

AMENDMENT KEY TO THE LIVERY TRANSPORT BYLAW 6M2007

Section	Current Provision	Proposed Provision	Anticipated Effect
PART 3 – MANAGER			
22.1	None	The following is added after section 22 as section 22.1: “22.1 Where the Manager has specified the form, content, colour and location of Plates and other decals and identification markings required to be placed on Livery Vehicles pursuant to section 22(c), the Driver of a Livery Vehicle must ensure that all Plates, decals and identification markings are placed on the Livery Vehicle as specified by the Manager.”	Needed to clarify that enforcement can be taken against the driver of the vehicle. A separate provision in the bylaw [Section 99(2)] already allows for enforcement to be taken against the plate holder. This will allow flexibility in cases where the driver is not the plate holder.
24(4)	(4) Upon receipt of a bulletin a Brokerage shall (a) post the bulletin in a prominent location within the Brokerage premises; and (b) upon request provide a copy to all persons who pay the Brokerage stand rent.	Subsection 24(4) is deleted and replaced with the following: “(4) Upon receipt of a bulletin a Brokerage shall: (a) post the bulletin in a prominent location within the Brokerage premises; (b) upon request provide a copy to all persons who pay the Brokerage stand rent; and (c) communicate over the Brokerage’s dispatch system that the bulletin has been published.”	Addition of subsection (c) will enhance the communication of Bulletins.

Section	Current Provision	Proposed Provision	Anticipated Effect
PART 4 – LIVERY VEHICLES; Division 1 – General			
35.	35. No person shall charge a fare for the operation of a Taxi other than the fare shown on the Taximeter at the conclusion of the trip unless a flat rate fare is requested in accordance with Schedule "A".	Section 35 is deleted and replaced with: "35. No Person shall charge a fare for the operation of a Taxi other than the fare shown on the Taximeter at the conclusion of the trip except in accordance with Schedule "A"."	"Unless a flat rate fare is requested" is deleted as flat rates are already included in Schedule "A." This allows for changes to be made to Schedule "A" without having to update this section.
PART 4 – LIVERY VEHICLES; Division 4 – Limousines			
50(2)	(2) In Subsection (1), "previously arranged" means: (a) in the case of a Limousine affiliated with a Brokerage, the customer has entered into an agreement with the Brokerage prior to the pick up; or (b) in the case of a Limousine that is an Independent Livery Vehicle, the customer has entered into an agreement with the Driver of the Limousine.	Subsection 50(2) is deleted and replaced with the following: "(2) In Subsection (1), "previously arranged" means: (a) in the case of a Limousine affiliated with a Brokerage , the customer has entered into an agreement with the Brokerage at least 30 minutes prior to the time of pick up; or (b) in the case of a Limousine that is an Independent Livery Vehicle , the customer has entered into an agreement with the Driver of the Limousine at least 30 minutes prior to the time of pick up."	To ensure a limousine licence is not merely a way to circumvent the closed entry taxi licensing system, rules are in place to clearly delineate taxi service from limousine service. The pre-arrangement requirement is one of the key delineations, the others being price (hourly minimum) and vehicle definition (luxury class). The pre-arrangement requirement dates back to Limousine Bylaw 3M94. At the time, it was not possible to pre arrange a trip virtually on demand as it is today using smart phone technologies. As such, a specific time frame was not necessary until now. The pre-arrangement requirement also speaks to public safety: it is much easier for a customer to identify a licensed taxi than a licensed limousine. Stipulating a 30-minute time frame will help guard against the operation of unlicensed limousines and aid enforcement on this matter. Time frame aligns with model regulations developed by the International Association of Transportation Regulators (IATR).

Section	Current Provision	Proposed Provision	Anticipated Effect
50(3)	(3) An agreement referred to in Subsection (2) must include the following information: (a) the time and date when every passenger is picked up;	In subsection 50(3), the following is added before 50(3)(a) as 50(3)(a.1): “(a.1) the time and date when the agreement was entered into,”	Works in conjunction with the 30-minute pre-arrangement requirement for enforcement purposes.
PART 5 – LICENSES; Division 1 – General			
72.1	None	The following is added after section 72 as section 72.1: “72.1 The Manager must refuse to Issue a T.D.L. or L.D.L. applied for if the Applicant does not hold a valid and subsisting Class 1, 2 or 4 Provincial Operator’s Licence. ”	“Provincial Operator’s Licence” is defined in the bylaw [section 12 (oo) “ <i>Provincial Operator’s Licence means an operator’s licence issued under the Traffic Safety Act</i> ”] but had not previously been included in any specific provision.
74	74. No Person whose application for a Licence or transfer of a T.P.L. or A.T.P.L. has been refused may reapply for a Licence or transfer of a T.P.L. or A.T.P.L. until six months after the date of the written notice of the Manager’s refusal.	In section 74, the words “or such longer time as determined by the Manager in his or her sole discretion” are added after the word “refusal”.	To allow the Manager to extend to greater than 6 months, if appropriate. Recommendation from the Law Department based on a Licence Appeal Board matter. Aligns with section 164(c).

Section	Current Provision	Proposed Provision	Anticipated Effect
PART 5 – LICENSES; Division 2 – Driver’s Licence (T.D.L or L.D.L)			
86(g)	86. A Driver: (g) must display his T.D.L. or L.D.L. in a position inside the Livery Vehicle which is clearly visible to all passengers;	Section 86(g) is deleted and replaced with the following: “(g) must display his or her T.D.L. or L.D.L. in a position inside the Livery Vehicle which is clearly visible to any person inside the Livery Vehicle; ”	This provision is intended to ensure drivers display their badge at all times. Badge visibility is important to help customers identify the driver should they wish to submit a compliment or complaint.
PART 5 – LICENSES; Division 5 – Transfers			
117	117. The estate of a deceased holder of a T.P.L. or A.T.P.L., may during the twenty-four month period specified in section 116, allow a Driver or Drivers to operate the Taxi or Accessible Taxi to which the T.P.L. or A.T.P.L. is joined.	In section 117, the words “twenty-four” are deleted and replaced with “twelve (12)” .	Clerical change required to align with section 116, which specifies a twelve month period.

Section	Current Provision	Proposed Provision	Anticipated Effect
PART 5 – LICENSES; Division 7 – Brokerage Licence			
135.3(3)	135.3 (1) In this section, “Stand Rent” means the total amount charged to a Driver by a Brokerage to affiliate with the Brokerage. (2) A Brokerage must record the Stand Rent charged to all Drivers on a weekly basis, including the rate and the Plate that the Stand Rent was applied to. (3) A Brokerage must transmit the data set out in subsection (2) on the Monday following the week on which the data is recorded to a location and in a format approved by the Manager.	Subsection 135.3(3) is deleted and replaced with the following: “(3) A Brokerage must transmit the data set out in subsection (2) to a location and in a format approved by the Manager: (a) upon the renewal of the Brokerage’s Licence; and (b) at any time where the amount of a Stand Rent charged to a Driver is changed.”	Administration will know from GPS and taximeter data how many vehicles are in service each week and would be able to estimate weekly stand rents accordingly. This method will make this reporting much easier to manage.
PART 8 – ENFORCEMENT; Division 4 – Suspensions, Revocations and Appeals			
158.1	None	The following is added before section 159 as subsection 158.1: “158.1 In this Division, “Licence” includes a Certificate.”	Without capturing the term “certificate” in this Division, Administration is unable to take any action on a Mechanical or inspection station.

Section	Current Provision	Proposed Provision	Anticipated Effect
162(2),(5) and (5)(b)	162. (2) A request for the Manager to reconsider the refusal to Issue a Licence or a suspension or revocation must be made in writing to the Manager within thirty days of the Manager's decision to suspend or revoke the Licence. (5) The Manager's decision to suspend or revoke a Licence without a hearing is only appealable to the Licence and Community Standards Appeal Board if: (b) the Manager did hold a hearing to reconsider his decision but the Manager did not change his decision to suspend or revoke the Licence.	In subsections 162(2), (5) and (5)(b), the word "refuse," is added after the words "decision to".	Addition is required in order to align with the first subsection, 162. (1) Any Person who has been refused a Licence and any Licensee whose Licence has been suspended or revoked by the Manager without a hearing may request a hearing of the Manager to reconsider his decision.
SCHEDULE "A" – RATES; PART 1 – TAXI RATES			
5.	5. No other taxes, fees or charges shall be collected.	In SCHEDULE "A" – RATES , in section 5 the words "other than as provided for in this Schedule" are added after the word "collected".	Adds clarity.

Section	Current Provision	Proposed Provision	Anticipated Effect
8(c)	8(c) Notwithstanding Subsection (b), the Driver of a van with a rated seating capacity of more than six occupants may charge a surcharge of \$6.80 in addition to the meter rate when a customer requires or requests such a van to accommodate additional luggage or cargo and the customer agrees to the surcharge in advance of the trip.	In SCHEDULE "A" – RATES , subsection 8(c) is deleted and replaced with the following: “(c) Notwithstanding Subsection (b), the Driver of: (ii) a Taxi with a rated seating capacity of seven or more occupants; or (ii) a Taxi to which an A.T.P.L. is joined; may charge a surcharge of \$6.80 in addition to the meter rate when a customer requires or requests such a Taxi to accommodate additional luggage or cargo and the customer agrees to the surcharge in advance of the trip.”	Will allow wheelchair accessible taxis to charge the luggage/cargo surcharge. The rated seating capacity of wheelchair accessible taxis is five, which excluded them from this allowance despite having ample room for luggage/cargo. Capturing these vehicles is in keeping with the intent of the surcharge and may also help to offset the higher costs to operate an accessible vehicle.
8(e)	None	In SCHEDULE "A" – RATES , after subsection 8(d), the following is added as subsection 8(e): “(e) A Driver may charge a passenger a fee of up to \$100 for soiling the interior of the Taxi with vomit or bodily fluids.”	To partially offset the costs incurred when a passenger becomes ill in a taxi.

Section	Current Provision	Proposed Provision	Anticipated Effect
Table 1	None	In SCHEDULE "A" – RATES, the following is added following the title TABLE 1 – FLAT RATE FARES FOR REGISTERED HOTEL GUESTS AND AIRLINE CREWS: "Note: Flat rate fares from Airport include \$4.00 surcharge imposed by the Calgary Airport Authority"	Adds clarity. Explains why the "From Airport" rate for taxis is \$4.00 more than the "To Airport" rate.
SCHEDULE "A" – RATES; PART 2 – LIMOUSINE RATES			
12(3)(a)	12. When charging a zone-based fare according to section 11 the following provisions apply: (3) the following amounts shall be levied in addition to the zone-based fare set out in Table 3: (a) \$6.00 for every trip originating at the main passenger terminal building at the Calgary International Airport.	In SCHEDULE "A" – RATES, subsection 12(3)(a) is deleted.	Adds clarity. Table 3 already includes the \$6.00 surcharge imposed by the airport authority.

Section	Current Provision	Proposed Provision	Anticipated Effect
Table 3	None	In SCHEDULE "A" – RATES , after the title TABLE 3 – ZONE BASED FARES FOR SEDAN LIMOUSINES - Travelling To/From Calgary International Airport , the following is added: "Note: Zone based fares from Airport include \$6.00 surcharge imposed by the Calgary Airport Authority"	Adds clarity. Explains why the "From Airport" rate for sedan limousines is \$6.00 more than the "To Airport" rate.
SCHEDULE "C" – ENHANCED LIVERY VEHICLE INSPECTION STANDARDS			
64(4)(a)	64. Tire Condition; Subsection (4) type; Defect(s) (a) tires on an axle are not exactly the same brand and tread pattern	In SCHEDULE "C" — ENHANCED LIVERY VEHICLE INSPECTION STANDARDS , in section 64(4)a), the words " <i>an axle</i> " are deleted and replaced with " <i>all axles</i> ".	To require tires to be the same type on both axles (i.e., snow, directional). Safety issue: Directional tires on front, non-directional tires on back is a handling issue.
SCHEDULE "D" – OFFENCE AND PENALTY			
s22.1	None	In SCHEDULE "D" — OFFENCE AND PENALTY , the following is added before s. 25 as s.22.1 under the headings indicated: "s. 22.1 Improper placement Plates, decals or identification markings; \$200.00 (Minimum); \$700.00" (Specified)	Will help with the requirement to display the Passenger & Driver Bill of Rights (for example) among other required markings (plate number, rate decal, etc.)
s86(g)	None	In SCHEDULE "D" — OFFENCE AND PENALTY , the following is added after s. 86(e) as s.86(g) under the headings indicated: "s. 86(g) fails to clearly display T.D.L. or L.D.L.; \$200.00 (Minimum); \$700.00 (Specified)"	Specifically makes it an offence for drivers not to display their badges.

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ATTACHMENT 2

Section	Current Provision	Proposed Provision	Anticipated Effect
135.3 (1)(2)(3)	“s. 135.3(1) Brokerage fails to record Stand Rent data; \$1000.00 (Minimum); \$2000.00 (Specified) s. 135.3(1) Brokerage fails to submit Stand Rent data; \$1000.00 (Minimum); \$2000.00 (Specified)”	“s. 135.3(2) Brokerage fails to record Stand Rent data; \$1000.00 (Minimum); \$2000.00 (Specified) s. 135.3(3) Brokerage fails to submit Stand Rent data; \$1000.00 (Minimum); \$2000.00 (Specified)”	Clerical correction of subsection numbers.