

Motor Carrier Act

CHAPTER 292 OF THE REVISED STATUTES, 1989

as amended by

1990, c. 35; 1992, c. 23; 1994, c. 23; 2011, c. 8, ss. 11-16;
2012, c. 45, ss. 9(1)(d), (2); 2018, c. 1, Sch. A, s. 123; 2022, c. 20



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**An Act to Provide for the
 Regulation of Motor Carriers**

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(The table of contents is not part of the statute)

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Short title

1 This Act may be cited as the *Motor Carrier Act*. R.S., c. 292, s. 1.

Interpretation

2 In this Act,

- (a) “Board” means the Nova Scotia Utility and Review Board;
- (b) *repealed 1994, c. 23, s. 1.*
- (c) “highway” means a highway as defined in the *Motor Vehicle Act*;
- (d) “license” means a license issued under this Act;
- (e) “Minister” means the Minister of Public Works;
- (f) “motor carrier” means a person operating, either by himself or another, a motor vehicle with or without trailer attached, as a public passenger vehicle;
- (g) “motor vehicle” means a vehicle propelled by any power other than muscular power except steam road rollers and such vehicles as run only on rails or tracks;
- (h) “passenger vehicle” means a motor vehicle with a seating capacity of sixteen or more persons or a public passenger vehicle;
- (i) “public passenger vehicle” means a motor vehicle operated by or on behalf of a person carrying on upon any highway the business of a public carrier of passengers, or passengers and freight, for gain and includes a school bus;
- (ia) *repealed 1994, c. 23, s. 1.*
- (j) “school bus” includes a motor vehicle, operated by or under an arrangement with an education entity as defined in the *Education Act*, for transporting pupils and teachers to and from school or for any school purposes, including the transportation of pupils and teachers to and from school social, dramatic, musical or athletic functions or competitions, teachers’ institutes and similar activities;
- (k) *repealed 1994, c. 23, s. 1.*
- (l) “trailer” means a vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle;
- (m) “vehicle” means a device in, upon or by which a person or property is or may be transported or drawn upon a highway and includes a trailer. R.S., c. 292, s. 2; 1990, c. 35, s. 1; 1992, c. 23, s. 1; 1994, c. 23, s. 1; 2011, c. 8, s. 11; 2018, c. 1, Sch. A, s. 123; O.I.C. 2021-56; O.I.C. 2021-209.

Tax on public passenger vehicles

3 (1) to (6) *repealed 1994, c. 23, s. 2.*

(7) Subject to subsection (8), and except as to the payment of fees and taxes in respect of the operation of a public passenger vehicle outside a city or incorporated town, the provisions of this Act shall not apply to a public utility as defined in the *Public Utilities Act*.

(8) Every motor carrier, whether a public utility or not, shall, in respect of the operation of any public passenger vehicle within a city or town, pay to

such city or town a tax at such rate as is fixed by resolution of the council of the city or town, not exceeding one fifteenth of one cent per unit of seating capacity of every public passenger vehicle for every mile travelled by any such vehicle within such city or town. R.S., c. 292, s. 3; 1994, c. 23, s. 2.

3A *repealed 1994, c. 23, s. 3.*

Interpretation of Act

4 This Act shall be construed and held to be in addition to the *Motor Vehicle Act* and the *Public Highways Act*. R.S., c. 292, s. 4.

Agreement

5 (1) With the approval of the Governor in Council, the Minister, on behalf of the Government of the Province, may make reciprocal arrangements and enter into agreements with the government of any other province or of any state of the United States of America

(a) respecting the registration and licensing of commercial motor vehicles and public passenger vehicles, or any of them, and providing for exemptions from such registration and licensing;

(b) prescribing fees to be paid in respect of such registration and licensing and providing for the payment and apportionment of those fees;

(c) providing for any other related matters that may be considered necessary or advisable.

(2) The provisions of this Act and the *Motor Vehicle Act* and regulations made under both Acts with respect to registration and licensing of vehicles shall be subject to any agreement entered into under this Section.

(3) Where an agreement has been entered into under this Section with the government of another province or a state,

(a) a license issued by that province or state or an agency of it, authorizing the use of a vehicle as a public passenger vehicle shall be deemed to be a license issued under this Act authorizing the same use;

(b) a registration made and license or permit issued by that province or state authorizing the operation of the vehicle on the highways, shall be deemed to be a registration and license made and issued under the *Motor Vehicle Act*; and

(c) the provisions of this Act and the *Motor Vehicle Act* respecting the cancellation or suspension of registrations, licenses or permits shall apply in so far as the registration, license or permit is effective in the Province.

(4) Every agreement made under this Section shall be tabled in the House of Assembly within twenty days after it is made or, if the House is not then in session, within twenty days of the commencement of the next session of the House. R.S., c. 292, s. 5; 1994, c. 23, s. 4.

Exception for school bus

6 Subsection (8) of Section 3, Section 21, Sections 23 and 24, clause (a) of subsection (1) of Section 25, and clauses (a) and (b) of Section 27, do not apply to school buses or to persons who operate school buses. R.S., c. 292, s. 6.

License and compliance required

7 (1) Except as herein provided, no person, either as principal or by an agent or employee, shall operate a public passenger vehicle upon a highway within the Province

(a) without holding a license issued by the Board allowing the vehicle to be so operated; or

(b) in a manner, at a place or for a purpose that is not authorized by the terms of his license.

(1A) *repealed 1994, c. 23, s. 5.*

(2) No motor carrier shall operate a public passenger vehicle under the license issued to him other than a public passenger vehicle designated in such license. R.S., c. 292, s. 7; 1992, c. 23, s. 4; 1994, c. 23, s. 5.

8 *repealed 1994, c. 23, s. 6.*

Temporary authority

9 (1) Notwithstanding any other provision of this Act or the regulations, when it is made to appear to the Board that there is an immediate or special need for the provision of a service in the transporting of passengers the Board, in the discretion of the Board, and without advertisement, public hearing or other proceedings, may grant a temporary authority or trip permit to a person to provide the service on such terms and conditions as the Board prescribes.

(2) A temporary authority granted under this Section authorizes the person to whom it is granted to provide the service specified in the authority for or within the time specified in the authority, not exceeding ninety days, but shall create no presumption that a corresponding permanent authority or license will be granted thereafter.

(2A) A temporary authority granted pursuant to this Section may be extended by the Board for a period not exceeding ninety days beyond the time specified in the authority.

(2B) A trip permit shall specify the trip and vehicle to which it applies.

(2C) No more than six trip permits may be issued to one person within any twelve-month period.

(3) A violation of or failure to conform to a term or condition of a temporary authority or trip permit granted under this Section constitutes a violation of this Act. R.S., c. 292, s. 9; 1990, c. 35, s. 2; 1992, c. 23, s. 6; 1994, c. 23, s. 7.

Effect of license

10 (1) No license shall be deemed to confer any perpetual or exclusive right.

(2) No license shall be sold, assigned, leased or transferred except with the approval of the Board. R.S., c. 292, s. 10; 1992, c. 23, s. 7; 1994, c. 23, s. 8.

License application and hearing

11 (1) An application for a license or for the approval of the Board of the sale, assignment, lease or transfer of a license shall be in writing in such form and containing such information as the Board may require.

(2) The Board is empowered to hold a hearing in conjunction with the transport board or equivalent regulatory body of another jurisdiction for consideration of any application pursuant to the *Motor Vehicle Transport Act* (Canada) or this Act and the Board may hold the hearing in any such jurisdiction.

(3) The Board may authorize one or more of its commissioners to hear any application under subsection (2) and the decision of such commissioner or commissioners shall be the decision of the Board.

(4) Notwithstanding the *Barristers and Solicitors Act*, a barrister who is qualified to practise in a province may appear and act for a client whose application is to be heard in the Province pursuant to subsection (2). R.S., c. 292, s. 11; 1992, c. 23, s. 8; 1994, c. 23, s. 9.

Public hearing procedure

12 (1) On receipt of an application for a license for the operation of a public passenger vehicle, for an amendment to an operating authority contained in a license or for the approval of the sale, assignment, lease or transfer of such a license, the Board shall

(a) cause a notice of the application to be published in the Royal Gazette and in such other manner as it deems appropriate; and

(b) provide notice in writing of the application to the Minister.

(1A) Subject to subsection (3), the Board shall not grant an application referred to in subsection (1) without a public hearing.

(2) The Board shall set the time and place for a hearing of the application and shall notify

(a) the applicant;

(b) the Minister, if the Board is advised in writing of the Minister's intention to participate in the hearing; and

(c) any person objecting in writing to the granting of the application,

of the time and place so set.

(3) If, within seven days after publication in the Royal Gazette of the notice of an application, the Board has not received a written objection to the granting of the application, the Board may grant the application without a hearing if the Board is satisfied that the application meets the requirements of the Act.

(3A) The Board may refuse an application pursuant to subsection (1) without a hearing where, after consideration of the application in accordance with Section 13, the Board is of the opinion that granting the application would not be in the public interest.

(3B) The Board shall give written reasons for refusing an application pursuant to subsection (3A).

(4) This Section does not apply to applications respecting licenses for the operation of school buses. R.S., c. 292, s. 12; 1990, c. 35, s. 3; 1992, c. 23, s. 9; 2011, c. 8, s. 12; 2012, c. 45, s. 9.

Factors considered

13 Upon an application for a license for the operation of a public passenger vehicle or for approval of the sale, assignment, lease or transfer of such a license, the Board may take into consideration

(a) any objection to the application made by any person already providing transport facilities whether by highway, water, air or rail, on the routes or between the places which the applicant intends to serve, on the ground that suitable facilities are, or, if the license were issued, would be in excess of requirements, or on the ground that any of the conditions of any other license held by the applicant have not been complied with;

(b) the general effect on other transport service, and any public interest that may be affected by the issue of the license or the granting of the approval;

(c) the quality and permanence of the service to be offered by the applicant and the fitness, willingness and ability of the applicant to provide proper service;

(ca) the impact the issue of the license or the granting of the approval would have on regular route public passenger service;

(d) any other matter that, in the opinion of the Board, is relevant or material to the application. R.S., c. 292, s. 13; 1990, c. 35, s. 4; 1992, c. 23, s. 10.

13A *repealed 1994, c. 23, s. 10.*

13B *repealed 1994, c. 23, s. 10.*

Determination by Board

14 After public hearing or without public hearing, as the case may be, the Board shall issue the license applied for or grant the approval sought, or refuse to issue or grant the same, or issue a license for the partial exercise only of the privilege applied for. R.S., c. 292, s. 14; 1992, c. 23, s. 12; 1994, c. 23, s. 11.

15 *repealed 1992, c. 23, s. 13.*

Terms and conditions of license

16 The Board may attach to the exercise of the privileges granted by a license for the operation of a public passenger vehicle such terms and conditions as in the judgment of the Board public convenience and necessity require. R.S., c. 292, s. 16; 1992, c. 23, s. 14.

Weight restrictions

17 A license or authorization issued under this Act does not authorize the operation on a highway of a public passenger vehicle having a weight, either with or without load, in excess of the weight at which any other law permits it to be operated or at a weight at which any other law prohibits its operation. R.S., c. 292, s. 17; 1994, c. 23, s. 12.

Cancellation of license

18 Notwithstanding Sections 19 and 24, the Board without public hearing may

(a) cancel any license authorizing the operation of a public passenger vehicle if the Board is satisfied that the licensee has not, within sixty days of the issue of the license, provided the service authorized by the license to be provided by him;

(b) cancel any license authorizing the operation of a school bus, if the Board is satisfied that the service authorized by the license is not being provided. R.S., c. 292, s. 18; 1992, c. 23, s. 15.

Variation or suspension or cancellation of license

19 (1) The Board may, at any time or from time to time, amend or suspend any license or may, for cause, and after a hearing upon such notice as the Board may direct, cancel any licence.

(2) When deciding whether to amend, suspend or cancel a license pursuant to subsection (1), the Board shall take into consideration the factors enumerated in Section 13. R.S., c. 292, s. 19; 1990, c. 35, s. 5; 1992, c. 23, s. 16; 1994, c. 23, s. 13.

No operation of vehicle while prohibited

20 No person, either as principal or by an agent or employee, shall operate any public passenger vehicle after the license issued to him by the Board has been cancelled, or during any period of suspension of the license by the Board or during any prohibited period under the *Motor Vehicle Act* or *Public Highways Act* without permission as therein prescribed. R.S., c. 292, s. 20; 1992, c. 23, s. 17; 1994, c. 23, s. 14.

Sign on vehicle required

21 Every motor carrier shall attach to each public passenger vehicle operated under the license issued to him in such manner as to be plainly visible, such distinctive marking or sign as the Board may require, and no motor carrier shall operate or have under his control or in his charge any public passenger vehicle on any highway unless such distinctive marking or sign is attached thereto. R.S., c. 292, s. 21; 1992, c. 23, s. 18; 1994, c. 23, s. 15.

Failure to comply

22 A motor carrier shall operate and furnish service in conformity with the license issued to him and in conformity with this Act and all orders, rules, regulations and schedules made hereunder, and the failure of a motor carrier so to conform shall, in addition to constituting an offence against this Act, be good and sufficient cause for the suspension or cancellation or both by the Board of the license issued to the motor carrier, or for the suspension or cancellation by the Board of part of the license or of any authorization issued to the motor carrier. R.S., c. 292, s. 22; 1992, c. 23, s. 19; 1994, c. 23, s. 16.

Passenger or baggage charge

23 (1) All charges made by a motor carrier for any service rendered or to be rendered in the transportation of passengers or baggage or in connection therewith, shall be in accordance with the schedules fixed and approved by the Board to be charged by such motor carrier and any charge not made in accordance with the schedules is prohibited and declared to be unlawful.

(2) Every motor carrier, who carries on the business of a carrier of freight on a public passenger vehicle, shall file with the Board schedules of the rates and charges charged by him for the carriage of freight or parcel express and for services rendered by him in connection therewith, and upon changing or varying any such rates or charges shall, within fifteen days of the effective date of such schedule, file with the Board a schedule of the changes and variations, and the rates and charges shown thereon shall be deemed to be legally in effect from the effective date shown in each such schedule.

(3) Where a motor carrier has filed with the Board, before the fifteenth day of May, 1972, a schedule or schedules of rates and charges, or changes or variations of any such rates or charges, or does so within sixty days after the fifteenth day of May, 1972, such rates and charges or such changes or variations as the case may be, shall be deemed to have been filed from the effective date shown in each such schedule. R.S., c. 292, s. 23; 1990, c. 35, s. 6; 1992, c. 23, s. 20.

Abandonment of service or cancellation of license

24 (1) No motor carrier shall abandon or discontinue any service provided for in his license for the operation of a public passenger vehicle without an order of the Board which shall be granted only after a hearing upon such notice as the Board may direct.

(2) When the Board authorizes a motor carrier to abandon or discontinue a service, the Board shall cancel the license of the motor carrier or shall vary the license in accordance with the terms of the authorization.

(3) When a motor carrier has been authorized by the Board to abandon or discontinue any such service or when his license has been cancelled, he shall remove from the vehicles operated by him pursuant to his license such distinctive marking or markings or sign as has been placed thereon in compliance with this Act. R.S., c. 292, s. 24; 1992, c. 23, s. 21.

Insurance

25 (1) No motor carrier shall operate a public passenger vehicle on any highway in the Province unless the motor carrier

(a) effects or places and maintains in full force and effect

(i) a motor vehicle liability policy of insurance satisfactory to the Board in such sums as the Board, by regulations, from time to time prescribes for the protection of passengers, property and freight carried by the motor carrier or as the Governor in Council from time to time prescribes for the protection of freight carried by the motor carrier, respectively, and

(ii) such other policies of insurance of whatever nature and in such sums as the regulations prescribe; and

(b) has filed with the Board certificates of insurance in such forms as are prescribed by the Board 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 Board have been effected in respect of such vehicle and containing undertakings by the insurers that they will notify 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 clerk of the Board.

(2) Every insurer shall notify the clerk of the Board in writing of any cancellation, alteration or expiry of any policy required by or under this Act or the regulations at least fifteen days before the effective date of the cancellation, alteration, or expiry and if such notice is not given, the policy shall, notwithstanding any provision of any other Act of the Legislature, and 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 clerk of the Board by the insurer.

(3) To the extent of the limits from time to time prescribed by the regulations, subsection (11) of Section 133 of the *Insurance Act* shall not apply to any policy for the protection of passengers of a public passenger vehicle required by or under this Act or the regulations.

(4) Notwithstanding subsection (1), when a motor carrier satisfies the Board that

(a) the motor carrier has and maintains an accident reserve or a separate insurance fund for the purpose of satisfying liabilities that the carrier may incur resulting from the death of or bodily injuries to any person or damage to or loss of property occasioned by or arising out of the ownership, maintenance, operation or use of a motor vehicle by the carrier or the carrying on of his business as a motor carrier; and

(b) the reserve or fund is adequate to satisfy such liabilities to such limits as are from time to time prescribed with respect to insurance policies to be maintained by motor carriers,

the Board may exempt the carrier from the duty of effecting or placing and maintaining the insurance policies and of filing the insurer's certificate required by or under this Act or the regulations.

(5) A motor carrier who has been granted an exemption pursuant to subsection (4) shall file with the Board not later than the first days of February and August in each year, a report showing the standing of the accident reserve or insurance fund of the carrier and, whenever requested by the Board shall supply the Board with any information requested by the Board respecting the reserve and fund.

(6) The Board may revoke an exemption granted to a carrier under subsection (4) if the Board at any time is not satisfied that the accident reserve or insurance fund of a motor carrier is being fully maintained or is adequate to meet liabilities of the carrier of the type described in clause (a) of subsection (4). R.S., c. 292, s. 25; 1990, c. 35, s. 7; 1992, c. 23, s. 22; 1994, c. 23, s. 17.

Regulations respecting taxes, tolls or fees

26 (1) The Governor in Council may make regulations prescribing the taxes, tolls or fees to be paid by a motor carrier for any particular vehicle or for any class or classes of vehicles, and prescribing the time or times and the methods by which the tax, tolls or fees are to be paid.

(2) If a motor carrier makes default in paying any tax, tolls or fees under this Section the Board may suspend or cancel the license or licenses of the carrier.

(3) Tax, tolls or fees imposed under this Act shall be paid to the Board and shall be remitted by the Board to the Minister of Finance and Treasury Board. R.S., c. 292, s. 26; 1992, c. 23, s. 23; 1994, c. 23, s. 18; O.I.C. 2013-348.

Waiver of taxes, tolls or fees

26A (1) The Governor in Council may waive, to the extent the Governor in Council deems advisable, any taxes, tolls or fees prescribed under Section 26.

(2) A waiver made under subsection (1) may be retroactive in its operation to a date not earlier than March 22, 2020. 2022, c. 20, s. 1.

Power and authority of Board

27 (1) The Board has power and authority to

(a) grant to any person a license to operate or cause to be operated a public passenger vehicle over specified routes or in respect of specified points or geographic areas or generally throughout the Province, either as a regular or an irregular service;

(b) *repealed 1992, c. 23, s. 24.*

(c) fix the rates, fares or charges or the maximum and minimum or maximum or minimum rates, fares or charges that a motor carrier is authorized to charge for the transportation of passen-

gers, baggage and parcel express and the schedules and service that a motor carrier must observe and provide;

(d) with the approval of the Governor in Council, make regulations

(i) for the purpose of these regulations, classifying public passenger vehicles and motor carriers,

(ii) exempting any class or classes of motor carriers in respect of public passenger vehicles or public passenger vehicles or any classes of public passenger vehicles wholly or partially from this Act or these regulations,

(iii) regulating and controlling motor carriers in respect of public passenger vehicles,

(iv) regulating and controlling the operating of public passenger vehicles on public highways under licences issued pursuant to this Act,

(v) providing that any of these regulations shall apply to any class or classes of motor carriers in respect of public passenger vehicles or to any class or classes of public passenger vehicles and providing different regulations for different classes of motor carriers in respect of public passenger vehicles and public passenger vehicles;

(e) do such other acts and things as are necessary or advisable for the more effective exercise of its powers and the more effective administration of this Act and the regulations.

(2) *repealed 1994, c. 23, s. 19.*

(3) The Governor in Council may make regulations

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

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

(c) to (g) *repealed 1994, c. 23, s. 19.*

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

(i) for the effective execution of the duties of the Board;

(j) *repealed 1994, c. 23, s. 19.*

(k) for the regulation of the practice and procedure with respect to matters over which the Board has jurisdiction;

(l) to (n) *repealed 1994, c. 23, s. 19.*

(o) prescribing the type, amount and conditions of insurance coverage required to be held by a motor carrier.

(4) The exercise by the Board and the Governor in Council of the authority contained in clause (d) of subsection (1) and by the Governor in Council

of the authority contained in subsection (3) shall be regulations within the meaning of the *Regulations Act*.

(5) The Governor in Council may make regulations adopting by reference a document or incorporating by reference, as amended from time to time, any Act of the Parliament of Canada or regulations made pursuant to such an Act or any classification, standard, procedure or other specification.

(6) The exercise by the Governor in Council of the authority contained in subsection (5) is a regulation within the meaning of the *Regulations Act*. R.S., c. 292, s. 27; 1992, c. 23, s. 24; 1994, c. 23, s. 19; 2022, c. 20, s. 2.

Public hearing

27A The Board may, on its own motion, and shall, when requested by the Governor in Council, hold a public hearing on any matter respecting public passenger vehicles which, in the opinion of the Board or the Governor in Council, as the case may be, is necessary to better carry out the intent and purpose of this Act. 1990, c. 35, s. 8; 1992, c. 23, s. 25.

Training program

28 (1) The Governor in Council may establish a compulsory training program for school bus drivers and may make regulations necessary or advisable for the effective administration of the program.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) to make regulations shall be regulations within the meaning of the *Regulations Act*. R.S., c. 292, s. 28.

Enforcement powers of Board

29 The Board shall have power and authority by general order or otherwise to give effect to the rules, regulations or decisions respecting motor carriers, public passenger vehicles and passenger vehicles other than public passenger vehicles. R.S., c. 292, s. 29; 1992, c. 23, s. 26; 1994, c. 23, s. 20.

Public Utilities Act

30 Except where inconsistent with this Act or the regulations, the provisions of the *Public Utilities Act* relating to the constitution, powers, procedures and practices of the Board shall apply to and in respect of the Board when acting under this Act. R.S., c. 292, s. 30.

Proof of rule, regulation or order of Board

31 (1) Evidence of any rule, regulation or order made or issued by the Board under this Act may be given in any court in the Province, and in all or any legal proceedings of any kind in the Province by the production of a copy of or extract from such rule, regulation or order purporting to be certified to be a true copy by the clerk or acting clerk of the Board and purporting to be sealed with the seal of the Board without proof of the official character of the clerk or acting clerk of the Board or of the signature of the clerk or acting clerk of the Board or of the said seal, and the copy or extract so produced shall be *prima facie* proof of the matters set out therein.

(1A) *repealed 1994, c. 23, s. 21.*

(2) A certificate purporting to be signed by the clerk or acting clerk of the Board and to be sealed with the seal of the Board

(a) stating that a person was or was not the holder of a license on a date or during a period stated in the certificate;

(b) setting out the terms or conditions, or some of them, of any license; or

(c) stating that a person had or had not made or filed any report, return, policy of insurance, certificate or other document or matter required to be made or filed under this Act or the regulations,

is admissible in evidence without proof of the signature or official position of the person who purported to sign the certificate and without proof of the seal and is *prima facie* proof of the facts stated in the certificate. R.S., c. 292, s. 31; 1992, c. 23, s. 27; 1994, c. 23, s. 21.

Investigation by Board

32 (1) The Board at any time, of its own motion or upon the complaint of the Minister or any other person, may inquire into and investigate whether any person has operated any motor vehicle in violation of this Act or the regulations in respect of public passenger vehicles.

(2) Notice of the time when and the place where such inquiry and investigation will be held shall be given to the person in respect of whom the inquiry and investigation is to be made by the clerk of the Board mailing at the City of Halifax, at least six days before the day fixed for such inquiry and investigation, a registered letter, postage prepaid, directed to the registered address of such person as such address appears in the motor vehicle records of Service Nova Scotia and Internal Services.

(3) The Board, in conducting any such inquiry or investigation, may proceed therewith in the absence of the person in respect of whom the inquiry and investigation is being made, provided that subsection (2) has been complied with.

(4) If, after making such inquiry and investigation, the Board finds and determines that a motor vehicle has been operated in violation of this Act or the regulations, or that a person in respect of whom the inquiry and investigation has been made has violated a provision of this Act or the regulations, it shall make and issue a certificate to such effect and shall cause the certificate to be transmitted to the Registrar of Motor Vehicles. R.S., c. 292, s. 32; 1992, c. 23, s. 28; 2011, c. 8, s. 13; O.I.C. 2014-71; O.I.C. 2019-149.

Revocation by Registrar of Motor Vehicles

33 (1) Upon the receipt by him of a certificate issued under Section 32, the Registrar of Motor Vehicles may revoke the permit issued in respect of the motor vehicle operated in violation of this Act or the regulations and may cancel the driver's license or the owner's permit, if any, of the person who so operated or caused the operation of the motor vehicle, and the revocation or cancellation shall have the same force and effect as a revocation of permit or cancellation of license would have if made under the *Motor Vehicle Act*.

(2) The Registrar of Motor Vehicles, upon receipt of a certificate signed or purporting to be signed by a judge of the provincial court or clerk of a court that a person has been convicted of a violation of this Act or the regulations, may revoke the permit issued in respect of any motor vehicle used by such person in violation of this Act or the regulations and may cancel the license or permit, if any, issued to that person as a licensed driver or as owner of the motor vehicle, and such revocation or cancellation shall have the same force and effect as a revocation of permit or cancellation of license would have if made under the *Motor Vehicle Act*.

(3) A certificate purporting to be signed by the Registrar of Motor Vehicles and to bear the seal of Service Nova Scotia and Internal Services that the permit issued in respect of a motor vehicle has been revoked or that the license issued to a person as a licensed driver or owner of a motor vehicle, as the case may be, has been cancelled shall be admissible in evidence in all courts, without proof of the seal or of the signature or of the official character of the person appearing to have signed the same, and shall be *prima facie* proof that the permit has been duly and lawfully revoked or the license has been duly and lawfully cancelled, as the case may be.

(4) Any revocation of permit or cancellation of license in this Section provided for may be rescinded by the Registrar of Motor Vehicles with the approval of the Minister of Service Nova Scotia and Internal Services upon the petition of the owner of the motor vehicle or upon the petition of the licensee.

(5) There shall be payable to the Minister of Service Nova Scotia and Internal Services, as a fee for the rescission mentioned in subsection (4), the sum of ten dollars, which shall form part of the Provincial Highways Fund under the *Public Highways Act*. R.S., c. 292, s. 33; 2011, c. 8, s. 14; O.I.C. 2014-71; O.I.C. 2019-149.

Inspector

34 (1) The Minister may appoint a person or persons in the public service to act as inspector or inspectors under this Act.

(2) The inspector or inspectors shall enforce the provisions of this Act and the regulations that pertain to the conduct of motor carriers and shall take all necessary measures under this Act to prevent the operation of any motor carrier without such motor carrier having first complied with the terms and provisions of this Act and the regulations, and shall perform such other duties as the Minister may from time to time determine. R.S., c. 292, s. 34; 1992, c. 23, s. 29; 2011, c. 8, s. 15.

Power to stop vehicle and require inspection

35 (1) For the purposes of ascertaining whether or not this Act or the regulations is being violated, an inspector may require the driver of a motor vehicle to stop the vehicle, and may detain, examine and test the vehicle and its contents and equipment.

(2) A person who resists or wilfully obstructs an inspector in the execution of his duty or the exercise of his powers under this Act or the regulations is guilty of an offence against this Act and liable to the penalties prescribed by Section 37.

(3) An inspector may require the operator of a passenger vehicle, within a time specified by the inspector and at the expense of the owner of the vehicle, to cause the vehicle to be examined and tested by a competent motor vehicle mechanic and to submit to the inspector a certificate of such a mechanic setting out the results of the examination and stating the qualifications of the mechanic.

(4) A person who fails or refuses to comply with a direction of an inspector given under subsection (3) is guilty of an offence under this Act.

(5) In this Section, “inspector” includes a member of the Royal Canadian Mounted Police. R.S., c. 292, s. 35; 1994, c. 23, s. 22.

Further powers of inspector

36 (1) An inspector may require the owner or operator of a passenger vehicle to submit the vehicle for inspection and testing by the inspector and the owner or operator shall provide such facilities and assistance as the inspector deems necessary.

(2) If, on inspection, a passenger vehicle is found to be deficient or defective, the owner shall take immediate steps to remedy the deficiencies and defects within the time specified by the inspector.

(3) If, in the opinion of an inspector, the condition of a passenger vehicle is such that its continued operation would endanger the safety of the passengers carried therein or of the public, the inspector may make an order that the vehicle is not to be operated.

(4) With the approval of the Governor in Council, the Minister may make regulations respecting the inspection of passenger vehicles. R.S., c. 292, s. 36; 2011, c. 8, s. 16.

Production of authority or permit

36A (1) *repealed 1994, c. 23, s. 23.*

(1A) *repealed 1994, c. 23, s. 23.*

(2) The driver of a motor vehicle that is being operated pursuant to a temporary authority or trip permit granted or issued pursuant to this Act shall carry or keep, in a readily accessible place in the vehicle, the authority or a copy thereof or the permit, as the case may be, and on the demand of an inspector shall produce such authority or copy thereof or permit, as the case may be, for inspection.

(3) Every person who fails to comply with this Section is guilty of an offence and liable to the penalties prescribed by Section 37. 1990, c. 35, s. 9; 1992, c. 23, s. 30; 1994, c. 23, s. 23.

Offence and penalty

37 Any motor carrier who violates or fails to observe any provision of this Act or any order, rule or regulation made under this Act, or who demands, collects or receives any compensation for any service performed by him other than that set out and contained in the schedule of rates, tolls, fares or charges fixed and approved pursuant to this Act, or filed with the Board, as the case may be, for ser-

vices performed by such motor carrier, or who fails to observe or to comply with a term or condition of his license shall be guilty of an offence and shall be liable for the first offence to a penalty of not less than two hundred and fifty dollars nor more than five thousand dollars, and for any subsequent offence to a penalty of not less than five hundred dollars nor more than five thousand dollars, and in default of payment to imprisonment not exceeding sixty days or to both penalty and imprisonment. R.S., c. 292, s. 37; 1990, c. 35, s. 10; 1992, c. 23, s. 31.

Summary Proceedings Act

38 (1) Subject to subsection (2), the penalties and imprisonment prescribed in Section 37 shall be recovered or enforced under the *Summary Proceedings Act*.

(2) Any pecuniary penalty, either with or without imprisonment prescribed in Section 37, may, in lieu of being recovered under the *Summary Proceedings Act*, be recovered with costs by civil action or proceedings by and in the name of the Minister in any court having jurisdiction in cases of simple contract to the amount of the pecuniary penalty, but the imprisonment prescribed, if any, shall not be imposed or enforceable in such action, and such action may be brought and prosecuted by the Minister in his name of office and may be continued by his successor in office as if no change had occurred. R.S., c. 292, s. 38.

Administration expenses

39 (1) All costs, charges and expenses incurred in the administration of this Act shall be paid out of the General Revenue Fund.

(2) The costs of and incidental to any application, hearing or proceeding before the Board shall be in the discretion of the Board and may be fixed in any case at a sum certain or may be taxed, the Board may order by whom and to whom the same are to be taxed and allowed, and the Board may prescribe a scale under which the costs shall be taxed. R.S., c. 292, s. 39; 2010, c. 2, s. 84.

Existing certificate

40 Notwithstanding the repeal of Chapter 183 of the Revised Statutes, 1954, every certificate to a motor carrier issued by the Board under that Chapter and in effect on the first day of September, 1959, shall be deemed to be a license issued under this Act and shall continue in effect until terminated, modified or varied under this Act. R.S., c. 292, s. 40.