THE CITY OF WINNIPEG

BY-LAW NO. /2023

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:

PART 1
AMENDMENTS TO THE VEHICLES FOR HIRE BY-LAW

Vehicles for Hire By-law amended

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

Subsection 3(1) amended

2(1) Subsection 3(1) is amended to add the following definition in alphabetical order:

"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;

2(2) Subsection 3(1) is amended to replace the definition of "accessible PTP vehicle" with the following:

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

2(3) Subsection 3(1) is amended to replace the definition of "PTP driver" with the following:

"PTP driver" means a registered 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;

2(4) Subsection 3(1) is amended to replace the definition of "PTP vehicle" with the following:

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

Subsection 7(3) amended

3 Subsection 7(3) is amended by adding *"or PTP limousine"* immediately after "in the case of a taxi".

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Clause 8(2)(b) amended

4 Clause 8(2)(b) is amended by adding *"and the Annual Return of Information"* immediately after "Companies Office".

Clause 9(c) amended

5 Clause 9(c) is amended to delete the word "*parking*".

Subclause 20(1)(b) deleted

6 Subclause 20(1)(b) is deleted.

Clause 33(1)(a) amended

7(1) Subclause 33(1)(a)(iii) is amended to delete the word *"and".*

7(2) Subclause 33(1)(a)(iv) is amended to replace the word "or" with *"and".*

7(3) Subclause 33(1)(a)(v) is added after subclause 33(1)(a)(iv) as follows:

(v) a child abuse registry check, issued no more than 90 days before the application for registration was made; or

Clause 34(1)(a) deleted

8 Subclause 34(1)(a) is deleted.

Clause 41(c) amended

9 Clause 41(c) is amended to delete the word "*parking*".

Subsection 45(1.1) added

10 Subsection 45(1.1) is added after subsection 45(1) as follows:

45(1.1) The owner of an accessible taxi must ensure that it meets all applicable requirements set out in subsection 38(2) (Qualifications for taxi licence) at all times while it is offering or providing transportation services.

Subsection 45(5) added

11 Subsection 45(5) is added after subsection 45(4) as follows:

45(5) A taxi owner 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.

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Subclause 45.3(4)(c) amended
12 Subclause 45.3(4)(c) is amended to delete the word "*parking*".

Part 3.2 added
13 Part 3.2 is added after subsection 45.4(4) as follows:

PART 3.2
REGISTERED PTP VEHICLES

Operating requirements and inspections of PTP vehicles
45.5(1) The owner of a PTP vehicle must ensure that it is in good working order, meeting all road safety requirements and meets all applicable requirements set out in subsection 36(1) (Criteria for vehicle registration with PTP dispatcher) at all times while it is offering or providing transportation services.

45.5(2) The owner of a PTP vehicle must ensure that it complies with all signage and markings requirements required by the designated employee.

45.5(3) The owner of a PTP vehicle must ensure that it undergoes annual inspections and occasional inspections ordered by an enforcement officer in order to determine compliance with subsection (1).

45.5(4) An accessible PTP vehicle must meet the 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 who use a wheelchair, or similar device which can accommodate a seated individual, and who cannot self-transfer.

Clause 50(d) amended
14 Clause 50(d) is amended to delete the word "*parking*".

Clause 56 replaced
15 Clause 56 is replaced with the following:

56 Taxi drivers must

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

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

(c) engage the taximeter at the beginning of the trip and keep it engaged throughout the trip; and

(d) engage the taximeter before the passenger enters the taxicab only if the driver has

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(i) notified the passenger of his or her arrival, and

(ii) waited a reasonable time after the due time of the order for service.

Subsection 58(2) amended
16 Subsection 58(2) is amended to delete the following sentence *"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."*

Subsection 59(1) replaced
17 Subsection 59(1) is replaced with the following:

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 or a reasonable deposit prior to the commencement of the trip 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;

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

(c) the request for transportation service is a street hail or the passenger identifies that there may be multiple stops involved in the trip;

and the pre-payment required by the driver is no more than that authorized in a zone structure established by the designated employee or the amount that is showing on the taxi meter at the conclusion of the trip.

Section 64.1 added
18 Section 64.1 is added after subsection 64(2) as follows:

Obligation to accept passengers and drop off at preferred destination
64.1(1) A PTP 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 PTP 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.

64.1(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.

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64.1(3) If a PTP 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.

Subsection 74(1) replaced

19 Subsection 74(1) is deleted and replaced with the following:

74(1) Subject to sections 75 and 77, if the designated employee determines that a contravention of this By-law, other relevant legislation or conditions imposed on a licence or registration has occurred, or the licence holder, PTP driver or owner of the PTP vehicle 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, PTP driver or owner of the PTP vehicle;

(b) order that the licence holder, PTP driver or owner of the PTP vehicle take specific actions or measures, including undergoing training or obtaining supervised practical experience;

(c) impose conditions on the licence or registration;

(d) suspend the licence or registration for a period of less than one year in accordance with section 75 (Licence suspensions and cancellations) or 77 (Suspending or terminating PTP driver or vehicle registration) as the case may be;

(e) cancel the licence or terminate the registration in accordance with section 75 (Licence suspensions and cancellations) or 77 (Suspending or terminating PTP driver or vehicle registration) as the case may be;

(f) require the licence holder, PTP driver or owner of the PTP vehicle to pay all or part of the costs of the hearing and any investigation carried out in respect of the contravention.

Subsection 74(2) amended

20(1) Subsection 74(2) is amended to add *"or registration"* immediately after "conditions on a licence".

20(2) Subsection 74(2)(a) is amended to replace "license" with *"licence or registration,"*.

Clause 75(1)(d) replaced

21 Clause 75(1)(d) is replaced with the following:

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

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Subsection 75(2) amended
22 Subsection 75(2) is amended to add "*or limousine driver's*" immediately following "taxi driver's".

Subsection 75(5) amended
23 Subsection 75(5) is amended to delete "(3)" and to replace it with *"(4)".*

Subsection 76(1) and title amended
24 Subsection 76(1) is amended to

(a) add *"licence"* immediately following "Immediate" in the title of subsection 76(1); and

(b) add *", limousine"* immediately following "licence holder".

Subsection 77(1) amended
25 Subsection 77(1) is amended to add *"PTP"* immediately following "registration of a".

Subsection 77(2) amended
26 Subsection 77(2) is amended to

(a) replace clause (b) with the following:

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

(b) add the following after clause (b):

(c) the PTP driver or owner of the PTP vehicle has failed to comply with this By-law, other relevant legislation, conditions imposed on the registration, or an order issued by an enforcement officer;

(d) allowing the PTP driver or PTP vehicle to remain registered poses a danger to drivers, passengers or the general public;

(e) the PTP driver or owner of the PTP vehicle has provided false information on a material matter when applying for the registration, or when engaged in mandatory reporting;

(f) the decision to issue the registration was based was incorrect information and the registration would not have been allowed had the correct information been known;

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(g) the past conduct of the PTP driver or owner of the PTP vehicle creates a reasonable belief that the registrant will not in the future act in compliance with this By-law, other relevant legislation or conditions placed on the registration; or

(h) the PTP driver or owner of the PTP vehicle has acted in a manner contrary to the public interest.

Subsections 77(2.1), (2.2) and (2.3) added

27 Subsections 77(2.1), (2.2) and (2.3) are added after subsection 77(2) as follows:

77(2.1) The designated employee must terminate a PTP driver registration made under this By-law if the PTP driver

(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.

77(2.2) Before acting under subsection (1), the designated employee must hold a hearing into the matter at which the PTP driver or owner of the PTP vehicle (as the case may be)
is given an opportunity to respond to the allegations and provide reasons why the registration should not be suspended or terminated.

77(2.3) At least 7 days before the hearing referred to in subsection (2.2), the designated employee must, in compliance with The City of Winnipeg Charter, give a notice to the PTP driver or owner of the PTP vehicle (as the case may be)

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

(b) setting out the fact that the hearing could result in the suspension or termination of the person's registration,

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

(d) indicating that the PTP driver or owner of the PTP vehicle 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 registration should not be suspended or terminated.

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Subsection 77(3) replaced

28 Subsection 77(3) is replaced with the following:

77(3) Before acting under subsection (2.1), the designated employee must provide written notice to the PTP driver

(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 PTP driver 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.

Subsections 77(3.1) and (3.2) added

29 Subsections 77(3.1) and (3.2) are added after subsection 77(3) as follows:

77(3.1) If the PTP driver or owner of the PTP vehicle (as the case may be) 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 PTP driver or owner of the PTP vehicle if he or she is satisfied that the PTP driver or owner of the PTP vehicle was properly served with the notice required by subsection (2.3).

77(3.2) Before terminating a registration under subsection (2.1), the designated employee must provide written notice to the PTP driver that

(a) the termination is mandatory under subsection (2.1);

(b) the reason or reasons set out in clauses (2.1)(a), (b) or (c) for the termination; and

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

Subsection 77(4) amended

30 Subsection 77(4) is amended to delete “subsection (1)” and replace it with *“this section”.*

Subsection 77(5) amended

31 Subsection 77(5) is amended to delete “subsection (1)” and replace it with *“this section”.*

Subsections 77.1(1) and 77.1(2) added
32 Subsections 77.1(1) and 77.1(2) are added after subsection 77(5) as follows:

Immediate PTP driver or vehicle registration suspensions
77.1(1) In addition to the authority to suspend a registration under section 77 (Suspending or terminating PTP driver or vehicle registration), if the designated employee or an enforcement officer forms the reasonable belief that the PTP driver or PTP vehicle 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 PTP driver or owner of the PTP vehicle remedy the contravention immediately and may suspend the registration immediately until such time as the designated employee or enforcement officer is satisfied that it has been remedied.

77.1(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).

PART 2
AMENDMENTS TO
THE MUNICIPAL BY-LAW ENFORCEMENT ACT ENABLING BY-LAW

Municipal By-law Enforcement Act (MBEA) Enabling By-law amended
1 The Municipal By-law Enforcement Act (MBEA) Enabling By-law 59/2016 is amended by this Part.

Schedule A amended
2 The table applicable to the Vehicles for Hire By-law No. 129/2017 set out in Schedule A of the Municipal By-law Enforcement Act Enabling By-law No. 59/2016 is amended

(a) to add the following Provisions in numerical order:

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Vehicles for Hire By-law, By-Law No. 129/2017		Administrative Penalty	
Provision	Contravention summary	Administrative Penalty ($)	Early Payment Discount ($)
20(2)	Failure to submit contract upon request	250	N/A
45(5)	Failure to preserve camera records	1000	N/A
45.5(1)	Failure to ensure vehicle meets applicable requirements while in operation	1000	500
45.5(2)	Failure to comply with required signage and marking requirements	250	125
45.5(3)	Failure to have vehicle inspected annually	1000	500
45.5(3)	Failure to submit vehicle for inspection as required	1000	500
45.5(4)	Failure to meet accessible vehicle requirements	1000	500
48(a)	Providing/offering services through street hail	500	250
48(b)	Providing/offering services through a dispatch by a non-digital platform	500	250
48(c)	Providing/offering services for non-digital payment	500	250
56(c)	Failure to engage taxi meter	250	N/A
58(2)	Failure to allow travel with a service animal	500	N/A
59(1)	Failure to comply with authorized pre-payment requirements	500	250
63	Failure to return passenger property - PTP	500	250
64.1(1)	Refusal to provide service without reasonable grounds	1000	N/A
64.1(2)	Failure to allow travel with a service animal	500	N/A
64.1(3)	Failure to notify dispatcher of notice of refusal of service	1000	500
65.6	Failure to return passenger property – limousine	500	250

(b) to replace the current Administrative Penalty and Early Payment Discount amounts with the following amounts:

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Vehicles for Hire By-law, By-Law No. 129/2017		Administrative Penalty	
Provision	Contravention summary	Administrative Penalty ($)	Early Payment Discount ($)
45(2)	Failure to post required camera signage in taxi	250	125
45(3)	Failure to comply with required signage and marking requirements	250	125
45(4)	Failure to have taxi inspected annually	1000	500
46(3)(a)	Driver sexually harassing or making lewd comment	500	250
46(3)(b)	Driver insulting, abusing, intimidating or threatening passenger	500	250
46(3)(c)	Driver asking for tip or gratuity or suggesting one is expected or required	500	250
46(3)(d)	Driver failing to release passenger on request	500	250
46(3)(e)	Driver requesting or accepting collateral as security for a fare	500	250
55(3)	Taxi driver failing to allow passenger to pay by either cash or credit card	125	N/A
60	Failure to comply with dispatcher's property retrieval policy - taxi	500	250

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PART 3
COMING INTO FORCE

Coming into force

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

DONE AND PASSED this day of , 2023.

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Mayor

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City Clerk

Approved as to content:

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Manager of Winnipeg Parking Authority

Legally reviewed and certified as to form:

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For Director of Legal Services/ City Solicitor

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