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Item No. 11.1.3

**Halifax Regional Council
November 10, 2009**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 

Dan English, Chief Administrative Officer

DATE: September 30, 2009

SUBJECT: **Proposed By-Law T-140, Amendments to By-law T-108 Respecting the Regulations of Taxis and Limousines, Regarding Hybrid and Smaller Fuel Efficient Vehicles and Additional Amendments**

ORIGIN

1. On January 6, 2009, a motion of Regional Council requested staff to initiate the process to amend By-law T-108 to allow hybrid and smaller fuel efficient vehicles.
2. On May 5, 2009, a motion of Regional Council requested a report on improvements to the taxi industry in respect to reduction of greenhouse gas emissions caused by deadheading.

RECOMMENDATION:

1. It is recommended that Regional Council approve in principle amendments to By-Law T-108, Respecting the Regulation of Taxi and Limousines:
 - a. To introduce hybrid and smaller fuel efficient vehicles that fit the performance standard of 7.8 litres per 100 km, have a door post to door post measurement of 51 inches and have a wheelbase measurement of 101 inches (attached as Appendix A);
 - b. To eliminate zones within the HRM (attached as Appendix B); and
 - c. To make administrative changes to the By-Law (attached as Appendix C).
2. It is further recommended that Regional Council direct staff to arrange for the formal introduction of the said amendments for First Reading.

**Proposed By-Law T-140, Amendments to By-law T-108
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BACKGROUND

On January 6, 2009, a motion of Regional Council requested staff to initiate a process to amend By-law T-108, to permit the introduction of hybrid and smaller more fuel efficient vehicles with a performance standard of 7.8 litres per 100 km, a reduced door post to post size requirement of 51 inches down from 54 inches, and a reduced wheelbase of 101 inches down from 105 inches. Regional Council also requested that the report include information on accessibility issues that the aforementioned amendment may cause, and any other amendments to By-Law T-108 that may be under consideration.

1. a. **Hybrid and Smaller Fuel Efficient Vehicles**

_____ Currently, the vehicle requirements in By-Law T-108 include the following specifications:

- door post to door post measurement of 54 inches; and
- wheelbase measurement of 105 inches.

The current by-law does not include any provisions regarding fuel consumption.

_____ A presentation by Ms. Colleen Paton, Program Administration Officer, Transportation, Conserve Nova Scotia, was given at the December 11, 2008 Taxi and Limousine Advisory Committee meeting. Ms. Patton requested the Committee's support for a provincial one year pilot project to assist in compiling a business case for the introduction of high fuel efficient vehicles in the HRM taxi fleet. The pilot project could introduce up to six (6) "green" taxis, of 7.8 litres per 100 km or less, into the taxi fleet. A \$3,700 incentive, per vehicle, could be provided by the provincial program to vehicle owners who are willing to participate in the provincial pilot project which would include the compilation of data on milage, fuel consumption, repairs and maintenance to the hybrid vehicles.

The recommended 7.8 litres per 100 km or less, is the combined fuel consumption rating, based on 55% city and 45% highway driving.

_____ b. **Additional Amendments**

_____ Regional Council requested staff to bring forward additional amendments to By-Law T-108 that may have been under consideration.

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2. **Gas Emissions from Deadheading.** The on line dictionary definition of “deadheading” for commercial vehicles is defined as, *to travel without cargo or paying passengers*. Environment Canada states that reducing vehicle emissions could be the most important move Canadians make in reducing greenhouse gas emissions which contribute to climate change. Studies show that transportation is the single largest source of greenhouse gas in Canada, accounting for one quarter of the total emissions. Environment Canada recommends Canadians who drive make some of the following changes that will save a ton of greenhouse gas emissions:

- chose a more fuel efficient vehicle when you buy;
- choose an alternate fuel vehicle that produces fewer pollutants;
- keep your vehicle in prime operating condition;
- turn off your engine and stop unnecessary idling; and
- reduce your time behind the wheel.

Based on the aforementioned, staff conducted a review of By-law T-108. The purpose of which was intended to identify possible regulatory factors which may result in adverse environmental consequences due to deadheading.

DISCUSSION

Hybrid and Smaller Fuel Efficient Vehicles

The following amendment to By-Law T-108 (attached as Appendix A) would be required to accommodate Regional Council’s request:

Section 11(1)(iv)(k), is added and reads as follows;

(k) hybrid and smaller fuel efficient vehicles, fitting the performance standard of 7.8 litres per 100 km, as well as subsections (b), ©, (d), (h) and (j) of this section, may also be permitted as taxis, having the following measurements;

(I) has a minimum width from the inside of one door post to the inside of the door post on the opposite side of at least 51 inches;

(ii) has a minimum wheelbase measurement from the centre of the front wheel to the centre of the rear wheel of at least 101 inches.

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The aforementioned proposed amendments will not restrict the present taxi vehicle or accessible taxi vehicle sizes currently permitted in the industry. However, should this amendment proceed, the following are some concerns raised by staff, the Taxi and Limousine Advisory Committee and the Advisory Committee for Persons with Disabilities:

- the fleet of vehicles may significantly change with this amendment, possibly allowing the fleet to become predominately smaller style vehicles that may not be able to service all customer needs, i.e., comfortable seating capacity, luggage capacity, etc.
- the lack of audible sound from Hybrid vehicles was a concern for those persons who may be hearing impaired;
- whether smaller vehicles would be able to sufficiently absorb the road shock to enable a driver to work a ten or twelve hour shift; and
- whether the trunk capacity of the smaller vehicles is able to accommodate a wheelchair, depending on size and type of wheelchair.

Gas Emissions from Deadheading.

There are currently two areas within our legislation that have an impact on gas emissions from deadheading. They are as follows:

a. Vehicle Size Requirements:

The aforementioned section 1. (a) addresses the vehicle size issue. Should Regional Council approve the recommendation, this will allow for the introduction of hybrid and smaller fuel efficient vehicles which may reduce the adverse environmental conditions relative to deadheading.

b. Zoning:

Currently the zoning legislation states:

46 (b) It shall be an offence for a driver licensed under this By-law other than an accessible taxi driver, to pick up or to accept a passenger in any zone other than the zone in which the vehicle is licensed and to carry that passenger to another location within that zone, except on Friday's from 11:00 PM to Saturday's 3:00 AM and on Saturday's from 11:00 PM to Sunday's 3:00 AM.

The aforementioned legislation makes it illegal for a taxi driver to pick up and drop off passengers in a zone, unless it is the zone that cab is licenced for. Subsequently, most taxis will not remain in a zone for which they are not licenced, therefore this may result in adverse environmental consequences relative to deadheading.

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The proposed By-Law T-139, approved in principle September 8, 2009, recommended opening taxi zones 7 days/per week from 11:00 p.m. -6:00 a.m. This report also offers a possible alternative,(attached as Appendix B) to eliminate zones completely.

Although deadheading is a common practice in the taxi industry which may never be fully eliminated, the reduction in the vehicle size and the amendments to the zoning legislation are steps that may assist with reducing the adverse environmental consequences.

Additional Amendments. The additional amendments (attached as Appendix C) to By-law T-108, Respecting the Regulations of Taxi & Limousines, include items that have been requested by a number of sources including but not limited to, staff, HRM Legal Services and the Taxi and Limousine Advisory Committee.

The following is a high level overview of the amendments included in Appendix C:

1. Definitions

“Halifax Zone” amended to include Harrietsfield, Sambro, Ketch Harbour and Portuguese Cove.

“Inspector” amended to be referred to as “Licensing Authority”.

“Owner” amended to address the leasing issue.

2. Administration- amended to reflect the “Licensing Authority” and clarify the duties and authority.

3. Owner- portions of Section 11, 21 and 22 to be amended to reflect changes to the requirements for Criminal Record/Vulnerable Sector Checks, Motor Vehicle Inspections, maintenance of passenger and trunk area, types of vehicles and permitting of suspension during investigations regarding vehicle insurance.

4. Applicant/Driver Requirements- portions of Section 35 and 36 to be amended to reflect the definition of “driver”, simplify wording, clarify requirements for an applicant, permit Statutory Declaration if Criminal Record/Vulnerable Sector Check is delayed, provide proof of registration for National Standards Certification and provide drivers with a two year grace period.

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5. Applicant Re-Testing- Section 39 to be amended to reduce the applicants wait time before re-applying after unsuccessfully completing the testing from 12 months to 6 months.

6. License Holder Eligibility - Portions of Section 40 and 43 to be amended to address individuals who may be subject to Court proceedings or Orders arising from charges or convictions and reduce wording.

7. Waiting List- Portions of Section 77 to be amended to apply the same consistent process for the waiting lists for all three zones.

BUDGET IMPLICATIONS

There are no budget implications as a result of this report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. a. **Hybrid and Smaller Fuel Efficient Vehicles**

(1) Maintain the status quo, and not adopt the recommended amendments to By-Law, T-108. This alternative is not recommended.

(2) Introduce restrictions within current limitations that would limit the number of hybrid and smaller fuel efficient vehicle permitted in each zone, e.g., 20 of the 610 allowable Halifax owners licenses must be hybrid or smaller fuel efficient vehicles.

(3) Hybrid and smaller fuel efficient vehicles not be included in the current limitations regarding owner licenses. Therefore, the number of owner licenses may exceed the current limits per zone should the licensed vehicle be a hybrid or smaller fuel efficient vehicle.

 b. **Gas Emissions from Deadheading**

(1). Maintain the status quo and not adopt the recommended amendments to By-Law, T-108,(attached as Appendix B) that impact the gas emissions from deadheading. This alternative is not recommended.

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(2) Approve T-139 from Recommendation Report - Extension of Hours to Open Taxi Zones.

c. Additional Amendments

(1) Maintain the status quo and not adopt any of the recommended amendments (attached as Appendix C) to By-Law, T-108. This alternative is not recommended.

(2) Approve any number of the amendments from the options identified in Appendix C.

ATTACHMENTS

Appendix A: Chart of amendments to By-Law T-108, Respecting The Regulations of Taxis & Limousines to introduce Hybrid and smaller fuel efficient vehicles .

Appendix B: Chart of amendments to By-Law T-108, Respecting The Regulations of Taxis & Limousines to introduce the elimination of zones.

Appendix C: Chart of amendments to By-Law T-108, Respecting The Regulations of Taxis & Limousines to introduce additional amendments.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Robin McNeil, Superintendent, Halifax Regional Police 490-4817

Report Approved by:



Deputy Chief F.A. Burbridge, Halifax Regional Police 490-7138

Introduce Hybrid and Smaller Fuel Efficient Vehicles Appendix A

Rational	Current By-law Section	Suggested Amendment
<p>To introduce Hybrid and smaller fuel efficient vehicles that fit the performance standard of 7.8 litres per 100 km, having a minimum door post to door post measurement of 51 inches and have a minimum wheelbase measurement of 101 inches; and minor clarification to wording.</p>	<p>Currently the by-law does not include any provisions regarding Hybrid or fuel efficient vehicles.</p>	<p>The wording is to be added of Section 11 (1) (iv), of By-law T-108;</p> <ul style="list-style-type: none">- smaller fuel efficient vehicles, fitting the performance standard of 7.8 litres per 100 km, as well as subsections (b), (c), (d), (h) and (J) of this section, may also be permitted as taxis, having the following measurements; <p>(i) a minimum width from the inside of one door post to the inside of the door post on the opposite side of at least 51 inches;</p> <p>(ii) a wheelbase measurement from the centre of the front wheel to the centre of the rear wheel of at least 101 inches.</p>

Gas Emissions From Deadheading Appendix B

Rational	Current By- law Section	Suggested Amendment
<p>May 5, 2005, motion of Regional Council, requested a report on how to make environmental improvements to the taxi industry in respect to reduction of green house gas emissions caused by deadheading,</p> <p>Introduce Hybrid and more fuel efficient vehicles into the taxi industry, reference appendix A. and,</p> <p>Eliminate taxi zones.</p>	<p>46. NOTWITHSTANDING ANY OTHER PROVISION OF THIS BY-LAW, OR ANY PROVISION OF ANY OTHER BY-LAW OF THE HALIFAX REGIONAL MUNICIPALITY:</p> <p>(a) A driver licensed as a taxi driver pursuant to this By-law may pick up or accept a passenger in the zone in which the vehicle is licensed and transport such passenger to any location within the said zone or in any other zone in the municipality.</p> <p>(b) It shall be an offence for a driver licensed under this By-law other than an accessible taxi driver, to pick up or to accept a passenger in any zone other than the zone in which the vehicle is licensed and to carry that passenger to another location within that zone.</p> <p>(c) it shall be an offence for a taxi driver to operate a taxi unless he or she holds a valid taxi driver licence for the zone in which the taxi is licensed.</p> <p>(d) a vehicle may only be licensed as a taxi in one zone within the municipality at a time.</p>	<p>Repeal Section 46 and all other references to taxi zones within the By-law and Administrative Order #39.</p>

Additional By-Law Amendments Appendix C

Rationale

Current By-law Section

Suggested Amendment

<u>1. Definitions</u>	<u>1. Definitions</u>	<u>1. Definitions</u>
<p>A/ As recommended by Taxi and Limousine Advisory Committee, that Harrietsfield, Sambro, Ketch Harbour and Portuguese Cove be part of the Halifax zone. These areas are accessible only through the Halifax Zone.</p> <p>B/ Recommended by Legal to identify the department responsible in overseeing the legislation, not an individual, in accordance with other By-laws.</p> <p>C/ Clarifies who is deemed the vehicle owner, (Address the leasing issue. Current lease arrangements can continue until the relationship between the two parties is terminated).</p>	<p>A/ “Halifax Zone” means the geographical area of the former city of Halifax</p> <p>B/ "Inspector" means the Inspector of Licences appointed by Council by Administrative Order from time to time and unless the context indicates the contrary, includes any deputy or assistant or assistants to the Inspector duly authorized by the Council to perform the duties of the Inspector herein set out;</p> <p>C/ "owner" means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this By-law.</p>	<p>A/ “Halifax Zone”, means the geographical area of the former city of Halifax and the area also known as Harrietsfield, Sambro, Ketch Harbour and Portuguese Cove.</p> <p>B/ “Licencing Authority” means the office responsible for the administration, licencing and enforcement of By-law T-108 or any official appointed pursuant to this By-law for that purpose.</p> <p>C/ "Owner" means a person who holds the legal title of a vehicle and its licence plates as indicated on the NS Vehicle Registration Permit. (Clause does not apply to previously held owner licences who are subject to an ownership agreement on a vehicle where the licence holder is not the title or plate holder.)</p>

Additional By-Law Amendments Appendix C

Current By-law Section

Rationale

Suggested Amendment

<u>2. Administration</u>	<u>2. Administration</u>	<u>2. Administration</u>
<p>section 4. Amendments are reflective of the change to the Licencing Authority definition and also clarifies its duties and authority.</p>	<p>section 4. The Chief Administrative Officer shall have the general control, supervision and direction over the Inspector, any deputy or assistant(s) to such Inspector, and any officer or official carrying out any of the various duties set out in this By-law.</p>	<p>section 4. The Chief Administrative Officer has the general control, supervision and direction over the office of the Licencing Authority and any officer or official carrying out the duties pursuant to this By-law. The Licencing Authority may suspend or revoke the licence of any person who offends any provision of this By-law and shall also;</p> <ul style="list-style-type: none">(i) make all necessary inquiries concerning applications for licences;(ii) examine or cause to be examined all applicants for driver licences as to the By-law requirements,(iii) examine or cause to be examined every vehicle to be licenced as to the By-law requirements;(iv) keep a register of all licences granted containing the name and complete mailing address of each applicant and the date of issue;(v) issue licences in accordance with this By-law; provided that all requirements have been met;(vi) provide applicants with a copy of the By-law and Administrative Order #39, upon request;(vii) determine by inspection and enquiry from time to time whether licensees and licensed vehicles continue to comply with the provisions of this By-law and all applicable laws;(viii) cause to be prosecuted in appropriate cases, persons who offend against any of the provisions of the law and of this By-law.

Additional By-Law Amendments Appendix C

Rationale

Current By-law Section

Suggested Amendment

<u>2. Administration</u>	<u>2. Administration</u>	<u>2. Administration</u>
<p>section 5(a) The amendments to section 4 has consolidated the wording from sections 5 & 6, thereby allowing them to be repealed.</p> <p>section 5(b) consolidated wording</p> <p>section 6 consolidated wording</p>	<p>section 5.(a) The Council shall appoint an Inspector of Licences and may appoint one or more Deputy or Assistant Inspectors of Licences, who shall carry out the duties prescribed for that office by this By-law.</p> <p>section 5. (b) The Inspector of Licences and any deputy or assistant Inspectors of Licences may be appointed Special Constables pursuant to the provisions of the Police Act.</p> <p>section 6. The powers and duties of the Inspector shall be to: (i) report to the Chief Administrative Officer respecting the performance of his/her duties under this By-law whenever she/he is required by the Chief Administrative Officer to do so; (ii) make all necessary inquiries concerning applications for licences; (iii) examine or cause to be examined all applicants for drivers' licences as to their ability to operate a vehicle for transporting passengers for hire and as to their compliance with all requirements of this Bylaw; (iv) examine or cause to be examined every vehicle to be used as a taxi, accessible taxi or limousine; (v) keep a register of all licences granted under the authority of this By-law containing the name and complete mailing address of each applicant and the date upon which the licence was issued; (vi) issue any licence required by this By-law; provided the terms of this By-law have been met; (vii) furnish every applicant for a licence with a copy of this By-law upon payment of the cost of same, and a copy of the rates specified in Administrative Order #39; (viii) determine by inspection and enquiry from time to time whether licensees and licensed vehicles continue to comply with the provisions of all applicable laws; (ix) cause to be prosecuted in appropriate cases, persons who offend against any of the provisions of the law and of this By-law; and (x) supervise and direct any assistant or deputy Licence Inspectors who may be appointed and assign to them duties pursuant to this bylaw.</p>	<p>section 5(a) Repealed, and all remaining reference to Inspector within the By-law shall be replaced with Licencing Authority.</p> <p>section 5(b) Repealed</p> <p>Section 6 Repealed</p>

Additional By-Law Amendments Appendix C

Rationale

Current By-law Section

Suggested Amendment

<u>3. Owner</u>	<u>3. Owner</u>	<u>3. Owner</u>
<p>A/ section 11. (1)(i) Amendment clarifies the requirements for a Criminal Record/Vulnerable Sector Check along with the Statutory Declaration.</p> <p>B/ section 11(iv)(c) Reflects new MVI regulations</p> <p>C/ section 11(iv)(h) identifies passenger and trunk area to be maintained in clean and orderly condition.</p> <p>D/ section 11(iv)(j) has consolidated the wording following section (k) and the wording from section 13 (a)(b) and (c), thereby allowing them to be repealed.</p>	<p>A/ section 11. (1)(i) an application and statutory declaration in Form IV hereto is completed by the applicant for the licence;</p> <p>B/ section 11(iv)(c) bears a valid Province of Nova Scotia motor vehicle safety sticker:</p> <p>C/ section 11(iv)(h) has first class repairs with no visible body fillers, rust, primer paint, accidental damage or similar defects;</p> <p>D/ And in the case of a taxi, is a four door sedan or a four-door station wagon; And in the case of either an accessible taxi or a limousine, meets the above requirements and meets the definitions for such vehicles contained in Section 3; and 13. Notwithstanding the provisions of section 11, a licence may be issued for a vehicle commonly known as a "mini van", provided that:</p> <p>(a) the vehicle is designed for the transportation of not more than seven passengers excluding the driver;</p> <p>(b) the vehicle has four side doors [excluding the back hatch door];</p> <p>(c) the vehicle meets all of the requirements for a taxi set out above except that it is not a four door sedan or four door station wagon.</p>	<p>A/ section 11. (1)(i) new applicants submit an application, criminal Record/ Vulnerable Sector check and a statutory declaration, as in effect from time to time, approved by the Licencing Authority.</p> <p>B/ section 11(iv)(c) is inspected annually and bears a valid, non rejected, Province of Nova Scotia motor vehicle safety sticker and matching sticker certificate, which is not more then 12 months old.</p> <p>C/ section 11(iv)(h) has first class repairs with no visible body fillers, rust, primer paint, accidental damage or similar defects and the interior passenger and trunk areas are maintained in a clean and orderly condition;</p> <p>D/ section (iv)(j) in the case of a taxi has 4 passenger doors excluding any rear hatches and includes vehicles such as Sedan's, Station Wagon's, SUV's, Cross Over's and Mini Van's, with a maximum seating capacity of eight (8) passenger excluding the driver;</p> <p>section 13 (a)(b) & (c) Repealed.</p>

Additional By-Law Amendments Appendix C

Rationale	Current By-law Section	Suggested Amendment
<p>E/ Section 21.(1) Amendment applies the requirements for a Criminal Record/Vulnerable Sector to owner licence holders who are not licenced drivers.</p> <p>F/Section 22. (3) Amendment allows for the suspension of an owner licence, while an investigation is conducted, rather than immediately canceling the licence. Amendment also removes reference to section and clause numbers.</p>	<p>E/21.(1) A taxi owner's licence may be renewed upon appearance by the applicant for renewal at the office of the Inspector in person, and by payment of the annual licence fee prescribed by Council by Administrative Order, provided that the licence holder and the vehicle to which the licence relates continue to meet all of the requirements of this By-law.</p> <p>F/section 22 (3) Compliance with subsection (1) shall be a condition of the owner's licence remaining in force, and the Inspector shall immediately cancel the taxi or limousine owner's license for a vehicle if the Inspector becomes aware that insurance meeting the requirement of clause (v) of subsection (1) of Section 11 is no longer in force in respect of the vehicle.</p>	<p>E/21.(1) An owner's licence may be renewed upon appearance of the licence holder at the office of the licencing Authority, and by payment of the annual licence fee prescribed by Administrative Order, provided that the licence holder and the vehicle to which the licence relates continue to meet all of the requirements of this By-law. Owner licence holders who do not hold a driver licence, must submit an annual Criminal Record/Vulnerable Sector Search report.</p> <p>F/section 22. (3) the holder of an owner licence, must maintain uninterrupted motor vehicle insurance, as required, in order for the licence to remain in force. The Licencing Authority shall immediately suspend a licence upon notification that the insurance may have lapsed. If the Licencing Authority confirms the insurance is no longer in force, the licence shall be revoked.</p>
<p><u>4. Applicant / Driver Requirements</u></p> <p>A/ section 35. Amendment reflects definition of driver, instead of listing individual licence types.</p> <p>B/ section 35(b) Amendment is to reduce the wording of this section.</p>	<p><u>4. Applicant / Driver Requirements</u></p> <p>A/ section 35. No temporary or permanent taxi driver's licence, accessible taxi driver's licence, or limousine driver's licence shall be granted unless and until:</p> <p>B/ section 35(b) The applicant submits two professional quality photographs of himself or herself, size two inches by two inches, which are clear and well-defined showing a full front view of head and shoulders without head covering, taken against a plain white background without shadows, one to be retained by the Inspector of Licences with the applicant's file and the other to be placed on the taxi licence, if it is granted. The photographs shall have been taken not less than one month before the date of the application and shall allow a clear and positive identification of the applicant at the time the application is made. Photographs subject to fading or sensitive to heat are not acceptable;</p>	<p><u>4. Applicant / Driver Requirements</u></p> <p>A/ section 35. No temporary or permanent driver's licence, shall be granted unless the applicant or licence holder meets or continues to meet all requirements relative to drivers and until:</p> <p>B/ section 35(b) applicant / licence holder submits two professional taken passport style photo's, showing a full front view of head, dated with 30 days of the date of application, photos subject to fading or sensitive to heat are not acceptable.</p>

Additional By-Law Amendments Appendix C

Rationale	Current By-law Section	Suggested Amendment
<p>4. Applicant / Driver Requirements (Continued)</p> <p>C/ section 35. (c) Amendment clarifies the requirements for an applicant / driver.</p> <p>D/ section 35(d), Amendment clarifies the requirements for an applicant / driver.</p> <p>E/ section 35(e) Amendment clarifies the required HRM driver fee. HRM will no longer be processing fee's on behalf of East Coast School of Language or the Nova Scotia Tourism Human Resource Council.</p> <p>F/ section 35. (f) Amendment will permit a Statutory Declaration to be sworn if the required Criminal Record/Vulnerable Sector check is delayed beyond the persons control, allowing a licence to be issued. Also outlines the process if the report is delayed or is not submitted within a specified time period.</p> <p>G/ section 36.(2) Amendment reflects definition of driver, instead of listing individual licence types.</p> <p>H/ section 36.(2)(a) Amendment clarifies successful completion of English Language requirement</p>	<p>4. Applicant / Driver Requirements (Continued)</p> <p>C/ section 35 (c) The applicant causes the a Registry of Motor Vehicles to provide to the Inspector an abstract of his or her driving record which is dated within 30 days of the date of application;</p> <p>D/ section 35(d) applicant submits for examination a valid unexpired class 4 driver licence issued under the MVA</p> <p>E/ section 35(e) the applicant pays to the municipality at the time of application;</p> <p>(i) the annual fee for the appropriate driver's license as prescribed by Administrative Order 15;</p> <p>(ii) the cost of the English language proficiency testing; and</p> <p>(iii) the cost of any applicable driver's process required to be taken pursuant to this By-law.</p> <p>F/ section 35(f) the applicant provides a satisfactory criminal records report from Halifax Regional Police Service, from the Royal Canadian Mounted Police, or from another appropriate police agency which is sufficient in the opinion of the Inspector to satisfy him or her that the applicant is not an unfit or improper person to hold a licence by virtue of past misconduct.</p> <p>G/ section 36(2) Notwithstanding any other provision of this By-law, no person shall be issued a temporary driver's licence unless that person meets all other requirements of this By-law applicable to taxi drivers, accessible taxi drivers or to limousine drivers, as the case may be, and;</p> <p>H/ section 36 (2)(a) demonstrates sufficient English language fluency to permit the applicant to carry out his or her responsibilities as a driver competently, by passing an English language proficiency test established by Halifax Regional and</p>	<p>4. Applicant / Driver Requirements (Continued)</p> <p>C/ section 35(c) applicant / licence holder supplies a satisfactory Registry of Motor Vehicles (Client Use) abstract of his or her minimum class 4 driving record, that's dated within 30 days of the date of application;</p> <p>D/ section 35(d) applicant / licence holder submits in person, a valid unexpired minimum class 4 NS driver licence.</p> <p>E/ section 35(e) applicant / licence holder pays to the municipality all applicable fee's prescribed by Administrative Order. (Section 43(1) Repealed)</p> <p>F/ section 35(f) applicant / licence holder provides a satisfactory Criminal Record / Vulnerable Sector Search report, approved by the licencing authority. If the CRC/VS report is delayed and the applicant / licence holder provides proof of application and payment for the CRC/VS report, a Statutory Declaration may be sworn. If the CRC/VS report is not submitted within 20 days from the signing date of the Statutory Declaration, the licence will be suspended until the report has been submitted. (Section 40(e) and 43(2) Repealed)</p> <p>G/ section 36 (2) Notwithstanding any other provision of this By-law, no person shall be issued a temporary driver's licence unless that person meets all requirements of this By-law applicable to drivers; and</p> <p>H/ section 36(2)(a) supplies proof of successful completion of prescribed English Language proficiency test, as in effect from time to time, approved by the Licencing Authority.</p>

Additional By-Law Amendments Appendix C

Rationale

Current By-law Section

Suggested Amendment

<u>4. Applicant / Driver Requirements (Continued)</u>	<u>4. Applicant / Driver Requirements (Continued)</u>	<u>4. Applicant / Driver Requirements (Continued)</u>
<p>I/ section 36.(2)(b) Amendment reflects generalized wording, removed individual components.</p> <p>J/ section 36.(2)(c) Applicant must show proof of registration for the National Standards Certification Program, before a temporary licence can be issued.</p> <p>K/ section 36.(3) Amendment reduces the wording of the section and removes reference to subsection numbers.</p> <p>L/ section 36. (3)(b) Amendment would provide drivers with a two year grace period, to get their licence re-instated as long as they continue to meet all the requirements for a driver.</p>	<p>I/ section 36.(2)(b) after successfully completing the English language proficiency test referred to in clause (a), the applicant successfully completes an examination on the Taxi By-law and on the location of streets and prominent buildings and locations in the entire municipality but with emphasis on the specific zone for which the applicant is applying.</p> <p>J/ section 36(2)(c) added item</p> <p>K/ section 36.(3) Notwithstanding any other provision of this By-law, no person shall be issued a permanent taxi driver's licence or a permanent limousine driver's licence unless that person: (a) has fulfilled the requirements of subsection (2) and all other requirements of this By-law for drivers, and successfully completes the process proscribed by the National Standards Certification for Taxicab/Limousine Drivers, as in effect from time to time, approved by Halifax Regional Municipality, while being the holder of a valid temporary driver's licence; or</p> <p>L/ section 36 (3) (b) held a permanent driver's licence at the time this taxi By-law came into force.</p>	<p>I/ section 36.(2)(b) must successfully complete the process and examinations, as in effect from time to time, approved by the Licencing Authority.</p> <p>J/ section36(2)(c) Applicant supplies proof of registration for the National Standards Certification Program for Taxicab/Limousine Drivers, administered by the Nova Scotia Tourism Human Resource Council.</p> <p>K/ section 36 (3) Notwithstanding any other provision of this By-law, no person shall be issued a permanent driver's licence unless that person: (a) continues to meet the requirements for drivers, and has successfully completed the process prescribed by the National Standards Certification for Taxicab/Limousine Drivers, administered by the Nova Scotia Tourism Human Resource Council, while being the holder of a valid temporary driver's licence; or</p> <p>L/ section 36 (3) (b) has held a permanent driver's licence within the past 2 years and continues to meet all the requirements for a driver, as outlined in this By-law.</p>

Additional By-Law Amendments Appendix C

Rationale	Current By-law Section	Suggested Amendment
<p><u>5. Applicant Re-Testing</u></p> <p>section 39 Amendment was recommended by the Appeals Committee, reduces an applicants wait time before re-apply to the program, following two failed attempts. Amendment clarifies the applicant must complete the two examination attempts within 12 months from date of application.</p>	<p><u>5. Applicant Re-Testing</u></p> <p>section 39 If an applicant twice fails to successfully complete an examination on the location of streets and prominent buildings and locations, the applicant shall not be permitted to attempt the examination again for a period of one year from the date on which the applicant last attempted the examination and if the applicant fails to successfully complete the examination on any subsequent occasion, the applicant shall not be permitted to attempt the examination again for a period of one year from the date on which the applicant last attempted the examination.</p>	<p><u>5. Applicant Re-Testing</u></p> <p>section 39 If an applicant twice fails to successfully complete the HRM examinations, as in effect and approved from time to time by the Licencing Authority, within 12 months from date of application, the applicant must wait 6 months from the date of the last attempt, before being permitted to re-submit a new application.</p>
<p><u>6. Licence Holder Eligibility</u></p> <p>A/ section 40. Amendment was recommended by Legal Service to remove reference to the criminal code section numbers and to cover individuals who are presently subject to a Court proceeding or order, arising from a charge or conviction under Federal or Provincial law.</p> <p>B/ subsection 40(b) The amendments to section 40(b) has consolidated the wording from section 40(c) and clarified the offenses, thereby allowing section 40(c) to be repealed.</p>	<p><u>6. Licence Holder Eligibility</u></p> <p>A/ section 40. A taxi, accessible taxi, or limousine driver's licence shall not be granted when:</p> <p style="padding-left: 40px;">(a) an order has been made against the applicant prohibiting the possession of any firearm or any ammunition or explosive substance pursuant to section 100 of the Criminal Code of Canada, during the term of such order; or</p> <p>B/ section 40(b) The applicant has been convicted of an indictable offence in the commission of which violence against a person was used, threatened or attempted and for which the offender may be sentenced to imprisonment for 10 years or more and the applicant has been released from imprisonment for the offence: (i) in the case of a first offence, within 5 years of making application for a driver's licence; and (ii) in any other case, within 10 years of making application for a driver's licence.</p> <p>Section 40(c) The applicant has been convicted of an offence involving the illegal sale of liquor or drugs or the illegal possession of liquor or drugs for the purpose of sale or trafficking while holding a taxi, accessible taxi or limousine driver's licence or within a period of two years immediately preceding the date of application for a driver's licence.</p>	<p><u>6. Licence Holder Eligibility</u></p> <p>A/ section 40. An owner and or driver licence may not be granted and or may be suspended or revoked when;</p> <p style="padding-left: 40px;">(a) the applicant / licence holder is presently subject to a Court order, arising from a charge or conviction under Federal or Provincial law, that inhibits the individuals ability to operate a taxi or limousine; or</p> <p>B/ section 40(b) the applicant / licence holder has been convicted of an offense against vulnerable persons or has a conviction within the past 5 years relating to;</p> <ul style="list-style-type: none"> - sexual offences; - illegal sale or possession of drugs - violent offences, or - breach of trust <p>Section 40(c) Repealed</p>

Additional By-Law Amendments Appendix B

Current By-law Section

Rationale

Suggested Amendment

<u>6. Licence Holder Eligibility (Continued)</u>	<u>6. Licence Holder Eligibility (Continued)</u>	<u>6. Licence Holder Eligibility (Continued)</u>
<p>C/ New Added item.</p> <p>D/ section 43. (2) Amendment reduces wording of the section.</p>	<p>C/ Not currently referenced in the By-law.</p> <p>D/ section 43(3) If an applicant makes a false statement in a Statutory Declaration filed with the Inspector pursuant to subsection (2), the Inspector, in addition to any penalty prescribed by Section 74 of this Bylaw, shall refuse to issue a driver's license to the applicant or shall revoke the driver's license issued to the applicant immediately upon the Inspector becoming aware of the false statement and the applicant shall thereafter not be eligible to make application for or to be granted a driver's or an owner's license pursuant to this Bylaw for a period of five (5) years from the refusal or revocation of the license.</p>	<p>C/ A licence holder shall immediately notify the Licencing Authority should they become the subject to a court order or charges.</p> <p>D/ section 43(3) If an applicant makes a false statement in a Statutory Declaration in addition to any penalty prescribed, the licencing Authority shall refuse to issue the license to the applicant or shall revoke the license or licences currently issued to the applicant, and the applicant shall thereafter not be eligible to make application for or to be granted a license pursuant to this Bylaw for a period of five (5) years.</p>

Additional By-Law Amendments Appendix C
Current By-law Section

Rationale

Suggested Amendment

<u>7. Waiting List</u>	<u>7. Waiting List</u>	<u>7. Waiting List</u>
<p>A/ section 77(4)) Amendment requires an application be submitted by the driver in order to have their name added to the Halifax waiting list. Currently names are added and removed automatically without a proper application document. This amendment will apply the same consistent process as used in maintaining the current Dartmouth & County waiting lists.</p> <p>B/ section 77(8) Amendment requires an application be submitted by the driver in order to have their name added to the Halifax waiting list. Currently names are added and removed automatically without a proper application document. This amendment will apply the same consistent process as used in maintaining the current Dartmouth & County waiting lists.</p>	<p>A/ section 77(4) when any taxi driver who does not on the effective date of this Section hold a taxi license in their own name or in the name of a corporation of which the taxi driver is a shareholder are first licensed in the Halifax zone subsequent to the effective date of this Section, the name of the driver shall be added to the end of the waiting list developed pursuant to subsection (3) in order of the date of the issuance of the taxi driver’s license.</p> <p>B/ section 77(8) When a taxi driver’s license is cancelled, revoked, surrendered or otherwise lapses, on the conclusion of any applicable appeal process, if the name of the driver is on the waiting list, the name of the taxi driver shall be removed, and if the driver subsequently becomes licensed as a driver in the Halifax zone, the name of the driver shall be added to the end of the waiting list in accordance with subsection (4)</p>	<p>A/ section 77(4) Effective the date of this amendment, where the Licencing Authority receives an application for a taxi owner licence which cannot be issued because of the provisions of this section, they shall add the applicants name to the end of the current waiting list, in order of date & time of receipt of the application and shall process the names in order of seniority as they appear on the list, as the number of licences in force falls below six hundred and ten 610. The applicant for an owners license must be a licenced taxi driver in good standing in the Halifax zone and not already hold a taxi owner licence in the Municipality in their own name or in the name of a business of which the driver is a shareholder.</p> <p>B/ section 77(8) When a taxi driver’s license is cancelled, revoked, surrendered or otherwise lapses, on the conclusion of any applicable appeal process, if the name of the driver is on the waiting list, the name of the taxi driver shall be removed, and if the driver subsequently becomes licensed as a driver in the Halifax zone, upon application, the name of the driver shall be added to the end of the waiting list in accordance with subsection (4)</p>