THE CITY OF WINNIPEG

BY-LAW NO. 101/2019

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 11, the Vehicles for Hire By-law No. 129/2017 is amended by this By-law.

Definitions amended

2 Subsection 3(1) is amended by

(a) amending the definition "***criminal record check***" by replacing "*and includes a Vulnerable Sector Search*" with "*but does not include a Vulnerable Sector Search*"; and

(b) replacing the definition **"*fare schedule*"** with the following:

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

Section 9 amended

3 Clause 9(a) is amended by adding "*and any applicable late renewal fee*" at the end of the clause.

Section 33 amended

4 Section 33 is amended by

(a) replacing subsection (1) with the following:

33(1) A PTP dispatcher must not register an individual as a driver unless either

(a) the individual provides the following:

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

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

(iii) a criminal record check, and a Vulnerable Sector Search, issued no more than 90 days before the application for registration was made; and

(iv) the applicant's driver's abstract issued by Manitoba Public Insurance; or

(b) the individual provides a valid taxi driver's licence and, prior to registering the individual, the PTP dispatcher provides a copy of the taxi driver's licence to the designated employee and receives confirmation that the licence is valid.

(b) Adding the following subsection after subsection (1):

33(1.1) If a PTP dispatcher registers an individual as a driver under clause (1)(b), the PTP dispatcher must

(a) suspend the driver's registration if their taxi driver's licence is suspended or if the taxi driver's licence expires, unless the PTP dispatcher receives proof of the renewal of the taxi driver's licence prior to its expiry; and

(b) terminate the driver's registration if their taxi driver's licence is cancelled or not renewed.

Section 50 amended

5 Section 50 is amended by

(a) striking out "*and*" at the end of clause (c);

(b) replacing the period at the end of clause (d) with "*; and*"; and

(c) adding the following clause after clause (d):

(e) must pay any applicable renewal fee and any applicable late renewal fee.

Section 57 amended

6 Subsection 57(3) is amended by replacing "*In order to ensure*" at the beginning of the subsection with "*Unless the transportation service is subject to a fixed fare under the fare schedule, in order to ensure*".

Section 64 amended

7 Section 64 is renumbered as subsection 64(1) and the following is added immediately after it:

64(2) A PTP driver who holds out that the vehicle they are driving is accessible 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 restraining people who use a wheelchair or other mobility device, and for securing wheelchairs and other mobility aids.

Section 68 amended

8(1) Subsection 68(3) is replaced with the following:

68(3) When hearing an appeal concerning the cancellation of, or the refusal of the designated employee to issue or renew, a taxi driver's licence, or concerning an individual's disqualification from being registered as a PTP driver, or concerning the suspension or termination of the individual's registration as a PTP driver due to the fact that

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

(c) the individual is registered on the child abuse registry

the Vehicles for Hire Appeal Board must consider the following factors:

(d) the nature of the particular criminal offence, the particular major driving offence or the particular actions that resulted in the registration on the child abuse registry, including any any extenuating or mitigating factors;

(e) whether the particular criminal offence, the particular major driving offence or the particular actions that resulted in the registration on the child abuse registry took place in a vehicle for hire or while providing a transportation service;

(f) the time that has elapsed since the incident and the appellant's record and conduct during that time;

(g) the likelihood that the appellant will commit a similar offence or action in the future; and

(h) the risk to passengers and the public of allowing the appeal.

8(2) The following is added after subsection (3):

68(3.1) If, on appeal, the Vehicles for Hire Appeal Board reverses the suspension, cancellation or termination of a licence or a registration, or requires a licence or registration to be issued, reissued or approved, it may impose terms, conditions or restrictions on the licence or registration.

Section 71 amended

9(1) Subsection 71(1) is amended by adding "*or the Appeal Board*" at the end of the subsection.

9(2) The following is added after subsection 71(1):

71(1.1) The holder of a licence must comply with any order issued by the designated employee or the Vehicles for Hire Appeal Board under this By-law.

Section 77 amended

10(1) Clause 77(2)(b) is amended by adding "or is registered on the child abuse registry" immediately after "relevant criminal offence".

10(2) Subsection 77(3) is replaced with the following:

77(3) Before acting under subsection (1), the designated employee must provide written notice to the driver or the owner of the vehicle (as the case may be)

(a) that the designated employee is considering acting under subsection (1);

(b) the reason or reasons for acting under subsection (1); and

(c) that the actions will be taken 14 days after the notice is served unless the driver or owner of the vehicle (as the case may be) prior to that time can provide evidence to the satisfaction of the designated employee that shows that the facts justifying the action are not correct.

10(3) The following is added after subsection (3):

77(4) If a designated employee acts under subsection (1), he or she must identify a date before which, or a time frame within which, the driver or the owner of the vehicle (as the case may be) is not permitted to be registered with that dispatcher or any dispatcher.

77(5) Notice of an action taken by the designated employee under subsection (1) must be sent to the driver or the owner of the vehicle (as the case may be) in accordance with the Charter and is subject to appeal to the Vehicles for Hire Appeal Board.

MBEA Enabling By-law amended

11 Schedule A of the Municipal By-law Enforcement Act Enabling By-law No. 59/2016 is amended by adding the following in numerical order in the table applicable to the Vehicles for Hire By-law No. 129/2017:

33(1.1)	*PTP dispatcher failing to suspend or terminate the registration of a driver who is registered on the basis of a taxi driver's licence and that licence is suspended, cancelled, expires or is not renewed*	*1000*	
71(1.1)	*Licence holder failing to comply with order*	*250*	*125*

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:

Interim Director of Legal Services
and City Solicitor