

This Fact Sheet is provided for information only. Should there be any possible conflict between the information in this Fact Sheet and the approved By Law, the By Law shall prevail. Should there be any possible conflict between the information in this Fact Sheet and a Regulation approved by the Designated Employee, the Regulation shall prevail.

GENERAL QUESTIONS

Who requires a dispatcher license?

Under the Vehicle for Hire By-Law, all dispatchers of any type of vehicle for hire must be licenced. All vehicles for hire must be registered with a licenced dispatcher. There are two types of dispatcher licence: taxi dispatcher and PTP dispatcher.

What is required to be a licenced dispatcher?

To qualify for a dispatch licence, a dispatcher must:

- Have appropriate insurance policies in place
- Have data security measures and policies in place to protect the personal information collected by the dispatcher related to drivers and passengers
- Have a process in place to accept, review and respond to complaints concerning drivers and vehicles registered with the dispatcher, and maintain associated records
- Have a process in place to enable passengers to retrieve property left in vehicles for hire registered with the dispatcher
- Report information to the City, including the number of vehicles for hire registered with the dispatcher in each category of vehicle for hire

The required policies and processes must be satisfactory to the City.

Where requested by the City, the dispatcher must make records available to the City within 48 hours to prove compliance with these requirements.

As a transitional measure, a dispatcher may be allowed to operate with a provisional licence to allow time to get satisfactory data security and complaint processes in place. All requirements must be met by May 31, 2018.

What type of insurance does a dispatcher require?

A dispatcher must obtain and maintain policies of commercial general liability insurance and non-owned automobile insurance in an amount and with provisions determined by the City to be sufficient to adequately protect the City, drivers, vehicle for hire owners, and the public. Currently, the required minimum amount for commercial general liability is two million dollars (\$2,000,000) and non-owned automobile is five million dollars (5,000,000).

The insurance policy must contain an endorsement to provide the City no less than 30 days prior written notice from the insurer of any cancellation.

What records are dispatchers required to keep?

Dispatchers must create and maintain records of the following information, separated by taxis and PTP vehicles, by taxi drivers and PTP drivers, and, in the case of taxis and limousines,

separated by whether they have been dispatched or street hailed. All records must be maintained in a format required by the City.

Monthly:

- the total number of transportation services (trips) provided by the dispatcher
- the total number of transportation services (trips) provided by accessible vehicles for hire
- the total number of vehicles for hire providing a transportation service
- the total number of accessible vehicles for hire providing a transportation service

Daily:

- a list of registered vehicles and registered drivers which includes
 - Provincial driver's license number
 - license plate number

Per trip:

- the driver and vehicle involved in providing each transportation service, including:
 - the type of vehicle by By-law category (e.g. taxi, accessible taxi, PTP, accessible PTP, limousine)
 - the name of the driver
 - the Provincial licence plate number of the vehicle
 - the date, time and duration of the transportation service
 - the pick-up and drop off locations
 - the elapsed time between a request for a transportation service and pick-up (other than a transportation service scheduled in advance)

Dispatchers may be required to create and maintain other information and records reasonably required by the City.

This information must be reported to the City monthly, or within two business days of a written request by the City. If a dispatcher's licence is suspended, invalidated or cancelled, the information required by this section must be provided to the City immediately.

Dispatchers must maintain these records for a minimum of three years after the date they were created.

Are dispatchers required to use specific dispatch software?

No. The choice of dispatch software is up to the dispatcher. It must meet the requirements of this By-law, including but not limited to, dispatch service, data security, records and reporting.

What vehicles for hire can a dispatcher offer trips to?

There are two types of dispatcher licence: Taxi dispatcher and PTP dispatcher. A dispatcher may only dispatch trips to vehicles and drivers that are in compliance with the requirements of the Vehicle for Hire By-Law.

Are there other things a dispatcher must report to the City?

A dispatcher must report the following information to the City within 24 hours:

- the fact that a driver has been registered or ceases to be registered with the dispatcher;

- information concerning convictions and charges reported to the dispatcher by the driver under subsection 46(2) (Rules for all vehicle for hire drivers) of the Vehicle for Hire By-law.

Is there information a dispatcher must make available to the public?

Yes. A dispatcher who uses a digital platform to dispatch must make available the following information to the public through the digital platform:

- the insurance coverage maintained by the dispatcher and its drivers
- the transportation services offered by the dispatcher and its drivers
- the screening process for its drivers and its vehicles
- the process by which it will accept, review and respond to complaints concerning drivers and vehicles registered with the dispatcher
- the process by which passengers can retrieve their property left in vehicles for hire registered with the dispatcher

Does a dispatcher have to provide the customer an estimated time of arrival?

Yes. At the time a request for a transportation service is made, a dispatcher must provide an estimated time of arrival of the vehicle for hire that is being or will be dispatched in response to the request.

Are dispatchers obligated to dispatch vehicles in the order they are requested? What about accessible vehicles for hire?

Yes. A dispatcher must dispatch vehicles in the order in which a request for transportation service is made. The only exception to this is in the case of a request for an accessible vehicle for hire.

If a dispatcher has one or more registered accessible vehicles for hire available for dispatch that are not actively engaged in providing transportation services to passengers, the dispatcher must immediately dispatch an accessible vehicle for hire to respond to a request for service from a passenger identifying as requiring an accessible vehicle for hire. This means that a dispatcher must not dispatch an accessible vehicle for hire to any other request for service so long as a request from a passenger identifying as requiring an accessible vehicle for hire is outstanding.

A dispatcher must not hold out that it has available an accessible vehicle for hire unless the vehicle for hire meets the definition of an accessible vehicle for hire set out in this By-law.

How do contracts to provide transportation services affect the rules covering dispatching vehicles for hire?

Transportation services provided by contract still must be dispatched by a licenced dispatcher.

If a vehicle for hire is providing transportation services pursuant to a contract which the dispatcher has entered into with an employer, restaurant, bar, entertainment venue, service provider, government or any other person to provide transportation services for multiple individuals, the following requirements do not apply:

- section 18 (Obligation to dispatch in order of request)
- section 19 (Dispatching accessible vehicles for hire)

- section 22 (Only taxi dispatchers may dispatch by non-digital platform)

If the contract involves provision of PTP vehicles, section 25 (Information to be provided to passengers) does not apply.

If the contract involves payment to the dispatcher rather than the vehicle for hire driver, section 57 (Negotiated taxi fares) does not apply.

The dispatcher must make the contract available to the City within 24 hours upon request for these exceptions to apply.

Are safe ride-sharing services required to be licenced under the Vehicle for Hire By-law?

The requirements of the By Law do not apply for transportation of a passenger in exchange for a receipted donation to a non-share capital (not-for-profit), corporation so long as the transportation would be provided whether or not the donation is provided or offered.

If a safe ride or other transportation service charges a fare that is not an optional donation, it would need to be registered with or as a licensed dispatcher. The City will work with you to help you understand if the By-law applies to your ride service and if so, how you can meet the conditions under the By-law.

QUESTIONS CONCERNING TAXI DISPATCHERS

Can a PTP dispatcher dispatch a taxi?

No. Only taxi dispatchers may dispatch taxis. A person who is not a taxi dispatcher must not dispatch a taxi.

Can a PTP dispatcher dispatch vehicles for hire through a non-digital platform?

PTP dispatchers may only use non-digital platforms to dispatch limousines which are registered with the dispatcher. Otherwise, only taxi dispatchers may dispatch by non-digital platform, provided the dispatch is to a taxi driver driving a taxi, both of which are registered with the dispatcher.

What is the responsibility of the dispatcher in preserving taxi camera records?

A taxi dispatcher is responsible for ensuring that all recordings made by the in-vehicle camera required in the taxi are preserved for a period of time determined by the City after the date of recording. Recordings must be turned over to an enforcement officer or a police officer immediately upon request.

Are taxi dispatchers required to provide 24/7 service?

A taxi dispatcher who has registered more than 50 taxis must ensure that at least one taxi is available for dispatch on a 24-hour basis, seven days a week, 365 days a year.

What information must be displayed to passengers?

A taxi dispatcher must ensure that the following information is provided to passengers by having it prominently displayed in every taxi registered to the dispatcher in a way that is visible to all passengers:

- the dispatcher's name and contact information
- the taxi driver's licence of the driver of the taxi, which must include a photograph of the driver
- a current fare schedule
- the process by which a complaint can be made
- the process by which property left behind by a passenger can be retrieved
- information required by the City concerning the operation of the camera located in the taxi

Are taxi dispatchers obligated to report refusal of service or not dropping passenger at preferred destination?

Yes. Within 24 hours of receiving a report from a taxi driver registered with the dispatcher that they refused to accept a request for service or refused to drop off a passenger at their preferred destination, a taxi dispatcher must notify the City in writing (e.g. email, fax or hard-copy) providing the following information:

- the date, time and location of the refusal
- the taxi driver's licence number
- the taxi's licence number
- a complete description of the circumstances and the reasons for refusing the request for service
- any other information reasonably requested by the City

Are taxi dispatchers obligated to report potential driver disqualifications?

Yes. A taxi dispatcher who becomes aware of facts that would make a driver registered with that dispatcher ineligible to be licenced under the Vehicle for Hire By-law or which would result in the driver's licence being cancelled must immediately report those facts to the City.

Can a taxi dispatcher set their own rules regarding requests for pre-payment of fares from customers?

Yes. Taxi dispatchers may create their own company policies regarding requesting deposits from customers to ensure consistency and support customer satisfaction.

QUESTIONS CONCERNING PTP DISPATCHERS

Do you need to be licensed as a Personal Transportation Provider (PTP) dispatcher to dispatch PTPs?

Yes. A person who is not a licenced PTP dispatcher must not dispatch a PTP vehicle.

Does a vehicle need to have vehicle for hire insurance to be dispatched?

Yes. A PTP dispatcher may only dispatch insured vehicles. A PTP dispatcher must not dispatch a PTP vehicle on days or at times when it is not insured to operate as a vehicle for hire.

Can PTP dispatchers dispatch limousines?

Yes. A PTP dispatcher may use a digital or non-digital platform to dispatch a limousine. For example this could include a telephone or email request for service.

Are PTP dispatchers responsible for providing ID cards to drivers?

Yes. A PTP dispatcher must issue to every driver registered with the dispatcher an identification card in written or electronic form providing the following information:

- the first name of the driver and a recent photograph of the driver
- the driver's identifying number maintained by the dispatcher
- the name and contact information of the dispatcher

What information are PTP dispatchers required to provide to passengers?

A PTP dispatcher must provide the following information to a prospective passenger at the time the request for service is made:

- the dispatcher's name
- the type of vehicle that will be dispatched in response to the request for service
- an estimate of the total cost of the transportation service

When a PTP vehicle other than a limousine is dispatched, a PTP dispatcher must provide the following information through the digital platform used to dispatch the vehicle to the person requesting the service:

- the first name and photograph of the driver that will provide the transportation service
- a description of the make, model, and estimated time of arrival of the vehicle that will provide the transportation service

A PTP dispatcher must provide the following through the platform used to dispatch its registered PTP vehicles:

- information that its drivers can only provide transportation services through the dispatcher's digital platform and cannot accept street hails
- information that its drivers cannot accept payment for transportation services and that payment may only be made through the dispatcher's digital platform
- information concerning the process of filing a complaint concerning the driver, the vehicle or the dispatcher
- a process allowing the passenger to accept or refuse the transportation service prior to it being initiated
- a secure payment mechanism through a digital platform
- a printed or electronic receipt to the passenger after providing the transportation service that includes information confirming
 - the total amount paid
 - the date and time the passenger was picked up
 - the first name of the driver

What criteria should a PTP dispatcher follow when registering drivers?

A PTP dispatcher must not register an individual as a driver unless the individual provides the following:

- a birth certificate or other documentation proving that he or she is at least 18 years of age

- evidence that he or she holds a valid Provincial driver's licence applicable to the use of the vehicle being driven
- a criminal record check issued no more than 90 days before the application for registration was made
- the applicant's driver's abstract issued by Manitoba Public Insurance

Can PTP dispatchers register a driver with a criminal record? What if they are on the child abuse registry or have had a major driving offense?

A dispatcher must not register an individual as a PTP driver if he or she has been convicted within the past 10 years of a relevant criminal offence unless a record suspension (pardon) has been issued in respect of that offence. Relevant criminal offences include;

- an offence involving actual or threatened violence
- an offence involving weapons, including the illegal possession of weapons
- an offence involving sexual assault, sexual exploitation, sexual interference, procuring, or invitation to sexual touching
- an offence involving trafficking of controlled drugs or substances
- an offence involving fraud, false pretences, bribery, extortion or theft over \$5000
- an offence related to the unlawful operation of a motor vehicle

A PTP dispatcher must not register an individual as a PTP driver if he or she is listed on the child abuse registry. (http://www.gov.mb.ca/fs/childfam/child_abuse_registry.html)

A PTP dispatcher must not register an individual as a PTP driver if he or she has been convicted of a major driving offence within the past 10 years. Major driving offences are those listed in Section 125(6) of *The Drivers and Vehicles Act*.

What is the responsibility of a PTP dispatcher if a driver is charged?

If an individual who applies to be registered as a PTP driver has been charged with a relevant criminal offence or a major driving offence but not yet acquitted or convicted, the PTP dispatcher must notify the City and must not register the individual until and unless the City approves the registration.

The City will not approve the PTP driver registration if it is determined that the nature of the charges are such that approving the registration would result in a significant risk of harm to the public.

Do drivers have to consent to sharing personal information to register with a PTP dispatcher?

Yes. A PTP dispatcher must not register an individual as a PTP driver unless the individual provides a document satisfactory to the City indicating that the individual has provided consent:

- for his or her personal information to be submitted to the City
- for the City to have access to his or her personal information maintained by Manitoba Public Insurance, the Winnipeg Police Service and the body responsible for maintaining the Child Abuse Registry for the purposes of administering and enforcing this By-law.

Can the City require a driver to undergo training before registering with a PTP dispatcher?

If the designated City employee requires that PTP drivers must undergo training before being dispatched, a PTP dispatcher must not register an individual as a PTP driver unless he or she has undergone the required training.

In what situations must a PTP dispatcher terminate a drivers' registration?

A PTP dispatcher must terminate a PTP driver's registration if:

- within 90 days after the driver's registration, the driver has failed to provide a child abuse registry check to the PTP dispatcher unless the driver has initiated the application but not received a response
- the child abuse registry check shows that the driver is registered on the child abuse registry

How often do PTP dispatchers require their drivers to submit updated criminal record checks? Child abuse registry checks? Driver's abstracts?

After each 12-month period that an individual has been registered as a PTP driver, a PTP dispatcher must require that a registered driver provide a criminal record check, child abuse registry check and a driver's abstract from MPI which have been issued no more than 90 days prior to the end of the 12-month period. If the driver fails to do so, the dispatcher must terminate that driver's registration.

A PTP dispatcher must terminate a PTP driver's registration if, after being registered, the driver fails to meet the criteria for driver registration with a PTP dispatcher or fails to hold a valid Provincial licence applicable to use of the vehicle being driven.

Can the City require a PTP dispatcher to terminate or suspend a driver's registration?

Yes. A PTP dispatcher must terminate or suspend a PTP driver's registration if required to do so by the designated employee.

Do accessible PTP drivers require training?

A PTP dispatcher must not register an individual as an accessible PTP driver unless the individual provides proof that he or she has completed any training program required by the City for accessible PTP drivers. A PTP dispatcher must terminate the registration of an individual as an accessible PTP driver if the person fails to complete training programs required by the City within time periods or prior to deadlines established by the City.

What are the criteria for vehicle registration with a PTP dispatcher?

A dispatcher must not register a PTP vehicle unless

- the owner of the vehicle provides evidence that the vehicle is insured with Manitoba Public Insurance as a PTP for the period or periods of time during which it will operate as a PTP and in an amount per occurrence which is determined by the City to be sufficient to adequately protect the City, its drivers, its owners and members of the public
- the vehicle has been inspected and has been issued inspection certificates applicable to that vehicle under *The Drivers and Vehicles Act*, C.C.S.M. c. D104, within 30 days prior to the application for registration

In what situations would a dispatcher terminate the registration of a PTP vehicle?

A dispatcher must terminate a PTP's registration if the owner of the vehicle fails to provide on an annual basis:

- evidence that it meets the insurance requirements described in the Vehicle for Hire By-law
- evidence that it has been inspected and has been issued inspection certificates applicable to that vehicle under The Drivers and Vehicles Act, C.C.S.M. c. D104.

A dispatcher must terminate or suspend a vehicle's registration if required to do so by the designated City employee.