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## Dangerous Goods Transportation Act

R.S.O. 1990, CHAPTER D.1

**Notice of Currency:**\* This document is up to date.

\*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the [Table of Public Statutes \(Legislative History\)](#).

No Amendments.

### Definitions

**1.** In this Act,

"analyst" means any person designated as an analyst under the *Transportation of Dangerous Goods Act* (Canada); ("analyste")

"container" means transport equipment, including equipment that,

(a) is carried on a chassis,

(b) is strong enough to be suitable for repeated use, and

(c) is designed to facilitate the transportation of goods without intermediate reloading,

but does not include a vehicle; ("conteneur")

"dangerous goods" means any product, substance or organism included by its nature or by the regulations in any of the classes listed in the Schedule; ("matières dangereuses")

"highway" means a highway as defined in the *Highway Traffic Act*; ("voie publique")

"inspector" means any person designated as an inspector by the Minister under this Act; ("inspecteur")

"Minister" means the Minister of Transportation; ("ministre")

"packaging" means any receptacle or enveloping material used to contain or protect goods, but does not include a container or a means of transport; ("emballage")

"prescribed" means prescribed by the regulations; ("prescrit")

"regulations" means the regulations made under this Act unless the context indicates otherwise; ("règlements")

"safety mark" includes any design, symbol, device, sign, label, placard, letter, word, number, abbreviation or any combination thereof that is to be displayed on dangerous goods, packaging or containers or vehicles used in the transporting of dangerous goods; ("indication de danger")

"safety requirements" means requirements for the transportation of dangerous goods, the reporting of the transportation, the training of persons engaged in the transportation and the inspection of the transportation; ("règles de sécurité")

"safety standards" means standards regulating the design, construction, equipping, functioning or performance of containers, packaging or vehicles used in the transporting of dangerous goods; ("normes de la sécurité")

"shipping document" means any document that accompanies dangerous goods being transported and that describes or contains information relating to the goods and, in particular, but without restricting the generality of the foregoing, includes a bill of lading, cargo manifest, shipping order or way-bill; ("document d'expédition")

"trailer" means a trailer as defined in the *Highway Traffic Act*; ("remorque")

"*Transportation of Dangerous Goods Act (Canada)*" means the *Transportation of Dangerous Goods Act (Canada)*, as amended from time to time and includes the regulations made under that Act from time to time unless the context indicates otherwise; ("Loi sur le transport des marchandises dangereuses (Canada)")

"vehicle" means a vehicle as defined in the *Highway Traffic Act*. ("véhicule") R.S.O. 1990, c. D.1, s. 1.

## **Where Act does not apply**

**2.** (1) This Act does not apply to dangerous goods transported in a vehicle,

(a) while under the sole direction or control of the Minister of National Defence for Canada; or

(b) for which a permit is issued under subsection (2) while there is compliance with the permit. R.S.O. 1990, c. D.1, s. 2 (1).

## **Permit**

(2) The Minister or a person designated by the Minister may issue a permit exempting, from the application of this Act, the transportation of dangerous goods in a vehicle. R.S.O. 1990, c. D.1, s. 2 (2).

## **Idem**

(3) A permit issued under subsection (2) is subject to such terms and conditions as the issuer considers appropriate and are contained in the permit. R.S.O. 1990, c. D.1, s. 2 (3).

## **Person designated**

(4) The Minister may designate in writing any person as a person authorized to issue a permit referred to in subsection (2). R.S.O. 1990, c. D.1, s. 2 (4).

## **Application to Crown**

(5) This Act binds the Crown. R.S.O. 1990, c. D.1, s. 2 (5).

## **Offences**

**3.** No person shall transport any dangerous goods in a vehicle on a highway unless,

- (a) all applicable prescribed safety requirements are complied with; and
- (b) the vehicle and all containers and packaging in it comply with all applicable prescribed safety standards and display all applicable prescribed safety marks. R.S.O. 1990, c. D.1, s. 3.

## **Penalty**

**4. (1)** Every person who contravenes section 3 is guilty of an offence and is liable,

- (a) on the first conviction to a fine of not more than \$50,000; and
- (b) on each subsequent conviction to a fine of not more than \$100,000,

or to imprisonment for a term of less than two years. R.S.O. 1990, c. D.1, s. 4 (1).

## **Idem**

**(2)** Every person who contravenes any provision of this Act or the regulations for which no other penalty is provided by this Act is guilty of an offence and is liable on conviction to a fine of not more than \$10,000 or to imprisonment for a term not exceeding one year. R.S.O. 1990, c. D.1, s. 4 (2).

## **Time limit**

**(3)** No proceedings under this section may be instituted after two years from the day the offence was committed. R.S.O. 1990, c. D.1, s. 4 (3).

## **Defence**

**5.** It is a defence to a charge under this Act for the accused to establish that the accused took all reasonable measures to comply with this Act. R.S.O. 1990, c. D.1, s. 5.

## **Offences by employee or agent**

**6.** In any prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the

employee or agent is identified or has been prosecuted for the offence, but it is a defence for the accused to establish that the offence was committed without the accused's knowledge and that the accused took all reasonable measures to prevent its commission. R.S.O. 1990, c. D.1, s. 6.

### **Officers, etc., of corporation**

**7.** Any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of an offence is a party to and guilty of the offence and is liable on conviction to the penalty provided for the offence whether or not the corporation has been prosecuted or convicted. R.S.O. 1990, c. D.1, s. 7.

### **Certificate or report of inspector or analyst**

**8. (1)** Subject to subsections (3) and (4), a certificate or report appearing to have been signed by an inspector or analyst stating that he or she has made an inspection or analyzed or examined a vehicle, product, substance or organism and stating the results of the inspection, analysis or examination is admissible in evidence in any prosecution for an offence under this Act without proof of the signature or official character of the person appearing to have signed the certificate or report and, in the absence of any evidence to the contrary, is proof of the statements contained in the certificate or report. R.S.O. 1990, c. D.1, s. 8 (1).

### **Copies or extracts**

**(2)** Subject to subsections (3) and (4), a copy or an extract made by an inspector under clause 10 (2) (b) and appearing to have been certified under his or her signature as a true copy or extract is admissible in evidence in any prosecution for an offence under this Act without proof of the signature or official character of the person appearing to have signed the copy or extract and, in the absence of any evidence to the contrary, has the same probative force as the original document would have if it had been proved in the ordinary way. R.S.O. 1990, c. D.1, s. 8 (2).

### **Attendance of inspector or analyst**

**(3)** The party against whom a certificate or report is produced under subsection (1) or against whom a copy or an extract is produced under subsection (2) may require the

attendance of the inspector or analyst who signed or appears to have signed the certificate, report, copy or extract for the purposes of cross-examination. R.S.O. 1990, c. D.1, s. 8 (3).

## **Notice**

(4) No certificate, report, copy or extract referred to in subsection (1) or (2) shall be received in evidence unless the party intending to produce it has served on the party against whom it is intended to be produced a notice of such intention together with a duplicate of the certificate, report, copy or extract. R.S.O. 1990, c. D.1, s. 8 (4).

## **Designation of inspectors**

9. (1) The Minister may designate any person as an inspector for the purposes of this Act. R.S.O. 1990, c. D.1, s. 9 (1).

## **Inspector to show certificate**

(2) An inspector shall be furnished with a certificate of his or her designation and, on inspecting any container, packaging or vehicle he or she shall, if so required, produce the certificate to the person in charge of the thing being inspected. R.S.O. 1990, c. D.1, s. 9 (2).

## **Certificate**

(3) Where an inspector inspects or takes a sample of anything under this Act he or she shall, if the thing is sealed or closed up, provide the person in charge of it with a certificate in prescribed form evidencing the inspection or taking of the sample. R.S.O. 1990, c. D.1, s. 9 (3).

## **Effect of certificate**

(4) A certificate provided under subsection (3) relieves the person to or for whose benefit it is provided of liability with respect to the inspection or taking of a sample evidenced by the certificate, but does not otherwise exempt that person from compliance with this Act and the regulations. R.S.O. 1990, c. D.1, s. 9 (4).

## **Powers of inspectors**

**10. (1)** For the purpose of ensuring compliance with this Act and the regulations, an inspector may, at any time, stop and inspect a vehicle and its load where he or she believes that dangerous goods are being transported, and request the opening and inspection of or open and inspect any container, packaging or vehicle on a highway wherein or whereby he or she believes that the dangerous goods are being transported. R. S.O. 1990, c. D.1, s. 10 (1).

### **Inspection**

**(2)** On inspecting any container, packaging or vehicle under subsection (1), an inspector may,

(a) for the purpose of analysis, take samples of anything found therein that he or she believes on reasonable and probable grounds to be dangerous goods; and

(b) examine and make copies and extracts of any books, records, shipping documents or other documents or papers that he or she believes on reasonable and probable grounds contain any information relevant to the administration or enforcement of this Act and the regulations. R.S.O. 1990, c. D.1, s. 10 (2).

### **Assistance to inspectors**

**(3)** The owner or person who has the charge, management or control of any container, packaging or vehicle inspected under subsection (1) shall give an inspector all reasonable assistance in his or her power to enable the inspector to carry out his or her duties and functions under this Act. R.S.O. 1990, c. D.1, s. 10 (3).

### **Obstruction of inspectors**

**(4)** No person shall, while an inspector is exercising his or her powers or carrying out his or her duties and functions under this Act,

(a) fail to comply with any reasonable request of the inspector;

(b) knowingly make any false or misleading statement either verbally or in writing to the inspector;

(c) except with the authority of the inspector, remove, alter or interfere in any way with anything removed by the inspector; or

(d) otherwise obstruct or hinder the inspector. R.S.O. 1990, c. D.1, s. 10 (4).

## Regulations

**11. (1)** The Lieutenant Governor in Council may make regulations,

(a) prescribing products, substances and organisms to be included in the classes listed in the Schedule;

(b) establishing divisions, subdivisions and groups of dangerous goods and classes thereof;

(c) specifying, for each product, substance and organism prescribed under clause (a), the class listed in the Schedule and the division, subdivision or group into which it falls;

(d) determining or providing the manner of determining the class listed in the Schedule and the division, subdivision or group into which any dangerous goods not prescribed under clause (a) falls;

(e) exempting from the application of this Act and the regulations or any provision thereof the transporting of dangerous goods in such quantities or concentrations, in such circumstances, for such purposes or in such vehicles as are specified in the regulations;

(f) prescribing the manner of identifying any quantities or concentrations of dangerous goods exempted under clause (e);

(g) prescribing the manner in which a permit under clause 2 (1) (b) shall be applied for and issued;

(h) prescribing safety marks, safety requirements and safety standards of general or particular application;

- (i) prescribing shipping documents and other documents to be used in respect of the transporting of dangerous goods in a vehicle on a highway, the information to be included in such documents and the persons by whom and manner in which such documents are to be used and retained;
  - (j) prescribing forms for the purposes of this Act and the regulations;
  - (k) amending the Schedule;
  - (l) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons or classes of persons while transporting dangerous goods in a vehicle or class of vehicle on a highway;
  - (m) prohibiting the transporting of dangerous goods under such circumstances as are prescribed;
  - (n) prohibiting the transporting of such dangerous goods as are prescribed;
  - (o) requiring persons having charge, management or control of dangerous goods escaping a container, packaging or vehicle on a highway to report the occurrence to a designated person, designating the person to whom the report is to be made and prescribing the information to be included in the report and the manner of reporting.
- R.S.O. 1990, c. D.1, s. 11 (1).

### **Code, etc., may be adopted by reference**

(2) Any regulation made under subsection (1) may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary any code or standard, or any regulation made by the Government of Canada, and may require compliance with any code, standard or regulation that is so adopted. R.S.O. 1990, c. D.1, s. 11 (2).

### **Agreements respecting enforcement**

12. (1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada with respect to the administration and enforcement of,

(a) this Act and the regulations or any provision thereof; and

(b) the *Transportation of Dangerous Goods Act* (Canada), or any provision thereof.  
R.S.O. 1990, c. D.1, s. 12 (1).

### **Costs, expenses, revenues and related matters**

[\(2\)](#) An agreement entered into under subsection (1) may provide for any matters necessary for or incidental to the implementation, administration or enforcement agreed on and for the apportionment of any costs, expenses or revenues arising therefrom. R.S.O. 1990, c. D.1, s. 12 (2).

### **Annual report**

[\(3\)](#) The Minister shall, as soon as possible, after the end of each year, prepare and cause to be laid before the Legislature, a report on the administration and enforcement of this Act for that year. R.S.O. 1990, c. D.1, s. 12 (3).

### **Act has primacy over certain Acts**

[13. \(1\)](#) Where a provision in,

(a) the *Boilers and Pressure Vessels Act*;

(b) the *Gasoline Handling Act*;

(c) the *Highway Traffic Act*;

(d) the *Energy Act*; or

(e) the *Pesticides Act*,

purports to require or authorize anything that is a contravention of this Act, this Act applies and prevails unless it is specifically provided that the provision is to apply despite this Act. R.S.O. 1990, c. D.1, s. 13 (1).

### **Interpretation**

(2) For the purposes of subsection (1), a reference to an Act mentioned in subsection (1) includes all regulations, rules or orders made under the Act. R.S.O. 1990, c. D.1, s. 13 (2).

## SCHEDULE

Class 1 - Explosives, including explosives within the meaning of the *Explosives Act* (Canada)

Class 2 - Gases: compressed, deeply refrigerated, liquefied or dissolved under pressure

Class 3 - Flammable and combustible liquids

Class 4 - Flammable solids; substances liable to spontaneous combustion; substances that on contact with water emit flammable gases

Class 5 - Oxidizing substances; organic peroxides

Class 6 - Poisonous (toxic) and infectious substances

Class 7 -

Class 8 - Corrosives

Class 9 - Miscellaneous products, substances or organisms considered by the Lieutenant Governor in Council to be dangerous to life, health, property or the environment when transported in a vehicle on a highway and prescribed to be included in this class.

R.S.O. 1990, c. D.1, Sched.

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