

1950

## c 304 Public Commercial Vehicles Act

Ontario

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## CHAPTER 304

## The Public Commercial Vehicles Act

## 1. In this Act,

Interpre-  
tation.

- (a) "Board" means Ontario Municipal Board;
- (b) "compensation" includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly;
- (c) "Department" means Department of Highways;
- (d) "goods" includes all classes of materials, wares and merchandise, live stock and milk;
- (e) "highway" means highway as defined in *The Highway Traffic Act*; Rev. Stat., c. 167.
- (f) "Minister" means Minister of Highways;
- (g) "owner" means a person registered under *The Highway Traffic Act* as the owner of a motor vehicle;
- (h) "operating licence" means public commercial vehicle operating licence issued under this Act;
- (i) "public commercial vehicle" means a commercial motor vehicle or trailer as defined in *The Highway Traffic Act*, operated on a highway by, for, or on behalf of any person for the transportation for compensation of goods and not confined in its operation to any urban zone, but does not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk which are the product of such farm or forest;
- (j) "regulations" means regulations made under this Act;
- (k) "toll" means any fee or rate charged, levied or collected for the transportation of goods or for use of a public commercial vehicle;
- (l) "transportation" with respect to goods means the transportation, carriage, shipment, care, handling, storage or delivery thereof;

- (m) "urban zone" means an area consisting of one urban municipality and lands adjacent thereto and within a distance of three miles therefrom;
- (n) "vehicle licence" means public commercial vehicle licence issued under this Act. 1949, c. 79, s. 1.

Operating  
licence  
required.

**2.**—(1) No person shall conduct upon a highway by means of a public commercial vehicle the business of transportation of goods except under an operating licence.

Vehicle  
licence  
required.

(2) No person shall operate a public commercial vehicle unless the vehicle is licensed as a public commercial vehicle under this Act.

Advertising  
by  
unlicensed  
persons.

(3) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of goods by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act. 1949, c. 79, s. 2.

Agents.

**3.**—(1) No person other than a duly authorized agent of an owner of a public commercial vehicle shall carry on the business of an agent for the transportation of goods upon the highways.

Agency  
authority.

(2) A duly authorized agent of an owner of a public commercial vehicle shall be appointed in writing and such appointment shall be signed by the owner and shall at all times be kept posted up and displayed in a conspicuous place on the premises at which the agent conducts the agency business. 1949, c. 79, s. 3.

Approval  
of Board.

**4.**—(1) No operating licence shall be issued without the approval of the Board being first obtained as evidenced by the Board's certificate of public necessity and convenience furnished to the Minister, and then only in accordance with the certificate.

Renewal  
of licence.

(2) The approval of the Board to a renewal of a licence shall not be required unless the Minister refers the application for renewal to the Board.

Transfer of  
licence.

(3) The Minister may refer any application for the transfer of an operating licence to the Board.

Alteration  
of licence.

(4) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed.

(5) On any application or reference to the Board, the Board shall have and may exercise all powers necessary for the purposes of this Act, and may give such certificate and make such order as it deems just. 1949, c. 79, s. 4.

Powers of Board.

5. Operating and vehicle licences shall be issued by the Minister and shall be subject to the regulations and the terms and conditions in the licence. 1949, c. 79, s. 5.

Issue of licences.

6. An operating licence may confer special or limited rights with respect to the operation of public commercial vehicles and with respect to any highway or highways or portions thereof described in the licence. 1949, c. 79, s. 6.

Rights limited by licence.

7.—(1) A vehicle licence may fix the tonnage that the vehicle may carry, and no vehicle shall at any time carry more tonnage than is fixed by the licence.

Tonnage.

(2) Every public commercial vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous position a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year. 1949, c. 79, s. 7.

Licence plate to be plainly exposed.

8. The Minister may at any time cancel or suspend any licence by reason of a breach of this Act or *The Highway Traffic Act* or of the regulations hereunder or thereunder, or for any reason set out in the regulations. 1949, c. 79, s. 8.

Cancellation and suspension of licences. Rev. Stat., c. 167.

9. No operating licence shall be transferred except with the written approval of the Minister. 1949, c. 79, s. 9.

Transfer of licences.

10. Every person licensed under this Act shall provide or effect and carry such insurance or bond as is prescribed by the regulations. 1949, c. 79, s. 10.

Insurance.

11.—(1) Every insurer who has issued a policy of insurance in accordance with section 10 shall issue a certificate thereof which shall be filed with the Minister.

Certificate of insurance.

(2) Such certificate shall be deemed to be a conclusive admission by the insurer that the policy has been issued and is in accordance with the terms of the certificate.

Effect of certificate.

(3) Every insurer shall notify the Minister in writing of the cancellation or expiry of any policy for which a certificate has been issued, at least 30 days before the effective date of the cancellation or expiry, and in the absence of such notice of cancellation or expiry the policy shall remain in full force and effect. 1949, c. 79, s. 11.

Notice of cancellation or expiry of insurance.

Cancellation  
or expiry  
of bond.

**12.** A bond issued in accordance with section 10 shall not be cancelled or expire except after 30 days written notice to the Minister, but not after the happening of an injury or damage secured by the bond as to such accident, injury or damage, and the bond shall be filed with the Minister. 1949, c. 79, s. 12.

Offences and  
penalties.

**13.**—(1) Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$20 and not more than \$200. 1949, c. 79, s. 13 (1, 3).

Disposition  
of penalties.

(2) Every money penalty so imposed shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. 1949, c. 79, s. 13 (2).

Consent to  
prosecutions.

**14.** No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. 1949, c. 79, s. 14.

Regulations.

**15.** The Lieutenant-Governor in Council may make regulations,

- (a) governing the issue, renewal, transfer, suspension and cancellation of licences and classes of licences;
- (b) prescribing fees and the basis for computing fees, and respecting payment thereof;
- (c) prescribing terms and conditions to which licences shall be subject;
- (d) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons licensed under this Act;
- (e) prescribing the terms and conditions of cancellation, expiry, renewal, extension and notice of cancellation respecting such insurance or bonds;
- (f) governing the filing of bonds and certificates of insurance;
- (g) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;
- (h) providing for the examination of public commercial vehicles, their contents and equipment by officers of the Department and members of the Ontario Provincial Police Force;

- (i) prescribing, regulating and limiting the hours of labour of drivers of public commercial vehicles;
  - (j) prescribing the qualifications of drivers of public commercial vehicles;
  - (k) prescribing equipment to be carried by public commercial vehicles and the condition and location in which the equipment shall be kept;
  - (l) prescribing the method of bookkeeping or accounting to be used and the returns or statements to be filed, and providing for the examination by officers of the Department of all books, records and documents;
  - (m) prescribing the method of handling cash on delivery shipments and the collection and remittance of cash on delivery funds;
  - (n) prescribing the form of bill of lading to be used;
  - (o) providing for the delegation to an officer of the Department of such of the powers and duties of the Minister as may be deemed necessary;
  - (p) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1949, c. 79, s. 15.
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