

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1992, chapter 58

AN ACT TO AMEND THE CONSUMER PROTECTION ACT AND OTHER LEGISLATION

Bill 11

Introduced by Mr Gil Rémillard, Minister of Justice

Introduced 13 May 1992

Passage in principle 1 December 1992

Passage 18 December 1992

Assented to 22 December 1992

Coming into force: 22 December 1992

Acts amended:

Travel Agents Act (R.S.Q., chapter A-10)

Consumer Protection Act (R.S.Q., chapter P-40.1)

Act respecting the collection of certain debts (R.S.Q., chapter R-2.2)





CHAPTER 58

An Act to amend the Consumer Protection Act and other legislation

[Assented to 22 December 1992]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. P-40.1,
s. 272, am. **1.** Section 272 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by replacing the words “or the regulations” in the second line by the words “, by the regulations or by a voluntary undertaking made under section 314 or whose application has been extended by an order under section 315.1”.

c. P-40.1,
s. 277, am. **2.** Section 277 of the said Act is amended by replacing paragraph *d* by the following paragraph:

“(d) does not comply with a voluntary undertaking made under section 314 or whose application has been extended by an order under section 315.1;”.

c. P-40.1,
s. 278,
replaced **3.** Section 278 of the said Act, amended by section 703 of chapter 4 of the statutes of 1990, is replaced by the following section:

Penalties **“278.** A person convicted of an offence constituting a prohibited practice or an offence under paragraph *b*, *c*, *d*, *e* or *f* of section 277 is liable

(a) in the case of a person other than a corporation, to a fine of \$600 to \$15 000;

(b) in the case of a corporation, to a fine of \$2 000 to \$100 000.

Subsequent conviction For a second or subsequent conviction, the offender is liable to a fine with minimum and maximum limits twice as high as those prescribed in subparagraph *a* or *b*, as the case may be.”

c. P-40.1,
s. 279,
replaced

4. Section 279 of the said Act, amended by section 704 of chapter 4 of the statutes of 1990, is replaced by the following section:

Penalties

“279. A person convicted of an offence other than an offence under section 278 is liable

(a) in the case of a person other than a corporation, to a fine of \$300 to \$6 000;

(b) in the case of a corporation, to a fine of \$1 000 to \$40 000.

Subsequent
conviction

For a second or subsequent conviction, the offender is liable to a fine with minimum and maximum limits twice as high as those prescribed in subparagraph *a* or *b*, as the case may be.”

c. P-40.1,
s. 314,
replaced

5. Section 314 of the said Act is replaced by the following section:

Voluntary
undertaking

“314. The president may accept a voluntary undertaking from a person with the object of governing the relations between a merchant, or group of merchants, and consumers, in particular in order to determine the information to be given to consumers, the quality of the goods or services with which they are to be provided, standard contracts, methods of settling disputes or rules of conduct.

Voluntary
undertaking

Where he believes that a person has contravened or is contravening any act or regulation the application of which is supervised by the Office, the president may also accept a voluntary undertaking from that person to comply with the act or regulation in question.”

c. P-40.1,
s. 315.1,
added

6. The said Act is amended by inserting, after section 315, the following section:

Voluntary
undertaking

“315.1 The Government may, by order and with or without modification, extend the application of a voluntary undertaking made under section 314 to all merchants in the same sector of activity, for all or part of the territory of Québec.”

c. A-10,
s. 39,
replaced

7. Section 39 of the Travel Agents Act (R.S.Q., chapter A-10), amended by section 45 of chapter 4 of the statutes of 1990, is replaced by the following section:

Penalties

“39. Every person convicted of an offence against section 4 or 33 is liable to a fine of \$2 000 to \$10 000 and, for a second or subsequent conviction, to a fine of \$4 000 to \$20 000.”

c. A-10,
s. 40,
replaced

8. Section 40 of the said Act, amended by section 46 of chapter 4 of the statutes of 1990, is replaced by the following section:

Penalties

“40. Every person convicted of an offence other than an offence under section 39 is liable to a fine of \$500 to \$2 500 and, for a second or subsequent conviction, to a fine of \$1 000 to \$5 000.”

c. R-2.2,
s. 54,
replaced

9. Section 54 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2), amended by section 750 of chapter 4 of the statutes of 1990, is replaced by the following section:

Penalties

“54. Every natural person convicted of an offence against this Act or a regulation is liable to a fine of \$300 to \$6 000 and, for a second or subsequent conviction, to a fine of \$600 to \$12 000.

Corporation

A corporation convicted of an offence against this Act or a regulation is liable to a fine of \$1 000 to \$40 000 and, for a second or subsequent conviction, to a fine of \$2 000 to \$80 000.”

Coming into
force

10. This Act comes into force on 22 December 1992.