SCHEDULE "A"

THE CITY OF WINNIPEG

BY-LAW NO. /2019

A By-law of THE CITY OF WINNIPEG to amend the Vehicles for Hire By-law

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

Vehicles for Hire By-law amended

1 With the exception of section 14, the Vehicles for Hire By-law No. 129/2017 is amended by this By-law.

Definition "transportation service" amended

2 The definition "transportation service" in subsection 3(1) is amended as follows:

(a) Clause (c) is struck out;

(b) Clause (e) is amended by adding "*subject to clause 73(3)(n),*" at the beginning of the clause;

(c) The following is added after clause (i):

(j) the transportation of a passenger if

(i) the vehicle in which the passenger is being transported is registered with the Registrar of Motor Vehicles to an address located outside the city;

(ii) the vehicle is insured with Manitoba Public Insurance to operate as a vehicle for hire on the day and at the time when the transportation of the passenger is taking place;

(iii) the trip will terminate outside the city;

Subsection 3(2) added

3 The following subsection is added after subsection 3(1):

3(2) For greater certainty, a non-share capital corporation which provides or offers to provide transportation of a passenger and suggests, in the context of providing the transportation, that the passenger provide a donation to the non-share capital corporation or another organization, is not engaged in providing a transportation service for the purpose of this By-law so long as the donation is not required as a condition of providing or offering to provide the transportation.

Section 24 replaced

4 Section 24 is replaced with the following:

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24/7 service

24 A taxi dispatcher who has registered more than 50 taxis must ensure that at least 10% of its registered taxis are and, in addition, that at least one accessible taxi is, available for dispatch on a 24 hour basis, seven days a week, 365 days a year.

Subsection 38(2) amended

5 Subsection 38(2) is amended by replacing "*subclauses (1)(i) and (ii)*" with "*subclauses (1)(g)(i) and (iv)*".

Subsection 40(2) amended

6 Subsection 40(2) is amended by replacing "*effective March 1, 2018*" with "*prior to May 31, 2019*".

Section 46.1 added

7 The following section is added after section 46:

Drivers must produce Provincial driver's licence to inspector

46.1 While operating a vehicle for hire, a driver must have in his or her possession a valid Provincial driver's licence and must produce it for an enforcement officer upon request.

Section 55 replaced

8(1) Section 55 is replaced with the following:

Payment and receipts

55(1) A taxi driver may accept payment in any form for providing a transportation service, including cash, cheque, credit card or debit card.

55(2) Upon request, a taxi driver must issue a receipt for payment for the provision of a transportation service.

8(2) The following is added after subsection 55(2):

55(3) A taxi driver must allow a passenger to pay for the provision of a transportation service by either cash and credit card.

Section 60.1 added

9 The following section is added after section 60:

Taxi driver must ensure camera is operational

60.1 A taxi driver must ensure that the in-vehicle camera required by clause 38(1)(g) is operating as intended and that it has not been tampered with.

Section 61.1 added

10 The following is added after section 61:

Accessible taxi drivers must comply with HTA rules for passengers who use wheelchairs

61.1 An accessible taxi driver must comply with requirements established by or pursuant to section 185.1 of The Highway Traffic Act, C.C.S.M. c. H60 for properly

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restraining people who use a wheelchair or other mobility device, and for securing wheelchairs and other mobility aids.

Section 68 amended

11 Section 68(3) is amended by replacing everything after clause (f) with the following:

the Vehicles for Hire Appeal Board must consider whether the outcome of the designated employee's decision is justified in light of

(g) the nature of the appellant's actions that resulted in a conviction for a relevant criminal offence or major driving offence or registration on the child abuse registry (as the case may be);

(h) the time that has elapsed since the conviction for a relevant criminal offence or major driving offence or registration on the child abuse registry (as the case may be) and the appellant's conduct since that time; and

(i) other factors that the Board considers relevant.

If the Vehicles for Hire Appeal Board reverses the designated employee's decision and authorizes the issuance or renewal of a licence or registration, it may impose conditions on the licence or registration.

Subsection 73(3) amended

12 Subsection 73(3) is amended

(a) by adding ", *which may include vehicles that seat 11 or more people,*" after "*limousine*" in clause (n);

(b) by deleting "*and*" at the end of clause (p); and

(c) by adding the following after clause (q):

r) upon application, to issue a certificate to a non-share capital corporation that provides or offers to provide transportation of a passenger so long as it does not require payment in compensation (even if it suggests and will accept a voluntary donation from the passenger) and to revoke the certificate if the non-share capital corporation breaches this requirement; and

(s) to determine the form and content of a receipt that is required to be issued by taxi drivers by subsection 55(3).

Section 75 amended

13(1) Subsection 75(3) is amended by striking out "*or (2)*".

13(2) The following subsection is added after subsection 75(5):

75(5.1) Before cancelling a licence under subsection (2), the designated employee must provide written notice to the licence holder that

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(a) the cancellation is mandatory under subsection (2);

(b) the reason or reasons set out in clauses (2)(a), (b) or (c) for the cancellation; and

(c) the cancellation will take effect 14 days after the notice is served unless the licence holder prior to that time can provide evidence to the satisfaction of the designated employee that shows that the facts on which the cancellation is based are not correct.

Schedule A of Municipal By-law Enforcement Act Enabling By-law amended

14 The table applicable to the Vehicles for Hire By-law in Schedule A of the Municipal By-law Enforcement Act Enabling By-law No. 59/2016 is amended by

(a) replacing the row with respect to subsection 12(1) with the following:

12(1)	*Failure to comply with approved complaints response process*	*500*	*250*

(b) striking out the row with respect to subsection 12(3);

(c) replacing the row with respect to section 24 with the following:

24	*Failure to ensure sufficient taxis available 24/7/365*	*1000*	*N/A*

(d) adding the following in numerical order:

s. 46(1)(e)	*Operation of a vehicle for hire while ineligible (child abuse registry)*	*1000*	*N/A*
s. 46.1	*Fail to produce valid Provincial driver's licence to enforcement officer*	*500*	*250*
s. 55(3)	*Taxi driver - fail to issue receipt upon request*	*100*	*N/A*
s. 60.1	*Fail to ensure operational in-vehicle camera and that camera has not been tampered with (driver)*	*500*	*250*
s. 61.1	*Fail to comply with Highway Traffic Act rules for restraining passengers and securing wheelchairs, etc.*	*500*	*N/A*

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Coming into force
15(1) This By-law takes effect on the date it is enacted.

15(2) Despite subsection (1), subsection 7(2) takes effect on March 1, 2020.

DONE AND PASSED this day of , 2019.

Mayor

City Clerk

Approved as to content:

Chief Operating Officer
Winnipeg Parking Authority

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor

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