

REGULATION TO AMEND THE REGULATION RESPECTING FIRMS, INDEPENDENT REPRESENTATIVES AND INDEPENDENT PARTNERSHIPS

Act respecting the distribution of financial products and services
(chapter D-9.2, s. 196 and s. 223, par. (8))

1. Section 16 of the Regulation respecting firms, independent representatives and independent partnerships (chapter D-9.2, r. 2) is amended by inserting “to the records on representatives’ outside activities referred to in subdivision 2.1 and” after “modifications,”.

2. The Regulation is amended by inserting the following after section 21.1:

“§ 2.1. — *Records on representatives’ outside activities*

“**21.2.** A firm must keep a record on the outside activities, within the meaning of section 5.1 of the Regulation respecting the pursuit of activities as a representative (chapter D-9.2., r. 10), pursued by each representative who acts on its behalf. An independent partnership must keep such a record in respect of each of its partners and each of the representatives who are employed by it. An independent representative must keep such a record in respect of his outside activities.

Such a record must include the following documents and information:

- (1) a description of the outside activity;
- (2) if applicable, the representative’s declaration of pursuit of outside activity;
- (3) the start date and end date, if known, of the outside activity;
- (4) the actions taken, if applicable, by the firm or independent partnership to ensure that the representative acts on its behalf in accordance with the Act respecting the distribution of financial products and services (chapter D-9.2) and the actions taken by the independent representative to ensure that he acts in accordance with the Act.”.

3. Section 29 of the Regulation is amended, in the first paragraph:

(1) by replacing “Except regarding the category of claims adjuster employed by an insurer, the” by “The” in the introductory clause;

(2) in subparagraph 3:

- (a) by inserting, in subparagraphs *a* to *c*, “including gross fault,” after “fault,”;
- (b) by replacing, in subparagraph *d*, “from the time the firm, independent representative or independent partnership was struck off or suspended from the Authority’s roll” by “from the time the registration of the firm, independent representative or independent partnership is revoked, cancelled or suspended, as the case may be, whether or not the firm or independent partnership has been dissolved or whether or not the person has died”;

(c) by adding the following subparagraph at the end:

“(h) that the contract is considered to include coverage at least equal to the coverage required by the law applicable in Québec and to satisfy the conditions set out in this Regulation.”.

4. A professional liability insurance contract made or renewed by a firm, independent representative or independent partnership must be compliant with section 29 of the

Regulation respecting firms, independent representatives and independent partnerships (chapter D-9.2, r. 2), as amended by paragraph 2 of section 3 of this Regulation, as of one of the following dates, as the case may be:

(1) the date that immediately follows the date that is 12 months after the making or renewal of the contract, in cases where the contract is made or renewed between 1 June 2023 and 30 September 2023; or

(2) 1 June 2024, in all other cases.

This Regulation comes into force on 1 June 2023.