

**DRAFTING INSTRUCTIONS
AMENDMENTS TO
SCHEDULE 10 TO LICENSING BY-LAW (2002-189, as amended)
RELATING TO LIMOUSINE SERVICE**

A. DEFINITIONS

1. Repeal and replace the following definitions:

- a. Repeal: “classic, vintage or specialty vehicle” means a passenger motor vehicle that is not used as the owner’s primary mode of transportation and is characterized by the vehicle’s original or restored condition and special value based on its age, value, collectable nature, performance, or rareness;

Replace with: “classic, vintage or specialty vehicle” means a passenger motor vehicle that is not used as the owner’s primary mode of transportation and is characterized by the vehicle’s original or restored condition and special value based on its age, value, collectable nature, performance, or rareness, and includes a vehicle which age exceeds 25 years;

- b. Repeal: “limousine” means a passenger motor vehicle, with a driver, with a seating capacity of not more than nine (9) persons, excluding the driver, that is used for hire for the purpose of transporting persons, and includes luxury vehicles, stretch vehicles and classic, vintage or specialty vehicles, but does not include station wagons, vehicles designed to accommodate seating for more than 10 persons or vehicles equipped with a taximeter;

Replace with: “limousine” means a passenger motor vehicle that has a seating capacity of not more than nine (9) persons, excluding the driver, and that is used for hire for the purpose of transporting persons, and includes a luxury vehicle, a stretch vehicle, a classic, vintage or specialty vehicle, and an auxiliary service vehicle, but excludes a station wagon, a vehicle designed to accommodate seating for more than ten (10) persons, a vehicle equipped with a taximeter or a PTC vehicle;

- c. Repeal: “limousine service” means a business providing pre-arranged passenger ground transportation services utilizing limousines;

Replace with: “limousine service” means a business providing pre-arranged passenger ground transportation services utilizing limousines within the City of Ottawa;

- d. Repeal: “luxury vehicle” means an unaltered passenger motor vehicle meeting the MVSA standards and having a designed seating capacity of

between (4) and nine (9) occupants, excluding the driver, belonging to the luxury, high performance and full-size model;

Replace with: "luxury vehicle" means an unaltered passenger motor vehicle meeting the MVSA standards and having a designed seating capacity of not less than four (4) and not more than nine (9) persons, excluding the driver, belonging to the luxury, high performance and full-size models of Audi, BMW, Cadillac, Infinity, Jaguar, Land Rover, Lexus, Lincoln, Mercedes or other makes approved by the Chief License Inspector, with a minimum of four (4) doors, carpeted flooring, tinted power windows, power locks, a stereo system, climate control, a leather or superior quality upholstered interior, and deluxe wheels and wheel covers, and that is not equipped with a taximeter or a roof sign, and does not include a standard taxicab, an accessible taxicab, a stretch vehicle, a classic, vintage or specialty vehicle, or an auxiliary service vehicle

- e. Repeal: "stretch vehicle" means a passenger motor vehicle that is altered by a certified modifier, to elongate the passenger compartment, suspension, etc., meets the requirements set out under the MVSA and has a standard seating capacity for 9 occupants or less, excluding the driver;

Replace with: "stretch vehicle" means a passenger motor vehicle that is altered by a certified modifier to elongate the passenger compartment, suspension and other vehicle components, that meets the requirements of the MVSA and that has been designed for a seating capacity of at least seven (7) persons, but not more than nine (9) persons, excluding the driver;

- 2. Add the following definitions:

"auxiliary service" means a pre-arranged passenger ground transportation service that, in addition to transportation, provides to the customer personal service such as additional support and assistance, including door-to-door accompaniment or other special needs services;

"auxiliary service vehicle" means a vehicle involved in providing auxiliary service in accordance with this by-law.

B. SERVICES TO BE PROVIDED

- 1. Repeal s.4(1)(b) below:

for a minimum rate of charge, exclusive of GST, of not less than,

- a. Sixty-seven Dollars and Fifty Cents (\$67.50) for the first ninety (90) minutes or part thereof, and
- b. Forty-five Dollars (\$45.00) for each hour after the initial 90 minutes, and

and replace it with:

for a minimum rate of charge, exclusive of GST, of not less than,

- a. Seventy-five Dollars (\$75.00) for the first ninety (90) minutes or part thereof, and
- b. Fifty Dollars (\$50.00) for each hour after the initial 90 minutes, and

2. Repeal s.4(2) below:

The hourly rate described in clause (b) paragraph (ii) may be divided into quarters charged at a rate of Eleven Dollars and Twenty-five cents (\$11.25) for each fifteen (15) minutes or part thereof.

and replace it with:

The hourly rate described in clause (b) paragraph (ii) may be divided into quarters charged at a rate of Twelve Dollars and Fifty Cents (\$12.50) for each fifteen (15) minutes or part thereof.

3. Repeal s.4(4) below:

No person shall use a motor vehicle as a limousine unless:

- a. it has an encased automobile body having,
 - i. at least four (4) doors, and
 - 2. seating capacity for not more than nine (9) persons, exclusive of the driver; and
- b. it is provided with at least five (5) of the following options,
 - i. a glass partition separating the rear and front seats,
 - ii. top quality interior appointments such as leather or plush upholstery,
 - iii. power windows,
 - iv. air conditioning,
 - v. television,
 - vi. stereo system in the passenger compartment,
 - vii. tinted windows,
 - viii. cellular telephone for passenger use,
 - ix. refrigerator,
 - x. work desk or table,
 - xi. deluxe wheels and wheel covers.

and replace it with:

No person shall use a motor vehicle as a stretch vehicle unless:

- a. it has an encased automobile body having at least four (4) doors, and a seating capacity for not more than nine (9) persons, exclusive of the driver; and,
- b. it is provided with at least three (3) of the following options,
 - i. a glass partition separating the rear and front seats,

- ii. a television,
- iii. a stereo system in the passenger compartment that the passenger can control,
- iv. a cellular telephone for passenger use,
- v. Wi-Fi
- vi. a refrigerator,
- vii. a work desk or table.

4. Repeal s.4(5) below:

s.4(4) shall not apply to a classic, vintage or specialty vehicle when used by a licensed limousine service.

and replace it with:

s.4(4) shall not apply to a classic, vintage or specialty vehicle when used by a licensed limousine service or to an auxiliary service vehicle.

5. Establish a vehicle age limit of 10 years applicable to all limousines, save and except a classic, vintage or specialty vehicle.

C. ISSUANCE OF LICENSE

1. Repeal s.8(b), s.10 and s.11, pertaining to the requirement for a decal bearing the letter "L".

D. CONDITIONS FOR ISSUANCE OF A LIMOUSINE SERVICE LICENSE

1. Repeal s.5(1)(c) below:

the applicant has provided a complete list of the names, telephone numbers, addresses and a copy of a driver's licence issued by the Ministry of Transportation or an equivalent for every limousine driver employed by or affiliated with the limousine service;

and replace it with:

the applicant has provided a complete list of the names, telephone numbers, addresses and a copy of a driver's licence issued by the Ministry of Transportation or an equivalent, and has obtained and maintained an annual acceptable Statement of Driving Record and an acceptable Police Records Check for Service with the Vulnerable Sector for every limousine driver employed by or affiliated with the limousine service, to be made available for inspection by the Chief License Inspector;

2. Add a requirement that the limousine service licensee must provide Ministry of Transportation of Ontario Safety Standards Certificate issued by a motor vehicle inspection centre for each vehicle annually, and biannually for vehicles over 5 years of age.

E. INSURANCE

1. Repeal s.26 requiring \$1 Million Dollars of public liability insurance coverage and replace it with the following:

Every licensed Limousine service licensee shall maintain on file with the City of Ottawa a certificate of insurance for each of his or her limousines 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 Limousine service licensee 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 driver of a limousine used for the licensed limousine service.
2. Every licensed limousine service shall maintain the above-noted required insurance coverage at all times during the license period.

F. AUXILIARY SERVICE

1. Establish an auxiliary service category, to which annual Statement of Driving Record and annual Police Records Checks for Service with the Vulnerable Sector requirements apply to drivers, and with the same insurance requirements as the limousine service, except as otherwise prescribed.

2. In this category, auxiliary service vehicles are subject to a vehicle age limit of 10 years with a requirement for an annual Ministry of Transportation of Ontario Safety Standards Certificate, but biannually for vehicles over 5 years of age.
3. The per-vehicle license fee and the minimum rate of charge (fare) do not apply to this category.
4. Where the auxiliary service involves personal vehicle chauffeur services through which the customer is conveyed in his/her own vehicle, the vehicle age and inspection (MTO safety standards certificate), and insurance requirements do not apply.
5. All other requirements of the by-law apply, except as otherwise prescribed.

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

H. 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.

I. 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.