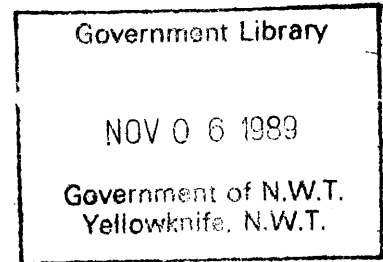


LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

PUBLIC SERVICE VEHICLES ACT



Statement of Purpose

The purpose of this Bill is to provide for the regulation of the "for hire" highway transportation industry; to provide a definition for "public service vehicles"; to provide that no person shall operate a public service vehicle without obtaining a certificate, temporary certificate or trip permit from the Highway Transport Board; to provide for the cancellation or suspension of certificates, temporary certificates and trip permits; to provide for the continuation of the existing Highway Transport Board; to provide for the jurisdiction, powers and duties of the Highway Transport Board; to provide for an appeal from decisions of the Highway Transport Board; to provide for the enforcement of the Act, including provisions respecting inspection, search and seizure; to establish offences and penalties; to provide for a regulation making power; and to repeal the *Public Service Vehicles Act*, R.S.N.W.T. 1974, c.P-15.

IMPORTANT

This Bill is tabled for public review. This proposed Act does not represent the final policy of the Government of the Northwest Territories and is subject to change after public review and comment. Furthermore, changes of a technical nature can be expected to prepare the Bill for introduction in the Legislative Assembly.

PUBLIC SERVICE VEHICLES ACT

The Commissioner of the Northwest Territories, by and with the advice and consent of the Legislative Assembly, enacts as follows:

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INTERPRETATION

Definitions	1. In this Act,	10
"Board"	"Board" means the Highway Transport Board;	
"freight"	"freight" means any load other than passengers that is or may be transported by a vehicle;	15
"highway"	"highway" means a highway as defined in the <i>Motor Vehicles Act</i> ;	
"officer"	"officer" means a highway transport officer;	20
"owner"	"owner", in respect of a vehicle, means (a) the person named on a certificate of registration for the vehicle issued under the <i>Motor Vehicles Act</i> , or (b) where there is no certificate of registration for the vehicle issued under the <i>Motor Vehicles Act</i> , the legal owner or a person in legal possession of the vehicle or a person who has the exclusive use of the vehicle during all times material to this Act and the regulations;	25
"public service vehicle"	"public service vehicle" means a vehicle that is operated by or on behalf of any person for the purpose of transporting freight or passengers for compensation;	30
"vehicle"	"vehicle" means a vehicle as defined in the <i>Motor Vehicles Act</i> .	

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APPLICATION

Application	2. This Act applies to public service vehicles operated on a highway.	
Exemptions	3. This Act does not apply to public service vehicles (a) operated in an area exempted by regulation; (b) of a class exempted by regulation; (c) used for transporting freight or passengers of a category exempted by regulation; or (d) exempted under an agreement made under section 87.	40 45

EXPLANATORY NOTES

New Act

PART I

OPERATING AUTHORITY

Certificates, temporary certificates and trip permits	4. No person shall operate a public service vehicle unless the person has obtained a certificate, temporary certificate or trip permit authorizing the operation of the public service vehicle.	5
Terms and conditions	5. A certificate, temporary certificate or trip permit authorizes the operation of a public service vehicle subject to the terms and conditions that are prescribed or that the Board considers appropriate.	10
No exclusive rights	6. No certificate, temporary certificate or trip permit confers exclusive rights on the holder or precludes the Board from issuing any other certificate, temporary certificate or trip permit that the Board considers appropriate.	15

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CERTIFICATES

Application for certificate	7. A person may apply for a certificate by (a) filing an application in the prescribed form with the Board; (b) paying the prescribed fee to the Board; and (c) providing to the Board prescribed evidence that the applicant meets the prescribed fitness criteria, and such information as the Board may require.	25
Fitness	8. The Board shall, after receiving an application under section 7, determine whether or not the applicant meets the prescribed fitness criteria.	30
Public notice	9. (1) Where the Board is satisfied that the applicant meets the prescribed fitness criteria it shall ensure that a notice of intent to issue a certificate is placed, at the expense of the applicant, in a newspaper published in the Territories.	35
Particulars of notice	(2) The notice must indicate that if no objections are filed with the Board within 21 days of the publication of the notice the Board intends to issue a certificate to the applicant without a hearing.	40
Objection	10. An interested person may, within the 21 day period referred to in subsection 9(2), file with the Board a written objection requesting that the Board conduct a hearing to determine if issuing a certificate would likely be detrimental to the public interest.	45
Certificate issued without hearing	11. The Board shall issue a certificate to the applicant subject to the terms and conditions the Board considers appropriate where (a) no objections have been filed under section 10; or (b) an objection is filed under section 10, and the Board is not satisfied, in the absence of evidence to the contrary, that issuing the certificate would likely be detrimental to the public interest.	50
Hearing upon relevant objection	12. Where an objection is filed under section 10 the Board shall, if satisfied in the absence of evidence to the contrary that issuing a certificate would likely be detrimental to the public interest, set a hearing date and give reasonable notice to the applicant, the objector and any other person the Board determines to have a legitimate interest in the matter.	55

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Public interest test	13. At a hearing to determine if issuing a certificate would likely be detrimental to the public interest	
	(a) the Board shall	
	(i) give primary emphasis to the interests of the users of transportation services, whether or not those services would be provided under the certificate applied for, and	5
	(ii) consider any statement of transportation policy issued by the Executive Council; and	
	(b) the onus is on the objector to satisfy the Board that issuing the certificate would likely be detrimental to the public interest.	10
Certificate issued after hearing	14. Where, after a hearing, the Board determines that the objector has not shown that issuing the certificate would be detrimental to the public interest, the Board shall issue a certificate to the applicant.	15
Expiry of certificate	15. A certificate must indicate the date it expires.	20
Renewal of certificate	16. (1) The Board may renew a certificate if the holder of the certificate submits the prescribed fee and a completed renewal application in the prescribed form before the expiry of the existing certificate.	25
Continuation of certificate	(2) Where an application is made to renew a certificate and the prescribed fee is paid the licence is deemed to continue until the renewal is granted.	
Discontinuing service	17. (1) The holder of a certificate shall not, without the approval of the Board, discontinue or reduce a service authorized under the certificate.	30
Board powers	(2) Where a service is discontinued or reduced contrary to subsection (1), the Board may	35
	(a) suspend or cancel the certificate; or	
	(b) amend the certificate to accord with the actual exercise of the authority.	
Suspension or cancellation of certificate	18. The Board may suspend or cancel a certificate	40
	(a) that was issued in error;	
	(b) where the Board determines that the holder of the certificate fails to meet the prescribed fitness criteria; or	
	(c) where the holder of the certificate contravenes this Act or the regulations.	45
Notice of intention	19. (1) Where the Board intends to amend, suspend or cancel a certificate it shall give notice to the holder of the certificate.	50
Content of notice	(2) A notice must state the reasons for the amendment, suspension or cancellation of the certificate and inform the holder of the certificate that he or she is entitled to a hearing before the Board if he or she applies within 30 days of service of the notice.	55
No application for hearing	(3) The Board may amend, suspend or cancel a certificate where the holder of the certificate does not apply for a hearing within 30 days of service of the notice.	
Notice of hearing	20. Where the holder of the certificate applies for a hearing the Board shall set a time and place for the hearing and give notice to the holder of the certificate.	60
Interim suspension	21. The Board may, where it considers it necessary, impose an interim suspension upon a certificate which shall have effect until the interim suspension is vacated by the Board or until the certificate is cancelled or suspended.	65

Notice of interim suspension	22. A suspension, cancellation or interim suspension of a certificate takes effect upon the holder of the certificate being given notice of the suspension, cancellation or interim suspension.	5
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TEMPORARY CERTIFICATES AND TRIP PERMITS

Temporary certificates	23. The Board may issue a temporary certificate to a person applying for a certificate under section 7 where (a) the applicant pays the prescribed fee for a temporary certificate; and (b) the Board is satisfied that the applicant meets the prescribed fitness criteria.	10
Trip permits	24. The Board may issue a trip permit to a person who (a) files an application in the prescribed form; (b) pays the prescribed fee; and (c) provides such information as the Board may require.	15
Cancellation	25. (1) The Board may cancel a temporary certificate or a trip permit.	20
Notice	(2) The cancellation takes effect upon the holder of the temporary certificate or trip permit being given notice of the cancellation.	
Decision final	26. Notwithstanding section 46, the decision of the Board to issue, refuse to issue or to cancel a temporary certificate or trip permit is final.	25

PART II

JURISDICTION AND POWERS OF THE BOARD

Exclusive jurisdiction	27. The Board has exclusive jurisdiction in all cases and for all matters in which jurisdiction is conferred on it by this Act, the regulations or any other enactment.	35
Determination final	28. The determination of the Board on a question of fact is binding and conclusive on all persons.	40
Investigation and report	29. (1) The Board may authorize a member or any other person to investigate and report on any question or matter within the jurisdiction of the Board.	45
Acquisition of information	(2) A person authorized under subsection (1) has all the powers of the Board for the purpose of acquiring information necessary for the investigation and report.	50
Hearings	30. (1) The Board shall hold a hearing where specified in this Act or the regulations and in other cases may hold a hearing on its own motion.	
Evidence	(2) In conducting a hearing, the Board is not subject to the technical rules of evidence.	55
Powers of the Board	31. The Board may (a) exercise the powers of a board appointed under the <i>Public Inquiries Act</i> ; and (b) order any person to provide information in the possession or control of that person respecting the ownership or operation of a vehicle.	60

Mandatory and restraining orders	32. (1) The Board may order a person (a) to do anything that the person may be required or authorized to do under this Act or the regulations; or (b) to stop or refrain from doing anything that may be forbidden or restrained under this Act or the regulations or anything that is in contravention of this Act, the regulations or an order, decision or rule of the Board.	5
Notice of an order	(2) An order takes effect when the person who is the subject of the order is given notice of the order.	10
Notice of hearings	33. (1) The Board shall give reasonable notice of a hearing.	15
Hearing in public	(2) A hearing of the Board must be held in public.	15
Service of notice	34. (1) Where this Act, the regulations or rules made under this Act require the Board to give notice to a person but do not specify the form of that notice, the notice must be in writing and may be (a) served personally; (b) mailed or sent by electronic transmission to the address of the person; or (c) published in a newspaper that is circulated in the area affected by the hearing, inquiry, order or decision.	20
Notice by mail	(2) Where a notice is mailed, service of the notice is deemed to be effected 14 days after the date of mailing or sending.	30
Examination of evidence	35. (1) The Board shall, on request, afford a party to a hearing an opportunity to examine in advance of the hearing reports or documentary evidence which relate to the subject of the hearing.	35
Rights of parties	(2) Parties to a hearing may be represented by counsel and may present evidence and cross-examine witnesses.	40
Written reasons	36. The Board shall prepare written reasons for every order or decision it renders after a hearing and provide copies to the parties to the hearing.	45
Variation of decision	37. (1) The Board may vary or rescind an order, decision or rule made by it and may rehear a matter before making its decision.	45
Rehearing	(2) Where an order, decision or rule is made by the Board after a hearing, the order, decision or rule shall not be suspended, revoked or altered without a hearing.	50
Minor and clerical errors	(3) Notwithstanding subsection (2), the Board may correct minor or clerical errors in an order, decision or rule without a hearing and the Board shall give notice of the correction to all parties.	55
Costs of proceedings	38. The costs incidental to a proceeding before the Board or any investigation or review made by the Board are in the discretion of the Board and it may order by whom, to whom and in what amount the costs are to be paid.	60
Coming into force	39. The Board may direct that an order, decision or rule made by the Board or any part of the order, decision or rule shall come into force (a) at a future time; (b) on the happening of an event specified in the order, decision or rule; or (c) on the performance of a term in the order, decision or rule.	65

Extension of time	40. Where the Board orders or directs that any act or thing is to be performed or completed within a specified time, the Board may extend the time for doing the act or thing where the Board is of the opinion that the circumstances warrant the extension.	5
Evidence	41. The Board may, for purposes not related to the conduct of a hearing, accept and act on evidence by affidavit or written statement, the report of any of its members, employees, officers or agents, or on evidence obtained in any other manner that the Board considers sufficient.	10
Certified copy	42. A copy of a document in the custody of the secretary of the Board, purporting to be certified by the secretary to be a true copy, is in the absence of evidence to the contrary, proof of the document without proof of the signature.	15
Substantial compliance	43. Substantial compliance with this Act is sufficient to give effect to the orders, decisions and rules of the Board and they are not inoperative, illegal or void because of a want of form or an error or omission of a technical or clerical nature.	20
Confidentiality	44. Members of the Board, the secretary, the deputy secretary and other persons employed in the administration of this Act shall not provide any information obtained under this Act to a person not entitled to receive the information.	25
No liability	45. (1) Members of the Board, the secretary, the deputy secretary and other persons employed in the administration of this Act are not liable for loss or damage caused by anything done or not done by them in good faith in the performance of their duties or in the exercise of their powers.	30
Government not liable	(2) The Government of the Northwest Territories is not liable for loss or damage caused by anything done or not done in good faith by any of the persons referred to in subsection (1) in the performance of their duties or in the exercise of their powers.	35

PART III

APPEALS

Appeal	46. (1) A person affected by an order, decision or rule of the Board may apply to the Supreme Court within 45 days after the receipt of notice of the order, decision or rule for leave to appeal on a question of law or excess of jurisdiction.	40
Extension of time	(2) The Supreme Court may extend the time period referred to in subsection (1).	45
Notice of leave application	47. (1) A person who applies for leave to appeal shall, at least 10 days before the application is heard, give notice of the application to the Board and any person who is adverse in interest.	50
Content of notice	(2) The notice must state the grounds of appeal.	
Notice of leave	48. Where leave to appeal is granted the appellant shall give notice to the Board and any person who is adverse in interest within 30 days of the granting of leave.	55

Service of notice	49. (1) Where notice is required to be given to a person under this Part, the notice must be in writing and may be (a) served personally; (b) mailed or sent by electronic transmission to the address of the person; or (c) served by any other method authorized by the <i>Supreme Court Rules</i> .	5
Notice by mail	(2) Where a notice is mailed, service of the notice is deemed to be effected 14 days after the date of mailing.	10
Costs	50. Neither the Board nor any member, officer, employee or agent of the Board is liable for costs in respect of an application or appeal to the Supreme Court.	
Stay by court	51. (1) An appeal to the Supreme Court does not stay the operation of the order, decision or rule appealed from, but the court may grant a stay on the terms the court considers reasonable until the appeal is decided.	15
Stay by Board	(2) The Board may, in its discretion, stay the operation of an order, decision or rule that is being appealed to the Supreme Court until the appeal is decided.	20
Decision on appeal	52. The Supreme Court may confirm, vary or set aside the decision, order or rule of the Board.	25
Court of Appeal	53. A person affected by a decision made on appeal by the Supreme Court may apply to the Court of Appeal for leave to appeal on a question of law or excess of jurisdiction.	30

PART IV

ENFORCEMENT

Appointment of officers	54. (1) The Minister may appoint highway transport officers to enforce this Act.	
<i>ex officio</i> officers	(2) Members of the Royal Canadian Mounted Police are <i>ex officio</i> highway transport officers.	40

INSPECTION

Inspection of vehicles	55. (1) Where an officer believes on reasonable grounds that freight or passengers are being transported for compensation the officer may inspect the vehicle and its load to determine if there is compliance with the Act and the regulations.	45
Direction to park vehicle	(2) An officer may direct the driver of a vehicle to stop and park the vehicle for the purposes of an inspection under subsection (1).	50
Duty to comply	(3) The driver of a vehicle who is directed to stop and park a vehicle shall comply with the direction, and shall not move the vehicle until the officer permits it to be moved.	55
Inspection of buildings	56. (1) Where an officer believes on reasonable grounds that a person is the owner of a public service vehicle, the officer may at any reasonable time enter and inspect any place or building, other than a dwelling-house, owned by or under the control of that person to determine if there is compliance with the Act and the regulations.	60

Warrant required to enter dwelling-house

(2) An officer may not enter a dwelling-house under subsection (1) without the consent of the occupant, except under the authority of a warrant issued under subsection (3).

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Authority to issue warrant

(3) Where on *ex parte* application a justice of the peace is satisfied by information on oath

(a) that the conditions for entry described in subsection (1) exist in relation to a dwelling-house,

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(b) that entry to the dwelling-house is necessary for any purpose relating to the administration or enforcement of this Act, and

(c) that entry to the dwelling-house has been refused or that there are reasonable grounds for believing that entry to the dwelling-house will be refused,

the justice may issue a warrant authorizing the officer named in the warrant and any person assisting the officer to enter and inspect that dwelling-house, subject to any conditions specified in the warrant.

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SEARCH

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Warrant

57. (1) Where on *ex parte* application a justice is satisfied by information on oath that there are reasonable grounds to believe that there is in any place, building or vehicle anything that will afford evidence that a contravention of this Act or the regulations has been committed, the justice may issue a warrant authorizing the officer named in the warrant to enter and search that place, building or vehicle for any such thing.

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Search and seizure

(2) An officer authorized by a warrant may search a vehicle, place or building referred to in the warrant and seize and detain anything referred to in the warrant.

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Search without warrant

58. Where an officer has reasonable grounds to believe that there is in any vehicle, place or building anything that will afford evidence that a contravention of the Act or regulations has been committed the officer may search the place, building or vehicle without a warrant where the officer reasonably believes that delaying the search to obtain a warrant would result in the loss or destruction of evidence.

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CONDUCT OF INSPECTION OR SEARCH

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Powers of officers

59. In the performance of an inspection or a search an officer may

(a) examine and remove, for the purpose of making copies, any books, records or other documents that the officer reasonably believes contain information relevant to the administration or enforcement of this Act or the regulations;

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(b) use any computer to examine any data available to the computer, and reproduce as a printout or other physical copy any record or entry that the officer reasonably believes contain information relevant to the administration or enforcement of this Act or the regulations;

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(c) open and inspect any package or container which the officer reasonably believes contains freight;

(d) take samples, for the purpose of analysis, of anything the officer believes on reasonable grounds to be freight; and

(e) examine anything relevant to the administration or enforcement of this Act or the regulations.

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Assistance to officers	<p>60. The owner or the person in charge of a vehicle, place or building inspected or searched shall give an officer all reasonable assistance to enable the officer to perform the inspection or search, and shall</p> <ul style="list-style-type: none"> (a) allow the officer to enter the vehicle, place or building; (b) provide the officer with such information relating to the administration of the Act and the regulations as the officer may reasonably require; (c) provide the officer with access to books, records and other documents, in the vehicle, place or building; and (d) provide the officer with access to any computer in the vehicle, place or building, and assist the officer to search and take a physical copy of any data available to the computer. 	5 10
SEIZURE		15
Power of seizure	<p>61. An officer who finds a person contravening a provision of this Act on a highway may, if a vehicle is involved in the contravention, seize and detain the vehicle if the officer believes on reasonable grounds that the vehicle is required for evidence, or that the public interest, including the need to prevent the continuation or repetition of the contravention, requires that the vehicle be seized.</p>	20
Moving a vehicle	<p>62. (1) An officer that seizes a vehicle may cause the vehicle to be moved to a place selected by the officer by</p> <ul style="list-style-type: none"> (a) directing the person having control of the vehicle to drive the vehicle to that place; or (b) arranging to have the vehicle towed to that place. 	25
Towing expenses	<p>(2) Any expenses incurred by towing a vehicle under paragraph 1(b) are the responsibility of the person having control of the vehicle.</p>	30
Discretionary release	<p>63. A seized vehicle may be released where an officer determines that it is no longer necessary to detain the vehicle and any fees and charges relating to the vehicle are paid.</p>	35
Mandatory release	<p>64. A seized vehicle shall be released</p> <ul style="list-style-type: none"> (a) unless proceedings relating to an offence involving the vehicle are commenced within 15 days of the vehicle being seized; (b) where proceedings are commenced under paragraph (a), upon the final disposition of those proceedings; or (c) where a territorial judge orders the release of the vehicle under section 65. 	40 45
Application to judge	<p>65. (1) The owner or any person having an interest in a seized vehicle may apply to a territorial judge for an order that terminates the seizure and releases the vehicle to the applicant.</p>	50
Release by judge	<p>(2) A territorial judge may order the release of the vehicle to the applicant where</p> <ul style="list-style-type: none"> (a) the judge is satisfied that fees and charges relating to the vehicle have been paid; and (b) security has been given in an amount the judge considers appropriate. 	55

PART V
ADMINISTRATION

Board	66. (1) The Highway Transport Board is continued.	5
Members	(2) The Board has three members.	
Vacancy in membership	(3) A vacancy in the membership of the Board does not impair the capacity of the remaining members.	10
Appointment of members	67. The Commissioner in Executive Council shall appoint members of the Board to hold office for a term not exceeding three years.	15
Chairperson	68. (1) The Commissioner in Executive Council shall designate a member of the Board to be the chairperson of the Board.	
Powers and Duties	(2) The chairperson shall (a) call meetings of the Board; (b) preside over sittings of the Board; (c) supervise the staff of the Board; and (d) perform such duties and exercise such powers as are delegated by the Board.	20 25
Delegation	(3) The chairperson may delegate any of his or her powers or duties under this Act to a member of the Board.	
Vice-chairperson	69. (1) The Commissioner in Executive Council shall designate a member of the Board to be the vice-chairperson of the Board.	30
Powers and duties	(2) Where the office of the chairperson is vacant or the chairperson is absent or unable to act as chairperson, the vice-chairperson shall perform the duties and may exercise the powers of the chairperson under this Act.	35
Sittings of the Board	70. (1) The Board shall (a) sit at the times it considers necessary to perform its duties under this Act; and (b) conduct its proceedings in the manner it considers appropriate.	40
Rules	(2) The Board may make rules respecting its proceedings and the conduct of its business.	45
Quorum	71. Two members constitute a quorum at any sitting of the Board.	
Conflict of interest	72. The <i>Conflict of Interest Act</i> applies to members of the Board.	50
Expenses	73. (1) Every member of the Board is entitled to be reimbursed at the prescribed rates for expenses incurred while the member is away from his or her ordinary place of residence on business of the Board.	55
Honoraria	(2) The chairperson and members of the Board shall be paid the prescribed honoraria.	
Secretary	74. (1) The Minister shall appoint a secretary to the Board.	60

Duties of secretary	(2) The secretary shall (a) keep a record of all proceedings before the Board; (b) have custody of all records and documents belonging to or filed with the Board; and (c) ensure that every rule, order, decision or certificate issued by the Board is filed in the records of the Board and is made available for public inspection during regular business hours.	5
Delegation to secretary	75. (1) The secretary shall perform such administrative functions as may be delegated by the Board.	10
Orders	(2) Every order made by the secretary by virtue of a delegation under subsection (1) is deemed to be an order of the Board.	15
Deputy secretary	76. (1) The Minister may appoint a deputy secretary.	
Duties and powers	(2) The Minister may, in the appointment of a deputy secretary, authorize the secretary to fix the duties and powers of the deputy secretary.	20
Assistance of public service	77. (1) Subject to the <i>Public Service Act</i> , the Board may be assisted in the administration of its affairs by persons in the public service designated by the Minister.	25
Special assistance	(2) The Board may from time to time engage persons having special or technical knowledge to assist the Board in carrying out its functions.	30
Executive Council guidelines	78. (1) The Executive Council may issue policies to the Board respecting the general performance of its duties.	35
Implementation of guidelines	(2) The Board shall ensure that policies of the Executive Council issued under subsection (1) are implemented in a prompt and efficient manner.	40
Board expenditures	79. The expenditures of the Board must be made from money appropriated for that purpose by the Legislative Assembly.	45
Annual report	80. (1) The Board shall by March 31 in each year forward to the Minister a report showing the activities of the Board for the previous calendar year.	50
Laying report before Legislative Assembly	(2) The report must be laid before the Legislative Assembly as soon as possible after it is forwarded to the Minister.	

PART VI
OFFENCES AND PUNISHMENT

Offences	81. No person shall	5
	(a) fail or refuse to comply with an order, decision or rule made by the Board and directed to that person;	
	(b) make a false statement in any application, notice or report submitted to the Board or otherwise provide false information to the Board;	10
	(c) fail to maintain books and records that the person is required to maintain under this Act, the regulations or an order of the Board; or	
	(d) obstruct or interfere with an officer or a member, official or employee of the Board in the exercise of powers conferred or duties imposed under this Act.	
Vicarious liability	82. The owner of a public service vehicle is liable for a contravention of this Act or the regulations, or an order, decision or rule of the Board relating to the operation of that vehicle, unless the owner proves that at the time of the offence the vehicle was not being operated by him or her or by any other person with his or her express or implied consent.	15 20
Punishment	83. Every person who contravenes a provision of this Act or the regulations or an order, decision or rule of the Board is guilty of an offence and liable on summary conviction	
	(a) in the case of an individual, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six months or to both; or	25
	(b) in the case of a corporation, to a fine not exceeding \$25,000.	
Continuing offence	84. Where this Act makes anything an offence, every day the offence continues constitutes a separate offence.	30
Burden of proof	85. Where, in a prosecution under this Act, the accused pleads that a valid certificate, temporary certificate or trip permit was in effect at the time of the act or omission complained of, the burden of proof is on the accused.	35
Limitation period	86. A prosecution for an offence under this Act may not be commenced after two years from the time when the subject-matter of the prosecution arose.	40

PART VII
MISCELLANEOUS

Agreements	87. (1) The Minister may, on behalf of the Government of the Northwest Territories, enter into agreements with the government of any jurisdiction	45
	(a) to grant exemptions, partial exemptions, privileges or concessions to the owners of public service vehicles which are registered in that other jurisdiction, in respect of the application of this Act to the operation of those vehicles in the Territories; and	50
	(b) to provide for the granting by that other jurisdiction of similar exemptions, privileges or concessions to owners of public service vehicles which are registered in the Territories in respect of the operation of those vehicles in that other jurisdiction.	55

Limitation	(2) No person is entitled to an exemption, privilege or concession under any agreement made under this section unless that person	
	(a) first complies with the law of the jurisdiction where the public service vehicle is registered and carries or produces the evidence of that compliance including licences, certificates and number plates that is required by the law of that jurisdiction; and	5
	(b) complies with all conditions and restrictions set out in the agreement.	
Cancellation of agreement	88. (1) The Minister may, by order, cancel an agreement.	10
Cancelled agreement void	(2) A cancelled agreement is void.	15
Regulations	89. The Commissioner, upon the recommendation of the Minister, may make regulations	
	(a) prescribing fees for certificates, temporary certificates or trip permits or for any service provided by the Board under this Act or the regulations;	
	(b) respecting the refund of fees;	
	(c) prescribing the form and content of applications for a certificate, temporary certificate or trip permit;	20
	(d) respecting the evidence relating to fitness to be submitted with applications for a certificate, temporary certificate or trip permit;	
	(e) prescribing fitness criteria, including requirements for mechanical fitness;	
	(f) prescribing the form, content and classification of certificates, temporary certificates and trip permits;	25
	(g) prescribing the terms and conditions applicable to certificates, temporary certificates and trip permits;	
	(h) respecting the issue, renewal, transfer, suspension and cancellation of certificates or temporary certificates;	30
	(i) respecting the issue and cancellation of trip permits;	
	(j) respecting the discontinuation or reduction of a service authorized under a certificate;	
	(k) respecting the classification of public service vehicles;	
	(l) restricting the use of public service vehicles;	35
	(m) respecting the services provided by public service vehicles;	
	(n) designating routes which public service vehicles may travel;	
	(o) respecting time restrictions applicable to public service vehicles operating on designated routes;	
	(p) respecting the passenger capacity and load capacity of public service vehicles;	40
	(q) respecting the nature of freight and the type of passenger that may be carried on a public service vehicle;	
	(r) respecting the size, weight and nature of containers for freight;	
	(s) respecting equipment to be carried on public service vehicles;	
	(t) prescribing standards for the operation of public service vehicles providing passenger transportation services;	45
	(u) prescribing rules for the safe operation of public services vehicles;	
	(v) respecting cargo insurance and liability insurance, including	
	(i) the amount of cargo insurance or liability insurance required for a public service vehicle, and	50
	(ii) the cancellation of cargo insurance or liability insurance;	
	(w) prescribing the form, content and use of bills of lading and of the conditions of carriage;	
	(x) respecting contracts between the holder of a certificate or temporary certificate and a person exercising authority granted under the certificate on behalf of the holder of the certificate or temporary certificate;	55

	(y) respecting the display of identification plates, stickers and signs on a public service vehicle;	
	(z) respecting information, reports and documents which must be filed with the Board;	
	(z.1) respecting books and records which must be maintained by the owner of a public service vehicle;	5
	(z.2) exempting from any or all of the provisions of this Act public service vehicles	
	(i) operated in a prescribed area,	
	(ii) of a prescribed class, or	10
	(iii) used for transporting freight or passengers of a prescribed category; and	
	(z.3) respecting any matter that the Commissioner considers necessary for carrying out the purposes and provisions of this Act.	
Members	90. A person holding office as a member of the Highway Transport Board immediately before this Act comes into force shall continue to hold office as a member of the Board established under this Act for the remainder of his or her term, unless the appointment of the member is revoked at an earlier date.	15
Proceedings and appeals	91. Any proceeding or appeal taken under the <i>Public Service Vehicles Act</i> , R.S.N.W.T. 1974, c. P-15 and not completed on the day this Act comes into force shall be continued as if the proceeding or appeal had been taken under this Act.	20
Repeal	92. The <i>Public Service Vehicles Act</i> , R.S.N.W.T. 1974, c. P-15 is repealed.	25
Coming into force	93. This Act or any provision of this Act comes into force on a day or days to be fixed by order of the Commissioner.	30