APPENDIX A

November 30, 2017

THE CITY OF WINNIPEG

BY-LAW NO. /2017

A By-law of THE CITY OF WINNIPEG to provide for the regulation of vehicles for hire in the city of Winnipeg.

WHEREAS Bill 30 of the 2nd Session of the 41st Legislature of the Province of Manitoba, *The Local Vehicles for Hire Act*, C.C.S.M. c. L195, has been enacted and will come into force on February 28, 2018;

AND WHEREAS *The Local Vehicles for Hire Act* dissolves the Taxicab Board and requires that the City of Winnipeg must make by-laws for the purpose of regulating the vehicle for hire industry, including vehicles for and vehicle for hire businesses;

AND WHEREAS *The City of Winnipeg* Charter grants the City authority to licence businesses and the activities of businesses;

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

PART 1
INTRODUCTORY PROVISIONS

Short title

1 This By-law may be cited as the "Vehicles for Hire By-law".

Categories of regulated dispatchers, vehicles and drivers

2(1) This By-law regulates:

(a) dispatchers of vehicles for hire;

(b) vehicles for hire; and

(c) drivers of vehicles for hire.

2(2) Vehicles for hire are divided into the following categories:

(a) Taxis, consisting of standard taxis and accessible taxis; and

(b) Personal Transportation Provider (PTP) vehicles, consisting of standard PTP vehicles, accessible PTP vehicles, and limousines.

Definitions

3(1) In this By-law

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"accessible" in respect of a vehicle, means a vehicle

(a) constructed and equipped to permit the loading, transportation and off-loading of individuals confined to a wheelchair, or similar device used to assist disabled persons, without transfer; and

(b) driven by an individual who is physically capable of providing, and trained to provide in compliance with the requirements of this By-law, transportation services to an individual confined to a wheelchair, or similar device used to assist disabled persons, without transfer;

"accessible PTP vehicle" means a vehicle for hire that is accessible and that is dispatched by a licenced PTP dispatcher;

"accessible taxi" means a vehicle for hire in respect of which an accessible taxi licence has been issued under this By-law;

"accessible taxi driver's licence" means licence issued under this By-law which authorizes an individual to operate and to provide, or offer to provide, transportation services by way of an accessible taxi;

"accessible taxi licence" means a licence issued in respect of an accessible taxi;

"charges" in relation to a relevant criminal offence or a major driving offence means the initiation of law enforcement proceedings

(a) in the case of an enactment of the Parliament of Canada, by way of an information laid by a peace officer before, and received by, a justice; or

(b) in the case of an offence under an enactment of Manitoba, a proceeding under *The Provincial Offences* Act, C.C.S.M. c. P160 by information or ticket;

"Charter" means *The City of Winnipeg Charter*, S.M. 2002, c. 39*;*

"child abuse registry check" means a report about a person's listing in the child abuse registry established and maintained under *The Child and Family Services Act*, C.C.S.M. c. C80;

"City" means The City of Winnipeg continued under section 8 of the Charter;

"city" means the geographical area within the jurisdictional boundaries of the City of Winnipeg;

"Council" means the council of the City;

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"Criminal record check" means a report about a person obtained from a law enforcement agency stating whether or not the person has been convicted under an enactment of the Parliament of Canada of an offence in respect of which a record of the person's fingerprints is maintained under the *Identification of Criminals Act*, R.S.C., 1985, c. I-1, or has any outstanding charges for such offences awaiting court disposition, and includes a Vulnerable Persons Sector Search;

"designated employee" means the City employee whom the Chief Administrative Officer has designated as responsible for exercising the authority given to the designated employee by this By-law, and may be the Chief Administrative Officer;

"digital payment" means payment through a dispatcher's digital platform;

"digital platform" includes an on-line enabled application and a website but does not include communication by telephone, e-mail or SMS text messages;

"disabled person" means an individual with a physical, mental, intellectual or sensory disability, or a combination of these;

"dispatch" means the act of receiving a request for a transportation service or sending a vehicle for hire to a location for the purpose of providing or offering to provide a transportation service to a passenger and includes

(a) Receiving requests for transportation services from passengers by any medium, except street hails;

(b) directing a person driving a vehicle for hire to attend at the passenger's location;

(c) Operating any part of a platform that receives requests for transportation services from passengers and connects such requests to a person driving a vehicle for hire; and

(d) Any other action that results in a vehicle for hire being sent to a passenger's location for the purpose of providing the passenger with transportation services, regardless of whether transportation services are actually provided to the passenger;

"dispatcher" means a person who dispatches one or more vehicles for hire and who holds a dispatcher licence issued under this By-law;

"dispatcher licence" means a taxi dispatcher licence and a PTP dispatcher licence issued under this By-law;

"enforcement officer" means

(a) The designated employee;

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(b) Every person designated under subsection 176(1) of the Charter as an enforcement officer for the purposes of this By-law; and

(c) Every person appointed under subsection 176(2) of the Charter as a special constable who, by the terms of the appointment, is authorized to enforce this By-law;

"fare" means compensation for the provision of a transportation service;

"fare schedule" means a schedule of maximum fares that are permitted to be charged to passengers of taxis which has been approved by Council or pursuant to a formula established by Council;

"GPS" means any global positioning system;

"limousine" means a vehicle determined by the designated employee to qualify as a luxury or specialized vehicle that provides transportation services;

"major driving offence" means an offence set out in subsection 125(6) of *The Drivers and Vehicles Act,* C.C.S.M. c. D104;

"Manitoba Public Insurance" means the Manitoba Public Insurance Corporation continued by *The Manitoba Public Insurance Corporation* Act, C.C.S.M. c. P215;

"non-digital platform" means a platform that is not a digital platform;

"owner", in respect of a vehicle, means the person who is registered with Manitoba Public Insurance as a registered owner of the vehicle and includes a lessee of a vehicle who is so registered;

"PTP" means personal transportation provider;

"PTP dispatcher" means a person who dispatches a PTP vehicle;

"PTP driver" means an individual providing or offering to provide transportation services in a PTP vehicle, and includes a standard PTP driver, an accessible PTP driver and a limousine driver;

"PTP vehicle" means a vehicle for hire that is not a taxi, and includes a limousine;

"passenger" includes a prospective passenger;

"person" includes an individual, a partnership, and a corporation (including a cooperative);

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"personal information" has the same meaning as in *The Freedom of Information and Protection of Privacy* Act, C.C.S.M. c. F175;

"platform" means any means of communication by which transportation services are offered to the public and includes an on-line enabled application, a website, e-mail, SMS text message, telephone, or any other system or mode of communication offered, used or operated that is used to pre-arrange a transportation service;

"pre-arranged" in respect of a transportation service, means a transportation service that is arranged, booked, scheduled or requested by the passenger in advance of the vehicle for hire arriving at the passenger's location;

"Provincial driver's licence" means a driver's licence issued under *The Drivers and Vehicles Act*, C.C.S.M. c. D104 that is applicable to the vehicle for hire being driven by the individual;

"Provincial registration" means a vehicle registration under *The Drivers and Vehicles Act,* C.C.S.M. c. D104;

"relevant criminal offence" means an offence under an enactment of the Parliament of Canada involving

(a) An offence involving actual or threatened violence;

(b) An offence involving weapons, including the illegal possession of weapons;

(c) An offence involving sexual assault, sexual exploitation, sexual interference, procuring, or invitation to sexual touching;

(d) An offence involving trafficking of controlled drugs or substances;

(e) An offence involving fraud, false pretences, bribery, extortion or theft over $5000; or

(f) An offence related to the unlawful operation of a motor vehicle;

"standard taxi" means a taxi that is not an accessible taxi;

"street hail" means the offer of, solicitation of, or acceptance of an offer to provide, a transportation service, or the provision of a transportation service, that is not pre-arranged;

"taxi" means a vehicle for hire in respect of which a standard taxi licence or an accessible taxi licence has been issued;

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"taxi dispatcher" means a person who holds a taxi dispatcher licence;

"taxi dispatcher licence" means a taxi dispatcher licence issued under this By-law which authorizes the licence holder to dispatch taxis;

"taxi driver" means an individual to whom a taxi driver licence has been issued under this By-law;

"taxi driver's licence" means a standard taxi driver's licence and an accessible taxi driver's licence issued under this By-law;

"transportation service" means the provision, or the offer to provide, transportation of a passenger for compensation in which

(a) the passenger controls the route or the destination; and

(b) the vehicle is hired for a single uninterrupted engagement, which may include multiple stops;

but does not include

(c) the transportation of a passenger in exchange for a receipted donation to a non-share capital corporation so long as the transportation is provided whether or not the donation is provided or offered;

(d) transportation of a passenger provided or offered as part of package of goods or services for which there is a fee or charge so long as the transportation of a passenger is shown by the owner or driver of the vehicle to be merely ancillary to the provision of the goods or services;

(e) transportation in vehicles regulated by the Motor Transport Board;

(f) a shuttle service in which transportation is provided based on a pre-determined schedule or route;

(g) transportation of students by vehicles owned or operated by or on behalf of a school division established under *The Public Schools Act*, C.C.S.M. c. P250, or a private school as defined in *The Education Administration Act*, C.C.S.M. c. E10;

(h) the provision of transportation by vehicles owned or operated by or on behalf of the City to provide transportation to residents of the city, including Winnipeg Transit vehicles; or

(i) the transportation of a patient by ambulance;

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"valid" in the context of a licence issued under this By-law means a licence that has not been revoked, cancelled or expired and is not suspended;

"vehicle for hire" means any vehicle in which transportation services are provided and includes, but is not limited to, the following:

(a) a taxi;

(b) an accessible taxi;

(c) a PTP vehicle;

(d) an accessible PTP vehicle; and

(e) a limousine;

"Vehicle for Hire Appeal Board" means the Vehicle for Hire Appeal Board created by this By-law.

General prohibitions

4(1) A person must not provide, or offer to provide, transportation services except in compliance with this By-law.

4(2) The owner of a vehicle must not allow it to be used, or to be offered to be used, to provide transportation services except in compliance with this by-law.

4(3) A person must not dispatch a vehicle except in compliance with this By-law.

Failing to pay fare prohibited

5(1) A person who fails to pay a fare validly charged under this By-law commits an offence.

PART 2
DISPATCHERS

DIVISION 1 - ALL DISPATCHERS

Dispatching without licence prohibited

6 A person who is not a licenced dispatcher under this By-law must not dispatch, or offer to dispatch, a vehicle for hire.

Dispatching unregistered or unlicenced drivers or vehicles prohibited

7 A person must not dispatch a vehicle for hire unless both the vehicle being dispatched and the driver of the vehicle are

(a) In compliance with the requirements set out in this By-law,

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(b) registered with the dispatcher; and

(c) in the case of a taxi being dispatched, licenced under this By-law..

Qualifications for dispatch licence

8(1) In order to be issued a dispatcher licence, an applicant must

(a) pay the applicable application fee or licence fee to the City;

(b) provide evidence satisfactory to the designated employee that the applicant holds policies of insurance consistent with the requirements set out in this By-law;

(c) demonstrate to the satisfaction of the designated employee that the applicant has data security measures and policies in place to protect the personal information collected by the dispatcher related to drivers and passengers;

(d) demonstrate to the satisfaction of the designated employee that the dispatcher has in place a process by which it will accept, record, review and respond to complaints concerning drivers and vehicles registered with the dispatcher;

(e) demonstrate to the satisfaction of the designated employee that the dispatcher has in place a process by which it will facilitate the retrieval by passengers of their property left in vehicles for hire registered with the dispatcher;

(f) provide to the designated employee the number of vehicles for hire registered with the dispatcher in each of the following categories:

(i) taxis;

(ii) accessible taxis;

(iii) PTP vehicles;

(iv) accessible PTP vehicles; and

(v) limousines; and

(g) provide other information or documentation reasonably required by the designated employee.

8(2) In addition to the requirements in subsection (1), an applicant that is a corporation must provide to the designated employee the following:

(a) a copy of its incorporating documents;

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(b) a Certificate of Status issued by the Companies Office;

(c) a list of the members of its board of directors;

(d) an address for service in the Province of Manitoba for service of all documents and notices related to this By-law; and

(e) other documents reasonably required by the designated employee.

8(3) In addition to the requirements in subsection (1), an applicant that is a partnership must provide to the designated employee

(a) the names and addresses of each member of the partnership;

(b) the business name under which it operates and proof of the registration of its business name;

(c) an address for service in the Province of Manitoba for service of all documents and notices related to this By-law; and

(d) other documents reasonably required by the designated employee.

Renewal of dispatcher licence

9 In order to be issued a renewal of a dispatcher licence, the licence holder

(a) Must pay the applicable renewal fee;

(b) must provide information concerning any factual changes to information provided at the time of its application or most recent renewal and, where required by the designated employee, evidence that changes have not taken place; and

(c) Must not owe any outstanding fines or fees with respect to this By-law (including per-trip fees) or any City parking by-law.

Data security measures and policies

10(1) A licenced dispatcher must comply with data security measures and policies for personal information about passengers and drivers proposed by the licenced dispatcher and approved as satisfactory by the designated employee.

10(2) A licenced dispatcher may propose changes to its data security measures and policies at any time but these changes do not apply until and unless they are approved by the designated employee.

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10(3) The designated employee may order that a licenced dispatcher make changes to its data security measures and policies and, when doing so, must provide a reasonable time for compliance with the order. The licenced dispatcher must comply with such an order.

10(4) This section does not apply to a dispatcher who is operating under a provisional licence issued under clause 73(2)(g) (*Powers of designated employee*).

Passenger property retrieval policy

11(1) A licenced dispatcher must comply with a process proposed by the dispatcher and approved as satisfactory by the designated employee by which passengers can retrieve their property left in vehicles for hire registered with the dispatcher.

11(2) A licenced dispatcher may propose changes to its passenger property retrieval policy at any time but these changes do not apply until and unless they are approved by the designated employee.

11(3) The designated employee may order that a licenced dispatcher make changes to its passenger property retrieval policy and, when doing so, must provide a reasonable time for compliance with the order. The licenced dispatcher must comply with such an order.

Complaints Process

12(1) A dispatcher must comply with a process proposed by the dispatcher and approved as satisfactory by the designated employee for accepting, recording, reviewing and responding to complaints.

12(2) As part of its complaints process, a dispatcher must maintain records required by the designated employee concerning

(a) every complaint received;

(b) evidence provided in respect of or in response to a complaint; and

(c) the response of the dispatcher to the complaint;

and must make these records available to the designated employee within 48 hours upon request.

12(3) A licenced dispatcher may propose changes to its complaints process at any time but these changes do not apply until and unless they are approved by the designated employee.

12(4) The designated employee may order that a licenced dispatcher make changes to its complaints process and, when doing so, must provide a reasonable time for compliance with the order. The licenced dispatcher must comply with such an order.

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12(5) This section does not apply to a dispatcher who is operating under a provisional licence issued under clause 73(2)(g).

Dispatcher insurance mandatory

13(1) It is a condition of being issued and maintaining a licence that a dispatcher must obtain and maintain policies of commercial general liability insurance and non-owned automobile insurance in an amount and with provisions determined by the designated employee to be sufficient to adequately protect the City, drivers, vehicle for hire owners, and the general public.

13(2) The insurance required by subsection (1) must contain an endorsement to provide the City no less than 30 days' prior written notice from the insurer of any cancellation.

13(3) Failure to comply with this section invalidates the dispatcher's licence without the need for any action on the part of the designated employee. Once the dispatcher's licence has been invalidated, the dispatcher must not engage in dispatching until the dispatcher has applied for and been issued a new licence.

13(4) A dispatcher must provide proof of compliance with this section to the designated employee within two business days after being given a written order to do so.

Dispatcher records

14(1) Dispatchers must create and maintain records of the following information, separated by taxis and PTP vehicles, by taxi drivers and PTP drivers, and, in the case of taxis and limousines, separated by whether they have been dispatched or street hailed, in a format required by the designated employee:

(a) The total number of transportation services provided by the dispatcher on a monthly basis;

(b) The total number of transportation services provided by accessible vehicles for hire on a monthly basis;

(c) The total number of vehicles for hire providing a transportation service through the dispatcher over the course of a month;

(d) The total number of accessible vehicles for hire providing a transportation service through the dispatcher over the course of a month;

(e) The driver and vehicle involved in providing each transportation service, including:

(i) The type of vehicle by by-law category;

(ii) The name of the driver;

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(iii) The Provincial licence plate number of the vehicle;

(iv) The date, time and duration of the transportation service;

(v) The pick-up and drop off locations;

(vi) The elapsed time between a request for an transportation service (other than a transportation service scheduled in advance) and the initiation of the transportation service;

(f) A daily list of registered vehicles and registered drivers containing information reasonably required by the designated employee;

(g) Other information and records reasonably required by the designated employee.

14(2) The information required by subsection (1) and all records related to registered drivers and registered vehicles must be kept by the dispatcher for at least three years after the date they were created.

14(3) The dispatcher must provide the information required by this section to the designated employee within two business days after a written request by the designated employee.

14(4) If a dispatcher's licence is suspended, invalidated or cancelled, the information required by this section must be provided to the designated employee immediately.

14(5) The dispatcher must make the information required by this section available for inspection by the designated employee or an enforcement officer upon demand.

14(6) This section does not apply to a dispatcher while operating under a provisional licence issued under clause 73(2)(g).

Obligation to report to designated employee

15 A dispatcher must report the following information to the designated employee within 24 hours:

(a) The fact that a driver has been registered or ceases to be registered with the dispatcher;

(b) Information concerning convictions and charges reported to the dispatcher by the driver under subsection 46(2) (*Rules for all vehicle for hire drivers*) of this By-law.

Public information

16 A dispatcher who uses a digital platform to dispatch must make available the following information to the public through the digital platform:

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(a) The insurance coverage maintained by the dispatcher and its drivers;

(b) The transportation services offered by the dispatcher and its drivers;

(c) The screening process for its drivers and its vehicles;

(d) The process by which it will accept, review and respond to complaints concerning drivers and vehicles registered with the dispatcher; and

(e) The process by which passengers can retrieve their property left in vehicles for hire registered with the dispatcher.

Notification of estimated time of arrival

17 At the time a request for a transportation service is made, a dispatcher must provide an estimated time of arrival of the vehicle for hire that is being or will be dispatched in response to the request.

Obligation to dispatch in order of request

18 A dispatcher must dispatch taxis in the order in which a request for transportation service is made.

Dispatching accessible vehicles for hire

19(1) Despite section 18 (*Obligation to dispatch in order of request*), if a dispatcher has one or more registered accessible vehicles for hire available for dispatch that are not actively engaged in providing transportation services to passengers, the dispatcher must immediately dispatch an accessible vehicle for hire to respond to a request for service from a passenger identifying as requiring an accessible vehicle for hire.

19(2) For greater clarity, a dispatcher must not dispatch an accessible vehicle for hire to any other request for service so long as a request from a passenger identifying as requiring an accessible vehicle for hire is outstanding.

19(3) A dispatcher must not hold out that it has available an accessible vehicle for hire unless the vehicle for hire meets the definition of an accessible vehicle for hire set out in this By-law.

Dispatchers may enter into contracts to provide transportation services

20(1) The following provisions of this By-law do not apply to the dispatchers, vehicles and drivers if they can show that they are engaged in providing transportation services pursuant to a contract which the dispatcher has entered into with an employer, restaurant, bar, entertainment venue, service provider, government or any other person to provide transportation services for multiple individuals:

(a) section 18 (*Obligation to dispatch in order of request*);

(b) section 19 (*Dispatching accessible vehicles for hire*);

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(c) section 22 (*Only taxi dispatchers may dispatch by non-digital platform*;

(d) if the contract involves provision of PTP vehicles, section 25 (*Information to be provided to passengers*);

(e) If the contract involves payment to the dispatcher rather than the vehicle for hire driver, section 57 (*Negotiated taxi fares*).

20(2) In order for subsection (1) to apply, the dispatcher must make the contract available to the designated employee within 24 hours upon request.

DIVISION 2 – TAXI DISPATCHERS

Only taxi dispatchers may dispatch taxis

21 A person who is not a taxi dispatcher must not dispatch a taxi.

Only taxi dispatchers may dispatch by non-digital platform

22 Subject to section 30 (*PTP dispatchers may use non-digital platform to dispatch limousines*),

(a) a person who is not a taxi dispatcher must not dispatch or offer to dispatch a vehicle for hire by a non-digital platform; and

(b) a dispatcher must not dispatch by non-digital platform except to a taxi driver driving a taxi, both of which are registered with the dispatcher.

Camera records in taxis

23 A taxi dispatcher is responsible for ensuring that any and all recordings made by the in-vehicle camera required by subclause 38(1)(g)(ii) (*Qualifications for taxi licence*) are preserved for a period of time determined by the designated employee after the date of recording, and are turned over to an enforcement officer or a police officer immediately upon request.

24/7 service

24 A taxi dispatcher who has registered more than 50 taxis must ensure that at least one taxi is available for dispatch on a 24 hour basis, seven days a week, 365 days a year.

Information to be provided to passengers

25 A taxi dispatcher must ensure that the following information is provided to passengers by having it prominently displayed in every taxi registered to the dispatcher in a way that is visible to all passengers:

(a) The dispatcher's name and contact information;

(b) The taxi driver's licence of the driver of the taxi, which must include a photograph of the driver;

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(c) A current fare schedule;

(d) The process by which a complaint can be made;

(e) The process by which property left behind by a passenger can be retrieved;

(f) Information required by the designated employee concerning the operation of the camera located in the taxi.

Refusal of service or not dropping passenger at preferred destination to be reported

26 Within 24 hours of receiving a report from a taxi driver registered with the dispatcher that he or she has refused to accept a request for service or has refused to drop off a passenger at his or her preferred destination under section 58 (*Obligation to accept passengers and drop off at preferred destination*), a taxi dispatcher must notify the designated employee in writing, providing the following information:

(a) The date, time and location of the refusal;

(b) The taxi driver's licence number;

(c) The taxi's licence number;

(d) A complete description of the circumstances and the reasons for refusing the request for service;

(e) Any other information reasonably requested by the designated employee.

Driver disqualification to be reported

27 A taxi dispatcher who becomes aware of facts that would make a driver registered with that dispatcher ineligible to be licenced under this By-law or which would result in the driver's licence being cancelled must immediately report those facts to the designated employee.

DIVISION 3 - PTP DISPATCHERS

Only PTP dispatchers may dispatch PTPs

28 A person who is not a licenced PTP dispatcher must not dispatch a PTP vehicle.

PTP dispatcher may only dispatch insured vehicles

29 A PTP dispatcher must not dispatch a PTP vehicle on days or at times when it is not insured to operate as a vehicle for hire.

PTP dispatchers may use non-digital platform to dispatch limousines

30 Despite section 22 (*Only taxi dispatchers may dispatch by non-digital platform*), a PTP dispatcher may use a non-digital platform to dispatch a limousine.

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PTP dispatcher must provide ID cards to drivers

31 A PTP dispatcher must issue to every driver registered with the dispatcher an identification card in written or electronic form providing the following information:

(a) the first name of the driver and a recent photograph of the driver;

(b) the driver's identifying number maintained by the dispatcher;

(c) the name and contact information of the dispatcher.

Information to be provided to passengers

32(1) A PTP dispatcher must provide the following information to a prospective passenger at the time the request for service is made:

(a) The dispatcher's name and contact information;

(b) The type of vehicle and minimum number of seats provided in the PTP vehicle that will be dispatched in response to the request for service;

(c) An estimate of the total cost of the transportation service.

32(2) When a PTP vehicle other than a limousine is dispatched, a PTP dispatcher must provide the following information through the digital platform used to dispatch the vehicle to the person requesting the service:

(a) The first name and photograph of the driver that will provide the transportation service;

(b) A description of the make, model, Provincial licence plate number and estimated time of arrival of the vehicle that will provide the transportation service.

32(3) A PTP dispatcher must provide the following through the platform used to dispatch its registered PTP vehicles:

(a) information that its drivers can only provide transportation services through the dispatcher's digital platform and cannot accept street hails;

(b) information that its drivers cannot accept payment for transportation services and that payment may only be made through the dispatcher's digital platform;

(c) information concerning the process of filing a complaint concerning the driver, the vehicle or the dispatcher;

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(d) a process allowing the passenger to accept or refuse the transportation service prior to it being initiated and to keep a record of the acceptance or refusal and information concerning that process;

(e) a secure payment mechanism through an digital platform;

(f) a printed or electronic receipt to the passenger after providing the transportation service that includes information confirming

(i) The total amount paid;

(ii) The date and time the passenger was picked up;

(iii) The first name of the driver; and

(iv) The licence plate number of the vehicle.

Criteria for driver registration with PTP dispatcher

33(1) A PTP dispatcher must not register an individual as a driver unless the individual provides the following:

(a) A birth certificate or other documentation proving that he or she is at least 18 years of age;

(b) Evidence that he or she holds a valid Provincial driver's licence applicable to the use of the vehicle being driven;

(c) a criminal record check and a child abuse registry check issued no more than 90 days before the application for registration was made;

(d) the applicant's driver's abstract issued by Manitoba Public Insurance.

33(2) A dispatcher must not register an individual as a PTP driver if he or she has been convicted within the past 10 years of a relevant criminal offence unless a record suspension (pardon) has been issued in respect of that offence.

33(3) A PTP dispatcher must not register an individual as a PTP driver if he or she is listed on the child abuse registry.

33(4) A PTP dispatcher must not register an individual as a PTP driver if he or she has been convicted of a major driving offence within the past 10 years.

33(5) If an individual who applies to be registered as a PTP driver has been charged with a relevant criminal offence or a major driving offence but not yet acquitted or convicted, the PTP

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dispatcher must notify the designated employee and must not register the individual until and unless the designated employee approves the registration.

33(6) After being notified of an applicant for registration with a PTP dispatcher who has been charged with a relevant criminal offence or a major driving offence but not yet acquitted or convicted, the designated employee must not approve the registration if he or she determines that the nature of the charges are such that approving the registration would result in a significant risk of harm to the public.

33(7) A PTP dispatcher must not register an individual as a PTP driver unless the individual provides a document satisfactory to the designated employee indicating that the individual has provided consent

(a) for his or her personal information to be submitted to the designated employee; and

(b) for the designated employee to have access to his or her personal information maintained by Manitoba Public Insurance, the Winnipeg Police Service and the body responsible for maintaining the Child Abuse Registry;

for the purposes of administering and enforcing this By-law.

33(8) If the designated employee requires that PTP drivers must undergo training before being dispatched, a PTP dispatcher must not register an individual as a PTP driver unless he or she has undergone the required training.

Termination of PTP drivers' registration

34(1) At the conclusion of each 12 month period after an individual has been registered as a PTP driver, a PTP dispatcher must require that a registered driver provide a criminal record check, child abuse registry check and a driver's abstract from MPI which have been issued no more than 90 days prior to the end of the 12 month period. If the driver fails to do so, the dispatcher must terminate that driver's registration.

34(2) A PTP dispatcher must terminate a PTP driver's registration if, after being registered, the driver fails to meet the requirements for registration set out in section 33 (*Criteria for driver registration with PTP dispatcher*) or fails to hold a valid Provincial licence applicable to use of the vehicle being driven.

34(3) A PTP dispatcher must terminate or suspend a PTP driver's registration if required to do so by the designated employee.

Accessible PTP driver training

35(1) A PTP dispatcher must not register an individual as an accessible PTP driver unless the individual provides proof that he or she has completed any training program required by the designated employee for accessible PTP drivers.

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35(2) A PTP dispatcher must terminate the registration of an individual as an accessible PTP driver if the person fails to complete training programs required by the designated employee within time periods or prior to deadlines established by the designated employee.

Criteria for vehicle registration with PTP dispatcher

36(1) A dispatcher must not register a PTP vehicle unless

(a) the owner of the vehicle provides evidence that the vehicle is insured with Manitoba Public Insurance as a PTP for the period or periods of time during which it will operate as a PTP and in an amount per occurrence which is determined by the designated employee to be sufficient to adequately protect the City, its drivers, its owners and members of the public; and

(b) has been inspected and has been issued inspection certificates applicable to that vehicle under *The Drivers and Vehicles Act*, C.C.S.M. c. D104, within 30 days prior to the application for registration.

36(2) A dispatcher must terminate a PTP's registration if the owner of the vehicle fails to provide on an annual basis

(a) evidence that it meets the insurance requirements set out in subsection (1); and

(b) evidence that it has been inspected has been issued inspection certificates applicable to that vehicle under *The Drivers and Vehicles Act*, C.C.S.M. c. D104.

36(3) A dispatcher must terminate or suspend a vehicle's registration if required to do so by the designated employee.

PART 3
TAXI LICENCES

Services exclusive to taxis

37 The owner of a vehicle for hire must not permit the driver of the vehicle to offer or provide transportation services

(a) By means of a street hail;

(a) By means of dispatch through a non-digital platform; or

(b) In exchange for compensation provided by any method other than digital payment;

unless the vehicle is a licenced taxi driven by a licenced taxi driver and both are registered with a licenced taxi dispatcher.

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Qualifications for taxi licence

38(1) In order to qualify for a taxi licence, a vehicle must

(a) Have been issued a valid Provincial registration;

(b) be insured with Manitoba Public Insurance as a vehicle for hire in an amount per occurrence which is determined by the designated employee to be sufficient to adequately protect the City, its drivers, its owners and members of the public;

(c) have been inspected and been issued inspection certificates applicable to that vehicle under *The Drivers and Vehicles Act*, C.C.S.M. c. D104, within 30 days prior to the application for registration;

(d) Be in good working order, meeting all road safety requirements;

(e) Allow for access and exits by passengers that are controlled by the passenger;

(f) Be registered with a licenced dispatcher; and

(g) Be equipped with the following equipment approved by the designated employee

(i) a driver safety shield;

(ii) an operating in-vehicle camera;

(iii) a global positioning system;

(iv) a strobe light affixed to the roof of the vehicle that can provide warning of an emergency situation;

(v) a certified meter which measures time, distance or both;

(vi) a light on the exterior of the vehicle that turns off when the meter is operating.

38(2) In order for an accessible taxi licence to be issued in respect of it, a vehicle need not meet the requirements set out in subclauses (g)(i) and (iv). However, it must meet the other requirements of subsection (1) and, in addition, must to the satisfaction of the designated employee be constructed and equipped to permit the loading, transportation and off-loading of individuals confined to a wheelchair, or similar device used to assist disabled persons, without transfer.

38(3) The designated employee may require that a vehicle and any required equipment be examined and certified as operating appropriately before a licence is issued in respect of the vehicle.

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38(4) In order for a taxi licence to be issued in respect of a vehicle, the owner of the vehicle must complete forms and provide information reasonably required by the designated employee.

Ownership of licence

39(1) The designated employee may only issue a taxi licence in the name of the person who is registered with Manitoba Public Insurance as the owner of the vehicle in respect of which the taxi licence is being issued.

39(2) Before the designated employee may issue or renew a taxi licence, the owner of the vehicle must

(a) Pay the applicable fee;

(b) Provide documentation and information reasonably required by the designated employee to determine whether the vehicle's meets the vehicle requirements of a taxi set out in this By-law;

(c) If required by the designated employee, submit the vehicle to an inspection; and

(d) Provide an address for service in the Province of Manitoba for service of all documents and notices related to this By-law.

39(3) If the owner of the taxi is a corporation, a licence must not be issued or renewed in its name if it is not active as determined by the Companies Office.

Transitional - current taxicab business licences valid as taxi licences

40(1) Notwithstanding section 38 (*Qualifications for taxi licence*), upon payment of the applicable fee, the designated employee must issue a taxi licence under this By-law to the holder of a standard taxicab licence, except a seasonal licence, that was issued under *The Taxicab Act*, RSM 1987, c. T10, and that was valid immediately prior to the date that Act was repealed. The licence must be issued in respect of the vehicle identified by the Taxicab Board as associated with that business licence.

40(2) Notwithstanding section 38 (*Qualifications for taxi licence*), upon payment of the applicable fee, the designated employee must issue an accessible taxi licence under this By-law effective March 1, 2018 to each of the following:

(a) A person who holds an accessible taxicab licence, except a seasonal licence, that was issued under *The Taxicab Act,* RSM 1987, c. T10, and that was valid immediately prior to the date that Act was repealed;

(b) A person who holds a handicab van licence that was issued under *The Taxicab Act,* RSM 1987, c. T10, and that was valid immediately prior to the date that Act was repealed, so long as the handicab van in respect of which the licence was issued has a meter installed prior to the licence under this By-law being issued.

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The licence must be issued in respect of the vehicle identified by the Taxicab Board as associated with that business licence.

40(3) If a licence issued by the Taxicab Board under *The Taxicab Act* RSM 1987, c. T10, is not eligible for renewal under this section because the licence is suspended on February 28, 2018, the designated employee must hold a hearing by March 31, 2018 and, using the criteria set out in that Act and *The Taxicab Regulation* MR 209/91, determine whether the licence should continue to be suspended or should be cancelled. Subsections 74(2) to (6) (*Licence suspensions and cancellations*) apply to the hearing.

40(4) Once a taxi licence has been issued under this By-law pursuant to subsection (1), that vehicle and licence holder are fully subject to the provisions of this By-law.

40(5) If the holder of a business licence that was issued under *The Taxicab Act,* RSM 1987, c. T10, is not eligible to have a licence issued under this section, that business licence is hereby cancelled.

Renewal

41 In order to be issued a renewal of a taxi licence, the licence holder

(a) Must meet the requirements for an applicant for an initial licence set out in section 38 (*Qualifications for taxi licence*);

(b) must provide information concerning any factual changes to information provided at the time of its application or most recent renewal; and

(c) Must not owe any outstanding fines or fees with respect to this By-law or any City parking by-law.

Taxi licences limited in number

42(1) The designated employee must ensure that the total number of valid taxi licences at any point in time is no more than the maximum number established by Council or determined according to a formula established by Council.

42(2) When the number of taxi licences determined in accordance with subsection (1) increases or a licence is cancelled, the designated employee shall issue licences to new eligible applicants from a priority list as determined by lottery from a list of eligible applicants maintained by the designated employee.

42(3) If the number of taxi licences determined in accordance with subsection (1) decreases, the designated employee need not cancel existing licences in order to meet the new total but must not issue new licences until the total falls to the level determined in accordance with subsection (1).

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Existing transferable taxicab licences transferable

43(1) If the holder of a

(a) standard taxicab licence,

(b) accessible taxicab licence; or

(c) handicab van licence;

that was permitted to be transferred under *The Taxicab Act,* RSM 1987, c. T10, from one vehicle owner to another has been issued a licence under this By-law pursuant to section 40 (*Transitional*), the licences issued under this By-law may continue to be transferred for a period of 20 years from the date this By-law comes into force, on condition that the person to whom the licence is being transferred is registered with Manitoba Public Insurance as the owner of the vehicle in respect of which the licence is being transferred and the vehicle and owner are otherwise eligible to be issued a taxi licence.

43(2) Subject to subsection (1), if the holder of a taxi licence that is permitted to be transferred under subsection (1) is an individual and the owner dies, the taxi licence for that vehicle may be transferred by the executor or administrator of the owner's estate within one year of the owner's death. If it is not transferred within that time, the licence is cancelled.

43(3) Taxi licences may be transferred from one vehicle to another vehicle on condition that the vehicle to which the licence is transferred is eligible for a taxi licence.

43(4) A transfer of a taxi licence is not effective until it has been approved by the designated employee and any applicable fees have been paid.

Convertibility of licences

44(1) The owner of a standard taxi licence may convert the licence to an accessible taxi licence so long as the vehicle in respect of which the accessible taxi licence is sought meets the requirements for an accessible taxi licence.

44(2) The owner of an accessible taxi licence may not convert the licence to a standard taxi licence.

Operating requirements and inspections of taxis

45(1) The owner of a taxi must ensure that it meets all applicable requirements set out in subsection 38(1) (*Qualifications for taxi licence*) at all times while it is offering or providing transportation services.

45(2) The owner of a taxi must ensure that notices of a size and containing language approved by the designated employee are prominently displayed on or within the taxi in a way that is visible to all passengers concerning the operation of a camera in the taxi.

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45(3) The owner of a taxi must ensure that it complies with all signage and markings requirements required by the designated employee.

45(4) The owner of a taxi must ensure that it undergoes annual inspections and occasional inspections ordered by an enforcement officer in order to determine compliance with subsection (1).

PART 4
DRIVERS

DIVISION 1 - ALL DRIVERS

Rules for all vehicle for hire drivers

46(1) Subject to section 51 (*Transition*), an individual must not operate a vehicle for hire unless he or she

(a) Is registered with a licenced dispatcher;

(b) Maintains a valid Provincial driver's licence applicable to the use of the vehicle being driven;

(c) Has not been convicted within the previous 10 years of a relevant criminal offence unless a record suspension (pardon) has been issued in respect of that offence;

(d) Has not been convicted within the previous 10 years of a major driving offence; and

(e) Is not registered on the child abuse registry.

46(2) The driver of a vehicle for hire must immediately report to the dispatcher with which he or she is registered any of the following:

(a) His or her conviction for any relevant criminal offence or a major driving offence;

(b) Charges laid against him or her of any relevant criminal offence or for a major driving offence;

(c) His or her registration on the child abuse registry;

(d) The suspension of his or her Provincial driver's licence.

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DIVISION 2 - TAXI DRIVERS

Prohibition on unlicenced taxi drivers

47 An individual must not drive a taxi unless he or she holds a valid taxi driver's licence under this By-law.

Services exclusive to taxi drivers and taxi vehicles

48 Subject to section 65 (*Rules for limousine drivers*), unless an individual is a licenced taxi driver registered with a licenced taxi dispatcher and is driving a licenced taxi registered with that dispatcher, he or she must not provide or offer to provide transportation services

(a) through a street hail;

(b) through a dispatch by a non-digital platform; or

(c) in exchange for payment by any method other than digital payment.

Requirements for obtaining taxi driver's licence

49(1) In order to be eligible to be issued a taxi driver's licence, an individual must

(a) pay the applicable licence and application fee or fees;

(b) be at least 18 years of age;

(c) Meet the requirements set out in section 46 (*Rules for all vehicle for hire drivers*);

(d) Not be charged with a relevant criminal offence or a major driving offence if the designated employee determines that the nature of the charges are such that issuing a taxi driver's licence would result in a significant risk of harm to the public;

(e) demonstrate a level of verbal English language proficiency determined by the designated employee to be adequate for the purposes of providing transportation services in a taxi;

(f) provide a document satisfactory to the designated employee indicating that the individual has provided consent

(i) for his or her personal information being submitted to the designated employee; and

(ii) for the designated employee to have access to his or her personal information maintained by Manitoba Public Insurance, the Winnipeg Police Service and the body responsible for maintaining the Child Abuse Registry

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for the purposes of administering and enforcing this By-law;

(g) complete training required by the designated employee;

(h) demonstrate to a level required by the designated employee the skills and knowledge reasonably considered by the designated employee to be necessary in order to provide the services exclusive to taxi drivers; and

(i) provide all documentation reasonably required by the designated employee to determine the individual's eligibility for a taxi driver's licence.

49(2) In order to be eligible to be issued an accessible taxi driver's licence, an individual must meet the requirements set out in subsection (1) and must, in addition, as determined by the designated employee either

(a) complete within a period of time prior to the application, as determined by the designated employee, any training required by the designated employee with respect to transportation service for individuals confined to a wheelchair, or similar device used to assist disabled persons, without transfer; or

(b) demonstrate to a level required by the designated employee the skills and knowledge reasonably considered by the designated employee to be necessary in order to provide transportation services to individuals confined to a wheelchair or similar device used to assist disabled persons.

Requirements for renewing taxi driver's licence

50 In order to be eligible to have his or her licence renewed, a taxi driver

(a) Must meet the requirements for an applicant for a taxi driver's licence set out in section 49 (*Requirements for obtaining taxi driver's licence*);

(b) Must provide information to the designated employee concerning any factual changes to information provided at the time of its application or most recent renewal;

(c) Must provide to the designated employee a criminal record check and a child abuse registry check issued no more than 90 days before the application for registration was made; and

(d) Must not owe any outstanding fines or fees with respect to this By-law or any City parking by-law.

Transition - current taxi driver's licences

51(1) Subject to subsection (3) and suspensions or cancellations of a driver's licence under section 74 (*Enforcement authority*), all standard taxicab driver's licences issued by the Taxicab

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Board under *The Taxicab Act,* RSM 1987, c. T10, which were valid on February 28, 2018 are valid until the date of their expiry and are then eligible for renewal as a standard taxi driver's licence under section 50.

51(2) Subject to subsection (3) and suspensions or cancellations of a driver's licence under section 74 (*Enforcement authority*), all valid accessible taxicab driver's licences issued by the Taxicab Board under *The Taxicab Act,* RSM 1987, c. T10, which were valid on February 28, 2018 are valid until the date of their expiry and are then eligible for renewal as accessible taxi driver's licences under section 50 (*Requirements for renewing taxi driver's licence*).

51(3) Subsection (1) and (2) do not apply if taxi driver

(a) Has been convicted within the previous 10 years of a relevant criminal offence and a record suspension (pardon) has not been issued in respect of that offence;

(b) Has been convicted within the previous 10 years of a major driving offence; and

(c) Is registered on the child abuse registry.

In this situation, subject to an appeal under this By-law, the taxi driver's licence is immediately cancelled.

51(4) Subject to subsection (3), if a taxicab driver's licence issued by the Taxicab Board under *The Taxicab Act* RSM 1987, c. T10, is not eligible for renewal under this section because the licence is suspended on February 28, 2018, the designated employee must hold a hearing by March 31, 2018 and, using the criteria established by *The Taxicab Regulation* MR 209/91, determine whether the licence should continue to be suspended or should be cancelled. Subsections 74(2) to (6) (*Licence suspensions and cancellations*) apply to the hearing.

Driver's licence must be visible

52 At all times while providing transportation services, a taxi driver must ensure that a valid licence card or other object that has been issued by the designated employee as proof that he or she is a taxi driver is prominently displayed and clearly visible to passengers within the taxi.

Reporting requirements for taxi drivers

53 A taxi driver must immediately report to the designated employee

(a) His or her conviction of a relevant criminal offence or a major driving offence;

(a) Charges laid against him or her of a relevant criminal offence or a major driving offence;

(b) His or her registration on the child abuse registry;

(c) The suspension of his or her Provincial driver's licence; and

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(d) Any change in his or her medical condition that could affect his or her ability to drive and to maintain a Provincial driver's licence.

Taxi may accommodate street hails

54(1) A taxi driver may accept a request for service by any means, including a street hail, or through a non-digital platform.

54(2) If a taxi driver accepts a street hail, the driver must immediately record the transportation service and, within 24 hours, inform the licenced dispatcher with whom he or she is registered of

(a) the street hail;

(b) the times and locations of the pick-up and drop off.

Taxi may accept any mode of payment

55 A taxi driver may accept compensation for providing a transportation service in any form, including through non-digital payment.

Passenger service rules for taxi drivers

56 Taxi drivers must

(a) take the most economical route to the passenger's destination unless otherwise directed by the passenger; and

(b) provide reasonable assistance to any passenger as requested or required in the circumstances.

Negotiated taxi fares

57(1) Subject to section 20 (*Dispatchers may enter into contracts to provide transportation services*) and this section, a taxi driver must not charge fares other than in accordance with the fare schedule.

57(2) A taxi driver may, before the transportation service is initiated, agree with a passenger on a fare for the transportation service. However, an agreed fare must not be higher than would be charged under the fare schedule.

57(3) In order to ensure that an agreed fare is not higher than the fare schedule, the driver must ensure that the taxi meter is operating while the transportation service is being provided. If the agreed fare is higher than the fare shown on the meter at the termination of the trip, driver must charge the fare shown on the meter.

Obligation to accept passengers and drop off at preferred destination

58(1) Subject to section 59 (*Mandatory pre-payment authorized*), a taxi driver must not refuse a request for service or refuse to drop a passenger at the passenger's preferred destination unless, based on the circumstances, the taxi driver reasonably believes that there is a danger to

his or her personal safety or of serious damage to property in accepting the request for service or dropping off the passenger at the passenger's preferred destination.

58(2) The fact that a prospective passenger is accompanied by a service animal is not sufficient to support a reasonable belief that there is a danger to the driver's personal safety or of serious damage to property. In this subsection, a service animal means an animal that has been trained to provide assistance to a person with a disability that relates to that person's disability.

58(3) If a taxi driver refuses a request for service or refuses to drop off a passenger at the passenger's preferred destination, he or she must immediately provide verbal notice of the refusal or failure to the dispatcher with whom the driver is registered.

Mandatory pre-payment authorized

59(1) Despite section 58 (*Obligation to accept passengers and drop off at preferred destination*), a taxi driver may refuse to provide a transportation service unless a passenger pre-pays the fare if

(a) The transportation service is being provided during hours of the day and days of the week designated by the designated employee as being those during which pre-payment may be required by taxi drivers; or

(b) The driver believes on reasonable grounds on the basis of past behavior that the passenger is unable or unwilling to pay the fare;

and the pre-payment required by the driver is no more than that authorized in a zone structure established by the designated employee.

59(2) If the fare as determined in accordance with the taxi meter is less than the amount of the pre-payment, the taxi driver must refund the difference to the passenger. If the fare as determined in accordance with the taxi meter is more than the amount of the pre-payment, the passenger must pay the difference.

Obligation to return passenger property

60 A taxi driver must comply with the approved passenger property retrieval policy for the dispatcher with whom he or she is registered and which has dispatched the passenger whose property has been left behind.

Accessible taxi drivers must prioritize passengers using mobility aid

61(1) Subject to section 58 (*Obligation to accept passengers and drop off at preferred destination*), an accessible taxi driver must not refuse service to individuals confined to a wheelchair or similar device used to assist disabled persons.

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61(2) Unless actively engaged in providing a transportation service to another passenger, an accessible taxi driver must respond to a request for service from a passenger confined to a wheelchair or similar device used to assist disabled persons.

DIVISION 3 - PTP DRIVERS

PTP driver must be registered with PTP dispatcher

62 A PTP driver must not offer transportation services unless

(a) he or she is registered with a PTP dispatcher;

(b) is driving a PTP vehicle registered with that dispatcher; and

(c) has been dispatched by that dispatcher.

Obligation to return passenger property

63 A PTP driver must comply with the policy of the dispatcher with which he or she is registered in respect of property left behind by the passenger.

Accessible PTP vehicles

64 A PTP driver must not hold out that the vehicle he or she is driving is accessible unless

(a) The vehicle meets the definition of accessible vehicle set out in this By-law; and

(b) The driver has undergone the training, or demonstrated to a level required by the designated employee the skills referred to in clause (1)(c) and knowledge reasonably considered by the designated employee to be necessary to provide services to individuals confined to a wheelchair, or similar device used to assist disabled persons, without transfer.

DIVISION 4 – LIMOUSINE DRIVERS

Rules for limousine drivers

65 Notwithstanding clause 48(a) (*Services exclusive to taxis*), the driver of a limousine

(a) may accept street hails at the international airport in Winnipeg so long as

(i) zone fares for limousines hailed at the airport have been approved by the designated employee and are posted and visible to passengers of the limousine before they agree to pay for the transportation service; and

(ii) the driver charges a fare no greater than is consistent with the zone fares approved by the designated employee; and

(b) may accept payment by any means, including non-digital payments.

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PART 5
ADMINISTRATION AND ENFORCEMENT

DIVISION 1 – APPEAL BODY

Orders and decisions appealable

66(1) Upon payment of the applicable fee, an order or decision of the designated employee or an enforcement officer that is subject to an appeal under the Charter may be appealed to the Vehicle for Hire Appeal Board within 14 days after the appellant has received or is deemed to have received the order or decision.

66(2) An appeal must be in writing and must be served on the designated employee electronically, personally or by mail.

66(3) The designated employee and enforcement officers must comply with the requirements of the Charter in providing information about an appeal whenever an appealable order or decision is made.

Vehicle for Hire Appeal Board created

67(1) The Vehicle for Hire Appeal Board is hereby created, which consists of five individuals appointed by Council. The members of the Board need not be members of Council.

67(2) Council shall appoint a Chair and a Vice-Chair of the Appeal for Hire Appeal Board from among the members of the Board.

67(3) The Chair of the Appeal for Hire Appeal Board is authorized to call meetings of the Board and to set dates for appeal hearings.

67(4) The Vehicle for Hire Appeal Board must sit in panels of three members selected by the Chair of the Vehicle for Hire Appeal Board to hear an appeal. If the Chair or Vice-Chair is not sitting on a panel, the Chair shall appoint a member to chair the appeal hearing.

67(5) All appeals are public.

67(6) A majority of a panel is required to determine the outcome of an appeal.

67(7) The Vehicles for Hire Appeal Board may develop procedures for hearing appeals and rules for conducting its affairs that are consistent with this By-law.

Appeals

68(1) When hearing an appeal, a panel of the Vehicle for Hire Appeal Board

(a) Must treat the both appellant and the person whose decision or order is being appealed fairly;

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(b) Must allow both the appellant and the person whose decision or order is being appealed an opportunity to present their cases and to respond to the other party's case; and

(c) is not bound by the rules of evidence or any other law applicable to judicial proceedings and may determine the admissibility, relevance and weight of evidence.

68(2) Subject to subsection (3), the Vehicles for Hire Appeal Board must use the same criteria and standards for deciding an appeal as this By-law requires the decision-maker to use when making the decision being appealed.

68(3) When hearing an appeal concerning

(a) the refusal of the designated employee to issue or renew, or to cancel, a taxi driver's licence; or

(b) an individual's disqualification from being registered as a PTP driver; or

(c) the suspension or termination of the individual's registration as a PTP driver;

due to the fact that

(d) he or she has been convicted within the previous 10 years of a relevant criminal offence and a record suspension (pardon) has not been issued in respect of that offence;

(e) has been convicted within the previous 10 years of a major driving offence; or

(f) Is registered on the child abuse registry;

the Vehicle for Hire Appeal Board must consider whether the nature of the criminal offence, the major driving offence or the actions that resulted in the registration on the child abuse registry justify denying the individual the taxi driver's licence or the registration, as the case may be. If, on appeal, the Vehicles for Hire Appeal Board decides to authorize the issuance of a licence or a registration, it may impose conditions on the licence or registration.

68(4) A decision by the Vehicle for Hire Appeal Board concerning an appeal is final and no appeal may be taken in respect of the decision.

Renumeration for non-councillor members of the Appeal Board

69 Members of the Vehicles for Hire Appeal Board who are not members of Council shall be paid the following remuneration by the City for time spent in attendance at appeal hearings or meetings of the Board:

(a) Chair and Vice Chair:

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(i) $190.00 for appeals or meetings of four hours or less;

(ii) $336.00 for appeals or meetings of more than four hours in length;

(b) other members:

(i) $109.00 for appeals or meetings of four hours or less;

(ii) $192.00 for appeals or meetings of more than four hours in length.

DIVISION 2 - LICENCES

Licence expiry

70(1) Subject to subsection (2), unless renewed prior to the date of its expiry, a licence issued under this By-law or under *The Taxicab Act*, RSM 1987, c. T10, terminates on its expiry date.

70(2) A taxi licence issued under this By-law does not terminate until 30 days after its expiry date but the licence holder is subject to a late payment fee if the licence is not renewed prior to its expiry date.

Licence holders must comply with licence conditions and restrictions

71(1) The holder of a licence must comply with all terms, restrictions or conditions imposed on the licence by the designated employee.

71(2) If a licence issued under this By-law is suspended, the holder of a licence must not engage in the activities authorized by the licence during the period of its suspension.

71(3) Without restricting the general nature of subsection (2), a person must not

(a) Dispatch, or offer to dispatch, a taxi if his or her taxi dispatcher's licence is suspended;

(b) Dispatch, or offer to dispatch, a PTP if his or her PTP dispatcher's licence is suspended;

(c) offer or provide transportation services in, or dispatch, a taxi if the taxi licence in respect of that vehicle is suspended;

(d) as the owner of a taxi, allow it to be used to provide transportation services or to be dispatched if the licence in respect of that taxi is suspended; or

(e) offer or provide transportation services in a taxi if his or her taxi driver's licence is suspended.

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DIVISION 3 – POWERS OF ENFORCEMENT AND ADMINISTRATION

General power of designated employee and enforcement officers

72 The designated employee and enforcement officers to whom these powers have been delegated by the designated employee may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law and to provide services or do work in accordance with the Charter and, for these purposes, have the powers of a "designated employee" under the Charter.

Powers of designated employee

73(1) In order to administer and enforce this By-law, the designated employee is granted the powers and authorities reasonably required to administer and enforce this By-law.

73(2) Without restricting the general nature of subsection (1) or the authority given to the designated employee in other provisions of this By-law, the designated employee is granted authority to

(a) appoint enforcement officers;

(b) issue licences referred to in the By-law, including licence cards or other evidence that a licence has been issued;

(c) create application forms and other forms for the purpose of administering the By-law;

(d) conduct, and to authorize enforcement officers to conduct, inspections and audits without notice of all dispatchers, vehicles and drivers that are regulated by this By-law;

(e) receive, consider and – where he or she considers it appropriate - investigate complaints or allegations that a contravention of this By-law has taken place;

(f) suspend or cancel licences issued under this By-law as provided in section 75 (*Suspensions and cancellations*) and section 76 (*Immediate suspensions*);

(g) grant a provisional licence, which must expire no later than May 31, 2018, to a dispatcher who, despite making good faith and reasonable efforts to do so, requires additional time after the date this By-law comes into effect to meet the requirements of clause 8(1)(c) (*Qualifications for dispatcher – data security*), clause 8(1)(d) (*Qualifications for dispatcher – complaints procedure*) or section 14 (*Dispatcher records*); and

(h) impose, as a condition of the provisional licence referred to in clause (g), the requirement that the dispatcher take interim measures to meet the intent of clauses 8(1)(c) or (d) or section 14 until full compliance can be achieved.

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73(3) Without restricting the general nature of subsection (1) or the authority given to the designated employee in other provisions of this By-law, the designated employee is also granted authority

(a) upon payment of fees which are pro-rated to reflect shorter terms, to issue licences for a period of less than one year so that annual licences are renewable at various points throughout the year;

(a) to establish insurance requirements for dispatchers;

(b) to establish mandatory or optional mechanisms for regulated persons to meet reporting requirements;

(c) to prescribe or create mandatory signs and notices;

(d) to require that taxis be marked or signed in specified ways and to approve or reject signage and markings proposed for taxis;

(e) to approve the equipment required to be installed in a vehicle in order to be issued a taxi licence under clause 38(1)(g);

(f) to establish the duration of time a recording from a camera in a taxi must be preserved before it can be destroyed;

(g) to establish appropriate levels of skills and knowledge necessary to be licenced as a taxi driver, and tests to determine whether an applicant or licence holder has the required level of those skills and that knowledge;

(h) to determine the type and quantity of training required of taxi drivers and applicants for a taxi driver licence;

(i) to determine whether an applicant for a taxi driver's licence or taxi driver's licence holder must undergo training or may instead demonstrate the skills and knowledge necessary to be licenced as a taxi driver;

(j) to determine the level of English language proficiency necessary for taxi drivers;

(k) to determine whether training should be required of PTP vehicle drivers and, if so, to determine the quality and quantity of such training;

(l) to impose requirements for adequate protection of personal information by dispatchers, drivers and vehicle owners;

(m) to determine standards and qualifications for vehicles to be considered limousines for the purposes of this By-law;

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(n) subject to section 77 (*Suspending or terminating PTP driver or vehicle registration*), to require that a dispatcher cancel the registration of a driver and to prohibit all dispatchers from registering that individual;

(o) to manage transitional issues associated with the implementation of this By-law, including, without restricting the general nature of this authority, determining when a provision of this By-law is in force prior to the coming into force of this By-law pursuant to section 85 (*Transitional matters*); and

(p) to establish and to conduct a lottery process referred to in subsection 42 (*Taxi licences limited in number*) and to issue new licences using that process.

73(4) Actions taken by the designated employee under subsection (3) are effective only when they have been set out in a written document which is:

(a) dated and signed by the designated employee;

(b) filed with the Office of the City Clerk; and

(c) posted on the City's website.

73(5) Actions taken by the designated employee under subsection (3) continue in effect until a termination date specified in the written document or until they are revoked or replaced by another written document that meets the requirements of subsection (4).

Enforcement authority

74(1) Subject to section 75, if the designated employee determines that a contravention of this By-law, other relevant legislation or conditions imposed on a licence has occurred, or the licence holder has acted in a manner contrary to the public interest, he or she may do one or more of the following:

(a) Reprimand the licence holder;

(b) Order that the licence holder take specific actions or measures, including undergoing training or obtaining supervised practical experience;

(c) Impose conditions on the licence;

(d) Suspend the licence for a period of less than one year in accordance with section 74 (*Licence suspensions and cancellations*);

(e) Cancel the licence in accordance with section 75 (*Licence suspensions and cancellations*);

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(f) Require the licence holder to pay all or part of the costs of the hearing and any investigation carried out in respect of the contravention.

74(2) If a Designated Officer imposes conditions on a licence under clause (1)(c), the conditions:

(a) must be related to the criteria for issuing the license or administering or enforcing this By-law; and

(b) may take into account the previous relevant conduct of the applicant.

74(3) In addition to, or as an alternative to, any enforcement carried out under subsection (1), and without any need for a hearing, the designated employee or an enforcement officer may initiate by-law enforcement proceedings under *The Municipal By-law Enforcement Act,* C.C.S.M. c. M245 or *The Provincial Offences Act*, C.C.S.M. c. P160, as the case may be.

Licence suspensions and cancellations

75(1) The designated employee may cancel or suspend a licence issued under this By-law if

(a) the licence holder has failed to comply with this By-law, other relevant legislation, conditions imposed on the licence or an order issued by an enforcement officer;

(b) allowing the licence holder to continue to hold the licence poses a danger to drivers, passengers or the general public;

(c) the licence holder has provided false information on a material matter when applying for the licence or when engaged in mandatory reporting;

(d) information on which the decision to issue the licence was based was incorrect and the licence would not have been issued had the correct information been known;

(e) the licence holder does not meet the requirements for holding a licence;

(f) the past conduct of the licence holder creates a reasonable belief that the licence holder will not in the future act in compliance with this By-law, other relevant legislation or conditions placed on the licence;

(g) If the person holds a taxi driver's licence under this By-law, the person has been charged with a major driving offence or a relevant criminal offence since the licence was issued or last renewed; or

(h) The licence holder has acted in a manner contrary to the public interest.

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75(2) The designated employee must cancel a taxi driver's licence issued under this By-law if the licence holder

(a) has been convicted of a relevant criminal offence within the past 10 years;

(b) has been convicted of a major driving offence within the past 10 years; or

(c) Is registered on the child abuse registry.

75(3) Before suspending or cancelling a licence under subsections (1) or (2), the designated employee must hold a hearing into the matter at which the licence holder is given an opportunity to respond to the allegations and provide reasons why the licence should not be suspended or cancelled.

75(4) At least 7 days before the hearing referred to in subsection (3), the designated employee must, in compliance with *The City of Winnipeg* Charter, give a notice to the licence holder

(a) Specifying the date, time and place of the hearing;

(b) Setting out the fact that the hearing could result in the suspension or cancellation of the person's licence,

(c) Identifying in general terms the alleged actions or inactions and circumstances which, if found to be factual, would justify the suspension or cancellation; and

(d) Indicating that the licence holder has a right to attend the hearing, be represented by legal counsel or an agent, challenge the truth of the allegations being made, and make arguments as to why the licence should not be suspended or cancelled.

75(5) If the licence holder fails to attend the hearing on the time and date set out in the notice, the designated employee may nonetheless hold the hearing in the absence of the licence holder if he or she is satisfied that the licence holder was properly served with the notice required by subsection (3).

75(6) If a designated employee decides to cancel a licence under this section, he or she must identify a date before which, or a time frame within which, the holder is not permitted to reapply for that licence.

75(7) A decision concerning the suspension or cancellation of a licence must be sent to the licence holder in accordance with the Charter and is subject to appeal to the Vehicle for Hire Appeal Board.

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Immediate suspensions

76(1) In addition to the authority to suspend a licence under section 75 (*Licence suspensions and cancellations*), if the designated employee or an enforcement officer forms the reasonable belief that a licence holder or taxi is in contravention of this By-law and

(a) the contravention poses an immediate danger to a vehicle for hire driver, a passenger or the public;

(b) the contravention involves the failure of a dispatcher, vehicle owner or driver to provide information or records to the designated employee;

(c) the contravention involves mandatory equipment malfunctioning; or

(d) the contravention is a failure to submit a vehicle for an inspection or to comply with another order of an enforcement officer;

he or she may order that the licence holder remedy the contravention immediately and may suspend the licence holder's licence immediately until such time as the designated employee or enforcement officer is satisfied that it has been remedied.

76(2) The fact that a contravention has been corrected and an immediate suspension has been withdrawn under subsection (1) does not preclude enforcement action under section 74 (*Enforcement authority*) or section 78 (*Penalties for offences*).

Suspending or terminating PTP driver or vehicle registration

77(1) The designated employee may require that a dispatcher terminate or suspend the registration of a driver or a PTP vehicle, or prohibit all dispatchers from registering that driver or vehicle, or both.

77(2) The designated employee may only act under subsection (1) if the designated employee concludes on reasonable grounds that

(a) The driver or vehicle did not at the time of registration or does not currently qualify to be a PTP driver or vehicle under section 33 (*Criteria for driver registration with PTP dispatcher*); or

(b) The driver has been charged or convicted of a major driving offence or relevant criminal offence since being registered.

77(3) Before acting under subsection (1), the designated employee must hold a hearing and subsections 74(2) to (6) apply, with necessary changes, to that hearing.

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DIVISION 4 – PENALTIES

Penalties for offences

78(1) Subject to the Municipal By-law Enforcement Act (MBEA) Enabling By-law, a person who contravenes a provision of this By-law that is referred to in Schedule A of the Municipal By-law Enforcement Act (MBEA) Enabling By-law must pay the penalty for that contravention set out in that Schedule.

78(2) Notwithstanding subsection (1), a person who contravenes a provision of this By-law referred to in Schedule "A" of the Municipal By-law Enforcement Act (MBEA) Enabling By-law may pay a reduced consent payment in the amount set out in the applicable column of Schedule "A" within 14 days after the date the ticket or Information alleging the contravention was issued, and thereafter will not be prosecuted for the contravention.

DIVISION 5 - ADDRESS FOR SERVICE

Address for Service

79(1) The holder of a licence issued under this By-law may be served at the address provided to the designated employee in the person's application or most recent renewal, unless the licence holder has provided a more recent address since that time, in which case the designated employee or enforcement officers may use that address for service of documents.

79(2) Where service of documents, notice or orders is required on a person who does not hold a licence issued under this By-law, the following shall be used:

(a) If the person owns a vehicle in respect of which the document, notice or order is being served or sent, the address maintained by Manitoba Public Insurance in respect of that vehicle;

(b) In all other situations, the last known address for the person.

PART 6
MISCELLANEOUS

DIVISION 1 - CONSEQUENTIAL AMENDMENTS

Taxicab Licence Fee By-law repealed

80 The Taxicab Licence Fee By-law No. 6123/93 is repealed.

SPC on IRPW given responsibility for vehicles for hire policy

81 The City Organization By-law No. 7100/97 is amended by adding the following subclause after subclause 13(a)(xii):

(xiii) vehicles for hire.

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MBEA Enabling By-law amended

82 The Municipal By-law Enforcement Act (MBEA) Enabling By-law No. 59/2016 is amended by adding the table set out in Schedule A to this By-law to Schedule A of the Municipal By-law Enforcement Act (MBEA) Enabling By-law immediately following the table setting out provisions in the Vacant Buildings By-law.

Winnipeg Parking By-law amended

83 Subsection 11(3) of the Winnipeg Parking By-law No. 86/2016 is replaced with the following:

> *11(3) No vehicle other than a taxi licenced under the Vehicles for Hire By-law may be stopped or parked in a space designated by a traffic control device for taxi or taxicab parking.*

DIVISION 2 - COMING INTO FORCE

Coming into force

84 Subject to section 85, this By-law comes into force on February 28, 2018.

Transitional

85 Despite section 84 (*Coming into force*) and pursuant to subsection 11(1) of *The Local Vehicles for Hire Act*, provisions of this By-law are hereby made effective prior to the coming into force of this By-law to the extent that it is necessary for them to be effective earlier in order for the By-law as a whole to be effective and operational on that date.

DONE AND PASSED this day of , 2017.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Chief of Transportation and Utilities

Legally reviewed and certified as to form:

_____
for Director of Legal Services and City Solicitor

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THIS IS SCHEDULE A TO

THE VEHICLES FOR HIRE BY-LAW NO. XX/2017

Vehicle for Hire By-law, By-Law No. XX/2017		Administrative Penalty	
Provision	Contravention	Administrative Penalty ($)	Discounted Amount ($)
s.4(1)	Provide transportation services without a license	500	250
s.4(2)	Allow provision of transportation services without a license	1000	500
s.4(3)	Dispatch a vehicle without a license	1000	500
s.5	Failure to pay a fare	500	250
s.6	Dispatch or offer to dispatch vehicle for hire without a valid dispatcher license	1000	N/A
s.7	Dispatch an unlicensed or unregistered vehicle for hire or driver	1000	N/A
s.10(1)	Failure to establish or maintain approved data security measures	1000	N/A
s.10(2)	Make changes to data security measures without approval	1000	N/A
s.10(3)	Failure to comply with an order to make changes to data security measures	1000	500
s.11(1)	Failure to establish or maintain an approved property retrieval process	1000	N/A
s.11(2)	Make changes to property retrieval process without approval	500	250
s.11(3)	Failure to comply with an order to make changes to a property retrieval process	1000	500
s.12(1)	Failure to establish or maintain an approved complaints response process	1000	500
s.12(2)	Failure to maintain complaints response process records	1000	500
s.12(2)	Failure to make records available within required time	1000	500
s.12(3)	Make changes to a complaints response process without approval	500	250
s.12(4)	Failure to comply with an order to make changes to a complaints response process	1000	500
s.13(1)	Failure to maintain dispatch insurance	1000	N/A
s.13(4)	Failure to provide proof of insurance within required time	500	250
s.14(1)	Failure to maintain required vehicle records	1000	500
s.14(1)(e)	Failure to maintain required driver records	1000	500
s.14(2)	Failure to retain required records for required period	1000	500
s.14(3)	Failure to provide records within approved time	500	250

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s.14(4)	Failure to provide required records on license suspension, invalidation or termination	1000	N/A
s.14(5)	Failure to make required records available for inspection	500	250
s.15(a)	Failure to report change in driver registration with dispatcher	500	250
s.15(b)	Failure to report information regarding convictions and charges	1000	N/A
s.16	Failure to provide required public information through a digital platform	1000	500
s.17	Failure to provide estimated time of arrival of requested vehicle	500	500
s.18	Failure to dispatch taxis in order of request	500	250
s.19(1)	Failure to immediately dispatch an accessible taxi for hire to passenger identifying a need for such a vehicle	500	N/A
s.19(3)	Offering to dispatch accessible taxis without accessible taxis available for service	1000	N/A
s.21	Unauthorized dispatch of a taxi	1000	500
s.22(a)	Dispatch or offer to dispatch a taxi by a non-digital platform	1000	500
s.22(b)	Dispatch of unregistered taxi or taxi driver	1000	500
s.23	Failure to preserve camera records for required time period	1000	N/A
s.23	Failure to turn over camera records on request	1000	N/A
s.24	Failure to provide 24/7 service	1000	N/A
s.25	Failure to ensure required information is correctly displayed in taxi registered to the dispatcher	1000	500
s.26	Failure by dispatcher to report refusal of service within 24 hours of receipt of report.	1000	500
s.26	Failure to report all required information regarding a refusal of service	1000	500
s.27	Failure to report change in eligibility of drivers registered with dispatcher	1000	500
s.28	Dispatch of PTP or limousine without authorization	1000	500
s.29	Dispatch of an uninsured vehicle	1000	500
s.30	Use of a non-digital platform to dispatch a PTP other than a limousine	1000	N/A
s.31	Failure to issue identification card to PTP driver registered with the dispatcher	500	250
s.32(1)	Failure to provide required information to prospective passenger at time of request for service	500	250
s.32(2)(a)	Failure to provide driver information to person requesting PTP service	500	250
s.32(2)(b)	Failure to provide vehicle information to person requesting PTP service	500	250
s.32(2)(c)	Failure to provide estimate of total cost of PTP service/	500	250

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s.32(3)(a)	Failure to identify service limitations through digital platform	1000	500
s.32(3)(b)	Failure to identify that payment may only be made through the digital platform	500	250
s.32(3)(c)	Failure to outline the complaints process on the digital platform	500	250
s.32(3)(d)	Failure to provide a process for a prospective passenger to accept or refuse the transportation service	1000	500
s.32(3)(d)	Failure to maintain records of acceptance and refusal of service	1000	500
s.32(3)(e)	Failure to provide a secure payment mechanism through the digital platform	1000	N/A
s.32(3)(f)	Failure to provide a receipt following the provision of service	1000	500
s.32(3)(f)	Failure to provide required information on the receipt	500	250
s.33(1)	Registration of PTP driver without required documentation	1000	N/A
s.33(2)	Registration of an ineligible driver (convictions)	1000	N/A
s.33(3)	Registration of an ineligible driver (child abuse registry)	1000	N/A
s.33(4)	Registration of an ineligible driver (major driving offence)	1000	N/A
s.33(5)	Failure to notify designated employee of charges against a prospective driver	500	N/A
s.33(5)	Registration of potentially ineligible driver without approval	1000	N/A
s.33(7)	Registration of driver without required consent regarding personal information release	1000	N/A
s.33(8)	Registration of a PTP driver without required training	500	250
s.34(1)	Failure to require updated driver eligibility documentation	1000	500
s.34(1)	Failure to terminate PTP driver registration if information not provided by driver	1000	500
s.34(2)	Failure to terminate an ineligible driver PTP registration.	1000	500
s.34(3)	Failure to comply with order to terminate PTP driver registration	1000	500
s.35(1)	Registration of accessible PTP driver without proof of required training	500	250
s.35(2)	Failure to terminate existing registration of accessible PTP driver without proof of required training	500	250
s.36(1)	Registration of an ineligible vehicle (PTP)	1000	500
s.36(2)	Failure to terminate PTP vehicle registration where required eligibility documentation is not provided	1000	500
s.36(3)	Failure to comply with order to terminate PTP vehicle registration	1000	N/A

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s.37(a)	Provision or offer of transportation by means of a street hail without a licence and registration.	500	250
s.37(b)	Provision or offer of transportation by means of dispatch through a non-digital platform without a valid taxi licence	500	250
s.37(c)	Provision or offer of transportation in exchange for compensation by non-digital methods without a valid taxi licence	500	250
s.43(3)	Transfer of a taxi licence to an ineligible vehicle	1000	N/A
s.45(1)	Failure to ensure taxi meets qualifications for licensing while in operation	1000	500
s.45(2)	Failure to post required camera signage in taxi	1000	500
s.45(3)	Failure to comply with signage and marking requirements	1000	500
s.45(4)	Failure to have taxi inspected annually	1000	N/A
s.45(4)	Failure to submit vehicle for inspection as required	1000	500
s.46(1)(a)	Operating a vehicle for hire without registering with a licenced dispatcher	500	250
s.46(1)(b)	Operation of a vehicle for hire without valid driver's licence	1000	N/A
s.46(1)(c)	Operation of a vehicle for hire while ineligible (conviction)	1000	N/A
s.46(1)(d)	Operation of a vehicle for hire while ineligible (driving offences)	1000	N/A
s.46(2)	Failure of driver to notify dispatcher as required.	1000	500
s.47	Operation of a taxi without valid taxi driver licence	500	250
s.52	Failure to display taxi driver licence as required	250	125
s.53(a)	Failure to notify designated employee (convictions)	1000	N/A
s.53(b)	Failure to notify designated employee (charges)	1000	N/A
s.53(c)	Failure to notify designated employee (child abuse registry)	1000	N/A
s.53(d)	Failure to notify designated employee (licence suspension)	1000	N/A
s.53(e)	Failure to notify designated employee (medical condition)	1000	N/A
s.54(2)	Failure to provide dispatcher with information regarding street hails in required timeframe	250	125
s.56(a)	Failure to take most economical route	500	N/A
s.56(b)	Failure to provide reasonable assistance to a passenger	500	250
s.57(1)	Charge a fare not in accordance with the fare schedule	1000	500
s.57(2)	Negotiating a fare in excess of what would be charged under the fare schedule	1000	500
s.57(3)	Failure to operate the meter during service where a negotiated fare is in place.	1000	500
s.58(1)	Refusal to provide taxi service without reasonable grounds	1000	N/A

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s.58(3)	Failure to notify dispatcher of notice of refusal of service	1000	500
s.59(2)	Failure to refund difference between fare as shown on meter and pre-payment	1000	500
s.60	Failure to comply with dispatcher's property retrieval policy	1000	500
s.61(1)	Refusal of service to eligible passenger by accessible taxi driver	1000	N/A
s.61(2)	Failure to respond to request for accessible taxi service	500	250
s.62(a)	Offering PTP services without registering with a PTP dispatcher	1000	500
s.62(b)	Offering PTP services in an unregistered vehicle	1000	500
s.62(c)	Offering PTP services without being dispatched by a licenced dispatcher	1000	500
s.64(a)	Holding out of ineligible vehicle as accessible	1000	500
s.64(b)	Holding out of ineligible driver as accessible PTP driver	500	250
s.65(a)(ii)	Charging a fare greater than the approved zone fare (limo)	1000	500
s.70(1)	Failure to comply with terms, restrictions or conditions of licence	1000	500
s.70(2)	Operation under licence during a period of suspension	1000	N/A

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