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c 189 Gasoline Handling Act

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CHAPTER 189

The Gasoline Handling Act

1. In this Act and in the regulations,

(a) "associated product" means any product of petroleum, other than gasoline, wax and asphalt;

(b) "bulk plant" means one or more storage tanks, including the appurtenances thereof, where gasoline or an associated product is received by pipe line, tank vessel, tank car or tank vehicle and is stored in bulk for subsequent transmission by pipe line or transportation or distribution by tank vessel, tank car or tank vehicle;

(c) "consumer outlet" means any premises at which gasoline or an associated product of the operator of the outlet is put into the fuel tanks of motor vehicles used by the operator of the outlet or into portable containers used by the operator of the outlet;

(d) "equipment" means equipment used or to be used in the handling of gasoline or an associated product;

(e) "flash point" means the lowest temperature, determined by using a Tagliabue closed-cup tester, at which the vapour of a product of petroleum forms a flammable mixture in air;

(f) "gasoline" means a product of petroleum that has a flash point below 73°F. and that is designed for use in an internal combustion engine;

(g) "handling" means the storing, transmitting, transporting or distributing of gasoline or an associated product, and includes putting gasoline or an associated product into the fuel tank of a motor vehicle, motor boat or other water craft or into a container;

(h) "inspector" means an inspector authorized to enforce this Act;

(i) "marina" means any premises at which gasoline or an associated product is sold and is put into the fuel tanks of motor boats and other water craft or into portable containers;

(j) "Minister" means the Minister of Labour;

(k) "portable container" means a container that has a capacity of ten gallons or less, that is designed, manufactured and used or to be used for the storage or conveyance of gasoline or an associated product;
(l) “regulation” means a regulation made under the authority of this Act;

(m) “service station” means any premises at which gasoline or an associated product is sold and is put into the fuel tanks of motor vehicles or into portable containers;

(n) “transport” means to convey in or on a vehicle gasoline or an associated product, exclusive of the fuel carried for use in the vehicle, and “transporting” and “transportation” have corresponding meanings. 1968-69, c. 41, s. 1; 1970, c. 117, s. 1.

2. No person shall,

(a) offer for sale or sell;

(b) install; or

(c) use in a service station, consumer outlet, marina or bulk plant, any equipment that is not approved by the Minister pursuant to the regulations. 1968-69, c. 41, s. 2.

3. In a service station, consumer outlet, marina or bulk plant, no person shall put gasoline or an associated product having a flash point below 73°F. into any container of a type that is not approved by the Minister pursuant to the regulations. 1968-69, c. 41, s. 3.

4. The Minister may establish or approve specifications or test reports for equipment and designate organizations to test equipment in accordance with such requirements. 1968-69, c. 41, s. 4.

5. All equipment shall be installed, tested, operated or used in accordance with the regulations. 1968-69, c. 41, s. 5.

6.—(1) No person shall,

(a) operate a service station;

(b) operate a marina;

(c) operate a bulk plant; or

(d) transport gasoline or an associated product, unless licensed to do so by the Minister.

(2) The Minister may refuse to issue a licence under this Act to any person and may cancel or suspend any licence issued under this Act where the applicant or licensee, as the case may be, has contravened or failed to comply with any provision of this Act or the regulations. 1968-69, c. 41, s. 6.
7. Every person who employs another person in the handling of gasoline or an associated product or in the installing of equipment shall take every precaution that is reasonable in the circumstances to ensure that his employees comply with this Act and the regulations. 1968-69, c. 41, s. 7.

8.—(1) Every inspector appointed for the purposes of The Energy Act is authorized to enforce this Act.

(2) Every inspector may, for the purposes of this Act and the regulations,

(a) enter any premises where he has reason to believe there has been, are or may be hazardous conditions relative to gasoline or an associated product;

(b) make such inspections, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with;

(c) take samples of any liquid that he has reason to believe is or may contain gasoline or an associated product; and

(d) require the production of any licence or other document prescribed by a regulation, and examine and copy it.

(3) An inspector may give instructions orally or in writing to any person with respect to any matter in order to bring about compliance with this Act and the regulations and may require that his instructions be carried out within such time as he specifies.

(4) Where a person to whom an inspector gives oral instructions requests the inspector to put his instructions in writing, he shall do so.

(5) The occupant of any premises and his servants, agents and employees shall give reasonable assistance to an inspector in the exercise of his powers under this Act.

(6) No inspector is personally liable for anything done by him in the exercise of his powers under this Act. 1968-69, c. 41, s. 8.

9. The Lieutenant Governor in Council may make regulations,

(a) appointing such persons or classes of persons as may be necessary to assist in the enforcement of this Act and the regulations;

(b) exempting any person or class of persons from this Act or the regulations or any of the provisions thereof;

(c) exempting any equipment or any class of equipment from this Act or the regulations or any of the provisions thereof;
(d) respecting the term, issue, renewal and posting of licences and prescribing the fees therefor;

(e) designating organizations to test equipment to specifications established or approved by the Minister and, where the equipment conforms to the specifications, to place their label thereon;

(f) prescribing procedures for installing, testing, operating and using equipment;

(g) respecting the approval by the Minister of equipment or any type thereof;

(h) prescribing grades of gasoline and associated products, and providing for the identification thereof;

(i) prescribing forms and providing for their use;

(j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

1968-69, c. 41, s. 9.

10. This Act and the regulations prevail over any municipal by-law. 1968-69, c. 41, s. 10.

11. Every person who,

(a) contravenes or fails to comply with any provision of this Act or the regulations;

(b) knowingly makes a false statement in any document prescribed by the regulations; or

(c) fails to carry out the instructions of an inspector,

is guilty of an offence and on summary conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than one year, or to both. 1968-69, c. 41, s. 11.