

NO: R026

COUNCIL DATE: February 24, 2020

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **February 20, 2020**

FROM: **General Manager, Corporate Services**

FILE: **3900-01**

SUBJECT: **Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031 and Amendments to Related Surrey Bylaws**

RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Approve the proposed *Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030*, as documented in Appendix “I” of this report;
3. Approve the proposed *Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031*, as documented in Appendix “II” of this report;
4. Approve amendments to the *City of Surrey Vehicle for Hire By-law, 1999, No. 13610*, as documented in Appendix “III” of this report;
5. Approve amendments to the *Business License By-law, 1999, No. 13680*, as documented in Appendix “V” of this report; and
6. Authorize the City Clerk to bring forward the above noted bylaws for the required readings.

INTENT

The purpose of this report is to obtain Council’s approval to adopt the *Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031* (“IMBL Bylaw”) which proposes to implement the necessary bylaw for the establishment of an interim Inter-Municipal Business Licence (“IMBL”) for Transportation Network Services (“TNS”) in Surrey; and to approve the *Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030* which commits Region 1 municipalities (Lower Mainland/Whistler: including Metro Vancouver, Fraser Valley and Squamish-Lillooet) to collectively implement the same IMBL across all participating municipalities.

It is also recommended that Council approve amendments to the *City of Surrey Vehicle for Hire By-law, No. 1999, No. 13610* (“Vehicle for Hire Bylaw”), a summary of proposed amendments is attached as Appendix “III” and the proposed amendments to the bylaw is attached as Appendix “IV”, and the *Business License By-law, 1999, No. 13680* (“Business License Bylaw”), a summary of proposed amendments is outlined in Appendix “V” of this report, to ensure a level playing field between TNS vehicles and taxicabs to the extent possible under the City’s authority and as detailed in this report.

BACKGROUND

On December 12, 2019 the Mayors’ Council on Regional Transportation directed TransLink to facilitate an expedited IMBL development process with Region 1 municipalities with agreement on bylaw terms by January 31, 2020. An IMBL allows TNS companies to operate across participating municipalities with the purchase of one IMBL and is formed through a common bylaw enacted by each participating municipality.

Region 1 municipalities established an IMBL Working Group and met weekly throughout the month of January 2020 to develop the proposal for an IMBL for ride-hailing. The proposed IMBL Bylaw seeks to establish licensing authority; licence fee and structure; licence conditions; and licence fee revenue sharing among participating municipalities.

At the February 10, 2020 Council meeting, Council approved the recommendations of Corporate Report No. Ro24; 2020 (attached to this report as Appendix “VI”) instructing staff to work with neighbouring municipalities in Region 1 to create an IMBL related to TNS.

Participating Region 1 municipalities are required to bring the IMBL Bylaw forward to their respective Councils in February/March 2020 for approval. Subsequent to Council’s approval, the IMBL will take effect on April 1, 2020.

Given the expedited process for development, the terms of the IMBL Bylaw should be understood as interim. Participating municipalities will assess the effectiveness of the licence over the coming months, as more companies are licenced and operating.

DISCUSSION

Licencing Authority

As proposed by the IMBL Working Group and endorsed at the January 30, 2020 Mayors’ Council meeting, the City of Vancouver will be the licencing authority (sole issuer) for the IMBL and all TNS companies will need to obtain a licence from Vancouver in order to conduct ride hailing business in any of the participating Region 1 municipalities.

Licence Fee and Structure

TNS companies will pay a company fee of \$155 plus a per vehicle fee of \$150 for each vehicle. Incentives are provided for zero emission vehicles (reduction to \$30 per vehicle) and wheelchair accessible vehicles (reduction to \$0). Accordingly, the discounted fee for zero emission vehicles and wheelchair accessible vehicles provides a meaningful incentive while acknowledging that they have an administrative cost and physical impact on streets. Wheelchair accessible vehicles

are understood to be more expensive to purchase and maintain than non-accessible vehicles, and municipalities want to encourage their participation in ride-hailing as much as possible.

Licence fees are to be pro-rated to align with the City of Vancouver's calendar licencing structure.

TNS companies will self-report all new vehicles operating under their licence on a monthly basis, and whether they are standard, zero emission or wheelchair accessible. Once a vehicle has been reported and the associated fee paid, the vehicle may operate for the remainder of the calendar year. Participating municipalities will be advised monthly of new vehicle additions, for the purposes of street use management.

Licence Fee Revenue Sharing

Licence fee revenue will be shared among participating municipalities. The City of Vancouver will first retain funds sufficient to recover costs for set-up and administration of the licence program and remaining revenues will be shared based on the percent of total regional pick-ups and drop-offs that occur within each municipality.

Licence Requirements

TNS companies will be required to comply with the municipal bylaws and regulations of each participating municipality.

The Province will be enforcing compliance with provincial regulations and licence conditions. Field investigations will be carried out by the Commercial Vehicle Safety and Enforcement (CVSE) Branch; the Registrar of the Passenger Transportation Branch is authorized to investigate and audit companies for issues including compliance with licence conditions and public safety.

Amendments to the Surrey Vehicle for Hire and Business Licence Bylaws

This report also includes amendments to the City's Vehicle for Hire Bylaw and Business License Bylaw. The proposed amendments in this regard will ensure that the City's bylaws are up to date to reflect recent changes to the Passenger Transportation Branch regulations. In addition, and in an effort to level the playing field between taxicabs and TNS vehicles, the proposed amendments will ensure that all passenger directed vehicles (including taxicabs) reflect the same regulatory environment as provided in the IMBL to the extent possible under the City's jurisdiction. To this end, amendments will include but not be limited to:

Licencing fees per business and per vehicle:

Under the Surrey Business Licence Bylaw, taxicab companies in Surrey presently pay a \$161.75 annual business licence fee in addition to a \$441 annual fee per each taxicab. It is proposed that these fees will be reduced to match the IMBL fees. To this end, it is proposed that Surrey taxicab companies will pay a company fee of \$155 plus a per vehicle fee of \$150 for each vehicle. Incentives will also be provided for zero emission vehicles (reduction to \$30 per vehicle) and wheelchair accessible vehicles (reduction to \$0) to match the fee structure within the IMBL.

Maximum permitted vehicle age:

Under the current Vehicle for Hire Bylaw, the age of a taxicab vehicle cannot exceed 7 years. It is proposed that the maximum age of a taxicab vehicle be increased to 10 years to match PTB requirements.

Vehicle inspection requirements:

Under the existing bylaw, taxicabs are required to undergo an annual inspection performed by the City. While the City can continue to perform annual inspections, under the new PTB legislation, BC municipalities have the option of turning inspection responsibilities over to the PTB. The PTB will perform vehicle inspections on all passenger directed vehicles (taxicabs and TNS vehicles) annually for vehicles that travel more than 40,000 km per year and biannually for vehicles that travel less than 40,000 km per year. Accordingly, it is proposed that the City revise the Vehicle for Hire Bylaw to require that all taxicabs receive inspection via the PTB.

In addition to the above, staff will subsequently review and bring forward proposed amendments to the *Highway and Traffic By-law, 1997, No. 13007* that considers allowing taxicabs to travel in marked bus lanes as well as allowing wheelchair accessible taxicabs to park in handicapped parking spots while loading and/or unloading passengers within City-owned parking lots (the City has no parking enforcement jurisdiction within privately owned parking lots).

Legal Services Review

The City's Legal Services Division has reviewed this report and has no concerns.

SUSTAINABILITY CONSIDERATIONS

The introduction of the IMBL supports the objectives of the City's Sustainability Charter 2.0. In particular, ride-hailing relates to the Sustainability Charter 2.0 theme of Infrastructure. Specifically, the IMBL supports the following Desired Outcome ("DO"):

- Transportation DO11: An integrated and multi-modal transportation network offers affordable, convenient, accessible and safe transportation choices within the community and to regional destinations.

CONCLUSION

The Province has authorized three companies to operate in Region 1 (Lower Mainland/Whistler: including Metro Vancouver, Fraser Valley and Squamish-Lillooet). The proposed IMBL for TNS (ride-hailing) will support the regional rollout of the industry as companies will be able to operate in participating municipalities with only one business licence. Subsequent to Council's approval of the recommendations of this report, the IMBL will be effective as of April 1, 2020. The proposed amendments to the City's Vehicle for Hire Bylaw and Business License Bylaw will ensure a level playing field between TNS vehicles and taxicabs to the extent possible under the City's authority as detailed in this report.

Rob Costanzo
General Manager, Corporate Services

Appendix "I": *Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030*

Appendix "II": *Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031*

Appendix "III": *Summary of Proposed Amendments to City of Surrey Vehicle for Hire Bylaw, 1999, No. 13610*

Appendix "IV": *Proposed Amendments to City of Surrey Vehicle for Hire Bylaw, 1999, No. 13610*

Appendix "V": *Summary of Proposed Amendments to Business License Bylaw, 1999, No. 13680*

Appendix "VI": *Corporate Report No. Ro24; 2020*

CITY OF SURREY

BYLAW NO. 20030

A Bylaw to enter into an agreement among the Participating
Municipalities regarding an Inter-Municipal Transportation Network
Services Business Licence Scheme

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The Council of the City of Surrey, ENACT AS FOLLOWS:

1. The City is authorized to enter into an Agreement with the Participating Municipalities in substantially the form and substance of the Agreement attached to this Bylaw as Schedule 'A'.
2. The Mayor and the City Clerk are authorized on behalf of the Council to sign the Agreement.
3. Schedule 'A' forms a part of this Bylaw.
4. This Bylaw may be cited for all purposes as "Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030"

This Bylaw comes into force and takes effect on the 1st day of April, 2020.

PASSED FIRST READING on the th day of February, 2020.

PASSED SECOND READING on the th day of February, 2020.

PASSED THIRD READING on the th day of February, 2020.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the th day of , 2020.

_____MAYOR

_____CLERK

Schedule "A"

Inter-Municipal Transportation Network Services Business Licence Agreement

WHEREAS the City of Burnaby, the Corporation of Delta, the Corporation of the City of New Westminster, the City of Richmond, the City of Vancouver, the City of Abbotsford, the Village of Anmore, the Bowen Island Municipality, the City of Chilliwack, the City of Coquitlam, the Corporation of the District of Kent, the City of Langley, the Corporation of the Township of Langley, the Village of Lions Bay, the City of Maple Ridge, the Corporation of the City of North Vancouver, the Corporation of the District of North Vancouver, the Corporation of the City of Pitt Meadows, the Corporation of the City of Port Coquitlam, the City of Port Moody, the District of Squamish, the City of Surrey, the City of Vancouver, the Corporation of the District of West Vancouver, the Resort Municipality of Whistler, and the City of White Rock (the "Participating Municipalities"), wish to permit transportation network services ("TNS") businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

NOW THEREFORE the Participating Municipalities agree as follows:

1. The Participating Municipalities agree to establish an Inter-Municipal business licence scheme among the Participating Municipalities, pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.
2. The Participating Municipalities will request their respective municipal councils to each ratify this Agreement and enact a bylaw to implement an Inter-Municipal business licence scheme effective April 1, 2020.
3. In this Agreement:

"Accessible Vehicle" means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

"Administrative Costs" means the direct and indirect costs and investments attributable to setting up and administering the Inter-Municipal TNS Business Licence scheme, including wages, materials, corporate overhead and rent;

"Business" has the same meaning as in the *Community Charter*;

"Community Charter" means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;

"Inter-Municipal TNS Business" means a TNS Business that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;

"Inter-Municipal TNS Business Licence" means a business licence which authorizes an Inter-Municipal TNS Business to be carried on within the jurisdictional boundaries of any or all of the Participating Municipalities;

"Inter-Municipal TNS Business Licence Bylaw" means the bylaw adopted by the Council of each Participating Municipality to implement the Inter-Municipal TNS Business Licence scheme contemplated by this Agreement;

"Mobility Aid" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

"Municipal Business Licence" means a licence or permit, other than an Inter-Municipal TNS Business Licence, issued by a Participating Municipality that authorizes a Business to be carried on within the jurisdictional boundaries of that Participating Municipality;

"Participating Municipality" means any one of the Participating Municipalities;

"Premises" means one or more fixed or permanent locations where the TNS Business ordinarily carries on Business;

"TNS Business" means a person carrying on the business of providing Transportation Network Services;

"Transportation Network Services" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

"Vancouver Charter" means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

"Zero Emission Vehicle" means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

4. Subject to the provisions of the Inter-Municipal TNS Business Licence Bylaw, each Participating Municipality will permit a TNS Business that has obtained an Inter-Municipal TNS Business Licence to carry on the Business of providing Transportation Network Services within that Participating Municipality for the term authorized by the Inter-Municipal TNS Business Licence without obtaining a Municipal Business Licence for the TNS Business in that Participating Municipality.

5. All Inter-Municipal TNS Business Licences will be issued by the City of Vancouver.
6. The City of Vancouver may issue an Inter-Municipal TNS Business Licence to a TNS Business if the TNS Business is an Inter-Municipal TNS Business and meets the requirements of the Inter-Municipal TNS Business Licence Bylaw, in addition to the requirements of the City of Vancouver's License By-law No. 4450.
7. Notwithstanding that a TNS Business may hold an Inter-Municipal TNS Business Licence that would make it unnecessary to obtain a Municipal Business Licence for the TNS Business in the Participating Municipalities, the TNS Business must still comply with all orders and regulations under any municipal business licence bylaw in addition to those under any other bylaws, regulations, or provincial or federal laws that may apply within any jurisdiction in which the TNS Business carries on Business.
8. Any Participating Municipality may require that the holder of an Inter-Municipal TNS Business Licence also obtain a Municipal Business Licence for any Premises that are maintained by the licence holder within the jurisdiction of the Participating Municipality.
9. The annual Inter-Municipal TNS Business Licence fee is \$155, plus \$150 for each vehicle operating under the authority of the Inter-Municipal TNS Business, except that the per vehicle fee for Zero Emission Vehicles will be \$30, and there will be no per vehicle fee charged for Accessible Vehicles. Any fees paid by an applicant to any Participating Municipality for a Municipal Business Licence for the TNS Business prior to the availability of the Inter-Municipal TNS Business Licence that are not refunded by that Participating Municipality will be credited against the initial Inter-Municipal TNS Business Licence fee owing under this section 9.
10. The fee for any additional vehicles that begin operating under the authority of an Inter-Municipal TNS Business License holder after the annual license fee is paid will be the per vehicle fee set out in section 9, pro-rated by dividing the applicable annual per vehicle fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
11. The City of Vancouver will distribute the revenue generated from Inter-Municipal TNS Business Licence fees amongst all Participating Municipalities based on the City of Vancouver retaining an amount to cover its Administrative Costs, with the remaining fees to be distributed proportionally to the Participating Municipalities, including the City of Vancouver, based on the number of pick-ups and drop-offs in that Participating Municipality. The City of Vancouver will provide the other Participating Municipalities with an itemized accounting of the fees collected and disbursed, including an accounting of its Administrative Costs, at the time it distributes the remaining fees to those Participating Municipalities.

12. If the revenue generated from Inter-Municipal TNS Business Licence fees in the initial year is insufficient to cover the Administrative Costs relating to the initial set up of the scheme, then the City of Vancouver may retain such portion of the Inter-Municipal TNS Business Licence fees collected in the subsequent year or years as is necessary to reimburse the City of Vancouver for such initial Administrative Costs, until the full amount has been recovered.
13. Any revenue payable to a Participating Municipality in the initial year will be offset by any fees collected and not refunded by that Participating Municipality for a Municipal Business License for the TNS Business prior to the availability of the Inter-Municipal TNS Business Licence, and if the fees collected by the Participating Municipality exceed the amount owing to that Participating Municipality, then that Participating Municipality shall remit the difference to the City of Vancouver for inclusion in the revenue distribution set out above.
14. The revenue generated from Inter-Municipal TNS Business Licence fees collected from January 1 to December 31 inclusive that is to be distributed to the Participating Municipalities in accordance with section 11, including the fees collected for any additional vehicles under section 10, will be distributed by the City of Vancouver by February 28 of the year following the year in which fees were collected.
15. The length of term of an Inter-Municipal TNS Business Licence is 12 months, except that the length of term of the initial Inter-Municipal TNS Business Licence issued to an Inter-Municipal TNS Business by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the Inter-municipal TNS Business Licence with the calendar year, in which case the annual fee will be pro-rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
16. An Inter-Municipal TNS Business Licence will be valid within the jurisdictional boundaries of all of the Participating Municipalities until its term expires, unless the Inter-Municipal TNS Business Licence is suspended or cancelled. If a Participating Municipality withdraws from the Inter-Municipal TNS Business Licence scheme among the Participating Municipalities in accordance with the Inter-Municipal TNS Business Licence Bylaw, then the Inter-Municipal TNS Business Licence will cease to be valid within the jurisdictional boundary of that former Participating Municipality.
17. A Participating Municipality may exercise the authority of the City of Vancouver as the issuing municipality and suspend an Inter-Municipal TNS Business Licence in relation to conduct by the holder within the Participating Municipality which would give rise to the power to suspend a business licence under the Community Charter or Vancouver Charter or under the business licence bylaw of the Participating Municipality. The suspension will be in effect throughout all of the Participating Municipalities and it will be unlawful for the

holder to carry on the Business authorized by the Inter-Municipal TNS Business Licence in any Participating Municipality for the period of the suspension.

18. A Participating Municipality may exercise the authority of the of the City of Vancouver as the issuing municipality and cancel an Inter-Municipal TNS Business Licence in relation to conduct by the holder within the Participating Municipality which would give rise to the power to cancel a business licence under the Community Charter or Vancouver Charter or the business licence bylaw of the Participating Municipality. The cancellation will be in effect throughout all of the Participating Municipalities.
19. The suspension or cancellation of an Inter-Municipal TNS Business Licence under section 17 or 18 will not affect the authority of a Participating Municipality to issue a Municipal Business Licence, other than an Inter-Municipal TNS Business Licence, to the holder of the suspended or cancelled Inter-Municipal TNS Business Licence.
20. Nothing in this Agreement affects the authority of a Participating Municipality to suspend or cancel any Municipal Business Licence issued by that municipality or to enact regulations in respect of any category of Business under section 15 of the Community Charter or sections 272, 273, 279A, 279A.1, 279B, and 279C of the Vancouver Charter.
21. A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-Municipal TNS Business Licence scheme among the Participating Municipalities, and the notice must:
 - (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of Inter-Municipal TNS Business Licences, which date must be at least six months from the date of the notice; and
 - (b) include a certified copy of the municipal Council resolution or bylaw authorizing the municipality's withdrawal from the Inter-Municipal TNS Business Licence scheme.
22. Nothing contained or implied in this Agreement shall fetter in any way the discretion of the Councils of the Participating Municipalities. Further, nothing contained or implied in this Agreement shall prejudice or affect the Participating Municipalities' rights, powers, duties or obligations in the exercise of their functions pursuant to the Community Charter, Vancouver Charter, or the Local Government Act, as amended or replaced from time to time, or act to fetter or otherwise affect the Participating Municipalities' discretion, and the rights, powers, duties and obligations under all public and private statutes, bylaws, orders and regulations, which may be, if each Participating Municipality so elects, as fully and effectively exercised as if this Agreement had not been executed and delivered by the Participating Municipalities.

- 23. Despite any other provision of this Agreement, an Inter-Municipal TNS Business Licence granted in accordance with the Inter-Municipal TNS Business Licence Bylaw does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the Participating Municipalities. Furthermore, a business licence granted under any other Inter-Municipal TNS Business licence scheme is deemed not to exist for the purposes of this Agreement even if a Participating Municipality is a participating member of the other inter-municipal TNS Business licence scheme.
- 24. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original, and may be delivered by email or facsimile transmission, and each such counterpart, howsoever delivered, shall be deemed to be an original. Such counterparts together shall constitute one and the same instrument, notwithstanding that all of the Participating Municipalities are not signatories to the original or the same counterpart.
- 25. In the event that the municipal Council of a Participating Municipality other than the City of Vancouver does not ratify this Agreement, then that municipality will not be considered a Participating Municipality for the purposes of this Agreement, and the terms and conditions of this Agreement shall be effective as among the other Participating Municipalities.

Signed and delivered on behalf of the Participating Municipalities, the Councils of each of which have, by Bylaw, ratified this Agreement and authorized their signatories to sign on behalf of the respective Councils, on the dates indicated below.

The City of Abbotsford

Mayor

Clerk

Date

The Village of Anmore

Mayor _____

Chief Administrative Officer _____

Date _____

The Bowen Island Municipality

Mayor _____

Corporate Officer _____

Date _____

City of Burnaby

City Clerk _____

Date _____

The City of Chilliwack

Mayor _____

Clerk _____

Date _____

The City of Coquitlam

Mayor _____

Clerk _____

Date _____

The Corporation of Delta

Mayor _____

Clerk _____

Date _____

The Corporation of the District of Kent

Mayor _____

Chief Administrative Officer _____

Date _____

The City of Langley

Mayor _____

Corporate Officer _____

Date _____

The Corporation of the Township of Langley

Mayor _____

Township Clerk _____

Date _____

The Village of Lions Bay

Mayor _____

Corporate Officer _____

Date _____

The City of Maple Ridge

Mayor _____

Clerk _____

Date _____

The Corporation of the City of New Westminster

Mayor _____

City Clerk _____

Date _____

The Corporation of the City of North Vancouver

Mayor _____

Clerk _____

Date _____

The Corporation of the District of North Vancouver

Mayor _____

Clerk _____

Date _____

The Corporation of the City of Pitt Meadows

Mayor _____

City Clerk _____

Date _____

The Corporation of the City of Port Coquitlam

Mayor _____

Clerk _____

Date _____

The City of Port Moody

Mayor _____

City Clerk _____

Date _____

The City of Richmond

Chief Administrative Officer _____

General Manager
Corporate and Financial Services
Financial Services

Date _____

The District of Squamish

Mayor _____

Corporate Officer _____

Date _____

The City of Surrey

Mayor _____

City Clerk _____

Date _____

The City of Vancouver

Director of Legal Services

Date

The Corporation of the District of West Vancouver

Mayor

Corporate Officer

Date

The Resort Municipality of Whistler

Mayor

Municipal Clerk

Date

The City of White Rock

Mayor

Corporate Officer

Date

CITY OF SURREY

BYLAW NO. 20031

A bylaw to permit certain categories of businesses to operate across the jurisdictional boundaries while minimizing the need to obtain a separate municipal business licence in each jurisdiction.

.....

WHEREAS City of Burnaby, the Corporation of Delta, the Corporation of the City of New Westminster, the City of Richmond, the City of Vancouver, the City of Abbotsford, the Village of Anmore, the Bowen Island Municipality, the City of Chilliwack, the City of Coquitlam, the Corporation of the District of Kent, the City of Langley, the Corporation of the Township of Langley, the Village of Lions Bay, the City of Maple Ridge, the Corporation of the City of North Vancouver, the Corporation of the District of North Vancouver, the Corporation of the City of Pitt Meadows, the Corporation of the City of Port Coquitlam, the City of Port Moody, the District of Squamish, the City of Surrey, the City of Vancouver, the Corporation of the District of West Vancouver, the Resort Municipality of Whistler, and the City of White Rock (the "Participating Municipalities"), wish to permit licensed transportation network services ("TNS") businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

AND WHEREAS each of the Participating Municipalities has or will adopt a similar Bylaw and has or will enter into an agreement with the other Participating Municipalities to implement the Inter-Municipal business licence scheme;

NOW THEREFORE the Council of the City of Surrey ENACTS AS FOLLOWS:

1. There is hereby established an Inter-Municipal TNS Business Licence scheme among the Participating Municipalities, pursuant to Section 14 of the *Community Charter* and Section 192.1 of the *Vancouver Charter*.

2. In this Bylaw:

"Accessible Vehicle" means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

"Business" has the same meaning as in the Community Charter;

"Community Charter" means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;

"Inter-Municipal TNS Business" means a TNS Business that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;

"Inter-Municipal TNS Business Licence" means a business licence which authorizes an Inter-Municipal TNS Business to be carried on within the jurisdictional boundaries of any or all of the Participating Municipalities;

"Mobility Aid" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

"Municipal Business Licence" means a licence or permit, other than an Inter-Municipal TNS Business Licence, issued by a Participating Municipality that authorizes a Business to be carried on within the jurisdictional boundaries of that Participating Municipality;

"Participating Municipality" means any one of the Participating Municipalities;

"Premises" means one or more fixed or permanent locations where the TNS Business ordinarily carries on Business;

"TNS Business" means a person carrying on the business of providing Transportation Network Services;

"Transportation Network Services" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

"Vancouver Charter" means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

"Zero Emission Vehicle" means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

3. Subject to the provisions of this Bylaw, each Participating Municipality will permit a TNS Business that has obtained an Inter-Municipal TNS Business Licence to carry on the Business of providing Transportation Network Services within that Participating Municipality for the term authorized by the Inter-Municipal TNS Business Licence without obtaining a Municipal Business Licence for the TNS Business in that Participating Municipality.
4. All Inter-Municipal TNS Business Licences will be issued by the City of Vancouver.

5. The City of Vancouver may issue an Inter-Municipal TNS Business Licence to a TNS Business if the TNS Business is an Inter-Municipal TNS Business and meets the requirements of this Bylaw, in addition to the requirements of the City of Vancouver's License By-law No. 4450.
6. Notwithstanding that a TNS Business may hold an Inter-Municipal TNS Business Licence that would make it unnecessary to obtain a Municipal Business Licence for the TNS Business in the Participating Municipalities, the TNS Business must still comply with all orders and regulations under any municipal business licence bylaw in addition to those under any other bylaws, regulations, or provincial or federal laws that may apply within any jurisdiction in which the TNS Business carries on Business.
7. Any Participating Municipality may require that the holder of an Inter-Municipal TNS Business Licence also obtain a Municipal Business Licence for any Premises that are maintained by the licence holder within the jurisdiction of the Participating Municipality.
8. The annual Inter-Municipal TNS Business Licence fee is \$155, plus \$150 for each vehicle operating under the authority of the Inter-Municipal TNS Business, except that the per vehicle fee for Zero Emission Vehicles will be \$30, and there will be no per vehicle fee charged for Accessible Vehicles. Any fees paid by an applicant to any Participating Municipality for a Municipal Business Licence for the TNS Business prior to the availability of the Inter-Municipal TNS Business Licence that are not refunded by that Participating Municipality will be credited against the initial Inter-Municipal TNS Business Licence fee owing under this section 8.
9. The fee for any additional vehicles that begin operating under the authority of an Inter Municipal TNS Business License holder after the annual license fee is paid will be the per vehicle fee set out in section 8, pro-rated by dividing the applicable annual per vehicle fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
10. The length of term of an Inter-Municipal TNS Business Licence is 12 months, except that the length of term of the initial Inter-Municipal TNS Business Licence issued to an Inter-Municipal TNS Business by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the Inter-municipal TNS Business Licence with the calendar year, in which case the annual fee will be pro-rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.

11. An Inter-Municipal TNS Business Licence will be valid within the jurisdictional boundaries of all of the Participating Municipalities until its term expires, unless the Inter-Municipal TNS Business Licence is suspended or cancelled. If a Participating Municipality withdraws from the Inter-Municipal TNS Business Licence scheme among the Participating Municipalities in accordance with this Bylaw, then the Inter-Municipal TNS Business Licence will cease to be valid within the jurisdictional boundary of that former Participating Municipality.
12. A Participating Municipality may exercise the authority of the City of Vancouver as the issuing municipality and suspend an Inter-Municipal TNS Business Licence in relation to conduct by the holder within the Participating Municipality which would give rise to the power to suspend a business licence under the Community Charter or Vancouver Charter or under the business licence bylaw of the Participating Municipality. The suspension will be in effect throughout all of the Participating Municipalities and it will be unlawful for the holder to carry on the Business authorized by the Inter-Municipal TNS Business Licence in any Participating Municipality for the period of the suspension.
13. A Participating Municipality may exercise the authority of the City of Vancouver as the issuing municipality and cancel an Inter-Municipal TNS Business Licence in relation to conduct by the holder within the Participating Municipality which would give rise to the power to cancel a business licence under the Community Charter or Vancouver Charter or the business licence bylaw of the Participating Municipality. The cancellation will be in effect throughout all of the Participating Municipalities.
14. The suspension or cancellation of an Inter-Municipal TNS Business Licence under section 12 or 13 will not affect the authority of a Participating Municipality to issue a Municipal Business Licence, other than an Inter-Municipal TNS Business Licence, to the holder of the suspended or cancelled Inter-Municipal TNS Business Licence.
15. Nothing in this Bylaw affects the authority of a Participating Municipality to suspend or cancel any Municipal Business Licence issued by that municipality or to enact regulations in respect of any category of Business under section 15 of the Community Charter or sections 272, 273, 279A, 279A.1, 279B, and 279C of the Vancouver Charter.
16. A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-Municipal TNS Business Licence scheme among the Participating Municipalities, and the notice must:
 - (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of Inter-Municipal TNS Business Licences, which date must be at least six months from the date of the notice; and

- (b) include a certified copy of the municipal Council resolution or bylaw authorizing the municipality's withdrawal from the Inter-Municipal TNS Business Licence scheme.
- 17. The invalidity or unenforceability of any provision of this Bylaw shall not affect the validity or enforceability of any other provisions of this Bylaw and any such invalid or unenforceable provision shall be deemed to be severable.
- 18. Despite any other provision of this Bylaw, an Inter-Municipal TNS Business Licence granted in accordance with this Bylaw does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the Participating Municipalities.
- 19. A business licence granted under any other Inter-Municipal TNS Business licence scheme is deemed not to exist for the purposes of this Bylaw, even if a Participating Municipality is a participating member of the other Inter-Municipal TNS Business licence scheme.
- 20. This Bylaw shall come into force and take effect on the 1st day of April, 2020.
- 21. This Bylaw may be cited for all purposes as "Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031"

PASSED FIRST READING on the th day of February, 2020.

PASSED SECOND READING on the th day of February, 2020.

PASSED THIRD READING on the th day of February, 2020.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the th day of , 2020.

_____MAYOR

_____CLERK

**Proposed Amendments to
City of Surrey Vehicle for Hire By-law, 1999, No. 13610**

That *City of Surrey Vehicle for Hire By-law, 1999, No. 13610*, as amended, be further amended as follows:

- a. In the Contents section, make the following changes:
 - i. delete the following:

"14 Requirement to Hold a Chauffeur's Permit
14 Taxi Host Requirement";

and in their place, insert the following:

"14-14.1 Requirement to Hold a Chauffeur's Permit"
 - ii. delete the following:

"18-25 Tariff Requirements"
"18-25 Display of Tariffs and Permits"
"26-32 Taximeters";

and in their place, insert the word "deleted" below the headings for both "Part 4, Tariff Taxicabs", and "Part 5, Taximeters".
- b. In the Definitions section, under the definition for "Cab", delete the sub-definition for "Class "M" Tow Truck" in its entirety":
- c. In the Definitions section, insert a new definition after the definition for "Taxi Owner/Industry" as follows:

""Transportation Network Services"

has the same meaning as in the *Passenger Transportation Act*, S.B.C. 2004, c.39, as may be amended or replaced from time to time."
- d. In Section 12(a), remove the phrase "and has passed the Justice Institute of B.C. Taxi Host Programs"
- e. In Section 12(c), remove the phrase ", in the opinion of the Chief of Police and the Inspector, in a proper condition for the use intended, and is"
- f. Replace Section 13(e) in its entirety with the following:

"(e) Every vehicle for hire, but excluding cabs and Transportation Network Services vehicles, shall be inspected by the City of Surrey's designated Inspector, prior to issuance of a vehicle license, or renewal of a vehicle

license. All vehicles for hire shall be in compliance with this By-law and all applicable provincial enactments."

- g. Delete Sections 14(m) and 14(n) in their entirety and add a new Section 14.1 as follows:
 - "14.1. Notwithstanding Section 14, a cab driver and a Transportation Network Services driver are exempt from the requirement to hold a Chauffeur's Permit and cabs and Transportation Network Services vehicles are exempt from all other requirements specified in Section 14."
- h. In Section 16, replace the word "cab" with the words "tow truck" in all occurrences
- i. Replace Section 17 in its entirety with the following:
 - "17. The taxicab license is deemed to be suspended if the vehicle does not pass a safety inspection by the Motor Vehicle Branch or other duly authorized agent, and such vehicle for hire plate to be surrendered upon request of the Inspector and held till proof of required repairs has been provided to, and meets the Inspector's satisfaction."
- j. Delete the entire text under the heading "Part 4, Tariff Taxicabs", and replace with the words "Deleted by Bylaw No. 20029"
- k. Delete the entire text under the heading "Part 5, Taximeters", and replace with the words "Deleted by Bylaw No. 20029"
- l. In "Part 6, Driver Training", delete the subheading "Driver Training School" and delete the text in Sections 33, 34 and 35 and replace with the words "Deleted by Bylaw No. 20029"
- m. In Section 58, replace the words "seven (7)" with the words "ten (10)"
- n. In Section 69, insert the following phrase after the word "hire":
 - ", excluding cabs and Transportation Network Services vehicles,"
- o. Delete the text in Section 74 and replace with the words "Deleted by Bylaw No. 20029"
- p. Delete the text in Sections 77 and 78 and replace with the words "Deleted by Bylaw No. 20029"
- q. In Section 84(d), replace the word "speedometer" with the word "odometer"
- r. Delete the text in Section 94 and replace with the words "Deleted by Bylaw No. 20029"
- s. Schedule E is amended by deleting the text and fine amounts under line items 12, 14, 17, 18 and 19 and replace the text in each instance with the word "Deleted "

CITY OF SURREY

BY-LAW NO. 13610

As amended by By-law No. 13709, 05/03/99; 14160, 07/09/01 (Repealed by B/L 14540); 14485, 07/23/01; 14531, 10/22/01; 14540, 02/18/02; 14638, 02/25/02; 14824, 03/10/03; 16533, 01/14/08; 17083, 12/14/09; 17328, 01/10/11; 17570, 02/06/12; 17576, 02/06/12; 17846, 12/17/12; 18139, 01/13/14; 18361, 01/12/15; 18410, 02/23/15; 18453, 05/25/15; 18593, 12/14/15; 18786, 07/25/16; 18985, 12/19/16; 19161, 04/03/17; 19313, 07/27/17; 19451, 12/04/17; 19431, 12/18/17; 19549, 04/23/18; 19571, 05/07/18; 19779, 02/25/19; 19790, 03/11/19; ~~20029, xxxxxxx~~

THIS IS A CONSOLIDATED BYLAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

WHEREAS under its statutory powers, including Sections 653, 679 and 681 of the Municipal Act, R.S.B.C. 1996, c. 323, as amended, the Council of the City of Surrey enacts the following provisions:

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PART 1
INTRODUCTORY PROVISIONS

Title

1. This By-law may be cited as "City of Surrey Vehicle for Hire By-law, 1999, No. 13610".

Definitions

2. In this By-law:

"Act"

means the Municipal Act, R.S.B.C. 1996, c. 323, as amended.

"Applicant"

means any person who makes an application for any license, or transfer of any license, under the provisions of this By-law.

"Assistance Dog"

means a dog specifically trained to assist a blind, deaf or other physically disabled person in the performance of daily activities.

"Attached"

means attached by an approved lifting device and in a towaway position.

"By-law Enforcement Officer"

means the person appointed as such by the City of Surrey to enforce City By-laws.

"Cab"

means a vehicle for hire used for the transportation or conveyance of persons or property for hire, and without limiting the generality of the foregoing, shall for the purpose of this By-law, include the following classifications of different kinds or types of cabs:

"Class "A" Taxicab"

means a cab defined as a four door sedan motor vehicle, mini-van, mini-bus or vehicle altered or constructed for use as a handicap van having a seating capacity of not less than four and not more than seven passengers.

"Class "B" Limousine"

means a four door limousine sedan type motor vehicle having a rated seating capacity for not less than six passengers but not more than ten passengers and used for the carrying of one or more passengers by charter.

"Class "C" Sight Seeing Cab"

means a cab used for sight seeing trips, and having a seating capacity of ten or more persons.

"Class "D" Airport Cab"

means a taxicab with a license issued by another municipality which license is equivalent to a Class "A" license issued hereunder and used exclusively in the City of Surrey for transporting passengers from the Vancouver International Airport to any point within the Province of British Columbia and is licensed accordingly under the Motor Carrier Act and the Vancouver Airport Taxi Authority.

"Class "E" Motor Stage"

means a cab having a rated seating capacity of not less than twelve persons, used exclusively for the carrying of passengers (and such baggage and chattels as are incidental to the operation of a motor stage) to or from the City and operated at any time or from time to time over a stated route or between fixed termini or on a regular time or toll schedule.

"Class "F" Ambulance"

means a cab other than one owned or operated by the Province of British Columbia used exclusively for the conveyance of sick or injured persons from place to place providing non-emergency ambulatory services or hospital patient transports for a fee or remuneration.

"Class "G" Funeral Cab"

means a cab used exclusively for the transportation of persons incidental to a funeral.

"Class "H" School Cab"

means a cab used for the conveyance of children to or from (or both to and from) school and operated by or under contract with the owner (or other authority in charge) of such school, but does not mean a "School Bus" owned or leased and operated by any School District of the Province of British Columbia.

"Class "I" Charter Cab"

means a cab having a rated seating capacity of eight or more passengers and operated for the carrying of parties by charter.

"Class "K" Driving Training Cab"

means a motor vehicle equipped and used for the purpose of teaching others to drive motor vehicles including commercial vehicle Training Units.

"Class "L" Driving Test Cab"

means a motor vehicle which may be hired by a person to take a driving test in order to obtain a driver's license under the Motor Vehicle Act, R.S.B.C. 1996, c. 318 (the "Motor Vehicle Act"), as amended.

~~"Class "M" Tow Truck"~~

~~means a vehicle which has been designed or altered and equipped to transport upon a highway undamaged, damaged, disabled or abandoned vehicles together with personal effects and/or cargo by towing or hoisting with a certified capacity crane, hoist, tow bar, tow dolly or other wrecker equipment certified for the purpose intended by a Professional Engineer licensed by the Province of British Columbia.~~

"Class "N" Disabled Cab"

means a cab of a type and design which is used primarily for transporting a person who is defined in this By-law as a disabled person.

"Cab Office"

means any building or place other than a public stand from which cabs may be hired, or are dispatched, and in which are kept the owner's records, and shall include any place where drive-self cabs or trucks may be ordered, hired or rented.

"Chauffeur"

means a person who drives or operates a motor vehicle which is driven or operated for hire, or who, as an employee hired or engaged solely or in part for the purpose of driving or operating a motor vehicle of another person, drives or operates that motor vehicle.

"Chauffeur's Permit"

means a permit issued by the City of Surrey and Surrey RCMP required to be held by a chauffeur, pursuant to the provisions of this By-law and Section 36 of the B.C. Motor Vehicle Act (R.S. Chapter 318) and any other Provincial Enactments or regulations.

"Chief By-law Enforcement Officer"

means the Manager of the By-law Enforcement and Licensing Section for the City, or designate.

"Chief Of Police"

means the Officer in Charge, Surrey Detachment, Royal Canadian Mounted Police, and includes any member of the R.C.M.P. appointed or designated by the Chief of Police.

"City"

means the City of Surrey.

"Council"

means the Council of the City of Surrey.

"Disabled Person"

means, for the purposes of this By-law only, a person whose mobility is demonstrably limited as the result of a permanent or temporary disability which makes it difficult or impossible to utilize conventional taxicab transportation.

"Driver"

includes every person who drives a cab, chauffeurs as herein defined, and any other person driving or in charge of any vehicle for hire.

"Driver Training School"

means a person, association, partnership, or corporation engaged in the business of providing theoretical or practical training, or both, and education in driving or operating motor vehicle.

"Dual Taxicab"

means a 4 door motor vehicle having a seating capacity of not less than 4 and not more than 7 passengers including passenger confined to a wheelchair.

"Funeral Cab"

means a motor vehicle used exclusively for the transportation of persons incidental to a funeral.

"Hire"

means the fare, toll, fee or rate charged or collected from any person for the transportation of a person or persons or chattels of persons.

"Inspector"

means the person appointed from time to time by By-law or resolution of Council as a License Inspector or By-law Enforcement Officer for the City of Surrey.

"Motor Stage"

means a motor vehicle having a seating capacity of 12 or more passengers used for the carrying of persons within the City and operated at any time or from time to time over a route or between fixed termini or on a regular time or toll schedule.

"Motor Vehicle"

includes automobiles, motorcycles and all other vehicles propelled otherwise than by muscular power, excepting trailers.

"Operator"

includes the proprietor or other person having the conduct or operation of any vehicle for hire.

"Parking Lot"

means an area of land, or land and building, which is used for the purpose of providing parking facilities for motor vehicles but does not include an area where such parking is an ancillary use to a single family dwelling on the same area of land.

"Peace Officer"

means a constable or a person having a constable's powers.

"Permit"

means the permit required to be held by a Chauffeur pursuant to the Motor Vehicle Act.

"Safety Chains"

means the device which couples a vehicle in tow to the tow-car and which is firmly attached to a structurally adequate integral part of the frame of each vehicle.

"Seating Capacity"

means the rate passenger load assigned to a motor vehicle by its manufacturer but when used in combination with "passengers" does not include the driver.

"Shared Ride Van"

means a motor vehicle used for carrying passengers on a trip originating or terminating within the City where arrangements respecting the hire of the vehicle have been made prior to its arrival to pick up passengers and includes a U-Drive used for this purpose but does not include any other vehicle for hire classified in *Surrey Fee-Setting By-law, 2001, No. 14577*.

"String Lights"

means accessory lights hooked up from a tow truck to a vehicle in tow to ensure the operation of tail lights, brake lights and turn signals on the vehicle being towed.

"Taximeter"

means any mechanical or electronic instrument or device by which the charge for transportation in any taxicab is mechanically or electronically calculated, either for distance travelled or for waiting time, or both, and upon which the charge is indicated by means of figures.

"Taxi Owner/Industry"

That person who owns or leases a taxicab that is currently licensed by the Motor Carrier Commission.

"Transportation Network Services"

has the same meaning as in the Passenger Transportation Act, S.B.C. 2004, c.39, as may be amended or replaced from time to time.

"Tow Truck"

means a vehicle which has been designed or altered and equipped to transport upon a highway undamaged, damaged, disabled or abandoned vehicles together with personal effects and/or cargo by towing or hoisting with a certified capacity crane, hoist, tow bar, tow dolly or other wrecker equipment certified for the purpose intended by a Professional Engineer licensed by the Province of British Columbia.

"Used"

where it appears in this By-law, means used or intended, designed, or kept for use.

"Vehicle for Hire"

means a vehicle used for the carrying, transportation or conveyance of persons or property for hire and, without limiting the generality of the foregoing, shall for the purpose of this By-law include the following classifications:

"Airport Shuttle Bus"

means a motor vehicle used exclusively to transport persons from an Airport Transporter to any point in the City or from any point in the City to an Airport Transporter at no cost to the passenger.

"Airport Transporter"

means a motor vehicle of a type and design of a bus or van with a seating capacity of 7 or more passengers and that is used exclusively to transport passengers to an airport.

"Antique Charter Limousine"

means a 4 door sedan motor vehicle which is at least 50 years of age and is used for carrying persons by charter.

"Charter Bus"

means a motor vehicle having a seating capacity of 10 or more passengers and operated as a sightseeing venture over a fixed or predetermined route of travel and charging a certain sum per person for each trip or by charter to transport persons on a prearranged basis to a specified location.

"Charter Limousine"

means a 4 door sedan motor vehicle having a seating capacity of 6 or more passengers and used for carrying persons by charter where arrangements respecting the hire of the vehicle have been made prior to its arrival to pick up passengers.

"Charter Van"

means a motor vehicle having a seating capacity of not less than 6 and not more than 9 passengers and used for carrying persons and their equipment by charter to destinations outside the City where arrangements respecting the vehicle have been made prior to its arrival to pick up passengers.

"Driver Instruction Vehicle"

means a motor vehicle equipped and used for the purpose of teaching others to drive motor vehicles.

"Dual Taxicab"

means a 4 door motor vehicle having a seating capacity of not less than 4 and not more than 7 passengers including one passenger confined to a wheelchair.

"Funeral Cab"

means a motor vehicle used exclusively for the transportation of persons incidental to a funeral.

"Handicapped Cab"

means a motor vehicle of a type and design of a bus or a van that is used primarily for transporting handicapped persons including passengers who are confined to wheelchairs.

"Motor Stage"

means a motor vehicle having a seating capacity of 12 or more passengers used for the carrying of persons from the City and operated at any time or from time to time over a route or between fixed termini or on a regular time or toll schedule.

"Public Bus"

means a motor vehicle having a seating capacity of more than 7 passengers, which is operated for the purpose of providing transportation to persons who have not prearranged to be transported on a specific trip. It does not include a vehicle coming within any of the classes more specifically defined in this section, but does include a vehicle operated by the Metro Transit Operating Company or as part of a service established under the British Columbia Transit Act.

"School Cab"

means a motor vehicle used for the conveyance of children to or from school and operated by or under contract with the owner or person in charge of the school.

"Shared Ride Van"

means a motor vehicle used for carrying passenger on a trip originating or terminating within the City where arrangements respecting the hire of the vehicle have been made prior to its arrival to pick up passengers and includes a U-Drive used for this purpose but does not include any other vehicle for hire classified in Schedule A of this By-law.

"Taxicab"

means a 4 door sedan motor vehicle having a seating capacity of not less than 4 and not more than 7 passengers.

"Tow Truck"

means a vehicle which has been designed or altered and equipped to transport upon a highway undamaged, damaged, disabled or abandoned vehicles together with personal effects and/or cargo by towing or hoisting with a certified capacity crane, hoist, tow bar, tow dolly or other wrecker equipment certified for the purpose intended by a Professional Engineer licensed by the Province of British Columbia.

Non-applicability

3. The provisions of this By-law shall not apply to any vehicle for hire owned by B.C. Transit and operated in conjunction with its transportation system or the B.C. Ambulance Service.

PART 2

LICENSING

Issuance of Licenses

4. Licenses issued under the provisions of this By-law, unless the same become sooner forfeited, shall be for the calendar year current at the time of issuing thereof, and shall expire on the 30th day of April next succeeding the date of issue of same and no proportionate reduction of the license fee as set out in *Surrey Fee-Setting By-law, 2001, No. 14577*, which license fee shall be described as an Annual License Fee, shall be made on account of any person commencing or ceasing to do business after the beginning of the calendar year.
5. It shall be unlawful for any person to carry on, engage in, own or operate any of the several trades, occupations, callings or business undertakings or things classified, described or named in this By-law without first having obtained from the City a license, and without having paid the respective license fee applicable thereto as set out in the *Surrey Fee-Setting By-law, 2001, No. 14577*.

Number of Licenses

6. The number of vehicles which may be licensed by the City of Surrey for use as a Class "A" Taxi Cab is limited to 487 and may only be increased by an application to Council from the taxi industry and within the guidelines of the Motor Carrier Commission and any such increase in license plates shall be offered to public bids from the taxi industry, provided that a Motor Carrier License is held by the bidder.

Conditions of License

7. The granting of any license as herein provided for shall be conditional upon the strict observance of this and all other By-laws applicable to the granting of licenses in the City; and it is hereby made an express condition of the granting of any license that the licensee shall observe all By-law of the City and non-compliance with any of the provisions of said By-laws shall be deemed to be a breach of the conditions under which such license was granted, and shall render such license subject to revocation by the Council.
8. All applications for licenses or transfers of licenses, except as is otherwise provided for, shall be made to the Inspector on an application form to be provided for that purpose.

9. Upon receipt of any application for a license, or transfer of a license, for the operation of a taxicab or of an ambulance, and before issuing any such license or transfer in respect thereof, the Inspector shall make full inquiry as to whether the applicant or transferee is a suitable person to hold such a license; provided, however, that this will not be required in the case of an applicant for a renewal without alteration, of a license held during the previous license period. The Inspector will submit such an application, together with the full report on the results of his inquiry to the Council to issue or refuse such license or transfer thereof pursuant to the relevant sections of the Municipal Act and of this By-law.
10. Every person to whom a license has been granted shall keep an established place of business in the City, and shall notify the Inspector, in writing, of the address of the premises where such person keeps his records of operation of his business, and such license shall be kept conspicuously posted in such premises. The person to whom a license has been granted shall immediately notify the Inspector, in writing, of any change of such address. No license shall be issued for the operation of taxicab business unless the applicant shall have a business telephone and be listed in the Telephone Directory under the trade name by which he operates, or if no such name, then under his own name. The place of business herein referred to may be the taxicab office of another licensee under this By-law, provided that a Class "D" Airport Cab may satisfy all requirements relating to place of business contained in this By-law by designating their place of business as that place of business for which it is licensed in another municipality.
11. Every person to whom a license has been granted shall, at all reasonable times, permit the Chief of Police and the Inspector, to inspect any place, premises of thing in respect of which such license has been granted and these shall include trip records and or log books and safety records.
12. No license with respect to the operation of a taxicab business pursuant to the provisions of this By-law shall be granted or held unless:
 - (a) the applicant shows that he has reached the age of 19 years, and that all drivers employed by him are of good character, can speak, write and read the English language, possess an intimate knowledge of the geography of the City and its traffic regulations, and of the contents of this By-law, and that he is willing and able to maintain a continuous and satisfactory service to the public during the occurrence of such license, and is in all respects a fit and proper person to hold such license ~~and has passed the Justice Institute of B.C. Taxi Host Programs;~~
 - (b) the applicant is the registered owner of the cab with respect to the operation of which a license has been applied for;
 - (c) such cab is, ~~in the opinion of the Chief of Police and the Inspector, in a proper condition for the use intended, and is~~ of the standard and is equipped as required by this By-law, and complies in all respects, with the "Motor Vehicle Act" and any other applicable Act of the Province of British Columbia, and the regulations passed pursuant to such Act, as far as the same may be applicable;
 - (d) the appropriate license has been issued by the Motor Carrier Commission prior to the application to the City of Surrey.

Persons Licensed in Another B.C. Municipality

13. Notwithstanding Section 5 of this By-law, a person not licensed pursuant to this By-law but holding a current taxicab license from another British Columbia municipality may pick up passengers within the City provided that the passengers have made prior arrangements for the pick up, and the destination of the passengers is within the municipality where the owner or operator of the taxicab is originally licensed under the Motor Carrier Act.
- (a) The Inspector shall furnish, at the cost determined by the City, to each person taking out a license with respect to the operation of a vehicle for hire (except a cab or truck, driving instruction cab, driving test cab or Ambulance) a plate for each vehicle for hire kept or used by such person; such plate to be the property of the City; and on cancellation or suspension of the license corresponding thereto, or represented thereby, such person shall forthwith return such license plate to the Inspector.
 - (b) Every person licensed shall keep such plate on each vehicle for hire in a place designated by the Inspector and must be securely attached to the designated vehicle at all times.
 - (c) No person shall exhibit any plate issued pursuant to this Section on any vehicle for hire which use has not been approved by the Inspector.
 - (d) In case of loss, mutilation or destruction of any plate furnished pursuant to this Section, upon receipt of a written application accompanied by proof satisfactory to the Inspector of such loss, mutilation or destruction, the Inspector may issue a duplicate plate, the fee in accordance to *Surrey Fee-Setting By-law, 2001, No. 14577*.
 - (e) Every vehicle for hire, [but excluding cabs and Transportation Network Services vehicles](#), shall be inspected by the City of Surrey's designated Inspector, prior to issuance of a vehicle license, or renewal of a vehicle license, ~~and each vehicle~~. [All vehicles for hire](#) shall be in compliance with this By-law and all applicable provincial enactments.

Requirement to Hold a Chauffeur's Permit

14. No person shall drive a licensed vehicle for hire other than a drive-self cab, drive-self truck, or driving test cab, who is not the holder of a valid and subsisting Chauffeur's Permit. This permit to be obtained from the Surrey RCMP and the City of Surrey.
- (a) Every person applying for a Chauffeur's Permit shall make application to the Chief Constable, or his designate, who may grant or refuse to grant a permit.
 - (b) Notwithstanding the generality of Subsection (a), the Chief Constable shall refuse to issue a permit until the Chief Constable is satisfied that the applicant has successfully completed a training course for drivers that has been approved the Inspector and that includes at least 27 hours of training designed to develop and enhance the driver's knowledge, skills and attitudes.
 - (c) In the event of a refusal to issue a Chauffeur's Permit, Section 36 of the Motor Vehicle Act applies.

- (d) No application pursuant to Subsection (a) shall be considered by the Chief Constable unless it is accompanied by a letter from the owner of taxicab or limousine licensed in the City of Surrey indicating an intent to hire the applicant once the Chauffeur's Permit has been granted.
- (e) Every person who drives, operates or is in charge of a taxicab, limousine or any other vehicle for hire shall, when requested by a police officer or the Inspector, produce a Chauffeur's Permit for inspection.
- (f) Application for a Chauffeur's Permit shall be made in person by the applicant to the Chief Constable on the form provided as Schedule "F" hereto, and every applicant for a Chauffeur's Permit shall indicate on his application his name, home address, phone number, birth date, birth place, height, weight, complexion, colour of hair and yes, driver's license number, identifying marks such as scars, tattoos, next of kin and their address and record of criminal conviction and driving record, if any, within the preceding five year period.
- (g) No Chauffeur's Permit shall be issued, under this By-law, until the applicant shall have satisfied the Chief constable, upon his full enquiry, that the applicant is in all respects a fit and proper person to hold such Chauffeur's Permit.
- (h) Every person holding a Chauffeur's Permit, under this By-law, shall, upon changing his resident address, notify the Chief Constable thereof, in writing, within two (2) days, giving his new resident address.
- (i) Every person holding Chauffeur's Permit shall comply with all applicable provisions of this and any other By-law of the City.
- (j) Where the person holding a Chauffeur's Permit under this By-law, for any reason, in the opinion of the Chief Constable is unfit to act as a chauffeur, the Chief Constable, upon proof to his satisfaction of such unfitness, may suspend or cancel the said Chauffeur's Permit.
- (k) Where an applicant for a Chauffeur's Permit is refused, or a Chauffeur's Permit is suspended or cancelled by the Chief Constable, the Chief Constable shall within twenty four (24) hours after such refusal, suspension, or cancellation notify the applicant or holder in writing of the said refusal, suspension or cancellation, stating the grounds, and an appeal shall lie to Council from the said refusal, suspension or cancellation.
- (l) Chauffeur Permits issued under the provisions of this By-law shall be issued every three (3) years so as to terminate on the 30th day of April next succeeding the date of issue, except those for operators of a Cab, Class A taxicabs, Class B Limousines, Class C sightseeing cab, Class D airport cab, Class H school cab, shall be renewed yearly.
- ~~(m) All cab operators, operating in the City of Surrey will be required to have completed and passed the B.C. Justice Institutes Level 1 Taxi Host Training Program by December 31, 1999 and will be required to have completed and passed the Justice Institutes Level 2 Taxi Host Training Program by December 31, 2000.~~
- ~~(n) Despite Subsection (l), operators of a cab, Class A taxi cabs, Class B Limousines,~~

~~Class C sightseeing cab, Class D airport cab, Class H school cab who have held a Chauffeur Permit for a minimum period of five (5) years and who have had:~~

- ~~(1) no more than two (2) traffic violation tickets;~~
- ~~(2) no administrative driving prohibitions or penalties;~~
- ~~(3) no criminal record; and~~
- ~~(4) no convictions for traffic related offences;~~

~~during the most recent five year period and who are not subject to a charge for an offence, may renew their Chauffeur Permits for two (2) years and every two (2) years thereafter provided they have had no more than two (2) traffic violation tickets, no administrative driving prohibitions or penalties, no criminal record, and no convictions for traffic related offices within the two (2) year permit period and provided they are not subject to a charge for an offence.~~

14.1 Notwithstanding Section 14, a cab driver and a Transportation Network Services driver are exempt from the requirement to hold a Chauffeur's Permit and cabs and Transportation Network Services vehicles are exempt from all other requirements specified in Section 14.

PART 3

DUTIES OF CHIEF OF POLICE AND INSPECTOR

Supervision of Licensees

15. The Chief of Police and the Inspector shall have supervision over all persons licensed or required to be licensed and vehicles regulated under the provisions of this By-law, and over any premises used in connection with the operation of any vehicle for hire or any business or occupation carried on or conducted or incidental thereto.
16. The Inspector may in connection with the provisions of this By-law;
 - (a) examine and inspect the eabtow truck of every applicant for a license which is intended to be used by him for the purpose of his business and to determine the fitness of such eabtow truck for the purpose for which it is intended to be used prior to a license being issued or renewed.
 - (b) examine every applicant for a license to operate a eabtow truck;
 - (c) enforce the provisions of this By-law.

Powers of the Chief of Police or Inspector

~~17. The Chief of Police or Inspector~~

- ~~(a) once every six months cause to be examined and inspected all taxicabs required to be licensed as to the construction, type and fitness of any such cab and any mechanical or electronic device or equipment used thereon or therewith and every taxi meter shall be tested for accuracy, with authority for such purpose to impose and apply any reasonable test as to construction, type and fitness which he may designate; subject, however, to the provisions of any statutes applicable thereto;~~
- ~~(b) keep a record of all taximeters in use, the number of same, and the Provincial~~

~~License number of the vehicle to which same is attached;~~

~~(c) supervise the issuance of Chauffeur's Permits and satisfy himself that the requirements of this schedule have been met by an applicant for a Chauffeur's Permit.~~

17. The taxicab license is deemed to be suspended if the vehicle does not pass a safety inspection by the Motor Vehicle Branch or other duly authorized agent, and such vehicle for hire plate to be surrendered upon request of the Inspector and held till proof of required repairs has been provided to, and meets the Inspector's satisfaction.

PART 4

TARIFF TAXICABS

Tariff Requirements

~~18. No owner or driver of the taxicab shall charge, demand, collect or receive any fare or charge except as set out in the Tariff Fares approved by the Motor Carriers Commission.~~

~~19. The owner and driver of every cab shall display thereon a tariff card containing the approved rates of hire authorized by the Motor Carrier Commission.~~

~~20. Such tariff card shall be kept and displayed in a place designated by the Chief of Police or Inspector and must be visible at all times to the passenger.~~

~~21. No person shall remove, mutilate, deface or dispose of such tariff card.~~

~~22. Each taxicab shall have prominently posted inside the taxicab the fleet number of the vehicle and company name and telephone number.~~

~~23. Every driver and operator of a taxicab shall properly display their Chauffeur's Permit along with a picture of the operator of the taxicab in a visible location for the fare to be able to observe.~~

~~24. Every taxicab shall have prominently displayed inside the vehicle of a telephone number which can be used to register a complaint regarding the taxicab or driver.~~

~~25. Each taxicab shall have a "top light" with the word "TAXI" or "CAB". This top light shall be illuminated when the taxicab is available for hire.~~

~~(a) No person operating a taxicab shall make a charge for additional passengers.~~

~~(b) No person operating a taxicab shall make a charge for hand baggage such as luggage and parcels carried with passengers engaging the licensee.~~

~~(c) A person operating a taxicab, may, for each trunk carried with passengers engaging a licensee, charge a fee in accordance to *Surrey Fee Setting By law, 2001, No. 14577.*~~

~~(d) The passenger or passengers shall pay all ferry, bridge or tunnel tolls, both going and coming, applicable to the cab and its occupants.~~

~~(e) No person operating a taxicab shall refuse to carry a passenger who is accompanied by a certified assistance dog.~~

- ~~(f) — No person operating a taxicab shall refuse service to a handicapped fare or charge a surcharge for the loading of said handicapped person unless such surcharge has been approved by the Motor Carrier Commission and the fare has been pre advised of such surcharge.~~

Deleted by Bylaw No. 20029

PART 5

TAXIMETERS

- ~~26. — All taximeters shall mechanically or electronically register the distance and corresponding rate or charge thereof while under hire, and shall be kept in a condition ensuring accuracy and continuous registration during hire, and shall be so installed as to be automatically operated when the taxi is in motion as well as when such vehicle is standing under hire.~~
- ~~27. — No person shall drive or operate any taxicab unless such taxicab is equipped with a taximeter which is in compliance with the requirements of this By law and any other provincial enactment.~~
- ~~28. — The taximeter requirements set out in this By law shall not apply in any case where a taxi is equipped with a taximeter which has been approved under the By law of any other City, town, district, Township, village or local district in which such taxicab is licensed.~~
- ~~29. — No person shall use or permit to be used in any taxicab a taximeter which registers more than two per centum (2%) incorrectly.~~
- ~~30. — Every taximeter not approved subject to Section 28 shall be:~~
- ~~(a) — submitted to the Chief of Police or the Inspector when required for testing, inspecting and sealing; and no taximeter shall be used on any taxi until the same has been inspected, tested, and sealed by the Chief of Police or the Inspector in such manner as he may deem advisable, and until the same has been certified as accurate;~~
 - ~~(b) — adequately illuminated at all times when in use between dusk and dawn;~~
 - ~~(c) — used only when the seal thereon is intact;~~
 - ~~(d) — installed and placed at the right side of the driver and in such position that the fare to be paid by the passenger may be easily read from the rear seat, and shall be so placed in the taxicab that the signal lever indicating whether or not the meter is registering, be in plain view both from within and without the taxicab;~~
 - ~~(e) — adjusted in accordance with the mileage rate or fares enumerated and specified by the Motor Carriers Commission;~~
 - ~~(f) — tested from time to time by running the vehicle to which it is attached over a measured track or distance before being sealed or upon receipt of accuracy from a certified technician;~~
 - ~~(g) — used for a period not longer than six months without testing and resealing;~~
 - ~~(h) — kept in good working condition at all times, and not used when defective in any way.~~

- ~~31. — No driver of any taxicab shall, while carrying passengers or under engagement, display a signal lever or any sign at such position as to denote that such taxicab is not engaged.~~
- ~~32. — The driver of every taxicab shall place the signal lever of the taximeter in a recording position immediately on the commencement of a trip with a passenger, and at the termination of such trip shall place the signal lever in the non-recording position and shall call the attention of the passenger to the amount of the fare registered on the meter.~~

~~Deleted by Bylaw No. 20029~~

PART 6 DRIVER TRAINING

~~Driver Training School~~

- ~~33. — No license shall be issued for the operation of a Driver Training School until the applicant has complied in every respect, with the provisions of the Motor Vehicle Act and Regulations of the Province of British Columbia, and it is hereby made a condition that, in addition to the provisions of this By-law, that the provisions of the Motor Vehicle Act and Regulations of the Province of British Columbia shall apply mutatis mutandis to this By-law; and non-compliance with any of the provisions of the said Regulations shall be deemed to be a breach of the conditions of this By-law.~~
- ~~34. — Every person to whom a license has been granted under the provisions of this By-law for the operation of a Driver Training School, whose license issued under the provisions of the Motor Vehicle Act and Regulations of the Province of British Columbia has been suspended or revoked, shall render his license granted under the provisions of this by-law subject to suspension by the Inspector or revoked at the pleasure of Council.~~
- ~~35. — No person shall carry on the business of teaching or instructing, nor shall he be employed in such capacity by the operator of a Driver Training School, who is not the holder of a valid and subsisting Driver Training Instructor's license issued in accordance with the provisions of the Motor Vehicle Act and Regulations of the Province of British Columbia.~~

~~33. Deleted by Bylaw No. 20029~~

~~34. Deleted by Bylaw No. 20029~~

~~35. Deleted by Bylaw No. 20029~~

Requirements of Driver Training Cab

36. Every driver training cab:
- (a) shall be equipped in accordance with the provisions of Section 27 of the Motor Vehicle Act and Regulations of the Province of British Columbia; or any other provincial enactments or regulations
 - (b) shall, while in use, be under the control of a driving instructor in accordance with the Motor Vehicle Act and Regulations of the Province of British Columbia;

- (c) shall, while in use, be occupied only by an instructor and the pupil, except that in the case of a student from any Senior Secondary School or other group or organization receiving instruction, three additional students from that school, group or organization may be passengers in the cab;
 - (d) shall conform to the requirements, as to mechanical fitness in all respects imposed by this By-law, and shall at all times while in use, display a valid and subsisting testing sticker issued in accordance with the provisions of the Motor Vehicle Act of the Province of British Columbia.
37. No person shall carry on the business of teaching or instructing in the driving of a motor vehicle unless he uses for that purpose a driving instruction cab conforming to the requirements set out in Subsection (a) of Section 36.
38. Every motor vehicle used as a driving test cab, while under hire, shall not be occupied by any person except the driver being tested and the testing officer.

PART 7

TOW TRUCKS

39. (1) Every person to whom a tow truck license has been granted shall keep an established place of business within the City pursuant to the provisions of the Zoning By-law No. 12000 of the City of Surrey and shall notify the Chief of Police and Inspector, in writing, of the address, or any change thereof, of the premises where such person keeps his books and records of the operation of his business and make application to the Business License Section for a change of address, as per the requirements set out in Section 26 of Business License By-law, 1999, No. 13680.
- (2) Every driver of a tow truck shall keep a daily record of all trips made by him, and such record shall contain the reason for the tow, the date, time, origin and destination of each towing contract, as well as the name and address of the owner of the vehicle being towed, and the towing fee charged and the towed vehicles license number V.I.N., body type, colour and the towing fee charged and produce this report to the Chief of Police or the Inspector upon demand.
- (3) Every driver of a tow truck shall, before he tows any motor vehicle from the scene of an accident, supply the owner or driver of the vehicle being towed, a card which identifies the driver and the towing company by whom such driver is employed. Each such card shall be signed by the driver of the tow truck and shall state clearly the destination to which the motor vehicle will be towed, provided:
- (a) that such yard area, compound or place shall be located within the City in an area where such use is permitted under the provisions of the City of Surrey Zoning and Development By-law No. 12000.
 - (b) that such destination shall not be a yard area, compound or place owned, operated, managed or controlled by an auto body repair business;

- (c) that where an owner or driver is injured or has been removed from the scene of the accident, such card shall be given to an attending Police Officer.
40. No driver of a tow truck shall deliver a vehicle to any destination other than the one stated on the card referred to in Subsection (c) of this Section unless specifically requested to do so by the owner or operator of the damaged vehicle, or the Chief of Police.
 41. Every driver of a tow truck which has been engaged to tow a motor vehicle from the scene of an accident shall clear the streets and public walks of all broken glass and other debris resulting from such accident so that the said broken glass and other debris shall not cause injury or damage to any person or property of any person using said streets and public walks. No driver of a tow truck shall attend the scene of a vehicle accident whether by coincidence or otherwise, unless he has been requested to do so by the owner or driver, of any motor vehicle involved in that accident or by an attending Peace Officer should he not be able to utilize the services of the contracted City of Surrey Towing Company as per the City contract.
 42. The maximum rate for towing a motor vehicle from the site of an accident in the City to any destination within the City shall be as per the ICBC approved tow rate structure.
 - (d) No person who operates a tow car or cab shall, because of race, colour or creed, discriminate against any member of the public while carrying on the business operation.
 43. No driver of any tow truck who has been requested to tow a vehicle from the scene of an accident shall solicit or suggest a specific destination for the motor vehicle being towed.
 44. No driver of a tow truck shall offer his services at the scene of a motor vehicle accident, whether his presence there is by coincidence or otherwise, unless he has been requested to do so by the owner or driver of the motor vehicle involved in that accident or by an attending Police Officer.
 45. Every owner of a tow truck shall have painted or permanently affixed to the door or body on each side of the cab a business name, or if no such name the name of the owner of the tow truck, and such names shall be printed in lettering not less than two inches high and shall be kept clear, clean and distinguishable at all times including phone number, unit number and licensed G.V.W.
 46. No person shall cause a vehicle to be towed from a private parking lot unless, at the time such vehicle is towed, the required tow away signs are being clearly displayed on the said parking lot. Tow away signs shall meet the following requirements:
 - (a) signs shall be of a minimum size of 35.5 centimeters (14 inches) by 50.0 centimeters (20 inches), with letters and numbers of not less than 5 centimeters (2 inches) in height;
 - (b) signs shall be clearly visible at all times and made of a reflective material in order that they can be clearly visible at all times.
 - (c) signs shall be conspicuously posted at all entrances and exits to the property;
 - (d) a sign shall be displayed no further than 30 meters (98.4 feet) from any area of the private parking lot being controlled;

- (e) signs shall clearly state the conditions under which the parking of a vehicle will be considered unauthorized;
 - (f) signs shall display the name and telephone number of the towing company which will be removing unauthorized vehicles from the property, as well as the address of the impoundment lot to which they will be towed;
 - (g) site plan of installed signs has been submitted and has been inspected and approved by the inspector or his designate.
47. Parking spaces which are to be reserved exclusively for vehicles displaying an approved disabled persons parking placard shall be clearly marked by signs which denote such restriction, and which contain the international symbol for the disabled.
48. Every Towaway Notice shall be issued in triplicate. The original and the duplicate copy shall be placed by the issuer on the windshield of the vehicle described in the Notice. The triplicate copy shall be kept by the issuer for a period of thirty (30) days and shall be subject to inspection upon demand by the Inspector.
49. Where a vehicle is parked in an unauthorized space by reason only of its location in an area specifically reserved for attendant other than the tenant on the same multi-tenant commercial property with whom the vehicle driver is conducting business, the vehicle shall not be obstructed nor attached to a tow truck by a tow truck driver until after ten (10) minutes have elapsed from the time indicated in the Towaway Notice.
- (a) All vehicles being towed in the City of Surrey shall be secured with safety chains.
50. On a metered private parking lot, a tow truck driver shall not obstruct nor attach the tow truck to a vehicle until thirty (30) minutes have elapsed from the expiration of the regulation time limit.
51. A vehicle shall not be towed, without the vehicle owner's consent, from a private parking lot unless it has taken to a licensed impoundment lot located within the City of Surrey, which lot is protected by a locked fence and has an attendant on duty at all times when there is a vehicle impoundment in such impoundment lot.
52. All tow trucks which operate in the City of Surrey shall be equipped with string lights. When towing a vehicle, the tow truck driver shall hook up the string lights to the rear of the vehicle in tow, and display them at a height of not less than 38 centimeters (14.5 inches) nor greater than 1.85 meters (6 feet).
- (a) All vehicles being towed in the City of Surrey shall be secured with safety chains.
53. A vehicle which is occupied may not be obstructed by nor attached to a tow truck.
54. If a vehicle becomes occupied after it has been attached to a tow truck but before it has been removed from a private parking lot, the tow truck driver shall release the vehicle forthwith. In such an instance, a release fee claimed by the towing company under the authority of this By-law but not actually paid to the tow truck driver on site may be subject to recovery by civil means.

55. Where a towing company impounds a vehicle, the towing company shall:
- (a) within one (1) hours of the arrival of the vehicle at the impoundment lot give notification to the Chief of Police of the fact of impoundment together with a description of the vehicle and its license and identification numbers and the location where the vehicle has been impounded;
 - (b) if a vehicle remains unclaimed or uncollected for more than forty-eight (48) hours after impoundment send written notification to the registered owner thereof within fourteen (14) days or as expeditiously as possible if the vehicle is registered outside of British Columbia;
 - (c) maintain a record of all impounded vehicles which remain unclaimed claimed or uncollected for more than fourteen (14) days after the impoundment, including a full description of the vehicle and it's license and vehicle identification numbers; and shall deliver a copy of the said record to the Chief of Police within three (3) working days of the end of each calendar month.
56. The maximum rates for towing and storage of impounded vehicles, from private parking lots shall not exceed the Insurance Corporation of British Columbia's posted tow rate structure.
57. Subject to any hold order issued by the Chief of Police, the towing company shall release an impounded vehicle to the driver within twenty (20) minutes of receiving full payment due under Schedule "c" of this By-law.

PART 8 GENERAL PROVISIONS

58. No taxicab shall be eligible for licensing in the City of Surrey after December 31, 2002 if the vehicle exceeds ~~seven (7)~~ ten (10) model years of age, except that the Inspector may approve a license in respect of an older vehicle for a limited period of time specified in the license where the exterior appearance of the vehicle and the condition of its interior furnishings are of a standard commensurate with its original condition and where the vehicle is otherwise in compliance with the requirements of this By-law.
59. No taxicab shall be equipped with blinds, window decals or other devices so as to prevent unrestricted vision through all windows and all tinted windows to be in compliance with the Province of British Columbia Motor Vehicle Act and Regulations.
60. Every taxicab shall be equipped with an interior light sufficient to illuminate the entire passenger compartment; and such light, shall, at all time, be maintained in proper working order.
61. All taxicabs must be in compliance with the B.C. AirCare Program and have a valid Commercial Vehicle Inspection Program decal displayed.
62. Taxicab trunk area to be kept clean, dry and securable at all times.
63. No vehicle is to be used as a taxicab, that has been rebuilt from a salvaged vehicle unless the vehicle has inspected by a Professional Engineer licensed by the Province of British

Columbia.

64. No person shall carry in any cab a greater number of passengers than the number of passengers such vehicle is designed to seat and has approved and operable seat belts.
65. All alternative fuel vehicles must be properly certified, "maintained" and decaled.
66. No person operating any cab shall load, carry or transport any baggage on the outside of any cab, except in properly constructed and installed racks for that purpose.
67. Every owner of a "Taxicab" shall have painted or permanently affixed on either the rear or front door of each side of such taxicab a business name which shall include the word "Taxi" or "Cab", and such names shall be printed in lettering not less than two inches high (5 cm) and shall be kept clear, clean and distinguishable at all times. In addition, an illuminated sign, complying in all respects with the Regulations made pursuant to the Motor Vehicle Act, bearing the word "Taxi" or "Cab", shall be placed in the front of the taxicab, either on the outside above the windshield, or inside behind the windshield in a position satisfactory to the Inspector. Such sign shall be illuminated when the taxicab is available for hire.
68. No trade name shall be used on any taxicab unless such trade name shall first have been approved by and recorded with the Inspector, and no licensed owner or driver shall use or publish, or permit to be used or published, in connection with this business or premises, any advertising matter or sign indicating, implying or suggesting fares or charges lower than the tariff or fares and charges which owners or drivers of taxicabs are entitled to receive or charge under the provisions of this By-law and the Motor Carrier Commission.
69. The owner of any vehicle for hire, [excluding cabs and Transportation Network Services vehicles](#), in respect of which a license has been granted shall, when required, forthwith submit his vehicle for examination to the Inspector and no owner or driver shall, at any time, prevent or hinder the said Inspector from entering the same, or at any time prevent or hinder him from entering the owner's garage or other building for the purpose of inspecting such vehicle.
70. Where any owner disposes of his cab and acquires another cab, he shall submit the latter vehicle to the Inspector for approval in conformity with the provisions of this By-law and the transfer of the license before using such vehicle for the purpose of his business.
71. Every owner of any cab shall immediately provide for the proper disinfection of such cab after it has, to his knowledge, conveyed any person suffering from any contagious or infectious disease; and no such owner shall be required to convey any person suffering from any infectious or contagious disease until he has been paid a sum sufficient to cover any loss or expense that may be incurred by him in carrying into effect the provisions hereof.
72. No owner of any vehicle for hire shall employ, engage or permit any person other than a licensed chauffeur to operate or drive any such vehicle, save and except "Drive-self" Cabs, "Drive-self" Trucks, and "Driving Test Cabs".
73. Owners of cabs who employ both male and female drivers shall arrange for suitable and separate washroom accommodation for such male and female drivers.
- ~~74. Every owner granted a license under this By-law shall, during the term of the employment or engagement of any driver, keep a record of the number and date of his Chauffeur's~~

~~Permit, such number to be ascertained by actual inspection of such permit.~~

~~74. Deleted by Bylaw No. 20029~~

75. Every owner and driver of any vehicle for hire shall at all times obey the lawful orders and directions of the Inspector.
- (1) No owner of a vehicle for hire shall personally operate such a vehicle for profit for more hours in any day than the maximum number of hours which an employee in that occupation may lawfully work pursuant to enactments of the Legislature of the Province of British and the Lieutenant-Governor-in-Council of the Province of British Columbia.
 - (2) Each owner referred to in Subsection (1) of this Section shall keep a true and correct record in ink in the English Language of the hours worked each day by himself in operating his own vehicle and also for any hired drivers or co-owners. Such record shall be produced for inspection of the Chief of Police or Inspector at all reasonable times on demand of the Chief of Police or Inspector.
 - (3) "Day", where used in this Section, shall mean the period of time from midnight of any day to the following midnight.
76. Every holder of a license for operating a taxicab shall provide taxicab service for not less than ten hours in each twenty-four hour period, and for not less than six days in each calendar week, except in the event of a vehicle breakdown, scheduled servicing, or driver illness where no qualified relief driver is available.

"Taxis"

~~77. Every person in charge of any taxicab shall:~~

- ~~(a) be neatly and properly dressed, neat and clean in his position, and be civil and well-behaved.~~
- ~~(b) remain within 7.62 meters (twenty five feet) of his taxicab when the same is parked awaiting a fare;~~
- ~~(c) not stand in such a manner so as to obstruct the free use of the sidewalk or make any loud noise or disturbance nor use obscene, impudent or abusive language, nor molest, annoy or insult the owners, occupants, inmates or inhabitants of any building, house or residence, or any passenger, pedestrian or other person whatsoever.~~

~~77. Deleted by Bylaw No. 20029~~

~~78. The owner and operator of every taxicab shall:~~

- ~~(a) keep the interior and exterior of such taxicab clean and in good repair and ensure all interior panels are in place and not damaged and that seats not be worn, torn, soiled and ensure that all door and window controls are in place and fully operational;~~
- ~~(b) disinfect the interior of such cab weekly, or more frequently as provided in this By-law or as directed by the Chief of Police or the Inspector.~~

- ~~(e) — comply, within the time indicated, with all instructions and notices given in writing Deleted by the Chief of Police or the Inspector regarding the condition and appearance of the cab in so far as it fails to comply with this By-law; Bylaw No. 20029~~
- ~~(d) — refrain from driving or operating such cab until any instructions or notices given pursuant to Part (e) of this Section have been obeyed and approved by the Inspector;~~
- ~~(e) — every taxicab shall be equipped with climate control (air conditioning) and this system to be maintained in an operational status at all times;~~
- ~~(f) — every taxicab shall be equipped with a two way radio which shall be maintained in good working order and capable of receiving and acknowledging calls for customer service.~~

78. Deleted by Bylaw No. 20029

- 79. No driver of any taxicab shall permit such cab to stand, whether occupied or not, on any public highway in the City, except when standing temporarily for the purpose of and while actually engaged in loading or unloading, without disrupting the free flow of traffic.
- 80. No driver of any taxicab licensed under this By-law shall seek employment by driving his taxicab to and from upon any street, or by interfering with the proper and orderly access to or egress from, or by cruising or hovering in front of any theater, hall, hotel, public resort, transportation terminal or other place of public gathering; provided, however, that the driver of a taxicab may accept passengers at any place of public gathering so long as his cab is lawfully parked in the vicinity of the place or building where such public gathering is taking place.
- 81. Every owner and driver of any vehicle for hire shall take due care of all property delivered or entrusted to him for conveyance or safe keeping, and immediately upon the termination of any hiring or engagement, shall carefully search his vehicle for any property lost or left therein; and all property and money left in his vehicle for hire shall be forthwith delivered over to the person owning the same or, if unclaimed, or if the owner cannot at once be found, the same shall be delivered to the Chief Constable, with all information in his possession regarding such property.
- 82. No person shall operate or drive a taxicab unless a current photograph of the driver identified by name is placed on the inside of the vehicle in a prominent location that is visible to passengers in the back seat.
- 83. Every driver of a taxicab shall proceed by the most direct travelled route to the point of destination, unless otherwise directed by the passenger.
- 84. Every driver of a taxicab shall keep a daily record of all trips made by him, such record to contain the following information:
 - (a) date, time, origin and destination of each trip and how many passengers;
 - (b) driver's name and address;
 - (c) provincial license number of each cab and unit number;
 - (d) the ~~speedometer~~odometer reading at the start and finish of the drive's shift;
 - (e) start time and finish time of each shift.

85. The driver shall deposit the record with the owner of the taxicab at the end of his shift or as soon as possible thereafter.
86. The owner of the taxicab shall check the driver's daily trip record, and shall require that each trip be properly recorded and in legible writing before accepting it.
87. The records referred to in Subsection (a) and (b) shall be kept by the owner of the taxicab for a period of at least six months, and during that time, shall be produced for inspection at any time on demand by the Chief of Police or the Inspector.
88. The premises of a person licensed under this By-law shall at all times be subject to inspection by the Chief of Police and the Inspector. They shall be maintained at all times in a clean, neat state, and in good repair. Notice of any change of location of such premises, or location of additional premises during the currency of a license, shall forthwith be given in writing to the Inspector within seven (7) days.
89. No person licensed under the provisions of this By-law, shall operate his business from more than one premises at the same time under one license.
90. The premises of a person licensed under this By-law shall be, at all times, located and maintained within the City in conformity with all By-laws of the City with respect to building, zoning and health, and any pertinent provincial enactments.
91. Every owner and driver of a taxicab shall accommodate the persons who desire his service in order of their application, and if a taxicab is not available to give the desired service within a reasonable time, then the applicant shall be so informed.
92. No owner or driver of a taxicab on which the taximeter signal lever or light indicates the vehicle is for hire, shall refuse or neglect to convey any orderly person upon request in the City unless he is unable or prohibited by the provisions of this By-law.
93. No driver of a taxicab shall convey any person or persons other than the person or persons first engaging the taxicab. The carrying of passengers for separate fares is prohibited.
- ~~94. No license shall be granted for a Shared Ride Van to operate within the City of Surrey.~~
- ~~94. Deleted by Bylaw No. 20029~~

PART 9

VIOLATION OF THE BY-LAW

95. Non-compliance with any of the provisions of this, or any other By-law or Statute applicable to a license, or failure to maintain the standard of qualification for the issue of a license as herein provided for shall be deemed to be an infraction of this By-law and shall render a licensee liable to the penalties hereby imposed, or to suspension or cancellation of license.
96. Every person who makes any false or misleading statement in any application for a license under the provisions of this By-law shall be guilty of an offence against this By-law.

PART 10
PENALTY CLAUSE

97. Every person who violates or who causes or allows to be violated any of the provisions of this By-law shall be guilty of an offence against the By-law; and each day that such violation is caused or allowed to continue shall constitute a separate offence.
98. Every person who violates any provision of this By-law shall be liable on summary conviction to the penalties provided for in the Offence Act and Schedule "E".
99. The following By-laws are hereby repealed:
- "Surrey Vehicles for Hire By-law, 1976, No. 4996".
 - "Surrey Vehicles for Hire By-law, 1976, No. 4996, Amendment By-law, 1986, No. 8698".
 - "Surrey Vehicles for Hire By-law, 1976, No. 4996, Amendment By-law, 1986, No. 8821".
 - "Surrey Vehicles for Hire By-law, 1976, No. 4996, Amendment By-law, 1990, No. 10568".
 - "Surrey Vehicles for Hire By-law, 1976, No. 4996, Amendment By-law, 1990, No. 10748".
 - "Surrey Vehicles for Hire By-law, 1976, No. 4996, Amendment By-law, 1991, No. 11022".
 - "Surrey Vehicles for Hire By-law, 1976, No. 4996, Amendment By-law, 1992, No. 11213".
 - "Surrey Vehicles for Hire By-law, 1976, No. 4996, Amendment By-law, 1992, No. 11329".
 - "Surrey Vehicles for Hire By-law, 1976, No. 4996, Amendment By-law, 1992, No. 11451".
100. This By-law comes into full force and effect on the date of final adoption.

PASSED THREE READINGS on the 11th day of January, 1999.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 25th day of January, 1999.

D.W. McCALLUM _____ MAYOR

D.B. KENNY _____ CLERK

SCHEDULE "B" to BY-LAW NO. 13610

TOWING RATE PAYMENT SCHEDULE

1. Attending to pick up and tow a damaged vehicle from accident scene at time of accident or a damaged vehicle other than at an accident.

The maximum rate for towing a motor vehicle from the site of an accident or a damaged vehicle other than at an accident in the City of Surrey shall be the then current rate for towing "and storage" published and used by the Insurance Corporation of British Columbia, as amended from time to time.

SCHEDULE "C" to BY-LAW NO. 13610

O. PRIVATE IMPOUND FEES

The maximum rates for towing and storage of impounded vehicles, from private parking lots shall not exceed the Insurance Corporation of British Columbia's posted tow rate structure as amended from time to time.

SCHEDULE "D" to BY-LAW NO. 13610

REQUIREMENTS FOR PRIVATE IMPOUND/TOW SLIPS

Prior to removal of any vehicle from a properly signed and inspected parking lot, the tow truck operator shall complete a tow slip that shall contain the minimum following information:

- Tow Company's name, address and phone number (address to be the same as where vehicle towed to) or otherwise indicated
- Tow Truck Operators unit number and name
- Date and time of tow
- Name and signature of person requesting tow
- Full address of lot from where vehicle was towed
- Type of lot (metered, unmetered)
- Meter number, if applicable
- Vehicle description to include
 - make
 - model
 - plate (& Prov)
 - V.I.N.
 - Colour
- If convenient, one copy of this slip will be left with the parking lot operator or agent

SCHEDULE "E" to BY-LAW NO. 13610
City of Surrey Vehicle for Hire, Licensing By-law #
Voluntary Penalties

	Sec	Amount \$	Within 3 Days	3-7 Days
1. No Chauffeurs Permit	14	100	40	60
2. No Vehicle For Hire Plate	5	100	40	60
3. No String Lights	52	50	20	30
4. No Safety Chains	52(a)	50	20	30
5. Fail to Display Vehicle For Hire	13(b)	50	20	30
6. Unauthorized Attendance at Accident	44	100	40	60
7. Fail to Provide Daily Record (Tow)	39(2)	50	20	30
8. Fail to Clear Highway	41	100	40	60
9. No Business Name on Vehicle	45	50	20	30
10. No Tow Signs (Private Impound)	46	100	40	60
11. No Approved Site Plan (Private Impound)	46(g)	100	40	60
12. Operation of a Taxicab Without Justice Institute —certification (Taxihost)12. deleted	14(m)	100	40	60
13. Operate a Taxi With Expired C.V.I.P. Decal	61	100	40	60
14. Operate a Taxi With Defective Meter14. deleted	27	100	40	60
15. Operate a Taxicab With Obscured Windows	59	50	20	30
16. Misuse of Vehicle For Hire Plate	13(c)	100	40	60
17. Taxicab Missing Interior Panels/Worn/Torn Seats17. deleted	78(a)	100	40	60
18. Operate Taxi With Inoperable Windows18. deleted	78(a)	100	40	60
19. Operate Taxi With Inoperable Air Conditioning19. deleted	78(e)	100	40	60
20. Fail to Provide Daily Record (Taxi)	87	100	40	60



APPLICATION FOR CHAUFFEUR'S PERMIT

Surrey RCMP Detachment
14355 57th Avenue, Surrey
British Columbia, V3X 1A9

INSTRUCTIONS:

Revised January 2018

ENSURE YOUR FULLY COMPLETED APPLICATION INCLUDES ALL OF THE FOLLOWING ATTACHMENTS:

- **LETTER FROM YOUR CURRENT EMPLOYER VERIFYING EMPLOYMENT / EMPLOYMENT OFFER.**
- **CURRENT COPY OF YOUR DRIVERS ABSTRACT & CLAIMS HISTORY (dated within last 30 days old)**
 - Applicants may be required to provide a drivers abstract from any other province the applicant has resided in within the last 5 years.
- **VULNERABLE SECTOR FORM: Consent for check for a sexual offence for which a pardon has been granted or issued**
 - This form is available at the front counter
- **TAXI HOST LEVEL 1, LEVEL 2, OR TAXI HOST PRO CERTIFICATE.**
 - Original certificates are required for new applicants and or at the discretion of the Information Officer. Photocopies of taxi host certificate.
- **PHOTOCOPY OF FRONT AND BACK OF YOUR BRITISH COLUMBIA DRIVER'S LICENCE.**

NOTE: (1) Applicants are required to return their expired Chauffeur Permits to the Surrey RCMP Detachment prior to receiving their new permit.

(2) The applicant must attend in person to the reception counter at the main office of the Surrey RCMP Detachment (14355 57th Avenue, Surrey) for the processing of this application.

APPLICATION PROCESSING TIMES MAY VARY

PART 1: TYPE OF APPLICATION

DATE OF APPLICATION: _____ (CIRCLE ONE) RENEWAL NEW APPLICATION

I INTEND TO OPERATE (CIRCLE ONE): TAXI LIMO TOW TRUCK

I INTEND TO WORK FOR: (Name of Cab / Limo / Tow Company): _____

PART 2: APPLICANT INFORMATION (PLEASE PRINT):

Last Name: _____ First Name: _____ Middle Name: _____

Current Address: _____

Previous Names (include Alias or nickname): _____

Daytime Phone Number: (_ _) _ _ _ _ _ Cell Phone Number: (_ _) _ _ _ _ _

BC Drivers Licence Number: _____ Class Number: _____

Other Driver's Licence held in last five years (Province / State / Country): _____

Date of Birth: YYYY-MM-DD _____ Place of Birth: _____

Date of arrival in Canada (if not born in Canada): _____

What languages do you speak? _____

Height: _____ Weight: _____ Hair Colour: _____ Eye Colour: _____

Marks, Scars, Tattoos: _____

Next of Kin (close family member): _____ Phone Number: (_ _) _ _ _ _ _

Relationship to Applicant: _____

Address of Next of Kin: _____

NOTE: AN APPLICATION WHICH IS INCOMPLETE OR CONTAINS FALSE INFORMATION WILL BE DECLINED

APPLICANT'S SIGNATURE: _____

POLICE USE ONLY:

File Number: _____ Expiry Date _____ Approved By: _____

City of Surrey Vehicle for Hire By-law No. 13610

- 12. No license with respect to the operation of a taxicab business pursuant to the provisions of this By-law shall be granted or held unless:
 - (a) the applicant shows that he has reached the age of 19 years, and that all drivers employed by him are of good character, can speak, write and read the English language, possess an intimate knowledge of the geography of the City and its traffic regulations, and of the contents of this By-law, and that he is willing and able to maintain a continuous and satisfactory service to the public during the occurrence of such license, and is in all respects a fit and proper person to hold such license and has passed the Justice Institute of B.C. Taxi Host Programs;

- 14. No person shall drive a licensed vehicle for hire other than a drive-self cab, drive-self truck, or driving test cab, who is not the holder of a valid and subsisting Chauffeur’s Permit. This permit to be obtained from the Surrey RCMP and the City of Surrey.
 - (a) Every person applying for a Chauffeur’s Permit shall make application to the Chief Constable, or his designate, who may grant or refuse to grant a permit.
 - (b) Notwithstanding the generality of Subsection (a), the Chief Constable shall refuse to issue a permit until the Chief Constable is satisfied that the applicant has successfully completed a training course for drivers that has been approved the Inspector and that includes at least 27 hours of training

CHAUFFEUR PERMIT MINIMUM REQUIREMENTS:

- Minimum 19 years of age (as per Sec 36 (2) Motor Vehicle Act)
- Valid Class 1, 2 or 4 B.C. Operator’s License. (Tow Truck Permit – Class 5 acceptable)
- Applicant must be Canadian citizen or landed immigrant or legally entitled to work in Canada.
- All applicants must have successfully completed 27 hours of industry-related training in the areas of professional driving, taxi industry and local knowledge, and Taxi Host Pro.
- Applications may not be approved while outstanding criminal matters are before the courts. Any other charges or convictions will be reviewed on a case-by-case basis.

GROUND FOR REFUSAL, CANCELLATION, SUSPENSION OR ISSUANCE OF PROBATIONARY CHAUFFEUR PERMIT:

Applications may be declined if you have:

- any criminal convictions;
- been charged or are being investigated for any violent, property, sexual, drug or alcohol related offences;
- 4 or more moving motor vehicle violations in the past 5 years, including Motor Vehicle violation tickets currently under dispute;
- received more than one Sec. 215 Motor Vehicle Act Driver’s License Suspension in the last 5 years;
- charged or investigated for operating a vehicle while under the influence of drug or alcohol, including IRP’s;
- charged or investigated for operating a vehicle while your driver’s license is suspended or prohibited;
- an excessive number of negative police contacts in the past 5 years;
- 3 or more at fault motor vehicle collisions as identified in the ICBC Claims History letter, covering the period of the last six years; or
- outstanding warrants in another jurisdiction.

Applicants must disclose if they have been denied or refused a chauffeur’s permit in any other Lower Mainland jurisdiction.

- ✓ Applicants have 30 days from date of refusal to appeal through City Council.
- ✓ All applicants who have had their permits declined must wait 12 months from their date of refusal before being eligible to re-apply.

A TWO YEAR PERMIT will only be processed and issued if you have maintained a valid City of Surrey Chauffeur Permit for a minimum of 5 consecutive years with a clear driving record. All subsequent renewals for 2 year permit will be dependent on not having more than 2 traffic violation tickets, no administrative driving prohibitions or penalties, no criminal record and no convictions for traffic related offences.

I HAVE READ ALL THE ABOVE CONTENTS

_____ **APPLICANT’S SIGNATURE**

_____ **DATE**

APPENDIX “V”

Proposed Amendments to Business License By-law, 1999 No. 13680 Taxi Service Fees

That *Business License By-law, 1999, No. 13680*, as amended, be further amended in Schedule A, by replacing the fees for "Taxi Service" as follows:

Taxi Service	\$155.00 per year (plus a per taxi fee as follows: <ul style="list-style-type: none">- \$30.00 for a zero emissions vehicle;- \$0.00 for a wheelchair accessible vehicle;- \$150.00 for any other vehicle))
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CORPORATE REPORT

NO: R024

COUNCIL DATE: February 10, 2020

REGULAR COUNCIL

TO: Mayor & Council

DATE: February 7, 2020

FROM: General Manager, Corporate Services

FILE: 3900-01

SUBJECT: Transportation Network Services (Ride-Hailing)

RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information; and
2. Instruct staff to work with neighbouring municipalities to create an Inter-Municipal Business License ("IMBL") related to Transportation Network Services ("TNS"), otherwise known as ride-hailing (Option 1 as detailed in this report);
3. Support the January 30, 2020 Mayors Council position calling for a level playing field between TNS Services and the Taxi Cab Industry through the following actions:
 - a) Urge municipalities within Region 1 to harmonize existing municipal fees on taxicabs with the fees proposed in the IMBL for ride-hailing; and
 - b) Urge the Province and Passenger Transportation Board to level the playing field between taxis and TNSs by reviewing taxi boundaries, fleet caps and insurance requirements, and ensuring that a solid mechanism is put in place to subsidize those approved TNS vehicles or taxis that provide adequate accessible services for customers who rely on mobility devices such as wheelchairs and scooters.

INTENT

The purpose of this report is to apprise Council of the three options provided by the PTB with respect to accommodating TNS operations in the City and to obtain Council's direction for staff to proceed with one of the three options provided to municipalities by the PTB as outlined in this report.

BACKGROUND

In fall 2018, the Provincial government passed the *Passenger Transportation Amendment Act* permitting ride-hailing companies to apply to the PTB to enter the BC market.

In August 2019, the PTB implemented new regulations and licensing processes to accommodate TNS in BC. TNS is the generic name given to ride hailing services, commonly provided in many

cities globally by companies such as Uber or Lyft. Accordingly, a suite of amendments to the *Passenger Transportation Act*, *Motor Vehicle Act*, and other legislation (the “regulations”) came into effect on September 16, 2019. These amendments provide the legislative basis for introducing TNS. The regulations provide sole authority to the PTB to consider and approve TNS applications and to set operating areas, fleet sizes, rates and data requirements as conditions of a TNS license. In addition, the PTB requires TNS companies to work with municipalities in their operating areas to ensure compliance with local bylaws

With the new regulations, the PTB created 5 large regional boundaries in BC for TNS companies including:

- Region 1: Lower Mainland/Whistler: including Metro Vancouver, Fraser Valley, Squamish-Lillooet;
- Region 2: Capital Regional District: excluding the Gulf Islands;
- Region 3: Vancouver Island: excluding the Capital Regional District;
- Region 4: Okanagan-Kootenay-Boundary-Cariboo: including the Central Okanagan; North Okanagan, Kootenay Boundary, Shuswap Cariboo, Thompson-Nicola and Columbia; and
- Region 5: B.C. North Central and all other regions of B.C.

In September 2019, the PTB allowed TNS companies to apply to the Province for a license to begin offering ride hailing services in early 2020. Subsequently, municipalities began to develop their own municipal business licensing schemes. However, at the December 12, 2019 Mayors’ Council, direction was provided to TransLink to facilitate the development of an interim Inter-Municipal Business License by January 30, 2020. Accordingly, staff from all municipalities in Region 1 were invited to participate in developing the IMBL. Staff from the City of Surrey has been participating in this group. A two-phased approach is being considered to implement an IMBL; Phase One requires that an Interim IMBL be considered by each municipal Council for adoption by February/March 2020; and Phase Two reflects a move towards a permanent IMBL by December 31, 2020.

DISCUSSION

Municipal Options for Business Licensing TNS Operations

The Ministry of Transportation and Infrastructure (“MoTI”) and the PTB have mandated that municipalities have 3 options to choose from with respect to accommodating TNS:

1. Work with neighbouring municipalities to create an IMBL; or
2. Establish their own municipal business license requirement, independent of neighbouring municipalities; or
3. Decide not to establish a business license requirement for TNSs. Explicitly exempt TNSs or choose not to enforce TNS services within the municipality.

Each of these options are outlined below:

Option 1: Creation of an IMBL (RECOMMENDED OPTION)

An IMBL allows TNS companies to operate across participating municipalities with the purchase of one IMBL. It is formed through a common bylaw enacted by each participating municipality. As reflected earlier in this report, a two-phased approach is being considered to implement an IMBL; Phase One requires that an Interim IMBL be considered by each municipal Council for adoption by February/March, 2020; and Phase Two reflects a move towards a permanent IMBL by December 31, 2020.

The IMBL working group has developed an “interim” intermunicipal business license option for the region for presentation to each respective council (within Region 1). The City of Vancouver has volunteered to act as the singular licensing body for TNS companies for an undetermined interim period.

The intermunicipal business license approach is an interim option which provides local municipalities the opportunity to gather data, review industry impact and negotiate a path forward with more information.

The City of Vancouver will disperse fees and data to other municipalities on behalf of Region 1:

- The City of Vancouver will license each company, i.e. Uber, Lyft, etc. at \$155 per company and \$150 per vehicle (all cost recovery)
- Fees will be dispersed by the City of Vancouver to each Region 1 municipality based on pick-ups within each respective municipality (based on the data)

The City of Vancouver will retain a portion of the licensing fees to offset their administrative costs. At this time, the percentage of the fee that Vancouver will retain is not known. Vancouver officials have advised that once they are operational they will have a better understanding of the level of effort required. Accordingly, Vancouver will provide member municipalities their fee requirements at a later date. Given that the IMBL is interim in nature, should member municipalities not be satisfied with Vancouver’s fee requirements, they may choose to opt out of the IMBL group after the fee structure is announced (or at any time).

If the interim process is deemed unsuccessful, IMBL Region 1 municipalities will be required to determine a viable alternative approach to licensing.

Staff’s understanding from TransLink is that, should the process fail where there is no cohesion amongst Region 1 municipalities, then the Province will step in and take control of managing the entire system (and retain associated revenues).

Option 2 and Option 3

Alternatively, Council may choose one of the following options:

Option 2: Municipalities Establish their own municipal business license requirement, independent of neighbouring municipalities.

The City can proceed with developing and implementing a local business license option which would require TNS operators to apply and maintain licensing in Surrey. This approach allows for more specialized requirements; for example, requirements related to zero emissions vehicles, accessible vehicles or pricing models.

In contrast, the IMBL model tends towards broader common goals across Region 1 municipal boundaries in order to maintain participation across a wide range of needs for TNS vehicles. This same reasoning should be applied by the PTB as it pertains to the Taxi Cab industry as this would help level the playing field as was requested by the January 30, 2020 Mayors Council. The PTB would continue to retain their authority to approve operators, vehicles and drivers irrespective of the City's licensing approach.

The risk associated with a patchwork of business licensing regulations in the region is that the Province could determine that the independent licensing process results in a barrier to entry for the industry. Should this occur the Province could remove TNS and/or all Passenger Directed Vehicles (such as taxis) from within the City's regulatory authority.

Notwithstanding the above, should Council approve an interim IMBL approach at this time, and it is later deemed that it would be more advantageous for the City to establish its own municipal business licensing requirements, this option can be revisited at a that time. In an effort to mitigate any risks associated with establishing an independent municipal business license requirement, it is suggested that local municipalities work collaboratively to develop a uniform approach to licensing.

Option 3: Decide not to establish a business license requirement for TNSs. Explicitly exempt TNSs or choose not to enforce TNS services within the municipality.

As regulating business is a municipal authority, the City can choose to permit TNS to operate under provincial regulations without requiring local licensing. This model does not provide the City with any data related to the road use aspects of TNS and limits Surrey's influence with respect to problematic operators or drivers. Neither does it provide us with any revenue associated with offsetting the cost of the business operating on our roads.

January 30, 2020 Mayors' Council Meeting

At the January 30, 2020 Mayors' Council on Regional Transportation meeting, the draft interim IMBL and framework was endorsed by the Mayors' Council (Option 1). In addition, member municipalities expressed concerns in the process that the PTB and the Province undertook when implementing ride-sharing without consulting with municipalities, as well as the lack of a level playing field with the taxi industry. The main theme was that the Mayor's desire is to ensure that the public have many transportation options while ensuring there is no destabilising of the taxi industry.

To this end, the following was approved nearly unanimously by the January 30, 2020 Mayors Council:

1. Request a meeting with the PTB Chair to report on their response to matters of mutual interest;
2. Endorse the principles and framework for establishing and administering an interim Inter-Municipal Business Licence (IMBL);
3. Urge municipalities within Region 1 to adopt the associated interim IMBL bylaw as quickly as possible;
4. Urge municipalities within Region 1 to harmonize existing municipal fees on taxicabs with the fees proposed in the IMBL for ride-hailing; and
5. Urge the Province and Passenger Transportation Board to level the playing field between taxis and TNSs by reviewing taxi boundaries, fleet caps and insurance requirements, and ensuring that a solid mechanism is put in place to subsidize those approved TNS vehicles or taxis that provide adequate accessible services for customers who rely on mobility devices such as wheelchairs and scooters.

LITIGATION WITH UBER

On January 23, 2020, MoTI and the PTB made an unexpected announcement that TNS companies UBER and Lyft have been granted licenses (by the PTB) to operate in Region 1 which encompasses all municipalities from Whistler to Hope, including Surrey. This announcement came as a surprise to Metro Vancouver municipalities that have been working towards a draft IMBL bylaw to be presented to each respective municipal Council for consideration by March 31, 2020.

On January 24, 2020 it was discovered that UBER had initiated TNS services in Surrey (Lyft has not initiated any TNS service in the City). UBER was asked to suspend their services. It was explained to the UBER representatives that while the PTB has authorized ride sharing in the Lower Mainland, and municipalities do not have the authority to ban the industry, municipalities do retain the authority to require that any business wishing to operate must first have a business license. Municipalities retain the authority to enforce their respective Business License Bylaws against anyone conducting business without a valid license.

It was further explained to UBER that the City of Surrey (at the staff level) has been participating in good faith with all Region 1 municipalities towards the development of a IMBL framework (bylaw) as directed by the Dec 12, 2019 Mayors Council and that our respective municipal councils must make its decision on the bylaw in the coming months.

It is reasonable for the City to not allow ride hailing in the City for a limited period of time to afford Council a reasonable opportunity to consider amendments to the Business License Bylaw and/or to consider how Council wishes to proceed with regulating the industry as per the above. Until then, staff will not issue licenses to a ride-hailing company. Any ride-hailing company that operates within Surrey without a business license may be fined.

UBER advised that they would not suspend their services. As a result, staff issued warnings to UBER drivers during for a 2-day period (January 25th and 26th, 2020). On Tuesday January 28, 2020 staff commenced with issuing UBER drivers violation tickets at \$500 per offense. In addition, UBER Canada Inc. was issued a \$500 fine for each day of operation.

As a result, UBER initiated litigation against the City via a Notice of Application for an urgent injunction to compel the City, via the courts, to cease its enforcement actions. A court hearing date was set for February 5, 2020. Subsequently, on February 7, 2020 the BC Supreme Court ruled in favour of UBER. Accordingly, the City will stop its enforcement actions and continue on its efforts to ensure that UBER obtains the required business license as directed by Council.

Next Steps

Based on the option that Council endorses as per this report, staff will subsequently bring forward the required bylaw at the March 9, 2020 Council for consideration.

Legal and Legislative Services Review

The City's Legal Services Division has reviewed this report and have no concerns.

SUSTAINABILITY CONSIDERATIONS

The recommendations of this report support the objectives of the City's Sustainability Charter 2.0. In particular, this work relates to the Sustainability Charter 2.0 theme of Infrastructure. Specifically, ride-hailing supports the following Desired Outcome ("DO"):

- Transportation DO11: An integrated and multi-modal transportation network offers affordable, convenient, accessible and safe transportation choices within the community and to regional destinations.

CONCLUSION

BC municipalities have been provided three options by the PTB to accommodate TNS, as outlined in this report. Staff from the City of Surrey have been participating in the IMBL Working Group since its inception in August 2019. Accordingly, staff recommend that Council direct staff to move forward with Option 1 and work with neighbouring municipalities to create an IMBL.



Rob Costanzo
General Manager, Corporate Services