

NATIONAL ASSEMBLY

SECOND SESSION

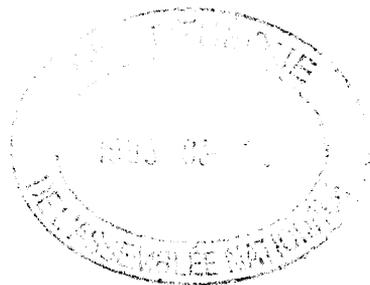
THIRTY-FIFTH LEGISLATURE

Bill 391

**An Act respecting certain prohibited
commercial practices when a state of
emergency exists**

Introduction

**Introduced by
Mr Lawrence S. Bergman
Member for D'Arcy-McGee**



Québec Official Publisher
1998

EXPLANATORY NOTES

The object of this bill is to prohibit a merchant or manufacturer operating an enterprise from selling or offering for sale goods or services at an excessive price when a state of emergency has been declared by the Government throughout Québec or part of it pursuant to section 16 of the Act respecting the protection of persons and property in the event of disaster.

The bill provides that the price of goods or services is presumed to be excessive when the goods or services are sold or offered for sale at a price that exceeds by 20% or more the highest price at which such goods or services were sold or offered for sale in the previous 12 months by another merchant or manufacturer operating an enterprise in the same administrative region as delimited pursuant to the Territorial Division Act. The bill also provides that the presumption does not apply if it is established that the price differential of 20% or more is not attributable to the merchant or manufacturer concerned.

In addition, the bill provides that a person who has purchased or who has been deprived of goods or services owing to excessive pricing may, on a court application, be awarded a reimbursement equal to twice the difference between the highest price at which the goods or services were sold or offered for sale in the previous 12 months by another merchant or manufacturer operating an enterprise in the same administrative region and the price paid, or that would have been paid, by that person, plus legal fees and court costs.

Lastly, the bill provides that a merchant or manufacturer operating an enterprise who contravenes the provisions of this Act is guilty of an offence and is liable to a fine of not more than \$10,000.

Bill 391

AN ACT RESPECTING CERTAIN PROHIBITED COMMERCIAL PRACTICES WHEN A STATE OF EMERGENCY EXISTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. No merchant or manufacturer operating an enterprise may, when a state of emergency has been declared by the Government throughout Québec or in any part of it pursuant to section 16 of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1), sell or offer for sale goods or services at a price that is excessive.

2. The price of goods or services is presumed to be excessive if the goods or services are sold or offered for sale at a price that exceeds by 20% or more the highest price at which the goods or services were sold or offered for sale in the previous 12 months by another merchant or manufacturer operating an enterprise in the same administrative region as delimited under the Territorial Division Act (R.S.Q., chapter D-11).

Such presumption does not apply if the merchant or manufacturer establishes that the price differential of 20% or more for the goods or services is not attributable to him or her.

3. A person who has purchased goods or services at an excessive price at the time a state of emergency exists may apply to the court for a reimbursement equal to twice the difference between the highest price at which the goods or services were sold or offered for sale in the previous 12 months by another merchant or manufacturer operating an enterprise in the same administrative region and the price paid by that person, plus legal fees and court costs.

Any person who, at any time during a state of emergency, was deprived of goods or services owing to the fact that a merchant or manufacturer operating an enterprise offered the goods or services for sale at an excessive price, may also, on an application to the court, be awarded such fees and costs in compensation for the damage suffered.

4. A merchant or manufacturer operating an enterprise who contravenes the provisions of section 2 is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$10,000.

Penal proceedings for an offence under section 2 are prescribed one year after the date on which the prosecutor becomes aware of the commission of the offence. However, no proceedings may be brought if more than five years have elapsed since the commission of the offence.

5. This Act comes into force on (*insert here the date of assent to this Act*).