

Limousine Licence

Retained licence conditions

- This licence is issued in accordance with and subject to the *Transport Operations (Passenger Transport) Act 1994*.
- The operator must ensure that an appropriate vehicle is recorded against this licence at all times.

Licence conditions that no longer apply

The below licence conditions have been removed:

- The vehicle for which this licence is issued shall not be operated in conjunction with a courtesy transport service operated by the operator or an associate of the operator where an associate is as defined in s.53 of the Transport Operations (Passenger Transport) Regulation 2005.
- The operator is authorised to provide a limousine service for which each hiring originates within the limousine district specified in this licence.
- The operator shall maintain Operator Accreditation for the term of this licence. Evidence of Operator Accreditation shall be displayed in a manner approved by the Chief Executive.
- Unless operating a vehicle of an age and type listed in Schedule 4 of the Regulation, the operator is not permitted to operate from an approved limousine rank
- When operating from an approved limousine rank to an approved destination, the operator shall charge the fare listed at the point of origin and no other fare
- The operator shall not accept a hire from an approved limousine rank to any place other than an approved destination unless the hiring is pre-booked.

Licence obligations that remain requirements under legislation

Below are excerpts from current legislation that briefly outline your obligations and responsibilities under the *Transport Operations (Passenger Transport) Act 1994* (**TOPTA**) and *Transport Operations (Passenger Transport) Regulation 2018* (**TOPTR**) which were previously prescribed under licence conditions. This is provided for information purposes and you will need to refer to the relevant sections of legislation for complete provisions relating to your licence obligations. **Note: These legislative provisions are current as at 14 November 2018 and may be subject to change-you should always refer to the current version of legislation available from www.legislation.qld.gov.au**

Licence conditions under old legislative framework	New legislative provision
The operator shall not permit any driver that does not possess Limousine Driver Authorisation to drive or operate the vehicle to provide a limousine service.	Section 27(2) TOPTA - A person must not provide a public passenger service of a kind for which driver authorisation is required under this Act unless the person uses drivers who are authorised drivers for a service of that kind. Maximum penalty-160 penalty units.

	<p>(A person provides a public passenger service if the person is an operator of the service or, for a booked hire service, provides a booking service for the service)</p>
<p>Unless operating from an approved limousine rank, the operator shall not accept any hiring that is not pre-booked and for which the fare has been agreed upon prior to the acceptance of the booking.</p>	<p>Section 69 TOPTA – Definition for <i>hire on-the-spot</i>, in relation to a vehicle and its driver, means arranging, in person, the hire of the vehicle and its driver for a journey to start immediately or shortly after the vehicle and its driver are hired.</p> <p>Section 74 TOPTA – A person must not provide a taxi service using a motor vehicle that is not a taxi.</p> <p>Maximum penalty if the person is the driver of the motor vehicle – for a first offence – 200 penalty units; or for a second or later offence – 400 penalty units; or otherwise – for a first offence – 200 penalty units; or for a second offence – 400 penalty units; or for a third of later offence – 3000 penalty units.</p> <p><i>* Limousine ranks have been removed from regulation.</i></p>
<p>The operator shall at all times ensure that only the limousine vehicle for which this licence is in force displays the registration plates issued in terms of s.87(2) of the Act.</p>	<p>Section 94 TOPTR – The operator of a public passenger service provided using a limousine must ensure – (a) for a special purpose limousine-an SL plate is displayed on the limousine; or (b) otherwise- an L plate is displayed on the limousine.</p> <p>Maximum penalty-40 penalty units.</p> <p><i>L plate means a number plate issued for a limousine, other than a special purpose limousine, under the Transport Operations (Road Use Management) Act 1995.</i></p>

The operator shall, at all times, provide the limousine service in the luxury motor vehicle listed in Annexure B, which must comply with the definition provided in s.105 of the Transport Operations (Passenger Transport) Regulation 2005.

The operator shall ensure that appropriate third party insurance is maintained for the limousine service provided under this licence.

In the event that the vehicle listed on this licence is unavailable the operator may operate a substitute vehicle that is maintained for that purpose and which is approved by the Chief Executive.

Section 158 **TOPTR** – The vehicle requirements for a motor vehicle stated in a licence are that the vehicle must be –

- (a) an appropriate vehicle for the licence; and
- (b) registered under the *Transport Operations (Road Use Management) Act 1995*; and
- (c) the subject of a current certificate of inspection; and
- (d) the subject of a CTP insurance policy for a class of motor vehicle that includes the following vehicles or another class of vehicle that attracts a higher premium-
 - (i) for a booked hire service licence-booked hire vehicles;
 - (ii) for a limousine licence-limousines;
 - (iii) for a taxi service licence-taxis.

(2) However, subsection (1)(c) does not apply to a motor vehicle mentioned in the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*, section 25(2).

(3) In this section -

appropriate vehicle means-

- (a) for a booked hire service licence-a passenger vehicle or utility vehicle that has not more than 12 seating positions, including the driver's position; or
- (b) for a limousine licence-a passenger vehicle that-
 - (i) has a wheelbase of at least 2,800mm; or
 - (ii) is at least 30 years old from its date of manufacture; or
- (c) for a taxi service licence-a passenger vehicle that has no more than 12 seating positions, including the driver's position.

Section 160 **TOPTR**- substitute vehicle for limousine licence outside business hours.

(1) This section applies if—

- (a) a limousine can not be used to provide booked hire services because of a mechanical failure or accident; and

When using a substitute vehicle the operator must notify, within a reasonable time, the closest Queensland Transport District Office that a substitute vehicle is being used and record:

- (a) the period of use;
- (b) the reason for the unavailability of the primary vehicle.

These records shall be made available to the Chief Executive on request.

(b) the mechanical failure or accident happened—

- (i) outside of the department’s business hours; or
- (ii) at another time, or at a place, so that it is not reasonably practicable for an application to be made under section 159 at an office of the department during the department’s business hours.

(2) The holder or ultimate approved lessee of the limousine licence for the limousine may give the chief executive a notice about the intention of the holder or ultimate approved lessee to use the motor vehicle stated in the notice to provide booked hire services under the licence under this section.

(5) For section 91R(3)(b) of the Act, the motor vehicle stated in the notice may be used under the licence for the period that—

- (a) starts when the notice is given under this section; and
- (b) ends when the department’s business hours end on the third business day after the day the notice is given.

The operator has an obligation to ensure that the vehicle operating under this limousine licence provides for the safety of drivers and passengers.

Section 224 TOPTR –

(2) The operator of the booked hire service or taxi service must ensure-

- (a) the vehicle is serviced and maintained to a standard that complies with, or exceeds, the servicing and maintenance program specified by the vehicle’s manufacturer; and
- (b) a copy of the servicing and maintenance program is kept by or for the operator; and
- (c) a record is made by or for the operator about each service and maintenance of the vehicle; and
- (d) the record is kept by of for the operator for at least 2 years after the record is made.

Operators have various other safety obligations, including safety duties under Chapter 7, Part 3 of the Transport Operations (Passenger Transport) Act 1994.