



ADMINISTRATIVE REPORT

Report Date: June 22, 2010
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Meeting Date: July 8, 2010

TO: Standing Committee on Planning and Environment
FROM: Chief Licence Inspector
SUBJECT: Chauffeur's Permit Requirements for Taxicabs and Limousines

RECOMMENDATION

- A. THAT Council approve an amendment to the Vehicles for Hire By-Law which changes the term of the chauffeur's permit for taxi and limousine drivers by increasing the renewal period from one year to two years after the second one-year term as outlined in this report;
- B. THAT Council approve an amendment to the Vehicles for Hire By-Law which eliminates taxi driver identification and requires a redesigned chauffeur's permit to be displayed on the front dash of the vehicle; and
- C. THAT the Director of Legal Services be requested to prepare the necessary By-Law amendments to the Vehicles for Hire By-Law generally as set out in Appendix A.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the above recommendations.

COUNCIL POLICY

The Vehicles for Hire By-law No.6066 licenses and regulates the owners and drivers of vehicles for hire in the City of Vancouver.

PURPOSE

The purpose of this report is to seek Council's approval for amendments to the Vehicles for Hire By-law with respect to the term of chauffeur's permits, elimination of taxi driver identification, and the placement of a redesigned chauffeur's permit on the front dash of all taxis.

On July 28, 2009, the following motion was passed by Council:

"Whereas the recent decision of the Passenger Transportation Board to reject applications for new taxi licences in the City of Vancouver has eliminated the need for a further council review of that matter at this time; and

Whereas there remain some other issues unresolved that could assist the taxi industry that require Council review;

THEREFORE BE IT RESOLVED

THAT Vancouver City Council ask the City Manager to report to Council after the completion of the 2010 Winter Olympic and Paralympic Games on:

- *A pilot program to allow taxi access to bus lanes; and*
- *Measures to reduce the cost and administrative burden of annual licence renewals and criminal record checks for experienced drivers."*

This report addresses the second part of Council's Motion by proposing measures to reduce the cost and administrative burden of annual licence renewals and criminal record checks for experienced drivers. The possibility of a pilot program to allow taxi access to bus lanes is currently under discussion with our partners at Translink.

BACKGROUND

Currently, limousine and taxi drivers in Vancouver must hold an annual chauffeur's permit, while taxi drivers are also issued separate driver photo identification. Both forms of identification are discussed below.

Chauffeur's Permit

A chauffeur's permit is required to ensure drivers of passenger-directed vehicles have the necessary training/skills and do not pose a danger to the public. A chauffeur's permit is valid for up to one year, expiring on the holder's birthday. Section 6 of the Vehicles for Hire By-Law stipulates that the Chief Constable can issue a chauffeur's permit only if the holder has:

- Not been convicted of any offence under any statute of Canada, British Columbia, or under any city by-law at any time within the preceding five years (offence must relate to the business, trade, profession or other occupation for which the application has been made);
- A Class 4 driver's licence under the Motor Vehicle Act of British Columbia;
- A working knowledge of city streets; and
- Required training through the TaxiHost program at the Justice Institute of British Columbia or other similar course approved by the Chief Licence Inspector of the City.

Chauffeur's permit applications are rejected only if there is clear evidence of criminal activity that places the public at risk and is related to employment. Approximately 50 - 100 chauffeur permit applications are rejected by the VPD each year and more than half of these rejections are new drivers.

First-time chauffeur's permit applications and all renewals of chauffeur's permits are initiated through a criminal record check application at the VPD and require that individuals apply in person. This comprehensive check ensures passenger safety by bringing any criminal activity to the attention of the police. Once an application/renewal has been cleared, the chauffeur's permit is issued and picked-up at the VPD. The permit must be in the holder's possession at all times while driving, but does not need to be displayed to the public.

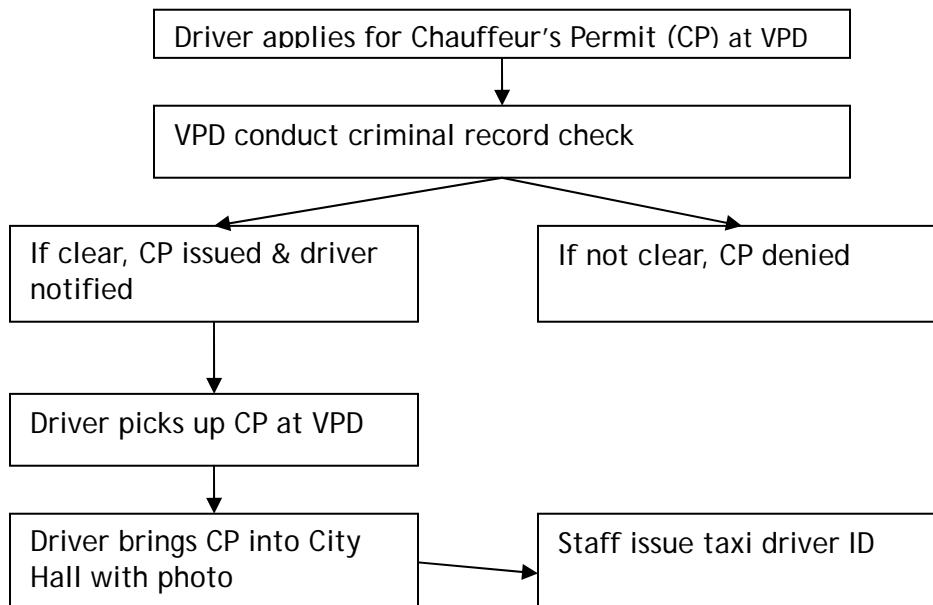
Taxi Driver Identification

Taxi driver identification is required to establish driver legitimacy and enable the public to bring forward any concerns/problems regarding a particular driver. Section 23 (23) of the Vehicles for Hire By-Law specifies that all taxi drivers must have driver identification [issued by the Licence Office at City Hall] placed on the inside of the vehicle in a prominent location that is visible to passengers in the back seat.

Although there appears to be general consensus that some form of picture ID is necessary to ensure passenger security and comfort, the current provision is very vague, hence the ID is not consistently displayed in a prominent location. For instance, some drivers pin their ID to the sun visor which is visible to passengers when in a down position.

Taxi driver identification is issued by City staff once the chauffeur's permit has been picked up at the VPD.

Chauffeur's permit and taxi driver ID application process is summarized in the following schematic graph:



DISCUSSION

Industry Consultation

The one-year chauffeur's permit term and associated administrative process have been identified as a concern at past Taxi Roundtable meetings. To pinpoint the nature of the concern and ascertain alternate preferences, staff consulted with the taxi and limousine industry via an e-mail questionnaire. Detailed conclusions are found in Appendix B.

Feedback Summary: Chauffeur's Permit Term

In general, feedback from chauffeur's permit holders revealed that the existing one-year chauffeur's permit term, coupled with the administrative process, has become too onerous. Most experienced taxi and limousine drivers believe that a one-year criminal record check is unnecessary, particularly for the majority of drivers who consistently operate responsibly. These drivers feel that a term extension would simplify the chauffeur's permit process by reducing the frequency of visits to City Hall and the VPD. Suggested term extension options range anywhere from two to five years (equivalent to the provincial driver's licence), and include various graduated options with different terms for new and experienced drivers.

Taxi drivers also expressed dissatisfaction with the existing chauffeur's permit administrative process. The general feeling is that three separate visits to City offices each year (two to VPD and one to City Hall) to obtain a chauffeur's permit and taxi driver ID is too onerous and takes precious time away from earning a living. A desire to streamline the process has been expressed and various improvements have been suggested. Such improvements center on extending the existing one-year term and reducing the required number of office visits.

Research: Municipal Comparison

A comparative survey of chauffeur's permit terms and taxi driver identification in other large municipal jurisdictions is found in Appendix B. Most jurisdictions researched have one-year chauffeur's permit terms like Vancouver, with New Westminster and Montreal having a two-year term and Burnaby a three-year term. Abbotsford's By-law states that chauffeur's permits shall expire no later than two years from the date of issue although a one-year term has been adopted as policy. Burnaby is currently in the process of developing criteria around the three-year term process, while discussions with New Westminster staff revealed no concerns with the two-year term.

The survey also revealed that most municipalities do not have taxi driver identification separate from the chauffeur's permit. In most cases, the driver is required to display the actual chauffeur's permit in a location within the vehicle which is visible to all passengers. Abbotsford, Toronto, Montreal and New York go one-step further by specifying a precise interior display location for the permit. In jurisdictions where the chauffeur's permit is displayed, the information on the front as seen by the public is very minimal and normally includes only a current photograph, permit number, first name and expiry date. The back includes the driver's full name, company name, and in some cases, the provincial driver's licence number.

VPD Comments

The VPD would prefer that yearly records checks continue in order to permit annual public safety risk assessment. However, the Department understands administrative burdens, time and financial costs are an issue in the industry. What is being proposed (that after the first two renewals the record checks are done every two years) is reasonable, as long as the Chief Constable has the ability to put applicants back onto yearly checks if something comes up in their background at anytime.

The VPD does not see a problem with going to one permit which includes both the chauffeur's license from the Chief Constable that would include the ID card (picture) on the back. There may be an opportunity to reduce the current administration through the use of technology and a modification of the current process. The VPD would be open to discuss what changes would work best for all parties involved.

There have already been some preliminary discussions regarding such a permit change including what type of information should be included and be visible on the permit. Again, the VPD is willing to work with Licenses and Inspections and the taxi industry to design the new permit.

It is essential that whatever permit is agreed to, it is displayed in a prominent and unique location in each cab. The permit must be visible to both the public inside the vehicle and an enforcement member from the roadway.

Staff Recommendation

After considering the views of the industry, the VPD and all research findings, staff has arrived at the following recommendations:

Chauffeur's Permit Term:

The criminal record check is an essential mechanism for revealing all potential criminal activity and serves to separate those individuals with no prior criminal history from others who may pose a threat to public safety. However, the necessity of requiring all drivers to go through such a check annually, irrespective of experience, may not be necessary. Staff believes that the prudent approach is to retain the current chauffeur's permit term for new drivers and first-time renewals and extend the term to two years for all drivers after the first two terms. All individuals who have not held a permit for two or more terms would qualify as new drivers under the proposed system. This graduated system would give the VPD the opportunity to monitor new drivers more frequently during the first two terms, giving them a chance to prove themselves, and provide experienced drivers two years between criminal record checks. This change would also reduce the number of required visits to city offices.

This change requires the creation of two separate classes of chauffeur's permits; a new driver permit and a graduated driver permit as follows:

- Chauffeur's permit (new driver) - individuals who either do not hold a permit or hold a permit issued within the preceding twelve months would qualify for a one-year term. The first permit would be valid for less than one year, since the permit expires on the day prior to the birth date of the permit holder. Also, those who have not held a

permit for one or more years, regardless of previous taxi/limo driving experience, would qualify under the new driver provisions upon return; and

- Chauffeur's permit (graduated driver) - individuals who have held the current permit or the new driver permit for two consecutive terms or already hold a two-year permit would qualify for a two year term.

Required by-law amendments are found in Appendix A.

Staff believe that this option is the most cautious approach as any longer time between criminal record checks could jeopardize public safety by increasing the possibility of not detecting a criminal event early enough. To safeguard the public, Section 36 of the Motor Vehicle Act gives the Chief Constable the authority to suspend or cancel a permit at any time if the permit holder is deemed unfit to act as a chauffeur due to drug use, dealing in intoxicants or narcotic drugs or any other reason.

The chauffeur's permit process varies from one municipality to the next however certain requirements, such as the criminal record check, are generally standard. In conjunction with other municipalities, staff will pursue the possibility of a regional driver licensing process providing drivers with a single chauffeur's permit for all municipalities in the region. This would further minimize the administrative process for drivers operating in multiple jurisdictions and standardize the process across the Region for driver licensing requirements and penalties.

Taxi Driver Identification:

Staff concur that a form of taxi driver identification, visible to all passengers in the vehicle, is necessary for passenger safety and driver accountability. However, separate taxi driver identification is not necessary when a chauffeur's permit could serve the same purpose. Like most other jurisdictions researched, staff propose to redesign the current chauffeur's permit to include a photograph. The new design details will be worked out between License and VPD staff.

With the elimination of the taxi driver ID, staff recommends that the new chauffeur's permit card be displayed on the front dash of the vehicle so that it is visible to all passengers. The fixed location will assist enforcement staff in easily locating the permit and provide the public with reassurance that the driver is legitimate. Eliminating the need for separate taxi driver identification would also streamline the administrative process for taxi drivers by ensuring that only one return visit to the VPD would be required for the chauffeur's permit.

To give staff time to consult with VPD on the new chauffeur's permit design, the required by-law changes are to come into effect September 1, 2010.

Required by-law amendment to Section 23 (23) is found in Appendix A.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

This proposal recommends that chauffeur's permit renewals be extended to two years on third and subsequent terms and taxi driver identification be eliminated in favour of displaying a redesigned chauffeur's permit on the front dash of the vehicle. These changes, which are to come into effect on September 1, 2010, will reduce the number of visits to City offices from three annually to two every two years. The result will be a simplified and streamlined chauffeur's permit process which continues to place public safety in the forefront.

BY-LAW NO. _____

A By-law to amend
Vehicles for Hire By-law No. 6066
regarding chauffeurs permits

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated sections of the Vehicles for Hire By-law.

2. To section 2, after the definition of "Chauffeur's Permit", Council adds:

' "Chauffeur's Permit (New Driver)" means a Chauffeur's Permit issued for a period of 12 months or less in accordance with the provisions of sections 6.2 and 6.4 of this by-law.

"Chauffeur's Permit (Graduated Driver)" means a Chauffeur's Permit issued for a period of 24 months in accordance with the provisions of sections 6.3 and 6.5 of this by-law.'

3. Council repeals subsections 6(8) and (9).

4. Council renumbers section 6 as section 6.1 and, after section 6.1, inserts:

"6.2 The Chief Constable must issue a chauffeur's permit (new driver) to an applicant who complies with the requirements in section 6.1 and:

(a) does not hold a chauffeur's permit issued by the Chief Constable; or

(b) is the holder of:

(i) a chauffeur's permit issued by the Chief Constable prior to September 1, 2010; or

(ii) a chauffeur's permit (new driver) issued by the Chief Constable within the preceding 12 months.

6.3 The Chief Constable must issue a chauffeur's permit (graduated driver) to an applicant who complies with the requirements in section 6.1 and:

(a) has been the holder of:

(i) two chauffeur's permits,

(ii) a chauffeur's permit and a chauffeur's permit(new driver), or

(iii) two chauffeur's permits (new driver),

in the preceding 24 months; or

(b) holds a chauffeur's permit (graduated driver).

- 6.4 A chauffeur's permit (new driver) issued under this section 6.2 expires on the day preceding the permit holder's birthday next following the date of issuance of the permit unless the permit is sooner forfeited, suspended or revoked.
- 6.5 A chauffeur's permit (graduated driver) issued under this section 6.3 expires on the day preceding the permit holder's birthday two years following the date of issuance of the permit unless the permit is sooner forfeited, suspended or revoked. "
5. Council repeals subsection 23(23) and substitutes:
- "A person must not drive or operate a taxicab unless the chauffeur's permit issued to that person is placed on the front dashboard of the taxicab in a location visible to all passengers."
6. This By-law is to come into force and take effect on September 1, 2010.

ENACTED by Council this day of
, 2010

Mayor

City Clerk

Industry	Chauffeur's Permit Term preference	Chauffeur's Permit Admin. Process	Other Comments
Limousine Industry Responses	1 yr - new drivers 3 yr - experienced drivers 5 yrs - drivers holding permit for >5 yrs	Satisfied as long as it doesn't take too long to pick-up permit.	More enforcement required - certain limos are operating with expired plates or plates from other limos.
	2 yr	The criminal record check is often duplicated when a driver has it done for another employer but can't use it to obtain his chauffeur's permit. Using e-mail or sending completed documents, pictures by registered mail might work for renewals.	
	Any longer than one yr term would reduce paperwork for all staff involved with applications and renewals. For experienced professional drivers, chauffeur permit renewal could coincide with driver's licence renewal every 5 years.	Doesn't an annual criminal record check disregard the principle of presumed innocence?	Unless I also operate a stretch limo, the City will neither: license a sedan nor re-license an established business nor even renew the chauffeur's permit
	1 yr term since we're dealing with public safety. I like to have my driver's records checked every year.	\$60 fee is too much for drivers. (maybe 50% off for limo & taxi drivers) Also, to simplify the process: If there was a website for Taxi Detail that drivers could go to and apply for the record check and pay on-line for the fees without going there in person; Then when the record check is done and driver goes to pick-up permit, he can take his photo, abstract, claim history and letter from company	
	Min 2 yr with renewal of sponsor's phone call or fax authorizing. I can see record checks happening every 5 yrs with the renewal of driver's license.		
	1 yr - new driver 2 yr - after completion of 2 yrs driving	Current process is fine.	
	5 yrs - same as driver's license	Prefer to do all steps on-line and payment should be accepted by credit card and chauffeur should mail to each office all together for each company. Also, no need for criminal record check every year.	Fee for criminal record check is too expensive.
	3 yr term	Satisfied, except I wish we could apply for chauffeur's permit, port pass and airport access pass at once.	A three year term is a good idea. Anything longer than will be hard to distinguish old pictures with current face.
	1 yr but not happy to go through criminal check every year.		
	5 yrs like with provincial driver's licence. One year seems more like a cash cow.	It seems to work out okay. The holiday hours make it difficult for hiring during peak times of the year as the City shuts down for a lengthy period during Christmas/New Years, a busy time for the industry. If the criminal record check process could be sped up, that would be great.	It's important that any service operating as a limousine or van service, regardless if the stretched SUV limos fall under General or Special authority, should have the same requirements to operate in Vancouver.
5 yr (same as driver's licence)	Too long - should take 2-3 days for renewal		

	3 yr term	Application process is ok due to required record checks.	
	5+ yrs service - 5 yr term 4 years service - 4 yr term 3 years service - 3 yr term; etc.		It would be ideal to have one pass for all - chauffeur's permit/YVR Access/Cruise ship vs separate passes for each.
Taxi Industry Responses	3 yr term		Taxi Driver identification is not necessary as chauffeur's permit itself is an identification.
	3 or more yrs; alternative is a graduated system where the majority of fulltime professional drivers would be segregated from the novice or itinerant drivers.	System worked well when the permits were all renewed on the same date annually. However this may not work for everyone.	Taxi Driver ID is okay but what is really needed is to push the idea of a large format unique identifying number on every cab in the province. It is suggested that the ID be either worn around the neck or attached to the driver's shirt with a pinch clip and includes only a picture and a unique identifying number. Because of the variety of vehicle styles, it is not always possible to locate the ID in a consistent place (some vehicles don't have door dividers, some have instrumentation on the dash. ID worn by the driver would be consistent.

Comparison: Chauffeur's Permit/Taxi Driver ID Requirements

Term of Chauffeur's Permit	Municipality	Permit Required to be Displayed?	Specific Interior Display Location
One Year	Vancouver	Yes - separate taxi driver ID	No
	Surrey	Yes - current photograph of driver identified by name	No
	Richmond	Yes - chauffeur's permit & photographic identification	No
	West Vancouver	Yes - separate taxi driver ID	No
	City & District of North Vancouver	Yes - separate taxi driver ID	No
	Coquitlam	Yes - chauffeur's permit	No
	Chilliwack	Yes - chauffeur's permit	No
	Victoria	Yes - taxi driver's permit	No
	Prince George	No	No
	Edmonton	Yes - City driver's licence	No
	Calgary	Yes - Taxi Driver License	No
	Toronto*	Yes - separate driver photo card ID	Yes - policy is to have card mounted on front dash of car
Two Year	New Westminster	Yes - chauffeur's permit	No
	Abbotsford**	Yes - Chauffeur's permit	Yes - must be displayed on front dash in such a way that it is visible from the back seat.
	Montreal	Yes - taxi driver's permit	Yes - must be displayed between the driver and rear passenger door
Three Year	Burnaby	No	No
Graduated - TLC Driver's License (After one year probation period, two yr term)	New York	Yes - Taxi Driver's License	Yes - must be displayed on plastic partition rear of driver's seat

Notes:

* Toronto taxi and limousine drivers require criminal record check every 4 years and driver's photo card ID is renewed every 3 years.

** Abbotsford's Taxi Driver Regulation By-Law - Chauffeur's permits issued under this bylaw shall expire not later than two (2) years from the date of issue. City's policy is to keep the chauffeur's permit term to a maximum of one year.