

Taxi, Luxury Hire Car and Restricted Hire Vehicle Information Sheet

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1. General information on small passenger vehicles

This Information Sheet contains information about operating a passenger transport service with a small passenger vehicle.

(a) Small Passenger Vehicle

A **small passenger vehicle** is a motor vehicle with nine (9) or fewer seats. A seat includes:

- the driver's seat
- an individual seating position on a bench seat
- a demountable seat (e.g. can be removed from the vehicle without structurally altering the vehicle)
- a modifiable seat (e.g. can be collapsed, retracted or folded away when not in use)
- a seat that requires a console or armrest to be temporarily collapsed, retracted or folded away
- a position in the vehicle that can accommodate a wheelchair.

(b) Number of seats

For vehicles registered before 1 July 2013: the seating capacity will be the number of seats recorded in the Motor Registry System for the vehicle.

For new vehicles not previously registered in Tasmania registered on or after 1 July 2013: the seating capacity will be equal to the original manufactured seating capacity regardless of whether seats have been removed.

However if as a result of modification the seating capacity is increased above the vehicle's original manufactured capacity, then the higher number of seats will apply.

2. Passenger transport services in small passenger vehicles

(a) Passenger transport service

A **passenger transport service** is a service provided in a small passenger vehicle where passengers are carried on a public street and:

- any of the passengers have to pay a fare; and
- the service is available to members of the public; and
- the service is a "transport concern", defined below.

This is limited to taxi services, luxury hire car services and restricted hire vehicle services. You cannot operate a passenger transport service with a small passenger vehicle unless you are operating it under the authority of a taxi licence, a luxury hire car licence or a restricted hire vehicle licence, with a licence number-plate issued by the Commission affixed to the vehicle.

A passenger transport service operating with a small passenger vehicle is considered to be a **transport concern** if the service is operated:

- by a business or organisation whose sole activity is passenger transport;

- by a business or organisation where passenger transport is a major activity of the business; or
- as an integral part of the major activities of the business or organisation, such that the business would not operate if it wasn't providing the transport service.

A passenger service is not a transport concern if passenger transport is an occasional or incidental part of the business that the business does not depend on to operate.

If you are unsure of whether your business is a transport concern and, therefore, whether your business is a passenger transport service for the purposes of accreditation, you should seek independent legal advice regarding section 11(3) of the [Passenger Transport Services Act 2011](#).

(b) Taxi service

A **taxi service** is a passenger transport service operated under the authority of a perpetual taxi licence, a wheelchair-accessible taxi (WAT) licence, an owner-operator taxi licence or a temporary taxi licence.

A taxi service is a service under which the vehicle can be hired on demand within, to or from the taxi area to which the licence relates in all of the following ways:

- from a taxi zone (rank);
- by being hailed;
- by being booked or ordered.

The four different types of taxi licences are summarised below.

- A **perpetual taxi licence** is owned by the licensee in perpetuity or until the licence is sold to another person. These licences can be operated by the licence owner (if they are an accredited taxi operator) or leased to an accredited taxi operator. A perpetual taxi licence cannot be cancelled. No new perpetual taxi licences are available from the Transport Commission (the Commission). These licences can be purchased on the open market.
- An **owner-operator taxi licence** is held by the holder of the licence and must be operated by the holder of the licence. It can only be held by a natural person who is accredited to operate a taxi service and it cannot be leased or assigned. It can be cancelled without compensation under certain circumstances, such as if the licence has been leased. The Commission must make available limited numbers of new owner-operator licences each year by public tender. These licences can also be purchased by accredited operators on the open market, with the transfer of ownership approved by the Commission.
- A **wheelchair-accessible taxi (WAT) licence** must be operated with a wheelchair-accessible vehicle, but the taxi may also carry non wheelchair-reliant passengers. WATs have a higher fare structure when carrying wheelchair-reliant passengers. WAT licences are available on application from the Commission at no cost, provided the applicant is accredited to provide a taxi service and has a [compliant vehicle](#). These licences can also be

purchased by accredited operators on the open market, with the transfer of ownership approved by the Commission.

- A **temporary taxi licence** may be issued to an accredited operator of a taxi service for a limited period. It has the same effect as an owner-operator taxi licence for the period it is in force, but cannot be transferred to another operator.

(c) **Luxury hire car service**

A **luxury hire car service** is a pre-booked public passenger service operating under the authority of a luxury hire car licence, using an [approved luxury hire car](#). A luxury hire car licence must be operated by the holder of the licence and must not be leased. These licences can be purchased by accredited operators on the open market, with the transfer of ownership approved by the Commission, or from the Transport Commission for a fee of \$5,000.

(d) **Restricted hire vehicle service**

A **restricted hire vehicle service** is a pre-booked public passenger service operating under the authority of a restricted hire vehicle licence. Restricted hire vehicle licences must be operated by the holder of the licence and must not be leased. They are available on application from the Transport Commission and cannot be transferred to another operator.

There are two kinds of restricted hire vehicle services:

- **general RHV services**, which are pre-booked general hire services that may only be provided by types of vehicles prescribed by the *Taxi and Hire Vehicle Industries Act 2008* and the [Restricted Hire Vehicle Industry Regulations 2013](#); and
- **specific RHV services**, which may be provided by any type of vehicle, but which are limited to the occasions and events prescribed in the *Taxi and Hire Vehicle Industries Act 2008*, such as weddings, funerals, school and college formals and leavers functions, and tours.

2.5 **Fees**

A number of [fees](#) are payable in respect of taxi, luxury hire car and restricted hire vehicle licences, including an annual administration fee for taxi and luxury hire car licences.

3. **Services that can be provided**

(a) **What can a taxi do?**

A taxi may undertake personal point-to-point travel from, to or within the taxi area that its licence relates to. A taxi can be pre-booked, hired from a taxi rank or zone, or hailed in the street.

A taxi must be fitted with an operating taxi roof sign, tariff indicator lights and taximeter. In some taxi areas a security camera system is also required.

Fares are regulated, and the correct tariffs for the taxi area in which the taxi is operating must be programmed into the taximeter that is installed in the vehicle. The meter must be used for all hirings. It must be activated once the taxi starts to move at the start of a hiring, and switched off when the vehicle comes to a stop at the end of the hiring. The total fare shown on the meter at the end of a hiring is the maximum fare that can be charged for the hiring. However, the actual charge can be less than this at the operator or driver's discretion.

A taxi must always display a valid taxi licence number plate, as this is the means by which the licence is identified. If a plate is not displayed, the vehicle is not a taxi and the operator may be prosecuted for operating a taxi service without a taxi licence.

A vehicle that is used as a taxi may also operate as a restricted hire vehicle for some services. Refer to the section on restricted hire vehicles for more information.

(b) What can a luxury hire car do?

A luxury hire car may undertake personal point-to-point travel ("general hire") provided that the hiring is pre-booked (unless it is a tour) and the hiring charge, or a means by which the hiring charge is to be calculated, is agreed in advance of the hiring.

If you are operating a luxury hire car service you cannot:

- stand the vehicle in a taxi zones or on a taxi rank; or
- accept a hiring in the vehicle by being hailed in the street; or
- solicit trade for the vehicle in a public street or a public place;
- stand the vehicle as if for hire in a public street, unless it is picking up or dropping off passengers, is clearly marked as 'not for hire', or is awaiting passengers at the commencement of a tour; or
- advertise the vehicle as a taxi or cab service, or have anything on or in the vehicle that may imply that it is a taxi; or
- install or use a taximeter in the vehicle.

(c) What can a restricted hire vehicle do?

The hirings that a restricted hire vehicle can do depend on what type of service the licence authorises it to do. However, all hirings in a restricted hire vehicle, other than tours, must be pre-booked.

If the licence authorises a **general restricted hire vehicle service**, the vehicle will be specified in the licence. This type of licence is restricted to the following types of vehicles:

- a unique, classic or customised motor vehicle that is more than 30 years of age;
- a street rod (a motor vehicle that has been modified for safe road use and has a body or frame that were built before 1949 or is a replica of a motor vehicle whose body and frame were built before 1949);
- a veteran (manufactured before 1918) or vintage (manufactured between 1918 and 1930) motor vehicle;

- a motor cycle or tricycle;
- a four wheel drive or all-wheel drive vehicle that is capable of providing transport to, from or within a national park, State reserve or similar land.

Your restricted hire vehicle, if it is one of these vehicles and is operating under the authority of a restricted hire vehicle licence for general rhv services, may undertake personal point-to-point travel (“general hire”) provided that the hiring is pre-booked (unless it is a tour).

In some cases, additional restrictions may be placed on the licence regarding the type of work that the vehicle can do or where it can travel.

If your licence authorises a **specific restricted hire vehicle service**, the vehicle will not be specified in the licence. You may use any type of small passenger vehicle to provide this service (even a small rental vehicle), however the events that you may operate your service for are restricted to:

- weddings;
- funerals;
- school, college or university balls, formals or leavers functions; and
- tours (as defined by the [Taxi and Hire Vehicle Industries Act 2008](#)).

If your vehicle is also used as a taxi, it may operate one of the above services but the following conditions apply:

- you must operate the service under the authority of a restricted hire vehicle licence for specific rhv services;
- you must remove the taxi licence number plate from the vehicle and affix a rhv licence number plate;
- you must remove all external indications that the vehicle is used as a taxi, including the top light and any taxi decals, from the vehicle;
- the taximeter must be inoperative and covered over, and you must not operate it during the hiring; and
- if there is a security camera installed in the vehicle it must be fully operational; and
- you cannot stand the vehicle on a taxi rank or accept hailings in the street.

If you are operating a restricted hire vehicle (of any kind, including a restricted hire vehicle that is also used as a taxi you cannot:

- stand the vehicle in a taxi zones or on a taxi rank; or
- accept a hiring in the vehicle by being hailed in the street; or
- solicit trade for the vehicle in a public street or a public place;
- stand the vehicle as if for hire in a public street, unless it is picking up or dropping off passengers, is clearly marked as ‘not for hire’, or is awaiting passengers at the commencement of a tour; or
- advertise the vehicle as a taxi or cab service, or have anything on or in the vehicle that may imply that it is a taxi; or

- have a taximeter installed or used in the vehicle (other than a vehicle that is also used as a taxi, in which case it must be covered over).

(d) What is a tour?

For the purposes of the *Taxi and Hire Vehicle Industries Act 2008*, a tour is a passenger transport service operated exclusively for tourists (including sightseers), not commuters, according to a publicly advertised route or itinerary.

The Transport Commission does not approve services as tours, and it is the responsibility of each tour operator to ensure that their service meets the requirements of a tour and would not be considered to be a point-to-point general hire service.

If there is a dispute regarding whether a particular service (or a part of a service, or a group of services) is a tour, the Commission may make a determination. Relevant factors the Commission may take into consideration include:

- whether tourism is a major and regular feature or focus of the service or merely a minor or incidental feature or focus of the service;
- whether the service stops at or diverts to points of relevant interest (i.e. points of cultural, historic, professional, scenic, scientific or sporting interest) or provides essentially uninterrupted and direct transportation;
- whether points of relevant interest appear to be determinative of or integral to the route, or merely incidental points of passage en route;
- the passenger profile including, in particular, whether users of the service appear to be pursuing mainly tourism activities or merely seeking personal transportation;
- whether the passengers are taken on to or back to tourist accommodation or a tourism travel connection, or on to or back to a place of no tourism significance;
- the scale and nature of any associated promotional activities including, in particular, whether the service is advertised as a tour or merely as passenger transport; and
- whether the service appears to be regarded as a tour by the tourism industry.

(e) Summary of operations

The table below shows the services each vehicle type is able to provide:

Vehicle Class	Authorised Operation
Restricted hire vehicle (general rhv services) – a specific vehicle must be approved for this use	Pre-booked general hire passenger transport Statewide (including tours).
Restricted hire vehicle (specific rhv services)-any small passenger vehicle may be used.	Weddings. Funerals. School, college or university balls, formals

	<p>or leavers functions.</p> <p>Tours.</p>
Luxury hire car	Pre-booked general hire passenger transport statewide (including tours).
Taxi	<p>Pre-booked general hire passenger transport to, from or within the taxi area to which the taxi licence relates.</p> <p>Operation from a taxi rank or zone or hailed by a passenger in a public street.</p> <p>May operate specific rhv services under the authority of a rhv licence.</p>

4. Vehicle registration

In order to operate a taxi, luxury hire car or restricted hire vehicle service, you must register your vehicle as the relevant type of vehicle (taxi, luxury hire car or restricted hire vehicle) and pay the correct MAIB premium for the type of vehicle you are operating.

The relevant MAIB classes are:

- Class 6 – taxi or luxury hire car
- Class 16–restricted hire vehicle

The vehicle will also have to undergo an inspection at an Approved Inspection Station to verify that it is roadworthy and that it meets any additional requirements for the type of service that it is intended to be used for.

For Wheelchair-accessible taxi licences, Luxury Hire Car licences and RHV licences for General RHV services, you may transfer the licence to a replacement vehicle by completing an [application form](#) available from any Service Tasmania shop and providing a copy of the vehicle inspection report.

5. Vehicle inspections

Taxis, luxury hire cars and restricted hire vehicles are all required to undergo regular [inspections](#).

Vehicle inspections are carried out by [Approved Inspection Stations](#).

Following inspection, the vehicle examiner will affix an inspection label to the vehicle which shows the month and year of the next scheduled inspection. Inspection reminder notices are sent to operators.

6. Accreditation

You cannot operate a passenger transport service in a small passenger vehicle (i.e. a taxi, luxury hire car or restricted hire vehicle) unless you are [accredited](#) under the Passenger Transport Services Operator Accreditation Scheme.

This scheme is administered by the Department of State Growth.

7. Further Information

This information sheet is one in a series of Information Sheets listed below that provide further detail on a range of passenger transport matters. This information can be accessed from the Department's public [website](#).

Copies of the Information Sheets are also available from Service Tasmania shops or by contacting the Telephone Enquiry Service on 1300 13 55 13.

Information Sheets available are:

- Large Passenger Vehicles
- Hire and Drive Operations
- Passenger Transport Services Operator Accreditation
- Taxi, Luxury Hire Car and Restricted Hire Vehicle operations
- Review of Decisions Under Passenger Transport Legislation
- Vehicle Inspections

These information sheets and more detailed information on the legislation relevant to these operations and vehicles (listed below) can be found on the Tasmanian Government's legislation [website](#) or you can obtain a copy from the Print Applied Technology Bookshop at 123 Collins Street, Hobart 7000, telephone 1800 030 940, or email sales@thepat.com.au

- [Passenger Transport Services Act 2011](#)
- [Vehicle and Traffic \(Driver Licensing and Vehicle Registration\) Regulations 2000](#)
- [Vehicle and Traffic Act 1999](#)
- [Taxi and Hire Vehicle Industries Act 2008](#)
- [Restricted Hire Vehicle Industry Regulations 2013](#)
- [Luxury Hire Car Industry Regulations 2008](#)
- [Taxi Industry Regulations 2008](#)