

NATIONAL ASSEMBLY
Thirty-fourth Legislature, first session

1991, chapter 28
**AN ACT RESPECTING THE ENERGY
EFFICIENCY OF ELECTRICAL OR
HYDROCARBON-FUELLED APPLIANCES**

Bill 140

Introduced by Madam Lise Bacon, Minister of Energy and Resources

Introduced 8 May 1991

Passage in principle 21 May 1991

Passage 11 June 1991

Assented to 20 June 1991

Coming into force: on the date fixed by the Government

Act amended: None



CHAPTER 28

An Act respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances

[Assented to 20 June 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

- “appliance”** **1.** In this Act, the term “appliance” means any new household, commercial, industrial or institutional electrical or hydrocarbon-fuelled appliance.
- Scope** **2.** This Act binds the Government and its departments and agencies.

CHAPTER II

ENERGY EFFICIENCY MEASURES

- Standards** **3.** The Government may, by regulation, fix energy efficiency and energy economy standards applicable to the appliances or categories of appliances it determines.
- Manufacture and assembly** The standards may include standards regarding the manufacture and assembly of such appliances.
- Labelling** **4.** The Government may regulate the labelling of appliances, particularly as to the form, content, size, colour, manner of affixing and position of the labels and special stamps they must bear, and the materials of which such labels and stamps are made.
- Packages** It may also determine what information must appear on packages containing appliances.

5. A regulation may make the energy efficiency, energy economy or labelling standards of a certifying or standards body obligatory. It may also prescribe procedures for testing the energy efficiency of appliances and require that appliances be approved or certified by such a body.

It may further provide that references made therein to other texts be interpreted as references to those texts as later amended, where such is the case.

6. The Minister may, by way of exception, permit a manufacturer to apply energy efficiency or energy economy standards different from those fixed by regulation, for a period of not over five years and on the conditions fixed by the Minister, to appliances or a category of appliances incorporating new technology, if it is demonstrated to him that the resultant consumption of energy is equal to or less than that permitted by the regulation standards.

7. No person may manufacture, offer, sell or lease an appliance or otherwise dispose of it by gratuitous or onerous title by way of a commercial transaction if the appliance does not conform to the applicable energy efficiency and energy economy standards.

This section does not apply to appliances marketed for use outside Québec.

8. The Government may, by regulation, require a manufacturer, vendor or lessor to keep a record in prescribed form of prescribed information pertaining to the carrying out of this Act.

CHAPTER III

INSPECTION

9. The Minister may, in writing, designate persons from the staff of the department to act as inspectors.

10. An inspector may, for the purposes of this Act,

(1) have access at any reasonable time to any place where an appliance is manufactured, held in stock, offered for sale or lease, or sold;

(2) examine any appliance, subject it to testing to see if it conforms to this Act, carry it to another place, if necessary, and return it as soon as possible once testing is completed;

(3) examine and make copies of books, records, accounts, files and other documents;

(4) be accompanied by the person or persons he chooses.

Special
stamp

11. Where an inspector notes the absence of a prescribed label or the non-conformity of an appliance with the energy efficiency or energy economy standards, he may affix a special stamp prescribed by regulation to the appliance, indicating that it cannot be marketed. The appliance cannot be marketed again until the inspector acknowledges that it conforms to the prescribed standards and removes the stamp.

Identifica-
tion

12. Upon request, an inspector shall identify himself and produce a certificate of his quality signed by the Minister.

CHAPTER IV

PENAL PROVISIONS

Offence and
penalty

13. Every manufacturer who contravenes a standard authorized by the Minister under section 6 is liable to a fine of \$200 to \$10 000 in the case of a natural person and \$400 to \$20 000 in the case of a legal person.

Offence and
penalty

Every person who contravenes section 7 is liable to the same penalty.

Offence and
penalty

14. Every manufacturer, vendor or lessor who fails to keep a record as prescribed by regulation under section 8 is liable to the fine provided in section 13.

Offence and
penalty

15. Every person who offers, sells or leases an appliance or otherwise disposes of an appliance by gratuitous or onerous title by way of a commercial transaction without the prescribed label or with a label which does not conform to the applicable labelling standards is liable to a fine of \$200 to \$10 000 in the case of a natural person and \$400 to \$20 000 in the case of a legal person.

Offence and
penalty

16. Every person who removes or alters a label affixed to an appliance pursuant to this Act or removes a special stamp affixed to an appliance by an inspector is liable to a fine of \$400 to \$5 000 in the case of a natural person and \$800 to \$10 000 in the case of a legal person.

Offence and
penalty

17. Every person who obstructs an inspector in the performance of his duties under section 10 or 11 is liable to a fine of

\$200 to \$1 000 in the case of a natural person and \$400 to \$2 000 in the case of a legal person.

Subsequent
offence **18.** For any subsequent offence, the fines provided in sections 13 to 17 for a first offence are doubled.

CHAPTER V

FINAL PROVISIONS

Minister
responsible **19.** The Minister of Energy and Resources is responsible for the administration of this Act.

Coming into
force **20.** This Act will come into force on the date fixed by the Government.