

1937

c 290 Commercial Vehicle Act

Ontario

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CHAPTER 290.

The Commercial Vehicle Act.

Interpretation.

1. In this Act,—

- "Board." (a) "Board" shall mean Ontario Municipal Board;
- "Department." (b) "Department" shall mean Department of Highways;
- "Goods." (c) "Goods" shall include all classes of materials, wares and merchandise, live stock and milk;
- "Highway." (d) "Highway" shall mean "highway" as defined in *The Highway Traffic Act*;
Rev. Stat. c. 288.
- "Minister." (e) "Minister" shall mean Minister of Highways;
- "Owner." (f) "Owner" shall mean a person registered under *The Highway Traffic Act* as the owner of a motor vehicle;
- "Private commercial vehicle." (g) "Private commercial vehicle" shall mean a commercial motor vehicle or trailer as defined in *The Highway Traffic Act*, having a registered gross weight of 6,000 pounds or more and operating regularly in the ordinary and usual course of the business of the owner beyond the limits of any urban zone, but shall not include a commercial motor vehicle or trailer customarily used for the transportation from a farm or forest of goods which are the product of such farm or forest and incidentally used for the transportation of other goods, wares or merchandise, the property of the owner of such farm or forest;
- "Public commercial vehicle." (h) "Public commercial vehicle" shall mean 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 who receives compensation for the transportation of goods and not confined in its operation to any urban zone, but shall 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;
- "Toll." (i) "Toll" shall mean any fee or rate charged, levied or collected for the transportation of goods or for use of a public commercial vehicle;

- (j) "Transportation" shall with respect to goods mean ^{"Transportation."} and include the transportation, carriage, shipment, care, handling, storage or delivery thereof ;
- (k) "Urban zone" shall mean an area consisting of one ^{"Urban Zone."} urban municipality and lands adjacent thereto and within a distance of three miles therefrom. 1936, c. 9, s. 2.

PART I.

PUBLIC COMMERCIAL VEHICLES.

2. No person shall conduct upon a highway by means of a ^{License required.} public commercial vehicle the business of transportation of goods unless licensed so to do by the Department under the provisions of this Act. 1936, c. 9, s. 3.

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

(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 such agent conducts the agency business. ^{Agency authority.} 1936, c. 9, s. 4.

4.—(1) No license shall be issued to the owner of a public commercial vehicle without the approval of the Board being ^{Certificate of Municipal Board.} first obtained as evidenced by a certificate of public necessity and convenience of the said Board furnished to the Department and then only in accordance with such certificate.

(2) It shall not be necessary to the renewal by the Department of any such license that the approval of the Board be ^{Renewals of licenses.} obtained unless the Department shall have referred the application for such renewal to the Board for its approval. 1936, c. 9, s. 5.

PART II.

PRIVATE COMMERCIAL VEHICLES.

5.—(1) No person shall operate a private commercial vehicle upon a highway unless licensed so to do by the Department under the provisions of this Act. ^{Private commercial vehicle, necessity for license.}

Applications and questions may be referred to Board.

(2) The Minister may refer any application for a license for a private commercial vehicle or any matter or question relating to any such application to the Board and may require the Board to determine whether any commercial vehicle, which is not a public commercial vehicle, operates regularly beyond the limits of any urban zone, and a statement of the findings of the Board certified by the chairman shall be furnished to the Department. 1936, c. 9, s. 6.

PART III.

GENERAL.

Terms of licenses.

6. Licenses issued by the Department shall be subject to the regulations made under the authority of this Act. 1936, c. 9, s. 7.

Regulations.

7. The Lieutenant-Governor in Council, upon the recommendation of the Minister may make regulations,—

- (a) respecting the issue, extension, renewal, transfer, suspension and revocation of licenses;
- (b) respecting the payment of fees and the amount and time of payment of such fees;
- (c) fixing the amount, nature and class of insurance or bond which shall be provided or carried by owners;
- (d) prescribing the form of bill of lading to be used;
- (e) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;
- (f) prescribing the method of book-keeping or accounting to be used and the returns or statements to be filed;
- (g) prescribing, regulating and limiting the hours of labour for drivers;
- (h) prescribing the minimum age of drivers and minimum rates of pay or wages for drivers;
- (i) generally for the better carrying out of the provisions of this Act. 1936, c. 9, s. 8.

Powers of Municipal Board.

8. The Board shall have and may exercise all such powers as may be necessary for the purposes of this Act and the regulations with respect to the matters in which it is thereby, or by order of the Lieutenant-Governor in Council, given jurisdiction. 1936, c. 9, s. 9.

9.—(1) Any person who violates any of the provisions of ^{Penalty.} this Act or any regulation passed thereunder shall be guilty of an offence and shall incur a penalty of not less than \$20 and not exceeding \$200. 1936, c. 9, s. 10 (1).

(2) Any prosecution under this Act shall be instituted only ^{Prosecu-} with the consent of an officer of the Ontario Provincial Police ^{tions.} Force, or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. 1937, c. 12, s. 2.

(3) The penalties provided by subsection 1 shall be recover- ^{Rev. Stat.} able under *The Summary Convictions Act*. 1936, c. 9, s. 10 (3). ^{c. 136.}
