



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

MOTOR CARRIER ACT REGULATIONS

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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MOTOR CARRIER ACT
Chapter M-10
REGULATIONS

Made by the Lieutenant Governor in Council under the *Motor Carrier Act* R.S.P.E.I. 1988, Cap. M-10

1. Service of notices

Whenever it is necessary to serve any notice or other document such service shall be personal or by registered letter unless the Commission shall otherwise prescribe. (EC265/61)

2. Licensing of public motor trucks

Public motor trucks when engaged as intra-provincial carriers shall be licensed under the *Motor Carrier Act*, and when engaged in extra-provincial operations shall be licensed under the *Motor Vehicle Transport Act* (Canada) R.S.C. 1985, Chap. M-12. (EC265/61)

3. Authority of license

A license shall authorize the licensee to operate the vehicle for which it is issued as a public motor bus or public motor truck in providing the service designated in his license. (EC265/61)

4. License to be produced on demand

The motor carrier license issued for every public motor bus or public motor truck together with a copy of the conditions set out in the operating license under which it is operated shall, whenever, the vehicle is on a highway, be carried by the driver or be kept in a readily accessible place in the vehicle, and shall be produced upon demand of a peace officer. (EC265/61)

5. Identification plates

Revoked by IRAC 92-1.

6. Information to be filed

- (1) The holder of any license shall, forthwith on receipt thereof and thereafter annually, file in the office of the Commission such information as the Commission may require concerning the motor vehicles being operated under such license.

Transfer of license to substituted vehicle

- (2) Where the holder of a vehicle license issued under these regulations applies to replace the vehicle in respect of which the license is in effect, the Commission may permit the vehicle license and license plate to be transferred to the substituted vehicle upon payment of a transfer fee of five dollars and any difference in the fees prescribed by the Commission for the substituted vehicle, if the substituted vehicle is of a higher classification. (EC265/61; 859/79)

7. Expiration of license

Every license issued under these regulations shall expire at the same time as registration licenses issued under the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5. (EC265/61)

7.1 Temporary license

- (1) Where an application for a license has been made to the Commission, the Commission may, without holding a formal hearing under section 3 of the Act, issue a temporary license authorizing the applicant to transport goods by motor truck in the province over such routes and during such period, not exceeding thirty days, as the Commission may determine.

Idem

- (2) The Commission, or an officer of the Commission to whom authority is delegated, may issue a temporary license authorizing a motor carrier to transport goods into or out of the province on a one-trip basis.

Idem

- (3) A temporary license under subsection (1) or (2) may be issued subject to such terms and conditions as are specified in the license. (EC327/82)

8. Display of owner's name, etc.

Every public motor truck shall have displayed on each side thereof, in letters not less than three inches in height, the following information:

- (a) name of license holder;
- (b) address of license holder;
- (c) motor carrier license number. (EC265/61)

9. Distance from other vehicles

Except for the purpose of overtaking and passing another vehicle on an open highway or where it is reasonably unavoidable, a public motor truck or public motor bus shall not be operated so as to be less than five hundred feet from a vehicle ahead thereof and travelling in the same direction. (EC265/61)

10. Rates

- (1) Licensed motor carriers shall not demand, receive or tender for the transportation of commodities any rate other than those which have been accepted for filing with the Commission not later than fifteen days after their effective date.

Idem

- (2) Where a licensed motor carrier files or has filed with the Commission its tariffs of freight rates which are accepted for filing by the Commission on or January 31, 1979, such rates



shall be deemed to have taken effect from the effective date shown in each tariff provided the said motor carrier has actually charged such rates to the public during the period they have been in effect under such tariffs.

Passengers

- (3) No person being the operator of a public motor bus shall accept passengers for carriage at a rate other than the rate approved by the Commission. *(EC265/61; 54/78; 18/79)*

11. Bills of lading

- (1) A bill of lading or receipt shall be issued in duplicate or more as required. The original shall be delivered to the shipper. Duplicate copy showing shipper's name, point of origin, date of shipment, name of consignee, destination, connecting orders (if any) and itemized statement of shipment must be in the possession of the driver of a public motor vehicle while the freight or express is being carried thereon and shall be subject to inspection by any peace officer or representative of the Commission. The driver will have the duplicate copy received by the consignee or his agent.

Signatures

- (2) A bill of lading or receipt shall be signed both by the shipper or his agent and by the carrier as being a correct itemized list of goods in shipment and as an acceptance of all terms and conditions contained therein.

Separate bill for each shipment

- (3) A bill of lading or receipt shall be issued for each shipment transported. The freight or express covered by a bill of lading or receipt shall be in possession or control of the carrier at the time such bill of lading or receipt is issued. A bill of lading or receipt shall cover only goods received from one shipper, picked up at one place, and consigned to one consignee at one destination and delivered at one place. *(EC265/61)*

12. Cash on delivery transactions

A licensed motor carrier transporting goods and chattels or other freight, payable cash on delivery, must keep all monies thus received in a separate bank account and remit it to whom it is due within seven days following delivery. *(EC265/61)*

13. Hours of work of drivers

- (1) No motor carrier or other person owning, controlling, managing or driving any public motor bus or public motor truck shall drive or knowingly permit or require a person to drive such vehicle for more than a total of ten hours in any twenty-four hour period, nor shall any person after having been employed in any other capacity drive a public passenger bus or a public motor truck when by so doing the total period of employment or work in any capacity of a driver or otherwise exceeds twelve hours in any twenty-four hour period.

Driving time

- (2) Subject to subsection (3), time occupied riding or being upon a public passenger bus or public motor truck in the capacity of a helper, relief driver or otherwise, shall for the purpose of this regulation be considered the same as driving time.

Rest periods

- (3) Time spent resting or sleeping in a properly equipped berth or bunk on a vehicle shall not be considered the same as driving time.

Records

- (4) Every holder of a motor carrier license shall be required to keep a record of the hours of labour of bus drivers, and every driver of a public motor truck shall be required to keep an accurate record of his hours of labour.

Production of records

- (5) The records referred to in this regulation shall be produced when reasonably required for inspection by a peace officer or an officer of the Public Utilities Commission. (EC265/61)

14. Medical examinations

The Commission may, at any time, require any driver of a public motor bus or public truck to be examined as to his fitness to operate such vehicle and thereafter no such driver shall drive any public motor bus or public motor truck nor shall any motor carrier require or knowingly permit such driver to operate any public motor bus or public motor truck unless and until there is on file with the Commission a certificate of a duly qualified medical practitioner, certifying that such person

- (a) has no loss of or impairment of use of any limb;
- (b) has no mental, nervous, organic or functional disease, physical defects or limitations likely to interfere with safe driving;
- (c) has such standard of vision and hearing as to indicate that he is at all times capable of safely operating such vehicle. Such certificate for vision may be furnished by a duly qualified optician. (EC265/61)

15. Driving experience

No person shall drive a public motor bus or a public motor truck unless he has had at least one year's experience in driving motor vehicles, which experience has extended throughout four seasons of the year, and is competent by reason of experience and training to operate the type of motor vehicle which he so drives or is required or permitted to drive. (EC265/61)

16. Interchange of vehicles

- (1) The Commission may by order authorize a motor carrier to interchange freight vehicles with another motor carrier.

Particulars of interchange contracts

- (2) Before the Commission grants an order authorizing an interchange of freight vehicles, there shall be filed with the Commission a duplicate original of every contract between the motor carriers with reference to interchange of freight vehicles setting out *inter alia*:
- (a) the conditions of commencement and termination of the contract;
 - (b) a description of the freight vehicles or a general reference to the type and nature of the freight vehicles covered by the contract;
 - (c) a statement of the consideration to be paid by one motor carrier to the other;
 - (d) the place where each motor carrier will take possession and control of the freight vehicles and will assume responsibility in respect thereto;
 - (e) an undertaking by the motor carrier taking possession of the freight vehicles that he will verify that the operating condition of each vehicle and all the equipment, accessories, cargo and the registrations are in conformity with the regulations of the Commission and the laws of the province;



- (f) an undertaking by the motor carrier taking possession of the freight vehicles that he will operate each vehicle with his own driver from and to the points of interchange and over the routes or within the territory authorized by his license and will return each vehicle promptly to the point of interchange;
- (g) an undertaking by the motor carrier taking possession of the freight vehicles that through bills of lading shall accompany the cargo at all times;
- (h) copies of the insurance policies and a certificate of insurance covering property damage, injury, to persons and cargo. *(EC265/61)*

17. Temporary leasing of vehicles

Notwithstanding section 16, a motor carrier may casually lease a freight vehicle from another motor carrier and operate the same temporarily

- (a) to complete a carriage of freight when the freight vehicle operated by him cannot safely proceed because of mechanical failure or other emergency and a freight vehicle designated on the license of the motor carrier to provide the service is not available without causing substantial delay or diminution in the service that he is authorized to provide;
- (b) to carry perishable or other freight requiring immediate delivery when a freight vehicle designated in the license of the motor carrier to provide the service is not available without causing substantial delay or diminution in the service that he is authorized to provide, if the motor vehicle liability policies of insurance and other policies of insurance filed with the Commission by the lessee motor carrier provide third party liability insurance and cargo insurance in relation to the leased freight vehicle and the freight carried therein while said freight vehicle is in his possession. *(EC265/61)*

18. Reports of leasing arrangements

A motor carrier who has leased a freight vehicle or vehicles from another motor carrier pursuant to these regulations shall, not later than the 10th day of each month, file with the Commission a written report showing, in respect to the preceding month, particulars and terms of all casual leases including

- (a) the names of persons from whom vehicles have been leased;
- (b) a description of the leased vehicles;
- (c) the consideration for leases;
- (d) the dates and places of receipt and return of vehicles;
- (e) the purposes for which the leased vehicles were used;
- (f) the reasons necessitating the leasing of the vehicles. *(EC265/61)*

19. Change of bus routes, timetables and schedules

Without the written approval of the Commission, no change or amendment shall be made in any bus route, timetable or rate schedule nor shall any licensee modify or discontinue any schedule of service. *(EC265/61)*

20. Cancellation of license

A license may be cancelled by the Commission if the holder thereof fails to begin service within thirty days after the date upon which the license was granted or such further time as the Commission may approve. *(EC265/61)*

21. Interruption of service

Every unavoidable interruption of authorized scheduled public motor bus service, where such interruption is likely to continue for more than twenty-four hours, shall forthwith be reported by the licensee in writing to the Commission, with an explanation as to the cause of interruption and its probable duration. If the interruption is due to failure or breakdown of any public vehicle, the licensee shall immediately make arrangements, as far as possible, to obtain and furnish a substitute vehicle. *(EC265/61)*

22. Powers of Commission

Either on its own motion or on the filing of a protest or request by any person affected, the Commission may, at any time

- (a) order any time schedule to be withdrawn, altered, modified or suspended;
- (b) order the performance and fulfilment by a licensee of any undertaking to provide other and further schedules and service over any connecting routes and highways when the same appear to the Commission to be necessary in the public interest;
- (c) order a licensee to furnish additional vehicles, schedules or services over the routes and highways covered by his license. *(EC265/61)*

23. Report of vehicle defects

- (1) Every chauffeur or driver employed by a licensee shall, at the end of his time of duty, report to his employer in writing any defect or deficiency in the vehicle discovered by him during such time of duty.

Repair

- (2) Every licensee shall remedy or repair any defect or deficiency in any vehicle as reported to him or as revealed by inspection or otherwise, before the vehicle is again operated on a highway. *(EC265/61)*

24. Boarding bus

- (1) Passengers shall leave or enter a public motor bus at the right-hand side of the bus only, and only after the bus has been brought to a full stop.

Stopping

- (2) The operator of a public motor bus shall not take on or discharge any passenger unless a clear view of the public motor bus may be had from a distance of two hundred feet in either direction upon the highway on which the vehicle is travelling, and shall, where possible, before taking on or discharging a passenger, bring his bus to a stop clear of the main travelled portion of the highway. *(EC265/61)*

25. Baggage

Every operator of every public motor bus shall see that all baggage or express carried in or on any public motor bus shall be so loaded as not to interfere with the free and ready entrance or



exit of passengers and that it is stowed in such a manner as to prevent its falling on or against any passenger. (EC265/61)

26. Requirement for license

No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of passengers or freight by, for or on behalf of any other person who receives compensation either directly or indirectly for such transportation unless the person by, for or on behalf of whom the vehicle is operated holds a license under this Act. (EC265/61)

27. Inspections

- (1) Any peace officer may at any time examine any public motor bus or public motor truck, its contents and equipment, for the purpose of ascertaining whether the Act, these regulations and the operating license under which the vehicle is operated are being complied with in the operation of the vehicle, and for such purpose may require the driver or other person in charge of a public motor bus or public motor truck to stop on a highway.

Driver to stop and submit vehicle to examination

- (2) Every driver or other person in charge of a public motor bus or public motor truck on a highway, who is required by a peace officer, by signals or otherwise, to stop the vehicle for the purpose of examination, shall stop the vehicle and permit and assist in the examination of the vehicle, its contents and equipment. (EC265/61)

28. Insurance

- (1) The liability insurance policy required by the *Motor Carrier Act* in respect of each public motor truck shall insure against injury to persons and damage to property of any person recoverable against the motor carrier in the minimum amount of one hundred thousand dollars (\$100,000.00).

Inland transportation insurance

- (2) Inland transportation insurance against loss or damage to cargo, shall be fixed from time to time by the Commission in the case of each motor carrier in an amount to be based upon the value of the average cargo carried.

Sufficient insurance

- (3) Every public motor bus shall have placed and maintained thereon such amount of insurance, in a company approved by the Commission, as the Commission may by regulation or otherwise indicate as sufficient to safeguard claims of passengers and owners of express freight in case of accident. (EC265/61; 215/79)

29. Notice proved by affidavit

The publication of any notice required by the *Motor Carrier Act* may be proved by affidavit. (EC265/61)