

The Taxicab Act, CCSM c T10

This statute is repealed or spent since 2018-02-28.

This statute is replaced by [CCSM c L195](#).

Past version: in force between May 29, 2006 and Feb 27, 2018

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This is an **unofficial version**. This version is current as of December 1, 2017.

It has been in effect since May 29, 2006.

Note: Earlier consolidated versions are not available online.

C.C.S.M. c. T10

The Taxicab Act

	Bilingual (PDF)
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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions

1 In this Act,

"board" means The Taxicab Board continued under section 2;
(« Commission »)

"compensation" or **"hire"** means the fare, toll, gain, fee, or rate charged, collected, or intended to be charged or collected, from any person, for the carriage of a person or persons or property by or in a taxicab, and includes remuneration of any kind, paid, promised, or demanded, direct or indirect, as well as personal services or the sharing of any expense of the operation of, or of work done by or upon, a taxicab; (« rétribution »)

"court" means The Court of Appeal of Manitoba; (« tribunal »)

"taxicab" means any motor vehicle as defined in *The Highway Traffic Act* had, kept, garaged, under repair, used, intended for use, or operated, for the transportation of persons for compensation in The City of Winnipeg, except such motor vehicle or class of motor vehicles as the board may exempt from this definition. (« taxi »)

S.M. 1993, c. 23, s. 2.

Continuation of board

2(1) The Taxicab Board is continued.

Membership

2(2) The board shall, subject to subsection (3), be composed of a maximum of seven members, including

- (a) a member of the council of The City of Winnipeg nominated by the council;
- (b) the chief constable of the police force of The City of Winnipeg; and
- (c) between one and five other persons appointed by the Lieutenant Governor in Council.

Alternates

2(3) Each of the persons who are members of the board under clauses (2)(a) and (b) may from time to time nominate a person to act for him or her on the board at such meeting, or for such period, as the nominator shall specify; and the person so nominated shall be a member of the board during the meeting or the period specified.

Appointment of chairperson

2(4) The Lieutenant Governor in Council shall, by order in council, appoint to be chairperson of the board one of the members thereof.

S.M. 1993, c. 23, s. 3; S.M. 2000, c. 16, s. 2; S.M. 2002, c. 47, s. 18.

Vice-chairperson and acting chairperson

3 The Lieutenant Governor in Council may, by order, appoint one of the members of the board

(a) as vice-chairperson of the board; or

(b) as acting chairperson of the board for such period or periods, or without limitation as to time, as may be stated in the order in council appointing the member;

to act, in either case, during the illness or absence of the chairperson or his or her inability, from any cause, to discharge the duties of chairperson.

S.M. 1993, c. 23, s. 4.

Taxicab business licence

4(1) No person shall, through an agent or employee, carry on the business of keeping a taxicab or taxicabs for hire, or hold out or advertise that he or she is carrying on that business, or keep for hire or operate for hire any taxicab, in The City of Winnipeg unless the person holds a taxicab business licence issued by the board permitting him or her to do so.

Penalty

4(2) Any person who contravenes this section is guilty of an offence and is liable on summary conviction

(a) for the first offence, to a fine of not less than \$100. and not more than \$500.; and

(b) for a subsequent offence, to a fine of not less than \$250. and not more than \$1,000.

Enforcement of penalty

4(3) If any person found guilty of an offence against this section is unable to pay the proper fine and costs, the person shall not be imprisoned for the default; but for the default, in the case of a first offence, the convicting justice shall cancel the licence, if any, of the convicted person, to drive a motor vehicle in the province, and cancel the registration of every motor vehicle, if any, registered under *The Drivers and Vehicles Act* in the name of the convicted person or the registration of the motor vehicle with respect to which the offence was committed; and the person is not, whether he or she holds a licence or not, entitled to be licensed or be in possession of a licence to drive a motor vehicle in Manitoba, or to register a motor vehicle under that Act, for one year thereafter.

Subsequent offence

4(4) In the case of a person convicted of a second or subsequent offence against this section, whether so charged or not, the justice, in addition to the penalty hereinbefore provided, shall cancel the licence, if any, of the convicted person to drive a motor vehicle in the province, and cancel the registration of every motor vehicle, if any, registered under *The Drivers and Vehicles Act* in the name of the person convicted; and the person is not, whether he or she holds a licence or not, entitled to be licensed or be in possession of any licence to drive a motor vehicle in Manitoba, or to register a motor vehicle under that Act, for a period of two years thereafter.

Effect of cancellation and disqualification

4(5) Cancellation and disqualification under this Act shall be deemed to be cancellation or disqualification under *The Drivers and Vehicles Act*; and where the registration of a motor vehicle is cancelled under this section the justice shall, by order, direct the removal of, and any police officer to whom it is directed shall remove from the motor vehicle referred to in the order, the number plates thereof or thereon issued under *The Drivers and Vehicles Act*, and return them to the department issuing the plates.

S.M. 1993, c. 23, s. 5; S.M. 2005, c. 8, s. 12; S.M. 2005, c. 37, Sched. A, s. 162.

5 Repealed.

S.M. 1993, c. 23, s. 6.

6 Repealed.

Form of licence

7 Licences shall be granted upon application to the board in such form as the board provides for the purpose; and the board shall determine the forms of, and the terms or conditions upon, licences or permits, and of applications therefor.

Number of licences

8 In issuing licences the board shall consider the public convenience and necessity in respect of the number of taxicabs required in The City of Winnipeg; and to that end it may limit the number that may be operated under its authority at any one time, but may issue temporary permits permitting an additional number of taxicabs to be operated during stated seasons, during stated days, or for special occasions.

Licence fees

9(1) Before the board issues a licence under section 4 or 5, the applicant therefor shall pay

- (a) to the Registrar of Motor Vehicles such insurance premiums as may be prescribed under *The Manitoba Public Insurance Corporation Act* and the regulations made thereunder; and
- (b) to the board such fees as may be prescribed by the board by regulations made under this Act.

Fee for transfer or replacement of licence

9(2) A person applying for a transfer or replacement of a taxicab licence shall pay to the board such fee therefor as may be prescribed in the regulations.

Payment of City of Winnipeg fee

9(3) In addition to requiring an applicant for a licence under this Act to pay to the board such fees that may be prescribed by the regulations, the board shall also require, and the applicant shall produce to the board, the receipt issued by The City of Winnipeg indicating that the applicant has paid

such fee for the licence as may be prescribed by the relevant by-law of the city.

Charges under Highway Traffic Act

9(4) In addition to the fees payable under this Act, each person applying for a licence to operate a taxicab shall pay to the board in respect of each taxicab such charges as may be specified in the regulations made under *The Highway Traffic Act*.

S.M. 1993, c. 23, s. 8; S.M. 2005, c. 37, Sched. A, s. 162.

10 Repealed.

S.M. 1993, c. 23, s. 9.

Driver's licence

11(1) Every driver of a taxicab, whether the driver is the owner of the taxicab or an employee of the owner, shall hold a taxicab driver's licence issued by the board.

Certificate of good character

11(2) The board shall not issue a licence under subsection (1) unless the applicant for the licence

(a) produces a certificate of good character

(i) from the chief of police of the City of Winnipeg, or

(ii) from such other person as the board may designate;

(b) pays to the board such fee therefor as may be prescribed by the regulations; and

(c) produces to the board a valid and subsisting driver's licence issued under *The Drivers and Vehicles Act*;

and in addition the board may require the applicant

(d) to furnish medical proof of the physical fitness of the applicant to drive a taxicab; and

(e) to take and pass such examinations as the board considers reasonable to determine the ability of the applicant to drive a taxicab properly and

safely.

Penalty

11(3) Any person who drives a taxicab without first obtaining the licence referred to in subsection (1) is guilty of an offence and is liable on summary conviction

(a) for the first offence, to a fine of not less than \$50. and not more than \$250.; and

(b) for a subsequent offence, to a fine of not less than \$100. and not more than \$500.

Certificate as evidence

11(4) In any prosecution under subsection (3) the certificate of the secretary of the board that the vehicle alleged to be so driven is licensed by the board as a taxicab shall be admissible, without proof of the signature of the secretary, as evidence that the vehicle is a taxicab.

S.M. 1993, c. 23, s. 10; S.M. 2005, c. 37, Sched. A, s. 162.

Classification of vehicles

12(1) The board may exempt vehicles or classes of vehicles from the definition of taxicab, or may subdivide taxicabs into types or classes of vehicles, and may make regulations not inconsistent with regulations made under, or by-laws passed under, *The Highway Traffic Act* governing their operation and use in The City of Winnipeg.

Effect of exemption

12(2) Where any vehicle or class of vehicle is so exempted the provisions of this Act imposing fees or municipal taxes does not apply, if the board by its exemption so directs.

13 Repealed.

S.M. 1993, c. 23, s. 11.

Hearing re contravention

14(1) Where the board has reason to believe that the holder of a licence or permit has

- (a) contravened this Act or the regulations;
- (b) contravened a term or condition of the licence or permit;
- (c) contravened an order or direction of the board; or
- (d) acted in a manner that is contrary to the public interest in relation to the taxicab industry;

it may hold a hearing into the matter.

Notice of hearing

14(1.1) At least 10 days before the date of the hearing, the board shall give a notice to the holder of the licence or permit stating the date, time and place of the hearing and identifying in general terms the alleged contravention or other matter in respect of which the hearing will be held.

Giving of notice

14(1.2) The notice referred to in subsection (1.1) must be

- (a) given personally to the holder of the licence or permit;
- (b) sent by registered mail, or by a service that provides the sender with proof of delivery, to the holder at the holder's last address appearing in the records of the board; or
- (c) if the holder cannot be found, left in the custody of an adult person at the holder's last address appearing in the records of the board.

When notice is given

14(1.3) A notice is deemed to be given

- (a) on the third day after the date of mailing if sent by registered mail as provided under clause (1.2)(b); or
- (b) on the day when it is left in the custody of an adult person as provided under clause (1.2)(c);

unless the holder of the licence or permit to whom it was addressed establishes that he or she, acting in good faith, did not receive the notice

until a later date, through absence, accident, illness or other cause beyond his or her control.

Actual notice is sufficient

14(1.4) Despite the fact that a notice is not given in accordance with this section, it is deemed to have been sufficiently given if it actually came to the attention of the holder of the licence or permit to whom it was intended to be given within the time specified.

Hearing in absence of holder

14(1.5) The board may, if it is satisfied that the holder of the licence or permit was given or is deemed to have been given notice in accordance with this section, proceed with the hearing in the absence of the holder and do any act and make any order in respect of the matter being heard as if the holder were present.

Orders

14(1.6) If, after a hearing into a matter, the board finds that the holder of the licence or permit has acted in a manner described in clause (1)(a), (b), (c) or (d), it may, by order, do one or more of the following:

- (a) reprimand the holder;
- (b) direct the holder to complete a specified training course or to obtain supervised practical experience;
- (c) impose terms or conditions on the holder's licence or permit;
- (d) suspend or cancel the holder's licence or permit;
- (e) require the holder to pay a penalty of not more than \$1,000.;
- (f) require the holder to pay all or part of the costs in respect of the hearing and any investigation made by the board before the hearing.

Notice of order

14(1.7) The board shall, following the completion of a hearing, give a copy of any order it has made to the holder of the licence or permit.

Giving of order

14(1.8) The order referred to in subsection (1.7) must be

(a) given personally to the holder of the licence or permit;

(b) sent by registered mail, or by a service that provides the sender with proof of delivery, to the holder at the holder's last address appearing in the records of the board; or

(c) if the holder cannot be found, left in the custody of an adult person at the holder's last address appearing in the records of the board.

Order filed in court

14(1.9) The board may file in the Court of Queen's Bench of Manitoba a certified copy of an order made under clause (1.6)(e) or (f) requiring the payment of money and, on being filed, the order may be enforced in the same manner as a judgment of that Court.

Contravention of order

14(1.10) If the board is satisfied that the holder of the licence or permit has contravened an order under subsection (1.6), it may, without a further hearing, suspend or cancel the holder's licence or permit.

Interim suspension

14(2) Notwithstanding anything in this Act, and before or in the course of a hearing into a matter, the board may, by order, suspend the holder's licence or permit if, in the opinion of the board, the suspension is necessary for the immediate protection of the public.

Notice of order

14(2.1) The board shall give a copy of any order it has made under subsection (2) to the holder of the licence or permit in a manner described in subsection (1.8).

Removal of plates

14(3) Where a licence or permit to operate a taxicab is suspended or cancelled by order of the board, the board may by its order direct the removal of, and a peace officer may remove, from the taxicab or taxicabs referred to in the suspended or cancelled licence or permit or the order, the

number plates thereof or thereon issued under *The Drivers and Vehicles Act* or by the board, and hold them during the period of suspension or cancellation.

Offence

14(4) The operation in The City of Winnipeg of a taxicab after the licence or permit to operate it has been suspended or cancelled by the board is an offence.

S.M. 1993, c. 23, s. 12; S.M. 2005, c. 37, Sched. A, s. 162.

Amount of penalty

14.1 The board may, by regulation, prescribe minimum and maximum or specific penalties, of not more than \$1,000., payable by the holder of a licence or permit who contravenes this Act or the regulations or the terms or conditions of the licence or permit.

S.M. 1993, c. 23, s. 13.

Consent payment

14.2(1) Where an inspector appointed under subsection 16(1) has reason to believe that the holder of a licence or permit has contravened this Act or the regulations or a term or condition of the licence or permit, the inspector may give a notice to the holder, identifying the alleged contravention and setting out the minimum or specific penalty for that contravention prescribed under section 14.1, and the holder may, within the period specified in the notice, consent to

- (a) appear before the secretary of the board and admit the alleged contravention; and
- (b) pay the penalty.

No further disciplinary action

14.2(2) Where a licence or permit holder pays a penalty in accordance with subsection (1), the board shall not proceed under section 14 solely on the basis of the contravention in respect of which the penalty was paid.

Where penalty not paid

14.2(3) Where a licence or permit holder does not pay a penalty within the period specified in a notice under subsection (1), the board may proceed under section 14 and, subject to the provisions of any regulation made under section 14.1, if the board decides to order the licence or permit holder to pay a penalty, the amount of the penalty shall be in the discretion of the board.

S.M. 1993, c. 23, s. 13.

Deposit with board of insurance

15(1) The board, before issuing any licence to operate a taxicab, shall require the operator or proposed licensee to deposit, and thereafter maintain, with the board such policy or policies of insurance, or copies thereof, as the board directs, in such amount or amounts, and in such form, as the board requires to protect the public properly.

Form of insurance

15(2) The liability insurance shall bind the insurer to make compensation for the death or bodily injury to persons, and for the loss of or damage to property, resulting from the operation of a taxicab or of taxicabs by the insured.

Notice of cancellation of policy

15(3) Where an insurer proposes to cancel an insurance policy that has been deposited with the board, the insurer shall give the board at least ten days notice thereof.

Appointment of inspectors

16(1) Inspectors to enforce this Act and the regulations and directions of the board may be appointed as provided in *The Civil Service Act*.

Powers of inspectors

16(2) Each inspector has the powers of a peace officer under *The Highway Traffic Act*.

Meaning of "peace officer"

16(3) The expression "**peace officer**" in this Act has the same meaning as in *The Highway Traffic Act*.

General powers of board respecting

17(1) The board has general supervision over taxicabs, their owners, operators, and drivers, in The City of Winnipeg, and may

- (a) require every owner and every driver of a taxicab to comply with the laws of the province and municipal by-laws affecting the owner, operator, or driver, and the taxicab, in respect of the transportation upon the streets of persons or property;
- (b) require every owner of a taxicab to furnish adequate, safe, sanitary, and proper taxicab service, and to equip and maintain the taxicab in such condition as will enable him or her to do so;
- (b.1) require every holder of a licence or permit who operates a taxicab to file with the board periodically, or upon request, a certificate of a mechanic, issued in a form that is acceptable to the board and by a person who, in the opinion of the board, is a qualified mechanic, certifying the safe operating condition of the taxicab operated under the licence or permit;
- (c) establish or approve the compensation, charges, or tariff of fares, that taxicab operators and drivers shall charge or collect, including, if deemed expedient, maximum and minimum fares, and require that the fares be based on the measured mile, and that every taxicab be equipped with a taximeter;
- (d) prescribe and enforce reasonable standards of length, weight, and equipment, of taxicabs;
- (e) require every taxicab owner or operator to keep books, records, and accounts, so as to afford an intelligent understanding of his business as a taxicab owner, and to that end require taxicab owners to adopt a system of accounting, standardized according to the respective class of the owners, to be prescribed by the board, and direct what, in the accounts, should be allowed for depreciation or replacements of properties;

- (e.1) require every holder of a licence or permit who operates a taxicab to file with the board periodically, or upon request, a statement, in a form that may be prescribed by the board, certified by the licence or permit holder as to its correctness and containing such information, including a statement of gross and net earnings and expenses, as may be prescribed in the form, respecting the operation of the taxicab under the licence or permit;
- (f) require every taxicab owner or operator to report to the board periodically, or upon request, in such form as the board prescribes, upon accidents that occur directly or indirectly arising out of the operation of taxicabs by the owner or operator, and investigate any accident and take steps to prevent the occurrence of accidents in taxicab operation;
- (g) issue plates or distinguishing markings which taxicab operators shall use and prescribe what distinguishing colour or markings shall be used upon any taxicab and its location and use thereon, and direct the removal of any plate or marking deemed to be confusing or unsightly;
- (h) prescribe the maximum number of persons to be carried in any taxicab, the seating arrangements for the convenience and safety of passengers therein, and the provision to be made for carrying the luggage or property of the passengers;
- (i) prescribe and regulate the use of taxicab stands or ranks in a municipality that does not do so or requests the board to do so; and
- (j) require owners and drivers of taxicabs to maintain in their taxicabs and in the records of the board such means as the board prescribes for identifying the owner or driver of any taxicab while it is being operated on the streets.

Limitation of clause (1)(a)

17(2) Clause (1)(a) does not exempt other bodies or persons from responsibilities under *The Highway Traffic Act*.

S.M. 1993, c. 23, s. 14.

Regulations

18 The board may make regulations

- (a) prescribing fees payable to the board by a person
 - (i) who is a party to, or participant in, a hearing or other proceeding,
 - (ii) in respect of the exercise of powers or the performance of obligations under this Act by or on behalf of the board or an inspector in relation to the person, and
 - (iii) in respect of transactions or services provided by or on behalf of the board or an inspector in relation to the person and necessary or incidental to the fulfilment of the purposes of this Act;
- (b) without restricting the generality of clause (a), prescribing fees payable to the board in respect of
 - (i) applications,
 - (ii) the issuance and renewal of licences, permits and exemptions,
 - (iii) the transfer and replacement of licences and permits,
 - (iv) the training and examination of taxicab drivers,
 - (v) the inspection of taxicabs and documents required to be kept by holders of licences and permits,
 - (vi) the provision of copies of documents in the possession of the board and records of proceedings before the board,
 - (vii) dishonoured cheques, and
 - (viii) the making of statutory declarations;
- (c) prescribing forms for use under this Act; and
- (d) respecting any matter the board considers necessary or advisable to carry out the intent and purpose of this Act.

S.M. 1993, c. 23, s. 15.

Costs of proceeding

18.1 The board may order a person who is a party to, or participant in, a hearing or other proceeding to pay one or more of the following:

- (a) all or part of the costs of another person in respect of the hearing or proceeding;

- (b) all or part of the costs of the board in respect of the hearing or proceeding;
- (c) security for costs that may be ordered under clauses (a) and (b).

S.M. 1993, c. 23, s. 16.

Rule-making powers

19(1) The board may make rules governing practice and procedure for matters within its jurisdiction and for the keeping of records and documents, including rules in respect of

- (a) applications;
- (b) the standing of persons at meetings of and hearings and other proceedings before the board;
- (c) the matters and circumstances in which notice to, and service upon, persons shall be required, and the form of notice and manner of service;
- (d) the issuance and renewal of licences, permits, and exemptions;
- (e) the refusal, suspension and cancellation of licences and permits and the imposition of penalties;
- (f) the making of decisions and orders;
- (g) the consideration of matters, including the matters and circumstances in which hearings are required, and the nature and conduct of those hearings; and
- (h) the maintenance of order in meetings of and hearings and other proceedings before the board.

Authentication of documents, etc.

19(2) Every order, regulation, decision, licence, permit, or other document purporting to be signed by the chairperson or vice-chairperson, and by the secretary of the board is, without proof of signatures, evidence that it was issued by the board and duly signed.

Publication to be notice with certain exceptions

19(3) Subject to subsection 14(1.8), every document so signed, when published in one issue of *The Manitoba Gazette*, is sufficient notice of its contents to all owners, operators or drivers of taxicabs in The City of Winnipeg.

Quorum

19(4) Three members of the board constitute a quorum at a meeting of or hearing or other proceeding before the board.

Majority decision

19(5) A decision made by a majority of the members present at a meeting of or hearing or other proceeding before the board constitutes a decision made by the board.

Completion of proceeding

19(6) Where a quorum exists at the commencement of a meeting of or hearing or other proceeding before the board, and thereafter a member thereof dies, resigns or for any reason becomes incapable of acting, the remaining members may complete the meeting, hearing or proceeding or any adjournment thereof; and any decision with respect to that meeting, hearing or proceeding made by a majority of the remaining members shall be deemed to be a decision of the board as if a quorum had been present.

Validation of prior acts

19(7) Every act, thing, decision or order that

(a) was done or made by the board before subsections (4), (5), and (6) came into force; and

(b) would have been lawful if those subsections had been in force at that time;

is validated and declared to have been lawfully done or made.

S.M. 1993, c. 23, s. 17.

Part V Evidence Act powers

19.1(1) The board has the powers, protection and privileges of a commissioner under Part V of *The Manitoba Evidence Act*, other than sections 83, 85 and 86, subsection 88(2), and sections 93, 95 and 96.

Maintenance of order at proceeding

19.1(2) The board may make any order or give any direction at a meeting of or hearing or other proceeding before the board as it considers necessary for the maintenance of order at the meeting, hearing or proceeding and, if any person disobeys or fails to comply with the order or direction, the board or a board member may call for the assistance of a peace officer, and the peace officer shall take such action and use such force as is necessary to enforce the order or direction.

S.M. 1993, c. 23, s. 18.

Appeal

19.2(1) A person may apply to a judge of the court for leave to appeal to the court from a decision or order of the board on a question of jurisdiction or law.

Application for leave to appeal

19.2(2) An application for leave to appeal shall be made within 30 days after the person wishing to appeal receives a copy of the decision or order of the board, or within such further time as a judge of the court allows.

Board entitled to be heard

19.2(3) The board is entitled to be heard on the argument of an application for leave to appeal and on an appeal.

Order of board not stayed

19.2(4) An appeal from a decision or order of the board does not stay the decision or order pending the hearing of the appeal, unless the board or a judge of the court orders otherwise.

Court to certify opinion

19.2(5) The court shall certify its opinion to the board which shall take such steps as are necessary in accordance with the opinion.

S.M. 1993, c. 23, s. 18.

Costs on appeal

19.3(1) Subject to subsection (2), the court may fix the costs and fees to be taxed, allowed and paid in respect of an appeal.

Exception

19.3(2) Neither the board nor any board member is liable for payment of the costs in respect of an appeal.

S.M. 1993, c. 23, s. 18.

Powers to inspect

20(1) Any peace officer and any inspector appointed hereunder is authorized to stop, enter, and inspect, any taxicab in The City of Winnipeg, and to enter and inspect any building or place in The City of Winnipeg where a taxicab is kept, hired, stored, or repaired, and to examine any accounts, records, or documents, that are required to be kept by owners and operators of taxicabs.

Duties of police

20(2) Municipal police in The City of Winnipeg shall assist in the enforcement of this Act.

Penalty for non-payment of fares

21(1) Any person who engages a taxicab that is licensed under this Act and who, on demand being made at the termination of the trip, fails to pay the proper fare to the driver or owner of the taxicab, is guilty of an offence and is liable on summary conviction

(a) for the first offence, to a fine of not more than \$250.; and

(b) for a subsequent offence, to a fine of not more than \$500.

Payment of fares and costs

21(2) When a court or justice convicts a person of an offence under subsection (1), in addition to and at the time of imposing any fine, the court or justice

(a) shall order the person to pay the proper fare to the driver or owner of the taxicab if it has not been paid; and

(b) may assess costs against the person payable to the driver or owner of the taxicab.

Order filed in court

21(3) The driver or owner of the taxicab may file in the Court of Queen's Bench of Manitoba a certified copy of an order made under subsection (2) and, on being filed, the order may be enforced in the same manner as a judgment of that Court.

S.M. 1993, c. 23, s. 19.

Effect of Act

22 This Act supersedes and replaces municipal by-laws that are in conflict therewith or with the powers of the board hereunder.