

**THE CITY OF THOMPSON  
BY-LAW NUMBER 2030-2022**

**BEING A BY-LAW FOR THE REGULATION OF VEHICLES FOR  
HIRE IN THE CITY OF THOMPSON HEREINAFTER REFERRED  
TO AS "THE VEHICLES FOR HIRE BY-LAW".**

**WHEREAS** section 3 of *The Local Vehicle for Hire Act*, S.M. 2017, c. 36 provides, in part, as follows:

**General by-law making authority for municipalities**

**3(1)** The council of a municipality may make by-laws under *The Municipal Act* for the purpose of regulating the vehicle-for-hire industry, including vehicles for hire and vehicle-for-hire businesses.

**Extended by-law making authority**

**3(2)** In addition to the by-law powers set out in *The Municipal Act*, a by-law regulating the vehicle-for-hire industry may contain provisions

- (a) determining the manner in which licenses are to be allocated, including limiting the total number of licenses, or the number of licenses within a particular class, that are to be issued;
- (b) prohibiting, controlling or limiting the transfer of licenses;
- (c) establishing requirements for persons who carry on or are engaged in the vehicle-for-hire business or any aspect of it, including the character and fitness of an applicant or license holder;
- (d) prohibiting anyone other than a particular class of license holder from being hired to transport a passenger.
  - (i) by hail, being a request made by a verbal action such as calling out, yelling or whistling, or a visible physical action such as the raising of a hand or arm, or
  - (ii) as a result of the passenger first attending a location where a vehicle for hire is standing or parked;
- (e) regulating the location and use of ranks or stands for the purpose of hiring a vehicle for hire;

- (f) authorizing conditions for obtaining, holding or renewing a license to be imposed on a member of a class without imposing them on all members of the class;
- (g) authorizing conditions to be imposed at any time during the term of a license as a requirement for continuing to hold the license;
- (h) specifying standards and other requirements for the vehicle-for-hire industry or any aspect of it, which may include standards and requirements for vehicles used as vehicles for hire and equipment used in the vehicle-for-hire business;
- (i) respecting fees, rates, fares, tolls, tariffs or other charges that passengers may be charged, including
  - (i) establishing and specifying those charges or the manner in which those charges are to be determined, including by zones, meters or any other method,
  - (ii) permitting different amounts to be charged outside a municipality,
  - (iii) providing for the collection of those charges, and
  - (iv) regulating the disclosure of those charges, including the form and manner in which those charges must be disclosed to passengers;
- (j) respecting the type and amount of insurance that must be obtained and held by an applicant or license holder;
- (k) requiring records to be maintained by a license holder and specifying their content and the length of time for which and the location at which those records must be retained;
- (l) respecting information, including personal information as defined in *The Freedom of Information and Protection of Privacy Act*, that must be collected and provided to the municipality by a license holder, and specifying the form and manner in which the information is to be provided and the time for doing so;
- (m) establishing a Vehicles for Hire Commission, including
  - (i) providing for the appointment of members of the commission and remuneration of those members who are not members of the council,
  - (ii) establishing rules governing the commission and its practices and procedures, and

- (iii) assigning the commission the responsibilities set out in the by-law, such as administering the vehicle-for-hire by-law, hearing and deciding appeals concerning matters under the by-law, and making recommendations to the council about the matters relating to the vehicle-for-hire industry, including matters about public safety, service quality and consumer protection for passengers, and matters affecting those who work in the industry;
- (n) respecting any transitional matters relating to the regulation of the vehicle-for-hire industry under vehicle-for-hire by-laws.

**AND WHEREAS** sections 232 and 236 of *The Municipal Act*, C.C.S.M. c. M225 respectfully provide, in part, as follows:

**Spheres of jurisdiction**

**232(1)** A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- ...
- (m) local transportation systems;
- (n) businesses, business activities and persons engaged in business; and
- (o) the enforcement of by-laws.

**Exercising by-law making powers**

**232(2)** Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit;
- ...
- (c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;
- ...
- (e) subject to the regulations, provide for a system of licenses, permits or approvals, including any of the following:

- (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
- (ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality,
- (iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,
- (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,
- (v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law, and
- (f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters.

**Content of by-laws under clause 232(1)(o)**

**236(1)** Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contraventions of by-laws.

**AND WHEREAS** it is deemed desirable and in the public interest with respect to the safety, health, protection and wellbeing of people to license the operators and drivers of taxicabs, and to regulate and control the taxicab business itself in the City of Thompson;

**NOW THEREFORE the Council of the City of Thompson, in open session assembled, enacts as follows:**

## PART 1 INTRODUCTORY PROVISIONS

### Short title

1 This by-law may be cited as the *Vehicles for Hire By-law*.

### Overview

2(1) This by-law regulates the transportation of passengers for compensation in the City of Thompson using vehicles for hire.

2(2) This by-law regulates, and requires the licensing of, the following providers of transportation services:

- (a) dispatchers;
- (b) operators;
- (c) drivers.

2(3) This by-law regulates, and requires the registration of, the following types of vehicle for hire:

- (a) standard taxicabs;
- (b) accessible taxicabs;
- (c) limousines.

### Definitions

3 The following definitions apply in this by-law.

“**accessible taxi**” means a taxi equipped with features that render it accessible to individuals using a wheelchair or other mobility device.

“**business day**” means any day other than

- (a) a Saturday; or
- (b) a holiday as described in section 23 of *The Interpretation Act*, C.C.S.M. c. 180.

“**commission**” means the Vehicle for Hire Commission established under Part 9 (*Vehicle for Hire Commission*).

“**Council**” means the council of the City of Thompson.

“**designated employee**” means any of the following:

- (a) the Licence Inspector designated under section 89 (*licence inspector and other designated employees*);
- (b) any other employee of the City of Thompson designated by the City Manager.

**“dispatch”** means to receive or send a request for a transportation service — in person, by telephone or by electronic means — for the purpose of coordinating the provision of a transportation service, but does not include communication as part of a street hail by a taxi driver.

**“fee and fine schedule”** means the most recent version of the Fee and Fine Schedule of the City of Thompson as published on the website of the municipality.

**“limousine”** means a vehicle for hire in respect of which a limousine licence has been issued.

**“operate”**, in respect of a vehicle for hire, means to own or be the registered owner of the vehicle for the purpose of providing transportation services, or be the directing mind of the person who owns or is the registered owner of the vehicle.

**“person”** includes an individual, partnership, corporation or cooperative.

**“standard taxi”** means a taxi that is not an accessible taxi.

**“taxi”** means a vehicle for hire in respect of which a taxi operator licence has been issued.

**“taxi driver”** means a person who holds a valid taxi driver licence issued under Part 5 (*taxi drivers*).

**“transportation service”** means the provision or a service, or offer to provide a service, to which this by-law applies in accordance with section 4 (*transportation services to which this by-law applies*).

**“vehicle for hire”** means a vehicle used to provide transportation services and includes any of the following:

- (a) a standard taxi;
- (b) an accessible taxi;
- (c) a limousine.

## PART 2 TRANSPORTATION SERVICES AND GENERAL PROHIBITIONS

### **Transportation services to which this by-law applies**

- 4(1) Subject to subsection (2), this by-law applies to the provision or offer of passenger transportation in a vehicle for compensation if the passenger controls the route or destination and the vehicle is hired for a single uninterrupted trip, which may include multiple stops.
- 4(2) This by-law does not apply to any of the following services:
- (a) transportation of a passenger in exchange for a receipted donation to a qualified donee for purposes of the *Income Tax Act* (Canada), if the donation is not a condition of receiving transportation;
  - (b) transportation of a passenger provided or offered as part of a package of goods or services in which the transportation is ancillary to the goods or services;
  - (c) transportation by school bus or an ambulance service, as those terms are defined in *The Highway Traffic Act*, C.C.S.M. c. H60;
  - (d) transportation by public transit provided by or on behalf of the City of Thompson;
  - (e) inter-municipal transportation provided by a charter bus.

### **General prohibitions**

- 5(1) A person must not provide or offer to provide a transportation service except in compliance with this by-law.
- 5(2) The owner of a vehicle must not allow it to be used, or to be offered to be used, to provide a transportation service except in compliance with this by-law.
- 5(3) A person must not dispatch a vehicle except in compliance with this by-law.

## **PART 3 DISPATCHERS**

### **DIVISION 1 — LICENSING AND RECORD-KEEPING**

#### **Dispatching without a licence prohibited**

6 A person must not dispatch or offer to dispatch a vehicle for hire unless the person holds a valid dispatcher licence issued under this Part.

#### **Dispatching unregistered or unlicensed drivers or vehicles prohibited**

7 A person must not dispatch or offer to dispatch a vehicle for hire unless

- (a) both the vehicle being dispatched and the driver of the vehicle are licensed under this by-law and registered with the dispatcher; and
- (b) the dispatcher has reason to believe the vehicle and driver are in compliance with this by-law.

#### **Applications for dispatcher licence**

8(1) To apply for a dispatcher licence, a person must

- (a) complete, and file with the designated employee, an application in a form acceptable to the designated employee;
- (b) pay any applicable fees set out in the fee and fine schedule;
- (c) provide evidence satisfactory to the designated employee that the applicant meets the insurance requirements set out in this by-law;
- (d) demonstrate to the satisfaction of the designated employee that the applicant has data security measures and policies in place to protect the personal information collected by the dispatcher related to drivers and passengers;
- (e) demonstrate to the satisfaction of the designated employee that the dispatcher has passenger property retrieval policies in place to facilitate the retrieval by passengers of their property left in vehicles for hire registered with the dispatcher;
- (f) demonstrate to the satisfaction of the designated employee that the dispatcher has in place a process by which it will accept, record, review and respond to complaints concerning drivers and vehicles registered with the dispatcher;
- (g) provide the designated employee with the number of vehicles for hire registered with the dispatcher in each of the following categories:



- (i) taxis,
  - (ii) accessible taxis,
  - (iii) limousines;
  - (h) provide the designated employee with the applicant's work alone policy;
  - (i) provide the designated employee with any other information or documentation reasonably required by them; and
  - (j) pay any outstanding fees or fines owing to the City of Thompson under this by-law or any other by-law of the City of Thompson.
- 8(2) In addition to the requirements set out in subsection (1), an applicant that is a corporation must provide the following to the designated employee:
- (a) a copy of its incorporating documents;
  - (b) a certificate of status issued by the Manitoba Companies Office;
  - (c) a list of the members of its board of directors;
  - (d) an address for service in Manitoba for service of all documents and notices related to this by-law.
- 8(3) In addition to the requirements set out in subsection (1), an applicant that is a partnership must provide the following to the designated employee:
- (a) the names and addresses of each member of the partnership;
  - (b) the business name under which the partnership operates and proof of the registration of the business name;
  - (c) an address for service in Manitoba for service of all documents and notices related to this by-law.

**Issuance of dispatcher licence**

- 9(1) After receiving an application for a dispatcher licence, the designated employee must evaluate the application and
- (a) grant the application, and issue a dispatcher licence to the applicant, if the designated employee is of the opinion that the application is complete and that the applicant has complied with the requirements of this by-law; or
  - (b) deny the application if the designated employee is of the opinion that the application is incomplete or that the applicant has not complied with the requirements of this by-law.

- 9(2) A dispatcher licence issued under this section may include any conditions the designated employee considers appropriate, including an expiry date.
- 9(3) If the designated employee rejects the application, the designated employee must
- (a) provide the applicant with written reasons for the rejection; and
  - (b) advise the applicant of the right to appeal the rejection in accordance with Division 3 of Part 10 (*appeals*).

**Period of validity**

- 10 A dispatcher licence is valid from the first day of May in a calendar year until the last day of April the next calendar year, unless a different period of validity is specified in the licence, or the licence is cancelled before it expires.

**Renewal of dispatcher licence**

- 11(1) A dispatcher licence may be renewed as long as the holder continues to meet the eligibility requirements for obtaining a dispatcher licence.
- 11(2) A person applying for the renewal of a dispatcher licence must
- (a) pay any applicable fees set out in the fee and fine schedule;
  - (c) provide the designated employee with any factual changes to information provided with the original application or previous renewals including, if required by the designated employee, evidence that the information has not changed; and
  - (b) pay any outstanding fees or fines owing to the City of Thompson under this by-law or any other by-law of the City of Thompson.

**Data security measures and policies**

- 12(1) A dispatcher must comply with the data security measures and policies with respect to personal information about passengers and drivers as included in the dispatcher's application for a dispatcher licence and approved by the designated employee.
- 12(2) The dispatcher may propose changes to their data security measures and policies, but the changes do not apply unless they are approved by the designated employee.
- 12(3) The designated employee may order the dispatcher to make changes to their data security measures and policies, but must provide the dispatcher with a reasonable amount of time to implement the changes. The dispatcher must comply with the order.

**Passenger property retrieval policies**

- 13(1) A dispatcher must comply with the passenger property retrieval policies included in the dispatcher's application for a dispatcher licence and approved by the designated employee.
- 13(2) The dispatcher may propose changes to their passenger property retrieval policies, but the changes do not apply unless they are approved by the designated employee.
- 13(3) The designated employee may order a dispatcher to make changes to their passenger property retrieval policies but must provide the dispatcher with a reasonable amount of time to implement the changes. The dispatcher must comply with the order.

**Complaints process**

- 14(1) A dispatcher must comply with the complaints process included in the dispatcher's application for a dispatcher licence and approved by the designated employee.
- 14(2) As part of the complaints process, the dispatcher must maintain the records required by the designated employee with respect to the following:
  - (a) every complaint received;
  - (b) evidence provided in respect of in response to each complaint;
  - (c) the dispatcher's response to each complaint.

The dispatcher must provide the records to the designated employee within 48 hours after having been requested to do so by the designated employee.

- 14(3) The dispatcher may propose changes to their complaints process, but the changes do not apply unless they are approved by the designated employee.
- 14(4) The designated employee may order a dispatcher to make changes to their complaints process but must provide the dispatcher with a reasonable amount of time to implement the changes. The dispatcher must comply with the order.

**Insurance requirement for dispatchers**

- 15(1) A dispatcher must, at all times, maintain commercial general liability insurance in an amount, and with conditions, the designated employee considers appropriate.
- 15(2) The dispatcher must ensure that every policy of insurance required under subsection (1) contains an endorsement that requires the insurer to

provide the City of Thompson with a minimum of 30 days' written notice before the policy is cancelled.

- 15(3) The dispatcher must provide the designated employee with proof of their compliance with this section within two business days after having been requested to do so by the designated employee.
- 15(4) If the dispatcher fails to comply with this section, their dispatcher licence is automatically suspended without the need for any action by the designated employee.

**Record-keeping requirements**

16(1) A dispatcher must record and maintain records of the following information:

- (a) the total number of transportation services provided by or on behalf of the dispatcher each month;
- (b) the total number of vehicles for hire providing a transportation service through or on behalf of the dispatcher each month;
- (c) the total number of transportation services provided by accessible vehicles by or on behalf of the dispatcher each month;
- (d) the total number of accessible vehicles for hire providing a transportation service through or on behalf of the dispatcher each month;
- (e) the following information with respect to each transportation service provided:
  - (i) the category of vehicle for hire,
  - (ii) the name of the driver,
  - (iii) the number plate of the vehicle issued under *The Drivers and Vehicles Act*,
  - (iv) the date, time and duration of the transportation service,
  - (v) the pick-up and drop-off locations,
  - (vi) in the case of a transportation service provided by taxi, whether the taxi was dispatched or street-hailed;
- (f) a daily list of drivers and vehicles registered to the dispatcher, containing information reasonably required by the designated employee;

- (g) any other information reasonably required by the designated employee.
- 16(2) The dispatcher must organize the records by vehicle category, driver category and, in the case of taxis, by dispatches and street hails.
- 16(3) The dispatcher must maintain the records for a minimum of three years after the records are created.
- 16(4) The dispatcher must provide the records to the designated employee within two business days after having been requested do to so by the designated employee.
- 16(5) The dispatcher must make the information required to be recorded under this section available for inspection by the designated employee on demand.
- 16(6) If a dispatcher licence is suspended or cancelled, the dispatcher must provide the records required to be kept under this section to the designated employee within 14 days after the suspension takes effect.

**Obligation to report to designated employee**

- 17 A dispatcher must report to the designated employee that a driver has been registered, or ceases to be registered, with the dispatcher within two business days.

**Digital platforms**

- 18 A dispatcher who uses a digital platform to dispatch vehicles must make the following information available to the public through the digital platform:
  - (a) the insurance coverage maintained by the dispatcher and its drivers;
  - (b) the transportation services offered by the dispatcher and its drivers;
  - (c) the screening process for its drivers and vehicles;
  - (d) the dispatcher's complaints process and passenger property retrieval process.

**DIVISION 2 – REGISTERING VEHICLES TO A DISPATCHER**

**Registering vehicle to dispatcher**

- 19(1) A taxi must be registered to a dispatcher.
- 19(2) A limousine may be registered to a dispatcher.

**No false signage**

20(1) A dispatcher must not authorize a vehicle to have any signage advertising the name or contact information of the dispatcher unless the vehicle is a taxi registered to the dispatcher under this Division.

20(2) A dispatcher who becomes aware of a vehicle not registered to the dispatcher under this Division bearing the dispatcher's signage must inform the designated employee of this fact as soon as possible.

**Registration process**

21 To register a taxi to a dispatcher, the dispatcher or the holder of the taxi operator licence for the vehicle must provide the designated employee with written confirmation that the taxi is registered to the dispatcher.

**Terminating registration**

22(1) A dispatcher, or the holder of a taxi operator licence in respect of a vehicle, may terminate the registration of the vehicle to the dispatcher, but only with the prior approval of the designated employee.

22(2) The designated employee must

- (a) approve a request under subsection (1) unless they are of the opinion that
  - (i) the request is not made for legitimate purposes, or
  - (ii) the request causes undue hardship for the dispatcher or the holder of the taxi operator licence; or
- (b) approve the request subject to a delay the designated employee considers appropriate if they are of the opinion that the requirements of clause (a) are not met.

22(3) As soon as practicable after terminating a registration,

- (a) if the registration was terminated by the dispatcher, the dispatcher must inform the holder of the taxi operator licence of the termination in writing; or
- (b) if the registration was terminated by the holder of the taxi operator licence, the holder must inform the dispatcher of the termination.

**DIVISION 3 — DISPATCHING TAXIS**

**Only taxis may be dispatched**

23 A dispatcher must not dispatch a vehicle other than a taxi. But a dispatcher may pre-arrange transportation by limousine.

**Obligation to dispatch in order of request**

24 A dispatcher must dispatch taxis in the order in which a request for a transportation service is made.

**Notification of estimated time of arrival**

25 At the time a request for transportation service is made, the dispatcher must provide the person making the request with an estimated time of arrival for the taxi being dispatched.

**Dispatching accessible taxis**

26(1) Despite section 24 (*obligation to dispatch in order of request*), if a dispatcher has one or more accessible taxis available to be dispatched that are not immediately engaged in providing transportation services to passengers, the dispatcher

- (a) must dispatch an accessible taxi to respond to a request for service from a passenger identifying as requiring an accessible taxi; and
- (b) must not dispatch an accessible taxi to any other request for service while a request from a passenger identifying as requiring an accessible taxi is outstanding.

26(2) A dispatcher must not state that the dispatcher has an accessible taxi available unless the vehicle meets the requirements of this by-law.

**Information to be provided to passengers**

27 A taxi dispatcher must ensure that the following information is prominently displayed on every taxicab registered to the dispatcher:

- (a) the dispatcher's name and contact information;
- (b) the driver's taxi driver licence, which must include a photograph of the driver;
- (c) the current fare schedule;
- (d) the process by which a complaint can be made;
- (e) the process by which property left behind by a passenger can be retrieved;
- (f) information required by the designated employee concerning the operation of the camera located in the taxi.

**Reporting obligation re refusals to provide service or drop off at preferred destination**

28 If a dispatcher receives a report from a driver registered to the dispatcher that the driver refused a request for service or refused to drop a passenger off at the passenger's preferred destination, the dispatcher must report the following to the designated employee on the next business day after receiving the driver's report:

- (a) the date, time and location of the refusal;
- (b) the driver's taxi driver licence number;
- (c) the taxi's licence number;
- (d) particulars of the circumstances of and reasons for the refusal;
- (e) any other information reasonably required by the designated employee.

**Reporting driver disqualification**

29 A dispatcher who becomes aware of facts that would make a driver registered with the dispatcher ineligible to hold a taxi driver licence, or that would result in the taxi driver licence to be suspended or cancelled, must immediately report those facts to the designated employee.

**Refusal to dispatch**

30(1) A dispatcher may refuse to dispatch a driver or vehicle registered with the dispatcher only if

- (a) the refusal has been approved by the designated employee; or
- (b) the dispatcher has reason to believe that the driver or vehicle is not in compliance with this by-law or is engaging in illegal conduct.

30(2) If a dispatcher refuses to dispatch a driver or vehicle in accordance with clause (1)(b), the dispatcher must report the refusal to the designated employee no later than the next business day.



## **PART 4 TAXI OPERATOR LICENCES**

### **DIVISION 1 — LICENSING**

#### **Operating without a licence prohibited**

- 31 A person must not operate a taxi unless the person holds
- (a) a valid taxi operator licence issued under this Part; and
  - (b) a valid taxi driver licence issued under Part 5 (*taxi drivers*).

#### **Dispatcher and driver requirements**

- 32 A person must not operate a taxi unless
- (a) the taxi is registered to a dispatcher;
  - (b) the driver holds a valid taxi driver licence; and
  - (c) the operator has reason to believe the driver is in compliance with this by-law.

#### **Restriction on number of taxi operator licences**

- 33(1) The total number of taxi operator licences must not exceed 45 at any time, at least three of which must be in respect of accessible taxis.
- 33(2) Despite subsection (1), the Council may authorize the designated employee to issue additional restricted taxi operator licences under which a taxi may be operated at specific times of year or day as directed by the Council.

#### **Only eligible individuals may be issued taxi operator licence**

- 34(1) A new taxi operator licence may be issued only to an individual who has held a full-time taxi driver licence for a minimum of six months and whose taxi driver licence is in good standing at the time the taxi operator licence is issued.
- 34(2) For certainty, a corporation that holds a taxi operator licence on the day this section comes into force may retain the licence but must not be issued any new taxi operator licences.

#### **Lottery system for new taxi operator licences**

- 35(1) When the number of taxi operator licences drops below 45, the designated employee must

- (a) advise all individuals who are eligible to obtain a taxi operator licence under section 34 that they may apply for a taxi operator licence; and
  - (b) provide instructions on how to apply for a taxi operator licence.
- 35(2) If there are more applications than available taxi operator licences, the designated employee must allocate the available taxi operator licences by means of a lottery conducted on terms the designated employee considers appropriate.
- 35(3) Despite section 43 (*transfer of taxi operator licence*), a taxi operator licence issued as a result of a lottery may not be transferred until one year after the day it is issued.

**Applications for taxi operator licence**

36 A person applying for a taxi operator licence must

- (a) complete, and file with the designated employee, an application in a form acceptable to the designated employee;
- (b) pay any applicable fees set out in the fee and fine schedule;
- (c) provide a copy of their existing taxi driver licence;
- (d) pay any outstanding fees or fines owing to the City of Thompson under this by-law or any other by-law of the City of Thompson; and
- (d) Subject to section 38 (*conditional licence*), provide the following to the designated employee in respect of the vehicle for which the taxi operator licence is applied for:
  - (i) a description of the vehicle, including the make, model, vehicle identification number (VIN) and current licence plate number,
  - (ii) evidence that the vehicle has a valid registration under *The Drivers and Vehicles Act* and that any applicable insurance premiums under *The Manitoba Public Insurance Corporation Act* have been paid,
  - (iii) confirmation that the vehicle is being registered with a dispatcher.

**Issuance of taxi operator licence**

37(1) After receiving an application for a taxi operator licence, the designated employee must evaluate the application and

- (a) grant the application, and issue a taxi operator licence or conditional taxi operator licence to the applicant, if the designated employee is of the opinion that
  - (i) the application is complete and the applicant has complied with the requirements of this by-law, and
  - (ii) the applicant has adequate knowledge to operate a taxi to the standards of the City of Thompson; or
- (b) deny the application if the designated employee is of the opinion that the applicant has not met the requirements set out in clause (a).

37(2) A taxi operator licence issued under this section may include any conditions the designated employee considers appropriate.

37(3) If the designated employee rejects the application, the designated employee must

- (a) provide the applicant with written reasons for the rejection; and
- (b) advise the applicant of the right to appeal the rejection in accordance with Division 3 of Part 10.

**Conditional licence**

38(1) The designated employee may issue a taxi operator licence as a conditional licence if

- (a) the designated employee is of the opinion that the operator requires training before a regular licence should be issued; or
- (b) at the time of the application, the information required under clause 36(d) (*vehicle*) is not available.

38(2) Once the applicant has met the conditions set out in the conditional licence, the designated employee must issue a regular licence to the applicant.

**Decal to be provided**

39 If the designated employee issues a taxi operator licence, the designated employee must also provide the applicant with a unique adhesive decal identifying the number of the taxi as set out on the taxi operator licence.

**Period of validity**

40 A taxi operator licence is valid from the first day of March in a calendar year until the last day of February the next calendar year, unless a different period of validity is specified in the licence, or the licence is cancelled before it expires.

**Renewal of taxi operator licence**

41(1) A taxi operator licence may be renewed as long as the holder continues to meet the eligibility requirement for obtaining a taxi operator licence.

41(2) A person applying for the renewal of a taxi operator licence must

- (a) pay any applicable fees set out in the fee and fine schedule;
- (b) provide the designated employee with any factual changes to information provided with the original application or previous renewals including, if required by the designated employee, evidence that the information has not changed; and
- (c) pay any outstanding fees or fines owing to the City of Thompson under this by-law or any other by-law of the City of Thompson.

41(3) Despite subsection (2), if the holder of a taxi operator licence does not apply for renewal of the licence within 90 days after the licence expires, the licence is cancelled and must not be renewed.

**Convertibility of taxi operator licences**

42 A taxi operator licence for a standard taxi may be converted into a taxi operator licence for an accessible taxi. But a taxi operator licence for an accessible taxi may not be converted into a taxi operator licence for a standard taxi.

**Transfer of taxi operator licence**

43(1) A taxi operator licence may be transferred with the written approval of the designated employee, but only if

- (a) the transfer is to an individual eligible to hold a taxi operator licence under this Part;
- (b) the transferee provides a written undertaking to pay any outstanding fees or fines payable to the City of Thompson under the licence to be transferred; and
- (c) the transferor applies for the approval before the taxi for which the licence has been issued is sold.

43(2) For the purpose of subsection (1), the transfer of an ownership interest in a corporation holding a taxi operator licence is deemed to be a transfer of the taxi operator licence.

- 43(3) A person applying for approval to transfer a taxi operator licence or an ownership interest in a corporation holding a taxi operator licence must
- (a) complete, and file with the designated employee, an application in a form acceptable to the designated employee;
  - (b) pay any applicable fees set out in the fee and fine schedule;
  - (c) provide the designated employee with evidence satisfactory to the designated employee that the proposed transfer is legitimate and that the transferee is eligible to hold a taxi operator licence; and
  - (d) pay any outstanding fees or fines owing to the City of Thompson under this by-law or any other by-law of the City of Thompson.
- 43(4) Section 37 (*issuance of taxi operator licence*) applies to an application for approval under this section, with necessary changes.
- 43(5) If a suspended taxi operator licence is transferred, the transferred licence remains suspended until the suspension expires or the designated employee or commission reinstates the licence.

**Deceased licence holder**

- 44(1) If the holder of a taxi operator licence dies, a personal representative of the deceased holder may continue to operate the taxi that is subject to the licence for a period of 90 days after the death of the licence holder.
- 44(2) Within 90 days after the death of the licence holder, the personal representative may apply to the designated employee for approval to transfer the licence in accordance with section 43 (*transfer of taxi operator licence*).
- 44(3) If the personal representative does not apply for approval to transfer the licence within the time required under subsection (2), the licence is automatically cancelled without compensation.

**Absent licence holder**

- 45(1) The holder of a taxi operator licence must not be absent from the City of Thompson for a period of more than seven consecutive days unless
- (a) the person enters into a written arrangement with another holder of a taxi operator licence to operate the person's taxi during their absence; and
  - (b) before the person's absence, a copy of the written arrangement is filed with the designated employee.
- 45(2) A holder of a taxi operator licence must not be absent from the City of Thompson for more than 90 days during the calendar year or 90

consecutive days in any period, unless the absence is approved by the designated employee.

#### **Incapacity of licence holder**

- 46(1) With the consent of the designated employee, a holder of a taxi operator licence who is temporarily unable, as a result of illness or injury, to operate the taxicab to which the licence applies may make arrangements with another holder of a taxi operator licence to operate the ill or injured person's taxi.
- 46(2) For the purpose of determining whether to grant consent, the designated employee may require the ill or injured licence holder to provide the designated employee with medical records and medical information.
- 46(3) The designated employee may withhold consent if the designated employee is of the opinion that
- (a) the arrangement is not legitimate; or
  - (b) the illness or injury is permanent and the operator will not be able to resume the operation of the taxi.
- 46(4) If the designated employee makes a determination under clause (3)(b), the holder of the taxi operator licence or their personal representative may, within 90 days after being advised of the designated employee's determination apply to the designated employee for approval to transfer the licence in accordance with section 43 (*transfer of taxi operator licence*).
- 46(5) If the licence holder or their personal representative does not apply for approval to transfer the licence within the time required under subsection (2), the licence is automatically cancelled without compensation.

### **DIVISION 2 — OPERATING TAXIS**

#### **Registration to dispatcher**

- 47 The holder of a taxi operator licence must ensure that the taxi in respect of which the licence is issued is registered to a dispatcher.

#### **Decal required**

- 48 The holder of a taxi operator licence must ensure that the taxi in respect of which the licence is issued displays the decal received in accordance with section 39 (*decal to be provided*) on the lower driver's side of the front windshield as long as the licence is in force.

### **DIVISION 3 — OBLIGATIONS OF TAXI OPERATOR LICENCE HOLDERS**

### **Drivers**

49 The holder of a taxi operator licence must do the following with respect to any individual driving the taxi on their behalf (referred to in this section as a "driver"):

- (a) ensure the driver holds a valid taxi driver licence and a Class 4 or higher driver's licence issued under *The Drivers and Vehicles Act*;
- (b) provide the name of each driver employed or otherwise engaged to drive the taxi to the designated employee within three days after the person first drives the taxi;
- (c) supply each driver with trip records for each shift and ensure the driver completes a trip record for each shift;
- (d) retain driver trip records for a period of three years after the day they are created;
- (e) on the last business day of each month, provide the designated employee with a list of each driver who has driven the taxi in that month;
- (f) retain the list required under clause (e) for a period of one year after the day the list is provided to the designated employee.

### **Taxi Condition**

50 The holder of a taxi operator licence must do the following with respect to the condition of the taxi:

- (a) regularly inspect the taxi;
- (b) ensure that the taxi complies with the requirements of Part 6 (*technical requirements for taxis*);
- (c) during the first week of March, July and November of each year, submit a vehicle safety inspection report to the designated employee;
- (d) make the taxi available for inspection by the designated employee, and be present and the inspection, when requested by the designated employee.

### **Operation**

51 The holder of a taxi operator licence must do the following with respect to the operation of the taxi:

- (a) if the taxi is an accessible taxi, ensure that the taxi is available for dispatch to persons with a physical disability between 6:00 AM and 11:00 PM daily, unless

- (i) the taxi has a defect that prevents it from being driven in compliance with this by-law, or
- (ii) the designated employee has approved a different daily availability schedule;
- (b) ensure that the taxi operator licence is prominently displayed inside the taxi at all times the taxi is in operation;
- (c) ensure the taxi is operated in accordance with applicable legislation, including this by-law, at all times;
- (d) not register the taxi to a different dispatcher without obtaining the prior written consent of the designated employee and paying any applicable fee payable under the fee and fine schedule;
- (e) immediately remove the taxi from service if ordered to do so by the designated employee;
- (f) bring the taxi to any location specified by the designated employee for the purpose of an inspection, investigation or removal of images from the in-car camera within the time specified by the designated employee;
- (g) promptly comply with any other direction or order of the designated employee or the commission;
- (h) if the taxi is involved in an accident,
  - (i) report the accident to the designated employee within 72 hours after the accident occurs, and
  - (ii) ensure that any damage to the taxi is repaired within 60 days after the accident occurs or within the time authorized by the designated employee, whichever is later;
- (i) ensure that no person is solicited to hire the taxi by loud shouting or any aggressive or objectionable conduct;
- (j) refrain from publishing, advertising, demanding, charging or receiving any rates, compensation or fares not authorized under this by-law;
- (k) refrain from offering any free rides, coupons or other inducements;
- (l) refrain from making any false or misleading statements in
  - (i) any document submitted to the designated employee or the commission,
  - (ii) any oral proceeding before the commission, or



- (iii) any written or oral communication with Council or an administrator of the City of Thompson;
- (m) refrain from any dishonest conduct while taking a test or participating in a course required under this by-law;
- (n) notify the designated employee of a change in name, address or telephone number within seven days after the change occurs;
- (o) provide the designated employee with ten days' written notice in respect of any absence from the City of Thompson for more than seven days, and include the following in the notice:
  - (i) the operator's departure date and anticipated date of return,
  - (ii) the name, address and telephone number of the person operating the taxi during the operator's absence, and
  - (iii) written confirmation from the person operating the taxi during the operator's absence that they agree to comply with section 45 (*absent licence holder*);
- (p) ensure the ownership record and vehicle registration for the taxi are kept in the taxi at all times.

**Disposal of former taxi**

52(1) An operator who decommissions a taxi must ensure that all items that identify the vehicle as a taxi are removed. For certainty, this includes the "TAXI" sign, strobe light, exterior decals and camera, but not the paint scheme.

52(2) The operator must make the decommissioned taxi available to the designated employee on request for the purpose of confirming that subsection (1) has been complied with.

## **PART 5 TAXI DRIVERS**

### **DIVISION 1 — LICENSING**

#### **Operating without a licence prohibited**

53 A person must not drive a taxi unless the person holds a valid taxi driver licence issued under this Part.

#### **Types of licenses**

54 The following types of taxi driver licence are established:

- (a) regular taxi driver licence — full-time;
- (b) regular taxi driver licence — part-time;
- (c) accessible taxi driver licence — full-time;
- (d) accessible taxi driver licence — part-time;

#### **Hours of service**

55(1) A person who holds a full-time licence must drive a taxi for at least 156 hours per month, unless the designated employee has approved a reduction in hours for any month.

55(2) A person who holds a part-time licence must drive a taxi for at least 16 hours per month on average, but must not drive a taxi for more than 155 hours in any month.

55(3) A person must not drive a taxi

- (a) for more than 14 hours in any calendar day; or
- (b) without a rest period of at least eight hours between shifts.

#### **Minimum eligibility requirements for taxi driver licence**

56 An individual is eligible to apply for a taxi driver licence if the individual

- (a) has reached the age of 18 years;
- (b) resides in the City of Thompson;
- (c) holds a valid Class 4 or higher driver's licence issued under *The Drivers and Vehicles Act*;
- (d) has sufficient oral and written English skills to be able to score Level 2 on an essential language skills assessment, if required by the designated employee to undergo such an assessment;

- (e) has completed the Taxicab Training Course administered by the City of Thompson within the five years immediately preceding the application and received a score of at least 80%;
- (f) has not, during the previous ten years, been convicted of an indictable or hybrid offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada), or of an offence in another jurisdiction that is equivalent to such an offence;
- (g) has not, during the previous five years, been convicted of careless driving under *The Highway Traffic Act* or an equivalent statute from another jurisdiction;
- (h) has not, during the previous two years, been convicted of a summary convictions offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada), or of an offence in another jurisdiction that is equivalent to such an offence;
- (i) has not, during the previous two years, been convicted of three or more offences under *The Highway Traffic Act*, *The Drivers and Vehicles Act*, or an equivalent statute from another jurisdiction.

**Applications for taxi driver licence**

57 A person applying for a taxi driver licence must

- (a) complete, and file with the designated employee, an application in a form acceptable to the designated employee;
- (b) pay any applicable fees set out in the fee and fine schedule;
- (c) provide the following supporting documentation:
  - (i) evidence satisfactory to the designated employee to show that the applicant resides in the City of Thompson and has reached the age of 18 years,
  - (ii) two copies of a recent passport photo,
  - (iii) the name and contact information of a sponsor who holds a taxi operator licence,
  - (iv) a copy of their drivers licence which, for certainty, must be Class 4 or higher,
  - (v) a current Manitoba driver's abstract,
  - (vi) a current Child Abuse Registry Check,

- (vii) a completed vulnerable sector check form, including a criminal record check, issued by the Royal Canadian Mounted Police Force; and
- (d) pay any outstanding fees or fines owing to the City of Thompson under this by-law or any other by-law of the City of Thompson.

**Issuance of taxi driver licence**

58(1) After receiving an application for a taxi driver licence, the designated employee must evaluate the application and

- (a) grant the application, and issue a taxi driver licence or conditional taxi driver licence to the applicant, if the designated employee is of the opinion that
  - (i) the application is complete and the applicant has complied with the requirements of this by-law, and
  - (ii) the applicant is of good moral character and has adequate knowledge to operate a taxi to the standards of the City of Thompson; or
- (b) deny the application if the designated employee is of the opinion that the applicant has not met the requirements set out in clause (a).

58(2) A taxi driver licence issued under this section may include any conditions the designated employee considers appropriate.

58(3) If the designated employee rejects the application, the designated employee must

- (a) provide the applicant with written reasons for the rejection; and
- (b) advise the applicant of the right to appeal the rejection in accordance with Division 3 of Part 10 (*appeals*).

**Conditional licence**

59(1) The designated employee may issue a taxi driver licence as a conditional licence if the designated employee is of the opinion that the applicant requires training before a regular licence should be issued.

59(2) Once the applicant has met the conditions set out in the conditional licence, the designated employee must issue a regular licence to the applicant.

**Period of validity**

60 A taxi driver licence is valid from the first day of July in a calendar year until the last day of June the next calendar year, unless a different period

of validity is specified in the licence or the licence is cancelled before it expires.

**Renewal of taxi driver licence**

61(1) A taxi driver licence may be renewed as long as the holder continues to meet the eligibility requirements for obtaining a taxi driver licence.

61(2) A taxi driver applying for the renewal of a taxi driver licence must

- (a) pay any applicable fees set out in the fee and fine schedule;
- (b) provide the designated employee with any factual changes to information provided with the original application or previous renewals including, if required by the designated employee, evidence that the information has not changed; and
- (c) pay any outstanding fees or fines owing to the City of Thompson under this by-law or any other by-law of the City of Thompson.

61(3) A person seeking to renew a taxi driver licence must take reasonable steps to apply for renewal no later than 60 days before the licence expires.

**Licence is non-transferrable**

62 A taxi driver licence is not assignable or transferrable.

**Driving a taxi**

63 A taxi driver must do the following:

- (a) if the person is driving an accessible taxi, give priority of service to any person with a physical disability;
- (b) carry both their taxi driver licence and the provincial driver's licence while driving a taxi;
- (c) refrain from offering or agreeing to provide transportation services unless the services are provided by means of a taxi registered to a dispatcher;
- (d) before and after completing a shift driving a taxi, inspect the taxi for mechanical defects, cleanliness, wear, and compliance with the physical requirements for taxicabs imposed under this by-law;
- (e) report any malfunction of the strobe light or in-car camera of a taxi driven by the person to the designated employee forthwith;
- (f) refrain from contravening any applicable legislation, including this by-law and any other by-law of the City of Thompson, while driving a taxi;

- (g) refrain from driving a taxi unless they are physically fit to do so and are not under the influence of alcohol or any drug;
- (h) have no alcohol, drug or any other intoxicant in their possession while driving a taxi;
- (i) be well groomed and neatly dressed while operating a taxi, including complying with the dress code set out in Schedule A;
- (j) ensure that, while a passenger is being transported, the meter is in the "time and distance" recording position at all times, unless the taxi is hired by the hour, in which case the meter may be in the "for hire" position;
- (k) drive at a speed and in a manner that is prudent for the circumstances and, to the best of the driver's ability, ensures the security and comfort of any passengers without jeopardizing their safety;
- (l) prominently display their taxi driver's licence at all times while driving a taxi;
- (m) carry a current map of the City of Thompson in the taxi;
- (n) provide an accurate trip record to the operator within 24 hours after completing a shift;
- (o) at the end of each trip, inspect the interior of the taxi, remove any litter, and ensure the interior is reasonably clean for the next passenger;
- (p) comply with the dispatcher's passenger property retrieval policy;
- (q) refrain from parking or standing a taxi at the entrance or exit to any theatre, hotel, shopping centre or other public place, unless the area is a taxi zone;
- (r) refrain from accepting fares other than through the dispatcher or a street hail;
- (s) refrain from soliciting a street hail by loud shouting or any aggressive or objectionable conduct.

**Street hails**

64(1) A taxi driver who accepts a request for service by means of a street hail must report the street hail to the taxi's dispatcher forthwith.

64(2) The report to the dispatcher must include the time of the street hail as well as the pick-up and drop-off locations for the passenger.

**Reporting to designated employee**

65 A taxi driver must report any of the following to the designated employee as soon as practicable:

- (a) the driver's conviction for any offence under *The Highway Traffic Act* or the regulations under that Act;
- (b) the driver's conviction of an offence under the *Criminal Code* (Canada) in relation to an offence relating the operation of a conveyance within the meaning of that Code;
- (c) a charge laid against the driver in relation to an offence described in clause (b);
- (d) the driver's registration on the child abuse registry;
- (e) a suspension of the driver's provincial driver's licence;
- (f) any change in the driver's medical condition that has the potential to adversely affect their ability to drive a vehicle or to maintain a provincial driver's licence.

**Obligation to passengers**

66(1) A taxi driver has the following obligations to passengers:

- (a) accommodate every person seeking a transportation service in the taxi, unless the driver reasonably believes that the person will fail to pay the expected fare, will pose a danger to the driver or will leave the taxi in an unsanitary condition;
- (b) deliver passengers to the destination by the most direct route, unless otherwise directed by a passenger;
- (c) have sufficient knowledge of the street locations, addresses and facilities in the City of Thompson to be able to fulfill the driver's obligations under clauses (a) and (b);
- (d) refrain from discharging a passenger at a place other than the requested destination, unless the driver has reasonable cause to do so;
- (e) if the driver discharges a passenger at a place other than the requested destination, ensure that the passenger is discharged at a place that is safe, well-lit and convenient to public transportation;
- (f) demand for payment only the fares authorized under the fee and fine schedule;
- (g) issue a receipt, on request, for any fare paid;

- (h) be courteous at all times and refrain from saying anything that could make a passenger feel uncomfortable or insecure, including
  - (i) requesting a gratuity from a passenger, or suggesting that one is mandatory, or
  - (ii) harassing, threatening or making lewd comments or gestures to a passenger;
- (i) take reasonable steps to prevent any person from smoking in the taxi;
- (j) provide reasonable assistance to every passenger.

66(2) In addition to the obligations set out in subsection (1), a taxi driver driving an accessible taxi has the obligation to immediately pick up a passenger requesting accessible service, unless

- (a) the driver is already providing a transportation service to a passenger; or
- (b) a different accessible taxi has been dispatched to pick up the passenger requesting accessible service.

66(3) For the purpose of clause (1)(a), the fact that a passenger is accompanied by a trained service animal is insufficient grounds to refuse the passenger transportation.

66(4) If a taxi driver refuses a request for transportation service, or refuses to drop off a passenger at their preferred destination, the taxi driver must advise the dispatcher of the taxi of the refusal forthwith.

**Fare collected in advance**

67 A driver may demand payment in the driver's estimated amount of a fare in advance if the driver reasonably believes that a passenger is unable or unwilling to pay the fare. But the driver must refund any excess collected if the actual fare is less than the pre-payment.

**Prohibited actions while driving**

68 A taxi driver must not drive a taxi while

- (a) the operator licence is not prominently displayed inside the taxi;
- (b) the taxi is not insured under *The Manitoba Public Insurance Corporation Act*;
- (c) there are a greater number of passengers in the taxi than there are seat belts;
- (d) a passenger is not properly seated;



- (e) there is more than one passenger in the front of the taxi;
- (f) a passenger is in the front of the taxi between 11:00 PM and 6:00 AM, unless the taxi is equipped with a full side shield or the taxi is engaging in medical transportation, transporting a person from or to the airport, or transporting an adult travelling with more than two minors in a manner that is not likely to endanger the safety of the driver;
- (g) the taxi driver is using a phone or other electronic communication device while there is a passenger in the taxi;
- (h) the taxi driver's view of the road is obstructed;
- (i) the taxi driver reasonably believes alcohol or drugs are being consumed in the taxi;
- (j) the taxi driver reasonably believes that a passenger in the taxi has not reached the age of 18 years and is in possession of alcohol or drugs;
- (k) the operator licence for the taxi is suspended; or
- (l) the taxi driver's taxi driver licence is suspended.

**Other obligations**

69 A taxi driver must

- (a) take reasonable steps to avoid another person possessing their taxi driver licence or a copy of that licence;
- (b) refrain from any dishonest conduct while taking a test or participating in a course required under this by-law;
- (c) notify the designated employee of a change in name, address or telephone number within seven days after the change occurs;
- (d) refrain from making any false or misleading statements in
  - (i) any document submitted to the designated employee or the commission,
  - (ii) any oral proceeding before the commission, or
  - (iii) any written or oral communication with Council or an administrator of the City of Thompson; and
- (e) promptly comply with any other direction or order of the designated employee or the commission.

**Wheelchairs and mobility aids**

70 A taxi driver driving an accessible taxi must secure any wheelchair or mobility aid in a manner that complies with section 185.1 of *The Highway Traffic Act*, C.C.S.M. c. H60.

## **PART 6 TECHNICAL REQUIREMENTS FOR TAXIS**

### **General equipment requirements**

71(1) A taxi must be equipped with the following:

- (a) winter tires between October 31 of a calendar year and April 1 of the next year;
- (b) a business name and the word "Taxi" or "Cab" on the side of the taxi, either applied by means of a sticker or painted on;
- (c) an approved "TAXI" light on the top of the vehicle that is sufficiently bright to be visible during daylight hours and indicates when a taxi is available for hire;
- (d) an overall paint scheme that complies with Schedule B;
- (e) a fleet number that complies with the requirements of Schedule C, applied to the following locations:
  - (i) each front quarter panel or each rear quarter panel of the taxi;
  - (ii) the rear of the taxi; and
  - (iii) a conspicuous location on the inside of the taxi that is visible to passengers while they are seated;
- (f) a "PUBLIC NOTICE" sticker on the outside of each rear passenger door that includes the international "No Smoking" symbol and the following statements:
  - (i) if the meter is not on, the ride is free,
  - (ii) the taxi driver licence must be posted in the interior of the taxi,
  - (iii) passenger capacity is limited to the number of usable seatbelts in the taxi,
  - (iv) the taxi driver is prohibited from using a cellphone while the taxi is in motion, regardless of whether the phone is handheld or hands-free,
  - (v) the front seat of the taxi is available for passenger use only between the hours of 6:00 AM and 11:00 PM, unless the taxi is equipped with a full side shield or the taxi is engaging in medical transportation, transporting a person from or to the airport, or transporting an adult travelling with more than

two minors in a manner that is not likely to endanger the safety of the driver,

- (vi) the taxi driver may request payment in advance but must refund any excess at the end of the trip,
- (vii) the wording "*If you have a complaint or compliment to make, call the City Licence Inspector at (204) 677-7901.*";
- (g) a sticker on the inside of each rear passenger window that states as follows:

*Vehicle equipped with security camera. All occupants will be photographed or recorded.*

- (h) a sticker in a conspicuous location on the trunk of the taxi that states as follows:

*Flashing Strobe Light – Call RCMP at (204) 677-6911*

71(2) A taxi must not be equipped with any of the following:

- (a) aftermarket tint on any window;
- (b) any lettering, numbering, logo or picture on the outside of the taxi, unless contemplated by this by-law or approved by the designated employee;
- (c) any paint scheme not approved for the operator under Schedule B.

71(3) If a taxi is equipped with power door locks, they must be adjusted so that

- (a) the driver's door is not connected to power;
- (b) a separate switch is operable for the front passenger door, unless the taxi has a full side shield;
- (c) the rear locks can be operated in accordance with the manufacturer's specifications; and
- (d) child locks are deactivated.

#### **Condition of taxi**

72 A taxi must be kept in a state of good condition and repair and reasonably clean.

#### **In-car cameras**

73(1) A taxi must be equipped with an in-car camera of a make and model approved by the designated employee.

- 73(2) The camera must be mounted on the inside of the windshield or any other location that provides an unobstructed view of the interior of the taxi and allows the camera to capture images as well as video and audio recordings of all occupants.
- 73(3) The camera must be installed by a person authorized by the designated employee.
- 73(4) A person must not tamper with the camera, obstruct the camera or allow it to be tampered with or obstructed.
- 73(5) The camera must be inspected by the designated employee in February and July of each year. If the camera does not pass the inspection, the taxi must be ordered out of service until the camera passes a re-inspection.
- 73(6) The camera must include a high-speed USB-A extension cable accessible from the glove box of the vehicle, or another type of data transfer cable authorized by the designated employee.
- 73(7) If the camera is malfunctioning, the taxi is deemed to be declared out of service until the designated employee or the commission authorizes the taxi to be returned into service.

**Safety shield**

- 74 A taxi must be equipped with a safety shield that
- (a) is of a make and model approved by the designated employee; and
  - (b) has been installed according to the manufacturer's instructions .

**Strobe light**

- 75(1) A taxi must be equipped with an external strobe light that
- (a) is of a make and model approved by the designated employee; and
  - (b) has been installed according to the manufacturer's instructions by an installer approved by the designated employee.
- 75(2) If the strobe light is malfunctioning, the taxi is deemed to be declared out of service until the designated employee or the commission authorizes the taxi to be returned into service.

**Taximeter**

- 76(1) A taxi must be equipped with a taximeter that

- (a) is installed in a location on or near the middle of the dashboard that is in plain view of passengers;
- (b) calibrated to show only the fares approved under the fee and fine schedule;
- (c) is equipped with an interior light that clearly illuminates the taximeter in a manner that makes the indicated fare amount legible in all lighting conditions;
- (d) complies with the following tolerances:
  - (i) on distance tests, a discrepancy of not more than 2% on trips of one kilometre or less and not more than 3% on trips longer than one kilometre, and
  - (ii) on time tests, a deficiency of not more than 5% and an excess of not more than 10%; and
- (e) has a seal applied by the designated employee that has not been tampered with or broken.

76(2) A person must not break or tamper with the seal required under clause (1)(e) unless they inform the designated employee before doing so.

76(3) If the taximeter is malfunctioning, the taxi is deemed to be declared out of service until the designated employee or the commission authorizes the taxi to be returned into service.

## **PART 7 LIMOUSINES**

### **Only one limousine operator licence**

- 77(1) The designated employee must not issue more than one limousine operator licence.
- 77(2) Despite subsection (1), Council may, by resolution, authorize or direct the designated officer to issue one or more additional limousine operator licences.

### **Vehicle requirement**

- 78 A limousine licence may be issued only in respect of a vehicle that is
- (a) a full-size luxury vehicle; or
  - (b) a vehicle stretched beyond its normal dimensions.

### **Application of other Parts**

- 79(1) Subject to this Part, all provisions of this by-law applicable in respect of taxis apply equally in respect of limousines, except for the following:
- (a) section 19 (*registering vehicle to dispatcher*);
  - (b) Division 3 of Part 3 (*dispatching taxis*);
  - (c) section 63 (*driving a taxi*);
  - (d) section 64 (*street hails*);
  - (e) clauses 66(1)(a), (b), (c) and (g) and subsections 66(1) to (4) (*obligation to passengers*);
  - (f) clause 68(f) (*prohibited actions while driving*);
  - (g) Part 6 (*technical requirements for taxis*);
  - (h) this Part.
- 79(2) For the purpose of subsection (1), any reference to "taxi" is to be read as a reference to "limousine", except in the context of a taxi driver licence.
- 79(3) For the purpose applying section 35 (*lottery system for new taxi operator licences*), "When the number of taxi operator licences drops below 45" is to be read as "When there are fewer limousine operator licences than authorized under section 77".

**No parking in taxi zones**

80 A limousine driver must not park a limousine, and its operator must not permit it to be parked, in a taxi stand.

**No street hails**

81 The driver of a limousine must not accept a street hail, and all transportation by limousine must be pre-arranged. But, for certainty, a limousine driver does not commit an offence under this by-law if they pick up a passenger at the airport who did not pre-arrange a trip.

**Trip costs**

82 A person must not charge less or more for a trip by limousine than is authorized under the fee and fine schedule.

**Decal**

83(1) A limousine must be equipped with a decal on the inside of the right front window that states the applicable fare as per the fee and fine schedule.

83(2) The operator of the limousine must ensure that the decal is placed in the vehicle as required.



## **PART 8 TARIFF OF FARES**

### **Applicable tariff**

- 84(1) The tariff of fares for taxis and limousines is as set out in the fee and fine schedule.
- 84(2) Despite subsection (1), the Council may, by special resolution on the recommendation of the designated employee or the commission, authorize special promotions under which a different fare may be charged.

## **PART 9 VEHICLE FOR HIRE COMMISSION**

### **Commission established**

- 85(1) The Vehicle for Hire Commission is hereby established, consisting of the members appointed under subsection (2).
- 85(2) The commission is to consist of five members appointed by Council resolution and must consist of
- (a) five members of Council; or
  - (b) three members of council and two other individuals, one of whom must be a representative of the taxi industry.
- 85(3) Commission members must be appointed for a term of not more than three years but may be re-appointed.

### **Chair and vice-chair**

- 86(1) Council must appoint a chair and vice-chair of the commission.
- 86(2) The chair has the general supervision of the operations of the commission.
- 86(3) The vice-chair must perform the functions of the chair on request of the chair, if the office of the chair is vacant or if the chair is absent or unable to act.
- 86(4) Council may designate one or more members of the commission as an additional vice-chair.

### **Quorum**

- 87 A quorum of the commission is three or more members, at least two of whom must be members of Council.

### **Panels**

- 88(1) The chair may designate three or more commission members as a panel to hear an appeal under this by-law. But at least two of the panel members must be members of Council.
- 88(2) When designating a panel, the chair must designate one of the panel members as the presiding member of the panel.

## **PART 10 ENFORCEMENT**

### **DIVISION 1 — DESIGNATED EMPLOYEES**

#### **Licence Inspector and other designated employees**

89(1) A Licence Inspector is to be appointed by the City Manager of the City of Thompson.

89(2) The Licence Inspector is

- (a) a designated officer for the purposes of section 130 of *The Municipal Act*; and
- (b) a designated employee for the purposes of this by-law.

89(3) The Licence Inspector may delegate any of their powers, duties and functions to another designated employee.

#### **Authority of Licence Inspector**

90(1) The Licence Inspector has the general responsibility of enforcing this by-law.

90(2) For the purpose of enforcing this by-law, the Licence Inspector, or any other designated employee, may do any of the following:

- (a) stop, enter and inspect any vehicle for hire;
- (b) impound any vehicle for hire found to be in violation of this by-law;
- (c) order a vehicle for hire out of service if the vehicle is found to be in violation of this by-law;
- (d) require a dispatcher operator, taxi driver or limousine driver to produce for inspection any document or record required to be kept or maintained under this by-law;
- (e) require a taxi driver or limousine driver to produce a driver's abstract;
- (f) collect, use and disclose any information related to the administration or enforcement of this by-law, subject to applicable privacy legislation;
- (g) cancel, suspend, or place conditions on, a dispatcher licence, operator licence or taxi driver licence;

- (h) require an operator or driver to bring a taxi to any location in the City of Thompson for inspection or for removal of images or recordings stored on the in-car camera;
- (i) require an operator to produce, either periodically or on request, a certificate of a qualified mechanic stating that the taxicab is in safe operating condition;
- (j) require an operator or driver to report, periodically or on request, on any complaints or other incidents arising out of the operation of a vehicle for hire;
- (k) investigate any complaints, accidents or other incidents and take steps the designated employee considers appropriate to mitigate the risk of further incidents occurring;
- (l) issue plates or distinguishing markings operators must affix to a vehicle for hire.

## **DIVISION 2 — INVESTIGATIONS AND ENFORCEMENT ORDERS**

### **Investigations**

91(1) The designated officer may initiate an investigation if the designated officer reasonably believes that a dispatcher, operator or taxi driver has

- (a) contravened this by-law;
- (b) contravened any condition or requirement of a dispatcher licence, operator licence or taxi operator licence;
- (c) failed to maintain a requirement for obtaining or maintaining a dispatcher licence, taxi operator licence or taxi driver licence;
- (d) acted in a manner contrary to the public interest; or
- (e) demonstrated character, conduct or a state of health that makes them unfit to dispatch, operate or drive a taxi, as the case may be.

91(2) If the designated employee initiates an investigation, they must provide written notice to the person investigated that sets out the following information:

- (a) a description of the allegations;
- (b) a statement that the investigation may result in administrative or disciplinary sanctions against the person investigated;

- (c) a statement that the person investigated may, but is not required to, provide the designated employee with documents or information to rebut the allegations;
- (d) a statement that, unless in the opinion of the designated officer immediate disciplinary or administrative action is necessary to protect the public, the designated employee will not make a determination for a period of five business days after the notice is given in order to provide the person investigated with an opportunity to respond.

91(3) The notice referred to in subsection (2) must be provided in one of the following manners:

- (a) by personal service;
- (b) by registered mail or another delivery service that provides the sender with proof of delivery, to the last address of the individual being investigated found in the records of the designated employee;
- (c) left in the custody an adult person at the last address of the individual being investigated found in the records of the designated employee.

91(4) If after concluding an investigation the designated employee determines that the person investigated has acted in a manner described in any of clauses (1)(a) to (e), the investigator may take any of the following actions:

- (a) issue a warning or reprimand;
- (b) direct the person to complete a training course specified by the designated employee, or to obtain supervised practical experience;
- (c) impose terms or conditions on the person's dispatcher licence, operator licence or taxi driver licence;
- (d) suspend the person's dispatcher licence, operator licence or taxi driver licence for any period the designated employee considers appropriate, which may be until the expiry of the licence;
- (e) cancel the person's dispatcher licence, operator licence or taxi driver licence;
- (f) remove an affected taxi from service;
- (g) impose a fine in accordance with the fee and fine schedule.

91(5) An action under subsection (4) must not be taken earlier than five days after the commencement of an investigation, unless the designated officer believes that such action is necessary for the immediate protection of the public.

**Declaration out of service**

92(1) Despite section 91 (*investigations*), the designated employee must declare a taxi to be out of service if the designated employee reasonably believes that

- (a) the operator has failed to provide an inspection safety report with the require time;
- (b) the taxi is in unsafe operating condition;
- (c) the taxi is not subject to a valid operator licence;
- (d) the taxi's in-car camera or strobe light is not fully operational; or
- (e) the taximeter is not capable of accurately recording time and distance within the tolerances required by section 76 (*taximeter*).

92(2) The designated employee may revoke a declaration made under subsection (1) if they believe that the contravention that gave rise to the declaration has been adequately remedied.

**Prohibition to dispatch, operate or drive taxi out of service**

93 A person must not dispatch, operate or transport passengers for compensation in a taxi while that taxi is declared or deemed to be declared out of service, unless the declaration has been revoked by the designated employee or quashed by the commission.

**DIVISION 3 — APPEALS**

**Right to appeal**

94 A person may appeal any of the following to the commission within 30 days after receiving notice of the decision giving rise to the appeal:

- (a) the refusal of the designated employee to issue a dispatcher licence, operator licence or taxi driver licence, or to approve the transfer of a taxi operator licence;
- (b) conditions imposed by the designated officer on a dispatcher licence, operator licence or taxi driver licence including, for certainty, the issuance of a conditional taxi operator licence;
- (c) any action taken by the designated officer under subsection 91(4) (*actions after investigation*), other than the imposition of a fine.

For certainty, while a fine is not appealable under this by-law, it may be reviewed by a screening officer in accordance with Part 4 of the *Municipal By-Law Enforcement Act Enabling By-law* (By-law 1953-2017).

#### **How to file appeal**

- 95(1) An appeal to the commission must be filed with the designated employee on a form approved by the designated employee and include all written documentation the appellant plans to rely on in support of the appeal.
- 95(2) Within seven days after receiving an appeal form, the designated employee must
- (a) arrange for a hearing before the commission; and
  - (b) notify the appellant of the date, time and place of the hearing.
- 95(3) The commission must hear the appeal within 30 days after the day the appeal form is filed with the designated employee.
- 95(4) Despite subsection (3), the commission may adjourn the hearing to a fixed date with the consent of both the appellant and the designated employee.
- 95(4) The designated employee must provide the following information and documentation to the appellant not less than 14 days before the date the commission is scheduled to hear the appeal:
- (a) a copy of the decision under appeal;
  - (b) a summary of the reasons for the decision or order under appeal, even if those reasons have previously been provided;
  - (c) a copy of all documents the designated employee relied on in making the decision or order under appeal.

#### **Hearing the appeal**

- 96(1) The commission must hear an appeal orally, either in person or through means of electronic communication.
- 96(2) A party to the hearing may be represented by legal counsel.
- 96(3) When hearing the appeal, the commission must provide an opportunity to both the appellant and the designated employee or their respective legal counsel to make submissions.
- 96(4) The commission may adjourn the hearing if it considers it to be necessary for the hearing to be adjudicated fairly.

96(5) If a party to the hearing fails to attend the hearing, the commission may adjourn the hearing to a fixed date or proceed with the hearing in the absence of the party.

96(6) After hearing the appeal, the commission may confirm, vary or quash the decision or order being appealed.

96(7) The commission must provide written reasons for its decision.

96(8) A decision of the commission on an appeal is final.

**Failure to comply with decision is an offence**

97 It is an offence for any person to fail to comply with a decision of the commission that requires a person to do something or refrain from doing something.



## DIVISION 4 — PENALTIES

### **Fee and fine schedule**

98 A person who contravenes a provision of this by-law is liable on conviction to a penalty as set out in the fee and fine schedule.

### **Voluntary payment**

99(1) Despite section 98 (*fee and fine schedule*), a person charged with a contravention of this by-law may voluntarily pay a reduced amount as set out in Schedule A of the *Municipal By-Law Enforcement Act (MBEA) Enabling By-Law* within 14 days after a contravention notice is issued.

99(2) If a person voluntarily pays a reduced amount in accordance with subsection (1), the prosecution of the contravention must be stayed.

**PART 11  
TRANSITIONAL PROVISIONS AND REPEAL**

**Transitional — dispatcher licences**

100 Despite Part 3 (*dispatchers*), a dispatcher is exempt from the requirement to be licenced under this by-law until 90 days after this by-law comes into force.

**Transitional — taxi operator licences and taxi driver licences**

100(1) In this section "old by-law" means by-law number 1920/2014, as amended by by-laws 1936-2015 and 1992-2020.

100(2) On this coming into force of this section,

- (a) an Operator's Licence issued under the old by-law that is valid immediately before the coming into force of this section is converted into a taxi operator's licence within the meaning of this by-law and may be renewed, cancelled or suspended in accordance with this by-law; and
- (b) a Driver's Licence issued under the old by-law that is valid immediately before the coming into force of this section is converted into a taxi driver licence within the meaning of this by-law and may be renewed, cancelled or suspended in accordance with this by-law.

**Repeal**

102 By-law number 1920/2014, as amended by by-laws 1936-2015 and 1992-2020, is repealed.

Read a first time this 12<sup>TH</sup> day of DECEMBER, 2022 A.D.

Read a second time this 24<sup>th</sup> day of APRIL, 2023 A.D.

Read a third time this 23<sup>rd</sup> day of MAY, 2023 A.D.


Done and passed by the Council of the City of Thompson in regular session assembled this 23 day of MAY, 2023 A.D.

The City of Thompson

Per:

  
Mayor

Per:

  
City Manager

## **SCHEDULE A DRESS CODE**

A taxi driver must wear a badge supplied by the operator at all times. The badge must show the name of both the operator and the taxi driver and be worn in a visible location.

All clothing must be clean and in good repair. Men must be clean-shaven or have a groomed beard or mustache.

### **Trousers**

- Dress pants, casual pants and jeans are permitted
- Shorts or sweat pants are not permitted

### **Shirts or Blouses**

- Sleeveless shirts are not permitted
- Shirts or blouses must not display slogans, logos, advertising or lewd or otherwise inappropriate artwork

### **Footwear**

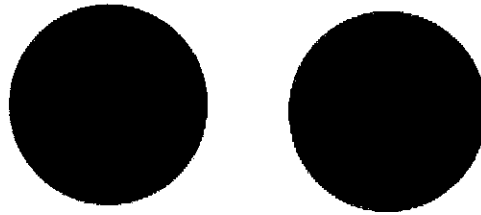
- Slippers or sandals are not permitted
- All footwear must be in good condition

**SCHEDULE B  
OFFICIAL TAXI COLOUR SCHEMES**

**DRIFTWOOD NICKEL CITY TAXI**

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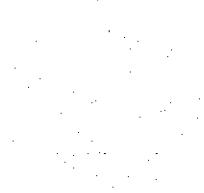
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**CLIFF'S TAXI**

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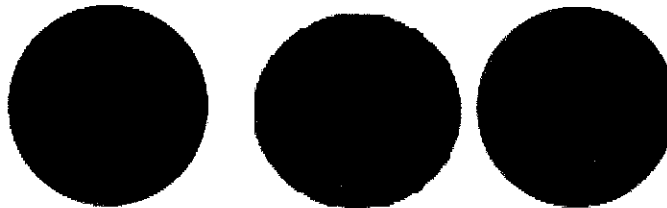
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**THOMPSON CABS**

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**NORTH STAR TAXI**

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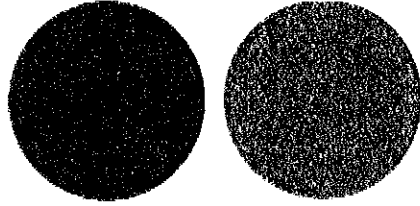
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**All taxis must be white.**

ORANGE TAXI

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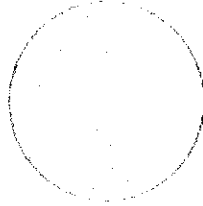
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YELLOW TAXI

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## **SCHEDULE C MINIMUM STANDARDS FOR TAXIS**

### **Interior**

- Clean and in good condition
- No rips, stains or excessive cigarette burns
- No loose, missing or broken handles
- Panels firmly attached to car body
- No broken covers on light fixtures

### **Exterior**

- Free of dents, scratches or peeling paint
- Trim is firmly attached to body, not broken or missing, and not attached with duct tape
- Numbers and decals are complete and not peeling or defaced

Fleet numbers applied to the outside of a taxi must be 13 cm high and approximately 2.5 cm thick. The numbers must be white unless otherwise specified by the designated employee, who may require a different contrasting colour to be used.

## **SCHEDULE D IMAGE RETRIEVAL PROTOCOLS**

### **General procedures**

- A. The designated employee may remove images or recordings from an in-car camera only for the purpose of
- (i) investigating an alleged contravention of this by-law, or
  - (ii) obtaining footage for the purpose of an automobile insurance claim made by or against the driver or operator of the vehicle.
- B. The retrieval of images or recordings for alleged criminal infractions must be performed by the Royal Canadian Mounted Police Force.
- C. The designated employee must follow the following image and recording retrieval procedure:
- 1. Conduct an interview with the complainant. If the complaint relates to a contravention of this by-law, the designated employee may proceed with the download. If the complaint relates to a criminal infraction, the designated employee must refer the matter to the Royal Canadian Mounted Police Force.
  - 2. Arrange to have the taxi brought to an appropriate location to retrieve the image or recording.
  - 3. Connect the designated employee's computer to the recording unit and access the viewing and removal software.
  - 4. Review and remove only the images and recordings relating to the complaint.
  - 5. Record any comments from the complainants on the complaint form used by the designated employee for the purpose of resolving a complaint.
- D. The designated employee must follow the following file storage procedure once an image has been retrieved from the in-car camera:
- 1. Transfer the image or recording to a USB stick or other storage media.
  - 2. Label the USB stick or other media with the name of the complainant, the report number and the date and time the image was captured.
  - 3. Initial the USB stick or other media, complete a storage log book entry and place the USB stick or other media in secure storage.

4. Securely store the USB stick or other media until all investigation processes are complete, including any appeals.

**Protection of files**

All recorded material must be protected against unauthorized access, alteration or disclosure, as well as against accidental loss or destruction. Access to the HASP key must be strictly controlled to prevent the unauthorized viewing, recovery or reproduction of images. Access to the images must be restricted to those persons who need to examine the images for authorized purposes.

**Access to printed images**

Copies of images should only be made when required. When not in use, those images must be stored inside a closed, opaque envelope inside a secure container.

Printed images must not be left unattended and must be transported only in a closed, opaque envelope to prevent accidental viewing by authorized persons.

All printed images must be destroyed when no longer required for an investigation or enforcement.

**Access to digital images and recordings**

Images or recordings must not be stored on the hard drive of any computer for longer than required to transfer them to a USB stick or other media. Once transferred, the files must be deleted from the computer.

Images or recordings on a USB stick or other media must be stored in a locked, fire-resistant container when not in use.

All digital images and recordings must be destroyed when no longer required for an investigation or enforcement.

**Destruction of recorded material**

Once images or recordings are no longer required for an investigation or enforcement, they must be disposed of as follows:

1. Printed images must be shredded and disposed of through recycling or another waste disposal method.
2. Digital images and recordings must be deleted from the media on which they are stored. An image automatically saved to a "recycle bin" on deletion must be similarly deleted from the recycle bin.
3. On disposing an image or recording, the designated employee must complete a record of disposal, in the storage log book. The record must indicate the date, time and manner of disposal.



