



TO:	COMMUNITY AND PROTECTIVE SERVICES September 9, 2013
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR OF DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	PUBLIC PARTICIPATION MEETING TAXICAB AND LIMOUSINE LICENSING BY-LAW RELATED ISSUES

RECOMMENDATION

That on the Recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the proposed attached by-law amendment **BE INTRODUCED** at the Municipal Council Meeting on September 17, 2013.

BACKGROUND

On May 27, 2013 a meeting was held before the Community and Protective Services Committee to discuss a number of matters related to the taxi and limousine industry including: demerit point thresholds, brokers records, hours on duty, fare fraud mitigation, vehicle entry age and trip sheets. The Committee directed that Administration review these matters and report back. At a subsequent meeting, the Committee directed Administration to review the lifecycle of limousines.

1. Issue: Demerit points

**Current regulation:** The Licence Manager may refuse to issue or revoke a licence if an applicant or licensee has accumulated 6 or more demerit points within a three year period.

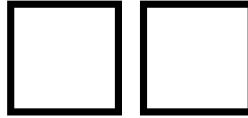
**Staff comments:** As per Part 11 of the Taxicab and Limousine Licensing by-law, the Licence Manager has the authority to make decisions based on a number of grounds including the applicant's or licensee's driving record. The purpose of this regulation is directly related to health and safety. Many drivers have taken the position that 6 demerit points is a very strict threshold which may result in a suspension of a driver's licence. The accumulation of 6 demerit points does not necessarily lead to an immediate refusal or suspension by the Licence Manager. Even if a license is suspended, the driver has the option to appeal the suspension before a Hearings Officer. Administration has no concern with raising the threshold to 9 demerit points. The Licence Manager will give particular attention to moving violations such as speeding and running red lights/ stop signs when making a decision on license renewals and new applications.

**Recommendation:** amend the threshold for demerit points from 6 to 9 noting that the Licence Manager has discretion in making decisions on licence suspensions.

2. Issue: Vehicle entry age

**Current regulation:** No motor vehicle more than three (3) years old may be plated for the first time as cab or limousine.

**Staff comments:** Initially during the public consultation meetings held as part of the by-law review, staff proposed a limit of two years as a vehicle entry age. At the request of the vehicle for hire industry, the regulation was changed to three years. There have been some recent requests to increase the age to four years specifically for hybrid vehicles. With the elimination of some commonly utilized vehicles by many police services which are often purchased for the purpose of vehicles for hire, many owners have been introducing a variety of different hybrid vehicle models as vehicles for hire. Several years ago, there were 2-3 hybrid vehicles operating as cabs. Today, there are approximately 50 licensed hybrid cabs in London. The supply of used



hybrid vehicles is low for 3 year old vehicles however, the supply greatly increases for 4 year old vehicles. Administration has no concern with amending the vehicle entry age for hybrid vehicles from 3 to 4 years.

**Recommendation:** amend the vehicle entry age for all vehicles for hire from 3 years to 4 years for low emission vehicles noting that standard vehicle safety checks will continue.

### 3. Issue: Brokers records

**Current regulation:** Every broker shall maintain accurate records for at least 12 months of all orders for each vehicle for hire contracted for service. The regulations of concern pertain to fares charged and geographic routing of trips taken.

**Staff comments:** The fares charged for all trips are recorded on the taxi meter and also in the drivers' trip sheets. Often when there is a discrepancy or complaint about the fares charged, the trip sheet is reviewed to confirm fees for services provided. A taxi meter can be checked for accuracy by an MLEO upon complaint and during a random inspection. There is no undue hardship for brokers to maintain fare receipt information for a one year period. Brokers have indicated that a vast amount of data storage is required to retain geographic routing for all trips taken for each vehicle. If there is a complaint made with respect to drivers not taking the most expedient route, the forward facing cameras together with the GPS routing maps assist Enforcement Officers in determining if in fact drivers were taking the most expedient route in accordance with the by-law. Administration has no concern with reducing the time period for retaining geographic routing data of all vehicles in their fleet from the current requirement of twelve months to 30 days.

**Recommendation:** amend the by-law by reducing the requirement for brokers to retain geographic routing data to 30 days.

### 4. Issue: Hours on duty

**Current regulation:** A driver shall not operate a vehicle when the driver has been on duty for more than 12 hours within a 24 hour period without taking 8 consecutive hours off duty.

**Staff comments:** This regulation was included in the by-law for the purposes of health and safety of the driver, passengers and general public alike. Driving a vehicle for hire is a stressful occupation at times and given the late hours of peaks in demand for service, driver fatigue is a key safety consideration. Enforcement blitzes have been undertaken during the summer of 2013 and several drivers were charged with driving for more than 12 hours without a break. There have been some concerns raised by drivers on the interpretation of the regulation due to split shifts and out of town travel. Administration reviewed provincial legislation related to trucking industry for clarity purposes. The provincial regulations limit the hours of operation to 14 hours with a requirement of 10 hours off duty. The time period of being off duty must be at least 8 hours consecutive and any additional off duty times must be in blocks of 30 minutes as a minimum. This regulation is very specific to the trucking industry as it includes provisions for waiting for loading and unloading and other trucking related duties. Administration recommends that this provision be amended to clearly specify that within a 24 hour period a driver may only drive for 12 hours. There are no additional regulations on prohibiting split shifts. Trip sheets and broker records are normally reviewed by Enforcement Officers to determine time on duty.

**Recommendation:** amend the current regulation of hours on duty to clearly specify a maximum of 12 hours on duty per 24 hour period.

### 5. Issue : Trip sheets

**Current regulation:** A driver shall fill in a trip sheet as provided in the by-law noting times of pick up and drop off, fare amount, locations and number of passengers.

**Staff comments:** Some drivers have voiced a concern that the trip sheets contain information which could be of some value to a person who may be in the process of considering robbing a driver based on the amount of money collected as noted in the trip record. The intent of the trip sheets was to provide information on hours of service, odometer readings, locations of pickups and destinations and numbers of passengers. All vehicles for hire are equipped with cameras to assist in any enforcement or criminal investigations such as robberies. Further, many

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passengers pay with debit or credit cards so drivers are not at all times carrying large amounts of cash. It is difficult if not impossible to conclude from a trip sheet the amount of money the driver could have in their possession at any one time. Trip sheets are commonly examined by Enforcement Officers in their duty of investigating complaints. Not all vehicles for hire are associated with a broker; without trip sheets, investigations of independent vehicles for hire would be difficult to undertake. There is no rationale for removing the need for trip sheets.

**Recommendation:** no change to the requirement for trip sheets.

**6. Issue: Fare fraud**

**Current regulation:** A driver may refuse service if a person requesting service has not paid a previous fare or appears to be unwilling or unable to pay the anticipated current fare for service.

**Staff comments:** Consumers pay upfront or are required to leave a deposit for a wide range of products and services including using public transit. "Fare jumping" is theft and is an illegal act. According to discussions with numerous drivers, it is an on-going issue which results in loss of revenue, and in some cases, violent altercations which have placed taxi drivers in serious danger. Often the police are called and attend in a timely fashion depending on other calls of a higher priority. If charges are laid, the driver may be required to attend court to provide evidence. Often, drivers don't call for police assistance if the alleged fare fraud is minor and the driver does not want to wait to provide information to the police. Under the current regulations there are no provisions which directly prohibit drivers to request to prepay a fare prior to the service being provided.

**Recommendation:** no by-law amendments required as drivers are currently not prohibited from asking for prepayment.

**7. Lifecycle of Limousines**

**Current regulation:** No Motor vehicle more than six years old and no low emission vehicle more than seven years old may be plated as a limousine.

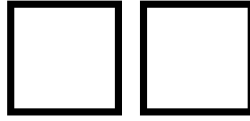
**Staff Comments:** Several limousine owners have commented on the difficulty of acquiring replacement vehicles due to the retirement of some luxury models and the introduction of new luxury models of which there is very little or limited supply. In comparison to the models available to be used as cabs, the number of luxury vehicles available for executive limousines is limited. Administration has no concern of amending the by-law to extend the lifecycle of executive limousines to the current regulation applied to cabs. There would be the same vehicle inspection and safety checks performed as is currently undertaken.

**Recommendation:** amend the by-law to extend the lifecycle regulation for executive limousines.

PREPARED BY:	SUBMITTED BY:
O. KATOLYK CHIEF, MUNICIPAL LAW ENFORCEMENT SERVICES	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR OF DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

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Bill No.  
2013

By-law No.

A By-law to amend By-law No. L.-129-51  
being "A by-law to provide for the licensing,  
regulating and governing of vehicles for hire,  
including cab, accessible cab, limousine and  
group transportation vehicle drivers, owners and  
brokers".

WHEREAS the Council of The Corporation of the City of London wishes to amend By-law L.-129-516 being "A by-law to provide for the licensing, regulating and governing of vehicles for hire, including cab, accessible cab, limousine and group transportation vehicle drivers, owners and brokers" and entitled the "Taxi and Limousine Licensing By-law";

AND WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Subsection 11.3(l) of the Taxi and Limousine Licensing By-law L.-129-51 is hereby amended by deleting the number 6 and replacing it with the number 9.

2. The Taxi and Limousine Licensing By-law L.-129-51 is hereby amended by deleting subsection 3.1(z) in Schedule "A" and replacing it with a new subsection 3.1(z) as follows:

"3.1(z) Operate a Cab or Accessible Cab when the Driver has been on duty for more than 12 hours within a 24 hour period without first taking 12 hours off duty."

3. The Taxi and Limousine Licensing By-law L.-129-51 is hereby amended by deleting subsection 3.1(w) in Schedule "B" and replacing it with a new subsection 3.1(w) as follows:

"3.1(w) Operate a Limousine when the Driver has been on duty for more than 12 hours within a 24 hour period without first taking 12 hours off duty."

4. The Taxi and Limousine Licensing By-law L.-129-51 is hereby amended by deleting subsection 3.1(v) in Schedule "C" and replacing it with a new subsection 3.1(v) as follows:

"3.1(v) Operate a Group Transportation Vehicle when the Driver has been on duty for more than 12 hours within a 24 hour period without first taking 12 hours off duty."

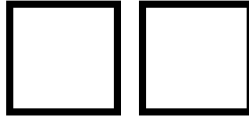
5. Section 2 in Schedule "D" of the Taxi and Limousine Licensing By-law L.-129-51 is hereby amended by adding the following new subsection 2.6:

"2.6 No Low Emission Vehicle more than four (4) years old may be Plated for the first time as a Cab or Accessible Cab under this By-law."

6. Section 2 in Schedule "E" of the Taxi and Limousine Licensing By-law L.-129-51 is hereby amended by:

(i) deleting subsection 2.3 and replacing it with a new subsection 2.3 as follows:

"2.3 No motor vehicle more than seven (7) years old and no Low Emission Vehicle more than eight (8) years old may be Plated as a Limousine under this By-law."



- (ii) deleting subsection 2.5 and replacing it with a new subsection 2.5 as follows:

“2.5 No Low Emission Vehicle more than four (4) years old may be Plated for the first time as a Limousine under this By-law.”; and

- (ii) adding a new subsection 2.6 as follows:

“2.6 Sections 2.2, 2.3, 2.4 and 2.5 do not apply to a Limousine (Classic).”

7. Section 2 in Schedule “F” of the Taxi and Limousine Licensing By-law L.-129-51 is hereby amended by adding the following new subsection 2.5:

“2.5 No Low Emission Vehicle more than four (4) years old may be Plated for the first time as a Group Transportation Vehicle under this By-law.”

8. Subsection 2.1(c)(viii) in Schedule “G” of the Taxi and Limousine Licensing By-law L.-129-51 is hereby amended by adding the words “for a period of at least 30 days” after the word “taken”.

9. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on \_\_\_\_\_, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First reading -  
Second reading -  
Third reading –