

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 16

**An Act to amend the Electricians and
Electrical Installations Act and the Building
Contractors Vocational Qualifications Act**

First reading

Second reading

Third reading

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Ministre du travail et de la main-d'oeuvre



Sec. 1. *This amendment*

(a) *includes the commercial establishments contemplated in the Industrial and Commercial Establishments Act, in the definition of "public buildings", which reads as follows:*

"The words "public buildings" shall have the meaning given to them in the Public Buildings Safety Act (Chap. 149), and shall include, in addition, the industrial establishments contemplated by the Industrial and Commercial Establishments Act (Chap. 150), garages having a floor space in excess of six thousand square feet, transformer rooms and all installations of transformers on posts or other supports set up on any private property;"

(b) *substitutes the definition of "owner" for the definition of "owners of public buildings", which reads as follows:*

"The words "owners of public buildings" mean and include persons, companies and corporations, who are owners, tenants or occupants, under any title, of any building mentioned in the foregoing paragraph 1, and their agents;"

(c) *amends the definition of the words "electrical installations", which reads as follows:*

"The words "electrical installations" mean and include: all installations for electric lighting, electric heating or electric power, including, in every instance, wires, cables, conduits, accessories, electrical appliances and apparatus forming part of the installation itself, being attached thereto or used for connecting the installation with the public or the municipal service system supplying it, which connecting point shall be on the wall of the building or construction nearest to the public service line;"

(d) *adds the definitions of the expressions "fixed prefabricated construction" and "chief journeyman".*

Sec. 2. *This amendment provides that the cases where the holder of a licence must send the plans and specifications of an electrical installation before the work is begun shall be determined by regulation and extends the delay fixed for doing so. It would no longer be necessary, as required in the act, to have the plans approved by an examiner before work was begun.*

Bill 16

An Act to amend the Electricians and Electrical Installations Act and the Building Contractors Vocational Qualifications Act

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

R.S.,
c. 152,
s. 2, am.

1. Section 2 of the Electricians and Electrical Installations Act (Revised Statutes, 1964, chapter 152), amended by section 1 of chapter 52 of the statutes of 1965 (1st session) and by section 65 of chapter 51 of the statutes of 1969, is again amended:

(a) by striking out the word "industrial" in the fourth and fifth lines of paragraph 1;

(b) by replacing paragraph 2 by the following:

"owner";

"(2) The word "owner" means and includes a natural person, a company, a corporation or the Crown as a proprietor, lessee or possessor;"

"electrical
instal-
lations";

(c) by adding after the words "service line" at the end of paragraph 3 the words "or at any other place determined by regulation of the Lieutenant-Governor in Council";

(d) by adding after paragraph 9 the following paragraphs:

"fixed pre-
fabricated
construc-
tion";

"(10) The words "fixed prefabricated construction" mean and include a building made in a factory and placed or meant to be placed on a foundation;

"chief
journey-
man".

"(11) The words "chief journeyman" mean and include a journeyman electrician in charge of electrical installation work on account of the owner of a public building or of a manufacturer of prefabricated constructions."

R.S.,
c. 152,
s. 3, am.

2. Section 3 of the said act is amended:

(a) by replacing the first paragraph by the following:

Sec. 3. Paragraph a provides concordance. Under paragraph b a single permit would, by regulation, in certain cases, be valid for several electrical installation jobs. In any event caused by superior force, a permit which could not be obtained before work was begun must be applied for as soon as possible.

Sec. 4. Under this amendment a chief journeyman in charge of electrical installation work on account of the owner of public buildings or of a manufacturer of fixed prefabricated constructions must still hold a licence.

Sec. 5. This section replaces section 6 of the act, which reads as follows:

“6. Public service companies or municipal services shall not connect with their systems any electrical installation unless such electrical installation has been inspected and approved by the board of examining electricians and a certificate of acceptance and an order to connect have been issued by one of the examiners.”

Plans and
specifica-
tions.

"3. In the cases provided for by regulation of the Lieutenant-Governor in Council, the holder of a licence must send to the board of examiners, before work is begun, the plans and specifications of a new electrical installation or of any change in an existing electrical installation.

Informa-
tion.

These plans and specifications must include any information required by regulation of the Lieutenant-Governor in Council.

Delay.

The board of examiners may grant, in the case of a change in an existing electrical installation, 30 days' delay, from the beginning of work, for the sending of the plans and specifications.";

(b) by striking out the last paragraph.

R.S.,
c. 152,
s. 4, am.

3. Section 4 of the said act is amended:

(a) by replacing the words "the license "A" or "B", applying therefor" in the ninth and tenth lines of the first paragraph by the words "a licence";

(b) by replacing the last paragraph by the following paragraphs:

Conditions.

"However, the Lieutenant-Governor in Council may determine by regulation the conditions on which a single permit may, for the period he fixes, be issued for all work done by the holder of a licence.

Superior
force.

In any event caused by superior force, the holder of a licence who cannot obtain a permit before work is begun must apply therefor as soon as possible."

R.S.,
c. 152,
s. 5, am.

4. Section 5 of the said act, amended by section 66 of chapter 51 of the statutes of 1969, is again amended by adding after the word "electrician" in the fifth line the words "or chief journeyman".

Id., s. 6,
replaced.

5. Section 6 of the said act is replaced by the following:

Connection
forbidden
without
permission.

"6. No public service company or municipal service may connect an electrical installation with its system unless it has received permission to make such connection from the board of examiners and a declaration signed by the holder of a licence stating that the work done by him on such electrical installation was done in conformity with the law and the regulations.

Connection
after ap-
proval of
plans and
specifica-
tions, etc.

Whenever the board of examiners is of opinion that an approval of the plans and specifications sent under section 3 or an inspection is necessary, it shall give permission to make the connection only after such approval or the inspection of the work.

Exception.

The Lieutenant-Governor in Council may determine by regulation the cases where a public service company or a municipal

Sec. 6. *This section replaces section 7 of the act, which reads as follows:*

“7. Every electrical installation must be inspected by one of the inspector-electricians of the board of examiners who shall give in duplicate to the contracting electrician a certificate of acceptance if the installation complies with the requirements of this act and of the regulations which may be made thereunder.”

Sec. 7. *This section inserts in the act a manner of fixing the inspection fees, and enables the fixing by regulation of a rate of interest for the payment of fees in arrears and of a discount rate for fees paid before they become due.*

Sec. 8. *The power to declare an electrical installation defective was formerly given to the board of examiners; it is now given to the inspector, and the alterations thereunder must be made within the delay fixed by regulation.*

service may make a connection without complying with the first paragraph."

R.S.,
c. 152,
s. 7,
replaced.

6. Section 7 of the said act is replaced by the following section:

Inspection.

"7. Every electrical installation may be inspected by an inspector of the board of examiners.

Certificate of acceptance.

After the inspection, the inspector shall issue, on request, a certificate of acceptance to the following persons:

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

(b) to the owner whenever he is of opinion that an existing electrical installation is safe enough for users."

R.S.,
c. 152,
ss. 8a, 8b,
added.

7. The said act is amended by adding, after section 8, the following sections:

Inspection 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 contracting electrician.

Fixing the fees.

The fees payable by that employer or contracting electrician may be fixed at a set annual amount increased by a variable amount determined by the percentage of the total annual salary paid by that employer or contractor to persons employed for electrical installation work.

Rate of interest.

"8b. The Lieutenant-Governor in Council may fix by regulation a rate of interest applicable to the inspection fees contemplated in section 8 and a discount rate on the inspection fees paid before they become due."

R.S.,
c. 152,
s. 9,
replaced.
Necessary alterations.

8. Section 9 of the said act is replaced by the following:

"9. Any inspector may, in writing, order the holder of a licence or the owner of an electrical installation to make the necessary alterations therein within the delay fixed by regulation of the Lieutenant-Governor in Council. These alterations must be made without delay whenever the defect is an imminent source of danger.

Cutting off.

Every public service company or municipal service, at the request of the board of examiners, shall cut off the electric power supply to any electrical installation contemplated in the first paragraph."

Sec. 9. *This amendment enables the Lieutenant-Governor in Council to determine by regulation the agencies authorized to approve the materials, accessories, appliances, wires, cables and apparatus that are alone to be used for electrical installation purposes.*

Sec. 10. *This section enables the board of examiners, in the cases provided by regulation, to approve for electrical installation purposes materials it deems as safe as those prescribed by regulation.*

Sec. 11. *This amendment repeals section 13, which reads as follows:*

“13. The electrical installations of public buildings must be inspected annually; such inspection shall be gratuitous.”

Sec. 12. *Under this amendment the Minister may confer inspection powers on a person other than an inspector appointed under the act.*

Sec. 13. *This amendment replaces the first paragraph of section 19, which reads as follows:*

“19. The Lieutenant-Governor in Council may appoint a Board of examiners consisting of three members, to be chosen from competent electricians, not under twenty-five years of age, and having at least five years experience as journeymen electricians. The persons so appointed must, in addition, be able to speak and write French and English correctly.”

Sec. 14. *These amendments add the “A-2” and “A-3” licences to those provided for by the act and fix the conditions of their granting.*

R.S.,
c. 152,
s. 10, am. **9.** Section 10 of the said act is amended by adding at the end of paragraph *b*, the words "through the agencies he determines".

Id., s. 10a,
added. **10.** The said act is amended by adding after section 10 the following section:

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

R.S.,
c. 152,
s. 13,
repealed. **11.** Section 13 of the said act is repealed.

Id., s. 17a,
added. **12.** The said act is amended by adding after section 17 the following section:

Powers
conferred. **"17a.** The Minister may confer on any person other than an inspector appointed under section 42 the powers granted to such an inspector under this act."

R.S.,
c. 152,
s. 19, am. **13.** Section 19 of the said act is amended by replacing the first paragraph by the following paragraph:

Board of
examiners. **"19.** The Lieutenant-Governor in Council may appoint a board of examiners consisting of three members, to be chosen from persons competent in electrical installation work."

R.S.,
c. 152,
s. 21, am. **14.** Section 21 of the said act, amended by section 2 of chapter 52 of the statutes of 1965 (1st session) and replaced by section 69 of chapter 51 of the statutes of 1969, is amended:

(a) by replacing the first paragraph by the following:

Kinds of
licences. **"21.** There are four kinds of licences, namely, "A", "B", "A-2" and "A-3" licences.";

(b) by adding after the third paragraph the following paragraphs:

"A-2"
licence. **"The "A-2" licence may be issued only to a chief journeyman having practised as a journeyman electrician for at least two years, having passed the examinations prescribed for the granting of that licence and having paid the prescribed fees. The "A-2" licence**

Sec. 15. *This amendment provides concordance.*

Sec. 16. *This amendment provides concordance.*

Sec. 17. *This amendment lists every deed being an offence, and establishes the penalties and increases the fines therefor.*

is valid only for electrical installation work done on public buildings on account of their owners and under the responsibility of the chief journeyman.

"A-3"
licence.

The "A-3" licence may be issued only to a chief journeyman having practised as a journeyman electrician for at least two years, having passed the examinations prescribed for the granting of that licence, and having paid the prescribed fees. The "A-3" licence is valid only for electrical installation work done under the responsibility of the chief journeyman, on fixed prefabricated constructions on account of their manufacturer. It is also valid for electrical installation work done under the responsibility of the chief journeyman, on public buildings owned by that manufacturer."

R.S.,
c. 152,
s. 26, am.

15. Section 26 of the said act is amended by replacing the words "by the board of examiners" in the third line by the words "as the case may be, by the board of examiners or by an inspector".

Id., s. 27,
am.

16. Section 27 of the said act, amended by section 72 of chapter 51 of the statutes of 1969, is again amended by replacing the words "A" and "B" in the second line of subsection 1 by the words "contemplated in section 21".

Id., s. 34,
replaced,
ss. 34a,
34b, added.

17. Section 34 of the said act, amended by section 74 of chapter 51 of the statutes of 1969, is replaced by the following sections:

Offences.

"34. Every person is guilty of an offence who

(a) makes a false statement when applying for a licence, permit or certificate;

(b) hinders or molests an inspector or other functionary discharging his office;

(c) does electrical installation work without holding a licence or a permit;

(d) has not renewed his licence in conformity with section 25;

(e) has not paid the fees determined under the act or the regulations;

(f) infringes a prescription of this act or of any regulation hereunder.

Penalties.

"34a. Every person who is guilty of an offence contemplated in section 34 is liable, if no other penalty is provided for for that offence, in addition to payment of the costs,

(a) in the case of an individual, to a fine of not less than two hundred dollars nor more than five hundred dollars;

(b) in the case of a corporation, to a fine of not less than five hundred dollars nor more than one thousand dollars;

Sec. 18. The repeal of section 35 provides concordance. By the repeal of section 37, the owners of public buildings are no longer jointly and severally liable with contracting electricians for any offence against the act.

Sec. 19. This amendment

- (a) forbids the transfer or conveyance of a permit;*
- (b) enables the board of examiners to suspend or cancel a permit;*
- (c) provides for cases where electrical installation work may be done without a valid licence; and*
- (d) provides that where the member of a company, partnership or corporation who qualifies that company, partnership or corporation to hold a B licence ceases to do so, he must be replaced within three months.*

(c) for a second offence within two years, to a fine amounting to not less nor more than twice the fines provided for in paragraph *a* or *b*, as the case may be;

(d) for any other subsequent offence within two years, to a fine amounting to not less nor more than three times the fines provided for in paragraph *a* or *b*, as the case may be.

Offence
and
penalty.

"34b. Every person failing to comply with an order of an inspector given under section 9 is guilty of an offence and liable, for each day the offence continues, in addition to payment of the costs,

(a) in the case of an individual, to a fine of not less than two hundred dollars nor more than five hundred dollars;

(b) in the case of a corporation, to a fine of not less than five hundred dollars nor more than one thousand dollars."

R.S.,
c. 152,
ss. 35, 37,
repealed.

18. Sections 35 and 37 of the said act are repealed.

Id., s. 38,
am.

19. Section 38 of the said act is amended:

(a) by adding the word " , permit" after the word "certificate" in the first line;

(b) by adding the word " , permit" after the word "certificate" in the fourth and fifth lines;

(c) by adding at the end the following paragraphs:

Operations
continued.

"The owner of a public building or the manufacturer of fixed prefabricated constructions who has electrical installation work done under the responsibility of a chief journeyman who no longer meets the conditions necessary for the issue of the A-2 or A-3 licence, may continue these operations for a period not surpassing three months from the date on which the chief journeyman ceases to meet the above conditions. In the case of death of the chief journeyman, this period is increased to six months.

Replacing.

Where the member contemplated in the third paragraph of section 21 ceases to qualify the holder of a "B" licence to hold that licence, he shall be replaced within three months. In the case of death, the delay for his replacement is increased to six months.

Operations
continued.

In the case of death of a holder of an "A" licence, the testamentary executor, the heirs or legatees, the administrator of the estate or the legal representative of the deceased, as the case may be, may continue his operations for a maximum of six months from the date of death."

Sec. 20. *Under this amendment, the inspector must mail to the person who, in his opinion, has committed an offence against the act, prior notice describing the offence. That person may, upon admitting he is guilty, immediately pay the minimum amount of the fine and avoid further proceedings before the courts.*

Sec. 21. *This section provides concordance.*

Sec. 22. *Under this amendment, the inspector is no longer required to be duly qualified as a journeyman electrician. Moreover, it removes the obligation to inspect the electrical installations in all the buildings of the Province.*

Sec. 23. *This section provides a procedure for the publication of draft regulations.*

R.S.,
c. 152,
s. 40a,
added.

20. The said act is amended by adding after section 40 the following section:

Penal
proceed-
ing.

"40a. Except in the case of a subsequent offence within two years, no penal proceeding may be instituted under this act or the regulations hereunder unless the person authorized to institute it has sent to the offender prior notice by mail 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 sum required within the delay fixed in the notice precludes penal proceedings.

Presump-
tion.

After this payment, the accused must be considered to have been found guilty of the offence.

Civil liabil-
ity.

However, this payment cannot be put forward as an admission of civil liability.

Failure to
give notice.

Failure to give the notice required in this section cannot be put forward in opposition to a proceeding for an offence and it is not necessary to allege that it has been given nor prove it. But if the accused, on appearance, admits he is guilty and then proves that this notice was not given to him, he cannot be condemned to pay a higher sum than that he would have been required to pay by virtue of the notice.

Costs.

The amount of the costs provided for in the first paragraph is determined by regulation of the Lieutenant-Governor in Council. Sections 47 and 48 do not apply to that regulation.

Coming
into force
of regula-
tion.

Such regulation comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein."

S.R.,
c. 152,
s. 41, am.

21. Section 41 of the said act is amended by replacing the words "subparagraph *a* of paragraph 2 of section 34" in the sixth and seventh lines by the words "paragraph *e* of section 34".

Id., s. 42,
am.

22. Section 42 of the said act is amended:

(a) by striking out the words "duly qualified as journeymen electricians" in the seventh and eighth lines;

(b) by striking out the words "in all the buildings of the Province" in the ninth and tenth lines.

Id., s. 47,
replaced.

23. Section 47 of the said act is replaced by the following sections:

Regula-
tion.

"47. The Lieutenant-Governor in Council may determine by regulation those matters which, under this act, must be determined

Sec. 24 to 34. *These amendments provide concordance. The Building Contractors Vocational Qualifications Act (1975, chapter 53) provides that contracting electricians will become gradually governed by that act from 1 April 1980 or on any earlier date that may be fixed by proclamation of the Government. For that purpose, that act amends several sections of the Electricians and Electrical Installations Act, such amendments to come into force on that date. The amendments to the Electricians and Electrical Installations Act under the bill entail concordance amendments to the Building Contractors Vocational Qualifications Act. Thus, once the contracting electricians are governed by that act, the A and B licences will be issued by the Régie des entreprises de construction du Québec to contracting electricians, and the A-2 and A-3 licences will be issued to chief journeymen electricians by the board of examiners.*

by regulation, and make all other regulations necessary for the carrying out of this act.

Draft.

A regulation made under this act must be preceded by a draft which shall be published in the *Gazette officielle du Québec* with a notice specifying that any objection to its adoption must be made within thirty days.

Examination or inquiry.

The Minister may order any examination or inquiry into the merits of any objection made following that notice.

Adoption.

"48. After the expiration of the delay or, as the case may be, after the examination or inquiry mentioned in section 47, the draft regulation shall be submitted to the Lieutenant-Governor in Council for adoption. Notice of adoption of the regulation shall be published in the *Gazette officielle du Québec* together with the text of the amendments, if any.

Coming into force.

This regulation comes into force on the day of its publication or on any later date fixed therein."

1975, c. 53,
s. 84,
replaced.

24. Section 84 of the Building Contractors Vocational Qualifications Act (1975, chapter 53) is replaced by the following:

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 and by section 1 of chapter (*insert here the chapter number of this bill*) of the statutes of 1978 is again amended:

(a) by replacing paragraph 5 by the following:

"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;"

(b) by replacing paragraph 8 by the following:

"licence";

"(8) The word "licence" means a licence issued in conformity with section 21 of this act; however, where this word is used in section 3, in the first and third paragraphs of section 4 and in sections 6, 7, 9 and 39 of this act, it also includes a licence issued to a master electrician under the Building Contractors Vocational Qualifications Act (1975, chapter 53);".

1975, c. 53,
s. 85,
repealed.
Id., s. 86,
replaced.
R.S.,
c. 152,
s. 5,
replaced.

25. Section 85 of the said act is repealed.

26. Section 86 of the said act is replaced by the following:

"36. Section 5 of the said act, amended by section 66 of chapter 51 of the statutes of 1969 and by section 4 of chapter

(insert here the chapter number of this bill) of the statutes of 1978, is replaced by the following:

Licence
from board
of exam-
iners.

"5. Except in the cases hereinafter provided for, every person, company, association or corporation who or which carries on electrical installation work as a chief journeyman must, under the penalties hereinafter enacted, first obtain a licence from the board of examining electricians, according to law."

1975, c. 53,
s. 87,
replaced.
R.S.,
c. 152,
s. 8, am.

27. Section 87 of the said act is replaced by the following:

"87. Section 8 of the said act is amended by adding after the number "21" in the fourth line the words " , the permits provided for by section 4" .

1975, c. 53,
s. 89,
replaced.
R.S.,
c. 152,
s. 20, am.

28. Section 89 of the said act is replaced by the following:

"89. Section 20 of the said act, amended by section 68 of chapter 51 of the statutes of 1969, is again amended:

(a) by replacing paragraph 2 by the following:

"(2) To examine all those desiring to be issued the licences provided for in section 21;"

(b) by striking out the last paragraph."

1975, c. 53,
s. 90,
replaced.
R.S.,
c. 152,
s. 21, am.,
ss. 23, 24,
repealed.

29. Section 90 of the said act is replaced by the following:

"90. (a) Section 21 of the said act, amended by section 2 of chapter 52 of the statutes of 1965 (1st session), replaced by section 69 of chapter 51 of the statutes of 1969 and amended by section 14 of chapter (insert here the chapter number of this bill) of the statutes of 1978, is again amended:

(i) by replacing the first paragraph by the following:

Kinds of
licences.

"21. There are two kinds of licences, namely, "A-2" and "A-3" licences.";

(ii) by replacing the second and third paragraphs;

(b) section 23 of the said act is repealed;

(c) section 24 of the said act, replaced by section 71 of chapter 51 of the statutes of 1969, is repealed."

1975, c. 53,
s. 91,
replaced.
R.S.,
c. 152,
s. 27, am.

30. Section 91 of the said act is replaced by the following:

"91. Section 27 of the said act, amended by section 72 of chapter 51 of the statutes of 1969 and by section 16 of chapter (insert here the chapter number of this bill) of the statutes of 1978, is again amended by striking out subsections 2 and 5."

1975, c. 53,
ss. 92-95,
repealed.
Id., s. 96,
replaced.

31. Sections 92 to 95 of the said act are repealed.

32. Section 96 of the said act is replaced by the following:

R.S.,
c. 152,
s. 38, am.

“96. Section 38 of the said act, amended by section 19 of chapter (*insert here the chapter number of this bill*) of the statutes of 1978, is again amended by striking out the third and fourth paragraphs.”

1975, c. 53,
s. 97,
replaced.

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

R.S.,
c. 152,
s. 39,
replaced.

“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:

Report to
Régie.

“39. Where the holder of a licence fails to make alterations to electrical installations executed in contravention to the regulations, the board of examiners must, if he is a contracting electrician duly qualified by the Régie established by the Building Contractors Vocational Qualifications Act (1975, chapter 53), report it to the Régie, which may suspend the licence of the contravener.

Suspension
or cancel-
lation of
licence.

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

1975, c. 53,
ss. 98, 99,
repealed.

34. Sections 98 and 99 of the said act are repealed.

Coming
into force.

35. This act comes into force on the day of its sanction, except sections 24 to 34, which will come into force upon the coming into force of sections 83 to 99 of the Building Contractors Vocational Qualifications Act.