1975

c 7 The Public Commercial Vehicles Amendment Act, 1975 (2nd Session)

Ontario
CHAPTER 7

An Act to amend
The Public Commercial Vehicles Act

Assented to December 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of The Public Commercial Vehicles Act, being chapter 375 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

   (1) The Minister may issue an operating licence in accordance with a certificate of public necessity and convenience issued by the Board under section 6.

2. — (1) Subsection 1 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out “Except under clause a of subsection 1 of section 5” in the first and second lines.

   (2) Subsection 2 of the said section 6 is amended by adding at the commencement thereof “Subject to subsection 3”.

   (3) The said section 6 is amended by adding thereto the following subsections:

      (3) The Board shall, in a certificate issued by it under this section pertaining to the transportation, other than by a tank truck vehicle, of,

      (a) sand, gravel, earth, crushed or uncut rock and stone, asphalt mixes, slag and rubble; and

      (b) salt, calcium chloride, a mixture of sand and salt, and asphalt mixes directly to highway construction or maintenance sites or to stock piles for further use on highway construction or maintenance sites,
having regard to the requirements of public necessity and convenience,

(c) approve the conferring by the licence of rights with respect to the operation of public commercial vehicles in terms of,

(i) a region or regions as prescribed by the regulations hereunder and not otherwise geographically, and

(ii) the maximum number of vehicles which may be operated; and

(d) shall not limit the rights conferred by the licence to the operation of public commercial vehicles to the transportation of materials of specific consignors or consignees.

(4) The Board may, in a certificate issued by it under subsection 3, having regard to the requirements of public necessity and convenience, approve the issue of a temporary licence for a period not to exceed six months.

(5) An operating licence for the transportation of materials specified in subsection 3 that is in force immediately before the coming into force of this subsection in so far as it pertains to those materials expires with the 31st day of March, 1976.

(6) The Minister may issue an operating licence for the transportation only of materials specified in subsection 3 within one of the prescribed regions of the applicant’s choice without a certificate from the Board to an applicant who held an operating licence on March 31st, 1976, which authorized him to transport such materials, provided the application is made no later than June 30th, 1976.

(7) An operating licence issued pursuant to subsection 6 shall state the maximum number of vehicles which may be operated thereunder, the number to be no more than,

(a) the maximum number of vehicles licensed to the applicant under this Act exclusively for the transportation of materials specified in subsection 3 at any one time in the twelve month period ended October 31st, 1975; and

(b) such number of vehicles as the Board may determine.
(8) The determination by the Board referred to in clause (b) of subsection 7 shall be made upon application to the Board and the Board shall base its decision upon the number of vehicles licensed under this Act to the applicant for the transportation of both materials specified in subsection 3 and other goods and materials, which vehicles were used by the applicant for the purpose of transporting materials specified in subsection 3 in the twelve month period ended October 31st, 1975.

3.—(1) Clause e of section 18 of the said Act is amended by striking out “certificate of mechanical fitness” in the second line and in the fifth line and inserting in lieu thereof in each instance “safety standards certificate”.

(2) The said section 18, as amended by the Statutes of Ontario, 1971, chapter 50, section 71 and 1973, chapter 166, section 13, is further amended by adding thereto the following clause:

(s) prescribing regions within the boundaries of which goods may be transported by public commercial vehicles pursuant to an operating licence.

4. This Act comes into force on the 1st day of January, 1976.

5. This Act may be cited as The Public Commercial Vehicles Amendment Act, 1975 (2nd Session).