

**O.I.C. 1988/161**

**MOTOR TRANSPORT ACT**

Pursuant to section 59 of the Motor Transport Act, the Commissioner in Executive Council is pleased hereby to make the following order:

1. The annexed Motor Transport Licensing Regulations are hereby made and established.
2. Orders-In-Council 1980/297 and 1981/293 are revoked.

Dated at Whitehorse, in the Yukon Territory, this 3rd day of October, A.D., 1988.

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Commissioner of the Yukon

**MOTOR TRANSPORT LICENSING REGULATIONS**

**Short Title**

1. These Regulations may be cited as the Motor Transport Licensing Regulations.

**Interpretation**

2. In these Regulations,  
"applicant" means a person that makes an application for a certificate of operating authority;  
"board" means the Motor Transport Board;  
"manager" means the manager of Transport Services;  
"motor carrier" means a person engaged in the operation of an intra-territorial truck or bus undertaking;  
"safety rating" means a rating described in subsection 8(3);

**Exemption from requirement for certificate**

3. (1) A person does not require a certificate or temporary certificate when operating one of the following:
  - (a) a tow truck or wrecker transporting an immobilized motor vehicle;
  - (b) a motor vehicle when operated as a sewer eductor and equipped solely for that purpose;
  - (c) a motor vehicle when used for the transportation of refuse or garbage pursuant to a contract with a municipality or local improvement district;
  - (d) a motor vehicle when being used solely for transporting mail pursuant to a contract with Canada Post;
  - (e) a motor vehicle when operated by the person pursuant to a contract with the Government of the Yukon or the Government of Canada.
- (2) A person does not require a certificate or temporary certificate for the purposes of transporting for compensation any of the goods set out in Schedule A.

**Application**

4. (1) An application for a certificate shall be accompanied by a fee of \$75 for an in-territorial application or by a fee of \$75 for an extra-territorial application.
- (2) An application for a temporary certificate shall be accompanied by the following fee:
  - (a) for non-passenger carrying motor vehicles up to a gross vehicle weight of 4600 kg, \$50;
  - (b) for non-passenger carrying motor vehicles over a gross vehicle weight of 4600 kg, \$150;
  - (c) for passenger carrying motor vehicles, \$100.*(Subsections 4(1) and (2) amended by O.I.C. 1991/181)*
- (3) The information required to be submitted with an application for a certificate or temporary certificate is
  - (a) such proof of insurance as may be acceptable to the board, and
  - (b) proof of the safety rating determined with respect to the applicant pursuant to subsection 10(3).
- (4) Where the secretary has a record of the applicant's safety rating, the secretary may waive the requirement of paragraph 3(b).

### **Renewal of certificate**

5. An application for a renewal of a certificate shall be accompanied by a fee of \$25.  
(Amended by O.I.C. 1991/181)

### **Cost of new certificate**

6. When a new certificate is issued to a person as a result of an amendment, the person shall pay a fee of \$25.

### **Copy of insurance policy to be filed**

7. (1) No certificate shall be issued to a person until a copy of an insurance policy that provides the minimum liability coverage and the endorsement referred to in subsection 8(2) has been filed with the board.

(2) No temporary certificate shall be issued to a person until proof of insurance satisfactory to the board has been filed.

### **Insurance**

8. (1) The minimum liability insurance coverage for an intra-territorial truck, bus or taxi undertaking is

(a) for each motor vehicle, for bodily injury to or the death of any person or for loss of or damage to property of others, other than cargo, the amount of \$1,000,000,

(b) for each motor vehicle used in the transport of any dangerous goods

(i) that are set out in column I of Schedule XII to the Transportation of Dangerous Goods Regulations, (Canada), in the quantities referred to in section 7.18 of those regulations, and

(ii) in respect of which an emergency response plan is required to be filed with the Director General of the Transport of Dangerous Goods Directorate, Department of Transport, pursuant to Part VII of the Transportation of Dangerous Goods Regulations (Canada),

for bodily injury to or the death of any person or for loss of or damage to property of others, other than cargo, the amount of \$2,000,000,

(c) for each motor vehicle used for the transport of passengers in a bus undertaking, passenger hazard insurance in the minimum amount of \$1,000,000 and

(d) for each vehicle for loss of or damage to cargo,

(i) with respect to each motor vehicle, or combination of motor vehicles, having a maximum registered gross weight not exceeding 12,700 kg, the amount of \$15,000,

(ii) with respect to each motor vehicle, or combination of motor vehicles, having a maximum registered gross weight exceeding 12,700 kg but not exceeding 21,000 kg, the amount of \$20,000,

(iii) with respect to each motor vehicle, or combination of motor vehicles, having a maximum registered gross weight exceeding 21,000 kg but not exceeding 37,000 kg, the amount of \$27,000,

(iv) with respect to each motor vehicle, or combination of motor vehicles, having a maximum registered gross weight exceeding 37,000 kg, the amount of \$32,000.

(2) A motor carrier shall ensure that an insurance policy filed with the board contains an endorsement whereby the insurer agrees to notify the board of the cancellation or non renewal of the policy or of a change in the policy such that it no longer provides the minimum liability coverage required in subsection (1), at least 15 days before the date the policy is cancelled, lapses or is changed.

(3) A motor carrier shall immediately notify the board of any change or proposed change to a policy filed with the board, such that the policy no longer provides or will no longer provide the minimum liability insurance coverage required by subsection (1).

### **Criteria relating to fitness**

9. The criteria relating to the fitness of an applicant to hold a certificate or temporary certificate are the following, namely whether the applicant

- (a) has a comprehensive knowledge of the provisions of the Dangerous Goods Transportation Act and the Regulations thereunder relating to the handling and transportation of dangerous goods;
  - (b) has substantially complied with the provisions of the Dangerous Goods Transportation Act and the Regulations thereunder relating to the handling and transportation of dangerous goods;
  - (c) has a comprehensive knowledge of the provisions of the Environment Act relating to the handling and transportation of special wastes and the Special Waste Regulations;
  - (d) has a comprehensive knowledge of the laws to highway safety in the Yukon;
  - (e) has substantially complied with
    - (i) the laws relating to highway safety in the Yukon during any period in which the applicant held a certificate or temporary certificate, and
    - (ii) the provisions of the Motor Transport Act and these regulations;
  - (f) has a Satisfactory or Conditional safety rating; and
  - (g) has the minimum liability coverage by section 6.
- (Paragraphs (c) to (g) replaced by O.I.C. 1995/50)*

### **Safety ratings**

10. (1) The manager shall determine and certify whether an applicant meets, or the holder of a certificate or temporary certificate continues to meet, the criteria set out in section 9.

(2) In making a determination pursuant to subsection (1), the manager shall consider

- (a) any violation or contravention of a federal or provincial law relating to safety or environmental spills reporting and applicable to the transportation of goods by a motor vehicle, committed by the applicant or a driver employed by the applicant during the preceding five years;  
*(Replaced by O.I.C. 1995/50)*
- (b) the mechanical fitness of the vehicles to be used,
- (c) the motor vehicle accident record for the preceding five years of the applicant and each driver employed or otherwise engaged by the applicant, and
- (d) any record of improvement by the applicant and the employees of the applicant in meeting the criteria set out in paragraphs 7(a) to (d) during the preceding five years.

(3) Where the manager makes a determination pursuant to subsection (1), the manager shall certify the level at which the applicant meets, or the holder of the certificate or temporary certificate continues to meet, the criteria set out in paragraphs 9(a) to (d) to be,

- (a) "Satisfactory", where the applicant or holder of the certificate or temporary certificate has operated a truck, bus or taxi undertaking for more than one year and meets the criteria set out in paragraphs 9(a) to (d),
- (b) "Conditional", where the applicant or holder of the certificate or temporary certificate
  - (i) has operated a truck, bus or taxi undertaking for less than one year and has filed a safety plan with the manager that outlines the measures the applicant will take to ensure that the criteria set out in paragraphs 9(a) to (d) are complied with within a reasonable period of time, or
  - (ii) has been determined by the manager to have failed to meet the criteria set out in paragraphs 9(a) to (d) but has agreed to implement a safety plan that will ensure compliance with those criteria within a reasonable period of time, or
- (c) "Unsatisfactory", where the applicant or holder of a certificate or temporary certificate has not received a Satisfactory or Conditional rating or has failed to comply with the safety plan referred to in paragraph (b).

### **Public interest**

11. (1) In determining whether the operation of a truck, bus or taxi undertaking will be detrimental to the public interest, the board shall give equal emphasis to the interests of the users of transportation services and to the economic and social development of the affected region and shall consider the effect of the operation of the undertaking upon the following:

- (a) the availability of adequate services to all users in all communities, regardless of size;
- (b) the availability of price and service options and the responsiveness of the industry to user demand or service requirements;
- (c) the productivity and efficiency of users;
- (d) transport costs;
- (e) the level of competition and market concentration and the likelihood of abuses of market power;
- (f) price or service discrimination;
- (g) the stability, dependability and viability of the transportation industry;
- (h) the operations of persons who object to the issue of the certificate being sought;
- (i) the operational efficiency of the applicant;
- (j) any other matter the board considers relevant to
- (i) the interests of users of transportation services, or
- (ii) the public interest.

*(Paragraph (j) repealed and paragraph (k) renumbered (j) by O.I.C. 1991/181)*

(2) For the purposes of paragraph (1)(h) the mere diversion of revenue or traffic shall not be considered to be in and of itself detrimental to the public interest.

### **Signs on vehicles**

12. It is a condition of every certificate that a motor vehicle being operated under that certificate shall have clearly marked on both sides of the vehicle in figures not less than 5 centimeters in height

- (a) the name of the registered owner of the vehicle,
- (b) the name of the certificate holder, and
- (c) where the registered gross vehicle weight is more than 4600 kg, the registered gross vehicle weight of the vehicle.

### **Identification plates**

13. (1) Identification plates issued with a certificate shall be displayed on motor vehicles operating under the authority of a certificate.

(2) Identification plates shall be attached to the front of a motor vehicle, no less than 60 centimeters from the ground and shall be clearly visible from the front of the vehicle.

(3) Subject to the terms and conditions of the certificate, identification plates may be transferred from one motor vehicle to another.

(4) The fee for identification plates shall be \$150 per plate issued under a certificate.

### **Temporary certificates**

14. (1) It is a condition of a temporary certificate that it authorizes only the transportation of passengers or goods on behalf of one consignee and only for a one way trip over the route set out in the temporary certificate.

(2) The identification stickers issued with a temporary certificate shall be displayed in the motor vehicle set out in the temporary certificate on the left side window of the motor vehicle.

(3) The identification sticker shall be displayed in accordance with subsection (2), at all times when the vehicle is being operated under the authority of the temporary certificate.

(4) When the temporary certificate expires the operator of the motor vehicle shall remove and destroy the identification sticker.

(5) A temporary certificate is valid only for the motor vehicle set out in the certificate.

**Number of temporary certificates**

15. A person may only receive a maximum of six temporary certificates in a calendar year regardless of the number of motor vehicles owned or operated by the person.

**Cost of hearings**

16. Costs awarded to a party by the board shall not exceed \$75 for each 1/2 day plus the party's out of pocket expenses which shall not include any counsel fees.

**Remuneration of board members**

17. Board members shall be paid the sum of \$100 per day for meetings and hearings plus expenses. *(Forms 1, 2, 3 and 4 repealed by O.I.C. 1991/181)*

**SCHEDULE A**

Commodity Exemptions:

- 1. Logs
- 2. Septic Tank Refuse
- 3. Snow
- 4. Water
- 5. Gravel
- 6. Topsoil
- 7. Sand
- 8. Crush
- 9. Fill
- 10. Earth

**COMMODITY/SERVICE CATEGORIES REFERENCE**

<b>CODE</b>	<b>CATEGORY</b>
A	AGRICULTURAL PRODUCTS, including feed, grains, seed, fertilizer and items of a similar nature.
B	BUS AND TAXI SERVICE, including Charter service for passengers and freight, and other services of a similar nature.
C	CONSTRUCTION MATERIALS, including lumber, plywood, wallboard, siding, flooring, tile, doors, windows, poles, posts, cement and items of a similar nature, including bulk haulage in tanks.
D	DELIVERY SERVICE, light delivery with vehicles up to 4500 kg GVW within a specified area.
E	EXPEDITING SERVICES, including those items in categories C, F, H, I, N, P and V with vehicles up to 12,000 kg GVW.
F	GENERAL MERCHANDISE, including foodstuffs, liquor, paper products, rubber products, electronic equipment, medical supplies and items of a similar nature.
Ga	GARBAGE, garbage pickup
H	HOUSEHOLD GOODS, including furniture (new & used), wardrobes, personal articles, art, museum pieces and items of a similar nature.
I	IRON, STEEL AND PIPE, including structural steel, grinding balls, pipes and pipefittings, pipelines, culverts, tanks, scrap iron and items of a similar nature.
L	LIVESTOCK, including non-domestic animals.
M	RESIDENTIAL MOBILE HOMES

- N MOBILE HOMES, including holiday trailers, camp trailers, bunkhouses, cookhouses, storage sheds, prefabricated buildings and items of a similar nature.
- O MINE ORE
- P PETROLEUM PRODUCTS, including petroleum products in cans and barrels, pressurized gases, chemicals including acids, fertilizers, explosives, drilling mud and items of a similar nature, including bulk haulage in tanks.
- Sw SPECIAL WASTE, as defined in the Environment Act and the Special Waste Regulations.  
*(Added by O.I.C. 1995/50)*
- V VEHICLES, MACHINERY AND EQUIPMENT, including all tracked and wheeled vehicles, hovercraft, boats, barges, airplanes, generators, compressors, motors, drilling rigs, fire fighting equipment, cable, electrical equipment, line cutting equipment, winch work and items of a similar nature.
- X TRACTOR SERVICE, service to pull trailers on behalf of persons holding Operating Authority in the Yukon and restricted to the conditions assigned thereto.
- Y NOT SPECIFIED, services or categories not clearly stated or included in categories above.