

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 18

**An Act to amend the Pipe-Mechanics Act
and to again amend the Building Contractors
Vocational Qualifications Act**

First reading

Second reading

Third reading



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L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

This bill proposes certain amendments to the Pipe-Mechanics Act, as described here-below.

The bill obliges a contractor in piping installations carrying on a business in that capacity in a municipality having a public sewer system to hold a licence. Furthermore, it would oblige this contractor to hold a licence if he performed work in a commercial establishment contemplated by the Industrial and Commercial Establishments Act.

It enables the board of examiners to suspend or revoke the licence of a contractor carrying on work contrary to the regulations.

It proposes the mode of fixing certain fees and enumerates acts which constitute offences against the law, in addition to establishing the related penalties.

It obliges a contractor to obtain a permit before beginning work on piping systems. It would also require a contractor to send the plans and specifications of a piping system before beginning work, but only in the cases provided by regulation.

It specifies the regulatory powers of the Government and provides a procedure of publication of draft regulations.

Sec. 1. Subparagraph d of paragraph 2 presently reads as follows:

“(d) Plumbing systems, in any building or construction, including piping and all accessories used for drainage or draining; for the back air vent; for supplying hot or cold water or gas;”.

Sec. 2. The effect of this amendment is to remove certain conditions prescribed in the act for the appointment of the members of the board of examiners.

Sec. 3. This amendment obliges a contractor who carries on business in that capacity in a municipality having a public sewer system to hold a licence. It also obliges a contractor to hold a licence if he performs work in a commercial establishment contemplated by the Industrial and Commercial Establishments Act.

Bill 18

An Act to amend the Pipe-Mechanics Act and to again amend 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. 154, s. 2,
am. **1.** Section 2 of the Pipe-Mechanics Act (Revised Statutes, 1964, chapter 154), amended by section 78 of chapter 51 of the statutes of 1969, is again amended by replacing subparagraph *d* of paragraph 2 by the following:

“(d) Plumbing systems, in any building or construction, including piping and all accessories used for drainage or draining, for the back air vent, for supplying hot or cold water or gas;”.

Id., s. 3,
am. **2.** Section 3 of the said act is amended by replacing the first paragraph by the following:

Board of
examiners
appointed. **“3.** The Lieutenant-Governor in Council may appoint a board of examiners consisting of three members, one of whom shall be designated as chief examiner, who shall be chosen from among the persons competent in the work of installing the systems of piping provided for by subparagraphs *a*, *b*, *c* and *d* of paragraph 2 of section 2.”

R.S.,
c. 154, s. 5,
am. **3.** Section 5 of the said act, amended by section 79 of chapter 51 of the statutes of 1969, is again amended:

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

Licence
required. **“5.** No person shall do business as a contractor in a municipality the population of which exceeds five thousand inhabitants or in a municipality having a public sewer system unless he has obtained a licence from the board of examiners and such licence is in force.”;

Sec. 4. *This amendment enables the board of examiners to suspend or revoke the licence of a contractor who performs work contrary to the regulations, while, under the present act, such power is granted to it only if the contractor refuses to correct any installation made contrary to the regulations.*

Sec. 5. *This section enables the Lieutenant-Governor in Council, by regulation, to establish fees for the inspection of work and for the obtaining and renewal of licences. It also inserts in the act the manner of computing inspection fees, and enables the fixing by regulation of a rate of interest for overdue payments of fees and a discount rate for fees paid before they become due.*

Sec. 6. *This amendment enumerates acts constituting offences and establishes the related penalties, increasing the fines for that purpose. It also requires an inspector to send a prior notice of offence to a person who, in his opinion, has committed an offence against the act. Such person may, if he admits that he is guilty, pay the minimum amount of the fine immediately, and avoid further proceedings before the courts.*

Licence
required.

(b) by replacing the second paragraph by the following:

"Notwithstanding the first paragraph, a licence is required in all cases where a contractor performs work in a public building or in an establishment contemplated by the Public Buildings Safety Act (Revised Statutes, 1964, chapter 149) or by the Industrial and Commercial Establishments Act (Revised Statutes, 1964, chapter 150)."

R.S.,
c. 154,
s. 15, am.

4. Section 15 of the said act, replaced by section 87 of chapter 51 of the statutes of 1969, is amended by replacing the words "refuses to correct any installation made" in the fourth and fifth lines by the words "performs work".

R.S.,
c. 154,
s. 16,
replaced.

5. Section 16 of the said act, amended by section 88 of chapter 51 of the statutes of 1969, is replaced by the following:

Regulatory
powers of
Lt.-Gov.
in C.

"16. (1) The Lieutenant-Governor in Council may, by regulation:

(a) establish fees for the inspection of work;

(b) fix fees for the obtaining of the permit contemplated in section 23a;

(c) fix fees for the obtaining and renewal of the licence contemplated in section 5.

Contractor
to pay fees.

The inspection fees provided for in the first paragraph are payable by the contractor.

How fees
fixed.

The fees payable by such contractor may be fixed according to a fixed annual amount, to which is added a variable amount based on a percentage of the annual wage bill paid by such contractor to persons engaged in the work of installing piping.

Rate of
interest
and
discount
rate.

(2) The Lieutenant-Governor in Council may by regulation fix a rate of interest applicable to inspection fees, and a discount rate applicable to such fees paid before they become due.

Collection.

(3) The inspection fees and other fees provided for by this act shall be collected by the board of examiners and remitted to the Ministre des finances."

R.S.,
c. 154,
s. 18,
replaced.

6. Section 18 of the said act, amended by section 90 of chapter 51 of the statutes of 1969, is replaced by the following sections:

Offences.

"18. Every person is guilty of an offence who

(a) makes a false declaration in an application for the issue of a permit or a licence;

(b) hinders or molests an inspector or other officer in the performance of his duties;

(c) acts as a contractor without holding a licence or permit;

(d) acts as a contractor without having renewed his licence in conformity with section 11;

(e) has not paid the inspection fees or other fees established under the regulations;

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

Penalties.

"18a. Every person who is guilty of an offence contemplated in section 18 is liable, if no other penalty is provided for such 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;

(c) for a first subsequent offence within two years, to a fine the amount of which must not be less nor greater than twice the fines provided for in paragraph *a* or *b*, as the case may be;

(d) for every other subsequent offence within two years, to a fine the amount of which must not be less nor greater than three times the fines provided for in paragraph *a* or *b*, as the case may be.

Offences
and
penalties.

"18b. Every person who fails to comply with an order given by an inspector under section 23c is guilty of an offence and liable, for every day during which 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.

Penal
proceed-
ings.

"18c. Except in the case of a subsequent offence within two years, no penal proceeding shall be instituted under this act or the regulations hereunder unless the person authorized to institute it has sent prior notice to the offender 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 after 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.

Sec. 7. This section is repealed because it contains substantially the same provisions as section 18 of the act.

Sec. 8. This section is repealed because the offence provided for therein is provided for in section 18 of the act.

Sec. 9. This section is for concordance, as offences are enumerated in section 18 of the act.

Sec. 10. This amendment enables the making uniform of procedure under those laws for which the Ministre du travail et de la main-d'oeuvre is responsible. In this respect, the period for the prescription of penal proceedings is reduced to one year.

Sec. 11. The effect of paragraph a of this section is to remove certain conditions for the appointment of inspectors. The effect of paragraph b is to change the terms and conditions of inspection.

Sec. 12. The object of section 23a is to require the obtaining of a permit before beginning work on piping systems. It is also provided that in a case of irresistible force, a permit that could not be obtained before work was begun must be applied for as soon as possible.

Section 23b provides, by regulation, the cases where a contractor must send plans and specifications of a piping system, and grants a delay to do so. Section

Civil
liability.

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 to prove it. But if the accused, at his appearance, admits he is guilty and then proves that this notice was not given to him, he shall not 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 29 and 30 do not apply to that regulation.

Coming
into force.

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

R.S.,
c. 154,
s. 19,
repealed.
Id., s. 20,
repealed.

7. Section 19 of the said act is repealed.

8. Section 20 of the said act, amended by section 91 of chapter 51 of the statutes of 1969, is repealed.

Id., s. 21,
repealed.

9. Section 21 of the said act is repealed.

Id., s. 22,
am.

10. Section 22 of the said act, amended by section 44 of chapter 11 of the statutes of 1974, is again amended by adding the following subsections:

Prescrip-
tion.

"(4) No proceeding may be instituted for an offence against this act or the regulations hereunder when more than one year has elapsed from the date when the offence was brought to the knowledge of the inspector.

Payment
of fines.

"(5) The fines provided for by this act shall be paid into the consolidated revenue fund."

R.S.,
c. 154,
s. 23, am.

11. Section 23 of the said act is amended:

(a) by striking out the words "duly qualified as journeymen" 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.,
ss. 23a-
23c,
added.

12. The said act is amended by adding after section 23 the following sections:

Permit
compul-
sory.

"23a. Every contractor must, before beginning work contemplated by this act or the regulations hereunder, obtain a permit from the board of examiners.

23c grants the inspector the power to order alterations to a piping system. The ordered alterations must be made within the delay fixed by regulation.

Sec. 13. This section enumerates the regulatory powers of the Lieutenant-Governor in Council. Paragraph a enables the enactment of standards of design and carrying out of piping installations contemplated in paragraph 2 of section 2. Paragraph b enables the determination of the piping materials to be used. Paragraph c enables the determination of the bodies recognized as qualified to approve piping materials. Paragraph d allows the board of examiners to approve piping materials it considers as safe as those prescribed by regulation. Paragraph e allows the board of examiners to accept the use a method of design or carrying out of work it considers equivalent to the standards provided by regulation. Paragraph f allows, on certain conditions, the application of a municipal by-law equivalent to a regulation made under the act. Paragraph g enables the removal from the application of the law of certain categories of refrigerating systems and automatic sprinklers. Paragraph h allows the removal from the application of a regulation of work carried out in a municipality of less than five thousand inhabitants or in a territory having no public sewer system.

Irresistible
force.

In the case of irresistible force, the contractor who cannot obtain a permit before work is begun must apply therefor as soon as possible.

Plans and
specifi-
cations.

"23b. In the cases provided for by regulation of the Lieutenant-Governor in Council, the contractor must send to the board of examiners before beginning work, the plans and specifications of a new piping system or of alterations to an existing piping system.

Informa-
tion.

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

Delay.

The board of examiners may, in the case of an alteration to an existing piping system, grant a delay of 30 days, from the beginning of the work, for the sending of the plans and specifications.

Alterations
ordered.

"23c. An inspector may, in writing, order the contractor or the owner of a piping system to make the necessary alterations to such system within the delay established by regulation of the Lieutenant-Governor in Council. For the purposes of this section, the word "owner" designates a person, a company, a corporation, an association or the Crown, as owner, lessee or possessor."

R.S.,
c. 154,
s. 28,
replaced.

13. Section 28 of the said act, amended by section 94 of chapter 51 of the statutes of 1969, is replaced by the following:

Regula-
tions.

"28. The Lieutenant-Governor in Council may by regulation:

(a) enact standards relating to the designing and carrying out of work relating to a piping system mentioned in paragraph 2 of section 2;

(b) determine the materials, accessories or apparatus which must be used, as the case may be, in a piping system;

(c) allow the use in a piping system of a material, accessory or apparatus recognized or certified by a body designated by him;

(d) authorize the board of examiners to accept the use of a material, accessory or apparatus as equivalent to those provided for by a regulation made under this act;

(e) authorize the board of examiners to accept the use of a method of design or of carrying out of work as equivalent to the standards provided for by a regulation made under this act;

(f) on the conditions he determines, remove, in whole or in part, from the application of the law or a regulation, work carried out in the territory of a municipality where a municipal by-law at least equivalent to a regulation under this act is in force;

Sec. 14. *This section provides a procedure of publication of draft regulations.*

Sec. 15 to 22. *These amendments are for concordance. The Building Contractors Vocational Qualifications Act (1975, chapter 53) provides that contractors in piping installations will become progressively subject to that act from 1 April 1980 or on any prior date fixed by proclamation of the Government. For that purpose, that act amends several provisions of the Pipe-Mechanics Act, and these amendments will come into force on the same date. The amendments made to the Pipe-Mechanics Act by this bill require amendments of concordance with the Building Contractors Vocational Qualifications Act.*

(g) remove from the application of this act certain categories of refrigerating systems and automatic sprinklers contemplated by subparagraphs *b* and *c* of paragraph 2 of section 2;

(h) remove in whole or in part from the application of a regulation made under this act work carried out in a municipality the population of which does not exceed five thousand inhabitants or in a territory having no public sewer system;

(i) adopt every measure necessary for the carrying out of this act.”

R.S.,
c. 154,
ss. 29, 30,
added.

14. The said act is amended by adding, after section 28, the following sections:

Draft
regulation.

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

Examina-
tion or
inquiry.

The Minister may order the holding of an examination or inquiry into the merits of any objection filed pursuant to such notice.

Adoption
and publi-
cation.

“**30.** After the delay has expired, or after the examination or inquiry referred to in section 29 has been held, as the case may be, the draft regulation is submitted to the Lieutenant-Governor in Council for adoption. A notice of the adoption of the regulation is published in the *Gazette officielle du Québec*, accompanied with the text of the amendments, if any.

Coming
into force.

Such regulation comes into force on the day of such publication or on any later date fixed therein.”

1975, c. 53,
s. 107, am.

15. Section 107 of the Building Contractors Vocational Qualifications Act (1975, chapter 53) is amended by adding after the figure “1969” in the third line, the words “and by section 1 of chapter (*insert here the chapter number of this bill*) of the statutes of 1978”.

Id., s. 109,
am.

16. Section 109 of the said act is amended by adding, after the figure “1969” in the third line, the words “and by section 3 of chapter (*insert here the chapter number of this bill*) of the statutes of 1978”.

Id., s. 116,
am.

17. Section 116 of the said act is amended by replacing the first four lines by the following:

R.S.,
c. 154,
s. 15,
replaced.

“**116.** Section 15 of the said act, replaced by section 87 of chapter 51 of the statutes of 1969, and amended by section 4

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

1975, c. 53,
s. 117,
replaced.
R.S.,
c. 154,
s. 16, am.

18. Section 117 of the said act is replaced by the following:

"117. Section 16 of the said act, amended by section 88 of chapter 51 of the statutes of 1969, and replaced by section 5 of chapter (*insert here the chapter number of this bill*) of the statutes of 1978, is again amended by striking out subparagraph *c* of the first paragraph of subsection 1.

1975, c. 53,
s. 120,
replaced.
R.S.,
c. 154,
s. 18, am.

19. Section 120 of the said act is replaced by the following:

"120. Section 18 of the said act, amended by section 90 of chapter 51 of the statutes of 1969, and replaced by section 6 of chapter (*insert here the chapter number of this bill*) of the statutes of 1978, is again amended:

- (a) by striking out the words "or a licence" in paragraph *a*;
- (b) by striking out the words "licence or" in paragraph *c*;
- (c) by striking out paragraph *d*."

1975, c. 53,
s. 121,
repealed.
Id., s. 122,
repealed.

20. Section 121 of the said act is repealed.

21. Section 122 of the said act is repealed.

Id., s. 123,
replaced.

22. Section 123 of the said act is replaced by the following:

R.S.,
c. 154,
s. 23, am.

"123. Section 23 of the said act, amended by section 11 of chapter (*insert here the chapter number of this bill*) of the statutes of 1978, is again amended by striking out the words "hold the required licenses and" in the fourth and fifth lines."

Coming
into force.

23. This act comes into force on the day of its sanction except sections 15 to 22, which will come into force on the date of the coming into force of sections 106 to 125 of the Building Contractors Vocational Qualifications Act.