

BYLAW NO. 9587

The Taxi Amendment Bylaw, 2019 (No. 2)

The Council of The City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as *The Taxi Amendment Bylaw, 2019 (No. 2)*.

Purpose

2. The purpose of this Bylaw is to amend *The Taxi Bylaw, 2014* to replace the existing Seasonal Taxi Licence Program with the Enterprise Taxi Licence Program, effective June 29, 2019.

Bylaw No. 9070 Amended

3. *The Taxi Bylaw, 2014* is amended in the manner set forth in this Bylaw.

Table of Contents Amended

4. The Table of Contents is amended by:
 - (a) adding the following after “46. Operate During School Season Only...37”:

“PART VI.1 – Enterprise Taxi Licence

46.1. Requirement to Obtain Licence.....	
46.2. Method of Issuing Licence.....	
46.3. Eligibility to Participate in the Enterprise Licence Distribution Lottery.....	
46.4. Application for Licence.....	
46.5. Enterprise Taxi Licence Distribution Lottery.....	
46.6. Issuance of Licence.....	
46.7. Term of Licence.....	
46.8. Conditions Attaching to Enterprise Taxi Licence.....	
46.9. Ownership of Licence.....	
46.10. Application of Other Parts.....”;	and

- (b) adding and amending page number references as required.

Section 2 Amended

5. Section 2 is amended by:
 - (a) adding the following clauses after clause (j):
 - “(j.1) **“enterprise taxi licence”** means a licence issued to a driver under this Bylaw through the enterprise taxi licence distribution lottery;
 - (j.2) **“enterprise taxi licence distribution lottery”** means the process by which the City distributes enterprise taxi licences;”;
 - (b) striking out “or seasonal” and substituting “, seasonal or enterprise” in clause (l).

Section 7 Amended

6. Section 7 is amended by:
 - (a) striking out “.” and substituting “;” in clause (f); and
 - (b) adding the following clause after clause (f):
 - “(g) Enterprise Taxi Licence.”.

Section 8 Amended

7. Subsection 8(2) is repealed and the following substituted:
 - “(2) In addition to the licences mentioned in subsection (1), the City may issue up to:
 - (a) 24 seasonal taxi licences; and
 - (b) 35 enterprise taxi licences.”.

New Part VI.1

8. The following Part is added after Part VI:

“PART VI.1 Enterprise Taxi Licence

Requirement to Obtain Licence

46.1. No person shall drive a taxi as an enterprise taxi without first obtaining an enterprise taxi licence from the City.

Method of Issuing Licence

46.2. (1) The City may, in its discretion, issue enterprise taxi licences at such times and in such numbers as may be necessary to meet the demand for such services.

(2) Enterprise taxi licences shall be distributed using the lottery system described in this Part.

Eligibility to Participate in the Enterprise Licence Distribution Lottery

46.3. (1) In this section,

- (a) **“closely connection person”** means the agent, business partner or family member of a licence applicant;
- (b) **“controlling interest”** means an interest that a person has in a corporation if the person beneficially owns, directly or indirectly, or exercises control or direction over shares of the corporation carrying more than 25% of the voting rights attached to all issued shares of the corporation;
- (c) **“family”** means the spouse, parent or child of a licence applicant;
- (d) **“senior officer”** means the chair or vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any of those offices;
- (e) **“spouse”** means:
 - (i) the legally married spouse of a person, with whom the person is cohabiting; or

- (ii) a person who has cohabited with another person as spouses continuously for a period of not less than two years.
- (2) The intent of the lottery is to distribute enterprise taxi licences to licensed taxi drivers only.
- (3) Notwithstanding the generality of subsection (2), a taxi driver is ineligible to participate in the enterprise taxi licence distribution lottery if:
 - (a) they currently own or have owned a taxi licence at any time within the two years immediately preceding the lottery draw;
 - (b) someone in the taxi driver's family currently owns or has owned a taxi licence at any time within the two years immediately preceding the lottery draw;
 - (c) the taxi driver or someone in their family has a controlling interest in, or is a director or senior officer of, a corporation that owns or has owned a taxi licence at any time within the two years immediately preceding the lottery draw; or
 - (d) the taxi driver or a closely connected person has a controlling interest in, or is a director or senior officer of, a corporation that owns or has owned a taxi licence at any time within the two years immediately preceding the lottery draw.
- (4) In order to participate in the lottery, the applicant must:
 - (a) hold a valid and subsisting class of Saskatchewan Driver's Licence as prescribed by *The Vehicles for Hire Regulations* and issued by Saskatchewan Government Insurance;
 - (b) hold a valid taxi driver's licence, including photo identification issued by the City;
 - (c) be affiliated with a licensed taxi broker carrying on business and licensed by the City;
 - (d) have, at a minimum, four years' experience driving a taxi in the City as at the date of the application; and
 - (f) have driven a taxi in the City at least four shifts per week, each week in the past 52 weeks, excluding vacation time and medical leave.

- (5) A taxi driver may submit only one application per lottery draw. If a driver submits more than one application, the driver shall be ineligible to participate in that lottery draw.

Application for Licence

- 46.4. (1) An application to participate in the lottery shall be made by the applicant to the City on such forms and accompanied by such information as prescribed by the City, including the payment of the applicable enterprise taxi lottery participation fee as set out in Schedule "B".
- (2) The application shall be considered complete if it includes the information required by this section.
- (3) The application shall include the following information:
 - (a) the applicant's full name;
 - (b) the applicant's date of birth;
 - (c) the applicant's current address and telephone number;
 - (d) the applicant's current taxi driver's licence number.

Enterprise Taxi Licence Distribution Lottery

- 46.5. (1) The enterprise taxi licence distribution lottery shall be conducted in accordance with this section.
- (2) The City shall establish a lottery pool for the distribution of the enterprise taxi licences.
- (3) The application for an enterprise taxi licence, once received, shall be marked for identification and placed with all other applications for the draw.
- (4) The City shall conduct the draw for the enterprise taxi licences in public.
- (5) All applications for the lottery shall be drawn and numbered in the order in which they were drawn.
- (6) The number of licences to be issued from the lottery pool shall be determined by the City in advance of the lottery draw.

- (7) Licences shall be issued in the order in which the applications were drawn.
- (8) Before issuing a licence, the City shall:
 - (a) review the application to determine if the applicant meets the eligibility requirements set out in subsection 46.3(4); and
 - (b) determine the licensed taxi broker for which the applicant intends to drive.
- (9) If the applicant is found to be ineligible to participate in the lottery draw, or abandons the application, the licence shall be issued to the next eligible applicant drawn from the lottery pool;
- (10) The names of the successful applicants drawn in the lottery pool shall be announced at the lottery draw.
- (11) The City shall provide each taxi broker with the names of the successful applicants from the lottery.
- (12) If an applicant is found to be ineligible to participate in the lottery draw, the City shall notify the applicant, in writing, of its decision together with written reasons for the decision.
- (13) The names of the unsuccessful applicants shall not be disclosed.

Issuance of Licence

- 46.6. (1) After the enterprise taxi licence distribution lottery is complete, the City shall notify the successful applicant or applicants that they have been granted an enterprise taxi licence, and the commencement date of the licence.
- (2) At least two days prior to the commencement date of the licence, the applicant shall:
 - (a) provide the City with:
 - (i) a validated Light Vehicle Inspection Certificate for the vehicle to which the licence is granted which certificate must be completed by a Saskatchewan Government Insurance accredited mechanic and be dated within the previous six months;

- (ii) written proof of vehicle registration and insurance for the taxi identifying the applicant as the owner of the vehicle and a class PT designation; and
 - (iii) payment of the applicable licence fee; and
- (b) present the vehicle to the City for a general taxi and meter inspection.
- (3) If the applicant satisfies the conditions in subsection (2), the City shall approve the licence.

Term of Licence

- 46.7. (1) An enterprise taxi licence shall be valid for four years commencing on June 29, 2019 and ending on June 28, 2023.
- (2) The licensee shall turn in the enterprise taxi licence to the City immediately after the expiry of the term.
 - (3) The licensee shall immediately forfeit the enterprise taxi licence to the City if:
 - (a) the licensee ceases to operate the taxi for a minimum of 40 hours per week, subject to subsection (4);
 - (b) the licensee ceases to be the only taxi driver driving the taxi;
 - (c) it is determined that the licensee has provided false or misleading information in the application; or
 - (d) the licensee's driving privileges or Saskatchewan Driver's Licence has been suspended, cancelled, revoked or invalidated for any reason.
 - (4) The licensee is entitled to take up to a combined total of eight weeks annually for vacation and medical leave without forfeiting the enterprise taxi licence to the City pursuant to clause (3)(a).
 - (5) In the event a licence is forfeited pursuant to subsection (3), the City shall offer the licence to the next eligible applicant from the lottery pool.

Conditions Attaching to Enterprise Tax Licence

- 46.8. (1) The City may impose terms and conditions on a licence issued under this Part if, in the City's opinion:
- (a) it is necessary to ensure compliance with any duties imposed on the licensee pursuant to this Bylaw;
 - (b) it is necessary to ensure the integrity of the licensing scheme in the Bylaw; and
 - (c) it is appropriate and in the public interest to do so.
- (2) No licensee shall fail to comply with any terms or conditions imposed on a licence.

Ownership of Licence

- 46.9. (1) Enterprise tax licences shall remain the property of the City.
- (2) No licensee shall assign or transfer an enterprise tax licence to another person.
- (3) Notwithstanding subsections (1) and (2), the licensee may choose the licensed taxi broker for which the licensee will drive and may change taxi brokers upon written notification to the City and payment of the applicable fee as set out in Schedule "B".

Application of Other Parts

- 46.10. Parts III, V, VIII and IX shall apply, with any necessary modification, to a licence issued pursuant to this Part."

Section 47 Amended

9. Clause 47(b) is amended by:
- (a) striking out "and" in subclause (iii);
 - (b) striking out "." and substituting "; and" in subclause (iv); and
 - (c) adding the following after subclause (iv):
 - "(v) in the case of an enterprise tax licence, on June 28 each year."

Section 50 Amended

10. Subsection 50(3) is amended by striking out “current licence year” and substituting “calendar year”.

Section 65 Amended

11. Subsection 65(1) is amended by striking out “seasonal and temporary wheelchair accessible” and substituting “seasonal, enterprise and temporary wheelchair accessible”.

Schedule "B" Amended

12. Schedule “B” is amended by:
- (a) adding the following after “\$525 per school season, except for the 2018/2019 school season”:
- “Enterprise Tax.....\$350 per licence year”; and
- (b) adding the following after “**Seasonal Tax Lottery Participation Fee**...\$50.00”:
- “Enterprise Tax Lottery Participation Fee.....\$50.00”**

Coming into Force

13. This Bylaw comes into force on the day of its final passing.

Read a first time this _____ day of _____, 2019.

Read a second time this _____ day of _____, 2019.

Read a third time and passed this _____ day of _____, 2019.

Mayor

City Clerk