

Authority: Planning and Transportation Committee Report No. 6, Clause No. 2,
as adopted by City of Toronto Council on May 21, 22 and 23, 2003
Enacted by Council: May 23, 2003

CITY OF TORONTO

BY-LAW No. 368-2003

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the use of cellular telephones while operating a taxicab.

WHEREAS Section 150 of the *Municipal Act, 2001*, grants local municipalities the authority to license, regulate and govern any business wholly or partly carried on within the municipality for purposes of health and safety, consumer protection and/or nuisance control; and

WHEREAS the use of cellular telephones while driving creates the potential for unsafe operation of the motor vehicle; and

WHEREAS Subsection 545-136H(1)(e)(7) of the Toronto Municipal Code provides that, under the Taxicab Passenger Bill of Rights, taxicab passengers have the right to a silent ride if desired; and

WHEREAS the Council of the City of Toronto has therefore deemed it desirable for both the protection of consumers in the municipality and for the health and safety of residents to enact a by-law limiting the use of cellular telephones by taxicab drivers;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 545-148 of Chapter 545, Licensing, of The City of Toronto Municipal Code is amended by adding the following subsection:

§ 545-148W. Use of cellular telephones.

- (1) Definition. As used in this subsection, the following term shall have the meaning indicated:

EMERGENCY – In the case of an outgoing call, situations including the medical distress of a passenger, traffic accidents, fires and the commission of crimes which are observed by a driver or owner driving his or her taxicab; and in the case of incoming calls, includes family crises such as a medical emergency.

- (2) No driver or owner driving his or her taxicab shall use a cellular telephone while the taxicab is for hire, passengers are in the vehicle and the taxicab is engaged in transporting passengers, except in an emergency.

ENACTED AND PASSED this 23rd day of May, A.D. 2003.

MEL LASTMAN,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)