

1937

c 332 Gasoline Handling Act

Ontario

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CHAPTER 332.

The Gasoline Handling Act.

Interpre-
tation.**1.** In this Act,—

"Gasoline."

(a) "Gasoline" shall include any liquid derived from petroleum, coal or natural gas whether or not it is mixed, combined or compounded with any other substance or material, as well as benzol and other liquids by whatever name known or sold, produced, prepared or compounded for the purpose of generating power by means of internal combustion or which may be used for such purpose, except the product commonly known as kerosene or coal oil when such product is not mixed or combined with gasoline, benzol or any other liquid described by this clause;

"Minister."

(b) "Minister" shall mean Minister of Highways;

"Person."

(c) "Person" shall include firm, partnership, corporation, club, association and syndicate;

"Regulations."

(d) "Regulations" shall mean regulations made under the authority of this Act. 1936, c. 24, s. 2.

License to
sell gaso-
line.

2.—(1) No person shall offer for sale, or sell gasoline, kerosene or distillate in Ontario unless licensed so to do by the Minister under this Act.

License to
transport
gasoline.

(2) No person, other than a railway company, shall transport gasoline, kerosene or distillate in Ontario unless licensed so to do by the Minister under this Act.

Exemption.

(3) Where it appears to the satisfaction of the Minister that any vendor of kerosene or distillate is only retailing such products for domestic purposes other than the generating of power by means of internal combustion, and the amount of such products retailed by him during the calendar year is not in excess of one thousand gallons, the Minister may exempt such vendor from the provisions of this section.

Penalty.

(4) Every person who violates any of the provisions of this section shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$25 and not exceeding \$100, or to a term of imprisonment of not less than ten days and not exceeding one month, or to both, and for a second or

subsequent offence, to a penalty of not less than \$100 and not exceeding \$500, or to a term of imprisonment of not less than one month and not exceeding six months, or to both. 1936, c. 24, s. 3.

3.—(1) No person shall mix, combine or compound any constituent of gasoline with any other substance or material whether a constituent of gasoline or not, for the purpose of offering such mixture, combination or compound for sale unless licensed so to do by the Minister. License to mix gasoline.

(2) Every person who violates the provisions of subsection 1 shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$100 and not exceeding \$500, or to a term of imprisonment of not less than one month and not exceeding three months, or to both, and for a second or subsequent offence to a penalty of not less than \$500 and not exceeding \$1,000, or to a term of imprisonment of not less than three months and not exceeding six months, or to both. 1936, c. 24, s. 4. Penalty.

4. The Minister may refuse to grant a license to any person and may revoke or suspend any license issued under this Act. 1936, c. 24, s. 5. Refusal to grant, revocation or suspension of license.

5. Every person who, in Ontario, during any calendar month has manufactured gasoline, or has combined or compounded any constituent of gasoline with any other substance or material whether a constituent of gasoline or not, for the purpose of offering such mixture, combination or compound for sale, or has imported gasoline into Ontario, or usually manufactures or imports gasoline, shall within ten days immediately following the end of such calendar month, furnish to the Minister a return in such form as may be prescribed by the regulations. 1936, c. 24, s. 6. Returns as to sale, etc., of gasoline.

6. When gasoline is shipped from a place out of Ontario to a place within Ontario, by means of a carrier, the person receiving such gasoline in Ontario shall obtain and retain the bill of lading issued for such shipment and show it to any officer of the Department of Highways having general charge of the carrying out of this Act and the regulations, on his request, provided, however, that the inspection shall be made within two years from the receiving of the gasoline, and when such shipment is made by land or water by means of a conveyance belonging to or controlled by the shipper or by the consignee, the person receiving such gasoline in Ontario shall state in his return to the Minister the means of conveyance, the Returns of persons receiving importations of gasoline.

points of shipment and destination, and if the shipment is made by water, the name of the vessel in which it is made. 1936, c. 24, s. 7.

Returns
of trans-
porter.

7. Every person who during any calendar month transports gasoline from a place out of Ontario into Ontario, shall within ten days immediately following the end of such calendar month furnish to the Minister a return in such form as may be prescribed by the regulations showing the quantity of gasoline so transported and the name of the person to whom it is delivered in Ontario. 1936, c. 24, s. 8.

Exception
as to ship-
ments
through
Ontario.

8. No provision of this Act shall be interpreted as forbidding the continuous transportation of gasoline with or without trans-shipment, through Ontario from a place out of Ontario to any other place also out of Ontario, provided that the transportation of any gasoline without a bill of lading evidencing shipment from a place out of Ontario to any other place also out of Ontario, shall create a *prima facie* presumption that such gasoline is intended for delivery within Ontario. 1936, c. 24, s. 9.

Install-
ation of
mechanical
appliances.

9.—(1) The Minister may require any manufacturer, importer, jobber or vendor of gasoline to instal, at his own expense, automatic meters or other apparatus approved by the Minister.

Approval of
apparatus
by Minister.

(2) The use of such meters or other apparatus shall be subject to the control of the Minister who may also at any time require the use of such other apparatus or devices as he may deem advisable. 1936, c. 24, s. 10.

Inspection.

10. Every officer of the Department of Highways having general charge of the carrying out of this Act and the regulations, and every inspector and any other person specially authorized by the Minister, may,—

(a) enter, at any reasonable hour, the premises of any manufacturer, importer, jobber or vendor of gasoline and examine all books and records, take measurements and otherwise obtain all information from such manufacturer, importer, jobber or vendor and the servants, agents and employees of such manufacturer, importer, jobber or vendor as he may deem necessary or desirable; and

(b) take from any premises or conveyance samples or specimens of any liquid which he has reason to believe is, or contains gasoline, distillate or kerosene. 1936, c. 24, s. 11.

11. In addition to any other remedies given by this Act in the case of any person selling gasoline without having a subsisting license under this Act, any person acting under the authority and instructions of the Minister may close the place or places of business of such person and prevent any sale of gasoline by him until he has complied with the provisions of this Act and the regulations. 1936, c. 24, s. 12.

Power to close premises for contravention of Act.

12. The Lieutenant-Governor in Council may make regulations,—

Regulations.

- (a) providing for the appointment of such inspectors, officers and other persons as may be necessary for the proper carrying out of the provisions of this Act and the regulations;
- (b) providing for the issuing of licenses authorized by this Act and for the production or posting thereof and prescribing the fees payable therefor;
- (c) prescribing the records and books relating to gasoline, kerosene and distillate to be kept by any person or class of persons whether or not such person or class of persons is licensed under this Act;
- (d) providing for the making of returns and statements by any person or class of persons whether or not such person or class of persons is licensed under this Act;
- (e) exempting any person or class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
- (f) requiring that all gasoline stored or offered for sale in Ontario shall be graded according to such scale as the regulations may prescribe;
- (g) requiring importers, manufacturers, jobbers and vendors of gasoline to indicate the grade and price of gasoline offered for sale;
- (h) fixing the grade or quality of gasoline which may be offered for sale;
- (i) providing for the sealing of pumps, tanks, reservoirs and other containers of gasoline;
- (j) prescribing the construction, equipment and operation of conveyances and containers used for the transportation and storage of gasoline, kerosene and distillate;

(k) providing for the holding of inquiries into the operation of this Act and into any charge or complaint that any person has violated or failed to observe any provision of this Act or the regulations, or has made any false statement in any return or statement required to be made by this Act or the regulations, or into any other matter arising in the administration of this Act, and providing that the person holding such inquiry shall have all the powers of a commissioner appointed under *The Public Inquiries Act* including the power to take evidence under oath;

Rev. Stat.,
c. 19.

(l) generally for the better carrying out of the provisions of this Act. 1936, c. 24, s. 13.

Penalty
for making
false
return.

13. Every person who signs any return or statement required by this Act or the regulations, containing any false statement shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$100 and not exceeding \$1,000, or to a term of imprisonment of not less than one month and not exceeding six months, or to both, and for a second or subsequent offence, to a penalty of not less than \$500 and not exceeding \$5,000, or to a term of imprisonment of not less than six months and not exceeding three years, or to both. 1936, c. 24, s. 14.

Penalty for
violation of
Act or regu-
lations.

14. Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided, shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$25 and not exceeding \$100, or to a term of imprisonment of not less than ten days and not exceeding one month, or to both, and for a second or subsequent offence to a penalty of not less than \$100 and not exceeding \$500, or to a term of imprisonment of not less than one month and not exceeding six months, or to both. 1936, c. 24, s. 15.

Informa-
tion under
Act to be
secret.

15.—(1) No person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

Penalty.

(2) Every person who violates the provisions of this section shall be guilty of an offence and liable to a penalty not exceeding \$200. 1936, c. 24, s. 16.

16.—(1) Any information or complaint with respect to any violation of the provisions of this Act or the regulations may be laid or made within three years from the time when the matter of such information or complaint arose. Information or complaint within three years.

(2) The penalties imposed by this Act shall be recoverable under the provisions of *The Summary Convictions Act* and every such penalty shall be payable to the Minister. 1936, c. 24, s. 17. Recovery of penalties. Rev. Stat., c. 136.
