

## **Schedule 6**

### **Relating to the Licensing, Regulation and Governing of Taxicab Brokers, Owner and Drivers**

#### **1.0 LICENSING REQUIREMENTS FOR TAXICAB OWNERS 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 Taxicab Owner's Licence and for the renewal of a Taxicab Owner's Licence shall produce with their application:
- (a) the current tariff rate charged;
  - (b) the Vehicle to be licensed for an inspection and approval by the Licensing Officer;
  - (c) a valid Taxicab Driver's Licence;
  - (d) file a list of all licensed Taxicab Drivers who operate the Taxicab.
- 1.2 If the Applicant for a Taxi Owner's Licence is a Corporation, the Person holding the shares carrying at least fifty-one per cent (51%) of the voting rights attached to all shares of the Corporation for the time being issued and outstanding, shall be a Taxicab Driver licensed under this By-law. If no one Person holds at least fifty-one per-cent (51%) of the voting rights of the Corporation, then the Corporation shall designate one Person to be the licensed Taxicab Driver.
- 1.3 No Person shall be licensed as a Taxi Broker unless he is a Taxicab Driver licensed under this By-law, or if the Applicant is a Corporation, the Person holding shares carrying at least fifty-one per-cent (51%) of the voting rights attached to all shares of the Corporation for the time being issued and outstanding, shall be a Taxicab Driver licensed under this By-law. If no one Person holds at least fifty-one per-cent (51%) of the voting rights of the Corporation, then the Corporation shall designate one Person to be the licensed Taxicab Driver.
- 1.4 For purposes of this Schedule, an Applicant for a Taxicab Driver or Taxicab Owner licence who, in the opinion of the Licensing Officer, is satisfactorily licensed by another municipality shall be considered licensed by the City of Markham and may operate within the City's boundaries, subject to the following:
- (a) the Applicant is not in breach of the City's threshold policy for licences, as per Schedule 2 of this By-law;
  - (b) the Applicant owes no amounts to the City as a result of outstanding fees or fines;
  - (c) the Applicant has paid the required licensing fee;
  - (d) once licensed, the Licensee continues to either:
    - (i) be licensed with the other municipality and meet the requirements of this subsection; or

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(ii) meet the renewal requirements for the licence, under this by-law for Taxicab Owners and Taxicab Drivers.

- 1.5 For purposes of complying with application and renewal provisions for Taxicab Drivers, Taxicab Owner holding a valid City of Markham licence may, on behalf of a Taxicab Driver, submit and maintain the required documents and, under such circumstances, the Taxicab 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.
- 1.6 Notwithstanding any other provisions in this section, no Taxicab Driver licensed by another municipality, and driving a Motor Vehicle also licensed by that same municipality, may transport children to and from school or may transport Persons with disabilities without first obtaining a licence under this section.
- 1.7 A vehicle may only be licensed as a Taxicab if it is not older than ten model years old.
- 1.8 Despite section 1.4, a Taxicab Owner may apply to continue to operate their Taxicab for an additional year by making an application to the City. Such an application may not be made if the model year of the Taxicab is more than eleven (11) years old or for an initial licensing application.
- 1.9 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.
- 1.10 For purposes of complying with application and renewal provisions of this by-law a Taxicab Brokerage or a Taxicab Owner holding a valid City of Markham licence may, on behalf of a Taxicab Driver, submit and maintain the required documents and, under such circumstances, the Taxicab 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.
- 1.11 No person shall be licensed as a Taxicab 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.
- 1.11 No person shall be licensed as a Taxicab 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.
- 1.12 No person shall be licensed as a Taxicab 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

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completed a recognized training program acceptable to another municipality and acceptable to the Licensing Officer meeting all City requirements.

#### **2.0 TAXICAB DRIVER DUTIES**

##### **2.1 Every Taxicab Driver shall:**

- (a) each day, before commencing the operation of the Taxi, examine the Vehicle for mechanical defects or interior or exterior damage and shall report forthwith any defects found, to the Owner of the Taxi;
- (b) each day, upon completion of the operation of the Taxi, return the Vehicle to their employer and report all defects in the Taxi and all accidents to the Owner;
- (c) carry the Taxi Driver's Licence and their Ontario Driver's Licence with him at all times when operating a Taxi;
- (d) have available at all times and produce on request of the Licensing Officer, or a Passenger, the following:
  - (i) a current tariff card;
  - (ii) a current Taxi Driver's Photo Identification Card, issued by the Licensing Officer;
- (e) keep a daily Trip Sheet showing:
  - (i) the name of the Taxicab Driver, the date and the Taxi Owner's Plate number;
  - (ii) the location and the time of the beginning and end of every Trip made;
  - (iii) the amount of the fare collected for each Trip.
- (f) retain all Trip Sheets for at least twelve (12) months and make them available for inspection at the request of the Licensing Officer;
- (g) be civil and behave courteously while Operating a Taxicab;
- (h) give a Passenger a receipt on an authorized form, showing the Taxicab Driver's name and Licence number and an identifying number for the Vehicle, and amount for the conveyance when requested, or whenever there is a dispute over the Fare;
- (i) except when he has a previous Order or engagement, serve the first Person requiring the service of their Vehicle at any place within Markham, at any time by day or night, except when the Person:
  - (i) is intoxicated or disorderly; or,
  - (ii) refuses to state their destination; or,

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- (iii) is in possession of an animal other than a personal assistance animal; or,
  - (iv) is eating or drinking any food or beverage; or
  - (v) has not paid a previous Fare or cancellation fee; or,
  - (vi) is, in the opinion of the Taxicab Driver, unable or unwilling to pay the Fare and has been unable or unwilling to satisfy the Taxicab Driver that he has the funds to pay the Fare;
- (j) take due care of all property delivered or entrusted to him for conveyance or safekeeping.
  - (k) when a Passenger enters the Vehicle and gives the Taxicab Driver the desired destination, take the shortest possible route to the destination desired, unless the Passenger designates otherwise;
  - (l) subject to Subsections (w) and (x) engage the Taxi Meter at the commencement of the Trip and keep it engaged throughout the Trip, except where Section 30.1 is applicable;

### **3.0 TAXICAB DRIVER PROHIBITIONS**

#### **3.1 No Taxicab Driver shall:**

- (a) operate a taxicab not licensed under this By-law;
- (b) operate a Taxi when the meter has not been adjusted in accordance with the rates filed by the Taxicab Owner or Broker;
- (c) operate a Taxi when the Taxi Meter does not operate properly;
- (d) operate a Taxi when the Taxi Meter seal is not or improperly affixed;
- (e) operate a Taxi without the:
  - (i) Owner's Plate affixed;
  - (ii) side numbers attached; or
  - (iii) roof light securely affixed.
- (f) operate a Taxi, unless such Vehicle:
  - (i) is equipped with an extra tire wheel and jack, ready for use for that Vehicle;
  - (ii) meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation Vehicle Inspection report, or meets the standards for the issue of a Safety Standard Certificate of mechanical fitness;
  - (iii) is clean, dry and in good repair as to its interior; and

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- (iv) is clean and in good repair as to its exterior, free from exterior body damage and with a well-maintained exterior paint finish.
  - (g) while providing Taxi Services, operate a vehicle with an operational security camera capable of recording forward facing images of the road as seen by the Taxicab 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.
- 3.2 The provisions as outlined in section 3.1 pertaining to Taxi Meters do not apply to Airport Taxicabs.

#### **4.0 TAXICAB OWNER DUTIES**

4.1 Every Owner shall have in or on their Vehicle:

- (i) the owner's Plate firmly affixed to the rear bumper, or at a location and in a manner approved by the Licensing Officer;
- (ii) the owner's Plate number for that Taxi in letters of at least 10 cm affixed on both front fenders, on the top rear of the fender, not more than 8cm below the top of the fender, or at a location and in a manner approved by the Licensing Officer; this owner's Plate number shall be preceded by the letter "M" in identical, sized lettering;
- (iii) affixed to the rear of the front seat, in a holder, or at a location and in a manner approved by the Licensing Officer, the current tariff card and Plate number;
- (iv) a Taxi Meter of the Type approved, sealed and mounted in a position approved by the Licensing Officer so that it is clearly visible to the Passengers in the front and rear seats of the Taxi;
- (v) an electrically illuminated roof sign which is securely attached to the top of the Taxi in a manner approved by the Licensing Officer and wired to the Taxi Meter and working in conjunction with the Taxi Meter so that it is illuminated when the headlights are on and the meter is in the vacant status; and
- (vi) a sleeve inside the Vehicle facing the backseat displaying the City complaint telephone number and a photograph of the Taxicab Driver.

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**5.0 TAXICAB OWNER PROHIBITIONS**

5.1 No Taxicab Owner shall:

- (a) operate a Taxicab or permit a Taxi to be operated with mechanical defects;
- (b) operate a Taxi or permit a Taxi to be operated, without the valid Owner's Plate affixed;
- (c) operate a Taxi or permit a Taxi to be operated which is not registered;
- (d) operate a Taxicab or permit a Taxi to be operated with exterior body damage or rust ;
- (e) operate or permit their Taxi to be operated in affiliation with a Taxi Broker who is not licensed under this Schedule;
- (f) display or permit the display of any sign, emblem, decal, ornament or advertisement, on or in their Taxi, except is a form approved by the Licensing Officer;
- (g) operate or permit their Taxi to be Operated, unless the Taxi Meter is an approved Type, listed with the Licensing Section, and has been tested and sealed;
- (h) employ an unlicensed Taxi Driver;
- (i) while providing Taxi Services, operate a vehicle with an operational security camera capable of recording forward facing images of the road as seen by the Taxicab 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.

5.2 The provisions as outlined in section 5.1 pertaining to Taxi Meters do not apply to Airport Taxicabs.

**6.0 INSURANCE**

6.1 Every Taxicab Owner shall purchase and maintain in force, at their own expense (including the payment of all deductibles), the following policy of insurance underwritten by insurers licensed to conduct business in the Province of Ontario and satisfactory to the City:

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(a) Commercial General Liability Insurance policy in the name of the Taxicab Owner 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

6.2 The Taxicab Owner 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 Taxicab Owner 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.

6.3 Every Taxicab Owner shall produce proof of any vehicle and insurance coverage to the City upon demand.

6.4 The City may suspend the Taxicab Owner licence if the Taxicab Owner fails to comply with any of the above requirements until such time as the Taxicab Owner provides proof of compliance to the satisfaction of the City.

6.5 The Taxicab Owner 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.

#### **7.0 MANDATORY INSPECTIONS**

7.1 The Licensing Officer shall give notice to the licensed Taxi Owner of two mandatory inspections a year for each Taxi he owns.

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**8.0 ACCESSIBLE TAXICABS - OWNERS**

8.1 In addition to the general requirements for licensing established in the City's Mobile Business Licensing By-law and those for Taxicab Owners, every Applicant for an Accessible Taxicab Owner's Licence and for the renewal of an Accessible Taxicab Owner's Licence shall produce with their application:

- (a) the current tariff rate to be charged;
- (b) the Vehicle to be licensed for an inspection and approval by the Licensing Officer;
- (c) a valid Taxicab Driver's Licence;
- (d) file a list of all licensed Taxicab Drivers who operate the Taxicab.

8.2 A holder of an Accessible Taxicab Owner's licence shall be permitted to operate a Motor Vehicle that, in addition to satisfying the vehicle requirements set out in this By-law, has received approval from the Ministry of Transportation as an accessible vehicle.

8.3 Every Accessible Taxicab Owner whose Accessible Taxicab does not operate under a Taxicab Brokerage shall file with the City all fares and other charges for services provided from their Accessible Taxicabs.

8.4 Every Taxicab Driver or Accessible Taxicab Driver who has been licensed as such by the City of Markham for at least the five immediately preceding years may apply for a licence as an Accessible Taxicab Owner.

8.5 Every Accessible Taxicab Owner shall maintain an Accessible Taxicab and shall operate such Taxicab in accordance with this section for at least four (4) years, at which time such Accessible Taxicab Owner may renew his or her licence as a Taxicab Owner and be subject to the provisions in that section.

8.6 Despite subsection 8.3, an Accessible Taxicab Owner may, at any time, sell or transfer their business to any Person licensed under sections under this by-law provided the purchaser operates the Accessible Taxicab for the duration of the four-year period required in section 8.3.

**9.0 ACCESSIBLE TAXICAB - DRIVERS**

9.1 In addition to the general requirements for licensing established in the City's Mobile Business Licensing By-law and those for Taxicab Drivers, every Applicant for an Accessible Taxicab Driver's Licence and for the renewal of an Accessible Taxicab Driver's Licence shall produce with their application:

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- (a) a certificate of completion of an Accredited Securement Training course, as approved by the Licensing Officer; and
- (b) any other documentation or information requested by the Licensing Officer.

9.2 Every Accessible Taxicab Driver shall serve the first Person unable to board a regular Taxicab due to a disability, as defined in the Accessibility for Ontarians with Disabilities Act, who has requested the service of the Accessible Taxicab at any place within the city and at any time of day or night, except where the provisions of subsection 2.1(i) apply.

9.3 Every Person operating an Accessible Taxicab shall:

- a) offer such assistance as required to facilitate the entry or exit of a physically disabled Person into or out of an Accessible Taxicab;
- b) where a mobility device is being used by a passenger, ensure that the mobility device and occupant restraint system is properly secured in the area so provided; c) ensure that the passenger's seatbelt is properly secured.

#### **10.0 TAXICAB BROKERS**

10.1 Every Taxicab Broker shall:

- (a) provide the Licensing Officer with a list, showing in numerical order by Owner's Plate number, the name of every Taxicab Driver operating any Taxi with which he has entered into any arrangement for the provision of Taxi Broker services;
- (b) only offer or charge customers fares and fees that have been filed with the City;
- (c) prior to undertaking any engagement, a Taxicab Broker shall provide the customer the full fare to be charged for the service.
- (d) notify the Licensing Section, in writing, within ten (3) days of any additions or deletions from the list provided under Subsection (a);
- (e) keep a record of each Taxi Dispatched on a Trip, the time and date of receipt of the Order, and the pick-up location and retain these records for a period of at least six (6) months;

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- (f) provide the Licensing Officer with a copy of their Federal Radio Licence call sign and frequency number, if any;
- (g) on instructions of the Licensing Officer, not Dispatch calls to any Taxi, if the licensed Owner or licensed Taxicab Driver, in the opinion of the Licensing Officer, may have contravened any section of this By-law;
- (h) at the request of the Licensing Officer, provide:
  - i. a list showing the number of Taxis available for service to the public on any particular day, including the times when each such Taxi went on the road and the time when it was last available for service on that day and also including the number of Dispatched calls serviced by each such Taxi;
  - ii. a description of any Platform and/or Trip Meter used in the provision of services, including as applicable;
  - iii. the means by which customers interact with the Platform;
  - iv. all types of data collected from customers;
  - v. all types of data provided to customers;
  - vi. the means by which the customer is provided with the fare amount;
  - vii. how payment is made through the Platform and/or what forms of payment are accepted;
  - viii. the basis upon which the Trip Meter calculates fares;
  - ix. proof, satisfactory to the Licensing Officer that the Taxicab Brokerage has appropriate general liability insurance in the amount of \$5,000,000 or more;
  - x. a complete listing of all fares and fees that may be charged to customers for the services provide;
  - xi. any other information related to the business the Licensing Officer may request.

**11.0 TAXI BROKER PROHIBITIONS**

**11.1 No Taxi Broker shall:**

- (a) dispatch or direct orders for a pick-up to a Taxicab which is not licensed under this By-law;
- (b) while providing Taxi Services, operate a vehicle with an operational security camera capable of recording forward facing images of the road

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as seen by the Taxicab 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.