

SOLLICITATION DE COMMENTAIRES

En vertu de l'article 194 de la *Loi sur la distribution de produits et services financiers* (L.R.Q., c. D-9.2), l'Autorité publie le projet de *Règlement sur la formation continue obligatoire de la Chambre de l'assurance de dommages*.

Projet de règlement

Loi sur la distribution de produits et services financiers
(L.R.Q., c. D-9.2, a. 202.1, par. 2^o, et a. 312, al. 4)

Règlement sur la formation continue obligatoire de la Chambre de l'assurance de dommages

Avis est donné, conformément à l'article 217 de la *Loi sur la distribution de produits et services financiers* que le règlement suivant, dont le texte est publié ci-dessous, pourra être soumis au ministre des Finances pour approbation qu'à l'expiration d'un délai de 30 jours à compter de sa publication au Bulletin de l'Autorité. Le ministre pourra l'approuver avec ou sans modification.

— *Règlement sur la formation continue obligatoire de la Chambre de l'assurance de dommages*

Objet du projet de règlement

Ce projet vise à remplacer l'actuel *Règlement sur la formation continue obligatoire de la Chambre de l'assurance de dommages*.

Ce projet de règlement sur la formation continue obligatoire de la Chambre de l'assurance de dommages propose, entre autres, les modifications suivantes :

- Limiter la possibilité pour les représentants, de suivre le même cours plus de deux fois pendant deux périodes de référence différentes. Cette modification a pour but d'éviter que certains représentants suivent trois fois ou même quatre fois, dans des périodes de référence différentes, le même cours pour remplir leur obligation de formation continue obligatoire.
- Lorsqu'une activité de formation est imposée à un représentant par le conseil d'administration de la Chambre suite à la recommandation du comité de discipline, celle-ci constitue une activité de formation continue reconnue au sens du présent règlement, mais les UFC relatives à cette activité ne peuvent être comptabilisées dans les 20 UFC requis par période de référence.

Les autres modifications du projet de *Règlement sur la formation continue obligatoire de la Chambre de l'assurance de dommages* concernent des modifications de forme telles que l'ajout de définitions, de sous-sections et des ajustements administratifs et terminologiques. Ces modifications visent à améliorer les divers mécanismes d'application du règlement sur la formation continue de la Chambre.

Finalement, les modifications proposées s'inspirent, entre autres, du *Règlement sur la formation continue obligatoire de la Chambre de la sécurité financière* et du *Règlement sur la formation continue obligatoire des planificateurs financiers*.

Consultation

Toutes personnes désirant obtenir des renseignements additionnels ou ayant des commentaires à formuler à ce sujet sont priées de les faire parvenir par écrit avant l'expiration du délai de 30 jours en s'adressant à :

M^e Jannick Desforges
Directrice des affaires institutionnelles et de la conformité des pratiques
Chambre de l'assurance de dommages
Téléphone : (514) 842-2591
Télécopieur : (514) 842-2591
Courrier électronique : jdesforges@chad.qc.ca

Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages

An Act respecting the distribution of financial products and services
(chapter D-9.2, s. 202.1, par. 2; s. 312)

DIVISION I SCOPE AND INTERPRETATION

1. This Regulation applies to all representatives who hold a certificate issued by the Autorité des marchés financiers authorizing them to practice in any sector or class of sector of damage insurance or claims adjustment.

2. In this Regulation:

“PDU” means a professional development unit consisting of one hour of training activity recognized by the Chamber;

“Reference period” means any 24-month period beginning on January 1st of an even-numbered year;

“Trainer” means a natural person who acts as an instructor or facilitator and who provides a training activity.

DIVISION II TRAINING

§1. Period, frequency and content of training

3. A representative must accumulate at least 20 PDUs per reference period, in the categories listed in Section 4, as follows:

- 1° 12 PDUs in the classes listed in paragraphs 1 to 4 of section 4;
- 2° 5 PDUs in the classes listed in paragraphs 1 to 5 of section 4; and
- 3° 3 PDUs in the class listed in paragraph 4 of section 4.

4. The training activities recognized by the Chamber shall fall within the following categories:

1° administration:

- (a) economics;
- (b) accounting and finance;
- (c) business management;
- (d) training techniques.

2° insurance techniques:

- (a) personal lines insurance;
- (b) commercial lines insurance;
- (c) risk management;
- (d) claims adjustment.

3° law:

- (a) laws and regulations respecting damage insurance;
- (b) civil law.

4° compliance:

- (a) ethics and the professional practice of damage insurance;
- (b) laws and regulations respecting the distribution of financial products and services;
- (c) laws and regulations respecting the protection of personal information.

5° professional development:

- (a) operational efficiency;
- (b) development of the advisory role.

§2. Variations in the training requirements and exemptions

5. A representative who is issued a certificate shall, for the reference period in effect, and in accordance with the requirements set forth in section 3, accumulate PDUs pro rata to the number of full months elapsed during the time he holds the certificate.

6. A representative whose certificate is issued for the first time by the Autorité des marchés financiers is exempted from the requirement to accumulate PDUs for a period of 12 months after the issuance of the certificate.

After this period, he must accumulate a number of PDUs equivalent to the total number of PDUs required for the reference period, pro-rated to the number of remaining months for the reference period. For the purposes of this calculation, the number of PDUs is rounded to the closest superior whole number.

7. A representative is exempt from the professional development requirements if he is absent or on leave during a period of at least four consecutive weeks owing to sickness or accident, or for family or parental reasons. For purposes of this section, the causes and terms of an absence or leave are those set out in Divisions V.0.1 and V.1 of Chapter IV of *An Act respecting labour standards* (chapter N-1.1).

A representative may obtain an exemption in accordance with the 1st paragraph if he submits a written request to the Chamber setting out the reasons justifying the exemption and provides the supporting document or medical certificate attesting the existence of the situation invoked.

The Chamber grants the exemption for the duration and under the conditions provided for in the supporting document or medical certificate.

When it refuses the exemption in whole or in part, the Chamber advises the representative in writing and informs the latter of his right to present written observations within the time limits given by it.

8. The representative must immediately notify the Chamber in writing as soon as the situation giving rise to the exemption ceases to exist. He must then comply with the requirements prescribed by this Regulation and accumulate a number of PDUs equal to the proportion that the number of full months, whether or not elapsed, during which he was not exempted from the requirements during a reference period is to that reference period. In computing such proportion, the number of PDUs is rounded up to the nearest unit.

9. A representative is not exempt from the requirements under this Regulation for the period during which he ceases to be authorized to practise or during which conditions or restrictions on his right to practice are imposed on him. However, if the period for which the representative ceases to be authorized to practice exceeds one year, he is exempted from the requirements for the duration of that period exceeding one year.

10. A training activity imposed on a representative by the board of directors of the Chamber following a recommendation of the discipline committee, constitutes a training activity for the purposes of the present Regulation.

However, the PDUs for that activity cannot be counted for the purposes of the 20 PDUs required per reference period.

§3. Accumulation and assignment of PDUs

11. A representative who acts as a trainer for a training activity recognized by the Chamber is entitled, only once for the activity, to double the number of PDUs usually awarded for the activity.

A representative whose right to practise has been restricted, or who has had conditions imposed on such right, cannot act as a trainer during that period.

12. A representative can follow and accumulate PDUs attributable to a given training activity a maximum of two times, so long as that activity is followed in different reference periods.

13. A representative who accumulates more PDUs than required during a reference period will have a maximum of 5 PDUs carried forward to the subsequent period.

14. A representative who, as at March 31st following the end of a reference period, has failed to comply with the professional development requirements prescribed by this Regulation may not assign to the period in respect of which he is in default PDUs accumulated after March 31st of the subsequent reference period, unless the Autorité des marchés financiers has rendered a suspension decision under the second paragraph of section 218 of *An Act respecting the distribution of financial products and services* (chapter D-9.2) and such decision has been fully executed.

§4. Notice from the Chamber

15. Within 30 days following the end of a reference period, the Chamber must send a notice of default to each representative who has not accumulated the number of PDUs required under section 3 and informs him of the consequences under section 14, under the second paragraph of section 218 of *An Act respecting the distribution of financial products and services* and under sections 57 and 63 of the *Regulation respecting the issuance and renewal of representatives' certificates* (chapter D-9.2, r. 7).

16. At the latest by March 31st following the end of the reference period, a representative who is in default must accumulate the number of PDUs he has failed to accumulate in one or more of the categories referred to in section 4.

17. At the end of the period referred to in section 16, the Chamber sends the Autorité des marchés financiers a list of the representatives who have not accumulated the required number of PDUs.

§5. Keeping and sending of documents

18. The certified trainer, training body or educational institution providing the training activity shall send to the Chamber a list of representatives who took part in the training activity within 10 business days following the date on which such activity is held.

19. A representative must keep, for a 24-month period following the end of a reference period, the supporting documents regarding each training activity recognized by the Chamber in which he took part and any attendance vouchers, certificates of exam or test

results or transcripts provided by the person, organization or educational institution having provided the training activity in question.

20. Within 30 days following a request from the Chamber, a representative must forward to the Chamber a copy of the attestations he is required to keep in accordance with section 19.

DIVISION III

CERTIFICATION OF TRAINERS AND TRAINING ACTIVITIES

21. The Chamber certifies trainers if he or she has three years of experience in the given subject matter and meets one of the following conditions:

- 1° He or she has followed at least 24 hours of training in knowledge transmission;
- 2° He or she has 240 hours of experience as trainer;
- 3° He or she has followed at least 12 hours of training in knowledge transmission and has 100 hours of experience as trainer.

22. The Chamber recognizes training activities and establishes the eligible duration of those activities to calculate the PDUs relating thereto if the activities enable development of the following professional knowledge, competencies and skills:

- 1° acquisition and betterment of an integrated approach to the pursuit of the activities for which the representatives hold an authorization to practise;
- 2° acquisition and application of knowledge and analysis methods specific to the activities of representatives;
- 3° acquisition, comprehension and application of theoretical and technical knowledge in subjects pertaining to compliance with standards, business conduct and professional ethics.

A training activity based on the sale or promotion of a product cannot be recognized under this Regulation.

23. An application for certification of a training activity must be submitted at least 30 days before the activity is held.

24. The application for certification of a training activity must include the following:

- 1° a description of the training activity in question, its pedagogical framework and the subjects referred to in section 5 that are dealt with in the training activity;
- 2° the procedure for the activity and its duration;
- 3° a document setting out the objectives of the activity and explaining how the activity develops the professional knowledge, skills and competencies referred to in section 21;
- 4° the method for assessing successful completion of the activity, if applicable;
- 5° the curriculum vitae of the trainer describing his work experience and pedagogical experience.

The application must be accompanied by payment of the fees determined by the Chamber for an application for certification.

25. When the Chamber refuses an application regarding certification of a training activity or decreases the number of eligible PDUs, it must inform the applicant in question of his right to submit written observations within the time limit indicated by it. The Chamber must then send its final decision to the applicant.

26. Certification of an activity is valid for 24 months from the date of the certification decision or from any other date mentioned therein. At the end of that period, if the applicant wishes to maintain the certification, he must submit an application for renewal to the Chamber.

27. Any person, organization or educational institution that wishes to amend a training activity certified by the Chamber must submit a new application for certification.

28. No later than the last day of the reference period in effect, a representative may submit an application to the Chamber for the awarding of PDUs for a training activity in which he took part and which has not been certified by the Chamber. The decision to award PDUs is valid only for the representative in question. In addition to the elements mentioned in section 23, the representative must provide a voucher attesting that he attended the activity or a certificate of exam or test results, as the case may be.

29. The Chamber may cancel recognition of a trainer or certification of an activity, or decrease the number of PDUs awarded therefor if it becomes aware that the activity being provided is different from the activity that was recognized or if the conditions set out in this Regulation are not being met.

DIVISION IV

FINAL PROVISIONS

30. This Regulation replaces the Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages (chapter D-9.2, r. 12).

31. This Regulation comes into force on January 1st 2014.