
THE TAXICAB ACT
(C.C.S.M. c. T10)

Taxicab Regulation, amendment

Regulation 31/2000
Registered March 27, 2000

Manitoba Regulation 209/91 amended

1 The *Taxicab Regulation*, Manitoba Regulation 209/91, is amended by this regulation.

2 The following is added after subsection 18(2) and before the centred heading for Part 5:

Safety shields

18.1 In this section and sections 18.2 to 18.7, and in Schedule J,

"**CMVSS**" means a Canadian Motor Vehicle Safety Standard established by regulation under the *Motor Vehicle Safety Act* (Canada);

"**shield**" means a partition designed for installation in a taxicab to increase the safety of the driver from violent crime;

"**substitute taxicab**" means a vehicle permitted by the board to be operated under a taxicab licence on a temporary basis in substitution for a vehicle which is being repaired.

Application

18.2 Section 18.1, sections 18.3 to 18.7 and Schedule J do not apply to a

- (a) handicab van;
- (b) limousine;
- (c) passenger van; or
- (d) substitute taxicab.

Safety shield must comply with approved specifications

18.3(1) Subject to subsection 18.5(3), no person shall equip a taxicab, or permit a taxicab to be equipped, with a shield that

- (a) does not comply with
 - (i) the specifications set out in Schedule J, or
 - (ii) the specifications set out in Schedule J as varied by an order under subsection 18.5(2); and
- (b) is not of a design approved by the board in accordance with section 18.4.

18.3(2) Subject to subsection 18.5(3), no person shall equip a taxicab, or permit a taxicab to be equipped, with a shield unless the shield is installed in such a manner that the taxicab and shield comply with

- (a) the specifications set out in Schedule J; or
- (b) the specifications set out in Schedule J as varied by an order under subsection 18.5(2).

18.3(3) No person shall operate or permit the operation of a taxicab that is equipped with a shield unless, prior to the operation of the taxicab after its being equipped with the shield, the installation of the shield inspected and approved by the Division of Driver and Vehicle Licensing of the Department of Highways and Government Services.

Approval of design

18.4(1) The board may approve designs of shields and

- (a) in determining whether or not to approve a shield of a particular design may consider
 - (i) its probable cost, and
 - (ii) its appearance; and
- (b) shall not approve a shield of a particular design unless
 - (i) it complies
 - (A) with the specifications set out in Schedule J, or
 - (B) with the specifications set out in the Schedule as varied by an order under subsection 18.5(2), and
 - (ii) a qualified independent testing laboratory has certified that
 - (A) the shield complies with clause 4(a), section 5 and clause 7(a) of Schedule J, and
 - (B) the results of all tests of shields of the same or a substantially similar design performed by the laboratory are disclosed to the board.

18.4(2) The board shall give notice in writing of its first approval of the design of a shield to all holders of taxicab licences by ordinary mail as soon as practicable after that approval.

Exceptions where taxicab in service

18.5(1) This section applies to holders of taxicab licences in respect of taxicabs that are in service on the date of the board's first approval of the design of a shield under subsection 18.4(1).

18.5(2) Where the board is satisfied

(a) that the only respects in which the taxicab and shield do not comply or cannot feasibly be made to comply with the specifications set out in Schedule J are

(i) the limitation of the rearward adjustment of the front seat as required in section 9 of Schedule J,

(ii) the leg room or foot room required by section 10 of Schedule J, or

(iii) both (i) and (ii); and

(b) that it would not be feasible to install a shield in the taxicab without a variation of one or more requirements described in clause (a);

the board may make an order varying the requirements of the specification described in clause (a), if, after considering the number of taxicabs in respect of which an order may be made, the board is of the opinion that to do so would be in the public interest.

18.5(3) Where the board is satisfied that a taxicab cannot feasibly be equipped so as to comply with subclause 18.3(a)(i), the board may make a determination in respect of that taxicab to that effect and thereafter section 18.3 does not, for a period of two years after the date of the first approval of the design of a shield under subsection 18.4(1), apply to the operator in respect of the taxicab.

Shield to be kept closed

18.6(1) Subject to subsection (2), a driver of a taxicab equipped with a shield in accordance with section 18.3 shall, at all times between sunset and sunrise when a passenger first enters and is in the passenger section of the taxicab, ensure that the sliding or retractable portion of the shield is closed.

18.6(2) A driver may open the sliding or retractable portion of the shield when a passenger is in the passenger section of the taxicab if the driver believes in good faith that to do so does not pose a risk of harm to him or her.

Driver's right to refuse front seating or assistance to passengers

18.7 A driver of a taxicab equipped with a shield in accordance with section 18.3 may refuse

(a) to permit any passenger to enter the driver section of the taxicab unless the passenger due to physical disability cannot enter or be seated in the passenger section; or

(b) to provide assistance to any passenger if the driver of the taxicab believes in good faith that to do so would pose a risk of harm to him or her.

3 Schedule I is amended in section 31 by striking out "1,442 mm" and substituting "1,370 mm".

4 Schedule J to this regulation is added after Schedule I.

5 The *Taxicab Safety Shield Regulation, Manitoba Regulation 41/90*, is repealed.

March 22, 2000

THE TAXICAB BOARD:

George Orle
Chairperson

SCHEDULE J
(Section 18.3)

The following specifications apply to a shield and a taxicab equipped with a shield:

- 1** Subject to section 14, the shield shall
 - (a) partition the taxicab into a passenger section and a driver section; and
 - (b) form a complete barrier between the passenger section and the driver section, which effectively prevents physical contact between a person in the passenger section and the driver.
- 2** The shield shall be anchored to the structure of the taxicab in a manner which meets the most stringent requirements of CMVSS 207 for anchorage of seats and CMVSS 210 for seat belt assembly anchorages.
- 3** The shield shall not allow passage of any object capable of physical harm through or around it, from one section of the taxicab to the other, subject to the standards in clauses 4(a), 5(b) and 5(c).
- 4** The portion of the shield between the floor and the top of the front seat of the taxicab shall be
 - (a) primarily constructed of steel plate or other material of a thickness which allows that portion of the shield to meet or exceed the ballistic resistance requirements specified by National Institute of Justice Standard-0108.01 for ballistic resistant protective materials to be used as protection against a Type II-A ballistic threat, or the requirements of another comparable standard acceptable to the board; and
 - (b) covered with a material similar to the seat covering of the taxicab, over a layer of energy absorbing material.
- 5** The portion of the shield between the top of the front seat and the ceiling of the taxicab shall be primarily constructed of a transparent material which meets or exceeds
 - (a) American National Standards Institute Standard Z26.1-1983 for safety glazing materials as it relates to interior partitions for taxicabs;
 - (b) the ballistic resistance requirements specified by National Institute of Justice Standard-0108.01 for ballistic resistant protective material to be used as protection against a Type II-A ballistic threat, or the requirements of another comparable standard acceptable to the board; and
 - (c) the forced entry requirements of H. P. White Laboratories standard HPW-TP-0100.00 for material to be used as a Level I protective barrier, or the requirements of another comparable standard acceptable to the board.

6 The portion of the shield between the top of the front seat and the ceiling of the taxicab shall not obscure or obstruct the clear view of the roadway to the rear of the taxicab or of any vehicle approaching from the rear, afforded by the inside rear view mirror installed in accordance with subsection 42(1) of *The Highway Traffic Act* and CMVSS 111.

7 The taxicab shall comply with every prevailing CMVSS, and particularly

(a) the taxicab shall comply with CMVSS 201 for occupant protection as it relates to seat backs, through the use of energy absorbing material on the shield over the head impact area of a 95th percentile adult who is restrained in the rear seat by a pelvic seat belt and whatever other means are necessary to meet the standard;

(b) the shield shall not interfere with the performance of the headrests in accordance with CMVSS 202; and

(c) the shield shall not interfere with the performance of the seat belts in accordance with CMVSS 208 and CMVSS 209.

8 The shield shall not have any edge or projection that may cause injury.

9 The shield shall allow full forward and rearward adjustment of the front seat to within 5 cm or less of its most rearward adjustment as provided by the manufacturer.

10 The shield shall allow for a minimum of

(a) 68 cm of leg room in both side seating positions of the rear seat, measured from the centre of the seating positions where the seat back meets the seat cushion, across the seat cushion and a straight line extension thereof perpendicular to the shield; and

(b) 48 cm of foot room in both side seating positions of the rear seat, measured from the front of the base of the rear seat cushion across the floor perpendicular to the shield, by means of an extension of the shield under the front seat at least 36 cm wide and 14 cm high.

11 A means shall be provided for

(a) adequate ventilation and heating of the passenger section of the taxicab; and

(b) audible communication between the passenger and the driver.

12 The shield shall have an opening through which payment of fares and provision of receipts can be made.

13 The shield shall be capable of removal and reinstallation in a replacement vehicle.

14 At least 40% of the area of the transparent section of the shield shall slide or retract open by a mechanism under the control of the driver,

(a) which shall not be capable of accidental activation; and

(b) which shall be readily accessible to the driver when he or she is seated in the driver's seat.

15 The shield shall bear the name of the manufacturer and the number of the design approval given with respect to the shield by the board.