

BYLAW 20374

Amendments to Bylaw 20002 - Designated Driver Service Updates

RECOMMENDATION

That Urban Planning Committee recommend to City Council:
That Bylaw 20374 be given the appropriate readings.

Purpose

The purpose of the bylaw is to amend Bylaw 20002- Business Licence Bylaw with a new business category and licensing requirements for designated driver services.

Readings

Bylaw 20374 is ready for three readings

Position of Administration

Administration supports this Bylaw.

Previous Council/Committee Action

At the August 9, 2022 Urban Planning Committee meeting, the following motion was passed:

- That Administration prepare bylaw amendments to require designated driver service operators to obtain police information checks as outlined in Option 1 of the August 9, 2022 Urban Planning and Economy report UPE00676rev.

Report Summary

This report proposes amendments to Bylaw 20002- Business Licence Bylaw that will require operators of designated driver services to obtain police information checks (PIC) from their drivers and refuse employment to drivers who have been convicted of a serious offence. These measures are intended to enhance the safety of passengers and the general public.

REPORT

Current Operation and Licensing of Designated Driver Services

Designated driver services transport a customer's vehicle to a specified location, usually with the customer as a passenger. Services are only provided when a customer requires their privately owned vehicle to be transported and services are not provided to a customer without an accompanying vehicle to transport.

As the primary function of designated driver services is to transport the customer's privately owned vehicle, Designated driver services are currently licensed under the General Business category of Bylaw 20002- Business Licence Bylaw. This licence category does not impose specific regulations on the business beyond the requirement to obtain a business licence. Provincial requirements for vehicle registration and insurance apply to customers' vehicles, while the provincial requirement for a valid driver's licence applies to designated drivers.

Summary of Proposed Bylaw Amendments

The proposed amendments to Bylaw 20002- Business Licence Bylaw establish a new 'Designated Driver Service' business category are shown in Attachment 1. Businesses licensed under this category will be required to obtain a valid police information check (PIC) from all individuals employed, or being considered for employment by the business as a designated driver. This requirement will use the same criteria that is used by the Government of Alberta for ride-sharing services, and by the City for Vehicle for Hire driver's licences.

The proposed licence fee corresponds with Tier 3 of the Bylaw 20002- Business Licence Bylaw fee schedule, which is consistent with the current licence fee for designated driver services and the majority of businesses. Administration is also proposing a minimum fine of \$2,000 for violations of the operating requirements for designated driver services, which is consistent with the fines for several other operating requirements related to public safety.

Impacts and Considerations

Businesses will be required to refuse employment as a designated driver to anyone with convictions related to violent or sexual crimes, trafficking, fraud, or unlawful operation of a motor vehicle within the previous 10 years. Businesses will also be required to establish measures for being informed of any material changes to a driver's police information check to ensure drivers remain eligible for employment on an ongoing basis. Businesses may, at their discretion, employ an individual with current charges on a conditional basis provided that the business obtains an updated police information check a minimum of once every six months until the charges are resolved. If the charges result in conviction, the individual must no longer be employed by the business as a designated driver.

These operating requirements are intended to improve public safety by confirming that designated drivers have no prior criminal history that could put users of designated driver services or the general public at risk. This approach is also supported by the designated driver service industry as current operators have already voluntarily implemented a police information check requirement.

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The proposed amendments will also ensure that Administration has a path to conduct audits to ensure businesses are compliant with these requirements and apply appropriate enforcement action where necessary.

Next Steps

If the proposed amendments to Bylaw 20002 are passed by Council, Administration will inform existing designated driver services of the new bylaw requirements and assist in updating or obtaining licences. Given the small number of operators within the City, this amendment is not foreseen as having a high likelihood of negatively impacting existing drivers beyond requiring that they obtain a police information check. Administration will extend a grace period of five months from date of passage of the bylaw to requiring that the drivers have obtained a police information check.

COMMUNITY INSIGHTS

In December 2021, Administration engaged with representatives from the two designated driver service providers that were licensed in Edmonton at that time. One operator was satisfied with the current regulations, and the other was dissatisfied, requesting several additional regulations including police information checks for drivers. Both operators indicated that they obtain annual police information checks from their drivers on a voluntary basis. Further details from these conversations are discussed in the August 9, 2022 Urban Planning Committee report UPE00676rev Designated Driver Services Options Further Information.

Administration also considered the impacts of the proposed amendments on users of designated driver services, noting that a police information check requirement may enhance safety for the users.

ATTACHMENTS

1. Bylaw 20374

OTHERS REVIEWING THIS REPORT

- M. Plouffe, City Solicitor