

January 18, 2011

Notice To Taxi & Limousine Licence Holders

Amendments To By-law T-108, Administrative Order #39 and Administrative Order #15, Respecting The Regulation Of Taxis And Limousines

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On October 28, 2010, Halifax Regional Council approved the amendments to By-Law T108 and the Administrative Orders Respecting The Regulation Of Taxis and Limousines. These amendments became effective on December 24, 2010.

This communication is to advise the industry on amendments approved by Halifax Regional Council which may result in licensing or operational changes and how these changes may affect you.

**By-Law T-108 Amendments**

1. The definition of “**Halifax Zone**” is amended by the addition of the following: “and the areas also know as Harrietsfield, Sambro, Ketch Harbour and Portuguese Cove.”  
*(This means those communities are now part of the Halifax zone.)*

2. The definition of Inspector has been replaced with Licensing Authority and the Licensing Authority may now suspend or revoke a licence of any person who offends any provision of the by-law and may cause to be prosecuted persons who offend against any law, by-law or administrative order in respect of the ownership or operation of a taxi or limousine.  
*(This means the regulatory body is now referred to as Licensing Authority and re-enforces the regulators authority to suspend, revoke, or prosecuted those who offends any regulations pertaining to the ownership or operation of a taxi or limousine.)*

3. The definition of "owner" means a person who holds the legal title of a vehicle and its licence plates as indicated on the **permanent** NS Vehicle Registration Permit;  
*(This means the vehicle to be licenced must be owned and plated in the licence holders name and that a permanent NS vehicle registration permit is required in order to licence a taxi or a limousine vehicle. Temporary registration stickers are no longer accepted.)*

4. The vehicle standards for taxis, accessible taxis and limousines have been removed from the by-law and placed in the Administration Order 39 and the vehicle types for taxis have been amended.  
*(This means the vehicle standards are now outlined in Administrative Order 39, vehicle types for taxis now includes Crossover and SUV vehicles which are permitted to be licenced as taxis if they comply with the standards.)*

5. Section 11(2) has been amended to read; “notwithstanding the definition of “owner” contained in section 3, owner licences held at the date of amendment of the definition of “owner” which are subject to an ownership agreement on a vehicle in which the licence holder is not the title or plate holder, are validly held as long as a continuous ownership agreement relationship between the two parties remains in place.” ***(This means that previous lease agreements will remain valid as long as the relationship between the two parties remains in place.)***

6. Section 18 has been amended to read; “an owner of a taxi, accessible taxi or limousine shall notify the Licensing Authority forthwith of any change to the NS Vehicle Registration Permit of his or her vehicle.

7. Section 21(1) has been amended to include the following wording; “expired licences are not operational but may be renewed for up to 30 days following the expiration date, and if not renewed within 30 days following the expiration date the licence is terminated. Owner licence holders who do not hold a drivers licence issued pursuant to this by-law must submit an annual Criminal Record/Vulnerable Sector Search report. ***(This means its illegal to operate a taxi or limousine which has an expired owner licence and if the licence is not renewed within 30 day’s of expiration, it will automatically be terminated. Owner licence holders who do not have a valid taxi or limousine driver licence must now submit annual Criminal Record/Vulnerable Sector record checks.***

8. Section 22 (1)(2)(3) is basically unchanged operationally but wording has been clarified to read;

22. (1) A taxi or limousine owner shall maintain the required insurance policy and shall provide to the licencing authority upon demand evidence that the policy remains in force.

(2) The owner shall require the agent or the insurance company issuing the insurance policy to immediately notify the licencing authority of any changes in coverage or the cancellation of any insurance policy and the agent or the insurance company shall immediately notify the licencing authority of any such change or cancellation.

(3) The holder of an owner licence, must maintain uninterrupted motor vehicle insurance as required, in order for the owner licence to remain in force. The licencing authority shall immediately suspend an owner licence upon notification that the insurance may have lapsed. If the licencing authority confirms the insurance is no longer in force, the owner licence shall be cancelled.

***(This means the Licencing Authority can now suspend a licence while it investigates a possible laps in the required vehicle insurance, and if the authority confirms the insurance has lapsed, then the licence is cancelled.)***

9. Section 35 wording has been amended to clarify the wording and the addition of annual Criminal Record/ Vulnerable Sector Search reports.

35. No temporary or permanent driver's licence, shall be granted unless the applicant or licence holder meets or continues to meet all requirements relative to drivers and until:

(a) the applicant or licence holder submits two professionally taken passport

style photographs, showing a full front view of head, dated within 30 days of the date of application, photographs subject to fading or sensitive to heat are not acceptable;

(b) the applicant or licence holder provides a satisfactory NS Registry of Motor Vehicles (Client Use) abstract of his or her minimum class 4 driving record, dated within 30 days of the date of application;

(c) the applicant or licence holder submits in person, a valid unexpired minimum class 4 NS driver licence;

(d) the applicant or licence holder pays to the municipality all applicable fees prescribed by Administrative Order;

(e) the applicant or licence holder provides a satisfactory Criminal Record / Vulnerable Sector Search report, dated within 30 days of the date of application, approved by the licencing authority. If the CRC/VS report is delayed and the applicant or licence holder provides proof of application and payment for the CRC/VS report, a Statutory Declaration may be sworn. If the CRC/VS report is not submitted within 20 days from the signing date of the Statutory Declaration, the licence will be suspended until the report has been submitted; and

***(This means that all drivers must supply the items noted above before a licence can be issued or renewed and if the Criminal Record / Vulnerable Sector Search report is delayed and not supplied within 20 days of the signing of the Statutory Declaration, the driver licence will be suspended until the report is submitted.)***

10. Section 36 (3) a & b are amended to read;

(3) Notwithstanding any other provision of this by-law, no person shall be issued a permanent driver's licence unless that person:

(a) continues to meet the requirements for drivers, and has successfully completed the process prescribed by the National Standards Certification for Taxicab/Limousine Drivers, administered by the Nova Scotia Tourism Human Resource Council, while being the holder of a valid temporary driver's licence; or

(b) has held a permanent driver's licence within the past 2 years and continues to meet all the requirements for a driver, as outlined in this by-law.

***(This means a driver may apply to renew an expired licence, without being required to be re-tested, as long the individual continues to meet the by-law requirements and has held a permanent driver licence within the last two years. Failing that, the individual will be considered a new applicant.)***

11. Section 40 is amended to read;

40. A licence may not be granted, or may be suspended or revoked when:

(a) the applicant or licence holder is subject to a Court order, arising from a charge or conviction under federal or provincial law, that inhibits the individual's ability to operate a taxi or limousine;

(b) the applicant or licence holder has been convicted of an offense against

vulnerable persons or has a conviction within the past five years relating to a sexual offence, illegal sale or possession of drugs, a violent offence, or a breach of trust;

(c) the applicant or licence holder fails to immediately notify the Licencing authority that they have become subject to a court order or charges;

(d) the applicant or licence holder has a driving record which in the opinion of the licencing authority, makes him or her unfit to operate a taxi, accessible taxi, or limousine, as the case may be;

(e) the applicant or licence holder has a criminal record in another country or jurisdiction which is similar in nature to the provisions described in clause (a) or (b).

***(This means that a licence may not be granted, may be suspended or revoked, based on an individuals court order, criminal charges or criminal convictions.)***

12. Section 42(c) is amended to read; “every driver, unless engaged by a passenger, shall upon being applied to in person or by electronic means, place themselves and their vehicle at the disposal of the person so applying and shall proceed to any place in the municipality as directed, provided that a driver may refuse to drive a person whose destination would be in violation of the zone regulation for which the vehicle is licenced, the passenger’s conduct causes a driver to fear for their safety or the passenger refuses to provide proof of payment in advance as provided for in Administrative Order 39.

***(This means that a driver has the right to refuse to transport a person whose destination would result in a zone violation for which the vehicle is licenced.)***

13. Section 47 is amended to read; “Licences issued pursuant to this by-law shall expire on the next anniversary date of the licence holders birthday. Expired licences are not operational.”

***(This means that all licences, drivers & owners, will be issued to expiry on the licence holders birth date and that it is illegal for a driver or vehicle to operate with an expired driver licence.)***

14. Section 77 4, 5, 6 & 8, is amended in part to include the following wording; “ shall add the applicant’s name to the end of the current waiting list in order of date and time of receipt of the application”.

***(This means the names of Halifax taxi drivers are no longer added to the Halifax owner waiting list automatically. Drivers must apply by application to have their names added to the end of the waiting list in the order of the date and time of receipt of their application. This applies to newly licenced Halifax taxi drivers and those Halifax drivers who have failed to meet the criteria to maintain their names on the waiting list. This amendment has no affect on Halifax taxi drivers who names are currently on the Halifax waiting list, as long as they continue to meet the criteria to their name remain on the waiting list.***

15. Section 78 (4) is amended to include subsection (c);

78 (4)(c) When a taxi owner’s licence is issued to a taxi driver pursuant to this Section who has not completed the National Standards Certification for Taxicab/Limousine Drivers, the taxi driver shall register for and successfully complete the National Standards Certification program within one year of obtaining the taxi owner’s licence and if the taxi driver fails to obtain such certification within that time, the licencing authority shall immediately revoke the taxi owner’s licence

issued pursuant to this Section. Upon application, the name of the driver shall be added to the end of the waiting list in accordance with Section 4.

***(This means new Dartmouth taxi owners must complete the National Standards Certification Program within one year of being issued the owner licence, if they have not already completed the program. Failing to complete the program within the time period will result in the owner licence being revoked)***

16. Section 80, Seniors Shared-Ride Service, is repealed.

***(This means this section has been removed from the by-law and the rate schedule #1 of Administrative Order 39.)***

17. Section 81(1) wording is amended to read; “the owner of a licenced taxi may apply to the licencing authority and if upon inspection the taxi is found to be in compliance with the requirements of this by-law, the licencing authority shall approve the issuance to the owner of the taxi the Hotel Standard decals. The cost of each semi annual inspection shall be as provided for in Administrative Order 15.”

***(This means the fee for the Hotel Standard inspection has been added to the administrative order. A fee of \$17.50 will now apply when a Hotel Standard Inspection is conducted.)***

### **Administrative Order 39**

1. Schedule 1 of administrative order is amended by removing the wording; “Seven dollars additional charge for a station wagon or Mini-Van (when specifically requested)

***(This means that the seven dollar additional fee for a station wagon or mini-van has been eliminated from the rate schedule and can no longer be charged.)***

2. Schedule 1 of administrative order is amended by removing and replacing the Special Rate clause 1 & 2 with the following;

- Special Rates- by contract are permissible when such rates are provided for by contract between the taxi owner or taxi driver and the customer. When customer contact to obtain taxi service is initiated either by telephone, electronic transmission, the customer is entitled to the fare by meter rate, unless a special rate is agreed upon prior to the taxi departing for the customer pickup. When customer contact is initiated in person, the customer is entitled to the fare by meter rate unless a special rate is agreed upon prior to commencement of trip.

***(This means the previous two special rate clauses has been combined into one and clarifies when a Special Rate agreement must be agreed upon, if no Special Rate has been agreed upon then the meter rate shall apply.)***

On December 7 2010, Halifax Regional Council introduced a motion to amend By-law T-108 Section 46(b) permitting exemption from zones by Administrative Order or Resolution of Council. On January 15, 2011 the following amendments became effective.

### **By-law T-108**

Section 46(b) it shall be an offence for a driver licensed under this by-law, other than an accessible taxi driver, to pick up or to accept a passenger in any zone other than the zone in which the vehicle is licensed and to carry that passenger to another location within that zone, except on Friday's from 11:00 PM to Saturday's 3:00 AM and on Saturday's from 11:00 PM to Sunday's 3:00 AM. **or as otherwise permitted by Administrative Order or resolution of Council.**

### **Administrative Order 39**

6. Pursuant to Section 46(b) of By-law T-108, taxi drivers are permitted to transport passengers to destinations in any zone as follows:

(i) for the duration of the Canada Winter Games - February 11, 2011 through February 27, 2011.

*(This means that for the dates specified, all HRM taxis can service all zones within the Halifax Regional Municipality without violation.)*

Any question regarding these amendments should be directed to the Taxi & Limousine Licencing Office at 490-2551.

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