



BILL NO. 133

Government Bill

*4th Session, 61st General Assembly
Nova Scotia
61 Elizabeth II, 2012*

**An Act to Amend Chapter 292
of the Revised Statutes, 1989,
the Motor Carrier Act,
Respecting Inter-city Bus Service**

CHAPTER 45
ACTS OF 2012

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 6, 2012**

The Honourable Maurice Smith
Minister of Transportation and Infrastructure Renewal

*Halifax, Nova Scotia
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**An Act to Amend Chapter 292
of the Revised Statutes, 1989,
the Motor Carrier Act,
Respecting Inter-city Bus Service**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Inter-city Bus Service Act*.

2 Section 2 of Chapter 292 of the Revised Statutes, 1989, the *Motor Carrier Act*, as amended by Chapter 35 of the Acts of 1990, Chapter 23 of the Acts of 1992, Chapter 23 of the Acts of 1994 and Chapter 8 of the Acts of 2011, is further amended by

(a) adding immediately after clause (c) the following clause:

(ca) “inter-city bus operator” means a motor carrier offering or intending to offer inter-city bus service;

and

(b) adding immediately after clause (d) the following clause:

(da) “licensing authority” means the Board or, where Section 2A applies, the Minister;

3 Chapter 292 is further amended by adding immediately after Section 2 the following Section:

2A The Minister is the licensing authority with respect to

(a) inter-city bus licenses, temporary authorities and trip permits issued to inter-city bus operators; and

(b) matters relating to inter-city bus licenses, including insurance, insurance certificates, schedules of rates, fares, tolls or charges, the abandonment or discontinuance of a service, taxes, tolls or fees imposed pursuant to this Act and any other matter prescribed by the regulations.

4 Section 6 of Chapter 292 is amended by striking out “clauses (a) and (b)” in the second and third lines and substituting “clause (a) of subsection (1)”.

5 Clause 7(1)(a) of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by striking out “by the Board” in the first and second lines and substituting “under this Act”.

6 (1) Subsection 9(1) of Chapter 292, as amended by Chapter 35 of the Acts of 1990, Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by striking out “Board” in the third line, each time it appears in the fifth line and in the last line and substituting in each case “licensing authority”.

(2) Subsection 9(2A) of Chapter 292, as enacted by Chapter 35 of the Acts of 1990 and amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by striking out “Board” in the second line and substituting “licensing authority”.

7 Subsection 10(2) of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by striking out “Board” in the last line and substituting “licensing authority that issued the license”.

8 (1) Subsection 11(1) of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by

(a) adding “other than an inter-city bus license” immediately after “license” in the first line; and

(b) adding “issued by the Board” immediately after “license” in the third line.

(2) Subsection 11(4) of Chapter 292, as amended by Chapter 23 of the Acts of 1994, is further amended by striking out “*Barristers and Solicitors*” in the first and second lines and substituting “*Legal Profession*”.

9 (1) Subsection 12(1) of Chapter 292, as enacted by Chapter 8 of the Acts of 2011, is amended by

(a) adding “, other than an inter-city bus license,” immediately after “license” in the first line;

(b) adding “relating to a service that is not an inter-city bus service” immediately after “authority” in the third line;

(c) striking out “such a license” in the fourth and fifth lines and substituting “a license issued by the Board”; and

(d) striking out “two consecutive issues of” in the second line of clause (a).

(2) Subsection 12(3) of Chapter 292 is amended by striking out “twenty-one” in the first line and substituting “seven”.

10 Section 13 of Chapter 292, as amended by Chapter 23 of the Acts of 1992, is further amended by adding “made under subsection (1) of Section 11” immediately after “application” in the first line.

11 Section 14 of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by adding “under subsection (1) of Section 11” immediately after “sought” in the third line.

12 Section 16 of Chapter 292, as amended by Chapter 23 of the Acts of 1992, is further amended by adding “issued by the Board” immediately after “license” in the second line.

13 Chapter 292 is further amended by adding immediately after Section 16 the following Sections:

16A (1) An application for an inter-city bus license or for the approval of the sale, assignment, lease or transfer of an inter-city bus license shall be in writing in such form and containing such information as the Minister or the regulations may require.

(2) An application for a license under subsection (1) shall include

(a) a description of the routes over which or the areas within which the applicant proposes to operate and the type and frequency of the service the applicant proposes to furnish over each route in each area; and

(b) the length of each route, stated in kilometres, together with a plan of the route and, where the route passes through or into more than one city, town or municipality, the kilometrage of the route in each city, town or municipality;

(c) a schedule showing proposed times of arrival and departure; and

(d) a schedule showing proposed rates, tolls, fares and charges.

(3) Upon receipt of an application under subsection (1), the Minister shall publish notice of the application in such manner and for such length of time as is prescribed by the regulations.

(4) Within such period as is prescribed by the regulations, written notice of objection to the granting of the application may be filed with the Minister.

(5) Section 13 applies *mutatis mutandis* to the consideration by the Minister of an application under this Section.

(6) After considering the application and without a public hearing, the Minister shall issue or refuse to issue the license applied for or issue a license for the partial exercise only of the privilege applied for.

(7) The Minister shall give written reasons for refusing an application made under subsection (1).

(8) The Minister may attach to the exercise of the privileges granted by a license issued under subsection (6) such terms and conditions as in the judgment of the Minister are necessary in the public interest, which terms and conditions are part of the license.

(9) A license issued by the Minister under subsection (6) is subject to any requirements or conditions prescribed by the regulations.

16B (1) The holder of a license that authorizes inter-city bus service, whether issued by the Minister or the Board, may, with the approval of the Minister obtained in the manner prescribed by the regulations, amend its routes, schedule of times of arrival and departure and schedule of rates, tolls and fares.

(2) The holder of a license referred to in subsection (1) may apply to the Minister to amend any term or condition of the license and, upon receipt of the application, the Minister shall consider the application in accordance with the regulations.

(3) Where the Minister approves an amendment to a license under subsection (1) or (2), the Minister shall replace the license with an amended license.

14 Section 18 of Chapter 292 is repealed and the following Section substituted:

18 Notwithstanding Sections 19 and 24, without public hearing,

(a) the licensing authority may cancel any license issued by the licensing authority if satisfied that the licensee has not, within sixty days of the issue of the license, provided the service authorized by the license;

(b) the Board may cancel any license authorizing the operation of a school bus if satisfied that the service authorized by the license is not being provided.

15 Subsection 19(1) of Chapter 292, as amended by Chapter 35 of the Acts of 1990, Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by

(a) adding “any license other than an inter-city bus license” immediately after “amend” in the second line;

(b) adding “issued by the Board” immediately after “license” in the second line; and

(c) striking out “licence” in the last line and substituting “license issued by the Board”.

16 Section 20 of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by striking out “by the Board” in the third and in the fifth lines.

17 Section 21 of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by striking out “Board” in the fourth line and substituting “licensing authority”.

18 Section 22 of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by striking out “Board” in the seventh and in the ninth lines and substituting in each case “licensing authority”.

19 (1) Subsection 23(1) of Chapter 292, as amended by Chapter 35 of the Acts of 1990, is further amended by striking out “Board” in the fifth line and substituting “licensing authority”.

(2) Subsection 23(2) of Chapter 292, as amended by Chapter 35 of the Acts of 1990 and Chapter 23 of the Acts of 1992, is further amended by striking out “Board” in the second and in the seventh lines and substituting in each case “licensing authority”.

20 (1) Subsection 24(1) of Chapter 292 is repealed and the following subsection substituted:

(1) No motor carrier shall abandon or discontinue any service provided for in the carrier's license for the operation of a public passenger vehicle without first obtaining

(a) where the carrier's license is not an inter-city bus license, an order of the licensing authority granted after a hearing upon such notice as the licensing authority directs; or

(b) where the carrier's license is an inter-city bus license, the licensing authority's approval in the manner prescribed by the regulations.

(2) Subsection 24(2) of Chapter 292 is amended by striking out "Board" in the first and in the second lines and substituting in each case "licensing authority".

(3) Subsection 24(3) of Chapter 292 is amended by striking out "Board" in the second line and substituting "licensing authority".

21 (1) Subsection 25(1) of Chapter 292, as amended by Chapter 35 of the Acts of 1990, Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by

(a) striking out "a motor vehicle liability policy of insurance satisfactory to the Board in such sums as the Board" in the first, second and third lines of subclause (a)(i) and substituting "where the carrier's license is not an inter-city bus license, a motor vehicle liability policy of insurance satisfactory to the licensing authority in such sums as the licensing authority";

(b) striking out "and" in the last line of clause (a)(i);

(c) adding immediately after subclause (a)(i) the following subclause:

(ia) where the carrier's license is an inter-city bus license, such policies of insurance in such sums as are approved by the licensing authority in accordance with the regulations, and

and

(d) striking out clause (b) and substituting the following clause:

(b) has filed with the licensing authority certificates of insurance in such forms as are prescribed by the licensing authority signed by the insurers certifying that the motor vehicle liability insurance and other insurance of whatever nature and in such sums as are required by this Act and the regulations or by the licensing authority have been effected in respect of such vehicle and containing undertakings by the insurers that they will notify the licensing authority or, where the licensing authority is the Board, the clerk of the Board, in writing of any cancellation, alteration or expiry of any insurance policy referred to therein at least fifteen days before the effective date of the cancellation, alteration or expiry and that if such notice is not given the policy shall, notwithstanding any provision in the policy including any provision as to the term thereof, remain in full

force and effect and unaltered until fifteen days after the date when a notice in writing of such cancellation, alteration or expiry is given to the licensing authority or, where the licensing authority is the Board, the clerk of the Board.

(2) Subsection 25(2) of Chapter 292, as amended by Chapter 35 of the Acts of 1990, Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by

(a) adding “the licensing authority or, where the licensing authority is the Board,” immediately after “notify” in the first line; and

(b) adding “the licensing authority or, where the licensing authority is the Board,” immediately after “to” in the second last list.

(3) Subsection 25(4) of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by striking out “Board” in the second and in the sixteenth lines and substituting in each case “licensing authority”.

(4) Subsection 25(5) of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by striking out “Board” in the third line, each time it appears in the sixth line and in the seventh line and substituting in each case “licensing authority”.

(5) Subsection 25(6) of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by striking out “Board” in the first and in the second lines and substituting in each case “licensing authority”.

22 (1) Subsection 26(2) of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by striking out “Board” in the second line and substituting “licensing authority”.

(2) Subsection 26(3) of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by striking out “Board” each time it appears in the second line and substituting in each case “licensing authority”.

23 (1) Subsection 27(1) of Chapter 292, as amended by Chapter 23 of the Acts of 1992, is further amended by striking out “The” in the first line and substituting “Subject to subsection (2), the”.

(2) Section 27 of Chapter 292, as amended by Chapter 23 of the Acts of 1992 and Chapter 23 of the Acts of 1994, is further amended by adding immediately after subsection (1) the following subsection:

(2) Clauses (a), (c) and (e) of subsection (1) do not apply with respect to motor carriers licensed by the Minister.

(3) Subsections 27(3) and (4) of Chapter 292 are repealed and the following subsection substituted:

(3) The exercise by the Board of the authority contained in clause (d) of subsection (1) is regulations within the meaning of the *Regulations Act*.

24 Section 27A of Chapter 292, as enacted by Chapter 35 of the Acts of 1990 and amended by Chapter 23 of the Acts of 1992, is further amended by adding “under its jurisdiction under this Act” immediately after “vehicles” in the third line.

25 Chapter 292 is further amended by adding immediately after Section 27A the following Sections:

27B The Minister may establish and administer policies, programs, standards, guidelines, objectives, codes of practice, directives and approval processes with respect to inter-city bus operators and inter-city bus services.

27C The Minister has authority to

(a) grant to any person a license to operate or cause to be operated an inter-city bus over specified routes or in respect of specified points or geographic areas or generally throughout the Province;

(b) do such other acts as are necessary or advisable for the more effective exercise of the Minister’s powers and the more effective administration of this Act and the regulations;

(c) vary, suspend or cancel a license for the reasons and in the manner set out in this Act or the regulations; and

(d) inquire into and investigate whether any person has operated an inter-city bus service in violation of this Act or the regulations.

27D (1) Where any decision is to be made by the Minister in relation to an inter-city bus operator and the Minister is of the opinion that exceptional circumstances exist, the Minister may refer the matter to the Board for a recommendation or determination and notwithstanding any other provision of this Act or the regulations, the Board shall inquire into and investigate the matter and make the recommendation or determination so referred and in making the recommendation or determination may exercise any and all of its powers and authority under this Act and the regulations.

(2) Subsections (2) and (3) of Section 32 apply *mutatis mutandis* to an inquiry and investigation made by the Board under subsection (1).

27E (1) The Governor in Council may make regulations

(a) requiring the filing of returns, reports and other data by motor carriers;

(b) classifying motor carriers for the purpose of the regulations;

(c) regulating and controlling drivers of public passenger vehicles;

(d) providing for the effective execution of the duties of the Board or the Minister;

- (e) regulating the practice and procedure with respect to matters over which the Board or the Minister has jurisdiction;
- (f) prescribing the type, amount and conditions of insurance coverage required to be held by a motor carrier.
- (g) respecting inter-city bus services, inter-city bus operators and the motor vehicles used by inter-city bus operators;
- (h) respecting the administration and enforcement of this Act and regulations in respect of inter-city bus services;
- (i) respecting applications for licenses for inter-city bus operators and their sale, assignment, lease; transfer or amendment;
- (j) respecting the abandonment or discontinuance of inter-city bus services;
- (k) regulating inter-city bus operators in respect of public passenger vehicles;
- (l) exempting inter-city bus operators, to the extent set out in the regulations, from the application of regulations made by the Board pursuant to clause 27(1)(d);
- (m) regulating the operation of public passenger vehicles on public highways under licenses issued pursuant to this Act;
- (n) providing for the transfer of records from the Board to the Minister;
- (o) providing the manner in which documents are certified on behalf of the Minister for the purpose of this Act;
- (p) respecting the amendment of routes, schedules of times of arrival and departure and schedules of rates, tolls, fares and charges;
- (q) defining any word or expression used but not defined in this Act;
- (r) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

26 Section 37 of Chapter 292, as amended by Chapter 35 of the Acts of 1990 and Chapter 23 of the Acts of 1992, is further amended by

- (a) striking out “Board” in the seventh line and substituting “licensing authority”; and**
- (b) striking out “, and in default of payment to imprisonment not exceeding sixty days or to both penalty and imprisonment” in the third last, second last and last lines.**

27 (1) Subsection 38(1) of Chapter 292 is amended by striking out “and imprisonment” in the first and second lines.

(2) Subsection 38(2) of Chapter 292 is amended by

(a) striking out “, either with or without imprisonment prescribed in Section 37,” in the first and second lines; and

(b) striking out “but the imprisonment prescribed, if any, shall not be imposed or enforceable in such action,” in the seventh and eighth lines.

28 Chapter 292 is further amended by adding immediately after Section 40 the following Section:

41 (1) Where a license that was in effect immediately before the coming into force of this Section is replaced by a license issued by the Minister, the license that is replaced is cancelled.

(2) For greater certainty, a license issued by the Board and in effect immediately before the coming into force of this Section continues in full force and effect until the Minister issues a license that replaces the license or the license is suspended or cancelled under this Act.

29 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
