

Explanation of Proposed Livery Transport Bylaw Amendments

| Section | Current Wording | Proposed Provision | Rationale/Anticipated Effect |
|--|--|--|---|
| <p>PART 1 – INTERPRETATION AND PURPOSES OF THIS BYLAW</p> | | | |
| <p>6.</p> | <p>Specific references to laws in this Bylaw are printed in italic font and are meant to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time. For Provincial laws, the reference is to the relevant chapter of the Revised Statutes of Alberta 2000, as amended from time to time, including successor legislation. For Federal laws, the reference is to the relevant chapter of the Revised Statutes of Canada, 1985 edition, as amended from time to time, including successor legislation.</p> | <p>(1) Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.</p> <p>(2) Specific references to laws in this Bylaw are meant to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.</p> | <p>Aligned wording with current bylaw drafting standards.</p> |
| <p>12(a)</p> | <p>“Accessible Taxi” means a Motor Vehicle which has an A.T.P.L. or T.P.L. joined to it and is approved as an Accessible Taxi by the Manager</p> | <p>“Accessible Taxi” means a Motor Vehicle which has an A.T.P.L. joined to it</p> | <p>Clarification in accessible taxi plate licence definition.</p> |

| Section | Current Wording | Proposed Provision | Rationale/Anticipated Effect |
|-----------|--|---|---|
| 12(f) | <p>“A.T.P.L.” means an Accessible Taxi Plate Licence, with a current City of Calgary validation tab attached, Issued by the Manager under this Bylaw, and includes both an A.T.P.L.-1 and an A.T.P.L.-2;</p> | <p>(f) “A.T.P.L.” or “Accessible Taxi Plate Licence” means a Licence Issued pursuant to section 90 and includes a A.T.P.L.-1 and an A.T.P.L.-2;</p> | <p>Clarified the ATPL definition, as validation tabs are no longer required.</p> |
| 12(h) | <p>“Brokerage” means a Person who holds a Brokerage Licence</p> | <p>“Brokerage” means a Person who holds a Licence Issued by the Chief Livery Inspector to conduct Brokerage Operations;</p> | <p>Updated definition of a brokerage to enhance clarity for enforcement purposes.</p> |
| 12(l.1) | <p>None</p> | <p>“Chief Livery Inspector” means the chief administrative officer of the City of Calgary or his designate;</p> | <p>Changed to reflect title change from Manager to Chief Livery Inspector.</p> |
| 12(q)(ii) | <p>“Eligible Transferee” means an individual who has Operated a Taxi for at least 900 hours during the year immediately preceding the date of the application to transfer</p> | <p>Delete</p> | <p>No longer required as per the court decision.</p> |
| 12(w) | <p>“Licence” mean a Licence issued under this Bylaw</p> | <p>“Licence” means a licence issued under this Bylaw;</p> | <p>Clarification of the term “licence” .</p> |

| Section | Current Wording | Proposed Provision | Rationale/Anticipated Effect |
|---------|---|--|--|
| 12(x) | “Licence and Community Standards Appeal Board” means the board authorized by Council to hear Licence appeals pursuant to Bylaw 48M2007. | Delete 48M2007, replace with 50M2011 | Updated to reflect the fact that Council adopted the Bylaw on 2011 September 19. |
| 12(bb) | “L.P.L.” means a Limousine Plate Licence Issued by the Manger under this Bylaw | “L.P.L.” means a Licence Issued by the Chief Livery Inspector which permits a motor vehicle to be operated as a limousine; | Clarification of the term “L.P.L.”. |
| 12(ee) | “Livery Vehicle Registration Certificate” means a Taxi registration or a Limousine registration issued by the Manager | “Livery Vehicle Registration Certificate” means a Certificate which indicates that the Motor Vehicle in respect of which it is Issued is qualified to have a Plate joined to it; | Clarification of the term “Livery Registration Certificate”. |
| 12(gg) | “Manager” means the Manager of Livery Transport Services | Delete | No longer required due to title change to Chief Livery Officer. |
| 12(ii) | “Motor Vehicle” means a Motor Vehicle as defined in the <u>Traffic Safety Act</u> | “Motor Vehicle” means a motor vehicle as defined in the <u>Traffic Safety Act</u> , RSA 2000, c.T-6; | Enhanced clarity for enforcement purposes |
| 12(nn) | “Plate” means a licence plate or decal that identifies a vehicle as a Licensed Taxi or Limousine and which has been issued by the Manager | “Plate” means a T.P.L., A.T.P.L. or L.P.L. | Expanded wording to include accessible taxi plate (ATPL). |
| 12(tt) | “T.P.L.” means a Taxi Plate Licence, with a current City of Calgary validation tab attached, Issued by the Manager under this Bylaw, and includes both a T.P.L.-1 and a T.P.L.-2; | (tt) “T.P.L.” or “Taxi Plate Licence” means a Licence Issued pursuant to section 89.01 and includes a T.P.L.-1 and a T.P.L.-2; | Clarified wording, as validation tabs are no longer required. |

| Section | Current Wording | Proposed Provision | Rationale/Anticipated Effect |
|----------------|---|--|--|
| 22. (b)(v) | transportation of the disabled | Transportation of passengers with disabilities; | Enhanced provision clarity. |
| 25(a) | No Person shall advertise or offer a Motor Vehicle for hire unless that Motor Vehicle has: (a) A valid T.P.L. or A.T.P.L. with the current City of Calgary validation tab attached | No Person shall advertise or offer a Motor Vehicle for hire unless that Motor Vehicle has (a) A valid T.P.L. or A.T.P.L. | Clarified wording, as validation tabs are no longer required. |
| 36.1 | None | No Person shall operate a Taxi or Accessible Taxi with the Taximeter turned on unless the Taxi or Accessible Taxi is engaged by a customer. | This provision is included to address the operation of taxi meters while customers are not present as a means of avoiding taking a dispatched call; as outlined in the report. |
| 36.2 | None | No Person shall fail to pay any fare or fee lawfully required for the Person's hire of a Taxi, Accessible Taxi, or Limousine. | This provision introduces a bylaw penalty for fare/fee evasion to avoid a reliance on the criminal code fraud charge process. |
| 39.1(1)(a)(ii) | A Person that holds a T.P.L. or Accessible Taxi to which the T.P.L. or A.T.P.L. is joined is equipped with: (a) a fully-operational security camera: (ii) that is mounted on the inside of the windshield, or in another suitable position in the front of the passenger compartment, facing rearward to capture images of all occupants of the Taxi or Accessible Taxi at all hours of day or night | A Person that holds a T.P.L. or Accessible Taxi to which the T.P.L. or A.T.P.L. is joined is equipped with: (a) a fully-operational security camera: (ii) that is mounted on the inside of the windshield, or in another suitable position, facing rearward and is continually recording audio and video of all occupants in the Taxi or Accessible Taxi at all hours of day or night | Removed redundancy in provision wording. |

| Section | Current Wording | Proposed Provision | Rationale/Anticipated Effect |
|---------|--|---|--|
| 39.1(4) | None | 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. | The new provision is required in order to make it an offence to tamper with the intended operation of a security camera. |
| 59. | No Person shall Operate a Livery Vehicle without having his T.D.L. or L.D.L. on his person | No Person shall Operate a Livery Vehicle without having a T.D.L. or L.D.L. in his or her possession. | Enhance clarity and necessary for enforcement purposes. |
| 65. | No Person shall Operate a Motor Vehicle in the city which has markings, decals, or equipment identifying it as a Livery Vehicle unless that vehicle has a valid Livery Vehicle Registration Certificate. | No Person shall offer for hire a Motor Vehicle in the City which has markings, decals, or equipment identifying it as a taxi, accessible taxi or limousine unless that Motor Vehicle has a valid Livery Vehicle Registration Certificate. | Clarification to permit taxis/limousines not offering services for hire to enter the city of Calgary. |

| Section | Current Wording | Proposed Provision | Rationale/Anticipated Effect |
|---|---|---|--|
| PART 5 – LICENSES; Division 2 – Driver’s Licence (T.D.L or L.D.L) 86(e). | A Driver must keep a log book in English in a form and manner approved by the Manager and retain such log book for minimum of one year showing: (i) the date and time he starts operating the Livery Vehicle; (ii) the accumulated total number of trips as shown on the Taximeter at the beginning of the shift; (iii) the time and date when every passenger is picked up; (iv) the location at which every passenger is picked up; (v) the destination at which every passenger is discharged; (vi) the total number of trips taken during each shift; and (vii) the time his shift ends; | A Driver must keep a log book in English in a form and manner approved by the Chief Livery Inspector; (e.1) must retain the log book for a minimum of one year following the date of the last entry; (e.2) must enter the following information for each shift by the end of the Driver’s shift each day; (i) the date and time the Driver starts Operating the Livery Vehicle; (ii) the time and date when every passenger is picked up; (iii) the location at which every passenger is picked up; (iv) the destination at which every passenger is discharged; and (v) the time the Driver’s shift ends; | Clarified the retention period for the log books and the timeframe to which the entries must be entered; enhances driver accountability and ability to conduct investigations into complaints. |
| 86(f) | Must keep the log book referred to in this section on his person | Must keep the log book referred to in this section in his or her possession when working as a Driver | Clarification ensures Drivers have the logbook readily available when on-duty. |
| 95. | To be eligible to acquire a T.P.L. or A.P.T.L. a Driver must have driven a Taxi or Accessible Taxi for 900 hours in the city in twelve months preceding the date of acquiring the T.P.L. or A.T.P.L. | Delete | No longer required as per the court decision outlined in the cover report. |

| Section | Current Wording | Proposed Provision | Rationale/Anticipated Effect |
|----------------------------|---|---|--|
| 128.1 | None | If the Chief Livery Inspector determines that a Brokerage is not in compliance with any provision of this Bylaw, the Chief Livery Inspector may prohibit any Plate from continuing to affiliate, or becoming affiliated, with the Brokerage until such time as the Brokerage has remedied the non-compliance. | Clarification to support enforcement practices. |
| 165(1) | A Licensee may appeal the Manager's refusal to Issue a Licence, suspension or revocation of a Licence or the imposition of a condition on a Licence to the Licence and Community Standards Appeal Board in accordance to Bylaw 48M2007, the Licence and Community Standards Appeal Board Bylaw. | Delete 48M2007, replace with 50M2011 | Updated to reflect the fact that Council adopted Bylaw on 2011 September 19. |
| SCHEDULE "B" - FEES | | | |
| 8. | Annual Licence Fee for T.P.L. | Licence Fee for new T.P.L. and A.T.P.L. | Changed to reflect merging of the taxi plate and accessible taxi plate license fees into one category. |
| 10. | New Accessible Taxi Plate Licence Fee | Delete | No longer required as per Section 8. |
| 11. | Annual Renewal Fee for A.T.P.L. | Annual Licence Renewal Fee for T.P.L. and A.T.P.L. | Expanded as per Section 8. |

| Section | Current Wording | Proposed Provision | Rationale/Anticipated Effect |
|--|---|---|---|
| SCHEDULE "C" – ENHANCED LIVERY VEHICLE INSPECTION STANDARDS | | | |
| s.77 | None | Add: (1)Operation a) required camera equipment is missing or inoperative | Clarification of vehicle inspection standards. |
| SCHEDULE "D" – OFFENCE AND PENALTY | | | |
| s.36.1 | None | Offence: operate a Taxi or Accessible Taxi with the Taximeter turned on when the Taxi or Accessible Taxi is not engaged by a customer. Penalty: \$1,000 (Specified); \$500 (Minimum) | Addition of a penalty as per new section 36.1. |
| s.36.2 | None | Offence: evade payment of the fare or fee Penalty: \$1000 (Specified); \$500 (Minimum) | Addition of a penalty as per new section 36.2. |
| s.39.1(4) | None | Offence: Tamper, interfere, block or obstruct a security camera Penalty: \$700 (Specified); \$200 (Minimum) | Addition of a penalty as per new section 39.1(4). |
| s.65 | Operate vehicle with markings of Livery Vehicles where vehicle has no Livery Transport Registration Certificate | Offer for hire a Motor Vehicle in the City with markings of taxi, accessible taxi or limousine unless that Motor Vehicle has a valid Livery Vehicle Registration Certificate | Clarification to permit taxis/limousines not offering services for hire to enter the city of Calgary. |
| s.86(e.1) | None | Offence: Failure to retain logbook for specified period Penalty: \$700 (Specified); \$200 (Minimum) | Addition of a penalty as per new section 86 (e.1) |

| Section | Current Wording | Proposed Provision | Rationale/Anticipated Effect |
|-----------|-----------------|--|--|
| s.86(e.2) | | Offence: Failure to enter specified information by the end of the shift Penalty: \$700 (Specified); \$200 (Minimum) | Addition of a penalty as per s.86(e.2) |
| s.86(f) | None | Offence: Failure to keep logbook in possession Penalty: \$700 (Specified); \$200 (Minimum) | Addition of a penalty as per s.86(f) |