

Schedule 8
Relating to the Licensing, Regulation and
Governing of Private Transportation Companies and Drivers

1.0 LICENSING REQUIREMENTS FOR PRIVATE TRANSPORTATION COMPANIES (P.T.C.) AND DRIVERS

1.1 In addition to the general requirements for licensing established in the City's Mobile Business Licensing By-law, every Applicant for a P.T.C. Licence and for the renewal of a P.T.C. Licence shall produce with their application:

a) a complete listing of all P.T.C. Drivers and Motor Vehicles including year, make, model and licence plate number able to accept trips and pick up passengers in the City of Markham as of the date of the application.

(b) a description of the Platform used in the provision of services, including:

(i) the means by which customers interact with the Platform;

(ii) a complete listing of the types of data collected from customers;

(iii) a complete listing of the types of data provided to customers;

(iv) the means by which the customer is provided with the fare amount;

(v) the means by which payment is made through the Platform, if applicable;

(vi) any other information the Licensing Officer may request;

(c) either confirmation that the passenger, prior to commencing a trip, receives the full rate to be charged for the trip or a complete listing of all fares and/or basis upon which such fares are calculated, as well as any other fees that may be charged customers for the services provided.

1.2 For purposes of this section, any P.T.C. Driver who, in the opinion of the Licensing Officer, is satisfactorily able to operate as such under the laws of another municipality and deemed acceptable by the City, shall be considered licensed by the City of Markham and may operate within the City's boundaries.

1.3 For purposes of complying with application and renewal provisions for P.T.C. Drivers, a P.T.C. holding a valid City of Markham licence may, on behalf of a P.T.C. Driver, maintain the required documents and, under such circumstances, the P.T.C. Driver shall be required to consent to access to those documents by the City for purposes of the administration and enforcement of this By-law.

1.4 A vehicle may only be licensed as a P.T.C. if it is not older than ten model years old.

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- 1.5 Despite section 1.4, a P.T.C. Driver may apply to continue to operate their vehicle for an additional year by making an application to the City. Such an application may not be made if the model year of the P.T.C. is more than eleven (11) years old or for an initial licensing application.
- 1.6 An application under section 1.5 must be made at the time of renewal and shall require an inspection and the approval of the Licensing Officer.
- 1.7 A P.T.C. Driver's licence shall be deemed to continue as long as the associated Private Transportation Company pays its licensing fees in full and the P.T.C. Driver complies with the provisions of this By-law.
- 1.8 Vehicles which carry an operational security camera capable of recording forward facing images of the road as seen by the driver and/or capable of recording images of persons in the vehicle shall post public notification of video recording activity in the vehicle as approved by the Licensing Officer.
- 1.9 No person shall be licensed as a P.T.C. Driver unless they hold a valid, non-probationary provincial driver's licence with a minimum of 3 years' Canadian driving experience deemed acceptable to the Licensing Officer and the City.
- 1.10 No person shall be licensed as a P.T.C. Driver unless they are at least nineteen (19) years of age and a Citizen of Canada, or a landed immigrant, or produces a valid work permit issued by the Government of Canada to work as a driver.
- 1.11 No person shall be licensed as a P.T.C. Driver unless they attend and complete the applicable City training programs as required by the Licensing Officer or provide proof satisfactory to the Licensing Officer that they have attended and completed a recognized training program acceptable to another municipality and acceptable to the Licensing Officer meeting all City requirements.

2.0 P.T.C. DRIVER DUTIES

- 2.1 All P.T.C. Drivers shall:
 - (a) securely mount all handheld devices to their vehicle;
 - (b) provide Ride-Sharing Services only on a pre-arranged basis;
 - (c) charge for services only in accordance with the rates filed with the City;

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(d) while providing Ride-Sharing Services, display in a conspicuous place that is readily and easily viewable by any potential passenger, the City-approved decal that identifies the Private Transportation Company;

(e) be civil, courteous, and respectful;

(f) take the shortest possible route to the destination desired, unless the passenger designates another route.

3.0 P.T.C. DRIVER PROHIBITIONS

3.1 No P.T.C. Driver shall operate, or permit or allow to be operated, a Motor Vehicle being used to provide Ride-Sharing Services unless it is in good mechanical condition and in good repair as to both its exterior and interior.

3.2 No P.T.C. Driver shall provide Ride-Sharing Services using a Motor Vehicle that has been damaged in a collision, without such damage being fully repaired.

3.3 No P.T.C. Driver shall operate on a Platform which is not licensed.

3.4 No P.T.C. Driver shall carry a greater number of Persons, inclusive of the driver, than that indicated by the manufacturer's rating of seating capacity for the Motor Vehicle.

3.5 No P.T.C. Driver shall, while providing Ride-Sharing Services, operate a Motor Vehicle with luggage or other material piled or placed in a manner that obstructs the driver's view.

3.6 No P.T.C. Driver shall dismiss or discharge any passenger at a point other than the destination without adequate cause, and;

3.7 No P.T.C. Driver shall, while providing Ride-Sharing Services, operate a vehicle with an operational security camera capable of recording forward facing images of the road as seen by the driver and/or capable of recording images of persons in the vehicle unless suitable public notification of video recording activity as approved by the Licensing Officer is affixed in plain view in the vehicle.

4.0 PRIVATE TRANSPORTATION COMPANY PROHIBITIONS

4.1 No Private Transportation Company shall:

(a) dispatch or direct orders to a Person other than a licensed P.T.C. Driver;

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(b) charge to a customer a rate or other fee not filed with the City.

4.2 Every Private Transportation Company shall:

(a) provide the City, at a time suitable to the Licensing Officer, with a count of the number of rides dispatched through its Platform originating in the City and shall concurrently, and in accordance with the City's Licensing Service Fee By-law, submit the corresponding fee.

(b) provide the Licensing Officer on the first day of every third calendar month with a list of P.T.C. Drivers and Motor Vehicles (including plate numbers) that are using its Platform in the City;

(c) keep for a minimum of six (6) months a record of every Motor Vehicle dispatched on a trip, the date and time of dispatch, the place of pick-up and destination of such trip;

(d) submit, upon request, any such document deemed relevant by the Licensing Officer to any Person authorized to administer or enforce the provisions of this By-law;

(e) carry on business only in the name in which the licence has been issued;

(f) prior to accepting a customer's request for service, provide in writing to the customer the full fare to be charged for the service;

(g) notify the City, at least 72 hours before the effective date, of any changes to its tariff rates or other fees.

4.3 No owner, director, officer or employee of a Private Transportation Company shall refuse to provide information requested by the City for the purposes of an investigation pertaining to the administration or enforcement of this By-law.

4.4 No owner, director, officer or employee of a Private Transportation Company shall refuse to cancel the access to its Platform to any P.T.C. Driver whose licence has been refused, suspended or revoked by the City

5.0 INSURANCE

5.1 Every P.T.C. shall purchase and maintain in force, at their own expense (including the payment of all deductibles), the following policy of insurance

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underwritten by insurers licensed to conduct business in the Province of Ontario and satisfactory to the City:

(a) Commercial General Liability Insurance policy in the name of the P.T.C. and shall include coverage for but not limited to Bodily Injury, Person Injury, Property Damage and Contractual Liability with a minimum amount of five million dollars (\$5,000,000.00) for each occurrence, and include:

(i) The Corporation of the City of Markham is included as an additional insured;

(ii) a cross liability clause; and

(iii) non-owned automobile coverage including legal liability for damage to hired automobiles with a minimum amount of five million dollars (\$5,000,000.00) for each occurrence.

5.2 The P.T.C. shall furnish the City, prior to the issuance of the Licence, with a certificate of insurance (in a form satisfactory to the City, in its sole discretion) confirming that the P.T.C. has in place the above-mentioned insurance policy. The certificate of insurance shall also contain an endorsement to the effect that such insurance policies shall not be altered, cancelled or allowed to expire without thirty (30) days advance written notice to the City.

5.3 Every P.T.C. shall ensure that every P.T.C. Driver obtain and maintain, at all times during the provision of Transportation Services, Automobile Liability Insurance for owned, non-owned, or leased vehicles, with limits of not less than Two Million Dollars (\$2,000,000.00), per occurrence for bodily injury, death, and loss or damage to property occurring. The Automobile Liability Insurance shall include the IPCF 6TN Permission to Carry Paying Passengers for a Transportation Network endorsement.

The insurance coverage above shall include a provision that requires the Insurer to provide the City of Markham with no less than thirty (30) days advance written notice of any cancellation or variation to the policy.

5.4 Every P.T.C. shall keep records of the P.T.C. Driver's insurance coverage above for a period of 3 years after the P.T.C. Driver ceases to be affiliated with the P.T.C.

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- 5.5 Every P.T.C. shall keep an up-to-date list of every affiliated P.T.C. driver and vehicle in a readily accessible format that includes:
- (a) the full name and address of every P.T.C. Driver; and
 - (b) the make, model and licence plate of every P.T.C. vehicle.
- 5.6 Every P.T.C. shall produce proof of any P.T.C. Driver, vehicle and insurance coverage to the City upon demand.
- 5.7 The City may suspend the P.T.C. licence if the P.T.C. fails to comply with any of the above requirements until such time as the P.T.C. provides proof of compliance to the satisfaction of the City.
- 5.8 The P.T.C. shall provide the City with such information as the City shall require, from time to time upon demand, to demonstrate that this is being complied with.