



The Corporation of the District of North Cowichan

## **A Bylaw to Provide for the Licensing of Commercial Vehicles**

Bylaw 984

*[Consolidated and printed by authority of the Corporate Officer under section 139 of the Community Charter. Current to May 16, 2016. Last amended December 16, 2015. Amendments: 2137, 2714, 3470, 3567.]*

WHEREAS Section 740 of the *Municipal Act* provides that the regulation made thereunder and the building code established thereby apply to The Corporation of the District of North Cowichan;

NOW THEREFORE, the Municipal Council of the Corporation of the District of North Cowichan, in open meeting assembled, enacts as follows:

**1** [Repealed; BL3567]

**2** In this Bylaw, unless the context otherwise requires:

**"Act"** means the *Municipal Act*, being Chapter 290 of the Revised Statutes of British Columbia 1979, as amended;

**"Gross vehicle weight"** means the weight at which a vehicle is licensed under the *Commercial Transport Act* or the *Motor Vehicle Act*, as the case may be;

**"Highway"** means a highway as defined by the Act but does not include an arterial highway as defined by the *Highway Act*;

**"Inspector"** means the person so appointed by the Chief Administrative Officer;

**"licence-year"** means the licence-year as prescribed under the *Motor Vehicle Act*;

**"Municipality"** means The Corporation of the District of North Cowichan;

**"non participating municipality"** means a non-participating municipality as defined by the Act;

**"owner"** means, when used in reference to a vehicle, the person or persons duly registered from time to time under the *Motor Vehicle Act* or *Commercial Transport Act* as the owner or owners or the vehicle;

**"participating municipality"** means a participating municipality as defined by the Act;

**"registration card"** means the motor-vehicle licence for the motor-vehicle issued pursuant to the *Motor-Vehicle Act* or the *Commercial Transport Act*;

**"vehicle"** means any vehicle used by a person upon any highway in a participating municipality which is a commercial vehicle defined as such and licensed under the *Commercial Transport Act*, and any vehicle not so licensed but which is used for the collection or delivery, or both, of goods, wares, merchandise, or other commodity in the ordinary course of a business undertaking.

[BL2137; BL3567]

- 3** Division 2 of Part 11 of the Act is hereby declared to apply to the Municipality from and after July 1, 1964. [BL2137]
- 4** Except as otherwise provided in the Act, but subject to the *Motor Carrier Act*, no vehicle shall be used or operated on any highway in the Municipality unless there is displayed upon the vehicle a valid and subsisting licence-plate with a current year decal affixed issued for the vehicle in accordance with Division 2 of Part 11 of the Act and with this Bylaw. [BL2137]
- 5** (a) Except as may be otherwise provided by the Act, the owner of every vehicle shall, before it is used or operated on any highway in the Municipality, cause the vehicle to be licensed with the Inspector and a licence-plate with a current year decal affixed obtained pursuant to the Act and this By-law. [BL2137; BL3567]
- (b) A valid and subsisting licence and licence-plate with a current year decal affixed issued for the current licence-year by any other municipality is valid in the Municipality for such licence-year. [BL2137]
- 6** (a) The application for a licence and licence-plate with a current year decal affixed shall be in the form as shown in Appendix "A" hereto attached and forming part of this Bylaw and shall be signed by the owner or his duly authorized agent, provided that in the case of partnerships or multiple owners any one of such owners or partners may apply and such owner or partner applying shall be deemed to be the duly authorized agent of all the owners or of the partnership.
- (b) Where the applicant for a licence is an agent or co-owner, the owner or owners shall be deemed to have authorized all statements set forth in the application and shall be deemed to have made such statements on his own or their behalf and as his own or their statements.
- 7** (a) The application form, together with the registration card for the vehicle, shall be delivered to the Inspector and, in the case where a licence fee is applicable, shall be accompanied by the fee prescribed in the Act. [BL2137; BL3567]
- (b) Where the applicant for licences is one and the same person, as many applications of the same kind as may conveniently be made on any one of the forms prescribed may be combined in one such form without the necessity for the completion of separate application forms for each vehicle for which a licence and a licence-plate with a current year decal affixed is sought. [BL2137]
- (c) Notwithstanding subsections (a) and (b) but not inconsistent with the Act or this Bylaw, the Inspector is hereby authorized to modify any of the forms prescribed, or any of the administrative procedures prescribed, deemed necessary by him when dealing with any owner applying for licences and plates with a current year decal affixed for more than one vehicle. [BL2137; BL3567]
- 8** Notwithstanding section 9, the purchase of a vehicle by a dealer in vehicles for resale shall not require the licence plate with a current year decal affixed to be cancelled or transferred until the dealer sells the vehicle to a person other than another such dealer for resale. [BL2137]

- 9** (a) Where a person ceases to be the owner of a vehicle licensed and authorized to carry a licence-plate with a current year decal affixed, the registration thereof and the licence-plate with a current year decal affixed is deemed to be cancelled and the new owner of such vehicle may make application forthwith to the Inspector for the transfer of the licence-plate with current year decal affixed in accordance with the provisions of the Act. [BL2137; BL3567]
- (b) Subject to the requirements of this By-law, a licence-plate with a current year decal affixed may be transferred
- (i) from person to person for the same vehicle, or
  - (ii) from vehicle to vehicle for the same person, upon payment to the Municipality of transfer fee prescribed in the Fees Bylaw and any sum representing the difference in licence fee required for the transfer of a licence-plate with a current year decal affixed to a vehicle of a greater gross weight, and such latter sum is deemed to be a licence fee for the purpose of section 13 of this Bylaw. [BL2137; BL2714; BL3470]
- 10** Upon receipt of the application for a licence and upon being satisfied of the truth of the statements contained therein, and that the prescribed fee has been paid, the Inspector shall cause to be issued and delivered a numbered licence-plate with a current year decal affixed and shall endorse on the registration card:
- (i) the number of such licence-plate with a current year decal affixed;
  - (ii) the date of issuance thereof;
  - (iii) the fee paid. [BL2137; BL3567]
- 11** Where a licence-plate with a current year decal affixed is lost, stolen, destroyed or becomes illegible or mutilated, the owner of the vehicle in respect of which the plate was issued, or his agent, may apply to the Inspector for a replacement thereof for a fee prescribed in the Fees Bylaw upon the surrender of such plate, if still in possession of the owner, and the Inspector, if satisfied of the truth of the facts in support of the application, may cause a new licence plate with a current year decal affixed, to be issued in replacement and shall endorse the record of its issuance on the registration card. [BL2714; BL3470; BL3567]
- 12** The licence-plate with a current year decal affixed shall at all times be affixed in a horizontal position on the front of the vehicle either to, or immediately adjacent to, the provincial motor-vehicle licence plate, and shall be kept entirely unobstructed and in a legible condition and shall not obscure any other legally required plate, sign, or notice. [BL2137]
- 13** All fees collected by the Inspector under this By-law and in accordance with Division 2 of Part 11 of the Act shall be paid forthwith to the Treasurer of the Municipality who shall deal with the said fees in the manner provided by the Act. [BL2137; BL3567]
- 14** The owner or operator of a vehicle who operates or uses or causes such vehicle to be operated or used upon any highway in the Municipality without holding and displaying a valid and subsisting licence and licence-plate with a current year decal affixed for such vehicle is liable, on summary conviction, to a fine not exceeding \$50. [BL2137]
- 15** This Bylaw may be cited as the "Commercial Vehicle Licensing Bylaw 1964".

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Read a first, second and third time on June 3, 1964.  
Adopted on June 17, 1964.