

Bill No. 012

CITY OF HAMILTON

BY-LAW NO. 17-012

To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

AND WHEREAS this By-law amends Schedule 25 – Taxicabs.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes. This includes removing the sections included as “DELETED – REPEALED”. In addition, where brackets are used, the number and/or lettering changes are to be made in Schedule 25 accordingly.
2. Amend Section 1 of Schedule 25 by:
 - (a) deleting all of the lettering from (a) to (FF);
 - (b) deleting the definitions of “applicant”, “City”, “Tribunal”, “Council”, “Issuer of Licences”, “Officer” and “person”;
3. Delete Section 14(f)(iv).
4. Delete Sections 15, 16, 17, 18, 19 and replace with:
 15. It is a condition of every new taxicab driver licence that the taxicab driver:
 - (a) undertakes and successfully completes a service and skills training program which requires:
 - (i) completion of a one day in-class customer service training and submission of the Customer Service Certificate to the City within 30 days from the date of issuance of the new taxicab driver licence; and

- (ii) completion of an eight-hour on-line taxi driver's training course and submission of the Certification of Completion to the City within 90 days from the date of issuance of the new taxicab driver licence.
 - (b) Despite section 15.[a], taxicab driver service and skills training and testing programs are provided by educational institutions that are approved by the Director of Licensing.
- 3. Section [47(1)] is amended by deleting "six (6) months" and replacing it with "one year".
- 4. Section 53(1)(a) is deleted and replaced with the following new paragraph:
53(1)(a) submitted by such person to the Director of Licensing for testing and inspection each year and at such other times as directed by the Director of Licensing;
- 5. Section 53(1)(e) is deleted.
- 6. Section 53(1)(f) is amended by deleting the words "and resealing";
- 7. Section 53 is amended by adding the following new subsection:
53(2) if a taxicab does not use an electronic metered device, re-testing and re-sealing of the taxicab meter will be required annually or as directed by the Director of Licensing.
- 8. Section 55 is amended by adding the following:
55.(1) As of January 1, 2018, former police vehicles will not be permitted to operated as taxicabs.
(2) Any former police vehicle that is operating, as of January 1, 2018, as a taxicab is permitted to remain as such until the vehicle is six years old, excluding the manufacturing year.
- 9. Section 57(1) is amended by deleting the word "six" and replacing it with "seven".
- 10. Section 57(2)(a) is amended by deleting the word "seven" and replacing it with "eight".
- 11. Section 61(1) is deleted and replaced with the following new section:

- (1) The rates for fares to be charged by the owners and taxicab drivers for the conveyance of passengers wholly within the City or to any point not more than five kilometres beyond its limits, shall be exactly as shown in Appendix “1” (Taxicab Tariff/Fares”) attached hereto and forming part of this Schedule, and no higher or lower amount than that contained in the said tariff shall be charged or payable, whether such rates and charges are determined by distance or by time, except in accordance with Section 61(2) and (3) and Section 68(1).
 - (2) If a trip destination is located more than five kilometres beyond the City limit, the taxicab driver and a passenger may agree before the start of the trip to a flat fare to be charged, but the driver shall operate the taxicab meter for the duration of the trip.
 - (3) The taxicab broker may enter into a written flat fare contract with passengers and the taxicab driver shall charge the passenger such a flat fare, but the taxicab driver shall operate the taxi meter for the duration of the trip.
 - (4) Upon written request by the Director of Licensing, the contract required by subsection (3) shall be provided to the Director of Licensing upon demand within 2 business days.
12. Section 62(1)(f) is deleted.
 13. Section 62(1)(j) is amended by deleting the words, “nearest City of Hamilton Police” and replace it with “taxicab broker”.
 14. Section 62(1)(k) is amended and replaced with the following new section:
 - (1)(k) at the conclusion of a trip, call the passengers attention to the amount of the fare registered on the meter and place the meter in a non-recording position and if the taxicab is equipped to accept debit, credit, or payment through an app, allow the passenger to choose their means of payment.
 15. Section 62(1)(q) is amended and replaced by deleting the introductory phrase and replacing it with the following:

(1)(q) when operating a taxicab use an electronic format approved by the Director of Licensing, to collect the following information:.

16. Section 62(1)(s) is amended and replaced with the following new section:

(1)(s) retain a record of every trip in an electronic format approved by the Director of Licensing for at least twelve (12) months following each trip, and make such records available to the Director of Licensing upon written request within two (2) business days.

17. Section 63(1)(m) is deleted.

18. Section 64(1)(n) is deleted and replaced with the following in lieu thereof:

(n) it is optional for an emergency lighting warning system to be mounted on the exterior of the vehicle.

19. Section 68 is deleted and replaced with the following new section:

(1) A taxicab broker may offer, and the taxicab driver that agrees to provide the trip shall accept, a rate lower than the tariff for a taxicab trip to a maximum discount or promotion up to 20% off the maximum fare as calculated by the taxi meter at the City regulated rate if:

(a) the trip is booked with the taxicab broker or through a software application; and

(b) the taxi meter in the taxicab can calculate and display the discounted rate to be charged to the passenger.

(2) An owner, lessee or driver of a taxicab may participate or acquiesce in a promotional scheme or practice of a taxicab broker that is authorized under this section.

(3) A taxicab broker is not required to pay a taxicab driver operating a taxicab any difference between the fare charged for a trip and the fare as calculated at the tariff.

20. Section 65(1)(o)(i) subsection 5 and 6 pertaining to interior advertising are deleted.
21. This By-law comes into force on the day it is passed.

PASSED this 25th day of January, 2017.

F. Eisenberger
Mayor

R. Caterini
City Clerk