

## BYLAW NO. 4540, 2015

A Bylaw to regulate the licensing and operation of vehicles for hire in the City of Coquitlam

### WHEREAS:

- A. Council of the City of Coquitlam (“Council”) considers it desirable to provide standards for the licensing and operation of vehicles for hire and vehicle for hire businesses in the City; and
- B. Council has provided an opportunity for persons who consider they are affected by this Bylaw to make representations to Council pursuant to s.59 of the *Community Charter*, S.B.C. 2003, c. 26,

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled, ENACTS AS FOLLOWS:

### 1. Name of Bylaw

This Bylaw may be cited as “Vehicle for Hire Bylaw No. 4540, 2015”.

### 2. Definitions

In this Bylaw the following words have the following meanings:

**ACCESSIBLE TAXICAB** means a *vehicle* designed and manufactured or converted for the purpose of transporting a person using a *mobility aid*;

**APPLICANT** means the person who makes and signs an application for, an application to renew, or an application to transfer, a *licence* or a *chauffeur’s permit*;

**BUSINESS LICENCE BYLAW** means the Business Licence Bylaw in force in the *City*, as amended or replaced from time to time;

**CAB** means any *vehicle for hire* used for the transportation or conveyance of a person and includes a *taxicab*, *accessible taxicab*, charter bus, limousine, and any other *vehicle* operating under a special authorization issued by the *Passenger Transportation Authority*;

**CALL CENTRE** means an established place of business in the *City* with telephone, dispatch and off-street parking facilities, from which any *cab* is dispatched or operated, or in which orders for *hire* are received;

**CHAUFFEUR** means any person who drives a *cab*;

**CHAUFFEUR'S PERMIT** means the permit issued to a person authorizing that person to drive a *cab* under this Bylaw;

**CHIEF OF POLICE** means the senior resident member of the Royal Canadian Mounted Police (Coquitlam Detachment) responsible for policing in the *City* from time to time, or a person designated in writing by the *Chief of Police* to carry out any act or function under this Bylaw;

**CITY** means the City of Coquitlam;

**COUNCIL** means the Council of the *City*;

**DRIVER** means any person who drives a *vehicle for hire*, and includes a *chauffeur*;

**FEES AND CHARGES BYLAW** means the Fees and Charges Bylaw in force in the *City*, as amended or replaced from time to time;

**HIRE** means the fare, toll, gain, fee or rate charged or collected for the transportation of persons or goods by or in a *vehicle for hire*;

**LICENCE** means a licence required or issued under the provisions of this Bylaw or the *Business Licence Bylaw* in respect of the operation of a *vehicle for hire* within the *City*;

**LICENCE INSPECTOR** means any person appointed by the *City* from time to time as a bylaw officer, bylaw inspector, property use supervisor, property use inspector or licence inspector;

**MOBILITY AID** means a device, including a manual wheelchair, electric wheelchair and scooter, that is used to facilitate the transport, in a normally seated orientation, of a person with a disability and, for the purposes of this Bylaw, shall include a guide or seeing eye dog used by a person with impaired vision, and shall also include a "guide animal" as defined in the *Guide Animal Act*, R.S.B.C. 1996, c. 177, as amended or replaced from time to time;

**MOTOR VEHICLE ACT** means the *Motor Vehicle Act*, R.S.B.C. 1996 c. 318 and any regulations enacted or adopted under it, all as amended or replaced from time to time;

**OWNER** means the proprietor or other person who owns or operates a business in which a *vehicle for hire* is used or offered for *hire*, and includes a person who has been issued a *licence*;

**PASSENGER TRANSPORTATION ACT** means the *Passenger Transportation Act*, S.B.C. 2004, c. 39 and any regulations enacted or adopted under it, all as amended or replaced from time to time;

**PASSENGER TRANSPORTATION AUTHORITY** means the Passenger Transportation Board or the Registrar of Passenger Transportation established or appointed, as the case may be, under the *Passenger Transportation Act*;

**SEATING CAPACITY** means the lesser of the rated passenger load assigned to a *vehicle* by its manufacturer and the number of passengers a *vehicle* can safely accommodate, but when used in combination with "passengers" does not include the *driver*;

**TAXICAB** means a *vehicle for hire* operated under a licence issued by the *Passenger Transportation Authority* that expressly authorizes the *driver* to convey passengers who hail or flag the *vehicle* from a highway, and includes an *accessible taxicab*;

**TAXIMETER** means any mechanical or electronic instrument or device by which the charge for transportation in any *taxicab* is calculated for distance travelled or for waiting time, or both, and upon which the charge is indicated by means of figures or words;

**TOW TRUCK** means a *vehicle* used for towing or rendering assistance to a *vehicle* suffering from a defect or disability in its means of locomotion;

**VEHICLE** means a self-propelled device in, on, or by which a person or thing is or may be transported on a highway, but does not include a device designed to be moved solely by human power;

**VEHICLE FOR HIRE** means a *vehicle* operated on a highway by or on behalf of a person who charges or collects compensation for the transportation of passengers or goods in that *vehicle*, and includes a *cab*;

**VEHICLE IDENTIFIER** means a special authorization vehicle identifier plate or a general authorization vehicle identifier, as the case may be, issued by the *Passenger Transportation Authority*.

### 3. Exemptions

- 3.1 The provisions of this Bylaw do not apply to any person or *vehicle for hire* exempted from the requirements of the *Passenger Transportation Act* pursuant to the provisions of that Act.

### 4. Licensing

- 4.1 No person shall carry on the business of providing or offering to provide a *vehicle for hire* in the *City*, or operate a *call centre* in the *City*, unless that person:

4.1.1 holds a valid and subsisting *licence*; and

4.1.2 holds all required licences, permits, authorizations and approvals issued by the *Passenger Transportation Authority*.

- 4.2 Despite section 4.1, but subject to the provisions of the *Passenger Transportation Act*, a person not holding a *licence* may operate a *taxicab* within the *City* if:

4.2.1 the *taxicab* is being driven through the *City* without picking up or dropping off any passengers;

4.2.2 the *taxicab* is being driven solely to drop off a passenger within the *City*; or

4.2.3 the *taxicab* is being driven to pick up a passenger within the *City*, and:

4.2.3.1 the *owner* of the business and the *driver* each hold all applicable licences from another municipality;

4.2.3.2 the *owner* of the business and the *driver* each hold all applicable licences from the *Passenger Transportation Authority*;

4.2.3.3 the passenger has made prior arrangements for the pick up; and

4.2.3.4 the passenger does not have a drop off destination in the *City*.

- 4.3 Despite section 4.1, but subject to the provisions of the *Passenger Transportation Act*, a person not holding a *licence* may operate a *cab*, other than a *taxicab*, within the *City* in the circumstances described in section 4.2.1 or 4.2.2 of this Bylaw.

- 4.4 Every *applicant* for a *licence* shall, in the application:
- 4.4.1 set out the total number of *vehicles* that will be used by that *applicant* as a *vehicle for hire* within the *City*; and
  - 4.4.2 set out the type or class of each *vehicle for hire* that will be used by that *applicant* in the *City* including, without limitation, the number of *taxicabs*, *accessible taxicabs* and other types of *cabs*.
- 4.5 Every person who obtains a *licence* as an *owner* of a *cab* business shall:
- 4.5.1 obtain a *chauffeur's permit* before driving any *cab* forming part of that business; and
  - 4.5.2 ensure that every *driver* of every *cab* forming part of that business obtains a *chauffeur's permit* before driving a *cab*.
- 4.6 Every *applicant* must pay all applicable fees prescribed for that purpose in the *Fees and Charges Bylaw*.
- 4.7 Every application for a *licence* shall be on the form prescribed by the *Licence Inspector*.
- 4.8 No *owner* shall transfer a *licence* without the written approval of the *Licence Inspector*.
- 5. Licence Period**
- 5.1 Every *licence* is valid for the year in which it is issued, unless the *licence* is cancelled or suspended.
- 5.2 No reduction or refund of the fee paid pursuant to this Bylaw will be made by the *City* due to any *owner* ceasing to own or operate a *vehicle for hire* business, or reducing the number of *vehicles* used as a *vehicle for hire*, during the year the *licence* was issued.
- 6. Issuance, Refusal, Suspension and Cancellation of Licences**
- 6.1 The *Licence Inspector* is authorized to issue, refuse, suspend and cancel a *licence* under this Bylaw.
- 6.2 The *Licence Inspector* may refuse, suspend or cancel a *licence* issued under this Bylaw for any of the reasons specified in the *Business Licence Bylaw*.

6.3 Without limiting the generality of this Bylaw or the *Business Licence Bylaw*, a *Licence Inspector* may refuse, suspend or cancel a *licence* if a *vehicle* in respect of which the *licence* has been issued fails to pass a safety inspection under the provisions of the *Motor Vehicle Act*.

6.4 Without limiting the generality of this Bylaw or the *Business Licence Bylaw*, a *Licence Inspector* may:

6.4.1 require that an *applicant* or an *owner* attend with any *vehicle* which is being used or will be used as a *vehicle for hire* at a specified time and place, to be determined by the *Licence Inspector*, for the purpose of examining that *vehicle*;

6.4.2 examine any *vehicle* which is being used or will be used as a *vehicle for hire* to ensure that it complies with the provisions of this Bylaw; and

after inspecting that *vehicle*, may require that an *applicant* or *owner*:

6.4.3 not use that *vehicle* as a *vehicle for hire*; or

6.4.4 take certain actions, including having the *vehicle* inspected by appropriate authorities, before that *vehicle* is used as a *vehicle for hire*.

## **7. Chauffeur's Permits**

7.1 No person shall drive a *cab* in the *City* without holding a valid and subsisting *chauffeur's permit*.

7.2 Every *chauffeur's permit* issued under this Bylaw is valid for one year from the date it is issued, unless the permit is cancelled or suspended.

## **8. Chauffeur's Permit Issuance**

8.1 Every *applicant* for a *chauffeur's permit* shall make an application to the *Chief of Police*, in a form approved by the *Chief of Police*, who may issue or refuse to issue a *chauffeur's permit*.

8.2 Every application for a *chauffeur's permit* must include the following:

- 8.2.1 a certificate indicating that the *applicant* has completed the TaxiHost Program provided by the Justice Institute of British Columbia or an equivalent program;
  - 8.2.2 the *applicant's* driver's licence number;
  - 8.2.3 three colour passport-sized photographs of the *applicant*;
  - 8.2.4 if the *applicant* does not hold a *licence*, a letter of employment from a person holding such a *licence* in a form approved by the *Chief of Police*;
  - 8.2.5 a vulnerable sector criminal record check consent form, a vulnerable sector criminal record check, and any associated fees; and
  - 8.2.6 any other relevant information requested by the *Chief of Police*, acting reasonably.
- 8.3 The *Chief of Police* must not issue a *chauffeur's permit* unless he or she is satisfied that the *applicant*:
- 8.3.1 has successfully completed the TaxiHost Program or an equivalent program satisfactory to the *Chief of Police*, acting reasonably; and
  - 8.3.2 holds the correct class of driver's licence required to operate the type of *cab* to be operated by the *applicant*.
- 8.4 The *Chief of Police* may refuse to issue, suspend or cancel a *chauffeur's permit* if he or she believes that the *applicant* is unfit to act as a *chauffeur* by reason of one or more convictions for offences, outstanding charges, administrative penalties, or roadside prohibitions or suspensions, under an enactment of the Legislature of British Columbia or the Parliament of Canada that, in the opinion of the *Chief of Police*, tend to show the *applicant* may pose a danger to passengers, pedestrians or the public.
- 8.5 If the *Chief of Police* refuses to issue, suspends or cancels a *chauffeur's permit*, the *applicant* or permit holder may, by providing written notice to the City Clerk for the *City* within 14 days of the refusal, suspension or cancellation, appeal to *Council* which may, at its discretion, confirm, reverse or vary the decision of the *Chief of Police*.

**9. Chauffeur Identification Display**

9.1 Every *chauffeur* must, at all times while operating a *cab*, have displayed in the interior of that *cab* a valid photo identification card in the form prescribed by the *Chief of Police*.

**10. General Cab Requirements**

10.1 Every *owner* and *chauffeur* of a *cab* must ensure that:

10.1.1 any licence or authorization required by the *Passenger Transportation Act* is carried in the *cab* at all times; and

10.1.2 any *vehicle identifier* required by the *Passenger Transportation Act* or the *Passenger Transportation Authority* is visibly displayed on the exterior of the *cab*.

**11. General Taxicab Requirements**

11.1 Every *owner* and *chauffeur* of a *taxicab* in the *City* must ensure the *taxicab*:

11.1.1 has an interior and exterior that is kept in a clean condition;

11.1.2 is equipped with operational interior lights sufficient to illuminate the entire passenger compartment;

11.1.3 is equipped with an operational two-way communications device capable of receiving and responding to calls for customer service;

11.1.4 is equipped with an operational illuminated sign bearing the word "Taxi" or "Cab" on the front of the *taxicab*;

11.1.5 has painted or otherwise permanently affixed to the exterior of the *taxicab*, the business name and the word "Taxi" or "Cab" that is conspicuous and visible; and

11.1.6 has on display the Taxi Bill of Rights issued by the Ministry of Transportation in the interior of a rear-seat window, in an upright position with the complete text intact and visible to all passengers.



**12. Accessible Taxicabs**

- 12.1 Every *owner* of a *taxicab* business shall make *accessible taxicab* service available to persons requesting that service.
- 12.2 After a potential passenger has identified him or herself as a person who requests the use of an *accessible taxicab*, every *owner* or *chauffeur* receiving such a request must give priority of access to an *accessible taxicab* to that person.
- 12.3 Every *owner* of an *accessible taxicab* shall ensure that every *accessible taxicab*:
- 12.3.1 meets the requirements set out in the *Motor Vehicle Act*;
  - 12.3.2 has posted on each side of the *accessible taxicab* the International Symbol of Accessibility for Persons with Disabilities; and
  - 12.3.3 has the *vehicle identifier* number displayed on each side of the *accessible taxicab* at the rear windows in a position so as to be easily seen by a person seated inside the vehicle in a *mobility aid*.

**13. Chauffeur Requirements**

- 13.1 No *chauffeur* of a *cab* shall:
- 13.1.1 carry or cause, permit or allow the carrying of passengers for separate fares unless authorized by the *Passenger Transportation Authority*; or
  - 13.1.2 carry or cause, permit or allow the carrying of a greater number of passengers than the *seating capacity* for the *cab*.

**14. Charges and Fees**

- 14.1 No *owner* or *chauffeur* of a *taxicab* shall charge, demand, collect or receive any fare or charge except as set out by the *Passenger Transportation Authority*.
- 14.2 No *owner* or *chauffeur* of a *taxicab* shall publish or use or permit to be published or used any rates or fares other than those authorized by the *Passenger Transportation Authority*.

14.3 The *owner* and *chauffeur* of every *taxicab* shall display, in a conspicuous place, a tariff card of the rates and charges, including taxes, for that *taxicab* as authorized by the *Passenger Transportation Authority*.

**15. Taximeter**

15.1 No person shall drive, operate or engage in the business of operating a *taxicab* unless that *taxicab* is equipped with a *taximeter* that:

15.1.1 meets the requirements of the *Passenger Transportation Authority*; and

15.1.2 mechanically or electronically registers the correct distance and corresponding rate or charge while under *hire*.

15.2 The *owner* and *chauffeur* of a *taxicab* shall ensure that each *taximeter* under his or her care or control is:

15.2.1 adequately illuminated at all times when in use between dusk and dawn;

15.2.2 installed and placed at the right side of the *chauffeur* and in such a position that the fare to be paid by the passenger may be read easily from the rear passenger compartment; and

15.2.3 installed and placed in the *taxicab* so that the face of the *taximeter* is in plain view from the interior and exterior of the *taxicab*.

**16. Tow Trucks**

16.1 Every *owner* of a *tow truck* operating in the City shall paint or permanently affix either the business name or the name of the *owner* on each side of each *tow truck* and ensure that the name is conspicuous and visible.

16.2 Every *owner* of a *tow truck* shall ensure that every *driver* operating a *tow truck* on his or her behalf keeps a daily record containing the following information:

16.2.1 the make, model, colour, and licence plate number; or

16.2.2 the vehicle identification number,

of each *vehicle* towed; and

16.2.3 the date, time and place from which the *vehicle* was towed.

16.3 Every *owner* of a *tow truck* must retain the daily record referred to in section 16.2 of this Bylaw for a period of six months from the date on which the *vehicle* in question was towed.

16.4 The records referred to in section 16.2 shall be kept by the *owner* of the *tow truck* at the *owner's* place of business for a period of at least six months, and during that time shall be produced for inspection at any time on request by the *Licence Inspector*.

16.5 Every *driver* of a *tow truck* must, before towing any *vehicle*:

16.5.1 if present, supply the registered owner or driver of the *vehicle*; or

16.5.2 if the registered owner or driver of the *vehicle* is injured or not present at the time the *vehicle* is being towed, supply to the police, if present,

with written information stating the destination to which the *vehicle* is to be taken.

16.6 An *owner* or *driver* of a *tow truck* must not cause, allow or permit the delivery of a *vehicle* to a destination other than the destination stated in writing under section 16.5 of this Bylaw.

16.7 A *driver* of a *tow truck* must not tow a *vehicle* from private property without the consent of the owner of that *vehicle* unless, at the time the *vehicle* is towed, there is signage on that property which indicates the name and contact information of the *owner* of that *tow truck*.

## **17. General Prohibition**

17.1 No *owner* shall cause, allow or permit a *vehicle for hire* to be operated in contravention of any of the provision of this Bylaw.

## **18. Offence and Penalty**

18.1 Every person who violates any provision of this Bylaw, or who causes, permits or allows any act or thing to be done in violation of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and each day that a violation continues is deemed to be a separate offence against this Bylaw.

18.2 Every person who violates a provision of this Bylaw, or who causes, permits, or allows an act or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding the maximum set out in the *Offence Act*, as amended.

**19. Severability**

19.1 The provisions of this Bylaw are intended to be severable and, should any part of this Bylaw be found to be invalid by a court of competent jurisdiction, the finding of invalidity will not affect the validity of the remainder of this Bylaw.

**20. Transition**

20.1 Section 6.1(c) of Business Licence Bylaw No. 4344, 2013 is amended by replacing “District of Coquitlam Taxi-Cab Bylaw No. 38, 1972” with “Vehicle for Hire Bylaw No. 4540, 2015”.

20.2 Section 8.3.1 of this Bylaw shall come into force six months after the date of adoption of this Bylaw. Section 8.3.1 of this Bylaw shall not apply to an *applicant* who applies to renew a *chauffeur’s permit* where that *applicant* obtained a *chauffeur’s permit* before January 1, 2008 and has continuously maintained the permit since that time.

20.3 Section 12 of this Bylaw shall come into force two years after the date of adoption of this Bylaw.

**21. Repeal**

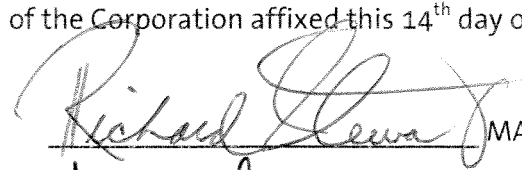
21.1 The City of Coquitlam Taxi Cab Bylaw No. 38, 1972 is hereby repealed in its entirety.

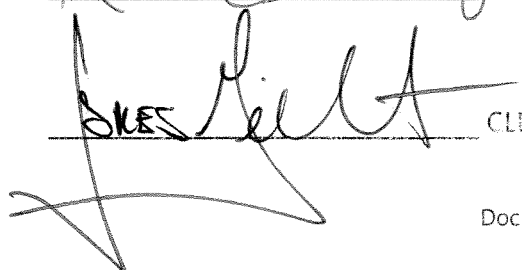
READ A FIRST TIME this 7<sup>th</sup> day of December, 2015.

READ A SECOND TIME this 7<sup>th</sup> day of December, 2015.

READ A THIRD TIME this 7<sup>th</sup> day of December, 2015.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 14<sup>th</sup> day of March, 2016.

  
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MAYOR

  
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CLERK