

Schedule “N” to By-Law 120-2005

Designated Driver Licence Requirements

1. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence unless the application is submitted on forms approved by the Director and includes the following respecting the Designated Driver:
 - (a) a Criminal Information Report containing the results of a search of the Canadian Police Information Centre which includes a list of all criminal convictions for which a pardon has not been received, all outstanding criminal charges, and the results of a Vulnerable Sector Check, issued within the thirty (30) day period immediately preceding the date on which the application is submitted;
 - (b) an Ontario Driver’s Record from the Ministry of Transportation (Driver’s Abstract) issued within the thirty (30) day period immediately preceding the date on which the application is submitted;
 - (c) proof of, minimally, a current class “G” driver’s licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation;
 - (d) proof of having entered into an agreement with a licensed Designated Driving Broker for the provision of dispatch services;
 - (e) proof that the Applicant is an individual who is at least twenty-five (25) years of age; and
 - (f) a City-prescribed certificate prepared by a duly qualified medical practitioner which states that the Applicant is physically and mentally capable of performing the duties of a Designated Driver and is free from communicable diseases.

Designated Driver Licence Conditions

2. In addition to other requirements of the Licensing By-law, no Person shall act as a Designated Driver except pursuant to a licence issued pursuant to this Licensing By-law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the licence:
 - (a) the Designated Driver’s driver’s licence is maintained in good standing at all times;
 - (b) the Designated Driver is, at no time, convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against Persons) or IX (Offences Against Property) of the Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended;
 - (c) the Designated Driver maintains an agreement with a licensed Designated Driving Broker;

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- (d) the Designated Driver prominently displays their licence, issued pursuant to Licensing By-law 120-2005, at all times when providing Designated Driving Services and produces it for inspection when requested to do so by a Registered Motor Vehicle Owner or by an Officer;
- (e) immediately prior to each occasion on which they propose to operate a Registered Motor Vehicle Owner’s Motor Vehicle, the Designated Driver shall have:
 - (i) reviewed the necessary documents to satisfy themselves that the Motor Vehicle has a currently valid permit and is insured under a contract for automobile insurance;
 - (ii) secured the Registered Motor Vehicle Owner’s consent to operate the Motor Vehicle;
 - (iii) Intentionally deleted (87-2017)
 - (iv) ensured that the number of individuals to be transported in the Registered Motor Vehicle Owner’s Motor Vehicle does not exceed the number of available seatbelts and will otherwise be in compliance with applicable safety and highway traffic laws;
 - (v) secured the Registered Motor Vehicle Owner’s instructions respecting the operation of the Motor Vehicle including, minimally, the residence(s) to which the Motor Vehicle is to be moved and the residence(s) to which the Registered Motor Vehicle Owner and any passengers are to be conveyed; and shall have
 - (vi) struck an agreement with the Registered Motor Vehicle Owner respecting the Designated Driver’s fee or other consideration for operating the Motor Vehicle;
- (f) the Designated Driver shall not operate a Motor Vehicle in the provision of any Designated Driving Services under this By-law except:
 - (i) without any passengers, except in the case of passengers that may be permitted pursuant to clauses 2(e)(iii) and (iv) of this Schedule;
 - (ii) in accordance with all applicable law, including the provisions of this By-law; and
 - (iii) subject to the preceding clauses 2(f)i) and ii) of this Schedule, pursuant to the Registered Motor Vehicle Owner’s instructions provided pursuant to clause 2(e)v) of this Schedule;
 - (iv) the Designated Driver must maintain, for a minimum of three (3) months, a paper or electronic trip log respecting all Designated Driving Services provided pursuant to this By-law; and
 - (v) the Designated Driver shall not charge any fee or other consideration for operating a Motor Vehicle that exceeds that to which is agreed

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pursuant to clause 2(e)vi) of this Schedule.

Designated Driving Broker Licence Requirements

3. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence, unless the application is submitted on forms approved by the Director and includes the following respecting the Designated Driving Broker:
 - (a) proof of a Commercial General Liability insurance policy that:
 - (i) includes a limit of liability of not less than two million dollars (\$2,000,000.00) per accident or occurrence;
 - (ii) names the Designated Driving Broker and/or owner(s) as Named Insured(s);
 - (iii) insures all Designated Drivers who are employees of the Designated Driving Broker;
 - (iv) Intentionally deleted (84-2016)
 - (v) requires that the Director be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation; and
 - (b) proof of an Ontario Master Business Licence and/or Articles of Incorporation.

Designated Driving Broker Licence Conditions

4. In addition to other requirements of the Licensing By-law, no Person shall act as a Designated Driving Broker except pursuant to a licence issued pursuant to this Licensing By-law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the licence:
 - (a) ensures all Designated Drivers who are affiliated with the Designated Driving Broker for dispatch services:
 - (i) are appropriately insured; and
 - (ii) operate in accordance with the provisions established in this By-law.

Designated Driver Support Vehicle

5. Every Designated Driver licensed as such under this By-law shall cause the Designated Driver Support Vehicle used in the provision of any services under this By-law to, at all times:
 - (a) be insured for how the Motor Vehicle is being used;

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- (b) display, in the manner as the Director may from time to time direct, markings, contact, and licensing information respecting the Designated Driver and the Designated Driving Broker with whom or which the Designated Driver is affiliated; and (87-2017)
 - (c) be well maintained and in good repair, and meet the standards for the issue of a Safety Standard Certificate of mechanical fitness.
6. Every Designated Driver employing the use of a roof light or roof sign (“roof light”) on their Designated Driver Support Vehicle shall at all times ensure:
- (a) that the length and width of the roof light is no greater than the length and width of the roof of the Designated Driver Support Vehicle the roof light is affixed to;
 - (b) that the roof light does not encroach on any part of the vehicle outside the area of the roof of the Designated Driver Support Vehicle;
 - (c) that the roof light complies with City of Oshawa Sign By-law 72-96 and all applicable highway traffic laws;
 - (d) that the roof light shall not display the words “Taxi”, “Cab”, “Taxicab” and/or any other words that may indicate the vehicle is providing a licensed taxicab service pursuant to Taxicab By-law 50-2003; and,
 - (e) that the roof light is not displayed on the Designated Driver Support Vehicle when the Motor vehicle is not being used to support a Designated Driver providing a Designated Driving Service.
7. The Designated Driver is prohibited from conveying passengers, with the exception of other Designated Drivers, in the Designated Driver Support Vehicle.

Advertising Requirements

8. No Person shall advertise or promote themselves as providing Designated Driving Services, or as a Designated Driver or Designated Driving Broker unless they are licensed pursuant to this Licensing By-law. (111-2015)