act and the regulations hereunder;

(2) exempt from the application, in whole or in part, of this act or the regulations hereunder, certain pressure vessels or classes thereof;

(3) establish different standards or conditions according to the classes of pressure vessels he determines or the places they are used or constructed;

(4) establish, for purposes of safety, methods of design and standards of manufacture, identification, labelling, testing, installation, alteration, repair, maintenance and use of pressure vessels;

(5) determine the safety equipment that may be required at the place where a pressure vessel is installed;

(6) determine the information that must be included in the declaration of conformity of a manufacturer of pressure vessels;

(7) determine the cases where a manufacturer, installer, user or repairer of pressure vessels must obtain approval of a quality control programme for a vessel, the content of the programme and the time in which it must be produced;

(8) determine the conditions of issue, maintenance, cancellation or renewal of a certificate respecting pressure vessels;

(9) determine the notices, information or documents that must be transmitted by a manufacturer, installer, user or repairer of pressure vessels, and the form and time in which they must be produced;

(10) determine the standards of inspection and approval of pressure vessels;

(11) determine the standards of approval and registration of welding procedures;

(12) recognize a body as entitled to inspect pressure vessels constructed outside Québec;

(13) determine, according to the categories of persons it indicates, the standards of qualification required and the subjects on which the qualification examination of a welder or a person to whom the Minister may delegate powers is based, and the conditions of issue and maintenance of a certificate of qualification;

(14) prescribe any other necessary measure for the application of this act.

Regulation.

28. The Government may, by regulation, for each class of pressure vessels it indicates, establish the duties payable for

(1) the issue of a certificate provided for by this act;

(2) the inspection of a pressure vessel;

(3) the labelling of a pressure vessel;

(4) the examination and approval of plans and specifications or other documents;

(5) the verification and approval of a quality control programme for a pressure vessel;

(6) the approval, revision and registration of a welding procedure;

(7) the qualification examinations of a welder or a person to whom the Minister may delegate powers.

Draft regulations.

29. The Government shall publish its draft regulations in the *Gazette officielle du Québec* with a notice that they will be adopted at the expiry of a period of forty-five days.

Coming into force.

A regulation comes into force on the date of publication in the *Gazette officielle du Québec* of a notice of its adoption by the Government or, if the Government has made amendments to it, on the date of publication of the final text or at a subsequent date fixed in the notice or in the final text.

DIVISION VI

OFFENCES AND PENALTIES

Offence.

30. Every person is guilty of an offence who

(1) hinders, in the exercise of his functions, an inspector or a person to whom the Minister has delegated powers provided for by this act;

(2) makes a false declaration to obtain a certificate provided for by this act;

(3) manufactures a pressure vessel without having his plans and specifications approved;

(4) instals a pressure vessel without having its installation approved;

(5) puts into operation or again puts into operation, uses, again deals with commercially or re-uses a pressure vessel without holding the certificate provided for by this act;

(6) does welding without holding the certificate of qualification contemplated by this act;

(7) does welding or has welding done without having had his welding procedure approved and registered, or without respecting the approved welding procedure.

Penalty.

31. Every person who commits an offence contemplated in section 30 is liable, in addition to costs,

(1) in the case of a natural person, to a fine of \$200 to \$500;

(2) in the case of an artificial person, to a fine of \$500 to \$1 000;

(3) for a subsequent offence within two years, to a fine neither less nor more than twice the fines prescribed by paragraph 1 or 2, whichever is applicable;

(4) for a further subsequent offence within two years, to a fine neither less nor more than three times the fines prescribed by paragraph 1 or 2, whichever is applicable.

Offence
and
penalty.**32.** A person who fails to comply with an order given under paragraph 6 of section 23 or section 24 is guilty of an offence and is liable, for each day the offence continues, in addition to costs,

(1) in the case of a natural person, to a fine of \$200 to \$500;

(2) in the case of an artificial person, to a fine of \$500 to \$1 000.

- Penalty. **33.** Where no other penalty is prescribed, a person who contravenes a provision of this act or the regulations hereunder is liable, in addition to costs, to a fine of \$50 to \$200.
- Notice. **34.** Except in the case of a subsequent offence within two years, no penal proceedings may be instituted pursuant to this act or the regulations hereunder unless the inspector has mailed to the offender a previous notice describing the offence and specifying the minimum fine, the amount of the costs and the place where payment must be made within ten days following the notice.
- Payment. Payment of the amount required within the time fixed by the notice precludes penal proceedings.
- Guilt. After payment, the offender is considered to have been found guilty of the offence.
- Civil liability. However, payment cannot be invoked as an admission of civil liability.
- Notice. **35.** Failure to receive the notice prescribed by section 34 cannot be put forward in opposition to a proceeding for an offence and it is not necessary to allege or prove that it has been sent. But if the accused, on appearance, admits he is guilty and then proves that he did not receive the notice, he cannot be condemned to pay a higher sum than he would have been required to pay by virtue of the notice.
- Costs. **36.** The amount of the costs provided for by section 34 is determined by regulation. Section 29 does not apply to such a regulation.
- Regulation. The regulation comes into force on the day of its publication in the *Gazette officielle du Québec* or on a subsequent date fixed therein.
- Proceedings. **37.** Proceedings under this act or the regulations hereunder are instituted in accordance with the Summary Convictions Act (R.S.Q., c. P-15) by an inspector or by a person generally or specially authorized by the Minister for that purpose.
- Prescription. Proceedings must be instituted within one year after the inspector, or the person to whom the Minister has delegated powers, has become aware of the offence.
- Consolidated rev. fund. **38.** The fines contemplated by this act are paid into the consolidated revenue fund.

Sec. 39. *The proposed amendment to paragraph 3 of section 2 of the Electricians and Electrical Installations Act is designed to make installations for protection against lightning subject to the application of that act.*

The proposed amendments to paragraphs 6 and 11 of section 2 of that act are designed to specify that the work performed by journeymen electricians and chief journeymen is to be work for purposes of electric lighting, heating or power.

The proposed amendment to paragraph 8 of section 2 of this act is designed to render the holding of a licence issued under the Act respecting building contractors vocational qualifications sufficient for making installations for protection against lightning.

Sec. 40. *This section is for concordance with section 39. It is designed to remove installations for protection against lightning from the application of the provisions respecting licences of the Electricians and Electrical Installations Act.*

Sec. 41. *The proposed amendment to section 7 of the said act is designed to allow the issue of a certificate accepting installations for protection against lightning.*

DIVISION VII

TRANSITIONAL AND FINAL PROVISIONS

R.S.Q.,
c. E-4,
s. 2, am.

39. Section 2 of the Electricians and Electrical Installations Act (R.S.Q., c. E-4), amended by section 1 of chapter 54 of the statutes of 1978, is again amended by replacing paragraphs 3, 6, 8 and 11 by the following paragraphs:

“electrical
installa-
tions”;

“(3) The words “electrical installations” mean all installations for electric lighting, heating or power, or protection against lightning, including, in every instance, the wires, cables, conduits, accessories, appliances and apparatus forming part of the installation itself, being attached thereto or used for connecting the installation with the public or municipal service system supplying it, which connecting point shall be on the wall of the building or construction nearest to the public service line or at any other place determined by regulation;

“journey-
man elec-
trician”;

“(6) The words “journeyman electrician” mean a person who has completed his apprenticeship, holds a certificate of qualification issued under the Act respecting manpower vocational training and qualification (R.S.Q., c. F-5) and, as such, leases his services to perform work for the installation, renewal, altering or repairing of electrical installations, for purposes of electric lighting, heating or power;

“licence”;

“(8) The word “licence” means a licence issued in conformity with section 20 of this act; however, where this word is used in section 3, 4, 6 or 8a, it also includes a licence issued under the Act respecting building contractors vocational qualifications (R.S.Q., c. Q-1);

“chief
journey-
man”;

“(11) The words “chief journeyman” mean a journeyman electrician in charge of electrical installation work for purposes of electric lighting, heating or power on account of the owner of a public building or of a manufacturer of prefabricated constructions.”

R.S.Q.,
c. E-4,
s. 5.1,
added.

40. The said act is amended by inserting after section 5 the following section:

Lightning.

5.1 No person, company, association or corporation who or which does electrical installation work for protection against lightning is subject to the provisions of this act in respect of licences.”

R.S.Q., c.
E-4, s. 7,
am.

41. Section 7 of the said act, replaced by section 6 of chapter 54 of the statutes of 1978, is amended by replacing subparagraph a of the second paragraph by the following subparagraph:

Sec. 42. The proposed amendment to section 8a of the said act is designed to allow the fixing of inspection fees for installations for protection against lightning.

Sec. 43. The proposed amendment to section 9 of the said act is designed to replace the words and expression "licence" and "Lieutenant-Governor in Council" by the words and expression "permit" and "Government".

Sec. 44. The proposed amendments to section 10 of the said act are designed to allow the Government to prescribe installation procedures for electrical installations and to determine the cases and conditions of exemption from the said act and the regulations.

Sec. 45. The proposed amendment to section 10a of the said act is designed to allow approval of a non-electrical accessory or apparatus.

“(a) to the holder of a permit whenever he sees that electrical installation work is in conformity with this act and the regulations hereunder;”.

R.S.Q., c.
E-4, s. 8a,
am.

42. Section 8a of the said act, enacted by section 7 of chapter 54 of the statutes of 1978, is replaced by the following section:

Fees.

“8a. The inspection fees contemplated in section 8 are payable by the employer hiring the chief journeyman or, as the case may be, by the holder of a licence.

Amount.

When the fees payable apply to electrical installation work for purposes of electric lighting, heating or motive power, they may be fixed at a set annual amount increased by a variable amount determined by the percentage of the total annual salary paid by an employer or a licence holder to persons employed for electrical installation work.”

R.S.Q., c.
E-4, s. 9,
am.

43. Section 9 of the said act, replaced by section 8 of chapter 54 of the statutes of 1978, is amended by replacing the first paragraph by the following paragraph:

Alterations.

“9. Any inspector may, in writing, order the holder of a permit or the owner of an electrical installation to make the necessary alterations therein within the time fixed by regulation.”

R.S.Q.,
c. E-4,
s. 10, am.

44. Section 10 of the said act, amended by section 9 of chapter 54 of the statutes of 1978, is replaced by the following section:

Regulation.

“10. The Government may, by regulation,

(a) prescribe the materials, accessories and apparatus which may be used in electrical installation work;

(b) prohibit the trading in or selling, using or otherwise disposing of materials, accessories, appliances, wires, cables, conduits and apparatus used for electrical installations that have not been approved for that purpose by the bodies it determines;

(c) prescribe installation procedures for electrical installations;

(d) determine the cases where electrical installations or a category thereof may be exempted, in whole or in part, from the application of this act or the regulations hereunder, on the conditions it may fix.”

R.S.Q., c.
E-4, s.
10a, am.

45. Section 10a of the said act, enacted by section 10 of chapter 54 of the statutes of 1978, is replaced by the following section:

Sec. 46. *The proposed amendment to section 19 of the said act is designed to allow the members of the board of examiners to specify the materials that may be used in work regarding installations for protection against lightning.*

Sec. 47 to 49. *The proposed amendments to sections 24, 27 and 33 of the said act are designed to amend chapter 54 of the statutes of 1978, for concordance.*

Approval. **"10a.** The board of examiners, in the cases determined by regulation, may approve the use, for the purposes of an electrical installation, of any material, equipment or apparatus other than that prescribed by regulation, whenever it is of opinion that it is as safe as that prescribed by regulation."

R.S.Q.,
c. E-4,
s. 19, am. **46.** Section 19 of the said act is amended by striking out paragraph 6.

1978, c. 54,
s. 24,
replaced. **47.** Section 24 of the Act to amend the Electricians and Electrical Installations Act and the Building Contractors Vocational Qualifications Act (1978, c. 54) is replaced by the following section:

1975, c. 53,
s. 84,
replaced. **"24.** Section 84 of the Building Contractors Vocational Qualifications Act (1975, c. 53) is replaced by the following section:

R.S.,
c. 152, s. 2,
am. **"34.** Section 2 of the said act, amended by section 1 of chapter 52 of the statutes of 1965 (1st session), by section 65 of chapter 51 of the statutes of 1969, by section 1 of chapter 54 of the statutes of 1978 and by section 39 of chapter (*insert here the chapter number of Bill 61*) of the statutes of 1979, is again amended by replacing paragraphs 5 and 8 by the following paragraphs:

"master electrician" and "contracting electrician"; **"(5)** The words "master electrician" and "contracting electrician" mean a person who, for another, carries out, or causes to be carried out, electrical installation work, or renovation, alteration or repair work on electrical installations for purposes of electric lighting, heating or power;

"licence"; **"(8)** The word "licence" means a licence issued in conformity with section 20; however, in section 3, 4, 6, 8a or 39, it also includes a licence issued under the Building Contractors Vocational Qualifications Act (1975, c. 53);".

1978, c. 54,
s. 24,
replaced. **48.** Section 27 of the said act is replaced by the following section:

1975, c. 53,
s. 84,
replaced. **"27.** Section 87 of the said act is replaced by the following section:

R.S.,
c. 152, s. 8,
replaced. **"87.** Section 8 of the said act is replaced by the following section:

Conditions and fees. **"8.** The Government may prescribe the conditions under which the licences provided for by section 20, the permits provided for by section 4 and the certificates provided for by section 7 shall be issued, as well as their duration and the fees to be exacted and fix the fees for inspection and approval of the plans contemplated in section 3."

1978, c. 54,
s. 33, am.

49. Section 33 of the said act is replaced by the following section:

1975, c. 53,
s. 97, am.

33. Section 97 of the said act is replaced by the following section:

R.S.,
c. 152,
s. 97, am.

97. Section 39 of the said act, replaced by section 76 of chapter 51 of the statutes of 1969, is again replaced by the following sections:

Suspension.

39. Where the holder of a licence fails to make alterations to electrical installations effected in contravention to the regulations, the board of examiners must, if he is a person, company, association or corporation duly qualified by the Régie established by the Building Contractors Vocational Qualifications Act (1975, c. 53), report it to the Régie, which may suspend the licence of the contravener.

Suspension or cancellation.

The board of examiners may suspend or cancel the licence of every chief journeyman making an electrical installation contrary to the regulations or having obtained his licence under false representations.

Reconsideration.

39a. A chief journeyman whose licence is suspended or cancelled may ask the board of examiners to reconsider a decision it has rendered under the second paragraph of section 39 which has not been appealed from to the court contemplated in section 39b,

(a) to bring forward new facts which, had they been known in due time, could have been grounds for a different decision;

(b) where, for reasons deemed adequate, he had been unable to have a hearing;

(c) to have any clerical error corrected.

Application.

An application to that effect must be sent by registered mail to the board of examiners within thirty days after receipt of a copy of the decision by registered mail.

Appeal.

39b. A chief journeyman whose licence is suspended or cancelled may appeal to the Labour Court established by the Labour Code from any decision rendered by the board of examiners under the second paragraph of section 39 or under section 39a.

Notice.

The appeal must be brought within thirty days after the date on which the decision has been rendered, by means of a notice stating

(a) the name and domicile of the applicant;