



**TAXI LICENSING COMMISSION
BY-LAW NO. 3**

**A BY-LAW RESPECTING
THE TAXI LICENSING COMMISSION
OF
THE CORPORATION OF THE CITY OF KINGSTON
AND
THE CORPORATION OF THE TOWNSHIP OF LOYALIST**

ACCESSIBLE TAXI BY-LAW

BY-LAW NO. 3**A BY-LAW RESPECTING THE TAXI LICENSING COMMISSION OF THE CORPORATION OF THE CITY OF KINGSTON AND THE CORPORATION OF THE TOWNSHIP OF LOYALIST**

WHEREAS The Taxi Licensing Commission of The Corporation of the City of Kingston and the Corporation of the Township of Loyalist (hereinafter referred to as the “Commission”) wishes to implement a Pilot Project for Accessible Taxi operation within the City of Kingston and the Township of Loyalist (hereinafter referred to as the “Area”); and to any point not more than five (5) kilometers beyond the limits of the Area for the protection of the health and safety of the patrons of Accessible Taxis within the Area in compliance with Accessibility For Ontarians Act 2005.

NOW THEREFORE the Taxi Licensing Commission hereby enacts bylaws as follows:

GENERAL DEFINITIONS

1. For the purposes of this By-Law:
 - (a) **"Taxi Licensing Commission"** shall mean the Taxi Licensing Commission for the City of Kingston and the Township of Loyalist and shall hereinafter be referred to as the Commission or Taxi Commission.
 - (b) **"Accessible Taxi"** means a motor vehicle to be used as a taxi for the transportation of passengers unable to board regular vehicles due to a physical disability, which is originally constructed or subsequently modified to permit the loading, transportation and off-loading of persons utilizing a wheelchair or similar device in compliance with the requirements of the Highway Traffic Act, Ontario Regulation 629, as amended, Ontario Regulation 611, as amended and Canadian Standards Association standard CAN3 0409 M84 and all other relevant federal and provincial regulation , but does not include a Limousine or Group Transportation Vehicle.
 - (c) **"Accessible Taxi Driver"** means a Licensed Taxi Driver who successfully completed an Accessible Taxi Driver training/Transportation program and can operate the Accessible Taxi as a regular taxi.
 - (d) **"Accessible Taxi Plateholder"** means a Person who holds an Accessible Taxi Licence and has successfully completed an Accessible Taxi Driver training/Transportation program and can operate the Accessible Taxi as a regular taxi.
 - (e) **"Accessible Taxi Licence"** means a numerical licence issued pursuant to this by-law to operate an accessible vehicle as an Accessible Taxi.
 - (f) **"Person with a Physical Disability"** means a person who is restricted in or lacks the ability to perform physical activity in the manner or within the range considered normal for a human being and may require the use of a Mobility Aid.
 - (g) **"Mobility Aid"** means a device, including a manual wheelchair, electric wheelchair or scooter that is used to facilitate the transport, in a normal seated orientation, or a walker, of a person with a physical disability.

GENERAL DEFINITIONS (cont'd)

- (h) **“Compensation”** means any rate, remuneration, reimbursement, fee or reward of any kind paid, payable, promised, received or demanded, directly or indirectly.
- (i) **“Dispatcher”** means any person who receives or dispatches calls for regular taxi or accessible taxi service by way of telephone, radio, mobile data terminals (dispatch aided computer), or any other means from a taxi office and the words “dispatch” and “dispatched” shall have corresponding meanings.

GENERAL PROVISIONS - DRIVERS

- 2. Every applicant for an Accessible Taxi driver License will be required by the Taxi Commission to successfully complete an Accessible Taxi Driver training and testing program approved by the Commission, within a timeframe as required by the Commission, prior to receiving an Accessible Driver license.
- 3. The applicant shall comply with any and all requirements as set out in this by-law as well as any other law which may govern the business of Accessible Taxis.
- 4. In addition to complying with the Taxi Driver responsibilities under this By-law, every Accessible Taxi Driver shall:
 - (a) Ensure that all wheelchairs being transported within the Accessible Taxi are securely fastened so as to prevent them from moving when the Accessible Taxi is in motion;
 - (b) Ensure that the Accessible Taxi:
 - (i) is equipped with an extra tire, wheel and jack ready for use for that Accessible Taxi;
 - (ii) has wheelchair tie downs; and,
 - (iii) is in compliance with Regulation 629 of the Highway Traffic Act, the Canadian Standards Association’s Standard D409-M84 and all other applicable federal and provincial legislation.
 - (c) Record the number Trips of Persons with Disabilities and Persons without Disabilities on his or her Trip Sheets; and maintain the data for the duration of the Pilot Project.
 - (d) Give priority to requests for Service from Persons with Disabilities over Persons without Disabilities.
 - (e) Operate his or her Accessible Taxi on a full-time basis 7 days a week 24 hours a day, 12 hour shift maximum for the drivers.

GENERAL PROVISIONS - PLATEHOLDERS

- 5. In addition to complying with all of the Accessible Taxi Plateholder responsibilities under this By-law, every Accessible Taxi Plateholder shall:
 - (a) Ensure that the Driver of each Accessible Taxi keeps an accurate record of the number Trips made of Persons with Disabilities
 - (b) Record the total number of Trips made for Persons with Disabilities and for Persons without Disabilities from the Trip Sheets for each month, and maintains this recorded data for the duration of the Pilot Project.

GENERAL PROVISIONS – PLATEHOLDERS (cont’d)

- (c) Ensure that each Accessible Taxi:
 - (i) is equipped with an extra tire, wheel and jack ready for use for that Accessible Taxi;
 - (ii) has wheelchair tie downs; and,
 - (iii) has a first aid kit;
 - (iv) has operable air-conditioning and heating;
 - (v) meets standards for a Safety Standard Certificate; and,
 - (vi) is in compliance with Regulation 629 of the Highway Traffic Act, the Canadian Standards Association's Standard D409-M84 and all other federal and provincial legislation, including without limitation to all federal and provincial legislation applicable to the transportation of Persons with Disabilities;
 - (d) Ensure that only an individual Licensed as an Accessible Taxi Driver Operates an Accessible Taxi: and
 - (e) Ensure that priority is given for providing Taxi Service to Persons with Disabilities over Persons without Disabilities.
 - (f) Accessible Taxi Plateholders shall supply quarterly reports and an annual report on October 1st each year of all accessible calls received and costs of operating an Accessible Taxi for the duration of the Pilot Project
 - (g) Accessible Taxi Plateholders shall maintain good standing when repayment of all interest free loans supplied by the City of Kingston, for the duration of the Pilot Project or the Commission shall revoke the Accessible Taxi Plate.
6. An Accessible Taxi Plateholder shall ensure that:
- (a) Not less than one (1) Accessible Taxi shall be in service and available to passengers at all times;
 - (b) A daily record of service activity is kept for each Accessible Taxi including details of pick up and drop off points for each passenger.
7. The Accessible Taxi Plateholder will ensure that the Accessible Taxi is only driven by an Accessible Taxi Driver.
8. The applicant shall provide to the Taxi Commission office at the time of application the vehicle registration/ownership information and insurance for the vehicle to be licensed as an Accessible Taxi.
9. The applicant shall provide to the Taxi Commission office at the time of application, a valid Safety Standards Certificate issued pursuant to the Highway Traffic Act, RS.O. 1990, c. H8 and specifically stating that the Accessible Taxicab is compliant with the rules and regulations stipulated in and by Regulation 629 of said Act.

GENERAL PROVISIONS - BROKERS

10. Where the taxi broker dispatches to Taxis for which an Accessible Plate has been issued, and service is requested by a Disabled Person, the Broker shall provide priority service for such Person, but subject to prior requests for service by other disabled persons.

GENERAL PROVISIONS – BROKERS (cont'd)

11. Where service requested is for a disabled passenger and the Taxi broker is unable to provide such service, direct the person requesting such service to another Taxi broker with an available Accessible Taxi.
12. To offset the Accessible Taxi Drivers increased loading and unloading time, an Accessible Taxi, when dropping off an accessible fare in a zone shall become first in the zone for the next fare, subject to requests for an Accessible Taxi which remains the priority for an Accessible Taxi.

EQUIPMENT AND ITS USES

13. Every owner of an Accessible Taxi shall provide a safety certificate every 6 months. All equipment, to ensure compliance with federal and provincial regulations shall be inspected at this time. The vehicle to be used as an Accessible Taxi shall comply at all times with the current Ontario Regulations pursuant to the Highway Traffic Act and amendments thereto and with the Canadian Standards Association standard D409-M84, and all other relevant federal and provincial regulations as may be established and in force from time to time including but not limited to:
 - (i) R.R.O. 1990 Regulation 629 Accessible Vehicles
 - (ii) O. Reg 172/11 Amending Reg. 629 of R.R.O. 1990
 - (iii) O. Reg 191/11 ~ Integrated Accessibility Standard
14. The age of an Accessible Taxi vehicle shall be no more than 3 years old when implemented as an accessible taxi under this Bylaw.
15. Any taxi licensed under this by-law which is equipped with a camera system, shall provide notice of same to the public. Said notice shall be clearly visible from both outside the vehicle and within the interior of the vehicle.
16. The Accessible Taxi shall have one of three safety items as listed in Section 3(d)(i)(b) of By-law No. 2, for regular taxis.
17. Every owner shall have affixed to every and Accessible Taxi, licensed under this By-law, a top sign from the Broker, a taximeter that shall register distance travelled, record trips and units, and compute fares to be paid.
18. Each taximeter shall be illuminated between dusk and dawn.
19. When a passenger with a disability requires the assistance of the Accessible Taxi Driver in entering the taxi or to store mobility aids or assistive devices, the driver shall not activate the meter until the person is seated in the taxi and any such devices stored away. The meter shall remain activated throughout the trip. At the conclusion of the trip, the taxi driver shall, upon being paid, deactivate the meter. The meter shall not continue to run while the driver is assisting the passenger with a disability to exit the taxi and/or with the removal of mobility aids and/or devices.
20. The Accessible Taxi vehicle shall have affixed to the left side of the rear bumper the Accessible Taxiplate compliant to all federal and provincial regulations and bylaws.
21. All licensed Accessible Taxis shall have 4 ½ inch black or white numbers, in contrast with the vehicles colour. The numbers which state the Kingston Area Taxi Commission accessible taxiplate number shall be located on the left and right front fenders. The numbers shall be located ahead of the front doors, but not past the wheel well and near the top of the fender.

EQUIPMENT AND ITS USES (cont'd)

22. No person shall operate an Accessible Taxi where such vehicle being operated as an Accessible Taxi does not or, if put to an inspection, could not pass the safety standards established pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8 and specifically, but not limited to, compliance with the rules and regulations outlined in and by Regulation 629 of said Act.
23. Where a person holds a valid Accessible Taxiplate Licence under this section for the current year and where such person certifies that the Accessible Taxi licensed under this section has been removed from service and is being replaced by another vehicle to be operated as an Accessible Taxi, and upon submission of:
- (a) a completed application form;
 - (b) vehicle registration/ownership information and insurance
 - (c) a current Safety Standards Certificate for the vehicle to be licensed as an Accessible Taxi;
 - (d) any other required inspections, approvals or documents as required by Taxi Commission office; and
- The Accessible Taxiplate licence may be installed on the replacement vehicle.
24. Every Licensee shall keep the interior and exterior of all Accessible Taxicabs owned or operated in good repair and in a clean and sanitary condition.

ACCESSIBLE PLATES

25. Accessible Taxiplate(s) remain the property of the Kingston Area Taxi Commission and are not transferable in any form or means including estate wills or testamentary dispositions.
26. No license shall be renewed under this By-law in respect of an Accessible Taxi which is more than six (6) years old.
27. The Kingston Area Taxi Commission may issue up to three (3) Accessible Taxi Licences for the Pilot Project.
28. All Accessible Taxi Licences must be issued in the name of the same individual or corporation as Licensee.
29. The initial Accessible Taxi Placeholder in this Pilot Project operating an Accessible Taxi shall have first choice when offering of additional accessible taxiplate(s) for the Pilot Project.
30. Whether or not a person has been prosecuted for the commission of an offence, the Taxi Inspector may suspend any Accessible Taxi Licence if there are reasonable grounds to believe that the Licensee has contravened or failed to comply with a provision of this by-law.

GENERAL PROVISIONS – BROKERS, PLATEHOLDERS AND TAXI OPERATORS

31. No person shall drive an Accessible Taxi without first having completed a Wheelchair and Occupant Restraint System Training/Transportation Program with respect to the handling, safety restraint, transportation, care and safety of passengers with disabilities. Written proof outlining the record of training and the training the driver received shall be provided to the Commission forthwith upon the completion of the Wheelchair and Occupant Restraint System Training Program. The trainer and the driver shall sign the certification of training.
32. No owner or driver of an Accessible Taxi shall smoke or permit smoking in their taxis.
33. No Accessible Taxi Driver/plateholder shall drive a taxi under this By-law for more than twelve (12) hours within any consecutive twenty-four (24) hour period.

GENERAL PROVISIONS – BROKERS, PLATEHOLDERS AND TAXI OPERATORS (cont'd)

34. Every owner and every driver of an Accessible Taxi shall offer exclusive priority to requests made by, or on behalf of, a person with a disability requesting Accessible Taxi Service, at any time of the day or night and at any place within the within the City of Kingston and the Township of Loyalist and to any point not more than five (5) kilometers beyond the limits of the Area
35. The Accessible Taxi will be available to those persons who have mobility issues and have challenges getting in and out of the regular taxi.
36. During the hours when not in demand as an Accessible Taxi, the Accessible Taxi may operate as a regular taxi in compliance with Taxi Commission By-law No. 2.
37. No person shall operate an Accessible Taxi unless that person is a licensed taxi driver who has completed an Accessible Taxi Driver training/Transportation program as per this By-law
38. A person operating an Accessible Taxi shall give priority to requests for service from passengers using a Mobility Aid as a result of a physical disability.
39. Every driver of an Accessible Taxi shall render all assistance required by a disabled passenger to enter and exit the taxi safely.
40. Except where inconsistent with the provisions of this by-law, the provisions of Taxi By-law No.2 apply to this by-law with any required modifications for context.
41. A person who contravenes or does not comply with a provision of this by-law is guilty of an offence.
42. The licences issued under this by-law are to be renewed annually on December 31 each year.
43. The owner of a vehicle licensed or seeking to be licensed under this by-law shall make the Accessible Taxi available for regular inspection by a By-Law Enforcement Officer within 24 hours of such a request being made and shall produce a current mechanical fitness certificate within 72 hours of a request being made.
44. Under no circumstances may an Accessible Taxi customer be charged a fee for the storage of mobility aids or mobility assistive devices.
45. Under no circumstances may an Accessible Taxi customer be charged a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip.
46. No person shall operate an Accessible Taxi contrary to any licence suspension or terms and conditions thereto or where such licence has been revoked.
47. No person shall operate or maintain any vehicle as an Accessible Taxi within the City of Kingston and the Township of Loyalist and to any point not more than five (5) kilometers beyond the limits of the Area without first obtaining an Accessible Taxiplate/licence to do so.
48. The Licensee shall ensure that any Accessible Taxi they operate is driven for the transportation exclusively of one person or group of persons in the same party and that only one fare is charged or collected for each specified trip.

INSURANCE

49. Every person who applies for an Accessible Taxiplate License under this By-law shall, for each vehicle for which a license is sought and before such license is issued or renewed, file with the Kingston Area Taxi Commission office, a policy of insurance issued by a company authorized to issue indemnity insurance policies in the Province of Ontario. Such policy shall insure the applicant in the amount of at least two million (\$2,000,000) and the policy shall include Public Liability and Property Damage exclusive of costs and interest, against liability for damages resulting from injury to or death of one or more persons and Property Damage in any one accident.

RENEWAL, REFUSAL OR SUSPENSION OF LICENSE

50. In addition to complying with the requirements under By-law No. 2 and of this By-law, every Applicant for a renewal of an Accessible Taxi Driver License shall:
- (a) be a Licensed Taxi Driver;
 - (b) submit his or her Taxi Driver License to the Taxi Commission office for endorsement as an Accessible Taxi Driver Licence; and
 - (c) as required by the Commission, provide proof of completion of an Accessible Taxi Driver Training/Transportation program.
51. In addition to any of its other powers, the Taxi Commission may prescribe:
- (a) the application procedures for Accessible Taxi Licenses;
 - (b) the criteria by which such applications will be judged;
 - (c) vehicle standards for Accessible Taxis; ,
 - (d) training requirements for operators of Accessible Taxis; and,
 - (e) operational requirements for Accessible Taxis not otherwise specified in this by-law.
52. The Appeal hearings process and good character criteria are subject to Taxi Commission By-law No. 2.
53. The Taxi Inspector/Municipal Law Enforcement Officers powers to suspend, hearings for accessible taxiplates, accessible taxi plateholders, accessible taxi drivers and new accessible taxi drivers shall be as per Kingston Area Taxi Commission By-law No. 2.
54. Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts of this bylaw shall nevertheless remain valid and binding, and in full force and effect and shall be read as if the offending section or part had been struck out.
55. In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall prevail.
56. The Taxi Inspector, Police Officer or other duly appointed individual may at all reasonable times enter on land, including buildings, for the purpose or carrying out of an inspection to determine whether or not the provisions of this by-law are being complied with or an Order of the Court is being complied with.

**SCHEDULE “A” TO BY-LAW NO. 3
TAXI LICENSE COMMISSION**

LICENSE FEES

For New Accessible Taxi Drivers (Subject to Section 59(a))

1. \$140.00 per annum for each non-renewal application (\$20.00 of this total amount is non-refundable) cost of Criminal Reference Check (CPIC) including a Vulnerable Sector Check, is at applicants expense, subject to current CPIC policy.
2. November license fee options are: \$70.00 and renew in December, or \$180.00 and the license is valid until December 31st of the next year. (Not subject to Section 59(a))

For New Accessible Taxi Plateholder(s)

1. \$600.00 per annum for each Accessible Taxi for first license issued. The waiting list fee of \$50.00 will be deducted from the accessible taxi plate fee if applicable.

Renewal License Fees

1. \$250.00 per annum for each Accessible Taxi Plate on consecutive renewals. Cost of Criminal Reference Check (CPIC) is at applicants expense, subject to current CPIC policy.
2. \$135.00 per annum for Accessible Taxi Drivers License on consecutive renewals. Cost of Criminal Reference Check (CPIC) is at applicants expense, subject to current CPIC policy.

\$50.00 surcharge for completed application received after December 15th of each year.

Other Fees

- | | |
|---|----------|
| 1. Replacement — Photo I.D. Cards | \$20.00 |
| 2. Driver and Plateholder transfer fee | \$20.00 |
| 4. Transfer for vehicle replacements | \$20.00 |
| 5. Re-examination after two (2) attempts | \$20.00 |
| 6. Replacement of Plateholder accessible taxi plate | \$50.00 |
| 7. Non-refundable deposit for new applications | \$20.00 |
| 8. Hearing Fee | \$25.00 |
| 9. Hearing Fee (Illegal Lease) | \$150.00 |