THE CITY OF WINNIPEG

City of Winnipeg By-law No. 66/2022

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THE CITY OF WINNIPEG
BY-LAW No. 66/2022

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

Section 3 amended

2(1) Clause (a) of the definition "*charges*" in section 3 is replaced with the following:

(a) *in the case of an enactment of the Parliament of Canada, by way of*

(i) an information laid by a peace officer before, and received by, a justice, or

(ii) an appearance notice given in accordance with that enactment to the person to be charged with the offence; or

2(2) The following definition is added:

"limousine driver" *means an individual to whom a limousine driver's licence has been issued under this By-law;*

2(3) The definition "*owner*" is replaced with the following:

"owner"*, in respect of a vehicle, means the person in whose name the vehicle is insured, and to whom the vehicle is registered, by Manitoba Public Insurance, regardless of whether the person owns or leases the vehicle;*

2(4) The definition "*transportation service*" in section 3 is amended as follows:

(a) by replacing everything before "*but does not include*" with the following:

"transportation service" *means the provision, or the offer to provide, transportation of a passenger for compensation in which the passenger controls the route or the destination and*

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

(b) a vehicle and two drivers are provided, one of whom is hired to drive the passenger's vehicle to a destination designated by the passenger;

(b) by replacing clause (g) with the following:

(g) transportation of students in a school bus, transport van or other vehicle that

(i) has a manufacturer's seating capacity originally designed for 11 or more occupants including the driver, and

*(ii) is 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;*

Section 31 amended

3 Section 31 is renumbered as subsection 31(1) and the following is added as subsection 31(2):

31(2) Subsection (1) does not apply in respect of a limousine driver who holds a valid limousine driver's licence issued by the City in accordance with this By-law.

Section 33 amended

4(1) Subsection 33(5) is amended by striking out "*has been charged with a relevant criminal offence or a major driving office but not yet acquitted or convicted*" and substituting "*has outstanding charges in relation to a relevant criminal offence or a major driving offence*".

4(2) Subsection 33(6) is amended by striking out "*has been charged with a relevant criminal offence or a major driving offence but not yet acquitted or convicted*" and substituting "*has outstanding charges in relation to a relevant criminal offence or a major driving offence*".

4(3) The following is added after subsection 33(8):

33(9) This section does not apply in respect of a limousine driver who holds a valid limousine driver's licence issued by the City in accordance with this By-law.

Section 36 amended

5(1) Subsection 36(1) is amended by striking out "*and*" at the end of clause (a), adding "*and*" at the end of clause (b) and adding the following after clause (b):

(c) in the case of a limousine, the dispatcher is satisfied that a valid limousine licence has been issued by the City in accordance with this By-law for the vehicle for the period of time during which it will operate as a PTP.

5(2) Clause 36(2)(a) is replaced with the following:

(a) evidence that it meets the insurance requirements in clause (1)(a) and, in the case of a limousine, the licence requirement in clause (1)(c); and

5(3) The following is added after subsection 36(3):

36(4) A dispatcher must terminate a PTP vehicle's registration if

(a) the owner of the vehicle has failed to comply with an order of enforcement officer to obtain an inspection certificate under section 44 of The Drivers and Vehicles Act, C.C.S.M. c. D104; and

(b) the dispatcher has been notified by the designated employee or an enforcement officer of the failure.

Section 37 amended

6 Section 37 is amended by striking out "*The owner*" in the part before clause (a) and substituting "*Subject to section 65 (Rules for limousine drivers), the owner*".

Subsection 39(1) amended

7 Subsection 39(1) is amended by striking out "*the person who is registered with Manitoba Public Insurance as*".

Part 3.1 added

8 The following is added after Part 3:

PART 3.1
LIMOUSINE LICENCES

Licences required

45.1(1) The owner of a limousine must not permit it to be used to provide a transportation service unless the limousine is licensed under this Part and the driver is licensed under Part 4, Division 4 (Rules for limousine drivers).

Qualifications for limousine licence

45.2(1) In order to qualify for a limousine license, 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 its drivers, its owners, members of the public and the City;

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

(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; and

(f) be registered with a licensed PTP dispatcher.

45.2(2) In order for a limousine to be used for providing transportation services as an accessible limousine, the vehicle must also be constructed and equipped, to the satisfaction of the designated employee, to permit the loading, transportation and off-loading of individuals who use a wheelchair, or a similar device which can accommodate a seated individual, and who cannot self-transfer.

45.2(3) The designated employee may require that a limousine and any required equipment be examined and certified as operating appropriately before a licence is issued for the vehicle.

45.2(4) In order to obtain a limousine licence for a vehicle, the owner of the vehicle must complete forms and provide information reasonably required by the designated employee.

Issuance or renewal of limousine licence

45.3(1) The designated employee may only issue a limousine 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 licence is being issued.

45.3(2) Before the designated employee may issue or renew a limousine 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 meets the vehicle requirements for a licenced limousine 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.

45.3(3) If the owner of the limousine 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.

45.3(4) In order to be issued a renewal of a limousine licence, the licence holder

(a) must meet the requirements for an applicant for an initial licence set out in section 45.2 (Qualifications for limousine 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.

Operating requirements and inspections of limousines

45.4(1) The owner of a limousine must ensure that it meets all applicable requirements set out in subsection 45.2(1) (Qualifications for limousine licence) at all times while it is offering or providing transportation services.

45.4(2) The owner of a limousine must ensure that notices of a size and containing language approved by the designated employee are prominently displayed on or within the limousine in a way that is visible to all passengers concerning the operation of a camera in the limousine.

45.4(3) The owner of a limousine must ensure that it complies with all signage and markings requirements required by the designated employee.

45.4(4) The owner of a limousine must ensure that it undergoes annual inspections and occasional inspections ordered by an enforcement officer in order to determine compliance with subsection (1).

Section 46 amended

9(1) Clause 46(2)(b) is amended by striking out "*Charges laid against him or her of*" and substituting "*Charges initiated against him or her in relation to*".

9(2) The following is added after subsection 46(2):

46(3) The driver of a vehicle for hire must, in accordance with the Code of Conduct, maintain a high level of decorum and refrain from conduct that may reasonably be considered to be inappropriate or unbecoming for a service provider in the vehicle-for-hire industry. Without limitation, the driver must not

(a) sexually harass a passenger or make lewd remarks to a passenger;

(b) insult, abuse, intimidate or threaten a passenger;

(c) ask a passenger for a tip or gratuity, whether directly or indirectly, or indicate that one is expected or required;

(d) fail to release a passenger from the vehicle at the passenger's request; or

(e) subject to subsection 59(1) (pre-payment), accept, or request a passenger to provide, collateral as security for the payment of a fare.

Section 46.2 added

10 The following is added after section 46.1 as part of Part 4, Division 1 — All Drivers:

Use of hand-operated electronic devices

46.2 The driver of a vehicle for hire must comply with section 215.1 of The Highway Traffic Act, C.C.S.M. c. H60

Subsection 49(1) amended

11 Clause 49(1)(d) is replaced with the following:

(d) not have been convicted of a relevant criminal offence or major driving offence, or have outstanding charges in relation to such an offence, if the designated employee determines that the nature of the offence or the charges is such that issuing a taxi driver's licence would result in a significant risk of harm to the public;

Section 53 amended

12 Clause 53(b) is amended by striking out "*charges laid against him or her of*" and substituting "*charges initiated against him or her in relation to*".

Sections 65.1 to 65.6 added

13 The following is added after section 65 as part of Part 4:

Limousine driver requires licence

65.1 Every driver of a limousine must hold a valid limousine driver's licence issued under this Division.

Requirements for obtaining limousine driver's licence

65.2 In order to be eligible for a limousine 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) and Division 3 (Rules for PTP drivers);

(d) not have been convicted of a relevant criminal offence or major driving offence, or have outstanding charges in relation to such an offence, if the designated employee determines that the nature of the offence or the charges is such that issuing a limousine driver's licence would result in a significant risk of harm to the public;

(e) complete training required by the designated employee;

(f) 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 that may be provided by limousine drivers; and

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

Requirements for renewing limousine driver's licence

65.3 In order to be eligible for a renewal of his or her licence, a limousine driver

(a) must meet the requirements for an applicant for a limousine driver's licence set out in section 65.2 (Requirements for obtaining limousine 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; and

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

Driver's licence must be visible

65.4 At all times while providing transportation services, a limousine 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 licenced limousine driver is prominently displayed and clearly visible to passengers within the limousine.

Reporting requirements for limousine drivers

65.5 A limousine driver must immediately report to the designated employee

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

(b) charges initiated against him or her in relation to a relevant criminal offence or 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; and

(e) 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.

Obligation to return passenger property

65.6 A limousine driver must comply with the approved passenger property retrieval policy for the PTP dispatcher with whom he or she is registered and who has dispatched the passenger whose property has been left behind.

Section 69 heading amended

14 The heading for section 69 is amended by striking out "Renumeration" and substituting "Remuneration".

Section 71 amended

15 The following is added after clause 71(3)(f):

(g) offer or provide transportation in a vehicle while the registration or licence of the driver or the vehicle is suspended.

Section 74 amended

16(1) Subsection 74(2) is amended by striking out "*Designated Officer*" in the part before clause (a) and substituting "*designated employee*".

16(2) The following is added after subsection 74(3):

74(4) An enforcement officer who reasonably believes that the safety of a vehicle is or may be compromised or that a vehicle does not meet any applicable requirement of this By-law may order the owner of the vehicle to

(a) obtain an inspection certificate under section 44 of The Drivers and Vehicles Act, C.C.S.M. c. D104 within a specified period of time, or

(b) submit the vehicle for an inspection as directed by the officer to ensure the vehicle complies with the applicable requirement.

Subsection 75(1) amended

17 Clause 75(1)(g) is replaced with the following:

(g) if the person holds a taxi or limousine driver's licence issued under this By-law, charges in relation to a relevant criminal offence or a major driving offence have been initiated since the licence was last issued or renewed;

Municipal By-law Enforcement Act (MBEA) Enabling By-law amended

18(1) The table in Schedule A of the *Municipal By-law Enforcement Act (MBEA) Enabling By-law*, By-law No. 59/2016, that sets out the administrative penalties for contraventions of the *Vehicles for Hire By-law*, By-law No. 129/2017, is amended by this section.

18(2) The heading for the table is amended by striking out "*Vehicle*" and substituting "*Vehicles*".

18(3) The following is added after the row for a contravention of s. 45(4):

s. 45.1(1)	*Owner allowing provision of limousine service in unlicensed limousine or by unlicensed driver*	*500*	*250*
s. 45.4(1)	*Failure to ensure limousine meets licensing qualifications*	*1000*	*500*
s. 45.4(2)	*Failure to post required camera signage in limousine*	*1000*	*500*
s. 45.4(3)	*Failure to comply with signage and marking requirements*	*1000*	*500*
s. 45.4(4)	*Failure to have limousine inspected annually*	*1000*	*500*

18(4) The following is added after the row for a contravention of s. 46(2):

s. 46(3)(a)	*Driver sexually harassing or making lewd comment*	*250*	*125*
s. 46(3)(b)	*Driver insulting, abusing, intimidating or threatening passenger*	*250*	*125*
s. 46(3)(c)	*Driver asking for tip or gratuity or suggesting one is expected or required*	*250*	*125*
s. 46(3)(d)	*Driver failing to release passenger on request*	*250*	*125*
s. 46(3)(e)	*Driver requesting or accepting collateral as security for a fare*	*250*	*125*
s. 46.2	*Driver using hand-operated electronic device*	*500*	*250*

18(5) The row for a contravention of s. 55(2) is replaced with the following:

s. 55(2)	*Taxi driver failing to issue receipt upon request*	*250*	*125*
s. 55(3)	*Taxi driver failing to allow passenger to pay by either cash or credit card*	*250*	*125*

18(6) The following is added after the row of the contravention of s. 65(a)(ii):

s. 65.1	*Operation of a limousine without valid limousine driver licence*	*500*	*250*
s. 65.4	*Failure to display limousine driver licence as required*	*250*	*125*
s. 65.5(a)	*Failure to notify designated employee (convictions)*	*1000*	*N/A*
s. 65.5(b)	*Failure to notify designated employee (charges)*	*1000*	*N/A*
s. 65.5(c)	*Failure to notify designated employee (abuse registry)*	*1000*	*N/A*
s. 65.5(d)	*Failure to notify designated employee (licence suspension)*	*1000*	*N/A*
s. 65.5(e)	*Failure to notify designated employee (medical condition)*	*1000*	*N/A*

18(7) The following row is added at the end of the table:

s. 74(4)	*Vehicle owner failing to comply with inspection order*	*250*	*125*

Coming into force

19 This by-law comes into force upon its enactment by Council.

DONE AND PASSED this day of , 2022.

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Mayor

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City Clerk

Approved as to content:

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General Manager, WPA

Approved as to form:

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For Director of Legal Services / City Solicitor