

EXPLANATION**Vehicles for Hire By-law amending By-law
Re: Part time taxicabs**

The attached By-law will implement Council's resolution of March 25, 2015, to amend the Vehicles for Hire By-law to implement customer service improvements and to amend the By-law provisions regarding chauffeur's permits.

Director of Legal Services
March 25, 2015



BY-LAW NO. _____

**A By-law to amend Vehicles for Hire By-law No. 6066
regarding chauffeurs' permits and part-time taxicabs**

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

1. This By-law amends the indicated provisions and schedules of the Vehicles for Hire By-law No. 6066.
2. In section 2, under "Vehicle for Hire", Council:
 - (a) strikes out the definition of "Funeral Cab";
 - (b) strikes out the definition of "Taxicab" and substitutes:

" "Taxicab", which means a motor vehicle with a seating capacity of no fewer than four and no more than seven passengers."; and
 - (c) adds the following definition in alphabetical order:

" "Part-time Taxicab", which means a taxicab licensed to operate part time in the City of Vancouver on weekends and on those days designated in this By-law."
3. In section 6, Council strikes out the title "Chauffeur's Permits" and substitutes "Chauffeur's Permit".
4. Council strikes out section 6.1, 6.2, 6.3, 6.4 and 6.5, and substitutes:
 - "6. (1) A person must not drive, operate, or be in charge of a limousine, school shuttle van, or taxicab unless that person holds a current chauffeur's permit.
 - (2) A person must apply for a chauffeur's permit to the Chief Constable, who may issue or refuse to issue the permit in accordance with the provisions of this section 6.
 - (3) An applicant for a chauffeur's permit must provide, together with the application to the Chief Constable, documentation to establish that the applicant:
 - (a) is the holder of a valid Class 1, 2 or 4 driver's licence issued pursuant to the Motor Vehicle Act of British Columbia;
 - (b) has a working knowledge of city streets in the City of Vancouver;
 - (c) has completed the TaxiHost Pro course at the Justice Institute of British Columbia, or a similar driver training course approved by the Inspector;

- (d) if intending to drive a school shuttle van, has completed at least 6 hours of driver training designed to develop the driver's knowledge, skill and attitudes;
- (e) has a letter signed by the owner of a limousine, school shuttle van, or taxicab that is licensed in the City of Vancouver, indicating that the owner intends to hire the applicant immediately upon issuance of a chauffeur's permit; and
- (f) has completed an application for a criminal record check and has consented to the disclosure of the results of the criminal record check to the Chief Constable.

(4) If an applicant fails to comply with the requirements of subsection (3), the Chief Constable must refuse to issue the permit.

(5) Upon receipt of an application for a chauffeur's permit which complies with the requirements of subsection (3), the Chief Constable must ascertain whether the applicant:

- (a) has been convicted of a sexual offence for which the applicant has not received a pardon;
- (b) has been convicted of a Criminal Code offence which occurred while the applicant was driving, operating or in charge of a vehicle for hire and within the preceding three years;
- (c) has been convicted of Motor Vehicle Act offences on three or more different occasions, while the applicant was driving, operating or in charge of a vehicle for hire and within the preceding two years;
- (d) has been the subject of an administrative driving prohibition by the Superintendent of Motor Vehicles within the preceding three years; or
- (e) has received a notice of driving prohibition pursuant to section 94.1, 215 or 215.41 of the Motor Vehicle Act, which occurred while the applicant was driving, operating or in charge of a vehicle for hire and within the preceding three years.

(6) If the Chief Constable determines that the applicant:

- (a) has been convicted of a sexual offence;
- (b) has been convicted of a Criminal Code offence which occurred while the applicant was driving, operating or in charge of a vehicle for hire and within the preceding three years;

- (c) has been convicted of Motor Vehicle Act offences on three or more different occasions, while the applicant was driving, operating or in charge of a vehicle for hire and within the preceding two years; or
- (d) has been subject to an administrative driving prohibition by the Superintendent of Motor Vehicles within the preceding three years; or
- (e) has received a notice of driving prohibition, as described in subsection (5)(e);

the Chief Constable must refuse to issue a chauffeur's permit.

(7) Despite the provisions of subsection (6), if an applicant has a history of convictions or administrative driving prohibitions, or is the subject of an allegation of misconduct, or is charged with the contravention of a federal, provincial or municipal law or enactment, or demonstrates a pattern of use of or dealing in intoxicants or narcotic drugs, and if the Chief Constable determines that the history, allegation, charge or pattern of behaviour may indicate that the applicant is unfit to act as a chauffeur or that there is a risk to public safety or to passenger safety or security, the Chief Constable may refuse to issue a chauffeur's permit.

(8) If the Chief Constable determines that a person who is the holder of a chauffeur's permit has been convicted of a Criminal Code offence or an offence related to the operation of a motor vehicle, or has been subject to an administrative driving prohibition, or is the subject of an allegation of misconduct, or is charged with the contravention of a federal, provincial or municipal law or enactment, or demonstrates a pattern of use of or dealing in intoxicants or narcotic drugs, and if the Chief Constable determines that the history, allegation, charge or pattern of behaviour may indicate that the applicant is unfit to act as a chauffeur or that there is a risk to public safety or to passenger safety or security, the Chief Constable may suspend or cancel the chauffeur's permit.

(9) An appeal lies to Council from the refusal by the Chief Constable to issue a chauffeur's permit or from the decision of the Chief Constable to suspend or cancel a chauffeur's permit and Council may uphold or overturn the refusal or cancellation and may uphold, overturn or vary the suspension.

(10) The Chief Constable must issue a chauffeur's permit (new driver) to an applicant who complies with the requirements in this section 6 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.

(11) The Chief Constable must issue a chauffeur's permit (graduated driver) to an applicant who complies with the requirements in this section 6 and:

- (a) has been the holder of:
 - (i) two chauffeur's permits issued by the Chief Constable,
 - (ii) a chauffeur's permit issued by the Chief Constable 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).

(12) A chauffeur's permit (new driver) issued under subsection 10 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.

(13) A chauffeur's permit (graduated driver) issued under subsection 11 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.

(14) Every driver of a limousine, school shuttle van, or taxicab, must produce his or her chauffeur's permit for inspection upon request by the Inspector, the Chief Constable, or a police officer.

(15) The holder of a chauffeur's permit who is:

- (a) charged with an offence under the Criminal Code; or
- (b) convicted of an offence under the Criminal Code,

must immediately notify the Chief Constable.

(16) The holder of a chauffeur's permit who is:

- (a) charged with an offence under the Motor Vehicle Act; or
- (b) convicted of an offence under the Motor Vehicle Act,

must immediately notify the Chief Constable and provide the Chief Constable with a certified abstract of his driving record.”

5. In section 11, after section 11(4), Council adds:

“ (5) Despite the provisions of this section 11, the Inspector must not permit the transfer of a taxicab license or the transfer of the numbered or alpha-numeric plate issued in conjunction with a taxicab license, unless the Inspector is satisfied that the specific vehicle licensed as a taxicab and bearing the numbered or alpha-numeric plate issued in conjunction with that taxicab license, has been temporarily removed from service for repairs, permanently removed from all service as a taxicab or has been destroyed.”

6. In Section 14, Council:

- (a) strikes out subsection (6);
- (b) in subsection (8) strikes out the words “under this By-law or”; and
- (c) re-numbers all the subsections after deleted subsection (6) in appropriate numerical order.

7. In Section 16, Council:

- (a) in subsection (2)(b), strikes out the words “or, in the case of a high school or other group or organization receiving instruction, 3 additional students as passengers”;
- (b) strikes out subsection (4); and
- (c) re-numbers all the subsections after deleted subsection (4) in appropriate numerical order.

8. In Section 23, Council:

- (a) in subsection 23(6) strikes out “and” and substitutes “or”;
- (b) strikes out subsection 23(8) and substitutes:

“ (8) No taxicab shall be equipped with tinted windows, or with blinds, shades or similar devices designed to restrict visibility through windows, except that this prohibition shall not apply to dual taxicabs or handicapped cabs.”;
- (c) strikes out subsection 23(10) and substitutes:

“ (10) Every holder of a license to operate a taxicab, other than a part-time taxicab, must ensure that the taxicab is in service and available for

hire 24 hours a day and 7 days a week, unless the Inspector is satisfied that the taxicab is not in service as the result of an accident, repairs, testing or a police investigation.”;

(d) in section 23(12), strikes out “is to seal the meter, in such manner as the Inspector deems advisable.” and substitutes “may either seal the meter or approve the sealing of the meter.”;

(e) after section 23(12), adds:

“ (12.1) The driver of a part-time taxicab must;

(a) ensure that the taxicab displays alpha numeric vehicle identification consisting of the identity numbers required by this by-law, followed by the letter “S” which must be the same colour as the identity numbers and no less than 9.5 centimeters high;

(b) only illuminate the top light of the taxicab when the taxicab is in service and available for hire and is operating in accordance with the terms and conditions of its licence and the provisions of this by-law;

(c) only be in service and available for hire during the following days and times:

(i) commencing no sooner than 3:00 p.m. on each Friday and Saturday and ending no later than 6:00 a.m. the following morning;

(ii) commencing no sooner than 3:00 p.m. on each day of the “Celebration of Light” Festival, and ending no later than 6:00 a.m. the following morning;

(iii) commencing no sooner than 3:00 p.m. on October 31, and ending no later than 6:00 a.m. the following morning;

(iv) commencing no sooner than 3:00 p.m. on December 31, and ending no later than 6:00 a.m. the following morning; and

(v) on “Black” and “Red” cruise ship days and all special event days, as designated by the Passenger Transportation Board and listed in the Passenger Transportation Board Rule.”;

(f) in section 23(14), strikes out 23(14)(a) and substitutes:

“(a) the date, the time and the address or intersection where the trip commenced and the date, the time and the address or intersection

where the trip ended, which information shall be recorded as soon as practicable upon completion of each trip;”;

(g) in section 23(14)(d), strikes out “speedometer” and substitutes “odometer”;

(h) strikes out sections 23(17), 23(18), 23(19) and 23(20) and substitutes:

“ (17) The owner of a taxicab must keep the record referred to in subsection (14) at the owner’s place of business for a period of 6 months and must produce the record to the Chief Constable or the Inspector if requested to do so.

(18) Subject to the provisions of this by-law regarding service by dual taxicabs, the driver of a taxicab must;

- (a) provide service to any orderly person if available to do so;
- (b) provide service to persons based on the order of their requests for service;
- (c) only provide service during a trip to the passenger or passengers who requested the service at the beginning of the trip;
- (d) not carry multiple passengers for separate fares during a single trip; and
- (e) inform any person requesting service if the desired service will not be available within a reasonable time.

(19) Despite the provisions of section (18), the driver of a dual taxicab must give priority to requests for service from handicapped or wheelchair bound persons over other service requests.”;

(i) strikes out section 23(21) and substitutes:

“ (21) The Inspector must not license a vehicle as a taxicab if that vehicle is more than two years old, calculated from the year of its manufacture, except that the Inspector may renew the license of a previously licensed taxicab if that vehicle is no more than seven years old, calculated from the year of its manufacture.”;

(j) strikes out section 23(22) and substitutes:

“ (22) Every taxicab must be equipped with a two-way radio or other communication device which must be capable of sending and receiving calls from the taxi dispatch center and must be maintained in good working order.”;

(k) strikes out section 23(22A) and substitutes:

“ (22A.1) Every taxicab must be equipped with a map-enabled global positioning system (GPS) which must be: maintained in good working order; in operation at all times; capable of determining the location, speed and direction of the taxicab and to provide trip route information; and capable of retaining data for at least 180 days.

(22A.2) The owner of a taxicab must retain the data gathered by the GPS system in the taxicab for 180 days and must provide that data to the Chief Constable or Chief License Inspector if requested to do so.”;

- (l) strikes out subsection 23(24);
- (m) strikes out all of the numbers of the subsections in section 23 and renumbers them in the appropriate numerical order;
- (n) in re-numbered subsection (6), strikes out “(4) and (4.1)” and substitutes “(5) and (6)”;
- (o) in re-numbered subsection (18), strikes out “(14)” and substitutes “(17)”;
- (p) in re-numbered subsection (20), strikes out “(14)” and substitutes “(17)”;
- (q) in re-numbered subsection (22), strikes out “(18)” and substitutes “(21)”.

9. In section 24, Council:

- (a) strikes out subsection (1)(a) and re-names subsections (1)(b) and (1)(c) as (1)(a) and (1)(b) respectively;
- (b) strikes out subsection (2)(a) and substitutes:
 - “(a) must advertise to the public that the vehicle is equipped to serve handicapped and wheelchair bound passengers and that requests for service from such persons will receive priority over other requests for service.”;
- (c) in subsection (2)(b) strikes out “(14)” and substitutes “(18)”;
- (d) at the end of subsection (2)(c) adds “and”;
- (e) at the end of subsection (2)(d) strikes out “;” and substitutes “.”; and
- (f) strikes out subsection (2)(e).

10. In section 25, Council:

- (a) re-numbers sections “(17)” and “(18)” as “(18)” and “(19)” respectively; and adds, in the appropriate numerical order:

“ (17) The driver of a taxicab must not illuminate the top light of the taxicab unless the taxicab is in service and available for hire and is operating in accordance with the terms and conditions of its licence and the provisions of this By-law.”

11. In section 28, Council strikes out subsection (17) and substitutes:

“ (17) Every owner and driver of a taxicab must:

- (a) search the taxicab after every trip for any lost or forgotten property;
- (b) immediately return all property found in the taxicab to the passenger; and
- (c) if the property is unclaimed or the passenger cannot be located, deliver the property to the place of business of the owner or driver and keep the property in safe keeping until it is claimed, or turn the property over to the Chief Constable.”

12. In section 32(1), Council strikes out “23(19)” and substitutes “23(14), 23(15) (b), 23(16) or “23(21)(a)”.

13. In Schedule A, in alphabetical order, Council adds:

“Part-time Taxicab, for each vehicle 548.00”

14. Council strikes out Section 17 and replaces it with the following:

“17. REPEALED”

15. Council strikes out the Table of Contents in By-law 6066 and substitutes the Table of Contents attached hereto as Schedule 1.

Schedule 1

TABLE OF CONTENTS

1. Name of By-law
2. Definitions
3. Table of contents
4. Exemptions
5. Types of vehicles for hire
6. Chauffeur's permit
7. Vehicle for hire license
- 7A. Cost of police records check
8. Term of license
9. Suspension or revocation of license
10. Appeal of suspension
11. Transfer of license
12. Numbered plate
13. Valid decal
14. Limousine hires
15. Courier bicycles
16. Driver instruction vehicles
17. REPEALED
18. Handicapped cabs
19. Horse-drawn carriages
20. Pedicabs and motor assisted pedicabs
21. Public buses
22. School shuttle vans
23. Taxicabs
24. Dual taxicabs
25. Taxicab rates and fares
26. Tow trucks
27. U-drives
28. Vehicles for hire
29. Effect of non-compliance
30. False statements
31. Infractions
32. Fines and penalties
33. Repeal
34. Force and effect