

Public Vehicles Act

R.S.O. 1990, CHAPTER P.54

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Amended by: 1996, c. 9, ss. 14-25; 2002, c. 17, Sched. F, Table.

Definitions

1. In this Act,

“Board” means the Ontario Highway Transport Board; (“Commission”)

“bus” means a bus as defined in the *Highway Traffic Act*; (“autobus”)

“car pool vehicle” means a motor vehicle as defined in the *Highway Traffic Act*,

(a) with a seating capacity of not more than twelve persons,

(b) while it is operated transporting no more than twelve commuters including the driver, none of whom pay for the transportation more frequently than on a weekly basis,

(c) that is not used by any one driver to transport commuters for more than one round trip per day, and

(d) the owner, or if the vehicle is subject to a lease, the lessee, of which does not own or lease another car pool vehicle unless the owner or lessee is the employer of a majority of the commuters transported in the vehicles,

but does not include a motor vehicle while being operated by or under contract with a school board or other authority in charge of a school for the transportation of children to or from school; (“véhicule de covoiturage”)

“compensation” includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly; (“rétribution”)

“highway” means a highway as defined in the *Highway Traffic Act*; (“voie publique”)

“interested person” means a person who has an economic interest in the outcome of a matter that is within the Board’s jurisdiction; (“personne intéressée”)

“local municipality” does not include a municipality that had the status of a township on December 31, 2002 and, but for the enactment of the *Municipal Act, 2001*, would have had the status of a township on January 1, 2003; (“municipalité locale”)

“Minister” means the Minister of Transportation; (“ministre”)

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“officer of the Ministry” means an officer of the Ministry designated in writing by the Minister to assist in the enforcement of this Act; (“agent du ministère”)

“operating licence” means a public vehicle operating licence issued under this Act; (“permis d’exploitation”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“public vehicle” means a motor vehicle operated on a highway by, for or on behalf of any person for the transportation for compensation of passengers, or passengers and express freight that might be carried in a passenger vehicle, but does not include the cars of electric or steam railways running only upon rails, taxicabs, car pool vehicles, nor motor vehicles operated solely within the limits of one local municipality; (“véhicule de transport en commun”)

“regulations” means the regulations made under this Act; (“règlements”)

“taxicab” means a motor vehicle as defined in the *Highway Traffic Act*, other than a car pool vehicle, having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip; (“taxi”)

“toll” means any fee or rate charged, levied or collected by any person for the carriage of passengers and express freight by a public vehicle. (“prix”) R.S.O. 1990, c. P.54, s. 1; 1996, c. 9, s. 14; 2002, c. 17, Sched. F, Table.

Operating licence required

2. (1) Despite the provisions of any private Act, no person shall operate a public vehicle,
- (a) except under an operating licence; or
 - (b) in contravention of the terms and conditions of the operating licence.

Arranging transportation

(2) No person shall arrange or offer to arrange the transportation of passengers by means of a public vehicle operated by another person unless that other person is the holder of an operating licence authorizing that other person to perform the transportation.

Exception

(3) Subsection (1) does not apply to a person transporting only physically disabled passengers in a public vehicle that is specially equipped with a lift or ramp mechanism for the boarding of physically disabled passengers.

Attendant may accompany

(4) An attendant accompanying a physically disabled passenger does not preclude the application of subsection (3). R.S.O. 1990, c. P.54, s. 2.

3. REPEALED: 1996, c. 9, s. 15.

Offence

4. (1) Every person who contravenes subsection 2 (1) is guilty of an offence and on conviction is liable,
- (a) for a first offence, to a fine of not less than \$250 and not more than \$5,000; and
 - (b) for each subsequent offence, to a fine of not less than \$500 and not more than \$5,000. R.S.O. 1990, c. P.54, s. 4 (1); 1996, c. 9, s. 16.

Subsequent offence within five-year period

(2) Where a person who has previously been convicted of an offence mentioned in subsection (1) is convicted of the same or any other offence mentioned in subsection (1) within five years after the date of the previous conviction, the offence for which the person is last convicted shall be deemed to be a subsequent offence for the purpose of clause (1) (b). R.S.O. 1990, c. P.54, s. 4 (2).

Rights under operating licence

5. (1) An operating licence authorizes the licensee to conduct upon a highway by means of a public vehicle the business of a carrier of passengers or of passengers and express freight, in accordance with this Act and the regulations and the terms and conditions of the licence.

Discontinuance or reduction of scheduled service

(2) The holder of an operating licence shall not discontinue or reduce any scheduled service authorized under the holder’s licence except in accordance with the regulations and after giving notice,

- (a) to the Minister, as set out in the regulations; and
- (b) to the public in the area affected, as set out in subsection (4).

Failure to provide scheduled service

(3) If the holder of an operating licence fails to provide a scheduled service authorized by the holder’s licence for more than 24 hours, the holder shall give notice of the failure and explain the reason for it and its probable duration,

- (a) to the Board, in a written report; and
- (b) to the public in the area affected, as set out in subsection (4).

Notice to public

(4) Notice to the public under subsection (2) or (3) shall be given in a newspaper published in the area affected and in signs posted at the scheduled stopping places on the highway where the service is to be discontinued or reduced or has not been provided. 1996, c. 9, s. 17.

Hearing re public necessity and convenience

6. (1) Upon receipt of an application for an operating licence, the Board shall hold a hearing to determine if the issue of an operating licence to the applicant will serve public necessity and convenience.

Issuance of licence

(2) At the conclusion of the hearing, the Board may issue an operating licence to the applicant if the Board is of the opinion that the issue of the licence will serve public necessity and convenience.

Renewal of licence

(3) The Board shall renew an operating licence upon the application of the licensee without holding a hearing unless an interested person requests that a hearing be held and satisfies the Board that there are apparent grounds for refusing to renew the licence.

Same

(4) Upon receipt of a request under subsection (3), the Board may, if it considers it appropriate, hold a hearing to determine if the renewal of the licence will serve public necessity and convenience.

Same

(5) At the conclusion of the hearing, the Board may renew the operating licence if the Board is of the opinion that the renewal will serve public necessity and convenience.

Same

(6) If a hearing is held under subsection (4), the licence does not expire on the date provided for in the licence but remains valid until the conclusion of the hearing.

Contents of licence

(7) A licence issued or renewed under this section may, having regard to the requirements of public necessity and convenience,

- (a) contain terms and conditions to govern the transportation of passengers and express freight;
- (b) confer special, exclusive or limited rights with respect to the operation of public vehicles and with respect to any highway or highways or portions of any highway or highways described in the licence;
- (c) expire at the end of a specified term, on a specified day or upon the occurrence of a specified event. 1996, c. 9, s. 17.

Special authority

6.1 (1) If the Board is of the opinion that public necessity and convenience will be served, the Board may grant to the holder of an operating licence a special authority that augments the holder's operating licence to the extent set out in the special authority, subject to the terms and conditions in the special authority, for a period not exceeding seven days.

Same

(2) This Act, except section 6, the regulations and the terms and conditions of the licensee's operating licence continue to apply during the period of validity of the special authority to the extent that they are not inconsistent with the special authority. 1996, c. 9, s. 17.

Transfer of operating licence prohibited without approval

7. (1) No operating licence shall be transferred, directly or indirectly, without the written approval of the Board.

Hearing

(2) The holder of an operating licence may apply to the Board for a hearing to determine if the proposed transfer of the licence will prejudice the public necessity and convenience served by the licence and the Board shall hold a hearing into the matter.

Parties

(3) The parties to the hearing are the holder of the licence, the proposed transferee and any interested persons who apply to be parties and are specified as parties by the Board.

Approval of transfer

(4) At the conclusion of the hearing, if the Board is of the opinion that the transfer will not prejudice the public necessity and convenience served by the licence, the Board shall approve the transfer and amend the licence in the name of the transferee and may further amend the licence to contain any provision permitted by subsection 6 (7).

Effective change in control of corporation

(5) A proposed issue or transfer of shares of the capital stock of a corporation that holds an operating licence, or a proposed series of such issues or transfers, that would result in an effective change in the control of the corporation is a proposed transfer of the operating licence for which approval is required under this section. 1996, c. 9, s. 17.

Licence referred to Board for interpretation

8. (1) The holder of an operating licence may at any time apply to the Board to interpret ambiguous provisions of the holder's licence or uncertain rights granted by the licence.

Hearing

(2) Upon receipt of an application under subsection (1), the Board may, if it considers it appropriate, hold a hearing to resolve the ambiguity or uncertainty.

Licence may be amended

(3) At the conclusion of the hearing, the Board may amend the licence to resolve the ambiguity or uncertainty. 1996, c. 9, s. 17.

Municipal licence and fares, when not applicable

9. (1) Subject to subsections (2) and (3), a person holding an operating licence may operate their vehicle in and through any municipality covered by the licence without holding a licence or complying with the rates or fares prescribed under any by-law of any such municipality. R.S.O. 1990, c. P.54, s. 9 (1).

when applicable

(2) Where such a person takes on passengers or express freight within the limits of a local municipality and discharges such passengers or express freight within the limits of that municipality, the person may be required to obtain a licence under a by-law of that municipality and shall, as to such passengers and express freight, comply with any tariff of fares or rates established by by-law of that municipality. R.S.O. 1990, c. P.54, s. 9 (2); 2002, c. 17, Sched. F, Table.

Designation of streets

(3) The council of any such municipality may, with the approval of the Minister, designate by by-law the streets within the municipality over which the person holding the licence may operate their vehicle. R.S.O. 1990, c. P.54, s. 9 (3).

Application for hearing re licence suspension, cancellation, etc.

10. (1) Upon receipt of an application by an interested person who satisfies the Board that there are apparent grounds to suspend or cancel or impose conditions on a licensee's licence for a reason described in subsection (2), the Board may, if it considers it appropriate, hold a hearing to determine whether the licence should be suspended or cancelled or conditions imposed on it.

Board's decision

(2) At the conclusion of the hearing, the Board may suspend or cancel the operating licence or impose temporary or permanent conditions on the licence,

- (a) if the licensee failed to begin operations as a carrier in accordance with the licence within 30 days after the issue of the licence or within such further period as is specified in the licence;
- (b) if the licensee failed for a continuous period of 30 days to carry on operations as a carrier in accordance with the licence;

- (c) if the past conduct of the licensee, or, where the licensee is a corporation, of its officers or directors, affords reasonable grounds for belief that the transportation service will not be operated in accordance with the law and with honesty and integrity;
- (d) if the licensee is financially incapable of providing or continuing to provide transportation services in accordance with this Act and the regulations or the terms and conditions of the licence or of meeting the licensee's financial responsibilities to persons using such services; or
- (e) if the licensee or any person under the licensee's control and direction contravenes this Act or the *Highway Traffic Act* or the regulations under either Act or the terms and conditions of the licence and such contravention affords reasonable grounds for believing that the business of a carrier will not be carried on pursuant to the licence in accordance with the requirements of such Acts or regulations or such terms and conditions. 1996, c. 9, s. 18.

Hearing into operations and conduct

11. (1) Upon receipt of an application by an interested person who satisfies the Board that there are apparent grounds to issue an order described in subsection (3), the Board may, if it considers it appropriate, hold a hearing,

- (a) into the operation of any transportation service conducted by means of a public vehicle; or
- (b) into the conduct of any person who operates, or causes to be operated, a public vehicle.

Same

(2) A hearing held under subsection (1) shall be for the purpose of determining whether the operation or conduct,

- (a) contravenes the provisions of this Act or the *Motor Vehicle Transport Act* (Canada) or the regulations under either Act; or
- (b) contravenes an operating licence or, if the licence is ambiguous or the rights granted by it are uncertain, the intent of the licence.

Order

(3) At the conclusion of the hearing, if it determines that there has been a contravention, the Board may,

- (a) order that the operation of the transportation service in the manner that caused the contravention stop;
- (b) order that the conduct of the person who operated, or caused to be operated, a public vehicle that constituted the contravention stop;
- (c) if the operator of the transportation service is the holder of an operating licence, amend the licence,
 - (i) by specifying that the licence expire at the end of a specified term, on a specified day or upon the occurrence of a specified event,
 - (ii) by adding such other terms and conditions that the Board considers just, or
 - (iii) to resolve any ambiguity in the licence or uncertainty in the rights granted by the licence. 1996, c. 9, s. 18.

12.-16. REPEALED: 1996, c. 9, s. 18.

Tolls

17. No tolls shall be charged by a licensee for scheduled services provided under the licensee's operating licence except in accordance with the licensee's tariff of tolls as filed by the licensee with the Board. 1996, c. 9, s. 19.

18. REPEALED: 1996, c. 9, s. 20.

Prohibition as to drinking

19. No driver of a public vehicle carrying passengers shall drink any intoxicating liquor during the time he or she is on duty, or at any time use intoxicating liquor to excess. R.S.O. 1990, c. P.54, s. 19.

Smoking

20. No driver of a public vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance while driving the vehicle. R.S.O. 1990, c. P.54, s. 20.

Right of person to be transported

21. Subject to the conditions of the operating licence, no driver or operator of any public vehicle shall refuse to carry any person offering himself or herself at any regular stopping place for carriage and who tenders the regular fare to any regular stopping place on the route of the vehicle or between the termini thereof, unless at the time of such offer the seats of the vehicle are fully occupied, but the driver or operator of a public vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself or herself in a boisterous or disorderly manner or is using profane or obscene language. R.S.O. 1990, c. P.54, s. 21.

Passengers not to be allowed on running board, etc.

22. (1) No driver or operator shall allow passengers to ride on the fenders or any other part of a public vehicle other than the seats thereof, except that a vehicle may carry as standing passengers in the aisles thereof not more than one-third the number of persons for which seats are provided.

Restrictions as to seating

(2) No driver or operator of a public vehicle shall permit or allow on the front seat of the vehicle more passengers than the seat is designed to carry, exclusive of the driver, or permit or allow any passenger to occupy any other portion of the vehicle forward of the back of the driver's seat.

Beside driver

(3) No passenger shall be allowed to sit on the front seat to the left of the driver of a left-hand drive motor vehicle, or to the right of the driver of a right-hand drive motor vehicle. R.S.O. 1990, c. P.54, s. 22.

Trailers prohibited

23. Except when specially authorized by the Minister, no person shall operate a public vehicle with any trailer or other vehicle attached thereto, but where a vehicle becomes disabled on a trip and is unable to proceed on its own power, the vehicle may be towed to the nearest point where repair facilities are available. R.S.O. 1990, c. P.54, s. 23.

Luggage

24. A public vehicle shall not carry or transport any luggage, baggage, package, trunk, crate or other load that extends beyond the body limits of the vehicle. R.S.O. 1990, c. P.54, s. 24.

Exits

25. (1) Every public vehicle shall have at least two doors or exits, one of which, to be used only in an emergency, shall be at the rear of the vehicle or near the rear on the left side of the vehicle.

Regulations

(2) The Lieutenant Governor in Council may make regulations prescribing exits to be used only in an emergency in lieu of those required in subsection (1). R.S.O. 1990, c. P.54, s. 25.

Insurance

26. Every person licensed under this Act shall provide or effect and carry such insurance or bond as is prescribed by the regulations. R.S.O. 1990, c. P.54, s. 26.

Certificate of insurance

27. (1) Every insurer who has issued a policy of insurance in accordance with section 26 shall issue a certificate thereof which shall be filed with the Board. R.S.O. 1990, c. P.54, s. 27 (1); 1996, c. 9, s. 21 (1).

Effect of certificate

(2) Such certificate shall be deemed to be a conclusive admission by the insurer that the policy has been issued and is in accordance with the terms of the certificate. R.S.O. 1990, c. P.54, s. 27 (2).

Notice of cancellation or expiry of insurance

(3) Every insurer shall notify the Board in writing of the cancellation or expiry of any policy for which a certificate has been issued at least thirty days before the effective date of the cancellation or expiry, and in the absence of such notice of cancellation or expiry, the policy remains in full force and effect. R.S.O. 1990, c. P.54, s. 27 (3); 1996, c. 9, s. 21 (2).

Cancellation or expiry of bond

28. A bond issued in accordance with section 26 shall not be cancelled or expire except after thirty days written notice to the Board, but not after the happening of an injury or damage secured by the bond as to such accident, injury or damage, and the bond shall be filed with the Board. R.S.O. 1990, c. P.54, s. 28; 1996, c. 9, s. 22.

Stopping vehicle for examination

29. (1) A member of the Ontario Provincial Police Force or an officer of the Ministry may, for the purpose of an examination in accordance with subsection (2), direct, by signals or otherwise, the driver of any bus that is being driven on a highway to stop, and the driver upon being so directed shall stop the vehicle.

Examination of bus

(2) A member of the Ontario Provincial Police Force or an officer of the Ministry may at any time examine any bus, its contents and equipment for the purpose of ascertaining whether this Act and the regulations are being complied with in the operation of the bus, and the driver or other person in control of the bus shall assist in the examination of the bus, its contents and equipment. R.S.O. 1990, c. P.54, s. 29 (1, 2).

(3) REPEALED: 1996, c. 9, s. 23.

Examination of records, etc., of holder of operating licence

(4) An officer of the Ministry may at any time examine all books, records and documents of the holder of an operating licence relating to the business of operating public vehicles for the purpose of ensuring that the provisions of this Act and the regulations are being complied with and such officer may, for the purposes of such examination, upon producing his or her designation as an officer, enter at any reasonable time the business premises of the holder. R.S.O. 1990, c. P.54, s. 29 (4).

Matters confidential

30. Each person employed in the administration of this Act, including any person making an examination under section 29, shall preserve secrecy with respect to all matters that come to the person's knowledge in the course of his or her duties or employment or on an examination under section 29 and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceeding under this Act or the regulations;
- (b) to his or her counsel; or
- (c) with the consent of the person to whom the information relates. R.S.O. 1990, c. P.54, s. 30.

Offences

31. (1) Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not less than \$150 and not more than \$1,500.

Idem

(2) Every person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this Act or by the regulations or by the Ministry is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$1,000 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1990, c. P.54, s. 31.

Consent to prosecutions

32. No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Ministry designated by the Minister to assist in the enforcement of this Act. R.S.O. 1990, c. P.54, s. 32.

Regulations

33. The Lieutenant Governor in Council may make regulations,

- (a) prescribing forms for the purposes of this Act and providing for their use;
- (b) governing the application for a licence or for a renewal or transfer of a licence and prescribing classes of licences;
- (b.1) governing applications or requests by applicants or licensees under sections 6, 7 and 8 and by interested persons under sections 6, 10 and 11, including prescribing fees in respect of such applications or requests;

- (b.2) governing requests by interested persons to be made a party to a proceeding, including prescribing fees to be paid by such parties;
- (c) prescribing terms and conditions to which licences shall be subject;
- (d) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons licensed under this Act;
- (e) prescribing the terms and conditions of cancellation, expiry, renewal, extension and notice of cancellation respecting such insurance or bonds;
- (f) governing the filing of bonds and certificates of insurance;
- (g) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;
- (h) governing the material and information to be filed with tariffs of tolls filed under this Act;
- (i) prescribing, regulating and limiting the hours of labour of drivers of public vehicles;
- (j) prescribing the qualifications of drivers of public vehicles;
- (k) prescribing the condition in which public vehicles shall be kept, and prescribing the equipment to be carried by public vehicles and the condition and location in which the equipment shall be kept;
- (l) defining chartered trips, special trips, scheduled services and school buses, and prescribing special terms and conditions with respect to such trips or buses and regulating such trips or services;
- (m) providing for the delegation to an officer of the Ministry of such of the powers and duties of the Minister as may be considered necessary;
- (n) providing for the payment of fees for copies of or access to any writing, paper or document filed in the Ministry under this Act or the regulations or any statement containing information from the records of the Ministry and prescribing the amount of such fees;
- (o) governing the discontinuance or reduction of scheduled services, including prescribing the requirements that must be met by a licensee before a scheduled service may be discontinued or reduced and prescribing the amount of notice and the contents of the notice to be given to the Minister. R.S.O. 1990, c. P.54, s. 33; 1996, c. 9, s. 24.

Policy statements

34. (1) The Lieutenant Governor in Council may by order from time to time issue policy statements setting out matters to be considered by the Board when determining questions of public necessity and convenience and the Board shall take such matters into consideration together with such other matters as the Board considers appropriate where the hearing or review is commenced after the policy statement is gazetted.

Publication

(2) An order made under subsection (1) shall be published in *The Ontario Gazette*. R.S.O. 1990, c. P.54, s. 34.

35. REPEALED: 1996, c. 9, s. 25.