

CITY OF
LANGLEY



EXPLANATORY MEMO

CHAUFFEUR PERMIT AND REGULATION BYLAW, 2016, No. 3002

A bylaw to provide for the regulation of chauffeurs within the City of Langley and for the issuing of permits to chauffeurs by the Officer in Charge.



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BYLAW No. 3002

A bylaw to provide for the regulation of chauffeurs within the City of Langley and for the issuing of permits to chauffeurs by the Officer in Charge.

WHEREAS a council of a municipality may, in accordance with section 36 of the *Motor Vehicle Act*, provide for the regulation of chauffeurs in the municipality and provide for the issue of permits to chauffeurs by the municipality's chief of police;

AND WHEREAS the Council of the City of Langley wishes to regulate chauffeurs and to require that chauffeurs hold a permit issued by the Officer in Charge of the local RCMP detachment;

NOW THEREFORE the Council of the City of Langley, in open meeting assembled, enacts as follows:

1. Title

This Bylaw may be cited as the "Chauffeur Permit and Regulation Bylaw, 2016, No. 3002".

2. Definitions

In this Bylaw:

- (1) **Chauffeur** means any person who drives a vehicle, other than a bus, that is operated at any time on a highway by, for, or on behalf of any person who charges or collects compensation for the transportation of passengers in or on the vehicle, and that is available for hire, with driver, whether by the trip or on an hourly basis;
- (2) **Chauffeur's Permit** means a permit issued by the Officer in Charge pursuant to the provisions of this Bylaw and the *Motor Vehicle Act*, which permit may be in the form of permit shown in Schedule A to this Bylaw;
- (3) **City** means the City of Langley;
- (4) **Council** means the Council for the City;
- (5) **Motor Vehicle Act** means the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318;

- (6) **Officer in Charge** means the senior member of the Royal Canadian Mounted Police in the City, or an official of the Royal Canadian Mounted Police authorized to act in his or her place;
- (7) **Person** means an individual; and
- (8) **Taxi Host Pro Program** means the Taxi Host Pro Program course offered by the Justice Institute of British Columbia or another course approved as an equivalent by the Officer in Charge.

3. **Chauffeur's Permit**

- (1) A Chauffeur must not, within the City, drive, operate, or be in charge of a motor vehicle carrying passengers for hire unless he or she holds a valid Chauffeur's Permit.
- (2) A Chauffeur is not required to hold a Chauffeur's Permit under this Bylaw if that Chauffeur does not pick up any passengers within the City.
- (3) Every person who holds a Chauffeur's Permit issued under this Bylaw must have that Chauffeur's Permit in his or her possession at all times while driving or operating a taxi or otherwise acting as a Chauffeur on any highway, and must
 - a. display the Chauffeur's Permit in a conspicuous location visible to passengers of the vehicle; and
 - b. produce the Chauffeur's Permit for inspection at any time upon the demand of any police officer or constable.
- (4) Every person who holds a Chauffeur's Permit issued under this Bylaw must comply with all provisions of this Bylaw, all other bylaws of the City, and all provisions of the *Motor Vehicle Act*.

4. **Application for a Chauffeur's Permit**

- (1) A person may apply for a Chauffeur's Permit if that person:
 - (a) holds a valid Class 4 driver's licence; and
 - (b) has successfully completed Taxi Host Pro Program.
- (2) Every person applying for a Chauffeur's Permit must:
 - (a) submit an application in person to the Officer in Charge using the form prepared by the Officer in Charge for that purpose;

(b) provide to the Officer in Charge the following information about the applicant:

- i. name;
- ii. home address;
- iii. telephone number;
- iv. British Columbia Driver's Licence Number;
- v. birthdate and birth place;
- vi. height, weight, complexion, colour of hair, colour of eyes;
- vii. identifying marks such as scars, tattoos, etc. if any;
- viii. emergency contact and that contact's current address; and
- ix. the particulars of any refusal, suspension or cancellation of a permit under section 36 of the *Motor Vehicle Act* sought by or issued to the applicant in another British Columbia municipality within the previous five years; and

(c) provide the Officer in Charge with the following:

- i. current certified driving extract;
- ii. proof of the applicant's successful completion of Taxi Host Pro Program;
- iii. the signed approval of the representative of a company offering taxicab services, if the applicant drives or expects to drive taxicabs for that company;
- iv. the results of a criminal record search covering the preceding five (5) year period or, consent for a criminal record search;
- v. consent for a vulnerable sector check; and
- vi. consent for a disclosure of criminal record information.

(3) An applicant who requests that the RCMP detachment for the City perform the criminal record search on the applicant's behalf for the purposes of this Bylaw must pay the fee specified in Fees and Charges Bylaw, 2010, No.2837, as amended, prior to submitting the application to the Officer in Charge.

(4) If at the time of making an application under this Bylaw, the applicant has six convictions for violations under the *Motor Vehicle Act* within the previous five years the applicant must also provide the Officer in Charge with proof of successful completion of an Insurance Corporation of British Columbia approved defensive driving course.

5. Issuance and Renewal of Chauffeur's Permit

(1) The Officer in Charge will issue a Chauffeur's Permit to an applicant if the Officer in Charge is satisfied that:

- (a) the applicant satisfies the eligibility requirements for a Chauffeur's Permit under this Bylaw;

- (b) the applicant has provided a complete and accurate application in accordance with this Bylaw; and
 - (c) the applicant is a fit and proper person to act as a Chauffeur.
- (2) The Officer in Charge may establish guidelines and policies for the purpose of evaluating whether applicants are fit and proper persons to act as Chauffeurs.
- (3) A Chauffeur's Permit is valid for one year from the date of issuance.
- (4) A person may apply to renew a Chauffeur's Permit for one year by completing all of the requirements imposed under sections 4(2) and 4(4) of this Bylaw.
- (5) Every person holding a Chauffeur's Permit issued under this Bylaw must, upon changing his or her residential address, notify the Officer in Charge within two days, giving his new address and such other particulars as the Officer in Charge may require.

6. Refusal, Suspension and Cancellation of a Chauffeur's Permit

- (1) An Officer in Charge may refuse an application for a Chauffeur's Permit, or refuse an application to renew a Chauffeur's Permit, or suspend or cancel a Chauffeur's Permit if the Officer in Charge determines that the applicant or holder:
 - (a) does not satisfy the eligibility requirements for a Chauffeur's Permit under this Bylaw;
 - (b) has not provided a complete and accurate application in accordance with this Bylaw; or
 - (c) because of the applicant's or holder's use of or dealing in intoxicants or narcotic drugs or any other reason, is unfit to act as a Chauffeur.
- (2) If the Officer in Charge refuses an application for a Chauffeur's Permit, refuses an application to renew a Chauffeur's Permit, or suspends or cancels a Chauffeur's Permit, the Officer in Charge must within 24 hours after the refusal, suspension, or cancellation notify the applicant or holder in writing stating the grounds.
- (3) A person may exercise their right of appeal to the Council of the City under section 36(7) of the *Motor Vehicle Act* by submitting an appeal request in writing to the City's corporate officer.

7. Offence and Penalty

- (1) Every person who violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in violation of any provision of this Bylaw, commits an offence and is liable upon summary conviction to pay a penalty of not more than \$10,000.

- (2) A separate offence shall be deemed to occur on each day that the offence occurs or continues.

8. Severability

- (1) If any portion of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

9. Schedules

- (1) Schedule "A" attached to this Bylaw forms part of this Bylaw.

10. Repeal and Transition

- (1) Bylaw No. 988 is hereby repealed.
- (2) A permit issued under Bylaw No. 988 that was valid immediately before the adoption of this Bylaw is deemed to be a Chauffeur's Permit under this Bylaw and is valid for one year from the date of adoption of this Bylaw.

READ A FIRST, SECOND AND THIRD time this day of , 2016.

ADOPTED this day of , 2016.

MAYOR

CORPORATE OFFICER

SCHEDULE A

To be placed on the inside of the vehicle in a prominent location that is visible to all passengers.

(Card size shall be 15.24 cm (6 inches) wide x 10.16 cm (4 inches) high.)



CHAUFFEUR PERMIT IDENTIFICATION CARD FOR THE CITY OF LANGLEY

PHOTO ID

Driver Name and Signature

Chauffeur's Licence No.

Chauffeur Permit No.

Officer in Charge, Langley RCMP

Expiry Date

Date