

CITY OF ST. ALBERT

BYLAW 22/2017

Being Amendment 16 to the Business Licensing Bylaw 43/2000

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The Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

1. Bylaw 43/2000, the Business Licensing Bylaw, is hereby amended by adding Schedule C, Vehicle for Hire.
2. The Chief Administrative Officer is authorized to consolidate Bylaw 43/2000.

READ a first time this 20<sup>th</sup> day of March 2017.

READ a second time this        day of                                  2017.

READ a third time this            day of                                  2017.

SIGNED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

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MAYOR

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CHIEF LEGISLATIVE OFFICER

## Schedule "C"

### Vehicles for Hire

1. In this Schedule:
  - (a) "Limousine" means a luxury Vehicle for Hire that provides pre-arranged transportation services.
  - (b) "Mechanical Inspection Report" means a mechanical inspection of a vehicle, performed at an Alberta Motor Vehicle Industry Council licensed Business by an Automotive Service Technician that is certified to work as such in Alberta, reported at minimum in an approved form pursuant to section 803 of the Alberta Insurance Act.
  - (c) "Senior Transportation Services" means private transportation services provided specifically for older citizens.
  - (d) "Taxi" means a Vehicle for Hire that provides transportation services to passengers as requested by the passenger.
  - (e) "Traditional Vehicle for Hire Business" means any Business that provides traditional Vehicle for Hire services within the City, and includes but is not limited to:
    - (i) luxury or Limousine service companies;
    - (ii) Taxi dispatch companies;
    - (iii) sole proprietorships offering Vehicle for Hire services;
    - (iv) Senior Transportation Services.
  - (f) "Transportation Network Company" means any Business that connects passengers with Vehicle for Hire Operators for pre-arranged transportation exclusively through the offering, use or operation of an online enabled application, a digital platform, software, or a website, and is approved as such by the Province of Alberta.
  - (g) "Third-Party Documents" means such documents and information, created or issued by a third party, to be provided to the License Inspector by an applicant in accordance with this Schedule.
  - (h) "Vehicle for Hire"
    - (i) means, with the exception of public transit vehicles defined by and operating in compliance with Transit Bylaw 34/87 or in conjunction with a "handi-bus" program, a motor vehicle used or

offered with intended commercial purposes for the transportation of at least one passenger from any place within St. Albert to a destination either within or outside the St. Albert, and includes but is not limited to:

- i. a vehicle used in the operation of a Traditional Vehicle for Hire Business
- ii. a vehicle used in the operation of a Transportation Network Company.

(ii) Without limiting the generality of subsection (i), if the transportation of a passenger is provided as part of a package of additional goods or services for which there is a fee, then the transportation of the passenger is considered to be for intended commercial purposes unless the transportation is shown, on a balance of probabilities, to be merely ancillary to the goods or services.

- (i) "Vehicle for Hire Operator" means any Person who operates a Vehicle for Hire, whether as a proprietor, employee or contractor of a Traditional Vehicle for Hire Business or Transportation Network Company.
- (j) "Vulnerable Sector Check" means the process that verifies whether an individual has a criminal record, as well as any record suspensions (formerly pardons) for sexual offences and local police records information relevant to the check.

- 2. (a) A Business must not operate as a Traditional Vehicle for Hire Business or a Transportation Network Company in the City unless that Business holds a Business License that specifically refers to this Schedule C.
- (b) A Person shall not operate a Vehicle for Hire in the absence of a Business License that authorizes the Person to do so.

#### Transportation Network Company Requirements

- 3. A Transportation Network Company is required to submit the following documents prior to being issued a Business License or Business License renewal under this schedule:
  - (a) a valid Transportation Network Company Certificate of Approval that has been issued to the Business by the Province of Alberta's Registrar of Motor Vehicle Services

(b) an agreement that immediately upon the request of the Licence Inspector or a Peace Officer, the Transportation Network Company will provide the City a record of:

- (i) valid operators' licenses;
- (ii) police information checks; and
- (iii) insurance coverage

for each Vehicle for Hire and Vehicle for Hire Operator employed or contracted by the Transportation Network Company.

4. If, upon review of the information provided by the Transportation Network Company under Subsections 3(b)(i), (ii) and (iii), the License Inspector believes that the continued operation of the Transportation Network Company would pose a risk to the safety of the public, the License Inspector may suspend or revoke a License for a Transportation Network Company the License Inspector may suspend or revoke a License for a Transportation Network Company.

#### Traditional Vehicle for Hire Business Requirements

4. A Traditional Vehicle for Hire Business must provide the following documents to the License Inspector prior to being issued a license or a license renewal under this schedule:
- (a) a valid class 1, 2 or 4 operators licence in accordance with the Alberta Traffic Safety Act for each Vehicle for Hire Operator employed and/or contracted by the Traditional Vehicle for Hire Business;
  - (b) a clear Vulnerable Sector Check or a criminal record verification showing no convictions in accordance with Section 5, dated within 90 days prior to submission for each Vehicle for Hire Operator employed and/or contracted by the Traditional Vehicle for Hire Business;
  - (c) a valid commercial insurance policy for the Traditional Vehicle for Hire Business, or for each Vehicle for Hire Operator employed and/or contracted by the Traditional Vehicle for Hire Business, that meets the Province of Alberta's requirements for passenger transportation services;
  - (d) a valid class vehicle registration certificate in accordance with the Alberta Traffic Safety Act for each Vehicle for Hire that will be used in the operation of the Traditional Vehicle for Hire Business; and

- (e) a deemed roadworthy Mechanical Inspection Report dated within 90 days prior to submission for each Vehicle for Hire that will be used in the operation of the Traditional Vehicle for Hire Business.
5. A license under this schedule will not be issued to or renewed for a Traditional Vehicle for Hire Business that employs and/or contracts a Vehicle for Hire Operator that the License Inspector deems will pose a risk to the safety of the public
  6. A license under this schedule will not be issued to or renewed for any Traditional Vehicle for Hire Business that employs and/or contracts a Vehicle for Hire Operator who, during the last 10 years, was convicted of an offence under the Criminal Code of Canada and/or Controlled Drugs & Substances Act that falls under the following criteria:
    - (a) any offence of a violent nature, including firearms and weapons offences;
    - (b) any offence involving sexual assault, sexual exploitation, sexual interference, procuring or invitation to sexual touching;
    - (c) trafficking;
    - (d) any offence involving fraud or fraudulent transactions, conspiracy to defraud, the use of false pretences, bribery, extortion or theft; or
    - (e) any offence relating to the unlawful operation of a motor vehicle.
  7. A license under this schedule will not be issued to or renewed for any Traditional Vehicle for Hire Business that uses a Vehicle for Hire in its operations that, due to the Mechanical Inspection Report, the License Inspector deems will pose a risk to the safety of the public.
  8. A Traditional Vehicle for Hire Business with a license under this schedule must keep and maintain an accurate and current record of all the required documents in Section 4.
  9. Immediately upon request, a Traditional Vehicle for Hire Business must make available to the License Inspector or peace officer an accurate copy of the information kept under Section 8.
  10. The License Inspector may suspend or revoke a license if the information provided by the Traditional Vehicle for Hire Business does not meet the requirements of Sections 5, 6 and 7.
  11. A Traditional Vehicle for Hire Business licensed under this schedule must not alter, or permit or cause the alteration of, any Third-Party Documents.

12. Third-Party Documents must be kept:
  - (a) in electronic form with automated reporting capabilities;
  - (b) in English, and/or
  - (c) in any form deemed to be acceptable by the License Inspector.
  
13. Immediately upon request, a Vehicle for Hire Operator licensed under a Traditional Vehicle for Hire Business must make available to the License Inspector or peace officer an accurate copy of the following documents:
  - (a) a valid class 1, 2 or 4 operators licence in accordance with the Alberta Traffic Safety Act;
  - (b) a clear Vulnerable Sector Check or a criminal record verification showing no convictions in accordance with Section 6, dated within one year prior to the date of request;
  - (c) a valid commercial insurance policy that meets the Province of Alberta's requirements for passenger transportation services;
  - (d) a valid class vehicle registration certificate in accordance with the Alberta *Traffic Safety Act*;
  - (k) a deemed roadworthy Mechanical Inspection Report dated within 1 year prior to the date of request.
  
14. Pursuant to Section 13, if a Vehicle for Hire Operator licensed under a Traditional Vehicle for Hire Business is unable to produce any of the required documents, the Vehicle for Hire Operator will be liable to a fine in the amount of \$250.00.
  
15. A Vehicle for Hire Operator licensed under a Traditional Vehicle for Hire Business must not alter, or permit or cause the alteration of, any Third-Party Documents.
  
16. All references to Sections are references to Sections within this Schedule "C".