

1990 - No. 126

TRANSPORT LICENSING ACT 1931 - REGULATION*

(Relating to obligations of taxi-cab drivers and owners and other matters)

NEW SOUTH WALES



[Published in Gazette No. 35 of 9 March 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Transport Licensing Act 1931, has been pleased to make the Regulation set forth hereunder.

BRUCE BAIRD
Minister for Transport.

Commencement

1. This Regulation commences on 9 March 1990.

Amendments

2. The Transport Licensing Regulations 1931 are amended:
 - (a) by inserting after Regulation 10 the following Regulation:

Third party insurance

11. (1) It is a condition of each public passenger vehicle licence that the holder of such a licence must maintain a policy of insurance providing cover of at least \$200,000 against liability in respect of damage to property caused by or arising out of the use of the public passenger vehicle.

(2) Such a policy of insurance must be maintained with the Government Insurance Office or any corporation authorised under the Insurance Act 1973 of the Commonwealth to carry on insurance business.

- (b) by inserting after Regulation 33 (1) the following clauses:

(2) A notice may be served on the licensee of a public passenger vehicle requiring that the vehicle be produced by the licensee for inspection by an authorised officer or a member of the Police Force at a specified place on a specified date.

(2A) A licensee must comply with such a notice.

Maximum penalty: \$200.

- (c) by inserting after Regulation 56 the following Regulation:

Inability to pay fare

56A. The driver of a taxi-cab on a public street may refuse to carry any person who cannot satisfy the driver of his or her ability to pay the estimated fare.

- (d) by omitting Regulation 57 (3) and by inserting instead the following clause:

(3) The driver of a public passenger vehicle that is available for hire on a public street is required to accept any hiring for the conveyance of a person accompanied by a dog if it is apparent that:

- (a) the person is physically impaired; and
- (b) the dog is trained to give assistance to the person in relation to that impairment.

- (e) by inserting after Regulation 57 the following Regulation:

Driver to remain in vehicle

58. The driver of a public passenger vehicle on a public street:

- (a) must not, without reasonable excuse, leave the driving seat of the vehicle; and
- (b) must not, on any account, leave the vehicle without turning off the engine and taking precautions against its being started.

Maximum penalty \$200.

- (f) by omitting Regulation 61;
- (g) by omitting Regulation 76 and by inserting instead the following Regulation:

Information in taxi-cabs

76. (1) A taxi-cab standing or being driven on a public street must display the following information in a form approved by the Director-General of the Department of Transport:

- (a) a summary of the rights and obligations of the hirer of the taxi-cab; and
- (b) the fares and charges on which the authorised fare for a hiring of the taxi-cab is calculated; and
- (c) the maximum number of passengers that may be carried in the taxi-cab; and
- (d) the registration number of the taxi-cab.

(2) The information must be displayed:

- (a) within the taxi-cab on the nearside of the front panel facing towards the interior of the taxi-cab; and
- (b) on the back of the front seat or seats,

or in such other position or manner as may be approved by the Director-General.

(3) If a taxi-cab stands or is driven in contravention of this Regulation, the licensee and the driver are each guilty of an offence.

Maximum penalty: \$200.

- (h) by inserting after Regulation 88A (2) the following clause:

(3) This Regulation does not require the termination of a hiring if every seat belt fitted to the taxi-cab is being worn by some person.

- (i) by omitting from Regulation 99 (1) the matter "133A or";
- (j) by inserting in Regulation 99 (1) after the matter "1935" wherever occurring the words ", as in force immediately before 1 August 1990,";

- (k) by inserting after Regulation 99 (4) the following clause:

(5) Clauses (1) and (4) do not apply to a taxi-cab to which a roof sign and lamps have been fitted to the specifications of Regulation 100A.

- (1) by inserting in Regulation 100 (1) and (2) after the matter "1935" wherever occurring the words ", as in force immediately before 1 August 1990,";
- (m) by inserting after Regulation 100 (2) the following clause:
 - (3) This Regulation does not apply to a taxi-cab to which a roof sign and lamps have been fitted to the specifications of Regulation 100A.
- (n) by inserting after Regulation 100 the following Regulation:

Signs and lights on taxi-cabs

100A (1) A taxi-cab which is available for hire on a public street on or after 1 August 1990 must be fitted with a roof sign:

- (a) made of opaque plastic or another substance approved by the Director-General of the Department of Transport; and
- (b) enclosing a lamp capable of showing a white light; and
- (c) displaying the word "Taxi" on the front and back of the sign in block letters at least 70 mm high and of proportionate breadth.

(2) Such a roof sign must have positioned on its top an amber lamp the light from which is capable of being clearly seen in daylight at a distance of 40 m.

(3) In the case of a taxi-cab fitted with a taxi-meter, the lamp enclosed by the roof sign and the amber lamp must each be wired to the taxi-meter so that:

- (a) when the taxi-cab is engaged or not for hire, both the roof sign lamp and the amber lamp will be extinguished; and
- (b) when the taxi-cab is available for hire, both the roof sign lamp and the amber lamp will be illuminated.

(4) In the case of a taxi-cab which is not fitted with a taxi-meter, the roof sign lamp and amber lamp must each be operated so that:

- (a) when the taxi-cab is engaged or not for hire, both the roof sign lamp and the amber lamp will be extinguished; and

(b) when the taxi-cab is available for hire, both the roof sign lamp and the amber lamp will be illuminated.

(5) A taxi-cab fitted with a roof sign and lamps that meet the specifications of clauses (1) and (2) must, on and from the time when it is fitted with them, be wired or operated (as the case requires) in accordance with clause (3) or (4).

(6) Except as permitted by these Regulations, a taxi-cab must not display any word, letter or sign which indicates that it is available for hire.

(7) If a taxi-cab stands or is driven in contravention of this Regulation, the licensee and the driver are each guilty of an offence.

Maximum penalty: \$200.

(o) by omitting Regulation 101 (3) and by inserting instead the following clause:

(3) A light to illuminate a taximeter in a taxi-cab must not be stronger than that which is reasonably necessary for the meter to be read.

(p) by omitting Regulation 103;

(q) by omitting Regulation 108 (1) (a) and by inserting instead the following paragraph

(a) contained in a holder of a type approved by the Director-General of the Department of Transport that is firmly affixed to the interior of the taxi-cab; and

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to provide for the display in a taxi-cab of a summary of hirers' rights; and
 - (b) to provide for new roof signs on taxi-cabs; and
 - (c) to provide for the carriage in taxi-cabs of dogs for physically impaired passengers; and
 - (d) to impose certain additional obligations on taxi-cab drivers; and
 - (e) to provide that it is a condition of a licence that the owner of a public passenger vehicle maintain third party property damage insurance; and
 - (f) to provide for production of public passenger vehicles for inspection; and
 - (g) to allow the driver of a taxi-cab to refuse a hiring if an intending passenger cannot satisfy the driver of his or her ability to pay.
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