

Note

This version contains the amendments provided for in the *Regulation to amend the Regulation respecting the issuance and renewal of representatives certificates* (2004) 136 G.O. II, 3469, which became effective on January 1, 2005.

In connection with the name change from *Agence nationale d'encadrement du secteur financier* to *Autorité des marchés financiers*, and pursuant to section 91 of *An Act to amend the Securities Act and other legislative provisions* (S.Q. 2004, c. 37), the AMF has decided to replace the word "Agency" with the word "Authority" wherever it appears for the sake of avoiding confusion.

REGULATION RESPECTING THE ISSUANCE AND RENEWAL OF REPRESENTATIVES' CERTIFICATES (no. 1)

An Act respecting the distribution of financial products and services (S.Q. 1998, c. 37, s. 200, par. 1, subpars. (1), (2), (3), (4), (5), (6), (7) and (9), s. 203, par. 1, subpars. (1), (3), (4), (5), (6))

CHAPTER I

SCOPE

1. Chapters II and III determine the sectors, the sector classes and the rules respecting the issuance of certificates for the representatives listed in section 1 of the Act respecting the distribution of financial products and services (1998, c. 37), other than securities representatives.

CHAPTER II

SECTORS AND SECTOR CLASSES

Division 1

Insurance of Persons

2. A person may be authorized pursuant to a certificate issued by the Autorité des marchés financiers to act in the sector of the insurance of persons or in a class thereof.

The class of insurance of persons authorized by the Authority is accident and health insurance.

3. A person authorized to act in the sector of the insurance of persons may pursue activities as a representative in insurance of persons.

A person authorized to act in the sector class provided for in the second paragraph of section 2 may pursue activities as a representative in accident and health insurance. Such person is restricted to offering accident or health insurance products in the sector of insurance of persons, to the exclusion of any other insurance of persons products, even if the offers are contained in a rider to an accident and health insurance contract.

Division 2

Group Insurance of Persons

4. A person may be authorized pursuant to a certificate issued by the Authority to act in the sector of group insurance of persons or in a class of that sector.

The sector classes in group insurance of persons authorized by the Authority are:

- (1) group-insurance plans; and
- (2) group-annuity plans.
- (3)

5. A person authorized to act in the sector of the group insurance of persons may pursue activities as a representative in group insurance of persons.

A person authorized to act in a sector class provided for in subparagraph 1 of the second paragraph of section 4 may pursue activities as a representative in group-insurance plans. Such person is restricted to offering products and providing consultation services pertaining to group-insurance plans in the sector of group insurance of persons.

A person authorized to act in the sector class provided for in subparagraph 2 of the second paragraph of section 4 may pursue activities as a representative in group-annuity plans. Such person is restricted to offering products and providing consultation services pertaining to group-annuity plans in the sector of group insurance of persons.

Division 3

Damage Insurance

6. A person may be authorized pursuant to a certificate issued by the Authority to act in the damage insurance sector or in a class thereof.

The sector classes in insurance of damages authorized by the Authority are:

- (1) personal-lines damage insurance; and
- (2) commercial-lines damage insurance.

7. A person authorized to act in the damage insurance sector may pursue activities as an agent or broker in damage insurance.

A person authorized to act in the sector class provided for in subparagraph 1 of the second paragraph of section 6 may pursue activities as an agent or a broker in personal-lines damage insurance. Such person is restricted, in the sector of damage insurance, to offering products and consultation services pertaining to the property and civil liability of a domestic nature of a natural person and an independent worker at his residence, as well as the ancillary conditions pertaining to such products and

services. He is also restricted to offering products and consultation services pertaining to residential buildings containing not more than six dwellings.

A person authorized to act in the sector class provided for in subparagraph 2 of the second paragraph of section 6 may pursue activities as an agent or a broker in commercial-lines damage insurance. Such person is restricted, in the sector of damage insurance, to offering commercial-lines damage insurance products and consultation services pertaining to commercial-lines damage insurance, including to independent workers, as well as the ancillary conditions pertaining to such products and services.

Division 4

Claims Adjustment

8. A person may be authorized pursuant to a certificate issued by the Authority to act in the claims adjustment sector or in a class of that sector.

The sector classes in claims adjustment authorized by the Authority are:

- (1) claims adjustment in personal-lines damage insurance;
- (2) claims adjustment in commercial-lines damage insurance;
- (3) claims adjustment in the employ of an insurer;
- (4) claims adjustment in the employ of an insurer in personal-lines damage insurance; and
- (5) claims adjustment in the employ of an insurer in commercial-lines damage insurance.

9. A person authorized to act in the claims adjustment sector may pursue activities as a claims adjuster in the claims adjustment sector.

A person authorized to act in the sector class provided for in subparagraph 1 of the second paragraph of section 8 may pursue activities as a claims adjuster in personal-lines damage insurance. The person is authorized to act in the claims adjustment sector of damage insurance pertaining to the property and civil liability of a domestic nature of a natural person and an independent worker at his residence, as well as the ancillary conditions pertaining to such insurance. He is also authorized to act in the sector of claims adjustment pertaining to residential buildings containing not more than six dwellings.

A person authorized to act in the sector class provided for in subparagraph 2 of the second paragraph of section 8 may pursue activities as a claims adjuster in commercial-lines damage insurance. The person is authorized to act in the sector of claims adjustment in commercial-lines damage insurance, including independent workers, as well as the ancillary conditions pertaining thereto.

A person authorized to act in the sector class provided for in subparagraph 3 of the second paragraph of section 8 may pursue activities as a claims adjuster in

personal-lines and commercial-lines damage insurance. The holder of such a certificate is authorized to act only on behalf of his employer.

A person authorized to act in the sector class provided for in subparagraph 4 of the second paragraph of section 8 may pursue activities as a claims adjuster in personal-lines damage insurance. The person is authorized to act in the claims adjustment sector of damage insurance pertaining to the property and civil liability of a domestic nature of a natural person and an independent worker at his residence, as well as the ancillary conditions pertaining to such insurance.

He is also authorized to act in the sector of claims adjustment pertaining to residential buildings containing not more than six dwellings. The holder of such a certificate is authorized to act only on behalf of his employer.

A person authorized to act in the sector class provided for in subparagraph 5 of the second paragraph of section 8 may pursue activities as a claims adjuster in commercial-lines damage insurance. The person is authorized to act in the claims adjustment sector of commercial-lines damage insurance including independent workers, as well as the ancillary conditions pertaining to such insurance. The holder of such a certificate is authorized to act only on behalf of his employer.

Division 5

Financial Planning

10. A person, other than a member of a professional order contemplated in section 59 of the Act, who has entered into an agreement with the Authority, may be authorized by certificate issued by the Authority to act in the financial planning sector and to use the title of financial planner.

CHAPTER III

ISSUANCE OF CERTIFICATES

Division 1

Conditions of Eligibility

11. The Authority shall issue a certificate to a candidate who satisfies the following terms and conditions:

(1) the candidate must have satisfied the minimum training requirements prescribed in Division 2, as the case may be;

(2) the candidate must have passed the examinations prescribed by the Authority in Division 4, as the case may be;

(3) the candidate must have completed the training prescribed in Division 7, where applicable;

(4) the candidate must have duly completed a request for a certificate in the form determined by the Authority;

(5) the candidate must have complied with the requirements, rules and other conditions pertaining to the issuance of the certificate prescribed in this Chapter and Chapter IV;

(6) the candidate must have satisfied the conditions of issuance prescribed in sections 219 and 220 of the Act;

(7) the candidate must have paid the fees pertaining to the issuance of a certificate determined in the Regulation respecting annual fees and other fees payable, enacted by Order-in-Council 836-99 of July 7, 1999.

Division 2

Minimum Training

§ 1. Insurance of Persons

12. The minimum training for a candidate in the sector of insurance of persons is:

(1) if the application is filed before October 1, 2002:

(a) a diploma of collegial studies or an equivalent level of education; or

(b) a high school diploma or an equivalent level of education and a minimum of four years' relevant experience in the last ten years in full-time employment in one or more of the following sectors:

- (i) financial counselling;
- (ii) the sale of financial products or services;
- (iii) representation in the area of financial services;
- (iv) management in a financial firm;
- (v) insurance; or

(c) the attestation of collegial studies in insurance of persons recognized in an agreement entered into in respect thereof between the Authority and a college-level institution; or

(d) a university-level certificate in insurance of persons recognized in an agreement entered into for that purpose between the Authority and a university.

(2) if the application is filed after October 1, 2002, the candidate shall meet one of the following requirements:

(a) a diploma of collegial studies or an equivalent level of education;

(b) an attestation of collegial studies in insurance of persons recognized in an agreement entered into for that purpose between the Authority and a college-level institution; or

(c) a university-level certificate in insurance of persons recognized in an agreement entered into for that purpose between the Authority and a university.

§ 2. Accident and Health Insurance

13. The minimum training requirement for a candidate in the sector class of accident or health insurance is a secondary school diploma.

§ 3. Group Insurance of Persons

14. The minimum training for a candidate in the sector of group insurance of persons or in a class of such sector is:

(1) a diploma of collegial studies or an equivalent level of education; or

(2) until November 1, 2003, a high school diploma or an equivalent level of education and a minimum of four years of relevant experience in the last ten years in full-time employment in one or more of the following sectors:

- (i) financial counselling;
- (ii) the sale of financial products or services;
- (iii) representation in the area of financial services;
- (iv) management in a financial firm;
- (v) insurance; or

(3) the attestation of collegial studies in group insurance of persons recognized in an agreement entered into for that purpose between the Authority and a college-level institution; or

(4) a university-level certificate in insurance of persons recognized in an agreement entered into for that purpose between the Authority and a university; and

(5) successful completion of the courses corresponding to the following qualifications recognized in an agreement entered into for that purpose between the Authority and an organization:

- (i) “preparing a group insurance proposal adapted to the needs of an organization, an enterprise or a client”; and
- (ii) “preparing a group-annuity plan proposal adapted to the needs of an organization, an enterprise or a client”; and
- (iii) “applying legal and legislative concepts in respect of group insurance of persons and the activities of a representative in the sector of group insurance of persons”; and
- (iv) “applying taxation concepts in respect of the professional practice of group insurance”.

§ 4. Damage Insurance and Claims Adjustment

15. The minimum training for a candidate in the sector of damage insurance or claims adjustment or in a class of such sectors is:

(1) a postsecondary diploma consisting of at least 450 hours of training; or

(2) until November 1, 2005, a high school diploma or an equivalent level of education and at least three years of prior full-time employment; or

(3) if the application is filed in respect of a Work-Study Learning Program:

(a) to have successfully completed the courses corresponding to the following qualifications recognized in an agreement entered into in respect thereof between the organization and the Authority:

- (i) “analyzing automobile insurance products”; and
- (ii) “analyzing household insurance products”; and

(b) to be enrolled in a 450-hour training program recognized in an agreement entered into in respect thereof between the Authority and the organization.

§5. Financial Planning

16. The minimum training for a candidate in the sector of financial planning is a diploma conferred by the Institut québécois de planification financière.

Division 3

Exemption From Minimum Training

17. A candidate wishing to be authorized by a certificate of the Authority to act in a particular sector or sector class, within three years following the surrender or non-renewal of such a certificate, is exempt from the minimum training prescribed in Division 2 of this Chapter for such sector or sector class.

Notwithstanding the first paragraph, a candidate in the sector of group insurance of persons or in a class of such sector is exempt from the application of sub-clauses (i) and (ii) in clause (e) of subparagraph (1) of section 14 only if he has passed the examination prescribed in sections 23 through 25 for the sector or sector classes contemplated by the certificate applied for or if he demonstrates that he has received an equivalent training recognized by the Authority.

The second paragraph does not apply to a candidate to whom the second paragraph of section 534 of the Act does not apply or who has already satisfied the requirements set out in section 535 of the Act.

18. A candidate wishing to be authorized by a certificate of the Authority to act in a particular sector or sector class, within five years following the surrender or non-renewal of such a certificate, is exempt from the minimum training prescribed in Division 2 of this Chapter for such sector or sector class if he has surrendered or not renewed his certificate prior to July 19, 1999. However, the candidate must have pursued activities as a representative for at least five years in the sector or sector class contemplated by the certificate applied for prior to the surrender or non-renewal of such a certificate.

Notwithstanding the first paragraph, a candidate in the sector of group insurance of persons or in a class of such sector is exempt from the application of sub-clauses (i) and (ii) in clause (e) of subparagraph (1) of section 14 only if he has passed the examination prescribed in sections 23 through 25 for the sector or sector classes contemplated by the certificate applied for or if he demonstrates that he has received an equivalent training recognized by the Authority.

The second paragraph does not apply to a candidate to whom the second paragraph of section 534 of the Act does not apply or who has already satisfied the requirements set out in section 535 of the Act.

19. A candidate who provides attestation from a competent authority to the effect that he is authorized to act as a representative in a particular sector or sector class in another province of Canada which has concluded an agreement with the Authority and who wishes to be authorized to act in a corresponding sector or sector class, by certificate from the Authority, is exempt from the minimum training requirement prescribed in Division 2 of this Chapter for such sector or sector class.

20. A person who, on July 19, 1999, performs administrative duties that are related to the activity of a representative in group insurance of persons as a full-time employee of an insurer for at least one year in full-time employment and who is a candidate in that sector or sector class is exempt, until April 1, 2000, from the minimum training requirement prescribed in Division 2 of this Chapter for such sector or sector class, upon presentation of a statement from his employer describing the activities he has pursued during such period.

20.1 A candidate in the sector or sector class of claims adjustment who, on July 18, 1999, as part of his principal activity, performed duties similar to those of a claims adjuster as an employee of an enterprise which is not an insurer and which settles some of its claims itself is, until September 30, 2001, exempted from the minimum training provided for in Division 2 of this Chapter if he has already performed the duties of a claims adjuster as an employee of an insurer in the past ten years.

20.2 A representative to whom section 126.1 applies is exempt from the minimum training provided for in the first subparagraph of section 14, save for the application of sub-clauses (i) and (ii) in clause (e).

Notwithstanding the first paragraph, a representative to whom section 126.1 applies is exempt from the application of sub-clauses (i) and (ii) in clause (e) of subparagraph (1) of section 14 if he passes the examinations prescribed in subparagraphs (2) through (4) of sections 23 through 25 or if he demonstrates that he has received an equivalent training recognized by the Authority.

20.3 A person to whom section 547 of the said Act applies is exempt from the minimum training set out in section 15 for the damage insurance sector or a class thereof.

Such a person has until December 31, 2004 to avail himself of this exemption.

20.4 A person to whom section 547 of the said Act applies is exempt from the minimum training set out in section 15 for the claims adjustment sector or a class thereof.

Such a person has until December 31, 2004 to avail himself of this exemption.

Division 4

Examinations

§ 1. Insurance of Persons

21. A candidate in the sector of insurance of persons must pass the examinations prescribed by the Authority demonstrating that he has the ability to:

(1) apply the legal concepts and legislation pertaining to insurance of persons and to the activity of a representative in the sector of the insurance of persons;

(2) apply taxation concepts to professional practice;

(3) prepare an individual life-insurance plan adapted to a client's needs, in particular on the basis of an analysis of the client's financial situation and ability to pay the premium;

(4) prepare an individual disability-insurance plan adapted to a client's needs, in particular on the basis of an analysis of the client's financial situation and ability to pay the premium;

(5) prepare an individual financial-products plan adapted to a client's needs, in particular on the basis of an analysis of the client's financial situation and ability to pay the premium;

(6) prepare a segregated-funds proposal adapted to a client's needs.

§ 2. Accident or Health Insurance

22. A candidate in the sector of accident or health insurance must pass the examinations prescribed by the Authority demonstrating that he has the ability to:

(1) apply the legal concepts and legislation pertaining to accident or health insurance to the activity of a representative in the sector of accident or health insurance;

(2) prepare an accident or health insurance plan adapted to a client's needs, in particular on the basis of an analysis of the client's financial situation and ability to pay the premium.

§ 3. Group Insurance

23. A candidate in the sector of group insurance of persons must pass the exams prescribed by the Authority demonstrating that he has the ability to:

(1) apply legal and legislative concepts pertaining to the group insurance of persons and to the activity of a representative in the sector of group insurance;

(2) apply taxation concepts to professional practice;

(3) prepare a group-insurance proposal adapted to the needs of an individual client, an organization or an enterprise;

(4) prepare a group-annuity proposal adapted to the needs of an individual client, an organization or an enterprise.

§ 4. Group-Insurance Plans

24. A candidate in the sector class of group-insurance plans must pass the examinations prescribed by the Authority demonstrating that he has the ability to:

(1) apply the legal concepts and legislation pertaining to the group insurance of persons and to the activity of a representative in group-insurance plans;

(2) apply taxation concepts to professional practice;

(3) prepare a group-insurance proposal adapted to the requirements of an individual client, an organization or an enterprise.

§ 5. Group-Annuity Plans

25. A candidate in the sector class of group-annuity plans must pass the examinations prescribed by the Authority demonstrating that he has the ability to:

(1) apply the legal concepts and legislation pertaining to the group insurance of persons and to the activity of a representative in group-annuity plans;

(2) apply taxation concepts to professional practice;

(3) prepare a group-annuity-plan proposal adapted to the needs of a client, an organization or an enterprise.

§ 6. Damage Insurance

26. A candidate in the sector of damage insurance must pass the examinations prescribed by the Authority demonstrating that he has the ability to:

(1) apply the legal concepts and legislation pertaining to damage insurance and the activity of a representative in damage insurance;

(2) analyse automobile-insurance products;

(3) analyse household-insurance products;

(4) analyse commercial-lines insurance products, in particular direct and indirect damage-insurance products for an enterprise, complementary products for an enterprise, liability-insurance products for an enterprise, and deposit products;

(5) provide customer service in personal-lines insurance and commercial-lines insurance.

§ 7. Personal-Lines Damage Insurance

27. A candidate in the sector class of personal-lines damage insurance must pass the examinations prescribed by the Authority demonstrating that he has the ability to:

(1) apply the legal concepts and legislation pertaining to damage insurance and to the activity of a representative in damage insurance;

(2) analyse automobile-insurance products;

(3) analyse household-insurance products;

(4) provide customer service in personal-lines insurance.

§ 8. Commercial-Lines Damage Insurance

28. A candidate in the sector class of commercial-lines damage insurance must pass the examinations prescribed by the Authority demonstrating that he has the ability to:

(1) apply legal and legislative concepts pertaining to damage insurance and to the activity of a representative in damage insurance;

(2) analyse commercial-lines damage insurance products, in particular direct and indirect commercial-lines damages insurance products for an enterprise, complementary products for an enterprise, liability-insurance products for an enterprise, and deposit products;

(3) provide customer service in commercial-lines insurance;

(4) analyse automobile-insurance products.

§ 9. Claims Adjustment and Claims Adjustment in the Employ of an Insurer

29. A candidate in the sector of claims adjustment or the sector class of claims adjustment in the employ of an insurer must pass the examinations prescribed by the Authority demonstrating that he has the ability to:

(1) apply the legal concepts and legislation pertaining to damage insurance and to the activity of claims adjustment;

(2) analyse automobile-insurance products;

(3) analyse household-insurance products;

(4) analyse commercial-lines damage insurance products, in particular direct and indirect commercial-lines damages insurance products for an enterprise, complementary products for an enterprise, liability-insurance products for an enterprise and deposit products;

(5) settle claims in personal-lines insurance and commercial-lines insurance.

§10. Claims Adjustment for Personal-Lines Damage Insurance and Claims Adjustment in the Employ of an Insurer in Personal-Lines Damage Insurance

30. A candidate in the sector class of claims adjustment in personal-lines damage insurance or the sector class of claims adjustment in the employ of an insurer in personal-lines damage insurance must pass the examinations prescribed by the Authority demonstrating that he has the ability to:

(1) apply legal and legislative concepts pertaining to damage insurance and to the activity of claims adjustment;

(2) analyse automobile-insurance products;

(3) analyse household-insurance products; and

(4) settle claims in personal-lines insurance.

§11. Claims Adjustment for Commercial-Lines Damage Insurance and Claims Adjustment in the employ of an Insurer in Commercial-Lines Damage Insurance

31. A candidate in the sector class of claims adjustment in commercial-lines damage insurance or the sector class of claims adjustment in the employ of an insurer in commercial-lines damage insurance must pass the examinations of the Authority demonstrating that he has the ability to:

(1) apply legal and legislative concepts pertaining to damage insurance and to the activity of a claims adjuster;

(2) analyse automobile-insurance products;

(3) analyse commercial-lines insurance products, in particular direct and indirect commercial-lines damages insurance products for an enterprise, complementary products for an enterprise, liability-insurance products for an enterprise and deposit products;

(4) settle claims in commercial-lines insurance.

Division 5

Exemption from Examinations

32. A candidate who wishes to be authorized pursuant to a certificate issued by the Authority to pursue activities as a representative in a particular sector or sector class and who is already authorized pursuant to a certificate issued by the Authority to act in another sector or sector class is exempt from resitting the examinations which he has already passed.

33. Until October 1, 2002, a candidate who received, within the last five years, one of the following diplomas or attestations:

(1) a diploma of collegial studies in business administration with a concentration in damage insurance issued by the Ministère de l'Éducation du Québec or by a college-level institution which is recognized in an agreement entered into for that purpose between the Authority and the institution;

(2) an attestation of collegial studies in damage insurance issued by the Ministère de l'Éducation du Québec or by a college-level educational institution; or

(3) a bachelor's degree in administration with a concentration in damage insurance; or

(4) a certificate in damage insurance from a Quebec university; or

(5) an attestation establishing that he has passed examinations entitling him to use the title of chartered insurance broker of the Association des courtiers en assurance de la province de Québec or the Chambre de l'assurance de dommages; or

(6) an attestation establishing that he has passed the examinations of the associateship or chartered insurance professional program of The Institut d'assurance du Canada; who wishes to be authorized pursuant to a certificate issued by the Authority to act in any sector or sector class of damage insurance or claims adjustment is exempt from the examinations prescribed in sections 26 to 31 of Division 4 of this Chapter.

However, he is not exempt from the examinations covering the legal concepts and legislation applicable to damage insurance or claims adjustment and the activity of a representative in damage insurance or the activity of a claims adjuster, as the case may be.

Notwithstanding subparagraphs (1) and (2), a candidate who, before March 1, 2002, has elected to participate in the accredited-studies training program provided for in an agreement entered into between the college-level institution and the Authority, and who wishes to be authorized pursuant to a certificate issued by the Authority to act in the sector or sector class in respect of which the training has been completed may not benefit from the exemption provided for in the first paragraph for a period of 24 months following the end of the last training period.

34. A candidate in the sector of insurance of persons is exempt from the application of subparagraph 6 of section 21 of Division 4 of this Chapter if he has taken and passed one of the courses recognized for that purpose by the Authority.

35. A candidate wishing to be authorized by a certificate of the Authority to act in a particular sector or sector class in the year following the surrender or non-renewal of such certificate is exempt from the examinations prescribed in Division 4 of this Chapter save where he wishes to avail himself of the exemption provided for in the second paragraph of section 17 hereof.

36. A candidate wishing to be authorized by a certificate of the Authority to act in a particular sector or sector class within three years following the surrender or non-renewal of such a certificate is exempt from the examinations prescribed in Division 4 of this Chapter if he has acted as a representative for at least one year in the sector or sector class contemplated prior to the surrender or non-renewal of such a certificate save where he wishes to avail himself of the exemption provided for in the second paragraph of section 17 hereof.

However, he is not exempt from the examinations covering the concepts of law and legislation applicable to the sector or sector class contemplated by the certificate applied for.

37. A candidate wishing to be authorized by certificate of the Authority to act in a particular sector or sector class within five years following the surrender or non-renewal of such a certificate is exempt from the examinations prescribed in Division 4 of this Chapter, if he surrendered his certificate before July 19, 1999 save where he wishes to avail himself of the exemption provided for in the second paragraph of section 18 hereof. However, the candidate must have acted as a representative for at least five years in the sector contemplated by the certificate prior to the surrender or non-renewal of such a certificate.

However, a candidate in the sector of insurance of persons or group insurance of persons or in a class of that sector is not exempt from examination covering the legal concepts and legislation applicable to the sector or sector class contemplated by the certificate applied for.

38. A candidate who furnishes an attestation from a competent authority that he is authorized to act as a representative in a sector or sector class for at least five years in another province of Canada that entered into an agreement with the Authority and who wishes to be authorized to act in a corresponding sector or sector class, by certificate of the Authority, is exempt from the examinations prescribed in section 21 to 29, except the examinations covering the concepts of law and the legislation applicable to the sector or sector class contemplated by the certificate applied for.

39. A person who, on July 19, 1999, performs administrative duties related to the activity of a representative in group insurance of persons as a full-time employee with an insurer for at least one year and who is a candidate, pursuant to a certificate of the Authority, in a sector or sector class is exempt, until April 1, 2000, from the examinations prescribed in Division 4 of this Chapter for such sector or sector class, upon presentation of a statement from his employer describing the activities he has pursued during such period.

However, the person is not exempt from the examinations covering the legal concepts and legislation applicable to the sector or sector class contemplated by the certificate applied for.

39.1 A candidate in the sector or sector class of claims adjustment who, on July 18, 1999, as part of his principal activity, performed duties similar to those of a claims adjuster as an employee of an enterprise which is not an insurer and which settles some of its claims itself is, until September 30, 2001, exempted from the examinations provided for in Division 4 of this Chapter if he has already performed the duties of a claims adjuster as an employee of an insurer in the past ten years and if one of the following conditions is met:

(1) he holds a bachelor's degree in administration with a concentration in insurance, a diploma of collegial studies in business administration with a concentration in insurance, an attestation of collegial studies in damage insurance or an attestation establishing that he has passed the examinations of the associateship program (A.I.I.C.) of The Institut d'assurance du Canada; or

(2) he has performed the duties of a claims adjuster as an employee of an insurer for at least one year in the past ten years.

39.2 A representative to whom section 126.1 applies is exempt from the examinations prescribed in sections 23 through 25 for the sector or class of sector contemplated by the certificate applied for, save where he wishes to avail himself of the exemption provided for in the second paragraph of section 20.2 hereof.

39.3 A person to whom section 547 of the said Act applies who wishes to be authorized by certificate of the Authority to act in the damage insurance sector or in a class thereof is exempt from the examinations prescribed in sections 26, 27 and 28, in accordance with the declaration provided under section 94.3.

Such a person has until December 31, 2004 to avail himself of this exemption."

39.4 A person to whom section 547 of the said Act applies who wishes to be authorized by certificate of the Authority to act in the claims adjustment sector or in a class thereof is exempt from the examinations prescribed in sections 29, 30 and 31, in accordance with the declaration provided under section 94.4.

Such a person has until December 31, 2004 to avail himself of this exemption.

Division 6

Administration of Examinations

S 1. Application for Registration

40. In order to register for the examinations held by the Authority, a candidate must forward the following documents and information to the Authority:

(1) his surname and given name;

(2) his birth certificate or a copy of his passport or Canadian citizenship card, certified as true by the authority which issued the original;

(3) an individual photograph measuring no less than 5 cm by 5 cm, dating back no more than one year and signed on the back by the candidate;

(4) the language of correspondence of his choice, either French or English;

(5) the language in which he wishes to take the examinations prescribed by the Authority, either French or English;

(6) his residential address and his mailing address, the telephone number at each as well as his facsimile number and electronic mail address, if any;

(7) the original of his diplomas or attestations or a certified copy, issued by the teaching establishment, of his last transcript or his diplomas or attestations;

(8) if applicable, an attestation of the Authority to the effect that he has acquired at least four years of relevant experience in the last ten years in full-time employment in one or more of the sectors referred to in clause (b) of the subparagraph (1) of section 12, in clause (b) of the subparagraph (1) of section 15 and in clause (d) of the subparagraph (2) of section 15.

(9) if applicable, an attestation from the competent authority demonstrating that the candidate is authorized to act as a representative in another province of Canada which has concluded an agreement with the Authority;

(10) payment of the fees payable, as prescribed in the Regulation respecting annual fees and other fees payable.

§ 2. Passing Grade

41. To receive a passing grade in an examination provided for in Division 4 of this Chapter, a candidate must score at least 60% in each prescribed examination.

42. The Authority shall forward the examination results to the candidate by mail.

43. A candidate who fails the initial examination is entitled to sit for a supplemental examination, which must take place within three months of the said examination.

A candidate who fails to report for this supplemental examination within the prescribed three-month time limit is considered to have failed.

44. A candidate who fails a supplemental examination may reapply to register for the examination only after waiting for a period of three months from the date of the supplemental examination or the expiry of the three-month period prescribed in section 43, if he did not report for the examination.

45. A candidate who fails a supplemental examination a second time must, before reporting again for an supplemental examination, have followed and passed the course or courses corresponding to the qualification evaluated in the failed examination of one of the programs recognized by the Authority.

A candidate who fails a third supplemental examination is entitled to sit for a supplemental examination, which must take place within three months of the said examination.

A candidate who fails to report for the fourth supplemental examination within the prescribed three-month time limit is considered to have failed.

A candidate who fails the fourth supplemental examination must wait for a period of three years as of the date of the previous supplemental examination before presenting a new application for registration for an initial examination.

46. At the candidate's request, and upon payment of the fees prescribed in the Regulation respecting annual fees and other fees payable, the Authority must reread the examination paper of the candidate and notify him by mail of the result.

47. Such request for a reread must be addressed to and received by the Authority no later than the 30th day following the date on which the candidate reported for the examination for which a review is requested.

48. A request for review may be received after the time limit prescribed in section 47 if the candidate demonstrates that it was impossible for him to act within the period prescribed.

Division 7

Training

§ 1. Attestation of Training

49. To obtain an attestation of training in a particular sector or sector class, a candidate who is not participating in an accredited-studies training program provided for in an agreement entered into between a college-level institution and the Authority or who is not participating in a Work-Study Learning Program, must have passed each of the examinations prescribed by the Authority for the sector or sector class, within the eighteen months preceding his request for an attestation of training.

49.1 To obtain an attestation of training in a particular sector or sector class, a candidate who, before March 1, 2002, has elected to participate in the accredited-studies training program provided for in an agreement entered into between a college-level institution and the Authority shall observe the prerequisites set out in the agreement and fill out the forms provided to that effect by the Authority.

49.2 To obtain the initial attestation of training, which is called an attestation of clerkship, a candidate participating in a Work-Study Learning Program, must:

(1) be employed with a firm, an independent representative or an independent partnership registered with the Authority; and

(2) satisfy the minimum training requirements prescribed in subparagraph 3 of section 15; and

(3) pass the examinations prescribed by the Authority and provided for in subparagraphs 2 and 3 of section 27 or in subparagraphs 2 and 3 of section 30, as the case may be; and

(4) fill out the forms provided to that effect by the Authority.

49.3 To obtain a second attestation of training, a candidate participating in a Work-Study Learning Program must, before expiry of the initial attestation, apply for the second attestation of training and must:

(1) be employed with a firm, an independent representative or an independent partnership registered with the Authority; and

(2) have successfully completed the courses corresponding to the following qualifications recognized in an agreement in respect thereof entered into between the Authority and the organization:

(a) "applying legal and legislative concepts pertaining to damage insurance and to the activity of a representative in damage insurance"; or

(b) "applying legal and legislative concepts pertaining to damage insurance and to the activity of a claims adjuster"; and

(3) have received a passing grade in the examinations prescribed by the Authority and provided for in subparagraph 1 of section 27 or subparagraph 1 of section 30 as the case may be; and

(4) provide a sworn statement, in accordance with the form prescribed by the Authority, by the representative under whose supervision and responsibility he did his training, attesting that he completed the training satisfactorily; and

(5) fill out the forms provided to that effect by the Authority.

49.4 To obtain a third attestation of training, a candidate participating in a Work-Study Learning Program must, before expiry of the second attestation, apply for the third attestation of training and must:

(1) be employed with a firm, an independent representative or an independent partnership registered with the Authority; and

(2) have successfully completed the courses corresponding to the following qualifications recognized in an agreement in respect thereof entered into between the Authority and the organization:

(a) "provide customer service in personal-lines insurance"; or

(b) "settle claims in personal-lines insurance"; and

(3) have received a passing grade in the examinations prescribed by the Authority and provided for in subparagraph 4 of section 27 or in subparagraph 4 of section 30, as the case may be; and

(4) fill out the forms provided to that effect by the Authority.

50. A request for a training attestation may be accepted after the time limit prescribed in section 49 if the candidate demonstrates that he was unable to act within the time limit.

51. A candidate must forward the following information and documents to the Authority:

(1) a signed statement attesting that he intends to complete training in one of the sectors or sector classes prescribed in Chapter II;

(2) the surname and given name and certificate number of his training supervisor;

(3) if applicable, the name and registration number of the firm, independent representative or independent partnership on behalf of whom the candidate intends to pursue activities;

(4) if applicable, an official copy of the diploma in financial planning that he was awarded by the Institut québécois de planification financière.

(5) if applicable, any other required document provided for in an agreement entered into between a college-level institution and the Authority.

52. Upon receipt of the fees prescribed in the Regulation respecting annual fees and other fees payable, the Authority shall issue an attestation to the candidate to confirming his status as a trainee.

53. Such attestation must mention:

(1) the surname and given name of the trainee;

(2) the surname and given name of the trainee's training supervisor;

(3) as the case may be, the name of the firm, independent representative or independent partnership on behalf of which the trainee is pursuing activities;

(4) the sector or sector class in which the training is given; and

(5) the termination date of the training period.

54. Whenever the Authority refuses to confirm eligibility for training, it must so notify the candidate in writing, specifying the reasons for the refusal.

§ 2. Terms and Conditions of Training

55. Throughout the training period, a trainee must comply with the conditions of issuance of a certificate prescribed in section 94 and in the first paragraph of section 97.

56. If, during a training period, a change in circumstances occurs affecting the accuracy of the information and documents provided, the trainee must notify the Authority thereof within ten days.

§ 3. Duration of Training

57. A training period in the sectors of insurance of persons, group insurance, damage insurance or claims adjustment, must last 90 days and be conducted without interruption under the supervision of the same training supervisor or another natural person who has equivalent qualifications and is required to replace the training supervisor in the event of discontinuation or vacation not exceeding 20 consecutive days.

58. A training period in the sector classes of group insurance, damage insurance or claims adjustment must last 45 days and be conducted without interruption under the supervision of the same training supervisor or another natural person who has equivalent qualifications and is required to replace the training supervisor in the event of discontinuation or vacation not exceeding 10 consecutive days.

In respect of a Work-Study Learning Program, the first paragraph is applicable for the first 45 days of the initial attestation of training with a minimum of 20 hours per seven calendar days.

If the training period provided for by the college training program of the educational institution attended which entered into an agreement with the Authority lasts longer than the duration provided for in the first paragraph, the Authority may issue a new attestation of training for the same sector class. However, the candidate may only request a maximum of three attestations of training for the same sector class.

Each attestation of training issued in respect of a Work-Study Learning Program shall be for a duration not exceeding one year and the total duration of said attestations may not exceed 36 consecutive months except in the case of supervening force, pursuant to section 64 or by the application of the second paragraph of section 94.2.

A candidate who does not meet the conditions of the third paragraph may not obtain a new attestation of training or a representative's certificate in respect of a Work-Study Learning Program.

59. A training period, in the sector of financial planning must last a minimum of 30 days and a maximum of 90 days. It must be conducted without interruption under the supervision of the same training supervisor or another natural person who has the same qualifications and is required to replace the training supervisor in the event of discontinuation or vacation not exceeding 15 consecutive days.

60. Discontinuation within the meaning of sections 57 to 59 means that the training supervisor ceases to pursue activities on behalf of the firm or independent partnership on behalf of which the trainee pursues activities or is no longer able to act as a training supervisor.

61. Training may only be interrupted by the training supervisor for a period not exceeding 20 consecutive days, for a 90-day training period, or for a period not exceeding 10 consecutive days, for a 45-day training period.

In respect of a Work-Study Learning Program, the first paragraph is applicable solely for the first 45 days of the initial attestation of training.

62. A training period is interrupted, in particular, if the trainee ceases to be under the supervision of a training supervisor.

63. If there is a change in training supervisor other than by reason of vacation or discontinuation, a new training session, the duration of which is prescribed in sections 57 to 59, begins as of the date on which the Authority receives written notice of such change.

Upon receipt of the fees prescribed in the Regulation respecting annual fees and other fees payable, the Authority will issue a new attestation of training.

§ 4. Extension of Attestation of Training

64. In the event of supervening force or disability of the trainee, the duration of a training attestation may be extended for the period required by the trainee to complete his training.

65. The request for extension must be submitted to the Authority prior to the expiry of the training attestation, together with the documents attesting to the disability and its duration or showing that it is impossible for the trainee to continue with the training.

The request for extension may be submitted to the Authority after expiry of the training attestation if, for a reason beyond his control, it was impossible for the trainee to do so within the prescribed time limit.

In all cases, the request must be submitted on the form provided for that purpose and accompanied by the fees prescribed in the Regulation respecting annual fees and other fees payable.

§ 5. Termination of Training Period

66. A training period terminates upon the expiry of the duration provided therefor or as a result of non-compliance with any of the conditions stipulated in this Chapter.

Division 8

Exemptions from Training

67. A candidate wishing to be authorized by a certificate of the Authority to act in the sector class of claims adjustment in the employ of an insurer or claims adjustment in the employ of an insurer in personal-lines damage insurance or claims adjustment in the employ of an insurer in commercial-lines damage insurance is exempt from the training requirement prescribed in Division 7 of this Chapter.

The first paragraph does not apply to a candidate who, before March 1, 2002, has elected to participate in an accredited-studies training program provided for by an agreement entered into between a college-level institution and the Authority or to a candidate participating in a Work-Study Learning Program.

68. A candidate wishing to be authorized by a certificate of the Authority to act in the sector class of claims adjustment is exempt from the training requirement prescribed in Division 7 of this Chapter if he pursued activities as a claims adjuster in the employ of an insurer for at least 90 days.

A candidate wishing to be authorized by a certificate of the Authority to act in the sector class of claims adjustment in personal-lines damage insurance is exempt from the training requirement prescribed in Division 7 of this Chapter if he pursued activities as a claims adjuster in the employ of an insurer in personal-lines damage insurance for at least 45 days.

A candidate wishing to be authorized by a certificate of the Authority to act in the sector class of claims adjustment in commercial-lines damage insurance is exempt from the training requirement prescribed in Division 7 of this Chapter if he pursued activities as a claims adjuster in the employ of an insurer in commercial-lines damage insurance for at least 45 days.

68.1 A candidate to whom section 20.1 applies and who wishes to be authorized by a certificate of the Authority to act in the sector of claims adjustment is exempt from the training requirement prescribed in Division 7 of this Chapter if he performed duties similar to those of a claims adjuster for at least 90 days as an employee of an enterprise which is not an insurer and which settles some of its claims itself.

A candidate wishing to be authorized by a certificate of the Authority to act in the sector of claims adjustment in personal-lines damage insurance is exempt from the training requirement prescribed in Division 7 of this Chapter if he performed duties similar to those of a claims adjuster for at least 45 days as an employee of an enterprise which is not an insurer and which settles some of its claims itself.

A candidate wishing to be authorized by a certificate of the Authority to act in a sector of claims adjustment in commercial-lines damage insurance is exempt from the training requirement prescribed in Division 7 of this Chapter if he has performed duties similar to those of a claims adjuster for at least 45 days as an employee of an enterprise which is not an insurer and which settles some of its claims itself.

69. A candidate wishing to be authorized by a certificate of the Authority to act in a particular sector or sector class in the year following the surrender or non-renewal of such certificate is exempt from the training requirement provided for in Division 7 of this Chapter in respect of such sector or sector class.

70. A candidate wishing to be authorized by a certificate of the Authority to act in a particular sector or sector class within three years following the surrender or non-renewal of such a certificate is exempt from the training requirement provided for in Division 7 of this Chapter. However, the candidate must have acted for at least one year prior to the surrender or non-renewal of such certificate as a representative in the same sector or sector class as that contemplated by the certificate applied for.

71. A candidate wishing to be authorized by a certificate of the Authority to act in a particular sector or sector class within five years following the surrender or non-renewal of such a certificate is exempt from the training requirement provided for in Division 7 of this Chapter if he has surrendered or not renewed his certificate prior to July 19, 1999. However, the candidate must have acted for at least five years as a representative in the same sector or sector class as that contemplated by the certificate applied for prior to the surrender or non-renewal of such certificate.

72. A candidate who is authorized to act as a representative in a sector or sector class for at least five years in another province of Canada that has entered into an agreement with the Authority and who wishes to be authorized to act, by a certificate of the Authority, as a representative in a corresponding sector or sector class is exempt from the training requirement in Division 7 of this Chapter if he passes the examination pertaining to the legal concepts and legislation applicable to such sector or sector class.

73. A candidate who is authorized to act as a representative in a sector or sector class for at least one year but less than five years in another province of Canada that has entered into an agreement with the Authority, and who wishes to be authorized to act, by a certificate of the Authority, in a corresponding sector or sector class is exempt from the training requirement provided for in Division 7 of this Chapter if he passes the examination prescribed by the Authority in Division 4 of this Chapter for such sector or sector class.

74. A person who, on July 19, 1999, performed administrative duties related to the activity of a representative in group insurance of persons as a full-time employee with an insurer for at least one year and who is a candidate, pursuant to a certificate of the Authority, in that sector or sector class is exempt, until April 1, 2000 from the training requirement prescribed in Division 7 of this Chapter for such sector or sector class upon presentation of a statement from his employer describing the activities that he pursued during that period.

74.1 A person to whom section 547 of the said Act applies is exempt from the training requirement prescribed in Division 7 of this Chapter.

Such a person has until December 31, 2004 to avail himself of this exemption.

74.2 A representative to whom section 126.1 applies is exempt from the training requirement prescribed in Division 7 of this Chapter.

Division 9

Training Supervisor

§ 1. Qualifications Required

75. A training supervisor is a representative authorized to practice his activities as at the date of the trainee's application and the holder of a certificate for at least 36 of the last 48 months in the same sector or in a sector encompassing the sector class in which the trainee wishes to work.

76. A candidate contemplated in the first and second paragraphs of section 540 of the Act may act as a training supervisor if the insurer employing him attests that, as part of his principal activities as an employee of the insurer, he performed the duties of a claims adjuster for at least three years.

77. A representative wishing to act as a training supervisor must register as such with the Authority on a form provided for that purpose and:

(1) during the five years preceding the trainee's application, never have been suspended, excluded or removed by an executory judgement rendered by a discipline committee provided for in the Act or by a discipline committee established under the Act respecting market intermediaries (R.S.Q., c. I-15.1);

(2) during the five years preceding the trainee's application, never have been removed or excluded by a discipline committee of a professional order;

(3) comply with the conditions of practice prescribed in the Regulation respecting the pursuit of activities as a representative, enacted by Order-in-Council 830-99 of July 7, 1999.

§ 2. Obligations

78. A training supervisor shall not at any time have more than five trainees under his responsibility and supervision.

79. In addition to the obligations imposed on him by sections 80 to 82, the training supervisor must communicate with each of the trainees under his responsibility at least once per week and he must check the files on which they have worked.

80. Where, in the sector class of personal-lines damage insurance and in the damage insurance sector, a trainee has sold products or rendered services related to personal-lines damage insurance, the training supervisor must, within the next business day, review in writing or by any other means attesting thereto, the products sold or the services rendered by the trainee and must assess their conformity to standard.

The first paragraph applies in respect of a Work-Study Learning Program for the first 45 days of the initial attestation of training.

81. Where, in the sector or sector class of insurance of persons, group insurance of persons, commercial-lines insurance or in the sector of damage insurance, a trainee has offered products and services related to commercial-lines damage insurance, the training supervisor must approve the products and services before a trainee recommends them to the client.

82. In the financial-planning sector, a training supervisor must validate and countersign the two financial-planning reports mentioned in section 87 prepared by the trainee, before they are forwarded to the client.

83. A training supervisor must inform the Authority within ten days of the abandonment or interruption of a training period by a trainee.

84. A training supervisor who ceases to be a training supervisor must file a report on the form provided by the Authority, indicating specifically whether or not the training period for which he was a training supervisor proceeded satisfactorily.

Division 10

Acts That May be Performed by a Trainee

85. The acts that may be performed by a trainee must respect the rules which govern the activities of representatives.

86. Notwithstanding section 12 of the *Act respecting the distribution of financial products and services*, a trainee may, in the sector or sector class of insurance of persons, or the sector or sector class of group insurance of persons, under the supervision and responsibility of his training supervisor and the firm or independent partnership on behalf of which he is acting, as the case may be, gather information, conduct needs analyses and recommend to his training supervisor the products or services that may be appropriate to the client's needs, and if they have been approved by his training supervisor, recommend them to the client.

The proposals and other forms filled out by the trainee, specifically the notices for purposes of replacement, must be countersigned by his training supervisor.

87. Notwithstanding section 12 of the Act, the training period in the sector of financial planning consists of the preparation of two planning reports under the supervision and responsibility of the training supervisor and the firm or independent partnership on behalf of which he is acting. The two reports must cover the following seven areas: finance, taxation, legal aspects, retirement, estate planning, investments and insurance.

88. Notwithstanding section 12 of the Act, a trainee may, in the sector class of personal-lines damage insurance or in the sector of damage insurance, where he offers products and services pertaining to personal-lines damage insurance, gather information and recommend and sell to the client the product or products, coverages or guarantees appropriate to his needs.

The trainee is regarded as acting under the responsibility of the firm or independent partnership on behalf of which he is acting, as the case may be, and under the supervision of his training supervisor .

89. Notwithstanding section 12 of the Act, a trainee may, in the sector class of commercial-lines damage insurance or in the sector of damage insurance, where he offers products and services pertaining to commercial-lines damage insurance under the supervision and responsibility of his training supervisor and the firm or independent partnership on behalf of which he is acting, as the case may be, gather information and suggest to his training supervisor the product or products, coverage or benefits that may be appropriate to a client's needs, and if they have been approved by his training supervisor, recommend and sell them to the client.

90. Notwithstanding section 12 of the Act, a trainee may, in the sector or in a sector class of claims adjustment, under the supervision and responsibility of his training supervisor and the firm or independent partnership on behalf of which he is acting, gather information and assist his training supervisor in the investigation of a claim, the assessment of damage or the negotiation of a settlement.

The first paragraph applies in respect of a Work-Study Learning Program for the first 45 days of the initial attestation of training.

90.1 Notwithstanding section 12 of the Act, a trainee who participates in a Work-Study Learning Program may, in the sector class of claims adjustment in personal-lines damage insurance, under the supervision and responsibility of his training supervisor and the firm or independent partnership on behalf of which he is acting, as of the 46th day, gather information, investigate a claim, assess damages or negotiate a settlement.

Division 11

Title and Representations

91. A trainee must, at all times, present himself publicly as a trainee.

92. Upon first meeting a client, the trainee must give the client a written document, such as a business card, which indicates the following:

- (1) his surname and given name;
- (2) his business address, business telephone number, electronic mail address, if any, and his facsimile number;
- (3) his title as trainee;
- (4) the sectors or sector classes in which he is authorized to act;
- (5) the name of the firm, independent partnership, or independent representative on whose behalf he pursues activities.

93. Where the trainee does not meet a client personally, he must verbally disclose the items prescribed in subparagraphs (1), and (3) to (5) of section 92.

Upon request by the client, the trainee must give the client the document referred to in section 92 when he first sends any other documents.

Division 12

Other Conditions of Issuance

94. To obtain a representative's certificate, a candidate must apply to the Authority no later than 30 days following the end of his training or within 18 months following the passing of his examinations if he is exempt from training, and he must satisfy the following conditions:

(1) have repaid any amount in principal, interest and costs that he was ordered to pay by final judgement by reason of his liability for one of the reasons referred to in section 175 of the Act respecting market intermediaries, and have repaid any amounts that were disbursed by a compensation fund and that the Fonds d'indemnisation des services financiers may recover, as a successor, by subrogation pursuant to section 178 or such Act;

(2) have repaid any amount in principal, interest and costs that he was ordered to pay by final judgement by reason of his liability for one of the reasons referred to in the first paragraph of section 274 of the Act respecting the distribution of financial products and services, and have repaid any amounts, as the case may be disbursed by the Fonds d'indemnisation des services financiers that the Fonds may recover, as a successor in title, by subrogation pursuant to section 277 of the Act;

(3) not be in default of paying any outstanding fines and costs that may have been imposed on him by the discipline committee of any of the following bodies: the Association des courtiers en assurance de la province de Québec, the Association des intermédiaires en assurance de personnes du Québec, the Conseil des assurances de dommages, the Chambre de la sécurité financière, the Chambre de l'assurance de dommages, the Association des courtiers et agents immobiliers du Québec, a professional order or professional association or by the Court of Québec, sitting in appeal from a decision of any such committee, or by the Commission des valeurs mobilières, as well as accrued interest at the rate established in accordance with section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), as the case may be;

(4) not be under a suspension imposed by the Conseil des assurances de personnes, the Conseil des assurances de dommages, the discipline committee of the Association des courtiers en assurance de la province de Québec, the discipline committee of the Association des intermédiaires en assurance de personnes du Québec or the discipline committee of the Conseil des assurances de dommages, as the case may be;

(5) not be under an exclusion order of the discipline committee of the Association des courtiers en assurance de la province de Québec, the discipline committee of the Association des intermédiaires en assurance de personnes du Québec or the discipline committee of the Conseil des assurances de dommages, the discipline committee of the Association des courtiers et agents immobiliers du Québec, or by the Commission des valeurs mobilières, as the case may be;

(6) not be in default of paying any fine related to the commission of an offence under the Act respecting the distribution of financial products and services, the Act respecting market intermediaries, the Securities Act (R.S.Q., c. V-1.1) or the Real Estate Brokerage Act, (R.S.Q., c. C-73.1);

(7) not be in default of paying the fees and annual fees payable prescribed by the Regulation respecting certain fees and annual fees payable.

(8) not be in default of paying any fees payable to the Fonds d'indemnisation des services financiers.

94.1 To obtain a representatives' certificate, a candidate who, before March 1, 2002, has elected to participate in an accredited-studies training program prescribed by an agreement entered into between a college-level institution and the Authority must, in addition to observing the other conditions of issuance, make an application to that effect to the Authority no later than 30 days following the passing of his examination within 17 months following the end of the last training period completed.

94.2 To obtain a representative's certificate, a candidate who has participated in a Work-Study Learning Program must, in addition to observing the other conditions of issuance, make an application to that effect to the Authority at least 50 days before the expiry of the third attestation of training, and must:

(1) be employed with a firm, an independent representative or an independent partnership registered with the Authority; and

(2) have successfully completed a 450-hour training program recognized in an agreement in respect thereof entered into between the Authority and the organization.

A candidate who does not satisfy the requirements of the first paragraph must obtain a new attestation of training and complete it within the period prescribed in the first paragraph of section 58.

94.3 To obtain a representative's certificate in the damage insurance sector or one of the classes thereof, a person to whom section 547 of the said Act applies must, in addition to observing the other conditions of issuance, declare he is working or has worked over the last twelve months in the personal-lines damage insurance sector class, in the commercial-lines damage insurance sector class, or in both.

He must also declare that he specifically and definitively waives his right acquired under section 547 of the said Act.

The firm for which he is working or has worked must attest that he is working or has worked over the last twelve months in the personal-lines damage insurance sector class, in the commercial-lines damage insurance sector class, or in both.

94.4 To obtain a representative's certificate in the claims adjustment sector or one of the classes thereof, a person to whom section 547 of the said Act applies must, in addition to observing the other conditions of issuance, declare he is settling or has settled claims in the personal-lines damage insurance sector class, in the commercial-lines damage insurance sector class, or in both.

He must also declare that he specifically and definitively waives his right acquired under section 547 of the said Act.

The firm for which he is working or has worked must attest that he is settling or has settled claims in the personal-lines damage insurance sector class, in the commercial-lines damage insurance sector class, or in both.

95. An application for a certificate may be accepted after the time limit prescribed in section 94 if a candidate demonstrates that it was impossible for him to act within such time limit.

96. In addition, a candidate shall forward the following documents and information to the Authority:

- (1) his surname and given name;
- (2) his residential address;
- (3) the language of correspondence of his choice, either French or English;
- (4) his business address and the telephone number thereat as well as his facsimile number and electronic mail address, if applicable;
- (5) his mailing address; and
- (6) if applicable, the names and registration numbers of the firms or independent partnerships, of behalf of which he intends to pursue his activities.

97. A candidate must also provide the following documents:

- (1) a signed statement indicating whether or not he is in any of the situations referred to in section 219 of the Act respecting the distribution of financial products and services;
- (2) a signed statement indicating whether or not his right to practice is subject to any conditions or restrictions issued by the discipline committee of any of the following bodies: the Association des intermédiaires en assurances de personnes du Québec, the Association des courtiers en assurance de la province de Québec, the Association des courtiers et agents immobiliers du Québec, the Conseil des assurance de dommages, or by the Commission des valeurs mobilières,

(3) a signed statement attesting that he will be acting as an agent or broker in damage insurance, a claims adjuster, a representative in insurance of persons, a representative in group insurance, or a financial planner, according to the activities he intends to pursue, and specifying the sector class or classes in which he is authorized to pursue activities;

(4) where the candidate intends to act for a firm without being an employee, a copy of the insurance contract showing that he is covered by liability insurance in accordance with the requirements of Division VI of the Regulation respecting the pursuit of activities as a representative, enacted by Order-in Council 830-99 of July 7, 1999.

98. A candidate must also forward the following documents and information to the Authority:

(1) if he has not already provided them, the original of his diplomas or attestations or a certified copy, issued by the teaching establishment, of his last transcript or his diplomas or attestations, if he has not already provided them;

(2) unless he is exempt under Division 8 of this Chapter, a sworn statement, in accordance with the form prescribed by the Authority, by the representative under whose supervision and responsibility he did his training, attesting that he completed the training satisfactorily.

(3) if he has not already provided them, his birth certificate or a copy of his passport or his Canadian citizenship card, certified as true by the authority that issued the original.

Division 13

Titles and Abbreviations

§ 1. Insurance of Persons

99. A holder of a certificate authorizing him to pursue activities as a representative in insurance of persons uses the title of "Financial security advisor".

100. A holder of a certificate authorizing him to pursue activities as a representative in accident and health insurance uses the title of "Representative in accident and health insurance".

§ 2. Group Insurance of Persons

101. A holder of a certificate authorizing him to pursue activities as a representative in group insurance of persons uses the title of "Advisor in group-insurance and group-annuity plans".

102. A holder of a certificate authorizing him to pursue activities as a representative in group-insurance plans uses the title of "Advisor in group-insurance plans".

103. A holder of a certificate authorizing him to pursue activities as a representative in group-annuity plans uses the title of "Advisor in group-annuity plans".

§ 3. Damage Insurance

104. A holder of a certificate authorizing him to pursue activities as a damage insurance agent uses the title of "Damage insurance agent".

105. A holder of a certificate authorizing him to pursue activities as a personal-lines damage insurance agent uses the title of "Personal-lines damage insurance agent".

106. A holder of a certificate authorizing him to pursue activities as a commercial-lines insurance agent uses the title of "Commercial-lines damage insurance agent".

107. A holder of a certificate authorizing him to pursue activities as a broker in damage insurance uses the title of "Damage insurance broker".

108. A holder of a certificate authorizing him to pursue activities as a personal-lines damage-insurance broker shall use the title of "Personal-lines damage-insurance broker".

109. A holder of a certificate authorizing him to pursue activities as a commercial-lines damage-insurance broker uses the title of "Commercial-lines damage-insurance broker".

§ 4. Claims Adjustment

110. A holder of a certificate authorizing him to pursue activities as a claims adjuster uses the title of "Claims adjuster".

111. A holder of a certificate authorizing him to pursue activities as a personal-lines damage-insurance claims adjuster uses the title of "Personal-lines damage-insurance claims adjuster".

112. A holder of a certificate authorizing him to pursue activities as a commercial-lines damage-insurance claims adjuster uses the title of "Commercial-lines damage-insurance claims adjuster".

113. A holder of a certificate authorizing him to pursue activities as a claims adjuster employed by an insurer uses the title of "Claims adjuster".

114. A holder of a certificate authorizing him to pursue activities as a claims adjuster employed by an insurer in personal-lines damage insurance uses the title "Personal-lines damage-insurance claims adjuster".

115. A holder of a certificate authorizing him to pursue activities as a claims adjuster employed by an insurer in commercial-lines damage insurance uses the title "Commercial-lines damage-insurance claims adjuster".

§ 5. *Financial Planning*

116. A holder of a certificate in the sector of financial planning uses the title "Financial planner" or the abbreviation "F.Pl."

He not uses any of the titles listed in the Regulation respecting titles similar to the title of financial planner, enacted by Order-in-Council 835-99 of July 7, 1999.

Division 14

Change of Status

117. A representative in damage insurance who wishes to change his status of agent to that of broker or *vice-versa* must:

(1) provide to the Authority a written attestation mentioning that he will be henceforth be acting as an agent or a broker, as the case may be;

(2) transmit, where the candidate intends to act for a firm without being an employee, a copy of an insurance contract demonstrating that he is covered by professional liability insurance that complies with the requirements of Division VI of the Regulation respecting the pursuit of activities as a representative;

(3) pay the prescribed fees for reprinting the certificate as provided for in the Regulation respecting annual fees and other fees payable.

Within 30 days following such change of status, a representative must notify in writing each of his current clients affected by such change, or he must ensure that the firm on behalf of which he acts so notifies each client.

CHAPTER IV

TERMS AND CONDITIONS PERTAINING TO CERTIFICATE ISSUANCE

Division 1

General Provisions

118. To obtain a representative's certificate, the annual fees and other fees payable under the Regulation respecting annual fees and other fees payable must have been paid.

118.0.1 To obtain a securities representative's certificate, the candidate must apply to the Authority in accordance with Regulation 31-102Q respecting the National Registration Database approved by Ministerial Order 2004-05 dated 2 December 2004 and Regulation 33-109Q respecting registration information approved by Ministerial Order 2004-06 dated 2 December 2004.

118.1 To obtain a representatives' certificate, a candidate must, where applicable, have remedied the failure to comply with the rules relating to the compulsory professional development prescribed in the by-laws of the Chambre de la sécurité financière, of the Chambre de l'assurance de dommages or of the Institut québécois de planification financière.

The first paragraph does not apply to a candidate wishing to be authorized by a certificate of the Authority to act in a sector or sector class more than one year following the surrender or non-renewal of such certificate.

119. Whenever it refuses to issue a certificate or decides to impose conditions or restrictions on the certificate, the Authority must notify the candidate in writing, specifying the reasons therefore.

Division 2

Particulars on the Certificate

120. A certificate issued to a representative by the Authority must contain the following particulars:

- (1) the surname and given name of the certificate holder;
- (2) the certificate number;
- (3) the sector or sectors or sector classes in which such representative is authorized to act;
- (4) as the case may be, the professional titles he is authorized to use by the Chambre de la sécurité financière or the Chambre de l'assurance de dommages pursuant to sections 317 and 318 of the Act;
- (5) the fact, as the case may be, that he is restricted to life insurance, or group accident or health insurance products, or that he is authorized to pursue activities related to loans guaranteed by immovable hypothec, or that he is authorized to act as a special broker or as a claims adjuster in respect of policies issued through the firm with which he is connected, or that he may invest in permanent shares and preferred shares;
- (6) the conditions and restrictions imposed by the Authority, if any;
- (7) the validity period of the certificate;
- (8) the signature of the certificate holder;
- (9) the signature of the person authorized to issue the certificate or a reproduction of such signature by any means or process.

Division 3

Period of Validity of a Certificate

121. A certificate is valid for one year.

122. For the issue of the initial certificate to act in the sector of insurance of persons, group insurance of persons, damage insurance, claims adjustment or financial planning, or any classes thereof, the period of validity extends to the certificate expiry date established in section 123 but must not be less than six months or more than 17 months.

For the issue of the initial certificate to act in the sector of group savings plan brokerage, investment contract brokerage or scholarship plan brokerage, the period of validity extends to the following December 31 and may be less than six months.

123. The expiry date of a certificate, to act in the sector of insurance of persons, group insurance of persons, damage insurance, claims adjustment or financial planning, or any classes thereof, is established as the day preceding the first day of the month corresponding to the first letter of the surname of the holder, namely:

- (1) February, if the letter is A or B;
- (2) March, if the letter is C;
- (3) April, if the letter is D;
- (4) May, if the letter is E, F or G;
- (5) June, if the letter is H, I, J or K;
- (6) July, if the letter is L;
- (7) September, if the letter is M, N or O;
- (8) October, if the letter is P, Q or R;
- (9) November, if the letter is S, T or U;
- (10) December, if the letter is V, W, X, Y or Z.

The expiry date of a certificate to act in the sector of group savings plan brokerage, investment contract brokerage or scholarship plan brokerage is established as December 31.

124. Notwithstanding section 123, the Authority may, on such terms and conditions as it determines, agree with a firm that the expiry dates of the certificates of the firm's employees and representatives acting on behalf thereof without being employees are coordinated with the annual registration date of the firm and may determine the terms and conditions of payment of the fees payable for the firm's employees and representatives acting on behalf thereof without being employees, other than the terms and conditions prescribed in this regulation.

The Authority may enter into similar agreements with an independent partnership in respect of its partners and employees.

125. If, during the validity period of the certificate, a change affecting the accuracy of the information and documents provided occurs, a representative must so notify the Authority within ten days of the change.

Notwithstanding the first paragraph, the securities representative must give his notice in accordance with Regulation 31-102Q respecting the National Registration

Database and Regulation 33-109Q respecting registration information according to the time periods stipulated therein.

CHAPTER V

RENEWAL OF CERTIFICATE

126. A representative's certificate is renewed upon the expiry thereof where the following conditions are met:

(1) the fees prescribed in the Regulation respecting annual fees and other fees payable are paid;

(2) the holder complies with the conditions prescribed in section 94;

(3) in the case of a securities representative, the firm for which he is acting has complied with the provisions of Regulation 31-102Q respecting the National Registration Database and Regulation 33-109Q respecting registration information;

(4) in the case in which he intends to act on behalf of a firm without being an employee thereof, the holder has forwarded a copy of the insurance contract to the Authority demonstrating that he is covered by professional liability insurance in accordance with the requirements set out in Division VI of the Regulation respecting the pursuit of activities as a representative approved by Order in Council 830-99 dated July 7, 1999;

(5) in the case of a certificate to act in the sector of insurance of persons, group insurance of persons, damage insurance, claims adjustment and financial planning, the holder forwards to the Authority the documents and information stipulated in sections 96 and 97;

(6) the holder is not in default of complying with the rules relating to the compulsory professional development prescribed in the by-laws of the *Chambre de la sécurité financière*, the *Chambre de l'assurance de dommages* or the *Institut québécois de planification financière* that apply to the sector or sector class contemplated by his certificate;

126.1 In addition to section 126, the holder of a certificate in the sector of group insurance of persons, or in any of the classes of that sector, to whom the second paragraph of section 534 of the Act or section 20 hereof applies must, in order to renew such certificate between August 1, 2002 and July 31, 2003, demonstrate that he satisfies the conditions of issuance prescribed in Chapter III for the sector classes contemplated by the certificate.

127. A certificate may be renewed within 30 days after expiry thereof if the representative demonstrates that it was in fact impossible for him to act within the period provided for.

128. Whenever the Authority refuses to renew a certificate or decides to impose restrictions thereon, the Authority must so notify the representative in writing, stating its reasons for the refusal.

129. This Regulation comes into force on July 19, 1999.