PROPOSED

BYLAW NUMBER 20M2018

BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND BYLAW 6M2007,
THE LIVERY TRANSPORT BYLAW
* *

WHEREAS Council has considered CPS2018-0110 and deems it necessary to amend Bylaw 6M2007, the Livery Transport Bylaw;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. Bylaw 6M2007, as amended, is hereby further amended.

2. Subsection 11(b.1) is deleted and replaced with the following:

    "(b.1) a **Motor Vehicle**, other than a **Taxi, Accessible Taxi, Limousine** or **Private For Hire Vehicle**, that is carrying passengers pursuant to a contract with the **City**;".

3. The following is added after section 31 as section 31.1:

    "31.1 No **Person** shall attach more than one **Plate** to a **Motor Vehicle**.".

4. In subsection 37(e)(v), the words "paper printout" are deleted and replaced with "paper or electronic receipt".

5. The following is added after section 37 as section 37.1:

    "37.1 Despite sections 37(c) and 38(a), the **Chief Livery Inspector** may approve a **Motor Vehicle** that is more than eight model years old as a **Taxi** or **Accessible Taxi** and **Issue** a **Livery Vehicle Registration Certificate** if, in the opinion of the **Chief Livery Inspector**, the **Motor Vehicle** is in good mechanical condition and appearance.".

6. Section 39.1 is deleted and replaced with the following:

    "39.1 (1) A **Brokerage** with which a **Taxi** or **Accessible Taxi** is affiliated must ensure the **Taxi** or **Accessible Taxi** is equipped with:

    (a) a fully-operational security camera:

    (i) that has been approved by the **Chief Livery Inspector**; and

    (ii) that is mounted on the inside of the windshield, or in another suitable position, facing rearward and that is continually recording audio and video of all occupants in

the **Taxi** or **Accessible Taxi** at all hours of the day or night, and;

(b) a decal or sign satisfactory to the **Chief Livery Inspector** that is installed in a conspicuous location that indicates that a security camera is installed and images of the passengers are being recorded.

(2) The **Brokerage** with which the **Taxi** or **Accessible Taxi** is affiliated must retain recordings from the security camera for no less than 5 days.

(3) A **Brokerage** must disclose recordings from the security camera to the **Chief Livery Inspector** or the Calgary Police Service upon request within 3 days of the request.

(4) Despite subsections (1), (2) and (3), for a **Taxi** or **Accessible Taxi** that is an **Independent Livery Vehicle**, the **Person** who holds the **T.P.L.** or **A.T.P.L.** that is joined to the **Independent Livery Vehicle** is responsible for fulfilling the requirements of those subsections.

(5) A **Person** must not:

(a) tamper or interfere with a security camera; or

(b) block, obstruct or disable a security camera so that it cannot capture audio and video of all occupants in the **Taxi** or **Accessible Taxi.**

(6) A **Driver** must not **Operate** a **Taxi** or **Accessible Taxi** if the equipped security camera is turned off, blocked or obstructed, disabled or otherwise inoperable.":

7. Section 54.1 is deleted and replaced with:

"54.1 (1) A **Person** that **Operates** a **Livery Vehicle**, other than a **Taxi** or **Accessible Taxi**, must not:

(a) offer, promote or solicit a **Street Hail**, or

(b) accept a **Street Hail**.

(2) Subsection (1) does not apply to a **Person** that operates a **Limousine** who offers, promotes, solicits or accepts a **Street Hail** at the main passenger terminal building at the Calgary International Airport.".

8. The following is added after subsection 54.5(2) as subsections 54.5(3) and (4):

"(3) The functions required for the approval of an **App** pursuant to sections 54.6, 54.7 or 54.8 must be maintained after the **App** is approved pursuant to subsection (1).

(4) The **Chief Livery Inspector** may suspend or revoke the approval of an **App** that does not maintain the required functions set out in sections 54.6, 54.7 or 54.8, as applicable.".

9. In subsection 54.6(e), the words "subsection (1)(d)" are deleted and replaced with "subsection (d)".

10. In subsection 54.8(2), after the word "cash", the words "or by means of an **Electronic Payment System** that is separate from the **App**" are added.

11. In subsection 54.11(2), the word "**Licence**" is deleted and replaced with "**Livery**".

12. The following is added after section 71 as section 71.1:

"71.1 (1) If a **T.P.L.** or **A.T.P.L.** expires and an application to renew is not made within thirty (30) days of expiry, then the **T.P.L.** or **A.T.P.L.** is deemed to have been abandoned and the right to renew is forfeited.

(2) Despite subsection 71.1(1), the **Chief Livery Inspector** may accept an application to renew a **T.P.L. or A.T.P.L.** after thirty (30) days of expiry if circumstances warrant.".

13. Section 76 is deleted and replaced with the following:

"76. The **Chief Livery Inspector** may:

(a) set the term; and

(b) vary the term;

of any **Licence Issued** pursuant to this Bylaw.".

14. The following is added after subsection 88.5(3) as subsection 88.5(4):

"(4) A **Taxi, Accessible Taxi** or **Limousine** cannot be registered as a **Private For Hire Vehicle**.".

15. In section 86, the following is added after subsection 86(h) as subsection 86(h.1):

"(h.1) may charge a passenger a fee of up to $100 for soiling the interior of the **Taxi** or **Accessible Taxi** with vomit or bodily fluids; and".

16. Section 88.6 is deleted and replaced with the following:

"88.6 (1) A **Person** must not use a **Private For Hire Vehicle** that is more than ten model years old to provide **App** Based Service.

(2) Despite subsection (1), the **Chief Livery Inspector** may permit a **Private For Hire Vehicle** that is more than ten model years old to provide **App Based Service** if, in the opinion of the **Chief Livery Inspector**, the **Private For Hire Vehicle** is in good mechanical condition and appearance.".

17. Section 163 is deleted and replaced with the following:

"163. (1) At a hearing, instead of suspending or revoking a **Licence**, the **Chief Livery Inspector** may allow the **Licence** to continue with conditions respecting the operation of the livery business to which the **Licence** applies.

(2) It is an offence for a **Licencee** to fail to comply with a condition imposed by the **Chief Livery Inspector** pursuant to subsection (1).".

18. In **SCHEDULE "A" – RATES**, subsection 8(e) is deleted.

19. In **SCHEDULE "B" – FEES**, in **TABLE 1 – Licence Fees**:

(a) for item 18, the 2018 Annual **Brokerage Licence** fee is changed from "$1897" to "$1824"; and

(b) for item 18.1, the 2017 **Transportation Network Company Licence** Application Fee is changed from "$141" to "$135".

20. In **SCHEDULE "B" – FEES**, under the heading **Combined Transportation Network Company/Transportation Network Driver Licence Fee**, sections 1, 2, 3, 5, 6 and 7 are deleted and replaced with the following:

"1. The Combined Fee comprises the fee for a **Transportation Network Company's Licence** and the fee for the **Transportation Network Driver Licences** for all **Drivers** that are authorized during a calendar year, to use any **App** that is administered or promoted by the **Transportation Network Company**.

2. A **Transportation Network Company** that elects to pay the Combined Fee must advise the **Chief Livery Inspector** accordingly at the time of the **Transportation Network Company's Licence** application or renewal.

Calculation of Fee

3. The Combined Fee consists of an Administration Fee plus a Per Trip fee payable as follows:

(a) the Administration Fee is payable by the **Transportation Network Company** at the time of its **Licence** application or renewal, and is based on the number of **Licensed**

(b) **Transportation Network Drivers** authorized, at the time of the **Licence** application or renewal, to use any **App** administered by the **Transportation Network Company** as follows:

Number of Transportation Network Drivers	Administration Fee
1-100	$5,000
101-1000	$15,000
1001-3000	$30,000
3001 or more	$50,000

In addition to the initial Administration Fee payable, if during a calendar year, the number of **Licensed Transportation Network Drivers** authorized to use any **App** administered or promoted by the **Transportation Network Company** increases such that a higher Administration Fee would be payable, the **Transportation Network Company** must immediately pay the difference; and

(c) a Per Trip Fee of $0.20 for each trip arranged, during a calendar year, through any **App** that is administered or promoted by the **Transportation Network Company,** payable by the **Transportation Network Company** on a quarterly basis.

Minimum Fee amount

4. If at the end of a calendar year, the total amount paid by the **Transportation Network Company** is less than the following:

cumulative number of **Licensed Transportation Network Drivers** who were authorized, at any time during the calendar year to use any **App** that is administered or promoted by the **Transportation Network Company**   X $229

("the Minimum Fee")

the **Transportation Network Company** must pay the difference within 30 days of the end of the term of the **Transportation Network Company's Licence.**

Reimbursement of excess fees

5.   If at December 31 of any year, the total Combined Fee received by the **Chief Livery Inspector** from any **Transportation Network Company** exceeds the Minimum Fee for that **Transportation Network Company**, the **Chief Livery Inspector** shall reimburse that **Transportation Network Company** for the excess amount.".

21.   In **SCHEDULE "D" – OFFENCE AND PENALTY**, under the headings indicated:

(1)   the following is deleted:

OFFENCE		PENALTY	
Section	Description	Minimum	Specified
"s. 39.1(4)	Tamper, interfere, block or obstruct a security camera	$200.00	$700.00"

and replaced with:

OFFENCE		PENALTY	
Section	Description	Minimum	Specified
"s. 39.1(5)	Tamper, interfere, block or obstruct a security camera	$200.00	$700.00
s. 39.1(6)	**Operate** a **Taxi** or **Accessible Taxi** with an inoperable security camera	$200.00	$700.00"

(2)   the following is deleted:

OFFENCE		PENALTY	
Section	Description	Minimum	Specified
"s. 54.1	Accept **Street Hail**	$300.00	$1000.00"

and replaced with:

OFFENCE		PENALTY	
Section	Description	Minimum	Specified
"s. 54.1(1)	Offer, promote, solicit or accept a **Street Hail**	$300.00	$1000.00"

(3)   after:

OFFENCE		PENALTY	
Section	**Description**	**Minimum**	**Specified**
"s. 86(a)	Refusal to accept passenger	$200.00	$700.00"

the following is added:

OFFENCE		PENALTY	
Section	**Description**	**Minimum**	**Specified**
"s. 87(h)	Refusal to accept passenger with **Service Animal**	$200.00	$700.00"

(4)   the following is deleted:

OFFENCE		PENALTY	
Section	**Description**	**Minimum**	**Specified**
"s. 158(6) (a)-(d)	Fail to comply with **LTS Inspector's** Order interfere with Order	$300.00	$1000.00"

and replaced with:

OFFENCE		PENALTY	
Section	**Description**	**Minimum**	**Specified**
"s. 158(6) (a)-(d)	Fail to comply with **LTS Inspector's** Order or interfere with Order	$300.00	$1000.00"

(5)   after:

OFFENCE		PENALTY	
Section	**Description**	**Minimum**	**Specified**
"s.158(6) (a)-(d)	Fail to comply with **LTS Inspector's** Order interfere with Order	$300.00	$1000.00"

the following is added:

OFFENCE		PENALTY	
Section	**Description**	**Minimum**	**Specified**
"s.163(2)	Fail to comply with **Licence** conditions	$700.00	$1500.00"

22.   This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON   _____

READ A SECOND TIME ON   _____

READ A THIRD TIME ON   _____

_____
MAYOR

SIGNED ON   _____

_____
CITY CLERK

SIGNED ON   _____