

Attachment “B”

Consolidated Mobile Business Licensing By-law – Licensing Schedules

SCHEDULE 3 – DRIVING SCHOOL OPERATORS & INSTRUCTORS

NEW PROVISION	BY-LAW SECTION	EXISTING PROVISION	BY-LAW SECTION	COMMENTS - BENEFIT OF CHANGE
Added requirements for submission of Drivers Abstract & Vulnerable Sector Screening Report.	7, 8	No requirement for documents in by-law however, the administrative practice of Licensing Unit is to require submission of these documents.	N/A	Aligns by-law with to current Licensing Unit administrative practices and is in keeping with best practices. Enhances student & public safety & consumer protection.
Requirement that applicant demonstrate that his or her past and/or present conduct and character complies with Schedule 2 of the Standard Character and Driving Record Criteria.	Schedule 2	Must be a “fit and proper person having regard to character and integrity” but no specific criteria or thresholds are noted.	4(g)	Aligns by-law with to current Licensing Unit administrative practices and is in keeping with best practices. Enhances student, public safety and consumer protection. Increases transparency for applicants. Treats applicants fairly and consistently. Identifies conditions upon which a licence will not be renewed or issued or may be revoked.
Prohibits driving instruction on any public road or highway that is within any Restricted Area which includes: a public park and a street abutting school or playground.	17	No instruction on primary traffic artery, main highway or heavily travelled thoroughfare during first hour of training period.	4(j)(v)	Aligns by-law with to current Licensing Unit administrative practices and is in keeping with best practices. Better protects pedestrians, cyclists and other road users from new drivers that are being instructed in parking and other driving skills in areas where there may be high pedestrian traffic, etc.
Requirement for submission of a Safety Standards Certificate (current within 30 days of submission).	9(10)	No requirement for Certificate. Operating practice of Licensing Unit is to require this document.	N/A	Aligns by-law with to current Licensing Unit administrative practices and is in keeping with best practices. Enhances student and public safety with the requirement for current Safety Standards Certificate.
Requirement for \$2 million (minimum) vehicle liability insurance which covers driver training.	9(11)	Current requirement is for insurance in amount of \$200,000. The Administrative practice of Licensing Unit is to require submission of a Certificate of Insurance for not less than \$2 million (minimum) and driver training coverage.	4(g)(viii)	Aligns by-law with to current Licensing Unit administrative practices and is in keeping with best practices.
Requirement for both Driving Instructor and Driving School Operator to be licensed by Town before licences for either issued.	16	Linkage of licences not required. Operating practice to follow up with driving school when instructor licensed.	N/A	Ensures that the Driving Instructor will not be licensed unless school is licensed by Town first – this reduces enforcement burden of pursuing unlicensed schools whose drivers have already obtained a licence.

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SCHEDULE 4 – LIMOUSINE OWNERS & DRIVERS

NEW PROVISION		BY-LAW SECTION	EXISTING PROVISION	BY-LAW SECTION	COMMENTS - BENEFIT OF CHANGE
Updates definition to include phrase “recognized by automobile industry as luxury vehicle” and includes Luxury Sport Utility Vehicle. (S.U.V.)	Definitions		Requires “luxury class motor vehicle” without further explanation.	1	Clarifies which types of vehicle may be used as limousines.
Requirements for limousine driver to provide Vulnerable Sector Screening Report and proof of work status in Canada, letter of employment.	7(c)		No requirement for these documents in by-law. Operating practice of Licensing Unit is to require these documents.	N/A	Enhances student and public safety & consumer protection. Aligns by-law with current administrative practices.
Prohibits use of cell phone or other device while operating limousine for purpose of contracting for conveyance of persons, except by pre-arrangement through place of business of owner or broker of limousine.	9(c)		Use of cell phones permitted in limousine. Contracts for conveyance of persons by limousine shall be pre-arranged through place of business of owner of such limousine.	7	Reinforces distinction between limousine and taxicab services and ensures limousines operate on pre-arranged basis. Aligns by-law with provincial legislation prohibiting use of cell phone in vehicle.
Deemed suspension of licence where limousine owner ceases to have valid insurance in accordance with schedule and requirement that licence plate be returned to Town pending reinstatement of insurance.	14		No requirement in by-law however operating practice of Licensing Unit to notify limousine plate owner to return plate where Unit has been notified of cancellation of insurance	N/A	Comparable section is in current taxi by-law Public safety & consumer protection, ensure that vehicles operated as limousines are appropriately insured. Aligns by-law with current administrative practices.

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SCHEDULE 5 - REFRESHMENT VEHICLE OPERATOR

NEW PROVISION		BY-LAW SECTION	EXISTING PROVISION	BY-LAW SECTION	COMMENTS - BENEFIT OF CHANGE
Consolidates Coffee Truck, Hot Dog Carts and Ice Cream Trucks into one Schedule.		Schedule 5	Hot Dog Carts licensed as Mobile Vendors and not Refreshment Vehicles	Schedule 5	It is considered a best practice for Coffee Trucks, Hot Dog Carts and Ice Cream Trucks to all be licensed as Refreshment Vehicles.
Requirement that operators be licensed.		1(2)	No requirement that operator be licensed	N/A	It is considered a best practice for operators to be licensed for consumer protection purposes and to assist in the enforcement of regulations.
Updated requirements for propane inspections.		3(17) 6(6)	There is a requirement to file proof of inspection in the current by-law but there is reference to the “Ontario Code” – which is now an incorrect legislative reference.	4(zz)	Language of section updated to require inspection to be done in accordance with National Standard of Canada CSA-B149.5-05 by registered contractor under <u>Technical Standards and Safety Act</u> .

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SCHEDULE 6 - TAXI BROKERS OWNERS AND DRIVERS

NEW PROVISION	BY-LAW SECTION	EXISTING PROVISION	BY-LAW SECTION	COMMENTS - BENEFIT OF CHANGE
Elimination of Premiere Plate system.	N/A	Provides for issuance of owner-operated, non-transferable Premiere Taxi Owner licences.	2.5(5)	The Premiere Plate (single-owner) model has resulted in the originally anticipated benefits and the trend amongst regulators seems to be towards a reversal of this model. The 20 Premiere Plates issued in 2003/2004 were converted to regular plates in 2008 as per a Council directive.
Mandatory Training and testing for taxicab drivers and owners.	10(4)	Requirement for training and testing in by-law, however the specific training and testing requirements were not developed at the time the by-law was written.	2.4(iii)	Markham implemented a mandatory training and testing program for new and renewing taxicab drivers in 2011 in order to enhance the quality of drivers working in Markham. The new by-law provisions align with current administrative practices and are based on industry best practices.
Requirement that all new taxicab driver applicants provide a Vulnerable Sector Screening Report (VSS) and for renewing drivers to provide a Criminal Background Check. The Licensing Officer retains discretion to require VSS at any time.	10(6)	Requirement to have a Vulnerable Sector Screening Report for new and renewing taxicab drivers.	2.4(5)(ii)	Changes to RCMP screening procedures have resulted in significant numbers of drivers being fingerprinted based on gender and birth date matches – this has resulted in additional costs for drivers and lengthy delays in the licence renewal process. With the proposed change, if a driver has previously filed a clean VSSR, they can submit a Criminal Background Check. Any new driver must provide the VSS before being licensed with the Town. The Town retains discretion to require a VSS at any time. The proposed change streamlines the process for applicants while mitigating risk.
Change renewal date for taxi owners to April 30 th of the calendar year.	Schedule 1	Currently taxicab owner & broker licences must be renewed by last date of February in each year.	2.11(3)	February deadline results in vehicle inspections during typically inclement weather conditions (& at a busy time for the industry). Changing to an April 30 th date better meets industry needs. It will also allow enforcement staff to follow-up on late renewals of stationary licences which expire December 31.
Eliminate variable vehicle extensions and permit all vehicles to be extended for 2 years upon submission of a current safety certificate and a staff inspection.	66	A taxicabs cannot be of a model year older than 5 years. Where multiple drivers operate taxicab then model year is 4.	4.5(1)&(4)	There has been inconsistent reporting by owners and lessees as to number of drivers. The proposed changes will align the by-law with administrative practices and will provide a consistent approach to extension requests.

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NEW PROVISION		BY-LAW SECTION	EXISTING PROVISION	BY-LAW SECTION	COMMENTS- BENEFIT OF CHANGE
Getting on Priority List – taxicab owners specifically excluded.		73(f)	No stated exclusion.	6.1(1)	The Priority List is a mechanism to empower drivers to become owners. The last plate issuance by Markham in 2003 was to drivers only.
No vested interest by virtue of name being placed on the Priority List.		102	Current By-law does not speak to this.	N/A	Clear communication that Council reserves right to amend or replace by-law or place additional requirements or restrictions on persons applying for the List.
Addition of Taxicab Passenger Rights and Responsibilities.		Schedule 6 (end)	Not in current By-law.	N/A	Clearly expresses the customer service & consumer protection expectations of Town with respect to taxi services.

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SCHEDULE 7 – TOW TRUCK OWNERS AND DRIVERS

NEW PROVISION		BY-LAW SECTION	EXISTING PROVISION	BY-LAW SECTION	COMMENTS- BENEFIT OF CHANGE
Requires Tow Truck Drivers to renew licences by annually according to Birthday.	Schedule 1		Requires Tow Truck Drivers to renew licences by June 30 th of each calendar year.	2.1(c)	Results in Tow Truck Drivers renewing licences annually according to birthday – similar to Limousine and Taxi Drivers. This results in a more consistent licence renewal approach.
Licence plate is the property of the Town of Markham.	7		Requires plate be returned on demand but does not state plate property of the Town of Markham.	16.1	Enforcement action upon non-return of plate (unlawful retention of Town of Markham property).
Tow Truck Owner -adds comprehensive list of requirements including requirement for police check, HST, driver list, invoices, run sheets, rate sheets clearly identifying tow owner and driver providing service.	8		Licensing requirements not found in sequence, some requirements being required by staff not in By-law.	2.1	Updates requirements to reflect industry best practices and aligns requirements with existing administrative practices. Enhances consumer protection by requiring plate owners to clearly identify trucks and drivers providing services on invoices provided to customers.
Tow Truck Driver -adds requirement for driver's abstract, proof of work status, Police Check and letter of employment.	9		Driver licensing requirements not clearly segregated from owner requirements. No requirement for Driver's Abstract or Police Check.	4.1(a)	Codifies existing administrative practices with respect to documents accepted for licensing and promotes consumer protection and public safety.
Tow Truck Owner and Driver - section structure and organization of sections clearer with numbering of sections.	11-15		Duties and prohibitions distributed throughout by-law .Headings vague and section numbers often confusing.	11-16	Consolidates and restructures sections from existing by-laws. Provides greater clarity for applicants and for the public as to Markham's regulatory requirements and increases administrative efficiency within the Licensing Unit.
Insurance requirements changed to reflect industry standard for vehicles being towed from \$25,000 to \$100,000; increases Commercial General Liability insurance to \$2 million.	23		\$1 million automobile liability \$25,000 for vehicles in care of licensee.	19.1	Aligns with industry best practices and ensure greater consumer protection.
Vehicle standards and equipment section was incorporated into the by-	25		Schedule of equipment required for tow truck operation.	Article 9-Schedule A	Consolidates all vehicle requirements into one Schedule.

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law with an addition to the section requiring reflective vests for drivers.				
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