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**An Act to Amend Chapter 184
of the Revised Statutes, 1989,
the Gasoline and Fuel Oil Licensing Act**

(Assented to the 11th day of July, A.D. 1991)

Be it enacted by the Governor and Assembly **as follows**:

1 Section 2 of Chapter 184 of the Revised Statutes, 1989, the *Gasoline and Fuel Oil Licensing Act*, is amended by

(a) striking out the words "Board under the Act" in the tenth line of clause (d) thereof and substituting therefor the word "regulations";

(b) adding immediately following the word "place" in the second line of clause (h) thereof the words "or vehicle";

(c) striking out the words and punctuation "and, in the case of fuel oil, may include the vehicle by which it is delivered" in the fourth and fifth lines of said clause (h); and

(d) repealing clause (i) thereof.

2 (1) Subsection (1) of Section 3 of said Chapter 184 is amended by striking out all the words and punctuation immediately following the word "from" in the third line thereof to the end of the subsection and substituting therefor the words and punctuation "vehicles, terminals, bulk plants, bulk stations and other facilities operated in the Province by the wholesaler and described in the license."

(2) Clause (a) of subsection (3) of said Section 3 is amended by

(a) adding immediately following the word "the" in the fourth line thereof the word **and** punctuation "vehicle,"; and

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(3)

(b) striking out the word "storage" in the fifth line thereof.

(3) Subsection (9) of said Section 3 is repealed.

3 Section 5 of said Chapter 184 is amended by adding immediately following the word "a" in the second line thereof the word and punctuation "vehicle,".

4 Section 9 of said Chapter 184 is amended by striking out the words "a fine of not more than five hundred dollars" in the third and fourth lines thereof and substituting therefor the words "the fine provided for in the *Summary Proceedings Act*".

5 Subsection (2) of Section 10 of said Chapter 184 is amended by adding immediately following the word "the" in the third line thereof the word and punctuation "vehicle,".

6 (1) Subsections (1), (2) and (3) of Section 11 of said Chapter 184 are repealed.

7 (2) Subsection (4) of said Section 11 is amended by striking out the words "this Section" in the first line thereof and substituting therefor the words "the regulations".

Section 13 of said Chapter 184 is amended by

(a) adding immediately following the word "certain" in the sixth line thereof the word and punctuation "vehicle,";

(b) striking out the word "storage" in the

seventh line thereof; and

(c) striking out the punctuation and words ", or authorizing the holder to operate from a vehicle," in the seventh and eighth lines thereof.

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Sections 15 to 26 of said Chapter 184 are repealed.

9 Section 27 of said Chapter 184 is repealed and the following Section substituted therefor:

27 (1) The Governor in Council may make regulations

(a) excluding from the application of this Act a gasoline or fuel oil in respect of which a gas utility is regulated pursuant to the *Gas Utilities Act*;

(b) determining a petroleum or natural gas product to be fuel oil for the purpose of this Act;

(c) prescribing the rules of procedure to govern proceedings before the Board;

(d) prescribing the form, content and manner of an application for a license;

(e) prescribing and regulating the fees, including methods of ascertaining or calculating or determining the fees;

(f) prescribing classes of licensees for the purpose of this Act and the regulations;

(g) prescribing the privileges, terms, conditions, limitations and restrictions to be granted or observed by a licensee or class of licensees;

(h) prescribing the returns and statements to be made by licensees for the information of the Board;

(i) for the collection of the license fees and designating the persons who shall collect the fees;

(j) prescribing the conditions under which a licensee or class of licensees may purchase and receive or sell and deliver gasoline or fuel oil;

(k) designating the retailers or classes of retailers not required to be licensed pursuant to this Act;

(l) determining, in the case of any fluid or substance, whether or not that fluid or substance is gasoline or fuel oil within the meaning of this Act;

(m) exempting a gasoline or fuel oil from the operation of this Act or any part thereof where the gasoline or fuel oil is sold in a container not exceeding the size and for a purpose set out in the regulations;

(n) for the posting of prices by a licensee;

(o) prescribing the safety requirements applicable to a licensee or class of licensees or outlet or class of outlets;

(p) appointing such persons or class of persons as may be necessary for the purpose of this Act and the regulations;

(q) respecting the issue, renewal and posting of licenses and prescribing the fees;

(r) designating organizations to test equipment and train persons who handle gasoline or fuel oil according to specifications established or approved by the Board;

(s) authorizing the Board to establish

or approve specifications and standards for the installation, testing, operation or use of equipment and training in respect thereof;

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(t) authorizing the Board to approve equipment or any type of equipment used by a licensee or class of licensees;

(u) prescribing grades of gasoline and associated products and providing for the identification thereof;

(v) prescribing forms and providing for their use,

(w) requiring testing to prevent and detect and the reporting of accidents, spills and leaks involving gasoline, fuel oil or associated products;

(x) designating the places or places in which a license shall be posted;

(y) specifying the books and records required to be maintained by a wholesaler, retailer or wholesale-retailer, the place where the books and records shall be maintained and the period of time during which the books and records shall be maintained;

(z) respecting the filing by a wholesaler, wholesale-retailer or retailer of vehicle-rental agreements and transportation agreements respecting vehicles described in wholesaler, wholesale-retailer and retailer licenses;

(aa) defining any word or expression used but not defined in this Act;

(ab) for the effective carrying out of the provisions of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the *Regulations Act*.

10 Section 38 of said Chapter 184 is repealed and the following Sections substituted therefor:

38. (1) Subject to Section 38A, a person who makes an application for a license pursuant to this Act and the regulations and who pays the prescribed fee is entitled to be issued a license by the Board.

(2) Subject to Section 38B, a licensee who applies for a renewal of that person's license pursuant to this Act and the regulations and who pays the prescribed fee is entitled to a renewal of the license by the Board.

38A Subject to Section 38C, the Board may refuse to issue a license to an applicant who has otherwise complied with the requirements of Section 38 if, in the opinion of the Board, the past conduct of the applicant, or where the applicant is a corporation, of its officers, directors or servants, affords reasonable grounds for believing that the operations to be carried on pursuant to the license will not be carried on in accordance with the law and in a safe manner.

38B Subject to Section 38C, the Board may refuse to renew or may suspend or revoke a license if, in the opinion of the Board, the licensee or, where the licensee is a corporation, an officer, director or servant of the licensee has contravened or has knowingly permitted any person under his control or direction or associated with him in the carrying on of operations pursuant to the license to contravene any provision of this Act or the regulations or any other enactment applying to the carrying on of such operations.

38C (1) Where the Board proposes to refuse to issue or renew a license or proposes to suspend or revoke a license, the Board shall serve notice, together with written reasons, on the applicant or the licensee informing the applicant or licensee that the applicant or licensee has a right to a hearing before the Board:

(2) Where the applicant or licensee does not apply for a hearing within ten days of receiving a notice pursuant to subsection (1), the Board may carry

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out the proposal stated in the notice given pursuant to subsection (1)

(3) Where an applicant or licensee applies for a **hearing** referred to in subsection (1), the Board shall set a time for and hold the hearing **and may**, by order, **carry** out or refrain from carrying out the proposal stated in the notice given pursuant to subsection (1).

(4) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of the license, a licensee has applied for renewal of the license and has paid the prescribed fee, the license **or** registration is deemed to continue

(a) until the renewal is granted; or

(b) where the licensee is served with notice that the Board proposes to refuse to grant the renewal, until the time for applying to the **Board** for a hearing expires and, where a hearing is applied for, until the Board makes an order.

11 Section . 50 of said Chapter 184 is amended by **striking** out the words "ascertaining whether service reasonably adequate is being supplied by the licensee" in the fourth and fifth lines thereof and substituting therefor the words "this Act".

12 Section 53 of said Chapter 184 is amended by **striking** out the words and punctuation "a reasonably adequate service is not supplied, or that" in the first and second lines thereof:

13 (1) Subsection (1) of Section 57 of said Chapter 184 is amended by striking out all the words and punctuation immediately following the word "control" in the tenth line thereof to the end of the subsection and substituting therefor the words and punctuation "is guilty of an offence."

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(2) Subsection (2) of said Section 57 is repealed.

14 (1) Subsection (5) of Section 58 of said Chapter 184 is amended by adding immediately following the word "delivered" in the third line thereof the words "a no smoking symbol and"

(2) Subsection (6) of said Section 58 is repealed.

15 (1) Subsection (1) of Section 59 of said Chapter 184 is amended by striking out the words "liable to a penalty of not more than five hundred dollars for each offence" in the eighth and ninth lines thereof and substituting therefor the words "guilty of an offence".

(2) Subsection (2) of said Section 59 is repealed.

16 The regulations made pursuant to said Chapter 184 prior to the coming into force of this Act are repealed.

17 This Act comes into force on and not before the first day of July, 1991.
