

chapter I-1

RETAIL SALES TAX ACT



Chapter I-1 ceased to apply in respect of

- (1) any sale made after 30 June 1992;*
 - (2) the sale of property or a service delivered, performed or made available, as the case may be, on a continuous basis by means of a wire, pipeline or other conduit, insofar as the property or service is delivered, performed or made available, as the case may be, after 30 June 1992;*
 - (3) rent attributable to a period after 30 June 1992 unless it is paid before 1 July 1992;*
 - (4) the bringing into Québec of movable property after 30 June 1992;*
 - (5) any change of use of movable property after 30 June 1992;*
 - (6) any insurance premium paid after 30 June 1992.*
- (1991, c. 67, s. 546).*

TABLE OF CONTENTS

CHAPTER I	
INTERPRETATION.....	2
CHAPTER II	
TAXATION OF SALES OF MOVABLE PROPERTY	
DIVISION I	
REGISTRATION.....	3
DIVISION III	
COMPENSATION, EXEMPTIONS AND REIMBURSEMENTS.....	17
CHAPTER II.1	
SPECIFIC TAXATION ON SALES OF ALCOHOLIC BEVERAGES	
DIVISION I	
SPECIFIC TAX.....	20.9.3
DIVISION II	
EXEMPTIONS.....	20.9.6
DIVISION III	
ADMINISTRATION.....	20.9.8
DIVISION IV	
ADVANCE COLLECTION.....	20.9.11
DIVISION V	
MISCELLANEOUS PROVISIONS.....	20.9.15

CHAPTER III

TAXATION OF INSURANCE PREMIUMS

DIVISION I

SCOPE..... 20.10

DIVISION II

TAX..... 20.15

DIVISION III

SPECIAL PROVISIONS RESPECTING CERTAIN KINDS OF INSURANCE

§ 1. — *Insurance of Persons*..... 20.17

§ 2. — *Damage Insurance*..... 20.22

DIVISION IV

EXEMPTIONS..... 20.25

DIVISION V

REIMBURSEMENT OF TAX..... 20.26

DIVISION VI

ADMINISTRATION

§ 1. — *Registration certificate and collection and remittance of the tax*..... 20.27

§ 2. — *Certification*..... 20.32

§ 3. — *Computation and separate indication of the tax*..... 20.33

DIVISION VII

TRANSITIONAL PROVISIONS..... 20.37

CHAPTER IV

GENERAL PROVISIONS..... 21

SCHEDULE

REPEAL SCHEDULE

1. The Minister of Revenue shall have charge of the carrying out of this Act.

R. S. 1964, c. 71, s. 1.



The Minister of Finance exercises the functions of the Minister of Revenue provided for in this Act. Order in Council 1689-2022 dated 26 October 2022, (2022) 154 G.O. 2 (French), 6581.

CHAPTER I

INTERPRETATION

1986, c. 15, s. 13.

2. In this Act and the regulations, unless the context indicates a different meaning,

(1) “purchaser” means a person who acquires or takes on lease movable property at a retail sale in Québec;

(2) “Ministère du Revenu” means the Ministère du Revenu du Québec;

(3) “movable property” means all property which is not considered immovable by the laws of Québec, and includes gas, electricity, telephone service, and lighting service;

(4) “Deputy Minister” means the Deputy Minister of Revenue;

(5) “Minister” means the Minister of Revenue;

(6) “person” includes an individual, a firm, a company, a corporation, an association of persons, an estate, a sequestrator, a trustee in bankruptcy, a liquidator, a fiduciary trustee, an administrator or an agent;

(7) “sale price” or “purchase price” means a price in money, and also the value of services rendered, the actual value of the thing exchanged, and other considerations or prestations accepted by the vendor as the price of the thing covered by the contract of sale. It includes the charges for the installation of the thing sold, for service, for customs, for excise and for transportation costs and all taxes paid or payable under the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15) determined, in the case of the tax paid or payable under Part IX of the said Act, without reference to the input tax credit provided for in that Part, even when such are not shown separately on the invoice or in the vendor’s books;

(8) “Province” means the Province of Québec;

(9) “sale” includes a sale pure and simple, a conditional sale, a sale by instalments, an exchange, a lease or any other contract whereby, for a price or other consideration, a person delivers or binds himself to deliver, to another, movable property; it also includes any contract whereby a person grants to another the enjoyment of movable property for a certain time for a rental or price which the latter binds himself to pay him but it does not include any such contract when it is provided that the movable property is furnished with the services of its operator;

(10) “retail sale” means a sale for purposes other than exclusively of resale, lease or sub-lease;

(11) *(paragraph repealed)*;

(12) “vendor” means any person who sells movable property at a retail sale in Québec;

(13) “retailer” means a person whose establishment is outside Québec but who solicits therein, through a representative or by the distribution of catalogues or other means of publicity, orders for movable property from persons ordinarily residing or carrying on business in Québec, for consumption or use by them in Québec;

“retailer” also includes a person who, acting as representative of a business house outside Québec, solicits, receives or accepts from persons ordinarily residing or carrying on business in Québec, orders for movable property for delivery in Québec, for use and consumption by them in Québec, when the business house which he represents is not registered as a retailer in Québec;

(14) “regulation” means any regulation made by the Government under this Act;

(15) “mobile home” means a mobile construction built on a chassis and designed for use, with or without a permanent foundation, as a single unit dwelling-house when it is connected to the necessary services;

(16) “medicament” means a substance or a mixture of substances that may be used to diagnose, cure, reduce or prevent an ailment, a disorder, an abnormal physical or psychological condition or symptoms thereof in human beings or in animals or to restore, correct or alter their organic functions;

(17) “advertising insert” means a printed advertisement that a person causes to be distributed with a newspaper or periodical according to an agreement with the publisher of the newspaper or periodical;

(18) *(paragraph repealed)*;

(19) *(paragraph repealed)*;

(20) *(paragraph repealed)*;

(21) *(paragraph repealed)*;

(22) “collection officer” has the meaning assigned by section 20.9.11;

(23) “consumer” has the meaning assigned by section 123 of the Excise Tax Act.

R. S. 1964, c. 71, s. 2; 1968, c. 31, s. 1; 1971, c. 26, s. 1; 1977, c. 5, s. 14; 1977, c. 27, s. 1; 1979, c. 78, s. 1; 1980, c. 14, s. 12; 1981, c. 12, s. 24; 1982, c. 4, s. 1; 1982, c. 56, s. 2; 1985, c. 25, s. 1; 1988, c. 4, s. 4; 1990, c. 7, s. 1; 1990, c. 60, s. 1.

2.1. Notwithstanding any other general law or special Act, this Act is binding on the Government, Government departments and agencies and mandataries of the Crown.

1979, c. 20, s. 1.

CHAPTER II

TAXATION OF SALES OF MOVABLE PROPERTY

1986, c. 15, s. 14.

DIVISION I

REGISTRATION

1986, c. 15, s. 14.

3. (1) No vendor shall sell any movable property in Québec, at a retail sale, unless a registration certificate has been, upon his application, granted to him under the authority of this Act, and unless such certificate be in force at the time of the sale.

A person who makes a retail sale only by way of exception is not subject to the obligation set out in the first paragraph, except where he sells alcoholic beverages.

Notwithstanding the second paragraph, a collection officer, contractor, wholesaler, importer or manufacturer carrying on business in Québec is subject to the obligation set out in the first paragraph.

Every consumer, within the meaning of the Fuel Tax Act (chapter T-1), who is required to hold a registration certificate under the said Act is also subject to the obligation set out in the first paragraph.

(2) The application for the registration certificate shall be filed with the Minister.

(3) Such registration certificate shall be granted by the Minister or by such other person as he may appoint, and shall be kept at the chief place of business of the vendor in Québec, and shall not be transferable.

(4) The Minister may refuse to issue such registration certificate to any person who, at any time during the preceding five years, was convicted of an offence under a fiscal law within the meaning of the Act respecting the Ministère du Revenu (chapter M-31). He may also suspend or revoke the registration certificate of any person who, at any time during the preceding five years, was convicted of any such offence.

(5) The following information must be given when a certificate is requested:

(a) by one or more persons doing business under a firm name, the name and address of such person or persons;

(b) by a partnership, the name and address of each partner;

(c) by a corporation, club, association or syndicate, the name and address of the president, if he resides in Québec; if not, the name and address of its manager or representative residing in Québec and the address of its place of business in Québec.

(6) A registration certificate shall also be required at any time of any person who carries on an undertaking in a class of undertakings defined by regulation as habitually acquiring movable property outside Québec. Subsections 2 to 5 shall apply to such certificate.

R. S. 1964, c. 71, s. 3; 1971, c. 26, s. 2; 1979, c. 78, s. 2; 1981, c. 24, s. 2; 1985, c. 25, s. 2; 1990, c. 4, s. 453; 1990, c. 60, s. 2.

4. (1) No retailer shall ship, deliver or cause to be delivered any movable property to a person ordinarily residing in Québec or carrying on business therein, for consumption or use by such person in Québec, unless, upon his application, a registration certificate has been delivered to him under this Act and is in force at the time of shipment or delivery.

(2) Subsections 2 to 5 of section 3 shall apply to the registration certificate required by this section.

R. S. 1964, c. 71, s. 4.

5. The Minister may require security in such amount as he may fix of any person who has no residence or place of business in Québec as a condition for the issue or continuance in force of a registration certificate.

The Minister may also require of any person, as a condition for the issue or continuance in force of a registration certificate, security in such amount as he may fix, taking into account the amounts, if any, that the person is likely to collect, remit or pay under this Act within the six months following the date on which security is required or the amounts, if any, that the person had to collect, remit or pay under this Act for the six months preceding that date, if such person, as the case may be,

(a) was convicted during the preceding five years of an offence under a fiscal law within the meaning of the Act respecting the Ministère du Revenu (chapter M-31),

(b) is insolvent, or

(c) owes duties within the meaning of the Act respecting the Ministère du Revenu.

The Minister may, at any time, require additional security where the amount of the security paid is less than the amount that could then be fixed under the second paragraph.

R. S. 1964, c. 71, s. 5; 1971, c. 26, s. 3; 1972, c. 22, s. 98; 1990, c. 4, s. 454; 1990, c. 60, s. 3.

6. Every purchaser, at the time of making a purchase at a retail sale in Québec, shall pay a tax equal to 8% of the purchase price of any movable property; in the case of a lease, the tax is payable at the time prescribed by regulation.

R. S. 1964, c. 71, s. 6; 1966-67, c. 34, s. 1; 1968, c. 31, s. 2; 1982, c. 56, s. 3; 1983, c. 44, s. 7; 1988, c. 4, s. 5; 1990, c. 60, s. 3.

7. Every person who carries on business or ordinarily resides in Québec and who brings or causes to be brought into Québec any movable property for use or consumption by himself or by another person at his expense or who purchases a movable property situated in Québec at a retail sale made outside Québec shall, on the date that the use or consumption of that property begins in Québec, pay a tax to the Minister at the rate provided in section 6 on the value of the property, except if such tax has been collected by the retailer.

For the purposes of this section, the value of property means,

(a) in the case of property produced by a person in Canada outside Québec and brought into Québec within 12 months of its production, the production cost of the property, including the tax paid or payable by that person under Part IX of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15) in respect of the elements of that production cost, determined without reference to the input tax credit provided for in that Part;

(b) in the case of property acquired at a sale outside Québec and used or consumed in Québec within 12 months of that sale, the purchase price of the property;

(c) notwithstanding subparagraph *b*, in the case of property leased outside Québec, the portion of the rent that may reasonably be ascribed to the right of enjoyment of the property in Québec, including the tax paid or payable by the person under Part IX of the Excise Tax Act in respect of that portion of the rent, determined without reference to the input tax credit provided for in that Part;

(d) in other cases, the market value of the property, including the amount equal to the tax that would be paid or payable by the person under Part IX of the Excise Tax Act in respect of that property if it was acquired by him on that date for consideration equal to the market value of the property, determined without reference to the input tax credit provided for in that Part in respect of that property.

R. S. 1964, c. 71, s. 7; 1971, c. 26, s. 4; 1981, c. 24, s. 3; 1982, c. 56, s. 4; 1983, c. 44, s. 8; 1985, c. 25, s. 3; 1986, c. 15, s. 16; 1988, c. 4, s. 6; 1990, c. 60, s. 4.

7.0.1. Every consumer, within the meaning of the Fuel Tax Act (chapter T-1), holding a registration certificate or required to hold such a certificate under this Act, who brings into Québec fuel acquired outside Québec and contained in the tank supplying the engine of a motor vehicle other than a pleasure vehicle shall, in respect of the fuel used in Québec, pay to the Minister a tax at the rate provided in section 6 calculated on the purchase price of such fuel.

The consumer shall render an account to the Minister, using the form prescribed by him, and remit to him the payable tax within the same period and on the same terms and conditions as those provided in the Fuel Tax Act in respect of the fuel referred to in the first paragraph.

For the purposes of the first paragraph, the expressions “motor vehicle” and “pleasure vehicle” have the meanings assigned by the Fuel Tax Act.

1990, c. 60, s. 5.

7.0.2. Where an individual resident in Québec brings or causes to be brought into Québec any movable property from outside Canada, other than an alcoholic beverage or a road vehicle within the meaning of the Highway Safety Code (chapter C-24.2), for use or consumption by himself or by another person at his expense otherwise than exclusively in the course of his commercial activities, the following rules apply:

(a) notwithstanding section 7, the individual shall pay the tax provided for in the said section immediately after arrival of the property in Québec;

(b) the tax provided for in section 7 does not apply in respect of the property so brought into Québec to the extent that the tax provided for in section 17 of the Act respecting the Québec sales tax (chapter T-0.1) would not be payable in respect thereof by reason of the application of section 81 of the said Act if the said Act were in force.

1993, c. 19, s. 8.

7.1. Where a person is required to pay the tax provided for in section 6 or 7 and the property sold was delivered outside Canada, the purchase price of the property for that person includes customs duties, excise duties, the tax paid or payable under the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15) determined, in the case of the tax paid or payable under Part IX of the said Act, without reference to the input tax credit provided for in that Part, transportation costs and any other expense he incurred to bring the property into Canada.

The person shall pay to the Minister a tax at the rate provided in section 6 on the additional items mentioned in the first paragraph on the date that the use or consumption of the property begins in Québec, or, where section 7.0.2 applies, immediately after arrival of the property in Québec.

1986, c. 15, s. 17; 1988, c. 4, s. 7; 1990, c. 60, s. 6; 1993, c. 19, s. 9.

7.1.1. For the purposes of sections 6 and 7, where the vendor of a movable property accepts, in full or partial consideration for the sale of the property, a coupon that entitles the purchaser to a reduction of the price of the property equal to a fixed dollar amount specified in the coupon and the vendor can reasonably expect to be paid an amount for the redemption of the coupon by another person, the purchase price of the property so sold is deemed to be equal to the price that would be determined if the coupon were not accepted, except as regards the application of section 13.

1994, c. 22, s. 31.

7.1.2. For the purposes of sections 6 and 7, where the vendor of a movable property accepts, in full or partial consideration for the sale of the property, a coupon that entitles the purchaser to a reduction of the price of the property equal to a fixed dollar amount specified in the coupon and the vendor can reasonably expect not to be paid an amount for the redemption of the coupon by another person, the vendor shall treat the coupon

(1) as reducing the purchase price in the manner provided for in section 7.2; or

(2) as a partial cash payment that does not reduce the purchase price, in which event section 7.1.1 applies and the vendor may claim compensation, in the account to be rendered to the Minister for the month which the coupon was accepted, equal to the amount obtained by multiplying 8/108 by the fixed dollar amount specified in the coupon.

1994, c. 22, s. 31.

7.2. For the purposes of section 6 or 7, where the vendor of a movable property accepts a coupon in full or partial consideration for the sale of the property, the purchase price of the property so sold shall be reduced by an amount equal to the value of the coupon accepted as full or partial consideration, if that value reduces the value of the consideration on which the tax provided for in subsection 1 of section 165 of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15) in respect of the sale is calculated.

The coupon referred to in the first paragraph is a coupon that may be exchanged for movable property or that may entitle the purchaser of such property to a discount, and in respect of which section 7.1.1 does not apply.

1990, c. 60, s. 7; 1994, c. 22, s. 32.

7.3. For the purposes of sections 7.1.1 to 7.2, a coupon does not include a gift certificate.

1994, c. 22, s. 33.

8. Every person who has purchased or produced a movable property in order to sell it or for one of the purposes provided in paragraph *y* of section 17 shall, on the date when he begins to use it or consume it in Québec for another purpose or arranges for its use or consumption in Québec at his expense by another person, pay a tax to the Minister at the rate provided in section 6 on the value of the property.

For the purposes of the first paragraph, the value of a property means

(a) in the case of a property produced by the person in Québec, the market value of the property mentioned in paragraph *y* of section 17, including an amount equal to the tax that would be paid or payable by that person under Part IX of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15) in respect of such property if it was acquired by him on that date for consideration equal to the market value of the property, determined without reference to the input tax credit provided for in that Part in respect of such property;

(b) in other cases, the market value of the property, including an amount equal to the tax that would be paid or payable by the person under Part IX of the Excise Tax Act in respect of the property if it was acquired by him on that date for consideration equal to the market value of the property, determined without reference to the input tax credit provided for in that Part in respect of that property.

However, the first paragraph does not apply in the case of a property produced in Québec if the property has not been used in Québec and has been taken or shipped out of Québec for use or consumption as part of the carrying on of the person's undertaking.

R. S. 1964, c. 71, s. 8; 1966-67, c. 34, s. 2; 1968, c. 31, s. 3; 1971, c. 26, s. 5; 1985, c. 25, s. 4; 1988, c. 4, s. 8; 1990, c. 60, s. 8.

8.1. Where a person is required to pay the tax provided for in section 6, 7, 7.0.1 or 8, the purchase price of a movable property contemplated in section 6 or 7.0.1 or the value of a movable property contemplated in section 7 or 8 includes

(a) in the case of an alcoholic beverage, the tax paid or payable by the person under section 20.9.3, 20.9.4 or 20.9.5;

(b) in the case of fuel, the tax paid or payable by the person under the Fuel Tax Act (chapter T-1);

(c) in the case of tobacco, the tax paid or payable by the person under the Tobacco Tax Act (chapter I-2).

1990, c. 60, s. 9.

9. *(Replaced).*

1976, c. 20, s. 1; 1985, c. 25, s. 4.

10. *(Replaced).*

1976, c. 20, s. 1; 1983, c. 20, s. 1; 1983, c. 44, s. 9; 1985, c. 25, s. 4.

10.0.1. *(Repealed).*

1984, c. 35, s. 2; 1985, c. 25, s. 5.

10.1. Every person who has purchased or produced in Québec or brought into Québec movable property contemplated in paragraph z of section 17 which is rolling-stock, excluding railway equipment, shall pay a tax at the rate provided in section 6 on the value of the rolling-stock on the earlier of the following dates:

- (a) the day he begins to use the rolling-stock on a public road, or
- (b) the last day of the first 12-month period in which the person uses the rolling-stock mainly for purposes other than those provided in paragraph z of section 17.

For the purposes of the first paragraph, the value of the rolling-stock means the market value of the rolling-stock determined as on the day the tax becomes payable.

In addition, every person who has purchased or produced in Québec or brought into Québec railway equipment used only in a quarry or mine for the purposes of working that quarry or mine shall, when he begins to use the property for any other purpose or elsewhere than in that quarry or mine pay a tax at the rate provided in section 6 on the market value of the property at that time.

The market value of a property, determined in accordance with this section, includes an amount equal to the tax that would be paid or payable by the person under Part IX of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15) in respect of the property if it was acquired by him at that time for consideration equal to such value, determined without reference to the input tax credit provided for in that Part in respect of such property.

1983, c. 44, s. 10; 1985, c. 25, s. 6; 1988, c. 4, s. 9; 1989, c. 5, s. 9; 1990, c. 7, s. 2; 1990, c. 60, s. 10.

11. The tax imposed by this chapter shall be calculated separately on every purchase or lease. Any fraction of a cent, if equal to or greater than one-half of a cent, shall be counted as one cent.

R. S. 1964, c. 71, s. 9; 1968, c. 31, s. 4; 1986, c. 15, s. 18; 1990, c. 60, s. 11.

12. If the purchase price or rental of a taxable movable property is less than the real value of the property or of its lease, is not specified or is combined with the purchase price or rental of non-taxable property or services, the Minister may fix the purchase price or rental which or services, the Minister may fix the purchase price or rental which shall serve as the basis for the taxation provided for in this chapter.

R. S. 1964, c. 71, s. 10; 1965 (1st sess.), c. 27, s. 1; 1972, c. 28, s. 1; 1986, c. 15, s. 18.

12.1. *(Repealed).*

1982, c. 4, s. 2; 1990, c. 60, s. 12.

12.2. *(Repealed).*

1982, c. 4, s. 2; 1990, c. 60, s. 12.

12.3. *(Repealed).*

1982, c. 4, s. 2; 1990, c. 60, s. 12.

13. The tax provided for in section 6, whether the price be stipulated payable in cash, on terms, in instalments or otherwise, shall be collected by the holder of a registration certificate or by the person required to hold such a certificate on the whole amount of the contract price at the time of the sale or, in the case of a lease, at the time determined by regulation.

The person required to collect the tax shall indicate to the purchaser, in the manner prescribed by regulation or on any invoice, receipt, writing or other document recording the sale, that the sale price includes the tax or so indicate to him the amount of the tax separately from the sale price, in which case he may indicate a total amount consisting of both that tax and the tax provided for in Part IX of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15). Where the person indicates the rate of the tax to the purchaser, he shall do so separately from the rate of any other tax.

Notwithstanding the first paragraph, the tax shall not be collected where the purchaser meets the conditions prescribed by a regulation authorizing him to remit the tax himself and he invokes it.

R. S. 1964, c. 71, s. 11; 1968, c. 31, s. 5; 1971, c. 26, s. 6; 1981, c. 24, s. 4; 1985, c. 25, s. 7; 1990, c. 60, s. 13.

14. The holder of a registration certificate or the person required to hold such a certificate shall act as agent for the Minister, and he shall keep account of, report and remit to him the amounts collected, on or before the fifteenth day of each month for the preceding calendar month or at the time determined by regulation, even if no sale or delivery subject to the tax was made during the month.

Notwithstanding the first paragraph, a person referred to by regulation, holding a registration certificate or a member of a class of persons referred to by regulation, holding a registration certificate may, for the purposes of computing the tax to be remitted, elect to determine such tax, for the periods during which the election is in effect, by a method prescribed by regulation.

For the purposes of this Act and the Act respecting the Ministère du Revenu (chapter M-31), the tax to be remitted, determined in accordance with the second paragraph, is deemed to be collected tax.

The person making an election under the second paragraph shall

(a) file the election in prescribed form with the Minister, in such manner and with such information as he may prescribe,

(b) indicate the day the election is to become effective, which day shall be the first day of a period in which a report is required to be filed under the first paragraph, and

(c) file the election on or before the day on which he is required to file the report referred to in subparagraph *b*.

The election referred to in the second paragraph ceases to have effect on the earlier of

(a) the first day of the period in which the report is required to be filed under the first paragraph and in which the person ceases to be a person referred to by regulation or a member of a class of persons referred to by regulation, and

(b) the last day of the period for which a report is filed under the first paragraph, where the person files, with the report, a notice of revocation of the election in the form prescribed by the Minister and with such information as he may determine.

The notice of revocation of the election shall not be filed with a report filed under the first paragraph for a period that ends earlier than one year after the election became effective.

R. S. 1964, c. 71, s. 12; 1977, c. 5, s. 14; 1985, c. 25, s. 7; 1990, c. 60, s. 14.

14.1. Where the tax provided for in section 6 is not required to be collected by the vendor, the purchaser shall, at the time of the sale or the time determined by regulation, report that fact to the Minister, sending him the invoice, if required, with any information the Minister may require and at the same time remit to him the tax payable.

Every person who is required to pay the tax under section 7, 7.1, 8 or 10.1 is under the same requirement and this obtains at the time provided in those sections or section 7.0.2 or prescribed by regulation.

1985, c. 25, s. 7; 1986, c. 15, s. 19; 1993, c. 19, s. 10.

15. The Minister may make an allowance determined by regulation to the holder of a registration certificate for collecting and remitting the tax provided for by this Act.

R. S. 1964, c. 71, s. 13; 1981, c. 24, s. 5; 1985, c. 25, s. 7.

15.1. For the purposes of section 14, and notwithstanding section 24 of the Act respecting the Ministère du Revenu (chapter M-31), where the vendor of a movable property may claim compensation under paragraph 2 of section 7.1.2, the vendor may deduct the amount of the compensation from the amounts collected and to be remitted by the vendor and in respect of which an account must be rendered.

1994, c. 22, s. 34.

16. Every person having any work done in Québec by a contractor who has neither residence nor place of business therein shall, if the contractor does not furnish him with proof that he holds a registration certificate, withhold from the contract price an amount computed at the rate provided in section 6 and report and remit it to the Minister without delay.

The contractor is entitled to the reimbursement of the amount withheld under this section if he shows to the satisfaction of the Minister that all the tax payable pursuant to this Act by reason of the contract has been paid.

If all the tax has not been paid, the contractor is entitled to the reimbursement of that portion of the withheld amount which exceeds the unpaid portion of the tax payable by reason of the contract.

R. S. 1964, c. 71, s. 14; 1966-67, c. 34, s. 3; 1985, c. 25, s. 7; 1988, c. 4, s. 10.

DIVISION III

COMPENSATION, EXEMPTIONS AND REIMBURSEMENTS

1986, c. 15, s. 20; 1988, c. 4, s. 11.

17. The tax provided for by this chapter does not apply to the following:

(a) Sales of bonds, shares of a corporation, securities or any other similar intangible property, nor to sales of debts, rights of action, annuities, insurance, incorporeal rights, moneys or postage stamps, except the following property, the sale of which is taxable:

- i. telephone service and lighting service;
- ii. coins sold at higher than their face value expressed in Canadian money;
- iii. cancelled postage stamps, as well as any non-cancelled postage stamp if it is sold at a price higher than its postage value expressed in Canadian money;

(b) Sales of bars, ingots, coins or wafers that are composed of gold, silver or platinum and that are refined to a purity level of at least 99.5% in the case of gold or platinum and at least 99.9% in the case of silver;

(c) *(Paragraph repealed);*

(d) *(Paragraph repealed);*

(e) (Paragraph repealed);

(f) (Paragraph repealed);

(g) Sales of food or beverages for human consumption, including seasonings, sweetening agents and other ingredients to be mixed with or used in the preparation of such food or beverages;

(g.1) Sales of food products for animal consumption;

(g.2) Sales of meals the value of which is included in the price of accommodation for a place where a person lodges;

(h) Sales of trees, shrubs or other plants;

i. acquired for cultivation for sale as part of an enterprise;

ii. used for reforestation; or

iii. acquired to obtain products ordinarily used for human consumption, by a person whose business consists in cultivating such products;

(i) Sales of livestock, metal wire or netting for fences, harness for horses, farm implements, tools, sugar bush or farm machinery, tractors, animal-drawn vehicles and spare parts therefor, to a *bona fide* sugar bush operator for the needs of his sugar bush or to a *bona fide* farmer for the needs of his farm, or sales of horses acquired by a person for use in the course of his business;

(j) Sales of fishing nets, fishing apparatus, ships or boats for commercial fishing, ships or boats of 1416 m³ or more, ocean drilling-rigs, dredgers, ships or boats of less than 1416 m³ mainly used for public transport of passengers, for transport of merchandise for commercial purposes, for towing, for fire fighting, or for marine research for economic or ecological purposes, pontoons used in connection with the above-mentioned objects and spare parts for the objects listed in this paragraph;

(j.1) Sales of containers used mainly in sea transport;

(k) (Paragraph repealed);

(l) Sales of medicaments for human consumption and dispensed on the prescription of a dentist or physician, or sales of medicaments to an institution within the meaning of the Act respecting health services and social services (chapter S-5);

(l.1) Sales of

i. a communication device for use with telegraph or telephone apparatus by a person with a hearing or speech impairment when the device is dispensed on the written order of a physician;

ii. a heart-monitoring device when the device is dispensed to a consumer on the written order of a physician for use by a person with heart disease;

iii. a hospital bed dispensed to an organization or that part of an organization that operates a public hospital in Québec that is certified as such by the Department of National Health and Welfare, or dispensed on the written order of a physician for use by an incapacitated person;

iv. an artificial breathing apparatus that is specially designed for use by a person with a respiratory disorder;

iv.1. an aerosol chamber or a metered dose inhaler for use in the treatment of asthma when the sale is made to a consumer on the written order of a physician;

- v. a mechanical percussor for postural drainage treatment;
- vi. a device that is designed to convert sound to light signals and dispensed on the written order of a physician for use by a person with a hearing impairment;
- vii. a selector control device that is specially designed for use by a physically disabled person to enable the person to select, energize or control household, industrial or office equipment;
- viii. ophthalmic lenses, with or without frames, dispensed for the treatment or correction of a defect of vision to a consumer on the written order of an eye-care professional who is entitled under the laws of a province to prescribe such lenses;
- ix. an artificial eye;
- x. an artificial tooth;
- xi. a hearing aid;
- xii. a laryngeal speaking aid;
- xiii. an invalid chair, commode chair, walker, wheelchair lift or similar aid to locomotion, with or without wheels, including motive power and wheel assemblies therefor, that is specially designed for use by a disabled person;
- xiv. a patient lifter that is specially designed to move a disabled person;
- xv. a wheelchair ramp that is specially designed for access to a motor vehicle;
- xvi. a portable wheelchair ramp;
- xvii. an auxiliary driving control that is designed for attachment to a motor vehicle to facilitate the operation of the vehicle by a physically disabled person;
- xviii. a patterning device that is specially designed for use by a disabled person;
- xix. a toilet-, bath- or shower-seat that is specially designed for use by a disabled person;
- xx. an insulin infusion pump or an insulin syringe;
- xx.1. an extremity pump, intermittent pressure pump or similar device for use in the treatment of lymphedema when the sale is made to a consumer on the written order of a physician;
- xx.2. a catheter for sub-cutaneous injections or a lancet when the sale is made to a consumer on the written order of a physician;
- xxi. an artificial limb;
- xxii. a spinal or other orthopaedic brace;
- xxii.1. an orthotic device when the sale is made to a consumer on the written order of a physician;
- xxiii. a specially constructed appliance that is made to order for a person who has a crippled or deformed foot or ankle;
- xxiv. a medical or surgical prosthesis, or an ileostomy, colostomy or urinary appliance or similar article that is designed to be worn by a person;

xxv. an article or material, not including a cosmetic, for use by a user of, and necessary for the proper application and maintenance of, a property described in subparagraph xxiv; “cosmetic” means a property, whether or not possessing therapeutic or prophylactic properties, commonly or commercially known as a toilet article, preparation or cosmetic that is intended for use or application for toilet purposes or for use in connection with the care of the human body, or any part thereof, whether for cleansing, deodorizing, beautifying, preserving or restoring, and includes a toilet soap, skin cream or lotion, mouth wash, oral rinse, toothpaste, tooth powder, denture cream or adhesive, antiseptic, bleach, depilatory, perfume, scent and any similar toilet article, preparation or cosmetic;

xxvi. a cane or crutch that is designed for use by a physically disabled person;

xxvii. a blood-glucose monitor or meter;

xxviii. urinary-sugar or urinary-ketone testing reagents or tablets, or blood-sugar, blood-ketone, urinary-sugar or urinary-ketone testing strips;

xxix. any article that is specially designed for the use of blind persons, when the article is purchased or sold by, or sold on the order or certificate of, a physician, the Canadian National Institute for the Blind or any other *bona fide* association or institution for the blind for use by a blind person;

xxx. a dog that is or is to be trained as a guide dog for the use of a blind person, purchased or sold by an organization that is operated for the purpose of supplying guide dogs to blind persons;

xxx.1. a dog that is or is to be trained to assist a person with a hearing impairment in respect of problems arising from the impairment, where the dog is purchased or sold by an organization that is operated for the purpose of supplying such dogs to persons with hearing impairments;

xxxi. a part, accessory or attachment that is specially designed for a property described in this paragraph;

xxxii. any property prescribed by regulation;

xxxiii. a graduated compression stocking, an anti-embolic stocking or similar article when the sale is made to a consumer on the written order of a physician;

xxxiv. clothing that is specially designed for use by a disabled person when the sale is made to a consumer on the written order of a physician;

(1.2) Sales of digoxin, digitoxin, prenylamine, deslanoside, erythrityl tetranitrate, isosorbide dinitrate, nitroglycerine, quinidine and its salts, medical oxygen, epinephrine and its salts, for human consumption;

(1.3) Sales of medical or surgical equipment or supplies that are exempt supplies described in Part II of Schedule V to the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15), or sales of property the price of which is payable or reimbursed by the government of a province under a health care services plan established under an Act of the legislature of the province;

(1.4) Sales of medicaments for animal use dispensed on the prescription of a veterinarian, where the animals are used in the course of a business or the medicaments are administered in the course of a business;

(1.5) Sales of a drug included in Schedule C to the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27);

(1.6) Sales of human sperm;

(m) Fares on tramways, buses, boats, railroads or other transportation systems by land, water or air and toll fares;

(n) Prices of admission to places of amusement, as defined by the Amusement Tax Act (chapter D-14);

(o) *(Paragraph repealed)*;

(o.1) Sales of a poppy or wreath made by the Minister of Veterans Affairs in the course of operating a sheltered employment workshop or by the Dominion Command, or any provincial command or branch of the Royal Canadian Legion;

(p) Sales made to the *fabrique* or the trustees of a parish for purposes of worship, or to a cemetery society, company or corporation for the purposes of the cemetery;

(q) Sales by judicial authority;

(r) Sales made by any person carrying on business in Québec, when the merchandise thus sold is delivered outside Québec, for use or consumption outside Québec;

(s) *(Paragraph repealed)*;

(t) Sales of advertising inserts or magazines unless, in the latter case, the magazines are sold by subscription; the word “magazines” does not include newspapers nor printed books and their updates;

(u) Telegraph messages;

(v) Sales of bulbs, fertilizers, fungicides, herbicides, insecticides or seeds acquired by a person for use in his business of cultivating the soil or of raising utility livestock, and sales of drain tiles for agricultural purposes;

(w) *(Paragraph repealed)*;

(x) *(Paragraph repealed)*;

(y) Sales of movable property intended as components of any movable property intended for sale, sales of conditioning materials, that is, those which, except electricity, gas or fuel, are rapidly consumed or dissipated and are used to provide specific qualities to production equipment used according to the conditions set forth in paragraph z or to any movable property, other than a meal, intended for sale, and sales of movable property intended as components of such conditioning materials;

(z) Sale of production equipment used, directly or indirectly, as a movable or an immovable property, during the 12 months after it is put into operation or, as the case may be, during the entire period in which it is used if such period is less than twelve months, by a person of a category other than those determined under section 20:

i. mainly for the production of movable property, other than meals and services including telephone service, intended for sale, or

ii. mainly for the design or production of production equipment or conditioning materials used for the production of the movable property referred to in subparagraph i;

(aa) Subject to section 19, sales of electricity, gas or fuel which a person of a category other than those determined by the Minister under section 20 uses to produce movable property other than meals and services including telephone service, intended for sale or for the design or production of production equipment or conditioning materials used for the production of such movable property, either as an agent of production or to operate production equipment; this exemption does not apply to sales of electricity, gas or fuel used in equipment for the air conditioning, lighting, heating or ventilation of the production site;

(ab) Sales of mobile homes, excluding furniture, already retailed in Québec or already used therein as single unit dwelling-houses;

(ac) 50% of the sales price of mobile homes, excluding the sales price of furniture, having never been the object of a retail sale in Québec, having never been used therein as single unit dwelling-houses and conforming to the norms provided by regulation;

(ad) *(Paragraph repealed)*;

(ae) Sales of

i. phonograph records, magnetic tapes and other goods of a similar nature carrying a sound recording that a person acquires for the purposes of public broadcasting by a radio or television station;

ii. cinematographic films and magnetoscopic tapes carrying visual recordings acquired by a non-profit organization, or by a person for purposes of public broadcasting by a television station or a cinema;

(af) The sale of an aircraft which, within 12 months of delivery, is used by the purchaser under a licence or permit issued to him for that purpose under the Aeronautics Act (Revised Statutes of Canada, 1985, chapter A-2) or under the National Transportation Act, 1987 (Revised Statutes of Canada, 1985, chapter 28, 3rd Supplement) for tests or experiments or to operate a commercial air service, the leasing of an aircraft which the lessee operates under a licence or permit issued to him for that purpose under any of the said Acts, the sale of a component part of such an aircraft and the sale of a spare part used for the maintenance or repair of an aircraft;

(ag) *(Paragraph repealed)*;

(ah) Sales of software intended for other than personal or domestic purposes, sales of reports, whatever the support, produced by a peripheral device connected to a computer and on which are recorded the results of the processing, by that computer, of the data furnished by the purchaser of these reports;

(ai) *(Paragraph repealed)*;

(aj) *(Paragraph repealed)*;

(ak) Sales of fuel, other than natural gas, exempt from the tax prescribed in the Fuel Tax Act (chapter T-1) and used to supply a propulsion engine within the meaning of the said Act;

(al) *(Paragraph repealed)*;

(am) *(Paragraph repealed)*.

R. S. 1964, c. 71, s. 15; 1968, c. 31, s. 6; 1970, c. 22, s. 1; 1970, c. 15, s. 27; 1971, c. 48, s. 161; 1973, c. 17, s. 170; 1974, c. 17, s. 10; 1975, c. 26, s. 1; 1976, c. 20, s. 2; 1977, c. 5, s. 14; 1977, c. 27, s. 2; 1978, c. 30, s. 1; 1979, c. 20, s. 2; 1979, c. 78, s. 3; 1980, c. 14, s. 13; 1981, c. 12, s. 25; 1982, c. 4, s. 3; 1982, c. 38, s. 6; 1982, c. 56, s. 5; 1983, c. 20, s. 2; 1983, c. 44, s. 11; 1983, c. 49, s. 3; 1984, c. 35, s. 3; 1984, c. 47, s. 213; 1986, c. 15, s. 21; 1986, c. 72, s. 1; 1987, c. 21, s. 1; 1988, c. 4, s. 12; 1990, c. 7, s. 3; 1990, c. 59, s. 1; 1990, c. 60, s. 15; 1992, c. 21, s. 375; 1994, c. 22, s. 35.

17.1. The tax which a person is required to pay upon the use or consumption of a property pursuant to section 7 or 8 does not apply to the extent of the exemption the person would be entitled to under section 17 if he bought the property in Québec at the time it begins to be used or consumed and if he meets the conditions for that exemption.

1985, c. 25, s. 8.

18. *(Repealed)*.

1972, c. 28, s. 2; 1975, c. 26, s. 2; 1976, c. 20, s. 3; 1985, c. 25, s. 9.

18.1. Notwithstanding paragraph g of section 17 and subject to paragraph g.2 of the said section, the tax provided for in this chapter applies to sales of the following property, other than sales that are exempt supplies

described in Part II, III or VI of Schedule V to the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15):

- (a) beer, malt liquor, spirits, wine or other alcoholic beverages;
- (b) non-alcoholic malt beverages;
- (c) carbonated beverages;
- (d) non-carbonated fruit juice beverages or fruit flavoured beverages, other than milk-based beverages, that contain less than 25% by volume of
 - i. a natural fruit juice or combination of natural fruit juices, or
 - ii. a natural fruit juice or combination of natural fruit juices that have been reconstituted;
- (e) goods that, when added to water, produce a beverage described in paragraph *d*;
- (f) candies, confectionery that may be classed as candy, or any goods sold as candies, such as candy floss, chocolate and chewing gum, whether naturally or artificially sweetened, and including fruits, seeds, popcorn and nuts when they are coated or treated with chocolate, molasses, honey, syrup, sugar, candy or artificial sweeteners;
- (g) sticks, chips or curls, such as cheese sticks, potato sticks, bacon crisps, corn chips, potato chips or cheese curls, and other similar snack foods, brittle pretzels or popcorn, but not including any product that is sold primarily as a breakfast cereal;
- (h) salted seeds or salted nuts;
- (i) granola products, but not including any product that is sold primarily as a breakfast cereal;
- (j) snack mixtures that contain cereals, dried fruit, seeds, nuts or any other edible product, but not including any mixture that is sold primarily as a breakfast cereal;
- (k) ice lollies or flavoured, coloured or sweetened ice waters, whether frozen or not;
- (l) ice cream, frozen pudding, ice milk, sherbet, frozen yoghurt or any product that contains any of those products, when packaged in single servings;
- (m) fruit drops, rolls or bars or similar fruit-based snack foods;
- (n) doughnuts, cookies, croissants with sweetened coating, icing or filling, cakes, muffins, pastries, pies, tarts or similar products (but not including bread products without sweetened coating, icing or filling, such as bagels, croissants, English muffins or bread rolls) where
 - i. they are prepackaged for sale to consumers in quantities of less than six items each of which is a single serving, or
 - ii. they are not prepackaged for sale to consumers and are sold as single servings in quantities of less than six;
- (o) pudding, including flavoured gelatine, mousse, flavoured whipped dessert product or any other products similar to pudding, or beverages, other than unflavoured milk, except
 - i. when prepared and prepackaged specially for consumption by babies,
 - ii. when sold in multiples, prepackaged by the manufacturer or producer, of single servings, or

iii. when the cans, bottles or other primary containers in which the beverages or products are sold contain a quantity exceeding a single serving;

(p) the following prepared foods and beverages sold in a form suitable for immediate consumption, either where sold or elsewhere:

- i. food or beverages heated for consumption,
- ii. prepared salads,
- iii. sandwiches and similar products,
- iv. platters of cheese, fruit, vegetables or cold cuts and other arrangements of prepared food,
- v. ice cream, frozen pudding, ice milk, sherbet, frozen yoghurt or a product containing any of those products when sold in single servings and dispensed at the place where it is sold, and
- vi. beverages dispensed at the place where they are sold;

(q) food or beverages sold through a vending machine;

(r) food or beverages sold at an establishment at which all or substantially all of the sales of food or beverages are sales of food or beverages included in any of paragraphs *a* to *q*, except where

i. the food or beverage is sold in a form not suitable for immediate consumption, having regard to the nature of the product, the quantity sold or its packaging, or

ii. in the case of a product described in paragraph *n*, the product is not sold for consumption at the establishment and,

(1) is prepackaged for sale to consumers in quantities of more than five items each of which is a single serving, or

(2) is not prepackaged for sale to consumers and is sold as single servings in quantities of more than five.

1990, c. 7, s. 4; 1990, c. 60, s. 16; 1994, c. 22, s. 36.

18.1.1. Notwithstanding paragraph g.1 of section 17, the tax provided for in this chapter applies to sales of the following property:

(a) food products intended for household pets, other than such products purchased by a person who, as part of an enterprise, raises or keeps such pets for sale;

(b) food products intended for wild birds.

1990, c. 60, s. 17.

18.2. For the purposes of paragraphs *y*, *z* and *aa* of section 17, every business whose main activity is the transformation of dangerous and toxic industrial waste into an inert product that could be marketed with the authorization of the Ministère du Développement durable, de l'Environnement et des Parcs is deemed to engage in the production of property intended for sale.

1984, c. 35, s. 4; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2006, c. 3, s. 35.

18.3. For the purposes of paragraphs *y*, *z* and *aa* of section 17 and of this section, the following mean:

(a) “production equipment” :

- i. machinery, tools, equipment and accessories, except rolling-stock;

- ii. molds, dies, photographic or cinematographic films, magnetic or video tapes and other property of the same nature;
- iii. plans, drawings, models and prototypes including rolling-stock used as a prototype;
- iv. component or spare parts of the property contemplated in subparagraphs i to iii and vii;
- v. material to manufacture or repair the property contemplated in subparagraphs i to iv and vii;
- vi. explosives and the material to manufacture them;
- vii. rolling-stock only employed out of public roads, except railway equipment which is not only used solely in a mine or quarry for the purposes of the exploitation of this mine or quarry and except any automobile, aircraft or boat;

but does not include equipment for the air conditioning, lighting, heating or ventilation of production premises and any returnable property which is used for the delivery or transportation of merchandise;

(b) “rolling-stock” :

- i. every self-propelled vehicle;
- ii. every property normally powered otherwise than by human muscular strength;
- iii. all that which is attached to a property contemplated in subparagraphs i and ii or intended to be so;

(c) “production” : all those activities consisting of the assembling, processing or conditioning of property from which is derived other property that is different from the first property by its nature or characteristics, the restoring of movable property by its owner, the taping of pictures or the recording of sound and the generating of electricity, the building and maintenance of forest access roads in the course of carrying on a timber business, the piling up, at a first point of depot, of residues of carrying on mine business derived from the first stage of concentration, including, whenever performed by the same person in conjunction with the preceding activities:

- i. the generation or transformation of any form of energy;
- ii. the detecting, measurement, treatment, reduction or elimination of water, soil or air pollution which is attributable to the production of movable property;
- iii. the transport to a first point of depot of refuse or waste derived from production;
- iv. the quality control of the property being produced or the control of the production material;
- v. the cleaning, screening, sifting, wrapping, packing or putting into containers;

but does not include the storage of finished products or the assembly, transformation or preparation of movable property by a retail business;

(d) “automobile” :

- i. a passenger vehicle: a self-propelled vehicle, other than a truck, a minibus, an all-terrain vehicle or a snowmobile, designed for the transportation of not more than nine occupants at a time;
- ii. a truck: a self-propelled vehicle, other than a minibus, a bus, an all-terrain vehicle or a snowmobile, having a net mass not in excess of 3,000 kg, with the characteristics of a truck, a pickup or a small van;
- iii. a minibus: a self-propelled vehicle, other than a bus or an all-terrain vehicle, of the small van type designed for the transportation of more than seven occupants at a time;
- iv. a bus: a self-propelled vehicle designed for the transportation of more than nine occupants at a time;
- v. an all-terrain vehicle: a self-propelled vehicle having two or more wheels and a net mass not in excess of 450 kg and designed to run on unworked surfaces;
- vi. a snowmobile: a self-propelled vehicle constructed mainly for travel on snow or ice, with or without steering skis or runners and driven by an endless track in contact with the ground;

vii. all that which is attached to a property contemplated in subparagraphs i to vi or intended to be so;

(e) “net mass” : the mass of a self-propelled vehicle indicated by the manufacturer at the time of shipping or the mass indicated on the weighing certificate where the self-propelled vehicle has been modified or is equipped with an accessory or device to cause it to conform to the special use for which it has been designed.

1989, c. 5, s. 10; 1990, c. 7, s. 5.

18.4. For the purposes of paragraph *c* of section 18.3, the following mean:

(a) “carrying on timber business” : the whole cutting works, transformation and handling of the timber in a forest, except transportation of timber sold for delivery to a purchaser and operations of a saw mill or pulp and paper mill;

(b) “carrying on mine business” : the whole extraction-works and processing deriving from a mineral resource until the first stage of concentration or the equivalent, and includes exploitation of quarries, sand-pits and gravel-pits but not peat-bogs.

1989, c. 5, s. 10; 1990, c. 7, s. 6.

19. For the purposes of paragraph *aa* of section 17, every person contemplated in the said paragraph must establish to the satisfaction of the Minister the value of electricity, gas or fuel subject to the exemption provided for in the said paragraph.

1976, c. 20, s. 4; 1984, c. 35, s. 5; 1987, c. 21, s. 2.

20. For the purposes of paragraphs *z* and *aa* of section 17, the categories of persons which the Minister may determine are those whose activities consist mainly of:

(a) rendering personal or professional services, or

(b) selling movable property they have not produced but to which they may have made certain changes before delivery to the consumer.

The determination provided for in the first paragraph shall be effected by publication of a notice in the *Gazette officielle du Québec* and shall have effect from the day of such publication.

1976, c. 20, s. 4.

20.0.1. For the purposes of taxation, from 2 May 1986, of sales of natural gas invoiced for a consumption period which includes 1 May 1986, the tax under this chapter shall be calculated proportionately to the ratio between the number of days after the latter date and the total number of days covered by the invoice.

1987, c. 21, s. 3.

20.0.2. For the purposes of taxation of the sale of movable property that is delivered on a continuous basis by means of a wire, pipeline or other conduit and for which an invoice is issued for a period commencing before 1 January 1991 and ending after 31 December 1990, the tax provided for in this chapter shall be computed as if an equal part of the whole of the property sold were sold on each day of the period.

1990, c. 60, s. 18.

20.1. (*Repealed*).

1978, c. 30, s. 2; 1980, c. 14, s. 14; 1983, c. 49, s. 4; 1990, c. 60, s. 19.

20.2. A person who, for a non-profit motive, transports persons deprived of the use of their lower limbs is entitled to the reimbursement of the tax paid by him on the purchase of

(a) a motor vehicle designed or modified for that purpose and used mainly for that same purpose; or

(b) a motor vehicle and the parts used to modify it for that purpose, used mainly for that purpose, provided that such vehicle has been so modified within six months of its acquisition.

1978, c. 30, s. 2; 1980, c. 14, s. 15.

20.2.1. A person contemplated in section 20.2 is also entitled to the reimbursement of the tax paid by him under section 7 where he has begun to use a property described in the said section 20.2.

1983, c. 49, s. 5; 1990, c. 60, s. 20.

20.3. A person carrying on an undertaking is entitled to the reimbursement of the tax paid by him on the purchase of movable property if, after such purchase, the property has not been used in Québec and the person has taken or shipped it out of Québec for use or consumption as part of carrying on his undertaking.

1983, c. 20, s. 3.

20.4. A person carrying on an undertaking is entitled to the reimbursement of the tax paid by him on the purchase of property or materials which would be contemplated in paragraph y of section 17 were the property intended for sale if, after being manufactured, the property produced has not been used in Québec and the person has taken or shipped it out of Québec for use or consumption as part of carrying on his undertaking.

1983, c. 20, s. 3.

20.5. A person who is neither resident nor doing business in Québec is entitled to the reimbursement, to the extent prescribed by regulation, of the tax paid by him on the purchase of property determined by regulation if, after such purchase, the property has not been used in Québec, the person has taken or shipped it definitively out of Québec for use or consumption, and the application for reimbursement is made within the time fixed by regulation.

1983, c. 20, s. 3.

20.6. A person who operates a non-profit museum designed for public use and recognized by the Ministère de la Culture et des Communications is entitled to the reimbursement of the tax paid by him on the purchase, for a collection, of cultural property within the meaning of the Cultural Property Act (chapter B-4).

1983, c. 44, s. 12; 1992, c. 65, s. 43; 1994, c. 14, s. 34.

20.7. A corporation that acquires ownership of movable property from a cooperative, corporation, individual or partnership is entitled, to the extent provided by regulation, to the reimbursement of the tax paid by it on the purchase if all the conditions prescribed by regulation are fulfilled.

1983, c. 49, s. 6.

20.8. *(Repealed).*

1983, c. 49, s. 6; 1984, c. 35, s. 6; 1990, c. 60, s. 21.

20.8.1. A person is entitled to the reimbursement of the tax paid by him on the purchase of fuel used to supply a propulsion engine if he is entitled to a refund pursuant to the Fuel Tax Act (chapter T-1) in respect of the purchase, or would be entitled to a refund if the fuel were subject to the said Act, provided he applies therefor in the form prescribed by the Minister, within the same time limit and on the same terms and conditions as those provided in the said Act.

The reimbursement contemplated in the first paragraph shall be computed by using the same proportion as that used for the purposes of computing the refund to which the person is entitled or would be entitled under the Fuel Tax Act.

1990, c. 60, s. 22.

20.8.2. A person, other than a person referred to in section 20.8.1, is entitled to the reimbursement of the tax paid by him on the purchase of gasoline to be used for supplying an aircraft engine or of coloured fuel oil for supplying a railroad locomotive engine, provided he applies therefor within the same period and on the same terms and conditions as those prescribed by regulation, if the aircraft or locomotive is used in the course of his business.

For the purposes of the first paragraph, the expressions “gasoline” and “coloured fuel oil” have the meaning assigned by the Fuel Tax Act (chapter T-1).

1990, c. 60, s. 22.

20.9. A person is entitled to the reimbursement of the tax paid by him in respect of an amount reimbursed to him under the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15).

Notwithstanding the first paragraph, no person is entitled to the reimbursement of the tax paid by him in respect of an amount refunded or credited to him under Part VIII or IX of the Excise Tax Act, unless the amount is an amount described in section 232 or 261 of the said Act.

1986, c. 15, s. 23; 1990, c. 60, s. 23.

20.9.1. Where a person has paid the tax in respect of movable property used for the alteration, improvement, construction or repair of an immovable and another person obtains an amount under Parts VI and VII of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15) for the same property, the latter person is entitled to compensation in an amount equal to the tax paid in respect of the amount that is paid to him.

The compensation is deemed to be a repayment for the purposes of the Act respecting the Ministère du Revenu (chapter M-31).

1988, c. 4, s. 13; 1990, c. 60, s. 24.

20.9.2. Where a person returns to a vendor movable property he has purchased, in return for the reimbursement of all or part of the sale price, he is entitled to the reimbursement of the tax he has paid in respect of the sale price thus reimbursed.

The vendor may reimburse the amount of the tax and deduct it from the amount to be remitted to the Minister for the month pursuant to section 14.

The preceding paragraphs do not apply in respect of property returned after the tax applicable at the time of the purchase of the property has been abolished or reduced.

1990, c. 7, s. 7.

20.9.2.0.1. Where a person has purchased movable property before 1 January 1991 in respect of which he has paid the tax of 9% provided for in this chapter and where he returns the property to the vendor after 31 December 1990 and before 1 February 1991 in exchange for other movable property, the following rules apply:

(a) where the sale price of the other property is equal to that of the returned property, the person may not request a reimbursement of the tax that he paid at the time of the purchase of the returned property and the tax provided for in this chapter does not apply in respect of the purchase of the other property; or

(b) notwithstanding the third paragraph of section 20.9.2, where the vendor reimburses a part of the sale price of the returned property to the person, the person is entitled to the reimbursement by the vendor of the tax paid by the person in respect of the amount thus reimbursed and the tax provided for in this chapter does not apply in respect of the purchase of the other property.

The vendor may reimburse the amount of the tax referred to in subparagraph *b* of the first paragraph and deduct it from the amount to be remitted to the Minister for the month pursuant to section 14.

1991, c. 67, s. 542.

20.9.2.0.2. Where a person has purchased movable property before 1 January 1991 in respect of which the tax of 9% provided for in this chapter does not apply and where he returns the property after 31 December 1990 and before 1 February 1991 in exchange for other movable property which, but for this section, would be taxable at the rate of 8% after 31 December 1990 in accordance with this chapter, the tax provided for in this chapter does not apply in respect of the purchase of the other property if the exchange is invoiced or paid before 1 May 1991.

1991, c. 67, s. 542.

20.9.2.0.3. Where a person has purchased movable property before 1 January 1991 and returns it to the vendor after 31 December 1990 and before 1 February 1991 in exchange for other movable property and where the sale price of the other property exceeds that of the returned property, the person shall pay the tax provided for in this chapter on the excess only and is not entitled to a reimbursement of the tax paid by him in respect of the returned property, if any.

1991, c. 67, s. 542.

20.9.2.0.4. Notwithstanding section 20.9.2, where a person has purchased movable property before 1 January 1991 in respect of which he has paid the tax of 9% provided for in this chapter and where he returns the property to the vendor after 31 December 1990 and before 1 February 1991 without exchanging it for other movable property, the person is entitled to the reimbursement of the tax paid by him in respect of the sale price reimbursed to him by the vendor.

The vendor may reimburse the amount of the tax and deduct it from the amount to be remitted to the Minister for the month pursuant to section 14.

1991, c. 67, s. 542.

20.9.2.1. Where a vendor, on the sale of a movable property to which the tax provided for in Chapter II of this Act applies, accepts in full or partial consideration for the sale of the property a coupon that is not reimbursable to him and the purchase price of the property is not reduced in accordance with section 7.2, he is entitled to compensation in an amount equal to 8/108 of the value of the coupon accepted as full or partial consideration.

The vendor may deduct the amount of the compensation from the amount he is required to remit to the Minister for the month under section 14.

The compensation is deemed to be a refund for the purposes of the Act respecting the Ministère du Revenu (chapter M-31).

The coupon referred to in the first paragraph is a coupon that may be exchanged for movable property or that may entitle the purchaser of such property to a discount, but it does not include a gift certificate.

1990, c. 60, s. 25.

20.9.2.2. Where a person has paid the tax provided for in section 6 at the time of purchase of a book, he is entitled to compensation in an amount equal to that tax.

The vendor shall, at that time, pay to that person the amount of the compensation and he may deduct that amount from the amount he is required to remit to the Minister for the month under section 14.

A person is also entitled to compensation in an amount equal to the tax paid by him under section 7 or 8 in respect of a book.

Such compensations are deemed to be repayments for the purposes of the Act respecting the Ministère du Revenu (chapter M-31).

The book referred to in the first and third paragraphs is a printed book or its updating, identified by an International Standard Book Number (ISBN) issued in accordance with the international book numbering system, or a talking book or the carrier thereof, acquired by a person because of a visual handicap.

1990, c. 60, s. 25.

20.9.2.3. A person is entitled to the reimbursement of the tax paid by him in respect of newspapers purchased by him that he subsequently distributes free of charge to the public at large.

The newspapers referred to in the first paragraph must be non-specialized newspapers in which the average of the printed space devoted to advertising per 6-month period is not more than 80%.

The advertising must not be mainly that of a single advertiser and the costs thereof must be defrayed by the advertisers.

1991, c. 67, s. 543.

CHAPTER II.1

SPECIFIC TAXATION ON SALES OF ALCOHOLIC BEVERAGES

1990, c. 60, s. 25.

DIVISION I

SPECIFIC TAX

1990, c. 60, s. 25.

20.9.3. Every purchaser, at the time of making a retail purchase in Québec of any alcoholic beverage, shall pay a specific tax equal to 0.036 of a cent per millilitre of beer or 0.072 of a cent per millilitre of any other alcoholic beverage purchased by him.

1990, c. 60, s. 25; 1991, c. 67, s. 544.

20.9.4. Every person who carries on business or ordinarily resides in Québec and brings or causes to be brought into Québec any alcoholic beverage for use or consumption by himself or by another person at his expense, or purchases by way of a retail purchase made outside Québec, an alcoholic beverage that is in Québec shall, on the date that the use or consumption of the alcoholic beverage in Québec begins, pay to the Minister a specific tax equal to 0.036 of a cent per millilitre of beer or 0.072 of a cent per millilitre of any other alcoholic beverage so brought in or purchased.

1990, c. 60, s. 25; 1991, c. 67, s. 544.

20.9.5. Every person who has purchased or produced an alcoholic beverage for the purpose of selling it or for the purpose of it forming a component part of movable property intended for sale shall, on the date when he begins to use or consume the alcoholic beverage in Québec for any other purpose or causes it to be used or consumed in Québec at his expense by another person, pay to the Minister a specific tax equal to 0.036 of a

cent per millilitre of beer or 0.072 of a cent per millilitre of any other alcoholic beverage so purchased or produced and so used or consumed by him or by the other person.

However, the first paragraph does not apply in respect of an alcoholic beverage produced in Québec if it is taken or shipped out of Québec for use or consumption as part of the carrying on of the person's undertaking.

Furthermore, where the person has paid the amount equal to the specific tax prescribed in Division IV in respect of the alcoholic beverage described in the first paragraph, that person is deemed to have paid the tax prescribed in the said paragraph in respect of that alcoholic beverage.

1990, c. 60, s. 25; 1991, c. 67, s. 545.

DIVISION II

EXEMPTIONS

1990, c. 60, s. 25.

20.9.6. The specific tax provided for in this chapter does not apply to

(a) the sale of an alcoholic beverage for consumption on the premises, authorized by a permit issued under the Act respecting liquor permits (chapter P-9.1);

(b) the sale of an alcoholic beverage authorized by an event permit issued under the Act respecting liquor permits for consumption at the place indicated on it;

(c) the sale of an alcoholic beverage delivered outside Québec for use or consumption outside Québec;

(d) the sale of an alcoholic beverage intended as a component of a movable property intended for sale;

(e) the sale of an alcoholic beverage containing not more than 1% of alcohol by volume.

For the purposes of subparagraph *c* of the first paragraph, the presumptions in respect of the delivery of goods outside Québec by a vendor, prescribed in the Regulation respecting the application of paragraph *r* of section 17 of the Retail Sales Tax Act (R.R.Q., 1981, c. I-1, r.2) and in its present and future amendments apply to the sale of an alcoholic beverage described in that subparagraph.

1990, c. 60, s. 25; 2018, c. 20, s. 129.

20.9.7. The tax which a person is required to pay upon the use or consumption of an alcoholic beverage pursuant to section 20.9.4 or 20.9.5 does not apply to the extent of the exemption to which the person would be entitled under section 20.9.6, if the person purchased the alcoholic beverage in Québec at the time it began to be used or consumed and if he meets the conditions for the exemption.

1990, c. 60, s. 25.

DIVISION III

ADMINISTRATION

1990, c. 60, s. 25.

20.9.8. Every vendor shall, as agent of the Minister, collect the specific tax provided for in section 20.9.3 at the time of sale by him of any alcoholic beverage.

Whether the price is stipulated to be payable in cash, with a term, in instalments or in any other manner, the tax referred to in the first paragraph shall be collected by the vendor at the time of the sale and calculated on the total number of milliliters of alcoholic beverage forming the object of the contract.

Every vendor who is required to collect the specific tax referred to in the first paragraph shall indicate to the purchaser, in the manner prescribed by regulation or on any invoice, receipt, writing or other document recording the sale, the amount of the tax separately from the sale price or so indicate to him that the price includes the tax.

1990, c. 60, s. 25.

20.9.9. Every vendor shall, on or before the fifteenth day of each month, render an account to the Minister, using the form prescribed by him, of the specific tax he has collected or should have collected during the preceding month and, at the same time, remit to him the amount of that tax.

He shall render an account even if no sale giving rise to such a tax was made during the month.

Notwithstanding the foregoing, a vendor is not required to render an account to the Minister, unless the latter demands it, or to remit to him the specific tax collected in respect of the sale of any alcoholic beverage he acquired from a collection officer holding a registration certificate, where he has paid to that officer the amount provided for in section 20.9.12 in respect of that alcoholic beverage.

However, if the specific tax collected in respect of the alcoholic beverage is greater than the amount paid by the vendor under section 20.9.12 to a collection officer holding a registration certificate, the difference between the tax and the amount shall be remitted to the Minister according to the terms and conditions provided in the first paragraph.

1990, c. 60, s. 25.

20.9.10. Where the specific tax provided for in section 20.9.3 has not been collected by the vendor, the purchaser shall, at the time of the sale, report that fact to the Minister, sending him the invoice, if any, with such information as the Minister may require and, at the same time, remit to him the specific tax payable.

Every person who is required to pay tax under section 20.9.4 or 20.9.5 is under the same obligation, and this obtains at the time specified in those sections.

1990, c. 60, s. 25.

DIVISION IV

ADVANCE COLLECTION

1990, c. 60, s. 25.

20.9.11. Every person who sells an alcoholic beverage in Québec is a collection officer.

Notwithstanding the first paragraph, the following persons, when carrying on such activities as mentioned below, are not collection officers:

(a) the vendor, when he makes a retail sale;

(b) the holder of a distiller's permit or a wine maker's permit issued under the Act respecting the Société des alcools du Québec (chapter S-13), when he carries on activities authorized by such permit;

(c) the holder of a brewer's permit, a warehouse permit or a cider maker's permit issued under the Act respecting the Société des alcools du Québec, when he sells an alcoholic beverage

- i. for purposes of blending, to a person holding an industrial permit issued under the said Act,
 - ii. for consumption on the premises, to a person holding a permit authorizing the sale of alcoholic beverages for consumption on the premises issued under the Act respecting liquor permits (chapter P-9.1), when the alcoholic beverage is delivered in a container identified pursuant to section 12 of the Meals and Hotels Tax Act (chapter T-3) or pursuant to section 31 of this Act, or
 - iii. to the Société des alcools du Québec;
- (d) the holder of a small-scale production permit issued under the Act respecting the Société des alcools du Québec, when he makes a sale to the Société des alcools du Québec;
- (e) the Société des alcools du Québec, when it sells an alcoholic beverage
- i. to the holder of an industrial permit or a small-scale production permit issued under the Act respecting the Société des alcools du Québec, or
 - ii. for consumption on the premises, to a person holding a permit authorizing the sale of alcoholic beverages for consumption on the premises issued under the Act respecting liquor permits, when the alcoholic beverage is delivered in a container identified pursuant to section 12 of the Meals and Hotels Tax Act or pursuant to section 31 of this Act.

1990, c. 60, s. 25.

20.9.12. Every collection officer holding a registration certificate shall, as agent of the Minister, collect an amount equal to the specific tax provided for in section 20.9.3 in respect of beer or other alcoholic beverage, as the case may be, from every person to whom he sells an alcoholic beverage in Québec.

The requirement provided in the first paragraph does not apply to the sale of any alcoholic beverage that is delivered outside Québec.

Whether the price be stipulated to be payable in cash, with a term, in instalments or in any other manner, the amount contemplated in the first paragraph shall be collected by the collection officer at the time of the sale and calculated on the total number of milliliters of alcoholic beverage forming the object of the contract.

Every person who is required to collect the amount provided for in the first paragraph shall indicate to the purchaser, in the manner prescribed by regulation or on any invoice, receipt, writing or other document recording the sale, that amount separately from the sale price or so indicate to him that the price includes that amount.

1990, c. 60, s. 25.

20.9.13. Every collection officer holding a registration certificate shall, on or before the fifteenth day of each month, render an account to the Minister, using the form prescribed by him, of the amounts he has collected or should have collected under section 20.9.12 during the preceding month and remit the amounts to him at the same time.

He shall render an account to the Minister even if no sale of alcoholic beverages was made during the month.

Notwithstanding the foregoing, a collection officer holding a registration certificate is not required to render an account to the Minister, unless the latter demands it, or to remit to him the amount collected in respect of the sale of any alcoholic beverage he acquired from another collection officer holding a registration certificate, where he has paid to that other officer the amount provided for in section 20.9.12 in respect of the alcoholic beverage.

However, if the amount collected in respect of the alcoholic beverage is greater than the amount he paid under section 20.9.12 to a collection officer holding a registration certificate, the difference between the two amounts shall be remitted to the Minister according to the terms and conditions provided in the first paragraph.

1990, c. 60, s. 25.

20.9.14. Every collection officer holding a registration certificate who fails to collect the amount provided for in section 20.9.12 or fails to remit to the Minister such an amount he has collected and is required to remit or remits the amount to a person who does not hold a registration certificate shall become a debtor of Her Majesty in right of Québec for that amount.

Every collection officer who does not hold a registration certificate in force at the time he sells an alcoholic beverage in Québec shall become a debtor of Her Majesty in right of Québec for any amount provided for in section 20.9.12 which he collected or should have collected if he had held such a certificate.

In such circumstances, the amounts referred to in the first and second paragraphs are deemed to be duties within the meaning of the Act respecting the Ministère du Revenu (chapter M-31).

1990, c. 60, s. 25.

DIVISION V

MISCELLANEOUS PROVISIONS

1990, c. 60, s. 25.

20.9.15. No person may sell any alcoholic beverage in Québec to a collection officer or a vendor unless the collection officer or the vendor is the holder of a registration certificate provided for in section 3.

1990, c. 60, s. 25.

20.9.16. No collection officer or vendor may purchase any alcoholic beverage in Québec from a person other than the holder of a registration certificate provided for in section 3.

1990, c. 60, s. 25.

CHAPTER III

TAXATION OF INSURANCE PREMIUMS

1986, c. 15, s. 23.

DIVISION I

SCOPE

1986, c. 15, s. 23.

20.10. The object of this chapter is to tax insurance premiums.

The following are deemed to be insurance premiums:

(a) any amount payable to obtain for oneself or another on the occurrence of a risk a benefit payable by an insurer or another person, including a contribution to an uninsured social benefits plan, an assessment, a premium deposit or a membership fee;

(b) any amount which, under an uninsured social benefits plan, is paid by reason of the occurrence of a risk.

1986, c. 15, s. 23; 1992, c. 1, s. 1.

20.11. The following are subject to the tax:

(a) persons resident in Québec or carrying on business in Québec;

(b) persons not resident in Québec nor carrying on business in Québec, in respect of insurance of property situated in Québec.

1986, c. 15, s. 23.

20.12. A person is resident in Québec if he is ordinarily resident in Québec or if he is deemed to be resident in Québec pursuant to the Taxation Act (chapter I-3).

1986, c. 15, s. 23.

20.13. A person carries on business in Québec if he has an establishment in Québec or if he is deemed to have an establishment in Québec pursuant to the Taxation Act (chapter I-3).

1986, c. 15, s. 23.

20.14. For the purposes of this chapter, an uninsured social benefits plan is a plan which gives protection against a risk that could otherwise be obtained by taking out a policy of insurance of persons, whether the benefits are partly insured or not.

The plan is deemed to be a policy of insurance of persons.

1986, c. 15, s. 23.

DIVISION II

TAX

1986, c. 15, s. 23.

20.15. Every person subject to the tax shall, when paying an insurance premium, pay a tax equal to 9% of the premium or, in the case of an automobile insurance premium, a tax equal to 5% of the premium.

Notwithstanding the foregoing, where the premium is paid by instalments, the tax shall be computed and paid pro rata to the premium paid.

1986, c. 15, s. 23; 1988, c. 4, s. 14.

20.16. A person resident or carrying on business in Québec is deemed to pay the insurance premium paid by a person not subject to the tax in respect of the insurance policy concerned

(a) where he is the owner of the insurance policy;

(b) *(subparagraph repealed)*;

(c) where he has assigned his insurance policy to a person not subject to the tax in respect of the policy;
or

(d) where he has an interest in property situated in Québec or carries on an activity in Québec and a person not subject to the tax in respect of the policy is the owner of the insurance policy relating to that interest or activity.

The same rule applies to a person not resident in Québec nor carrying on business in Québec who has an interest in property situated in Québec if the premium for the insurance policy is paid by a person not subject to the tax in respect of the policy.

In the cases described in this section, the person is deemed to have paid a premium equal to that paid by the person not subject to the tax and to have paid it on the date the latter paid the premium.

1986, c. 15, s. 23; 1986, c. 72, s. 2.

DIVISION III

SPECIAL PROVISIONS RESPECTING CERTAIN KINDS OF INSURANCE

1986, c. 15, s. 23.

§ 1. — *Insurance of Persons*

1986, c. 15, s. 23.

20.17. The following are deemed to be insurance premiums:

(a) administration costs connected with a policy of insurance of persons which are payable to the person who receives the premium described in subparagraph *a* of the second paragraph of section 20.10;

(b) administration costs connected with an insurance premium described in subparagraph *b* of the second paragraph of section 20.10 and payable to the person who administers the uninsured social benefits plan;

(c) interest charges and the tax paid or payable, if any, under Part IX of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15) in connection with a taxable premium under an uninsured social benefits plan and, as regards the tax, determined without reference to the input tax credit provided for in the said Part;

(d) an amount payable to make up a deficit relating to a policy of insurance of persons, whether or not the policy is in force at the time of the payment.

1986, c. 15, s. 23; 1992, c. 1, s. 2.

20.18. The deposit of an amount in a fund created to obtain a benefit for oneself or another on the occurrence of a risk is deemed to be payment of an insurance premium.

1986, c. 15, s. 23.

20.19. *(Repealed).*

1986, c. 15, s. 23; 1986, c. 72, s. 3.

20.20. *(Repealed).*

1986, c. 15, s. 23; 1986, c. 72, s. 3.

20.21. *(Repealed).*

1986, c. 15, s. 23; 1986, c. 72, s. 3.

§ 2. — *Damage Insurance*

1986, c. 15, s. 23.

20.22. Administration costs connected with a damage insurance policy, except those payable to a person other than the insurer and separately indicated on the invoice, are deemed to be insurance premiums.

1986, c. 15, s. 23.

20.23. Individual insurance of persons which is incidental to a damage insurance policy is deemed to be damage insurance.

1986, c. 15, s. 23; 1986, c. 72, s. 4.

20.24. For the purposes of section 20.15, where a damage insurance premium payable by a person who carries on business in Québec is over \$1,000 for the period of coverage and only part of the premium is attributable to a risk that might occur in Québec, the premium is that determined by regulation if the conditions prescribed in the regulation are met.

If the conditions are not met, the tax is computed on the whole premium.

1986, c. 15, s. 23.

20.24.1. An automobile insurance premium is the premium exigible under a policy contemplated in article 2479 of the Civil Code of Lower Canada or a similar policy.

1988, c. 4, s. 15.

DIVISION IV

EXEMPTIONS

1986, c. 15, s. 23.

20.25. The tax provided for in this chapter does not apply to

- (a) the premium for an individual policy of insurance of persons;
- (b) the premium for a policy of group insurance of persons or for an uninsured social benefits plan

i. payable by an employer in respect of an employee who presents himself for work at an establishment of the employer situated outside Québec or who is not required to present himself for work at an establishment of his employer and whose salary or wages are paid from such an establishment situated outside Québec;

ii. payable in respect of a person resident outside Québec by a person who carries on business in Québec and elsewhere and who is not contemplated in subparagraph i;

(c) the premium for an uninsured social benefits plan described in subparagraph *a* of the second paragraph of section 20.10 and payable by an employer in respect of an employee or by an organization in respect of a member if

i. the amount is not greater than that required for payment of foreseeable and payable benefits for 30 days after payment of the premium; and

ii. the benefits constitute income from an office or employment for which contributions established pursuant to the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Act respecting the Régie de l'assurance-maladie du Québec (chapter R-5) or the Act respecting the Québec Pension Plan (chapter R-9) are paid;

(c.1) the premium for an uninsured social benefits plan described in subparagraph *b* of the second paragraph of section 20.10 if

i. the amount is paid by an employer in respect of an employee or by an organization in respect of a member; and

ii. the amount constitutes income from an office or employment for which a contribution established pursuant to the Act respecting industrial accidents and occupational diseases, the Act respecting the Régie de l'assurance-maladie du Québec or the Act respecting the Québec Pension Plan is paid;

(d) the premium for a damage insurance policy where the premium is wholly attributable to the occurrence of a risk outside Québec;

(e) a premium payable out of another taxable premium;

(f) a premium payable under a contract of marine insurance or of reinsurance;

(g) the contribution payable under an annuity contract;

(h) the amount in respect of an additional coverage policy under the terms of which a person undertakes to assume the cost of repair or replacement of property of part thereof if it is defective or malfunctions;

(i) the amount payable to obtain a surety;

(j) the premium payable by a *fabrique* or a trustee of a parish under an insurance policy relating to property used for religious worship or religious activities;

(k) the premium payable by a cemetery society, company or corporation under an insurance policy relating to property used for the cemetery or for cemetery activities;

(l) the premium determined by regulation payable by an Indian or an Indian band if the conditions prescribed by regulation are met;

(m) the premium, assessment or contribution payable under

i. the Workers' Compensation Act (chapter A-3);

ii. the Act respecting industrial accidents and occupational diseases;

iii. *(subparagraph repealed)*;

iv. the Crop Insurance Act (chapter A-30);

v. the Act respecting farm income stabilization insurance (chapter A-31);

vi. the Act respecting the Régie de l'assurance-maladie du Québec;

vii. the Act respecting the Québec Pension Plan;

viii. the Unemployment Insurance Act (Revised Statutes of Canada, 1985, chapter U-1);

(n) a premium payable in respect of an aircraft used in the operation of a commercial air service under a licence or permit issued for that purpose under the Aeronautics Act (Revised Statutes of Canada, 1985, chapter A-2) or the National Transportation Act, 1987 (Revised Statutes of Canada, 1985, chapter 28, 3rd Supplement);

(o) a premium of \$0.25 or less payable in a single payment, or in several payments if the yearly total does not exceed that amount.

1986, c. 15, s. 23; 1986, c. 72, s. 5; 1987, c. 21, s. 4; 1988, c. 27, s. 3; 1990, c. 59, s. 2; 1992, c. 1, s. 3.

20.25.1. Notwithstanding section 20.25, the tax provided for in this chapter applies to the insurance premium payable to the Société de l'assurance automobile du Québec.

1986, c. 72, s. 6; 1990, c. 19, s. 11.

DIVISION V

REIMBURSEMENT OF TAX

1986, c. 15, s. 23.

20.26. A person who fully or partially reimburses an insurance premium shall also reimburse the tax he collected in respect thereof.

The reimbursement is computed pro rata to the reimbursed premium and is deducted from the amount of the tax collected by the person during the month.

Notwithstanding the first paragraph, no tax may be reimbursed in respect of a premium reimbursed after 18 December 1985, if the premium is attributable to an individual policy of insurance of persons which is terminated after that date.

A person who, before 1 January 1988, collects a tax equal to 9% of an automobile insurance premium upon payment of the premium may reimburse the excess tax collected and deduct the reimbursement from the tax collected in the month.

1986, c. 15, s. 23; 1986, c. 72, s. 7; 1988, c. 4, s. 16.

DIVISION VI

ADMINISTRATION

1986, c. 15, s. 23.

§ 1. — *Registration certificate and collection and remittance of the tax*

1986, c. 15, s. 23.

20.27. A person who receives payment of a premium for a policy of insurance of persons described in subparagraph *a* of the second paragraph of section 20.10, shall collect the tax at the same time.

The person shall remit the tax to the Minister if he is not required to remit the premium to another person or if he is required to remit it to a person who does not hold a registration certificate.

In other cases, he shall remit the tax at the same time as the premium, to the person to whom he remits the premium.

1986, c. 15, s. 23; 1992, c. 1, s. 4.

20.27.1. The person who administers the uninsured social benefits plan of a particular person shall collect the tax at the time as the particular person pays to him the amount connected with the premium described in subparagraph *b* of the second paragraph of section 20.10 and shall remit the tax to the Minister.

1992, c. 1, s. 5.

20.28. The tax on a damage insurance premium shall be collected at the same time as the premium and remitted to the Minister by

(a) the insurance broker, except in respect of any premium remitted to him by a travel agent;

(b) the insurer, where the premium has not been remitted to a travel agent or an insurance broker or where it has been remitted to an insurance broker from outside Québec who does not furnish proof to him that the tax has been remitted to the Minister;

(c) the travel agent; or

(d) any other person who receives payment of an insurance premium which he is not required to remit to another person, including an organization which receives payment of a premium payable under an Act.

1986, c. 15, s. 23; 1989, c. 48, s. 257.

20.29. Every person required to remit the tax provided for in this chapter to the Minister shall hold a registration certificate issued under this Act.

Paragraphs 2 to 5 of section 3 and section 5, adapted as required, apply to the certificate.

1986, c. 15, s. 23.

20.30. Every person who holds or who is required to hold a registration certificate shall act as agent for the Minister, keep account of amounts collected, report them and remit them to him on or before the fifteenth day of each month for the preceding calendar month or at the time prescribed by regulation, even if no payment of any insurance premium subject to the tax has been received during the month.

1986, c. 15, s. 23.

20.31. Where the tax provided for by this chapter is not collected by the person subject to the tax at the time of payment of the premium, the person shall, at that time, make a report to the Minister, including the invoice or statement where necessary and any information he may require, and at the same time remit the tax to him.

1986, c. 15, s. 23.

§ 2. — *Certification*

1986, c. 15, s. 23.

20.32. A person subject to the tax who pays an insurance premium part of which is not taxable shall certify, on the form authorized by the Minister and in the cases prescribed by regulation, what portion of the premium is taxable, to the person required to collect the tax.

1986, c. 15, s. 23.

§ 3. — *Computation and separate indication of the tax*

1986, c. 15, s. 23.

20.33. The tax provided for by this chapter shall be computed separately for each premium payment and any fraction of \$0.01 shall be counted as \$0.01.

Notwithstanding the foregoing, where a damage insurance premium is greater than \$11, the person who collects the tax may round it off to the nearest dollar.

1986, c. 15, s. 23.

20.34. The tax shall be shown separately from the premium on any invoice or statement and in the books of account of the person required to collect the tax, except where section 20.32 applies, in which case the person subject to the tax is required to indicate the tax separately from the amount of the premium on any document forwarded with his payment.

1986, c. 15, s. 23.

20.35. Where the insurance premium is not specified or where it is combined with another amount, the Minister may determine the premium which shall serve as the basis for the taxation provided for in this chapter.

1986, c. 15, s. 23.

20.36. Where an insurance premium is paid by way of a salary deduction, the tax need not be separately indicated on the statement of earnings and deductions.

Notwithstanding the foregoing, a person who agrees to this mode of payment shall be informed at the time he agrees to it of the amount of tax payable on his insurance premium.

1986, c. 15, s. 23.

DIVISION VII

TRANSITIONAL PROVISIONS

1986, c. 15, s. 23.

20.37. Where an insurance policy has undergone no alteration between 23 April and 16 June 1985, the tax does not apply to

(a) a premium paid between 23 April and 16 June 1985 for a policy that came into force before 24 April 1985;

(b) a premium invoiced before 24 April 1985 and paid between 23 April and 16 June 1985 for a policy becoming effective during the latter period.

For the purposes of the first paragraph, the premium is deemed to be paid at the time it is paid to the insurer if the insurance broker remits it to him before receiving the payment from his client.

The tax does not apply to an insurance premium paid between 23 April and 16 June 1985 for an uninsured social benefits plan created before 24 April 1985.

1986, c. 15, s. 23; 1989, c. 48, s. 257.

20.38. Notwithstanding section 20.27:

(a) the insurer shall collect on or before 17 July 1985 the tax on a personal life-insurance premium paid between 23 April and 18 July 1985;

(b) the person who receives payment of an insurance premium shall collect on or before 1 August 1985 the tax on the premium for an uninsured social benefits plan paid between 23 April and 2 August 1985.

1986, c. 15, s. 23.

CHAPTER IV

GENERAL PROVISIONS

1986, c. 15, s. 23.

21. (1) The holder of a registration certificate or the person required to hold such a certificate shall keep account of the tax collected or, in the case of a collection officer, of the amount equal to the specific tax collected, and report and remit it to the Minister, in such form and manner as the Minister prescribes.

(2) The report shall be verified by the affidavit or the solemn affirmation of the holder of the registration certificate or the person required to hold such a certificate.

(3) The Minister may require any holder of a registration certificate or any person required to hold such a certificate to keep in the form he prescribes a record of all purchases and sales of movable property by him, and to forward to him copies of such records or extracts therefrom, at such time and in such manner as he deems fit. He may also compel any finance company to keep its contracts for such time as he prescribes and to send him copies thereof.

(4) The Minister may, by demand sent by registered or certified mail or served personally, require of any person, within such reasonable delay as he fixes, any information or the production of such books, letters, accounts, invoices, financial statements or other documents as he deems necessary for the application of this Act.

(5) The Minister may require any holder of a registration certificate or any person required to hold such a certificate to forward to him, on the form prescribed by the Minister and within the period fixed by him, the inventory of all or certain movable property intended for sale that is in his possession on such date as the Minister may determine.

R. S. 1964, c. 71, s. 16; 1965 (1st sess.), c. 27, s. 2; 1966-67, c. 34, s. 4; 1971, c. 26, s. 7; 1975, c. 83, s. 84; 1985, c. 25, s. 11; 1990, c. 60, s. 26.

22. (*Repealed*).

R. S. 1964, c. 71, s. 17; 1977, c. 5, s. 14; 1985, c. 25, s. 12.

23. (1) Every person who:

(a) does not furnish a report or any other document or information in the manner and at the time prescribed under this Act or the regulations; or

(b) being an agent of the Minister, refuses or neglects to collect, account for, report or remit any amount of tax or the amount equal to the specific tax, the whole in accordance with this Act or the regulations,

commits an offence and is liable to a fine of not less than \$25 for each day that the offence continues.

(2) Every person who:

(a) contravenes section 3 or 4, the second paragraph of section 13, section 14.1, 20.9.2.2, 20.29, 20.31, 20.34 or 20.36, subsection 3 of section 21 or the regulations; or

(b) acting as the representative of a business house not registered as a vendor or retailer in Québec, solicits, receives or accepts from persons ordinarily residing or carrying on business therein orders for movable property for delivery in Québec for their own use and consumption in Québec;

(c) *(paragraph repealed)*,

commits an offence and is liable to a fine of not less than \$200 nor more than \$5,000.

(3) Every person who contravenes section 20.9.15 or 20.9.16 commits an offence and is liable to a fine of not less than \$2,000 nor more than \$25,000.

R. S. 1964, c. 71, s. 20; 1971, c. 26, s. 13 (*part*); 1972, c. 25, s. 8; 1985, c. 25, s. 13; 1986, c. 15, s. 25; 1986, c. 72, s. 8; 1990, c. 60, s. 27.

24. *(Repealed)*.

1971, c. 26, s. 13; 1983, c. 49, s. 8.

25. *(Repealed)*.

R. S. 1964, c. 71, s. 21; 1985, c. 25, s. 14.

26. *(Repealed)*.

R. S. 1964, c. 71, s. 22; 1971, c. 26, s. 14; 1983, c. 49, s. 9.

27. *(Repealed)*.

R. S. 1964, c. 71, s. 24; 1982, c. 38, s. 8.

28. In order to facilitate the collection and remittance of the tax provided for by this Act or to prevent the double payment of such tax on the same movable property, the Minister may effect such arrangements as he may deem expedient to make with any person holding a registration certificate, which arrangements shall be subject to this Act.

R. S. 1964, c. 71, s. 26; 1985, c. 25, s. 15.

29. No retailer nor any person contemplated in section 20.29 shall institute or continue any proceedings in Québec for the recovery of a debt arising from the sale or delivery of property to a person who resides or carries on business therein, or from an insurance policy, unless he holds a registration certificate issued under this Act.

Such incapacity shall be noticed *ex officio* by the court and its officers.

Nevertheless, any proceedings instituted shall be valid notwithstanding such incapacity upon the subsequent obtaining of the registration certificate.

R. S. 1964, c. 71, s. 27; 1982, c. 38, s. 9; 1986, c. 15, s. 26.

30. *(Repealed)*.

R. S. 1964, c. 71, s. 30; 1978, c. 25, s. 24.

30.1. Notwithstanding any provision of this Act inconsistent herewith, where a movable property prescribed by regulation is used partly outside Québec, the tax is computed in the manner determined by regulation.

1985, c. 25, s. 16.

31. The Government may make regulations not inconsistent with this Act and deemed necessary:

(a) *(subparagraph repealed)*;

(b) to carry into effect the provisions of this Act according to their true intent or to supply any deficiency therein.

It may also, by regulation, order that a beverage of any such class as it may determine and intended for use or consumption in any establishment described in paragraph *r* of section 18.1 be in a container identified in the manner determined by it or of the size determined by it and that it be sold and delivered in that container. In addition, it may, by regulation, order that such containers be for the exclusive use of the establishment.

Regulations made under this Act come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein; they may also, once published and if they so provide, apply from a date prior to their publication but not prior to 30 August 1990.

R. S. 1964, c. 71, s. 31; 1976, c. 20, s. 5; 1978, c. 30, s. 3; 1979, c. 20, s. 3; 1979, c. 78, s. 4; 1980, c. 14, s. 16; 1981, c. 24, s. 6; 1986, c. 15, s. 27; 1989, c. 5, s. 19; 1990, c. 60, s. 28.

32. *(Repealed)*.

1965 (1st sess.), c. 27, s. 3; 1966-67, c. 34, s. 8; 1979, c. 72, s. 335; 1979, c. 72, s. 337.

32.1. *(Repealed)*.

1978, c. 29, s. 1; 1979, c. 72, s. 337.

33. *(Repealed)*.

1965 (1st sess.), c. 27, s. 3; 1966-67, c. 34, s. 9; 1979, c. 72, s. 337.

34. *(Repealed)*.

1965 (1st sess.), c. 27, s. 3; 1979, c. 72, s. 337.

35. *(Repealed)*.

1965 (1st sess.), c. 27, s. 3; 1979, c. 72, s. 337.

36. *(Repealed)*.

1965 (1st sess.), c. 27, s. 3; 1979, c. 72, s. 337.

37. *(Repealed)*.

1965 (1st sess.), c. 27, s. 3; 1968, c. 31, s. 7; 1979, c. 72, s. 337.

38. *(Repealed)*.

1968, c. 31, s. 8; 1979, c. 72, s. 337.

39. *(Repealed)*.

1969, c. 32, s. 1; 1979, c. 72, s. 337.

40. *(Repealed)*.

1965 (1st sess.), c. 27, s. 3; 1979, c. 72, s. 337.

41. *(Repealed).*

1965 (1st sess.), c. 27, s. 3; 1968, c. 31, s. 9; 1969, c. 32, s. 2; 1979, c. 72, s. 337.

42. *(Repealed).*

1965 (1st sess.), c. 27, s. 3; 1966-67, c. 34, s. 10; 1969, c. 32, s. 3; 1973, c. 32, s. 5; 1975, c. 71, s. 5; 1979, c. 72, s. 337.

43. *(Repealed).*

1965 (1st sess.), c. 27, s. 3; 1969, c. 32, s. 4; 1979, c. 72, s. 337.

44. *(Repealed).*

1965 (1st sess.), c. 27, s. 3; 1968, c. 31, s. 10; 1979, c. 72, s. 337.

45. *(Repealed).*

1965 (1st sess.), c. 27, s. 3; 1979, c. 72, s. 337.

46. *(Repealed).*

1965 (1st sess.), c. 27, s. 3; 1979, c. 72, s. 337.

47. *(Repealed).*

1968, c. 31, s. 12; 1979, c. 72, s. 336; 1979, c. 72, s. 337.

48. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

49. This Act ceases to apply in respect of

- (1) any sale made after 30 June 1992;
- (2) the sale of property or a service delivered, performed or made available, as the case may be, on a continuous basis by means of a wire, pipeline or other conduit, insofar as the property or service is delivered, performed or made available, as the case may be, after 30 June 1992;
- (3) rent attributable to a period after 30 June 1992 unless it is paid before 1 July 1992;
- (4) the bringing into Québec of movable property after 30 June 1992;
- (5) any change of use of movable property after 30 June 1992;
- (6) any insurance premium paid after 30 June 1992.

1991, c. 67, s. 546.

SCHEDULE

(Repealed).

1979, c. 72, s. 337.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 71 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter I-1 of the Revised Statutes.

