

Office Consolidation

CITY OF WHITEHORSE

BYLAW 2015-19

A bylaw to permit, license, and regulate the owners and operators of vehicles for hire in the City of Whitehorse

WHEREAS 265(a) of the *Municipal Act* RSY 2002 Chapter 154 (the “Act”) provides that council may pass bylaws for the safety, health, and welfare of people and the protection of persons and property;

WHEREAS 265(k) of the *Act* provides that council may pass bylaws for municipal purposes respecting transport and transportation systems, carriers of persons or personal property including taxi drivers, vehicles and taxi businesses, and other forms of public transport; and

WHEREAS 266 of the *Act* provides that council may by bylaw provide for a system of licenses, inspections, permits, or approvals, including establishing fees for the activity authorized; and

WHEREAS the purposes of this bylaw include:

- (1) ensuring public safety, service quality and consumer protection for customers and service providers in the vehicle for hire industry;
- (2) establishing a system of inspections, permits and plates for drivers of vehicles for hire, vehicles for hire, and vehicle for hire companies; and
- (3) ensuring that the vehicle for hire industry meets the needs of the traveling public in the City;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the Vehicle for Hire Bylaw.

DEFINITIONS

2. In this bylaw:

“ACCESSIBLE VEHICLE FOR HIRE” means a vehicle for hire which is designed and manufactured or converted for the purpose of transporting persons with disabilities and/or who use mobility aids;

“APPLICANT” means the person who makes and signs an application for any certificate, license, permit, plate or transfer thereof, as contemplated by this bylaw;

“APPLICATION” means the forms to be completed by the applicant when applying for any certificate, license, permit, plate or transfer there of;

“APPROVED” means as accepted by Bylaw Services;

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“BASE STATION” has the same meaning as “PLACE OF BUSINESS”, and means a building premise located within the City of Whitehorse where the dispatcher, two-way radio communication, books and records of the vehicle for hire company are housed;

“BUS” means a motor vehicle capable of carrying more than 10 passengers that travels over a fixed route for a fare;

“BUS OPERATED AS VEHICLE FOR HIRE” means a bus or tour bus that does not travel over a fixed route and includes a bus or tour bus that picks up and/or drops off passengers at their place of residence and excludes a bus operated by a Federal, First Nation, Territorial or Municipal government, health care facility or affiliate approved;

“BUSINESS LICENSE” means the license provided under the City of Whitehorse Business License Bylaw as may be amended from time to time;

“BYLAW CONSTABLE” means a member of the City of Whitehorse Bylaw Services staff member hired to enforce City of Whitehorse Bylaws;

“BYLAW SERVICES” means the Manager of Bylaw Services, a Bylaw Constable, or the Bylaw Services Coordinator;

“CERTIFICATE” means a certificate issued pursuant to the provisions of this bylaw;

“CHARTER” means to transport passengers by prior reservation for an extended engagement or special purpose based on a charter fare;

“CHARTER FARE” means a set fare as outlined in Schedule “A” attached hereto and forming part of this bylaw;

“CITY” means the municipal corporation of the City of Whitehorse;

“CONSENT TO RELEASE OF INFORMATION” means the applicant’s written authorization to conduct any and all searches and obtain personal information relevant to this bylaw;

“COUNCIL” means the elected Council of the City of Whitehorse;

“CURB” means a row of concrete border along the edge of a roadway;

“DAY” means any period of 24 consecutive hours after the start of work;

“DESIGNATED OFFICER” means the Royal Canadian Mounted Police, the Manager, or Bylaw Constables;

“DISPATCHER” means a person or electronic system, other than a driver of a vehicle for hire, that coordinates the engagement of services and oversees the on-going transportation services of the vehicle for hire company by providing two-way radio communication with drivers of vehicles for hire, and to which requests for service are received by a person or electronic dispatching system and communicated to the driver;

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“DOWNTOWN AREA” means that area of the City the boundaries of which are shown on the map attached hereto as Appendix “B” and forming part of this bylaw;

“DRIVER” means the person who drives or is in charge of a vehicle for hire, and who is required to be the holder of a valid vehicle for hire permit prior to operating a vehicle for hire;

“DUE CARE” means just, proper, and sufficient care, so far as the circumstances demand;

“FARE” means the fare, toll, fee or rate charged to, or collected from, any person for the transportation of a person or persons, or chattels of a person;

“FARE SCHEDULE” is the schedule of maximum rates which may be charged by the owner of a vehicle for hire for the transportation of a person or persons, or chattels of a person, and the schedule of the minimum rate that may be charged for a charter fare, as set out in Schedule “A” attached hereto and forming part of this bylaw;

“FEE” means the fees as set out in the City of Whitehorse Fees and Charges Bylaw as may be amended from time to time;

“FIRST NATION” means the elected councils of Kwanlin Dün First Nation and Ta'an Kwäch'än;

“FIXED ROUTE” means the roads and trails and scheduled times, as approved by the Manager;

“GENERAL INSPECTION” means the initial inspection, and thereafter semi-annual inspections and random inspections, all for which a fee is charged, of a vehicle for hire, as contemplated by this bylaw;

“GENERAL INSPECTION REPORT” is the form adopted for use by the Manager to time to be completed by an inspector at a general inspection of a motor vehicle for hire;

“HANDS-FREE CELLULAR TELEPHONE” means a cellular telephone which is equipped with hands-free technology that allows calls to be placed or received by the driver via voice commands;

“IMMEDIATE FAMILY” means the driver's mother, father, sister, brother, spouse, son, daughter, mother-in-law, father-in-law, grandparent, or grandchild, and includes any of the above step-relatives;

“INSPECTION, INSPECT, OR INSPECTED” means a general inspection, mechanical inspection, random inspection or an inspection requested by the Designated Officer;

“INSPECTOR” means a person who conducts a periodic motor vehicle inspection (Periodic Motor Vehicle Inspection Inspector), the Designated Officer, or a

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person approved to conduct general or mechanical inspections of a motor vehicle for hire;

“LICENSEE” means the person to whom a vehicle for hire plate is issued;

“LIMOUSINE” means a luxury sedan with a seating capacity greater than nine passengers with separate compartments for engine, passenger and cargo and has a minimum of three passenger doors and a driver’s door, and is a stretch limousine or other limousine as determined by manufacturer;

“MANAGER” means the Manager of Bylaw Services or designate;

“MECHANICAL INSPECTION” means the initial inspection, semi-annual inspections and random inspections of a vehicle for hire conducted by an inspector;

“MECHANICAL INSPECTION REPORT” is the form adopted for use by the Manager to be completed by an inspector at a mechanical inspection of a motor vehicle for hire;

“MECHANICAL INSPECTION STANDARDS HANDBOOK” is the handbook used by an inspector at a mechanical inspection of a motor vehicle for hire, and contains the vehicle standards the vehicle for hire must meet;

“MOTOR VEHICLE FOR HIRE” means a motorized vehicle for hire, that is operated or intended to be operated for the purpose of carrying passengers and their property for valuable consideration irrespective of whether it is operated or intended to be operated for that purpose each time it is operated and irrespective of whether there is a subsisting vehicle for hire plate issued in respect of it and includes a bus operated as a vehicle for hire and a limousine;

“NON-MOTORIZED VEHICLE FOR HIRE” means a non-motorized Vehicle that is not drawn, propelled or driven by any kind of power, other than muscular power, which is used for the carrying, transporting or conveyance of persons or property for hire and, without limiting the generality of the foregoing, shall include a dog sled, horse-drawn carriage, horse-drawn sled, and a pedicab;

“NOT FOR HIRE SIGN” means a sign that is solid lime green in colour throughout, and no smaller than 20 centimetres high by 80 centimetres wide with black lettering, where the lettering is no less than 2 centimetres wide, which states “NOT IN SERVICE”;

“NOTICE” means a written warning issued by the Designated Officer for a contravention of this bylaw;

“OPERATE, OPERATING OR OPERATED” includes having care and control of a vehicle for hire as contemplated or defined by this bylaw;

“OUT OF SERVICE ORDER” means a written statement issued by the Designated Officer directing the immediate removal of a vehicle for hire from service for a deficiency or violation pursuant to this bylaw;

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“OWNER” means the owner or operator of a vehicle for hire company, and/or the registered owner, driver or licensee of a vehicle for hire;

“PEDICAB” means a vehicle, including a rickshaw, propelled solely by the foot power of the operator and capable of carrying no more than two persons in addition to the operator;

“PERIODIC MOTOR VEHICLE INSPECTION FACILITY” means a premise which has been established for the inspection and testing of motor vehicles by the Commissioner in Executive Council as contemplated by the *Motor Vehicles Act* RSY 2002 Chapter 153 (the “*Motor Vehicles Act*”), as may be amended;

“PERIODIC MOTOR VEHICLE INSPECTION INSPECTOR” means those qualified persons who have been designated and authorized to preform motor vehicle inspections and tests as contemplated by the *Motor Vehicles Act*, as may be amended from time to time;

“PERMIT” means a permit issued by Bylaw Services and includes the annual vehicle for hire certification issued by Bylaw Services to a person to operate a vehicle for hire which shall expire 90 days after the permit holder’s birth date;

“PLACE OF BUSINESS” has the same meaning as “BASE STATION”;

“PLATE” means the metal numbered placard issued by Bylaw Services to identify a vehicle for hire which is affixed to a vehicle for hire as contemplated by this bylaw;

“PLATE DECAL” means the current year decal required and issued under this bylaw to a vehicle for hire which is affixed to the vehicle for hire plate for the vehicle which has met the conditions of this bylaw for operating a vehicle for hire;

“PRIOR RESERVATION” means a recorded request for transportation in a vehicle for hire, which was made a minimum of eight hours in advance of the request for transportation;

“REVOCAION or REVOKE” means a permanent recall of any certificate, permit or plate issued under this bylaw;

“SEATING CAPACITY” means the rated passenger load assigned to a motor vehicle by the originating manufacturer;

“SECURITY CAMERA” means a fully operational security video camera as approved and contemplated by this bylaw;

“SERVICE ANIMAL” means an animal that has been trained and certified to assist a person with disabilities;

“SHIFT” means a single period of time worked by a driver of a vehicle for hire in a day;

“SMOKE” means to the act of inhaling a tobacco or other like substance or allowing tobacco or other like substance to burn or dispense smoke;

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“SUSPENSION or SUSPEND” means a temporary recall of any certificate, permit or plate issued under this bylaw;

“TAMPERED” means to remove or damage the taximeter seal and includes any change in the taximeter which results in a fare that differs from the fares authorized by this bylaw;

“TARIFF CARD” means a placard required by this bylaw where the background is to be transparent (when placed on a rear passenger window) and the text is to be black in colour and not take up more than 33% of the surface area of the placard, and which shall contain:

- (1) the unit number of the vehicle for hire;
- (2) the fare schedule, including any taxes and discount rates;
- (3) as of May 1, 2017, and as soon as applicable, wording that indicates that a public safety camera is installed and images of the passengers are being recorded;
- (4) the telephone number of the vehicle for hire company;
- (5) the telephone number of Bylaw Services; and
- (6) a statement that any complaints about the vehicle for hire driver should be directed to those telephone numbers.

“TAXIMETER” means an approved device which shall be permanently installed in a vehicle for hire that computes and shows the fare payable for each trip calculated based on the distance travelled or on the time elapsed or both;

“TAXIMETER SEAL” means the seal which is affixed to the taximeter by Bylaw Services upon successful completion of the general inspection;

“TOUR BUS” means a motor vehicle capable of carrying more than ten passengers for sightseeing ventures or sporting activities, and while under hire, only travels over predetermined fixed routes that take on and discharge passengers only at bus depots, licensed hotels, motels, bed and breakfasts, or stops approved;

“TWO-WAY RADIO COMMUNICATION” means radio equipment licensed by Industry Canada pursuant to Radio Standards Specification-Gen, Issue 3, as may be amended from time to time;

“TRIP” means each transport of a person or persons or delivery of chattels of a person, by a driver for a fare;

“TRIP RECORD” means the written and recorded details of each trip undertaken by a driver during their shift in the form adopted for use by the Manager;

“VEHICLE FOR HIRE” means all accessible vehicles for hire, motorized vehicles for hire and non-motorized vehicles for hire as defined in this bylaw, and any vehicle for hire in respect of which there is a subsisting vehicle for hire plate and

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vehicle for hire registration certificate is deemed to be a vehicle for hire for all purposes of this bylaw;

“VEHICLE FOR HIRE PERMIT” means the permit issued pursuant to the provisions of this bylaw for a driver to operate a vehicle for hire;

“VEHICLE FOR HIRE COMPANY” means a business that operates one or more vehicles for hire and provides any of the following services:

- (1) administering vehicle for hire operations;
- (2) employing or contracting with one or more vehicle for hire drivers or permit holders; and
- (3) coordinating or accepting calls for services for vehicles for hire.

“VEHICLE FOR HIRE REGISTRATION CERTIFICATE” means the credential issued for a vehicle that has successfully met the requirements of this bylaw to operate as a vehicle for hire.

APPLICATION OF BYLAW

3. This bylaw shall apply equally to all vehicle for hire companies, vehicle for hire company owners, accessible vehicles for hire, buses operated as vehicles for hire, limousines, motorized and non-motorized vehicles for hire, owners or drivers of any type of vehicle for hire, all of which shall be subject to all bylaw requirements save and except for those sections of the bylaw which expressly provide otherwise.

VEHICLE FOR HIRE PERMIT

Application Process

4. Every driver of a vehicle for hire shall apply for, and annually renew, a vehicle for hire permit.
5. Upon renewal, the vehicle for hire permit applicant shall surrender any expired or pre-existing vehicle for hire permits.
6. No driver shall possess more than one copy of the same vehicle for hire permit.
7. The owner of a vehicle for hire company shall not allow any person, including himself or herself, to operate a vehicle for hire unless that person is the holder of a valid vehicle for hire permit.
8. Where an applicant is working in Canada under a work visa, a vehicle for hire permit issued to such person shall not be issued for a term longer than the expiry of the work visa.
9. Prior to the issuance of a vehicle for hire permit, an applicant shall declare in writing the name of the vehicle for hire company for which they will be working.

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10. An application or renewal of a vehicle for hire permit by an applicant shall be made to Bylaw Services and shall include the following:
 - (1) City vehicle for hire permit application;
 - (2) Consent to Release of Information;
 - (3) a completed RCMP GRC 6388e (2014-04) Consent for the Release of Police Information form, which shall be not be older than 90 days;
 - (a) whereby “Part 2 – Consent” is completed such that the “Identity of the organization that is requesting and should receive the results of the record checks” is the City of Whitehorse Bylaw Services;
 - (b) the “Waiver for consent of release of information to third party” is completed; and
 - (c) “Part 3” is completed – including boxes 2, 3 and 4;
 - (4) A negative search result for a completed RCMP GRC 3923e (2013-11) Consent for Check for a Sexual Offence for which a Record Suspension (Pardon) Has Been Granted or Issued (Vulnerable Sector Verification) form;
 - (5) a completed RCMP GRC 6359e (2013-11) Declaration of Criminal Record, as required;
 - (6) the results of the applicant’s completed RCMP GRC C-216C (94-03) Fingerprint Identification form;
 - (7) proof that the applicant is the holder of a valid Class 1, 2, 3, or 4 driver’s license issued under the *Motor Vehicles Act*, including a photocopy of a valid Yukon driver’s license;
 - (8) the applicant’s vehicle driving abstract, which shall not be older than 30 days, issued and validated by the Registrar of the Motor Vehicles Branch of Yukon and any other jurisdiction as may be required by the Designated Officer;
 - (9) proof of legal entitlement to work in Canada including a Canadian birth certificate, Canadian passport, Canadian Citizenship/ Permanent Resident Card and Canadian Work Visa;
 - (10) such other information as may be required by Bylaw Services for the administration of this bylaw; and
 - (11) a fee as prescribed in the Fees and Charges Bylaw.
11. The Manager may:
 - (1) require applicants to complete training and/ or coursework; and
 - (2) specify the content and amount of training or number of courses and pass/fail criteria for tests that an applicant must take to be proficient in:

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- (a) customer service, diversity and human rights;
 - (b) city geography, map reading and tourism; and
 - (c) transportation of persons with disabilities.
12. Every applicant shall, with access to a copy of the bylaw, write a test to demonstrate that they have a working knowledge of the bylaw and any other criteria noted in this bylaw. A score of 80% or higher must be achieved by the applicant on all required tests prior to the issuance of any permit under this bylaw.
13. In the event that the applicant has satisfied all requirements of this bylaw for the renewal of a vehicle for hire permit, but is awaiting receipt of their RCMP Criminal Records Check, Bylaw Services may issue an interim vehicle for hire permit provided that the applicant's most recent vehicle for hire permit has not expired any more than 12 months prior to the issuance of such interim permit.
14. Bylaw Services shall not issue a vehicle for hire permit or a renewal thereof to a person who has been convicted under the *Criminal Code of Canada*, R.S.C. 1965, CC-46 (the "*Criminal Code of Canada*") for:
- (1) any sexual offence;
 - (2) an offence relating to homicide, kidnapping, or abduction;
 - (3) an offence relating to robbery or extortion;
 - (4) an offence relating to the trafficking of drugs or narcotics under the *Controlled Drugs and Substances Act of Canada*, S.C. (1996) c. 19 (the "*Controlled Drugs and Substances Act of Canada*"); or
 - (5) any offence while on duty as a driver.
15. Bylaw Services shall not issue a vehicle for hire permit or a renewal thereof to a person who has:
- (1) been convicted under the *Criminal Code of Canada* for any two (2) or more offences within the ten year period immediately preceding the date of the application;
 - (2) been convicted of an offence under the *Controlled Drugs and Substances Act*, other than possession of a narcotic or possession of an illegal drug within the ten year period immediately preceding the date of application;
 - (3) been convicted of an offence under the *Criminal Code of Canada* relating to the operation of a motor vehicle within the five year period immediately preceding the date of application;
 - (4) been convicted of more than three offences under the *Motor Vehicles Act*, the *Liquor Act* (2002) R.S.Y. c. 140, this bylaw or any City of Whitehorse bylaw regulating traffic within a one year period immediately preceding the

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- date of application save and except, for the purposes of this section, offences relating solely to parking; or
- (5) received a 24-hour roadside suspension within the 12 month period immediately preceding the date of application.
16. Upon receipt of all documents required by this bylaw for an application for a vehicle for hire permit or renewal thereof, Bylaw Services shall, within five days, make one of the following decisions:
- (1) approve the application and issue a vehicle for hire permit;
 - (2) approve the application, and issue a vehicle for hire permit that is subject to conditions, or
 - (3) refuse the application.

Vehicle for Hire Company

17. Vehicle for hire companies shall comply with all the terms and conditions set out in this bylaw for operating a vehicle for hire.
- (1) Vehicle for hire company owners and operators shall comply with the requirements outlined in the Business License Bylaw for obtaining a business license for a vehicle for hire company. (*Bylaw 2017-23 passed August 7, 2017*)
18. No person shall operate a vehicle for hire company without producing the following original documents to Bylaw Services, copies of which shall be provided to Bylaws Services:
- (1) a valid and subsisting business license;
 - (2) a radio license for two-way radio communication;
 - (3) a list of all vehicles for hire that have passed inspection;
 - (4) proof of insurance for all vehicles for hire associated with the vehicle for hire company; and
 - (5) a list of all vehicle for hire drivers.
19. A vehicle for hire company shall keep the following records at the company's place of business and retain them for a minimum of two calendar years and make them available on demand of a Designated Officer:
- (1) dispatch records;
 - (2) trip records;
 - (3) contracts related to the supply of vehicle for hire services; and
 - (4) the agreement evidencing each limousine trip.

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20. A vehicle for hire company shall immediately notify Bylaw Services in writing and disclose any change in information which was provided as part of the application or renewal of a licence, including changes in:
- (1) business license, or any requirement thereof pursuant to the Business Licence Bylaw,
 - (2) name or business name;
 - (3) permit holder address or business location change of address;
 - (4) Yukon Government corporate registries information;
 - (5) registered owner information for vehicles for hire;
 - (6) insurance coverage and certificates for all vehicles for hire; and
 - (7) a change in driver status.
21. A vehicle for hire company shall ensure that each vehicle associated with the company:
- (1) is clean and in good repair;
 - (2) is not operated when it has been taken out of service;
 - (3) has a valid and subsisting vehicle for hire registration certificate and plate in the vehicle; and
 - (4) charges each fare in accordance with Schedule "A".
22. A vehicle for hire company shall:
- (1) inform Bylaw Services, in writing, of all trade names used in connection with the company;
 - (2) immediately notify Bylaw Services when a vehicle for hire becomes associated or ceases to be associated with the company;
 - (3) maintain an up-to-date list of all drivers that includes a photocopy of each driver's permit, and provide a copy of the list upon demand by a Designated Officer;
 - (4) ensure that every associated vehicle for hire has, at all times, the name, trade name or trademark of the company displayed on such vehicle in a form and manner approved by a Designated Officer;
 - (5) ensure the plate displayed on any vehicle for hire is that which is referred to in the vehicle for hire registration certificate for that vehicle;
 - (6) use, maintain and provide its customers and drivers with a base station in the City that contains a working dispatcher and two-way radio communications system that operates at all times when vehicles for hire are in service;

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- (7) keep and safeguard all lost and found items for a period of 30 days or until the item is claimed, maintain a complete record of lost items, found items and their disposition, and inquires about lost items, and supply the record to a Designated Officer upon demand;
 - (8) provide all drivers associated with the company with training in the use of the taximeter, radio dispatch system and other equipment used in vehicle for hire services, including approved specialized equipment for accessible vehicles for hire;
 - (9) provide to all passengers the transportation services requested, at the location and within the time specified to the passenger upon receiving the passenger's request for services; and
 - (10) have in place a system for giving priority for the use of accessible vehicles for hire to customers who require the service.
23. A vehicle for hire company shall record the following details of all complaints received in electronic or written format:
- (1) the name, address and phone number of the complainant;
 - (2) the date and time of the complaint;
 - (3) the nature of the complaint;
 - (4) the driver of the vehicle that is the subject of the complaint; and
 - (5) the company's response to the complaint.

General Permit Requirements

24. The driver shall produce his or her vehicle for hire permit forthwith upon demand of a Designated Officer.
25. The driver shall notify Bylaw Services of any change to the information provided in the driver's most recent application, within five business days of such change, by personal attendance at the office of Bylaw Services.
26. If the vehicle for hire permit is damaged, lost, or stolen:
 - (1) the driver shall immediately report such occurrence to Bylaw Services who shall reissue such permit to the driver for a fee; and
 - (2) until the vehicle for hire permit is reissued under this bylaw, the driver shall not drive a vehicle for hire.
27. Where an applicant or holder of a vehicle for hire permit has been convicted of any offences listed under sections 14 and 15 of this bylaw after his or her most recent application was made and the permit was issued, he or she shall immediately inform the Manager.

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General Rules for Drivers

28. A driver of a vehicle for hire shall:
- (1) drive a vehicle for hire only for the company indicated on their permit;
 - (2) display their vehicle for hire permit in a prominent place within the vehicle at all times;
 - (3) ensure that the interior of the vehicle is kept in a neat, clean and tidy condition;
 - (4) ensure that the exterior of the vehicle is kept clean of excessive mud, dirt, dust, snow, and ice;
 - (5) ensure that none of the vehicle windows have any tint, blind or covering, except that which is applied by the manufacturer of the vehicle, save and except:
 - (a) windshields and the driver and passenger front windows, which shall have no tint; or
 - (b) in accordance with the provisions of this bylaw.
 - (6) ensure that the vehicle does not expel any odour or fragrance that may be offensive to passengers;
 - (7) be neat and clean in person and dress;
 - (8) be professional and courteous;
 - (9) promptly attend to passenger pick-ups;
 - (10) when operating an accessible vehicle for hire, give priority to calls received from persons with disabilities who require the services of the accessible vehicle for hire;
 - (11) inspect the vehicle before each shift and ensure the repair of any defects that contravene this bylaw before operating the vehicle;
 - (12) extend service from curb to curb if such curb exists;
 - (13) unless otherwise directed by a passenger, drive the most direct and available route from the point of engagement to the destination of the passenger;
 - (14) when requested to do so, supply a passenger with a legible receipt showing:
 - (a) the fare charged;
 - (b) the name of the company with which the vehicle for hire is associated;
 - (c) the car number assigned to the vehicle; and
 - (d) the date when the service was provided.

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- (15) take due care of any and all chattels delivered for transportation; and
 - (16) deliver any chattels left in the vehicle after any trip to his or her place of business after which the owner or driver shall make every reasonable effort to return the chattels to the passenger within 24 hours.
29. A driver of a vehicle for hire shall not:
- (1) operate a vehicle unless it meets all the requirements of this bylaw;
 - (2) take a fare while the vehicle is out of service
 - (3) operate a vehicle that has been removed from service with an Out of Service Order;
 - (4) smoke in or within 5 metres of a vehicle for hire;
 - (5) operate a vehicle while under the influence of alcohol or any other impairing substances;
 - (6) consume alcohol or use any impairing substance while operating a vehicle;
 - (7) use obscene, impudent or abusive language, or insult any passenger, pedestrian, any roadway user, or other vehicle operator;
 - (8) carry a number of passengers in excess of the seating capacity stipulated by the motor vehicle's manufacturer in its specifications for that motor vehicle while operating a vehicle for hire;
 - (9) knowingly induce any person to hire the services of any vehicle for hire by false representation;
 - (10) hand write anything while the vehicle is in motion;
 - (11) levy any additional charge or fare for assistance or additional service provided to a person with a disability;
 - (12) set the vehicle in motion while a passenger is entering or leaving the vehicle;
 - (13) collect fares or give change to a passenger while the vehicle is in motion;
 - (14) take on additional passengers after the vehicle has departed except with the consent of the first passenger(s);
 - (15) load, carry or transport any baggage on the exterior of the vehicle except on racks properly constructed for that purpose; or
 - (16) operate a vehicle for hire for more than 12 consecutive hours during a shift.
30. A driver of a vehicle for hire shall accept all persons as passengers while the vehicle for hire is in service except when such person:
- (1) tries to consume alcohol in the vehicle;

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- (2) is indebted to the driver or owner of the vehicle;
 - (3) requests that the driver carry an animal other than a service animal in the vehicle;
 - (4) requests that the driver carry baggage in the vehicle which could reasonably be detrimental to its repair, cleanliness or sanitary condition;
 - (5) requests the driver to carry any passengers or baggage which the vehicle is incapable of carrying;
 - (6) insists on smoking or persists in smoking in the vehicle;
 - (7) is disorderly, or verbally or physically abusive;
 - (8) is someone who the driver is incapable of or prohibited by law from conveying; or
 - (9) is exhibiting any behaviour or engaging in any activities that cause a safety concern to the driver and such belief is reasonable in the circumstances.
31. Every driver of a vehicle for hire shall complete a trip record, written legibly in ink, immediately after the completion of every trip, before setting the vehicle in motion and before beginning any other trip, which shall contain the following information:
- (1) the date and time that each trip started and finished;
 - (2) the origin and destination of each trip;
 - (3) any refusals for service and the reasons for refusal;
 - (4) any chattels found in the vehicle;
 - (5) the start and end times of any periods that the vehicle was not in service, including the date and time;
 - (6) the driver's full name as written on their motor vehicles driver's license;
 - (7) the Yukon license plate number;
 - (8) the vehicle for hire permit number; and
 - (9) the vehicle for hire plate number.
32. Every driver of a vehicle for hire shall, no later than two hours after the completion of each shift, sign and deposit the trip record that relates to that shift at the place of business.
33. Before accepting the shift trip record from the driver, the owner or designate of the owner shall ensure that each trip record is legible and includes all of the information required by this bylaw.
34. Within 24 hours of the trip record being deposited at the place of business, the owner and driver shall affix the date and their signatures to the trip record to confirm that the trip record meets the requirements of this bylaw.

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35. The trip record shall be kept by the owner at the place of business for a period of two years, during which time the owner shall produce such record for inspection upon request of the Designated Officer.
36. When the Designated Officer has reasonable and probable grounds to believe that a driver has been operating a vehicle for hire for more than 12 consecutive hours or has not had at least eight hours off between shifts, the Designated Officer may prohibit the vehicle for hire driver from being on duty for a maximum of eight consecutive hours.
37. The onus will be on the driver of the vehicle for hire to show proof that the driver has not been operating the vehicle for hire for longer than 12 consecutive hours, or without at least an eight hour break between shifts.

VEHICLE PLATE AND CERTIFICATE

Application process

38. Any vehicle for hire plate and certificate issued under this bylaw remains at all times the sole property of the City and, if so requested by Bylaw Services, a licensee, or person in possession of a license, shall return a plate to the City within five days.
39. No person shall advertise, offer or operate a vehicle as a vehicle for hire unless it has a vehicle for hire plate, which shall be annually renewed, affixed to the vehicle, and which is not transferable to any other vehicle for hire except upon surrendering the plate to Bylaw Services for redistribution and upon paying the fee.
40. No owner of a vehicle for hire shall allow any person, including himself or herself, to operate a vehicle for hire unless the vehicle has a valid vehicle for hire plate.
41. No driver shall operate a vehicle for hire unless a valid vehicle for hire registration certificate is in that driver's possession.
42. Bylaw Services shall not approve a motor vehicle as a vehicle for hire unless it:
 - (1) has at least three passenger doors; and
 - (2) has a seating capacity for a minimum of five adults including the driver with all seats constructed by the manufacturer and unaltered.
43. An application for a vehicle for hire plate, certificate or renewal thereof shall be made to the Bylaw Services Designated Officer and shall include, but is not limited to, the following as it relates to the vehicle for hire which is the subject of the application:
 - (1) written confirmation of the vehicle for hire company that will operate the vehicle for hire;
 - (2) proof of the owner's valid and current business license;

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- (3) the original mechanical inspection report validated by the inspector which shall not be older than 30 days from the date that the inspection was completed;
 - (4) proof of a valid and current liability insurance policy in the amount of two million (\$2,000,000.00) dollars for the commercial operation of a vehicle for hire;
 - (5) a Consent to Release of Information for vehicle for hire liability insurance policy;
 - (6) proof of valid and current commercial motor vehicle registration for the vehicle for hire;
 - (7) a fare schedule which shall be within the parameters of Schedule "A"; and
 - (8) the fee as prescribed in the Fees and Charges Bylaw.
44. Upon receipt of a new application for a vehicle for hire plate and certificate, Bylaw Services shall make one of the following decisions:
- (1) approve the application and issue a certificate, and a vehicle for hire plate and a plate decal which shall be affixed by to the front bumper of the vehicle; or
 - (2) refuse the application.
45. In the event the application is refused, Bylaw Services shall provide written reasons of such refusal to the owner by registered letter or by personal service.
46. In the event that the vehicle for hire for which a plate and certificate have been issued is no longer operational, the owner shall advise Bylaw Services of such occurrence and shall return the plate and certificate to Bylaw Services within five calendar days.
47. In the event that the plate, plate decal or certificate become damaged, lost or stolen, the owner shall immediately report such occurrence to Bylaw Services who shall cancel such plate, plate decal or certificate and reissue a new plate, plate decal or certificate to the owner upon the owner paying a fee.
48. If the holder of a plate and certificate ceases to own or operate a vehicle for hire, he or she shall immediately surrender the plate and certificate to Bylaw Services and immediately remove all markings, decals and equipment installed in or on the vehicle for hire pursuant to the Vehicle for Hire Bylaw, and return the vehicle for hire registration to Bylaw Services.

ACCESSIBLE VEHICLES FOR HIRE

49. As of May 1st, 2017 every vehicle for hire company shall have a minimum of one accessible vehicle available for hire during all hours that the company is in operation.

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50. To comply with the requirements of 49 of this bylaw, vehicle for hire companies may utilize the same accessible vehicle for hire.
51. Vehicle for hire companies that rely on the provisions of 50 of this bylaw have the onus of proving that an agreement was in place for the relevant period.
52. Notwithstanding any other provision of this bylaw, upon commencement of providing services, any new vehicle for hire company shall have a minimum of one accessible vehicle available for hire during all hours that the company is in operation.
53. Bylaw Services shall not approve an accessible vehicle for hire unless it:
 - (1) meets all of the requirements of a vehicle for hire as contemplated by this bylaw;
 - (2) has a seating capacity for a minimum of three adults including the driver with all seats being constructed by the manufacturer and unaltered; and
 - (3) meets Canadian Motor Vehicle Safety Standards and Canadian Association Standards D409-02 for Motor Vehicles for the Transportation of Persons with Physical Disabilities as may be varied or amended from time to time.
54. Bylaw Services shall, if a motor vehicle is approved as an accessible vehicle for hire, endorse the vehicle for hire registration certificate and such endorsement shall be proof of Bylaw Services' approval.
55. Every accessible vehicle for hire shall:
 - (1) post the symbol of accessibility for persons with disabilities that is a minimum of 150 mm by 150 mm in the format attached to this bylaw in Appendix "A" on each side of the accessible vehicle for hire; and
 - (2) display the tariff card in a position on each side so as to be easily seen and identifiable by a person seated inside the vehicle in a wheelchair or scooter.

BUSES AND LIMOUSINES

56. Except as modified by sections 57 to 60 inclusive, all other provisions of this bylaw shall apply to limousines and buses operating as vehicles for hire.
57. A bus operating as a vehicle for hire shall conform to the rates and fares provisions of this bylaw, and each fare shall be charged in accordance with Schedule "A".
58. For limousines that solely take charter requests, the accessible vehicles for hire, dispatching, and taximeter provisions of this bylaw do not apply.

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59. The following provisions apply to limousines that solely take charter requests:
- (1) Chartered fares must be arranged by reservation in advance of the trip, and the details must be recorded in the trip record and at the place of business prior to the service being provided and shall include:
 - (a) when the request for transportation was made;
 - (b) time and address of location where transportation is to commence;
 - (c) the name of the person who requested the charter;
 - (d) the number of passengers;
 - (e) any associated liquor permit details; and
 - (f) the duration of the trip.
 - (2) limousine fares shall be calculated in accordance with the charter fares outlined in Schedule "A"; and
 - (3) no limousine driver shall offer any form of fare discount for the hire of a limousine except as provided in this bylaw.
60. Where there is a physical divider between the driver compartment and the passenger area of a limousine, the passengers of the limousine may apply for a liquor permit from the Yukon Government under the authority of a valid and subsisting business license issued by a municipality provided the limousine driver has a copy of the permit which shall be kept with the trip record and shall be provided on demand of the Designated Officer.

RATES AND FARES

61. Any vehicle for hire company that does not have an approved and valid fare schedule shall submit a fare schedule to Bylaw Services for approval.
62. A vehicle for hire company shall not operate any vehicle for hire until such time that the fare schedule is approved.
63. Every vehicle for hire company shall supply Bylaw Services in writing or by email, by 3:00 p.m. the first Tuesday in November, and the first Tuesday in May, a fare schedule which shall be within the maximum and minimum rates set out in Schedule "A".
64. In the event a fare schedule is not received by Bylaw Services by 3:00 p.m. on the first Tuesday in November or the first Tuesday in May, the previous approved fare schedule will be considered the vehicle for hire company's submission until the next applicable submission date.
65. Bylaw Services shall review the submitted fare schedule to ensure its compliance with the maximum and minimum rates set out in Schedule "A" and, thereafter, if in compliance, shall approve the fare schedule which shall be in effect until another fare schedule is approved pursuant to this bylaw.

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66. Upon approval of the fare schedule, the owner or driver shall prepare and display on the passenger rear windows a tariff card, which shall be displayed in such a manner as not to obstruct the driver's view.
67. A vehicle for hire driver may:
- (1) accept gratuities;
 - (2) charge a passenger a fee of up to \$100.00 for soiling the interior of the vehicle for hire with vomit or bodily fluids, which shall be photographed and the photograph shall be attached to the trip record; or
 - (3) require that a passenger provide a deposit of not more than \$30.00 to be applied toward the taximeter fare and shall provide a receipt to the passenger for such deposit.
68. As of May 1st, 2017 each vehicle for hire shall at all times be equipped with an electronic payment system that is maintained in working order, and:
- (1) Upon request from a passenger, every driver shall accept payment from a valid credit or debit card; and
 - (2) No driver shall charge any additional fee for the use of a debit or credit card as payment for a fare.
69. Except as provided in this bylaw, an owner or driver of a vehicle for hire shall not charge, demand, collect, or receive a fare except at the approved rate.
70. A vehicle for hire company may set a rate for the transportation of a person that shows proof of being 60 years of age or older, at a discounted rate not exceeding 20% of the fare.
- (1) When such a discounted rate has been established, the rate shall be posted on the tariff card; and
 - (2) when a discount is provided the driver shall record such discount in the trip records.
71. An owner of a vehicle for hire shall not publish, use, permit to be published or used, any fare other than at the approved rate or discounted rate approved under this bylaw.
72. No person, including the owner or driver of a vehicle for hire shall remove, mutilate, deface, or otherwise dispose of a tariff card, unless in accordance with the provisions of this bylaw.

PERSONAL USE PROHIBITED

73. Personal use of a vehicle for hire is prohibited unless such personal use is either by the owner of the vehicle for hire company or a driver and the vehicle for hire is not in service.

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74. The burden of proving that a vehicle for hire was not in service rests with the person relying on the defence.
75. In addition to any other provision set out in this bylaw, to prove that a vehicle for hire was not in service, the person relying on the defence must show that at the time that the offence was alleged to have taken place:
- (1) a Not for Hire Sign was:
 - (a) visible and prominently displayed on the front dash of the vehicle; and
 - (b) visible and prominently displayed in the back window of the vehicle; or, where the back window of the vehicle is tinted, the Not for Hire Sign was a magnet of the same size, lettering and colour and was placed on the rear of the vehicle in a clean readable state;
 - (2) a vehicle for hire roof light cover was attached and clearly stated on the front and back of the cover, "NOT FOR HIRE"; and
 - (3) there were no other occupants in the vehicle other than immediate family; or
 - (a) if there was immediate family in the vehicle, upon request of a Designated Officer, such person or persons shall provide proof of identification to the satisfaction of the Designated Officer;
 - (4) the vehicle for hire trip record shows that the vehicle was not in service, and the trip record reflects the date and time frame when the vehicle was not in service.
76. The operator of a vehicle for hire that is not in service shall not stop or park the vehicle in a taxi stand or any other place set aside for vehicles for hire that are in service.

BASE STATIONS, SECURITY CAMERAS AND TAXIMETERS

77. Every vehicle for hire company shall maintain a base station and provide a dispatch system with a dispatcher and a two-way radio in each of its vehicles for hire, as approved, when there are any vehicles for hire in service.
78. As of May 1st, 2017 the dispatch shall be equipped with a system capable of receiving requests from hearing impaired individuals, either through a web-based system, email, or via text messaging, or other similar format.
79. A dispatcher shall not dispatch any calls for service to any vehicle for hire driver who does not have a valid and subsisting vehicle for hire permit.
80. A dispatcher shall only dispatch calls for service to a vehicle for hire with a valid plate.

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81. A driver shall not operate a vehicle for hire unless such vehicle is equipped with:
 - (1) two-way radio communication, maintained in good working order, that connects with a base station and dispatcher; and
 - (2) a taximeter which is of a type, make or model approved at the time of inspection, and has been inspected and sealed with an approved taximeter seal pursuant to this bylaw.
82. Once every six months and at the request of a Designated Officer, the owner of a vehicle for hire company shall submit the two-way radio communication installed in each vehicle for hire and base station for inspection.
83. Save and except for a pedestrian hailing a motor vehicle for hire while it is in service, all requests for service shall be made to a base station and dispatched by a dispatcher to the driver.
84. The owner of a vehicle for hire may equip a vehicle with a hands-free cellular telephone system which may be used by the driver to communicate with the dispatcher, but at no time does exercising this option waive the requirement to have an operational base station as contemplated by this bylaw.
85. As of May 1, 2017, all vehicles for hire shall be equipped with a fully operational security camera.
86. Notwithstanding any other provision of this bylaw, any vehicle for hire that is added to a company fleet prior to May 1, 2017 shall have an approved security camera installed pursuant to this bylaw.
87. Images captured by a security camera shall be accessible only by a Designated Officer and solely for the purpose of law enforcement.
88. Security cameras must be:
 - (1) approved;
 - (2) mounted on the inside of the windshield, or in another approved suitable position in the front of the passenger compartment, facing rearward to capture images of all occupants of the vehicle for hire at all hours of day or night; and
 - (3) incapable of being obstructed by a sun visor or any other object.
89. The owner of a vehicle for hire company shall retain and store images captured by the security camera for a period of 72 hours, and shall immediately produce any images upon demand of the Designated Officer.
90. It shall be an offence for a driver to operate a vehicle for hire that does not have a security camera that captures images for every shift worked and for the entire duration of each trip.

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91. The vehicle for hire company owner shall ensure that the following items are kept on display at all times in every vehicle for hire:
 - (1) a legible placard readable to persons sitting in the front seat, with wording that indicates that a security camera is installed and images of the passengers are being recorded; and
 - (2) a tariff card, visible to all persons sitting in the back seats of the vehicle.
92. The owner of a motor vehicle for hire shall install a taximeter in the vehicle so as to automatically calculate the fare at the metered rate when that vehicle is in motion as well as when the vehicle is standing under hire.
93. Once every six months and at the request of a Designated Officer, the owner of a motor vehicle for hire shall submit the taximeter installed in such vehicle for inspection, which shall include testing the meter over a measured distance.
94. No person, including the owner or driver of a motor vehicle for hire, shall remove a taximeter seal unless such removal is for the purpose of recalibration five working days prior to the first Tuesday in May or November.
95. The owner or driver of a motor vehicle for hire shall return all used taximeter seals to Bylaw Services during inspection of the taximeter after recalibration.
96. The Designated Officer may issue an Out of Service Order to the driver or owner of a motor vehicle for hire if the inspection or test finds that a taximeter calculates a fare inaccurately or the taximeter fails to meet other requirements of this bylaw, at which time the vehicle for hire may not be driven for any purpose.
97. An owner or driver of a motor vehicle for hire shall ensure that the taximeter is:
 - (1) not tampered with;
 - (2) adequately illuminated at all times;
 - (3) installed and placed on the right side of the driver in such a position that the passenger may easily read, from the rear seat, the amount of the fare being displayed on the taximeter;
 - (4) used only when the taximeter seal is fully intact and not broken or otherwise compromised; and
 - (5) kept in good working condition at all times and not used when defective in any way.
98. Every owner shall connect the taximeter to a light which shall be situated on the roof of the motor vehicle for hire which includes the word "Taxi" or "Cab".
99. The driver of a motor vehicle for hire shall ensure that the exterior roof light is illuminated when the vehicle is available for hire and turned off when it is not available for hire.
100. The driver of a motor vehicle for hire shall call the passenger's attention to the amount of the fare registered on the taximeter at the termination of the trip.

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101. A driver of a motor vehicle for hire may accept a voucher as payment from a passenger if:
- (1) the voucher is from a Federal, First Nation, Territorial or Municipal government, or approved affiliate, including a healthcare facility, which has obtained prior written approval from Bylaw Services to issue a vouchering system for its clientele;
 - (2) the voucher is for a special event, and the vehicle for hire company owner has obtained prior written approval from Bylaw Services to issue a vouchering system for that event; or
 - (3) with the approval of the Manager.

CONDITION OF MOTOR VEHICLES FOR HIRE

102. An owner or driver of a motor vehicle for hire shall not operate, cause or allow the operation of the vehicle unless the vehicle equipment and markings comply with this bylaw.
103. The owner of a vehicle for hire shall paint on or otherwise affix the following information to the motor vehicle for hire, and the owner or driver of the motor vehicle for hire shall keep such information clear, clean and distinguishable at all times:
- (1) the vehicle for hire company name with which the vehicle for hire is associated, in lettering not less than five cm high which shall be placed on either the rear doors or front doors on each side of the vehicle for hire; and
 - (2) a number which uniquely identifies the vehicle for hire as being one of the vehicles for hire associated with the vehicle for hire company, in figures not less than five cm high which shall be placed on both sides of the vehicle for hire near the front and on the back of the vehicle for hire so that it is visible to anyone driving or standing behind the vehicle for hire.
104. The owner of a vehicle for hire shall be allowed to advertise on or in a vehicle for hire, but no advertising material shall be placed or attached on any vehicle in a manner that may obstruct the driver's view in any direction.
105. The owner and/or driver of a motor vehicle for hire shall keep such vehicle in a state of repair which is free from any deficiency, including but not limited to, body damage, paint damage, dents, interior damage or disrepair, and windshield cracks that are within the line of site of the driver
- (1) The body paint colour shall be consistent throughout the exterior of the vehicle.
106. The owner of a motor vehicle for hire that has been involved in an accident which causes body damage to the vehicle shall, by the next business day and within 24 hours of such accident, notify Bylaw Services, in writing, of the details of such accident, and the nature of the damage to the vehicle for hire.

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CONDITIONS AND ROUTES FOR NON-MOTORIZED VEHICLES

107. The owner or driver of a non-motorized vehicle for hire shall ensure that every non-motorized vehicle for hire is put into service only after it has been approved as being in compliance with this bylaw.
108. When required by the Manager, the owner or driver of a non-motorized vehicle for hire shall obtain approval of the fixed route of the non-motorized vehicle for hire from Bylaw Services and once approved shall only operate a vehicle for hire on the approved fixed route.

RULES RELATING TO INSPECTIONS OF MOTOR VEHICLES

109. No driver shall operate a vehicle as a vehicle for hire , and no owner shall allow a vehicle for hire to be operated for any purpose including personal use, unless that vehicle:
 - (1) has undergone and passed the required mechanical inspections and the mechanical inspection report has been signed off by an inspector;
 - (2) has undergone and passed the required general inspections and the general inspection report has been signed off by an inspector;
 - (3) has valid liability insurance in the amount of two million dollars (\$2,000,000.00) for the operation of vehicle for hire, proof of which shall be produced immediately on demand from a Designated Officer; and
 - (4) has valid commercial motor vehicle registration, proof of which shall be produced immediately on demand from a Designated Officer.
110. A mechanical inspection and general inspection shall be conducted on every vehicle for hire at an appointed time not less than twice in each calendar year in May and November, and on such further occasions as directed by the Designated Officer, the cost of which shall be borne by the owner.
111. For the purpose of mechanical inspections and general inspections the owner or driver of a motor vehicle for hire shall:
 - (1) promptly comply with any request of the Designated Officer or inspector made pursuant this bylaw; and
 - (2) produce, upon request for inspection by the Designated Officer or inspector, a record or document required to be kept under this bylaw.

GENERAL AND MECHANICAL INSPECTION

112. A mechanical inspection of every motor vehicle for hire shall be conducted by an inspector at a periodic motor vehicle inspection facility no less than twice a year.
113. Two weeks prior to a mechanical inspection scheduled by Bylaw Services, every owner of a vehicle for hire shall provide Bylaw Services with a fleet list of all vehicles currently licensed to the owner.

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114. The inspector shall inspect motor vehicles for hire pursuant to this bylaw and the mechanical inspection standards handbook which shall be supplied by Bylaw Services in paper form for a fee, or electronically at no cost.
115. Upon completion of a mechanical inspection of a motor vehicle for hire, the inspector shall complete, in its entirety and in triplicate, a mechanical inspection form supplied by Bylaw Services.
116. Upon completion of a mechanical inspection of a motor vehicle for hire, the inspector shall provide the owner of such vehicle with two copies of the mechanical inspection report by personal delivery.
117. No later than the first Tuesday in the months of May and November each year, the owner of a vehicle for hire shall provide Bylaw Services with the original copy of the mechanical inspection report, at which time, if the vehicle passes the inspection, the Designated Officer shall:
 - (1) affix his or her signature to the mechanical inspection report; and
 - (2) file the mechanical inspection report at Bylaw Services, to be kept on record for not less than 12 months.
118. In the event that a vehicle for hire does not pass an inspection, the Designated Officer shall issue an Out of Service Order.
119. The general inspection of a motor vehicle for hire shall be conducted by the Designated Officer at a location and time specified by Bylaw Services, and shall be conducted pursuant to this bylaw and the guidelines established in the general inspection report.
120. Upon completion of the general inspection report that indicates that the inspection has been passed, Bylaw Services shall, upon payment of a fee by the owner of the motor vehicle for hire, issue a vehicle for hire plate, plate decal and a vehicle for hire registration certificate.
121. If Bylaw Services is not satisfied that a motor vehicle for hire meets all of the requirements of the general inspection report, Bylaw Services shall give the owner a copy of the general inspection report and shall issue a notice outlining the deficiencies.
122. A plate, plate decal or vehicle for hire registration certificate shall not be issued or renewed in respect of any vehicle for hire where in the opinion of the Designated Officer, the vehicle for hire is unsuitable for use by reason of:
 - (1) failing to meet general inspection or mechanical inspection requirements;
or
 - (2) being unclean or dilapidated in appearance.
123. The Designated Officer may at any time inspect a vehicle for hire to determine the following:
 - (1) the validity of the plate and vehicle for hire registration certificate;

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- (2) the validity of the permit;
- (3) the accuracy of the taximeter;
- (4) the mechanical condition of the vehicle; or
- (5) standards of repair and cleanliness of the vehicle.

NOTICES

- 124. Upon issuance of a notice by the Designated Officer, the owner of a vehicle for hire shall remedy any deficiency or non-compliance with this bylaw as detailed in the notice and shall do so within the time specified.
- 125. Once an owner has remedied any deficiency outlined in a notice, the owner shall report to Bylaw Services as required for a follow up inspection to determine if the deficiency has been remedied to the satisfaction of the Designated Officer.
- 126. The owner is guilty of an offence for failing to comply with a notice by the date specified in the notice, unless an extension has been provided by the Designated Officer.

OUT OF SERVICE ORDERS

- 127. If in the opinion of the Designated Officer there is a safety concern with a vehicle for hire, the Designated Officer may order that the vehicle be removed from service immediately with an out of service order.
- 128. When a Designated Officer has issued an out of service order for a vehicle for hire, the owner of that vehicle shall immediately take that vehicle out of service, and shall not allow it to be in service until the owner has written approval from the Designated Officer that:
 - (1) the deficiency or non-compliance has been remedied; and
 - (2) all other requirements of this bylaw have been met to the satisfaction of the Designated Officer.
- 129. Where an out of service order has been issued, the Designated Officer shall immediately provide the owner of the vehicle with copies of the out of service order and any inspection report which outlines the reasons the vehicle is being taken out of service.
- 130. The owner shall not permit a vehicle for hire to be operated or driven for any purpose if it is the subject of an out of service order, and no person shall operate or drive a vehicle for hire that is the subject of an out of service order.
- 131. A Designated Officer may seize and impound a vehicle for hire:
 - (1) if an owner or driver fails or refuses to produce identification, a permit, the vehicle for hire registration certificate, or any other document required by this bylaw, upon demand by a Designated Officer; or

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- (2) where, in the opinion of the Designated Officer, there are safety concerns associated with a contravention of this bylaw; or
 - (3) where, in the opinion of the Designated Officer, there is a continuation of a contravention of this bylaw.
132. Where the Designated Officer has seized a vehicle for hire pursuant to the provisions of this bylaw, the vehicle may be held for up to a maximum of 48 hours and stored at a location deemed appropriate by the Designated Officer.
133. The costs of seizure and storage of a vehicle for hire shall be borne by the owner of the vehicle for hire.
134. The Designated Officer shall immediately notify the dispatcher of the vehicle for hire company of the reason for the seizure, the length of time the vehicle for hire may be held, and the storage location.
135. The Designated Officer shall, within 24 hours of the seizure of a vehicle for hire, deliver to the base station of the vehicle for hire company, and to the Manager a written report outlining the breach of the bylaw and the details of the seizure.

ADMINISTRATION OF THIS BYLAW

136. Where this bylaw requires an application to be made for a certificate, permit, Placard, plate, sticker, or other approval, the Manager may establish the form and content of the application, the fee to be paid, the documentation required to be submitted with the application and the requirements that must be met prior to approval of the application.
137. The Manager may establish the form, including the contents and duration, of any document issued pursuant to this bylaw, including certificates, notices, orders, reports, consents, permits, plates and tariff cards.
138. The Manager may, by order specify or prohibit safety equipment or devices which may be placed in a vehicle.
- (1) The Manager may by order specify the type, content of, format for, and placement within or on a vehicle of items including: promotional material, brochures, cards, certificates, stickers, signs, decals, permits, placards, plates, tariff cards or other similar materials which may be carried in or on a vehicle for hire.
139. No person to whom a certificate, permit, placard, plate, or sticker is granted pursuant to this bylaw shall sell, trade, give away or otherwise dispose of the item in any manner except as directed by Bylaw Services.
140. Where a certificate, permit, placard, plate, sticker or tariff card is issued, or an approval is made under this bylaw, a person shall comply with all associated conditions.

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141. Where a Designated Officer believes that a certificate, business license, permit, placard, plate, or sticker is being used contrary to this bylaw, or where the Designated Officer is otherwise attempting to determine the validity of any such document, the Designated Officer may ask any driver to produce any document and answer any question that will assist the Designated Officer in making such a determination, and the driver shall comply with any and all such requests.
142. Where a driver refuses to comply with an Officer's request for information or to produce identification, it shall be deemed an offence, and in addition to charging the driver for failing to comply, an Officer may seize the certificate, permit, placard, plate, or sticker until a determination can be made as to its legitimate use or validity.
143. The owner to whom a plate has been registered shall be responsible for the act or acts which occur in the course of duties which could have been reasonably foreseen by the owner as occurring, of any driver or person who operates a vehicle for hire, as though the act or acts were done by the owner.

DENIAL, SUSPENSION, REVOCATION OR CONDITIONS OF A PERMIT

144. The Manager may deny, suspend, or revoke a permit if, in the opinion of the Manager:
 - (1) the person seeking to hold the permit or the holder of a permit fails to meet the requirements, tests, terms or conditions established under this bylaw;
 - (2) an applicant or permit holder is carrying on activities that are in contravention of this bylaw;
 - (3) there are reasonable grounds to believe that an application or other document provided to Bylaw Services by or on behalf of the applicant contains a false statement;
 - (4) any information contained in the original application form or any other information provided to Bylaw Services has ceased to be accurate;
 - (5) the person seeking to hold the permit or the holder of a permit is currently subject to an order issued in any court within Canada that prohibits the operation of a motor vehicle; or
 - (6) the Manager has the reasonable belief that granting a permit would pose a danger to the safety, health or welfare of the public.
145. Where there is a breach of this bylaw and the bylaw allows Bylaw Services to deny, revoke, or suspend a permit, the Manager shall notify the applicant or permit holder within five days of such decision by registered mail or personal service to the last known address of the owner or driver.
146. In the event that the Manager determines that a vehicle for hire permit requires conditions, the Manager shall provide written details of the conditions to the applicant or permit holder.

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147. In the event Bylaw Services refuses an application, the Manager shall provide written reasons of such refusal to the applicant by registered letter or by personal service.

APPEAL

148. Where a decision has been made by the Manager to apply conditions to a driver's permit, or to deny, revoke, or suspend a license, permit, certificate or plate under this bylaw, the owner or driver may appeal such decision in writing to Council within 14 calendar days after the decision was rendered, save and except for the provisions related to the application process for a vehicle for hire permit sections 14 and 15.
149. The written appeal shall be submitted to the Manager at which time the matter will be scheduled for consideration by Council.
150. The right of appeal shall be barred and extinguished if not received in writing by the Manager within the 14 calendar day period set out this section.
151. No refund will be granted, in whole or in part, where a license, permit, certificate or plate has been surrendered, denied, suspended or revoked.

EFFECT OF NON-COMPLIANCE AND PENALTIES

152. Every person who makes any false statement in any application or pursuant to a request for information under any provision of this bylaw is guilty of an offence.
153. Every person who contravenes any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this bylaw, shall be guilty of an infraction of an offence.
154. Any person who commits an offence under this bylaw is, in addition to any other punishment, liable upon summary conviction to:
- (1) a voluntary fine, under 20 of the *Summary Convictions Act* RSY 2002 c 210 issued in respect of an offence specified in Schedule "B" attached hereto and forming part of this bylaw; or
 - (2) a fine not exceeding ten thousand (\$10,000.00) dollars, plus a fine of up to \$2,500 for each day that the offence continues, pursuant to 343 of the *Municipal Act* RSY 2002 c 154.; or
155. Notwithstanding specified and minimum penalties set out in Schedule "B" of this bylaw:
- (1) If a person is convicted of a breach of the same provision or provisions of this bylaw more than once within a 24 month period, the minimum penalty for the second and subsequent convictions shall be a minimum of twice the amount of the penalty imposed for the first offence.

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- 156. Where a person is convicted of an offence under this bylaw the Judge may, in addition to any other measure imposed on the offender, order that the offender pay restitution pursuant to 738 of the *Criminal Code of Canada*, as amended.
- 157. Where an offence is committed or continues on more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.
- 158. Where fees or fines remain unpaid, the City of Whitehorse may attach such fees or fines to the owner's or driver's vehicle for hire permit or business license to operate a vehicle for hire company, and in any event, no business license, permit, certificate or plate shall be issued under this bylaw until such fees or fines are paid in full.

BYLAW REPEAL

- 159. Bylaw 2011-32, including all amendments thereto, is hereby repealed.

COMING INTO FORCE

- 160. This bylaw shall come into full force and effect upon final passage thereof.

FIRST and SECOND READING: June 29, 2015

THIRD READING and ADOPTION: July 13, 2015

ORIGINAL BYLAW SIGNED BY:

"Dan Curtis"

Dan Curtis, Mayor

"V. Anderson"

Valerie Anderson, Acting City Clerk

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SCHEDULE "A"

FARE SCHEDULE

1. Taximeter Fare

Maximum Flag Rate	\$4.50
Maximum charge for each 1/9 th kilometre or 12 seconds	\$0.25

2. Charter Fare

\$30.00 Minimum

Minimum charter fare of \$30.00 for the first 30 minutes and pro-rated for every 10 minutes based on the same charter fare thereafter

3. Maximum flat rate for transport of hotel guests in the Downtown Area to and from Whitehorse International Airport

Area	Maximum Rate
Downtown Area (as per Appendix "B")	\$18.00

GST Included in all above rates

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SCHEDULE "B"

VOLUNTARY FINES

Section	Description of Offence	Penalty
4	Driver fail to apply for or renew permit	\$100.00
5	Fail to surrender expired permit	\$50.00
6	Possess more than one copy of permit	\$50.00
7	Owner allows a person to operate without a permit	\$100.00
7	Owner allows a person to operate without a permit (2 nd offence)	\$250.00
18	Company fail to produce documents	\$100.00
19	Company fail to keep/produce records	\$100.00
20	Fail to disclose change in information	\$50.00
21(1)	Vehicle not clean and in good repair	\$100.00
21(1)	Vehicle not clean and in good repair (2 nd offence)	\$250.00
21(2)	Operate vehicle when it has been taken out of service	\$500.00
21(3)	Operate vehicle without valid registration certificate and plate	\$500.00
21(4)	Fail to charge fares pursuant to Schedule "A"	\$100.00
22(1)	Fail to notify of trade names or change to trade names	\$50.00
22(2)	Fail to notify of change in fleet status	\$50.00
22(3)	Fail to provide list of drivers	\$50.00
22(4)	Fail to display company name on vehicle	\$50.00
22(5)	Improper use of vehicle for hire registration plate	\$250.00
22(6)	Fail to maintain and operate a base station	\$250.00
22(7)	Fail to keep and safeguard lost and found property	\$100.00
22(8)	Fail to provide training in the use of equipment	\$100.00
22(9)	Fail to provide passenger with services requested.	\$100.00
22(10)	Fail to provide priority service for clients requiring accessible vehicle	\$500.00
23(1 – 5)	Fail to properly record details of customer complaints	\$100.00
24	Fail to produce permit upon demand	\$50.00
25	Driver fail to notify Bylaw Services of change in information	\$50.00
27	Fail to notify Bylaw Services of convictions	\$500.00
28(1)	Driver operate vehicle contrary to permit	\$250.00
28(2)	Fail to display vehicle for hire permit	\$50.00
28(3)	Interior of vehicle not in clean condition	\$50.00

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Section	Description of Offence	Penalty
28(4)	Exterior of vehicle not in clean condition	\$50.00
28(5)	Aftermarket window tinting, blind or window covering on vehicle.	\$100.00
28(6)	Offensive odour/fragrance within vehicle	\$50.00
28(7)	Driver of vehicle not neat and clean in person and dress	\$50.00
28(8)	Driver of vehicle not professional/courteous	\$250.00
28(9)	Fail to promptly attend to passenger pick-ups	\$50.00
28(10)	Driver fail to provide priority services for accessible vehicle for hire	\$500.00
28(11)	Fail to inspect vehicle	\$50.00
28(12)	Fail to extend service from curb to curb	\$50.00
28(13)	Fail to take direct route	\$100.00
28(14)	Driver fail to provide passenger with a completed receipt	\$50.00
29(1)	Operate vehicle that does not meet requirement of the bylaw	\$250.00
29(2)	Take fare while vehicle is out of service	\$250.00
29(3)	Use vehicle after out of service order issued	\$250.00
29(4)	Driver smoking within 5 metres of vehicle for hire.	\$50.00
29(5)	Operate vehicle under influence of alcohol or impairing substance	\$500.00
29(6)	Consume alcohol or impairing substance while operating vehicle	\$500.00
29(7)	Driver use abusive language/insult to others	\$250.00
29(8)	Carry more than vehicle seating capacity	\$100.00
29(9)	Make a false statement to induce vehicle for hire services	\$250.00
29(10)	Hand writing while vehicle in motion	\$250.00
29(11)	Collect additional charges for fares or services	\$100.00
29(12)	Set vehicle in motion while loading or unloading	\$100.00
29(13)	Collect fare while in motion	\$100.00
29(14)	Take additional passengers without consent of current passengers	\$50.00
29(15)	Transport baggage outside of vehicle	\$100.00
29(16)	Driver operate vehicle for hire more than 12 consecutive hours	\$250.00
30	Driver fail to accept passenger	\$100.00
31	Driver fail to keep trip records as required	\$250.00
32	Driver fail to deposit trip records at place of business	\$100.00
35	Owner fail to keep or produce trip records	\$100.00
39	Operate vehicle without valid vehicle for hire plate	\$250.00

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Section	Description of Offence	Penalty
40	Owner allow operation of a vehicle for hire without plate	\$250.00
41	Fail to possess vehicle for hire registration certificate	\$50.00
47	Fail to report damaged, lost or stolen plate/decal/certificate	\$50.00
49	Fail to provide accessible vehicle for hire services	\$250.00
52	New company fail to provide accessible vehicle for hire	\$250.00
55	Fail to post accessibility symbol	\$50.00
57	Fail to conform to the rates and fares provisions of this bylaw	\$100.00
59(1)	Fail to record charter in accordance with this bylaw	\$250.00
59(2)	Fail to charge charter fare in accordance with fare schedule	\$100.00
60	Fail to possess copy of passenger liquor permit	\$250.00
62	Operate vehicle for hire without approved fare schedule	\$100.00
66	Fail to prepare and display tariff card	\$50.00
68	Fail to provide an electronic payment system	\$50.00
69	Collect unapproved fare	\$100.00
71	Publish or use unapproved fare	\$100.00
72	Remove, mutilate, deface, or dispose of tariff card	\$100.00
73	Personal use of vehicle for hire violation	\$100.00
76	Not in service vehicle parked in taxi stand	\$50.00
77	Fail to maintain and provide a base station/dispatch system	\$250.00
78	Base station not equipped to receive hearing impaired calls	\$250.00
79	Dispatch call for service to driver without a permit	\$250.00
80	Dispatch call for service to vehicle without valid plate	\$250.00
81(1)	Operate vehicle without two-way radio communication	\$250.00
81(2)	Operate vehicle without taximeter	\$250.00
82	Fail to submit radio equipment and base station for inspection	\$250.00
85	Security camera not installed (1 st offence)	\$100.00
85	Security camera not installed (2 nd offence)	\$250.00
85	Security camera not installed (3 rd offence)	\$2,500.00
86	New vehicle added to fleet without security camera	\$100.00
88(1)	Security camera not approved	\$100.00
88(2)(3)	Security camera not properly mounted	\$100.00
89	Fail to retain or produce security camera images	\$2,500.00

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Section	Description of Offence	Penalty
90	Fail to capture images with security camera	\$2,500.00
91(1)	Fail to display notice of public safety camera	\$50.00
91(2)	Fail to display tariff card	\$50.00
92	Owner fail to equip vehicle with operational taximeter	\$250.00
93	Fail to submit taximeter for inspection	\$100.00
94	Remove taximeter seal	\$100.00
95	Fail to return used taximeter seal	\$50.00
97(1 – 5)	Taximeter violation	\$100.00
98	Roof light violation	\$50.00
99	Fail to illuminate or turn off roof sign as appropriate	\$50.00
101	Accept unauthorized voucher	\$100.00
102	Vehicle equipment and markings in non-compliance	\$100.00
103	Fail to have business name /vehicle numbers on vehicle	\$50.00
104	Advertising obstructs driver's view	\$100.00
105	Vehicle exterior body or paint damage or windshield cracks	\$100.00
105	Vehicle interior damage or disrepair	\$100.00
106	Fail to notify Bylaw Services of accident that damages vehicle	\$100.00
107	Operate non-motorized vehicle without authorization	\$100.00
108	Non-motorized vehicle fail to obtain and travel on approved route	\$100.00
109(1)	Operate vehicle that has not passed mechanical inspection	\$250.00
109(2)	Operate vehicle that has not passed general inspection	\$250.00
109(3)	Operate vehicle without valid liability insurance	\$250.00
109(4)	Operate vehicle without valid commercial registration	\$250.00
110	Fail to comply with inspection requirements	\$250.00
111(1)	Fail to comply with Designated officer or inspector	\$250.00
111(2)	Fail to produce records or documents	\$250.00
113	Owner fail to provide fleet list of vehicles	\$100.00
124	Fail to remedy deficiency or non-compliance	\$250.00
125	Fail to report for follow-up inspection	\$100.00
126	Fail to comply with notice by date specified	\$100.00
130	Use vehicle after out of service order issued	\$250.00
152	Make a false statement	\$250.00

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APPENDIX "A"
ACCESSIBLE SYMBOL



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APPENDIX "B"

DOWNTOWN AREA MAP

