

BYLAW NUMBER 42M2016

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

WHEREAS Council has considered C2016-0918 and considers 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, the Livery Transport Bylaw, as amended, is hereby further amended.
2. In section 12:
 - (1) in subsection 12(nn.1) after the word “administered” the words “or promoted” are added; and
 - (2) in subsection 12(tt.1) after the word “administers,” the word “promotes” is added.
3. In subsection 24(4.1) the words “use any **App** administered by the **Transportation Network Company**” are deleted and replaced with “are authorized to use any **App** administered or promoted by the **Transportation Network Company**”.
4. In section 27.1 the words “**Transportation Network Driver**” are deleted and replaced with the words “**Licensed Transportation Network Driver**”.
5. Subsection 54.5(2) is deleted and replaced with the following:
 - “(2) The **Chief Livery Inspector** may only approve an **App** if either the **Person** who administers the **App** or the **Person** who promotes the **App** holds:
 - (a) a valid and subsisting **Brokerage Licence**; or
 - (b) a valid and subsisting **Transportation Network Company Licence**.”.
6. In subsection 54.6(h) after the word “administers” the words “or promotes” are added.
7. In subsection 54.7(1)(g) after the word “administers” the words “or promotes” are added.
8. In subsection 54.8(1)(g) after the word “administers” the words “or promotes” are added.
9. In subsections 54.9(1) and (4), after the word “administer,” the word “promote” is added.
10. In section 54.10:
 - (1) in subsection 54.10(1), the words “and **Transportation Network Companies**” are deleted; and

(2) subsection 54.10(3) is deleted.

11. After section 54.10, the following is added as sections 54.11 and 54.12:

“54.11 (1) A **Transportation Network Company** must, for each trip arranged through an **App** that is administered or promoted by the **Transportation Network Company**, record in an electronic format the following information:

- (a) the **Licence** number of the **Transportation Network Driver** who provided the trip;
- (b) the time and date that the trip was arranged;
- (c) the time and date of the start of the trip;
- (d) the latitude and longitude of the location where the trip started;
- (e) the time and date of the end of the trip;
- (f) the latitude and longitude of the location where the trip ended; and
- (g) whether a wheelchair accessible vehicle was requested.

(2) The information specified in subsection (1) must be transmitted to the Chief Livery Inspector:

- (a) on a schedule;
- (b) to a location; and
- (c) in a format;

approved by the **Chief Licence Inspector**.

Sufficiency of App

54.12 Where this Bylaw imposes any requirement on an **App**, that requirement is satisfied if:

- (i) a **Driver** and a customer make use of separate **Apps** administered or promoted by the same **Brokerage** or **Transportation Network Company**; and
- (ii) either **App**, whether separately or in conjunction with the other, satisfies the requirement.”

12. In section 59 the words “**Livery Vehicle**” are deleted and replaced with “**Taxi, Accessible Taxi or Limousine**”.

13. In section 69:
- (1) in subsection 69(3)(b), the word “and” is deleted; and
 - (2) the following is added after subsection 69(3)(b) as subsection 69(3)(b.1):
“(b.1) a police information check; and”.
14. The following is added after subsection 70(2) as subsection 70(3):
- “(3) Despite subsection (1), the submission of materials in connection with an application for a **Licence** may be facilitated through a **Transportation Network Company** and submitted electronically.”.
15. Subsection 73(e) is deleted and replaced with the following:
- “(e) the Chief of Police has recommended that the **Applicant** should not be **Issued a Licence**.”.
16. Section 76 is deleted and replaced with the following:
- “76. The **Chief Livery Inspector** may set the term for any **Licence Issued** pursuant to this Bylaw.”.
17. The following is added after subsection 88.3(1) as subsection 88.3(1.1):
- “(1.1) The **Transportation Network Company** with which the **Applicant** is affiliated must provide confirmation prior to the **Transportation Network Driver’s Licence** being **Issued**.”.
18. In section 88.5:
- (1) subsection 88.5(2)(b) is deleted and replaced with the following:
“(b) for any **Motor Vehicle** for which the **Applicant** is:
 - (i) not the registered owner; or
 - (ii) not listed as an insured party on the insurance policy in respect of the **Motor Vehicle**;
the written consent of the registered owner permitting the **Applicant** to use the **Motor Vehicle** to provide **App Based Service**.”;
 - (2) subsection 88.5(2)(c) is deleted and replaced with the following:
“(c) (i) a copy of a record of inspection for the **Motor Vehicle** pursuant to the Vehicle Inspection Regulation AR 211/2006, which indicates that the vehicle was inspected by a garage approved by the Alberta Motor Vehicle Industry Council and has passed the inspection; or

(ii) a copy of an **Inspection Certificate** for the **Motor Vehicle**;
dated no earlier than 30 days before the application for registration and;”;

and

(3) the following is added after subsection 88.5(2) as subsection 88.5(3).

“(3) The registration pursuant to subsection (1) may be facilitated electronically through a **Transportation Network Company**.”.

19. Section 135.10 is deleted.

20. In sections 139, 140, 141, 142, 143 and 145 the words “**Livery Vehicle**” are deleted wherever they appear and replaced with “**Taxi, Accessible Taxi or Limousine**”.

21. Subsection 147(c) is deleted and replaced with the following:

“(c) give three copies of the **Inspection Certificate** to:

(i) the **T.P.L., A.T.P.L. or L.P.L.** holder of the **Taxi, Accessible Taxi or Limousine**;

(ii) the **Transportation Network Driver**;

as applicable;”.

22. In section 150.1:

(1) subsection 150.1(1) is deleted and replaced with the following:

“150.1 (1) For all **Motor Vehicles** that a **Transportation Network Driver** has registered with the **Chief Livery Inspector** pursuant to section 88.5, the **Transportation Network Driver** must annually submit to the **Chief Livery Inspector**:

(a) a copy of a record of inspection for the **Motor Vehicle** pursuant to the Vehicle Inspection Regulation, AR 211/2006, which indicates that the vehicle was inspected by a garage approved by the Alberta Motor Vehicle Industry Council and has passed the inspection, dated no later than 12 months from the date of the last record of inspection submitted to the **Chief Livery Inspector**; or

(b) an **Inspection Certificate** for the **Motor Vehicle** dated no later than 12 months from the date of the last **Inspection Certificate** submitted to the **Chief Livery Inspector**.”;

(2) the following is added after subsection 150.1(1) as subsection 150.1(1.1):

“(1.1) No **Person** shall **Operate a Private For Hire Vehicle** without a valid and subsisting:

(a) record of inspection pursuant to subsection (1)(a); or

(b) **Inspection Certificate** pursuant to subsection (1)(b).”;

(3) in subsection 150.1(2) after the words “record of inspection” wherever they appear the words “or **Inspection Certificate**” are added;

(4) after subsection 150.1(2) the following is added as subsection 150.1(2.1):

“(2.1) The record of inspection or **Inspection Certificate** pursuant to subsections (1) may be submitted electronically.”;

and

(5) in subsection 150.1(3) after the words “record of inspection” the words “or **Inspection Certificate**” are added.

23. Subsection 152(1) is deleted and replaced with the following:

“152. (1) Fees for all **Licences** issued pursuant to this Bylaw and charges for the processing of applications, renewals, reinstatements and Livery Transport Services administration shall be in accordance with Schedule “B”.”.

24. **“SCHEDULE “B” – FEES**” is deleted and replaced with the following:

“SCHEDULE “B” – FEES

(1) No refund will be granted, in whole or in part, where a **Licence** is surrendered, suspended or revoked.

(2) No refund will be granted, in whole or in part, where the **Applicant** abandons an application.

(3) No refund will be granted, in whole or in part, where an application is refused.

(4) Annual **Licence** fees will not be pro rated.

(5) The **Chief Livery Inspector** may waive a reinstatement fee.

(6) Where the fees described in this Schedule are shown for a particular calendar year, the fees shall apply in the calendar year indicated (from January 1 to December 31, inclusive).

TABLE 1 – Licence Fees

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
PART 4 – Livery Vehicles				
Division 1 – General				
1. Livery Vehicle Registration Certificate	\$135	\$135	\$135	\$141
PART 5 – Licences				
Division 1 – General				
Licence Applications				
2. Calgary Police Service Information Check	\$41	\$41	\$41	\$43
Driver Licence Applications (T.D.L. and L.D.L.)				
3. L.D.L. Application Fee (includes 1 st test and study guide)	\$54	\$54	\$54	\$56
4. T.D.L. Training Fee (includes 1 rewrite)	\$745	\$300	\$300	\$312
5. L.D.L. Re-testing Fee	\$24	\$24	\$24	\$25
6. Annual T.D.L. and L.D.L. Fee (includes Photo ID Badge)	\$135	\$135	\$135	\$141
7. Replacement ID Badge (Lost, Damaged)	\$37	\$37	\$37	\$39
8. Accessible Driver Endorsement Refresher Training Fee	\$72	\$72	\$72	\$75
Division 2.1 – T.N.D.L.				
8.1. Annual T.N.D.L. Fee	n/a	\$220	\$220	\$229
Division 3 – T.P.L. and A.T.P.L.				
9. Annual Licence Fee for T.P.L. (new plate or renewal)	\$877	\$877	\$877	\$912

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
10. Annual Licence Fee for A.T.P.L. (new plate or renewal)	\$220	\$220	\$220	\$229
11. Replacement Plate for T.P.L. and A.T.P.L.	\$72	\$72	\$72	\$75
12. Application Fee for T.P.L. or A.T.P.L. for new Plates	\$174	\$174	\$174	\$181
Division 4 – L.P.L.				
13. Annual Licence Fee for L.P.L.	\$703	\$703	\$703	\$731
14. Replacement Decal	\$48	\$48	\$48	\$50
Division 5 – Transfers				
15. Transfer Application Fee	\$877	\$250	\$250	\$260
16. Transfer Fee (approved)	\$438	\$250	\$250	\$260
Division 7 – Brokerage				
17. Brokerage Licence Application Fee	\$1753	\$1753	\$1753	\$1824
18. Annual Brokerage Licence Fee	\$1753	\$1753	\$1753	\$1897
Division 3 – Transportation Network Company				
18.1 Transportation Network Company Licence Application Fee	n/a	\$135	\$141	\$141
18.2 Annual Transportation Network Company Licence Fee	n/a	\$1753	\$1753	\$1824
PART 6 – Livery Vehicle Inspections, Livery Vehicle Inspection Certificates and Livery Vehicle Inspection Station Licence				
19. Inspection Certificate Forms	\$25 per package	\$25 per package	\$25 per package	\$26 per package
20. Inspection Station Licence	\$94	\$94	\$94	\$97

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Application Fee				
21. Inspection Station Licence Annual Fee	\$174	\$174	\$174	\$181
22. Mechanic Licence Application	\$48	\$48	\$48	\$50
23. Mechanic Licence Annual Fee	\$94	\$94	\$94	\$97
24. Bylaw	\$5	\$5	\$5	\$5
PART 7 – Refusal, Revocation, Suspension, Appeal				
25. Licence Reinstatement Fee	\$174	\$174	\$174	\$181
26. Licence Reinstatement Fee (Subsection 152(2))	\$1212	\$1212	\$1212	\$1260
27. Licence Reinstatement Fee (Subsection 152(3))	\$363	\$363	\$363	\$377
Miscellaneous Administrative Services				
28. Photocopying	\$ 1 per page			
29. Meter Permit Fee	\$94	\$94	\$94	\$97
30. NSF Ckeque Fee	\$48	\$48	\$48	\$50

Combined Transportation Network Company/Transportation Network Driver Licence Fee

Despite the **Licence** fees set out in items 8.1, 18.1 and 18.2 of Table 1, a **Transportation Network Company** may elect to pay a combined **Transportation Network Company/Transportation Network Driver Licence** fee (“Combined Fee”) in accordance with the following provisions.

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 the term of a **Transportation Network Company’s Licence**, 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 Driver Fee plus a Per Trip fee 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 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
101-500	\$10,000
501-1000	\$15,000
1001 or more	\$20,000

In addition to the initial Administration Fee payable at the time of **Licence** application or renewal, if during the term of a **Transportation Network Company's Licence**, 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.

(b) a Driver Fee of \$15 for each **Licensed Transportation Network Driver** that is authorized, during the term of a **Transportation Network Company's Licence**, to use any **App** that is administered or promoted by the **Transportation Network Company**, payable by the **Transportation Network Company** on a quarterly basis.

(c) a Per Trip Fee of \$0.20 for each trip arranged, during the term of a **Transportation Network Company's Licence**, 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 the term of the **Transportation Network Company's Licence**, the total amount paid by the **Transportation Network Company** is less than the following:

$$\begin{array}{l} \text{cumulative number of} \\ \text{Licensed Transportation} \\ \text{Network Drivers who were} \\ \text{authorized, at any time} \end{array} \quad \times \quad \$220$$

during the term of the
**Transportation Network
Company's Licence**, to use
any **App** that is administered
or promoted by the
**Transportation Network
Company**

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

Maximum Fee amount

5. If at any time during a calendar year the total amount of the Combined Fees collected from the **Transportation Network Company** by the **Chief Livery Inspector** equals or exceeds the projected annual costs for regulating the **Transportation Network Company** and all **Licensed Transportation Network Drivers** authorized to use any **App** administered or promoted by the **Transportation Network Company**, the **Chief Livery Inspector** shall discontinue the collection of the Driver Fee and Per Trip Fee from that **Transportation Network Company** for the remainder of the calendar year.

Reimbursement of excess fees

6. If at December 31 of any year, the total amount of Combined Fees collected by the **Chief Livery Inspector** for all **Transportation Network Companies** who have elected the Combined Fee option exceeds the projected annual costs for regulating such **Transportation Network Companies** and their affiliated **Transportation Network Drivers** (the "surplus"), the **Chief Livery Inspector** shall reimburse all such **Transportation Network Companies** from the surplus. The reimbursement shall be proportional based on the total fees paid by each such **Transportation Network Company** during the calendar year.

Transitional

7. (1) Any **Transportation Network Company** which has paid a **Transportation Network Company Licence Fee** pursuant to item 18.2 of Table 1, may elect to transition to the Combined Fee if the **Transportation Network Company** notifies the **Chief Livery Inspector** in writing of its intention to do so no later than December 31, 2016.

- (2) For a **Transportation Network Company** that elects to transition to the Combined Fee:

- (a) the **Transportation Network Company Licence Fee** paid pursuant to section 18.2 of Table 1 will be credited towards the **Transportation Network Company's Administration Fee**; and
- (b) all fees paid by **Transportation Network Drivers** pursuant to item 8.1 of Table 1 will be refunded to those **Transportation Network Drivers.**"

25. In **SCHEDULE “D” – OFFENCE AND PENALTY**, under the headings indicated:

- (1) in section 139, 140 and 143, the words “**Livery Vehicle**” are deleted and replaced with “**Taxi, Accessible Taxi or Limousine**”;
- (2) under the headings indicated, the following is deleted:

OFFENCE		PENALTY	
Section	Description	Minimum	Specified
“s.141	T.P.L., holder fail to ensure Livery Vehicle joined to his T.P.L. has Inspection Certificate	\$300.00	\$1000.00”

and replaced with

OFFENCE		PENALTY	
Section	Description	Minimum	Specified
“s.141	T.P.L., A.T.P.L. or L.P.L. holder fail to ensure Taxi, Accessible Taxi or Limousine joined to T.P.L., A.T.P.L. or L.P.L. has Inspection Certificate	\$300.00	\$1000.00”

- (3) under the headings indicated, after:

OFFENCE		PENALTY	
Section	Description	Minimum	Specified
“s.149	person other than Certified Mechanic complete Inspection Certificate	\$800.00	\$1500.00”

the following is added:

OFFENCE		PENALTY	
Section	Description	Minimum	Specified
“s.150.1(1.1)	Operate a Private For Hire Vehicle without a record of inspection or Inspection Certificate	\$300.00	\$1000.00”

(4) the following is deleted:

OFFENCE		PENALTY	
Section	Description	Minimum	Specified
"s.150.1(2)	Fail to keep a copy of record of inspection in Private For Hire Vehicle	\$200.00	\$700.00"

and replaced with:

OFFENCE		PENALTY	
Section	Description	Minimum	Specified
"s.150.1(3)	Fail to keep a copy of record of inspection or Inspection Certificate in Private For Hire Vehicle	\$200.00	\$700.00"

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

READ A FIRST TIME THIS ___ DAY OF _____, 2016.

READ A SECOND TIME THIS ___ DAY OF _____, 2016.

READ A THIRD TIME THIS ___ DAY OF _____, 2016.

DRAFT

MAYOR
SIGNED THIS ___ DAY OF _____, 2016.

CITY CLERK
SIGNED THIS ___ DAY OF _____, 2016.