

**DRAFTING INSTRUCTIONS
AMENDMENTS TO
TAXI BY-LAW (2012-258, as amended)**

A. DEFINITIONS

1. Repeal and replace the following definitions:

- a. *(administrative)* Repeal: “By-law Officer” means a person appointed by Council to enforce the provisions of this by-law and who may be referred to as an Inspector or Officer;

Replace with: “Municipal Law Enforcement Officer” means a person appointed by Council to enforce the provisions of this by-law and who may be referred to as an Inspector or Officer;

- b. *(administrative)* Repeal: “License and Property Standards Committee” means the committee established by Council known as the License and Property Standards Committee and consisting of five (5) citizen members to hear cases with respect to licensing and property standards appeals as set out in this by-law;

Replace with: “License and Property Standards Committee” means the License and Property Standards Committee established by Council for the purposes of hearing applications and appeals relating to licenses and property standards;

- c. Repeal: “taxicab” means a motor vehicle with seating capacity of not more than seven (7) individuals, including the driver, that is intended to be used or is actually used for hire for the purpose of transporting a person and includes an accessible taxicab and a standard taxicab but does not include a limousine;

Replace with: “taxicab” means a motor vehicle with seating capacity of a maximum of six (6) individuals, plus the driver, that is intended to be used or is actually used for hire for the purpose of transporting a person and includes an accessible taxicab and a standard taxicab but does not include a limousine or a PTC Vehicle;

- d. *(administrative)* Repeal: “taxicab driver union” means the National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-CANADA);

Replace with: “taxicab driver union” means Unifor, the Union, Canada, or any successor thereto;

- e. Repeal: “taxicab service” means the transportation of a passenger by taxicab from a point in the regulated area to any point within or beyond the regulated area;

Replace with: “taxicab service” means the transportation of a passenger by taxicab within the City of Ottawa to any point within or beyond the City of Ottawa;

2. Repeal the following definitions:

“limousine” means a motor vehicle that is used for hire for the purpose of transporting persons and is licensed as a limousine pursuant to By-law No. 2002-189, as amended, being the Licensing By-law, or pursuant to any successor by-law thereto;

“low emission vehicle” means a motor vehicle that is a hybrid vehicle or a vehicle that is powered by propane, natural gas or electricity;

“refresher training course” means a driver training course with enhanced customer service training approved by the Chief License Inspector;

“regulated area” means:

- (a) for the purposes of services provided by a standard taxicab, the area set out in Schedule “A” to this by-law; and,
- (b) for the purposes of services provided by an accessible taxicab, the geographic limits of the City of Ottawa;

“Taxicab Driver Education Program” means the standard taxicab training course approved by the Chief License Inspector and provided by the City or a recognized educational institution on behalf of the City;

3. Add the following definitions:

“app” means any software or application or telecommunications platform used by a taxicab broker to connect passengers with taxicab drivers;

“Private Transportation Company” means any person that offers, facilitates, or operates prearranged transportation services for compensation using any software or application or telecommunications platform to connect passengers with PTC Drivers and may also be referred to as “PTC” for the purposes of this By-law;

“PTC Vehicle” means a motor vehicle with a capacity to carry a maximum of 6 passengers plus the driver that is used by a PTC Driver to provide transportation services that are offered or facilitated by the Private Transportation Company;

4. Repeal the words “By-law Officer” where they appear throughout the by-law and replace them with the words “Municipal Law Enforcement Officer”
5. Repeal Schedule “A”, Regulated Area – Taxi Licensing

B. INTERPRETATION

1. *(administrative)* Repeal s.2(8) below:

Upon the expiration of the time prescribed for the doing of any act or the taking of any proceeding, the Chief License Inspector, the License and Property Standards Committee and the Council are divested of all jurisdiction to deal with the application and the times prescribed shall not be enlarged or abridged or attempted to be enlarged or abridged by any of them.

and replace it with:

Upon the expiration of the time prescribed for the doing of any act or the taking of any proceeding, the Chief License Inspector is divested of all jurisdiction to deal with the application and the times prescribed shall not be enlarged or abridged or attempted to be enlarged or abridged by any of them.

C. GENERAL REQUIREMENTS – PROVISION OF TAXICAB SERVICE

1. Repeal s.6 below:

No person shall dispatch taxicabs within the regulated area unless the person is the holder of a valid taxicab broker license.

and replace it with:

No person shall dispatch taxicabs within the City of Ottawa unless the person is the holder of a valid taxicab broker license.

D. STANDARD TAXICAB DRIVER LICENSE REQUIREMENTS

1. *(administrative)* Repeal s.9(1)(e) below:

an acceptable Statement of Driving Record issued within thirty (30) days prior to the application by the Ontario Ministry of Transportation Safety and Regulations Division or the Québec Contrôle du Transport Routier;

and replace it with:

an acceptable Statement of Driving Record issued within thirty (30) days prior to the application by the Ontario Ministry of Transportation or the Québec Contrôleur du Transport Routier;

2. Repeal s.9(1)(f) below:

on or before August 31, 2006, a Certificate confirming that he or she has successfully completed the Taxicab Driver Education Program within two (2) years immediately preceding the application;

3. Repeal s.9(1)(g) below:

on or after September 1, 2006, a Certificate confirming that he or she has successfully completed the Taxicab Driver Education Program within two (2) years immediately preceding the application and confirming that he or she has successfully completed the Accessible Taxicab Training Course within two (2) years immediately preceding the application;

and replace it with:

on or after September 1, 2006, a Certificate confirming that he or she has successfully completed the Accessible Taxicab Training Course within two (2) years immediately preceding the application;

E. STANDARD TAXICAB DRIVER LICENSE – CONDITIONS OF RENEWAL

1. Repeal s.10(3) below:

If required by the Chief License Inspector in accordance with Section 84 proof of successful completion of the refresher training course shall be a condition of renewal.

F. ACCESSIBLE TAXICAB DRIVER LICENSE REQUIREMENTS AND RENEWAL CONDITIONS

1. Repeal s.13(1) below:

The provisions of Section 9 shall apply to the applicant for an accessible taxicab driver license.

and replace it with:

The provisions of Section 9 shall apply to the applicant for an accessible taxicab driver license, save and except Section 9(1)(k), the fees.

2. Repeal s.14 below:

The provisions of Sections 10, 11 and 12 shall apply to an application by an accessible taxicab driver licensee to renew an accessible taxicab driver license

and replace it with:

The provisions of Sections 10, 11 and 12 shall apply to an application by an accessible taxicab driver licensee to renew an accessible taxicab driver license, save and except Section 10(2)(c), the fees.

G. ACCESSIBLE TAXI PLATE HOLDER LICENSES ISSUANCE AND RENEWAL CONDITIONS

1. *(administrative)* Add a requirement that the accessible taxi plate holder must provide a complete and accurate list of all the licensed accessible taxi drivers driving the accessible taxicab issued to the plate holder, including name, address, driver identification number.

H. NUMBER OF STANDARD AND ACCESSIBLE TAXI PLATE HOLDER LICENSES

1. In s.24(1), amend the plate holder license to population ratio from 1 plate holder license to 784 residents, to 1 plate holder license to 806 residents.

I. APPLICATION FOR TAXICAB BROKER LICENSE CONDITIONS OF RENEWAL

1. Amend s.25(1) and s.26(2) to add a requirement for proof of insurance in accordance with the requirements of this by-law

J. STANDARD AND ACCESSIBLE TAXICAB DRIVER REGULATIONS

1. Repeal s.29(12) below:

accept debit/credit card payments subject to the payment of the transaction fee as prescribed in Schedule "B";

and replace it with:

accept debit/credit card payments.

2. Repeal s.29(30) and s.29(33), respectively, below:

have a current street guide of the City of Ottawa and the City of Gatineau available in the taxicab at all times;

wear uniform clothing that clearly identifies them as standard taxicab drivers or accessible taxicab drivers, as the case may be.

3. In s.36, repeal references to the “in the regulated area” and repeal clause (b) referring to service between the regulated and unregulated areas.
4. Amend s.39(3) from “engage the taximeter until the trip commences;” to “engage the taximeter until the trip commences unless the trip has been pre-arranged through an app;”

K. CAMERA SYSTEM

1. Repeal s.58(2) below:

The camera system referred to in subsection (1) shall be approved by the Chief License Inspector and shall be capable of recording images of persons in taxicabs such that access is limited to law enforcement personnel authorized by the Chief License Inspector for law enforcement purposes.

and replace with:

The camera system referred to in subsection (1) shall meet the minimum standards prescribed by the Chief License Inspector and shall be capable of recording images of persons in taxicabs such that access is limited to law enforcement personnel authorized by the Chief License Inspector for law enforcement purposes.

L. REQUIREMENTS OF A TAXI BROKER LICENSEE

1. Amend s.59 to include a requirement to accept requests for taxicab service by telephone.
2. Amend s.59(6) to require that brokers maintain service request records for a period not less than three (3) years following the conclusion of the trip, and include the annual total number of trips requested and fulfilled, and requested and not fulfilled, with the reason for cancellation of the trip.

M. TAXICAB VEHICLE STANDARDS

1. Amend s.69 to:
 - a. Add to the requirement for air conditioning, a requirement for heat;
 - b. Repeal clause (c) regarding window tinting
 - c. Repeal clauses (e), (g), (h) regarding front and rear seat size, and trunk capacity
 - d. Permit a vehicle age at the time of the fall inspection of no more than ten (10) years for a standard or accessible taxicab
2. Repeal s.73 and s.74 related to vehicle standard-related issues such as trunk capacity and lists of approved vehicle makes and models

N. INSURANCE

1. Repeal s.77 requiring \$2 Million Dollars of CGL and MVL insurance coverage and replace it with the following with respect to licensed taxicab plate holders:

Every licensed standard taxicab plate holder and every licensed accessible taxicab plate holder shall maintain on file with the City of Ottawa a certificate of insurance for each of his or her taxicabs identifying and confirming the following minimum insurance requirements:

- a. Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use. The Commercial General Liability insurance shall include, but not be limited to blanket contractual liability, premises, property and operations liability, products and completed operations liability, contingent employers liability, personal injury, owners and contractors protective coverage, broad form property damage, occurrence property damage, employees as additional insured, cross liability and severability of interest provision. Such policy shall be in the name of the Taxi Plate Holder and the City of Ottawa shall be named as an additional insured; and,
- b. Automobile Liability Insurance for owned/leased licensed vehicles with limits of not less than \$5,000,000.00 inclusive per occurrence for bodily injury, death and damage to property. The Automobile Liability insurance shall include the OPCF 6A – Permission to Carry Paying Passengers and OPCF 22 – Damage to Property of Passengers; and,
- c. Non-Owned Automobile insurance with limits of not less than Five Million Dollars (\$5,000,000) per occurrence; and,
- d. an endorsement to provide that the City of Ottawa shall receive at no less than thirty (30) days prior written notice from the insurer of any cancellation; and,
- e. confirmation that insurance coverage includes each taxicab driver who operates the taxicab to which the taxi plate holder's plate is affixed.

2. Add the following insurance requirement for licensed taxicab brokers:

Every licensed Taxicab Broker shall maintain on file with the City of Ottawa a certificate of insurance identifying and confirming the following minimum insurance requirements:

- a. Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use. The Commercial General Liability insurance shall include, but not be limited to blanket contractual liability, premises, property and operations liability, products and completed operations liability, contingent employers liability, personal injury, owners and contractors protective coverage, broad form property damage, occurrence

- property damage, employees as additional insured, cross liability and severability of interest provision. Such policy shall be in the name of the Taxicab Broker and the City of Ottawa shall be named as an additional insured; and,
- b. Non-Owned Automobile insurance with limits of not less than Five Million Dollars (\$5,000,000) per occurrence; and,
 - c. an endorsement to provide that the City of Ottawa shall receive at least thirty (30) days prior written notice from the insurer of any cancellation.
3. Amend s.78 to include the licensed taxicab brokers in the requirement to maintain insurance at all times during the license period.

O. SEALING OF TAXIMETER AND TARIFF

1. Add the following Section to permit that rides pre-arranged through an app may be set at a rate below the rate prescribed in this by-law:

Despite Sections related to the taximeter, where an app is used by the taxi broker to connect passengers with standard or accessible taxicab drivers, a fare equal to or less than the tariff, as set out in Schedule “ ”, may be charged provided that the said app:

- a. at the time of the arranging of the trip, discloses to the passenger requesting the taxicab service the applicable rate being charged for the trip,
 - b. includes a process by which the passenger accepts or refuses the taxicab service prior to the trip commencing and keeping a record of such acceptance or refusal;
 - c. provides the amount owed by the passenger for the trip;
 - d. provides a receipt to the passenger at the end of the trip, or shortly thereafter, that includes information pursuant to s.29(25) of this by-law, and the total amount paid for the trip.
2. Amend s.29(8) to provide as follows: charge a passenger any fare other than the one calculated in accordance with the current tariff card issued by the City, except as provided for in this by-law;
 3. (*administrative*) Amend s.91(2)(b) to repeal “15” where it appears, and replace it with “9”.

P. TAXICAB DRIVER EDUCATION PROGRAM

1. Repeal S.83 and S.84 relating to the Taxicab Driver Education Program and the Refresher Training Course, respectively

Q. LICENSE AND PROPERTY STANDARDS COMMITTEE

1. *(administrative)* Repeal s.96: For the purposes of this by-law, the License and Property Standards Committee shall be composed of any three (3) members of a panel of five (5) citizen members, as established by Council.
2. *(administrative)* Amend s.99(3) as follows: Three (3) members of the License and Property Standards Committee constitutes a quorum.

R. TARIFF (Schedule “B”)

1. Identify the tariff as follows:

| | MAXIMUM FARE |
|--|--------------|
| One to Six Passengers | |
| For the first 150 metres or part thereof | \$3.45 |
| For each additional 86 metres or part thereof..... | \$0.16 |
| For each twenty-four (24) seconds waiting time or part thereof while under engagement | \$0.16 |

2. Repeal the \$1.50 Transaction fee for Debit/Credit Card Payment

S. FEES (Schedule “C”)

1. Amend categories and license fees as follows, to take effect January 1, 2017, where the term “Taxicab Driver” and the associated fee are repealed:

| | Fee in \$ |
|---------------------------|-----------|
| Initial Application | |
| Standard taxicab driver | 96.00 |
| Accessible taxicab driver | 00.00 |
| Renewal Application | |
| Standard taxicab driver | 96.00 |
| Accessible taxicab driver | 00.00 |

T. The amendments shall take effect on June 30, 2016

U. Staff is authorized to make the required administrative changes to the contents of the by-law to correctly incorporate the amendments noted above, including but not limited to making numbering changes, section reference changes, minor drafting changes, and re-ordering the provisions of the by-law, as required for clarity and functionality.

V. Staff is authorized to incorporate all of the above-noted amendments and required changes into an updated legislative instrument, and to incorporate that instrument into one consolidated Vehicle for Hire By-law, for ease of reference and consultation.