

NEWFOUNDLAND AND LABRADOR
BOARD OF COMMISSIONERS OF PUBLIC UTILITIES
120 Torbay Road, P.O. Box 21040, St. John's, Newfoundland and Labrador,
Canada, A1A 5B2

2017 Automobile Insurance Review

Taxi Operator Meetings Transcript

Thursday, April 12, 2018
Session Two

Present:

The Board:

Darlene Whalen, Chair and CEO
Dwanda Newman, Vice-Chair
James Oxford, Commissioner

Board Counsel/ Staff:

Jacqueline Glynn, Board Counsel
Ryan Oake

Participants:

Thursday, April 12, 2018

George Murphy, Jiffy Cabs

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 2 FROM AUDIO THAT WAS NOT RECORDED BY DISCOVERIES
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 4 UNLIMITED'S COURT REPORTER.
 5 MS. GLYNN:
 6 Q. As I explained, Mr. Murphy, I just have a
 7 couple of opening remarks. Starting with a
 8 big thank you for coming in and talking with
 9 us today. We've already introduced
 10 ourselves, but for the record, we have Ryan
 11 Oake, our regulatory analyst; Jacqui Glynn,
 12 legal counsel; Mr. Jim Oxford, commissioner;
 13 Ms. Darlene Whelan, chair person of the
 14 Board; and Ms. Dwanda Newman, vice chair
 15 person of the Board. I guess chair person
 16 is -
 17 CHAIR:
 18 Q. Chair, I call myself chair. Chair is good,
 19 I don't like chairperson.
 20 MR. MURPHY:
 21 Q. Get used to it, girl. The other fellow is
 22 gone, it's about time you took the top spot.
 23 That's for the record.
 24 CHAIR:
 25 Q. Thank you, Mr. Murphy.

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1 MS. GLYNN:
 2 Q. So, the purpose of the meeting today was to
 3 provide an opportunity for taxi operators to
 4 come in and speak with the commissioners
 5 about the issues they're facing in relation
 6 to their insurance rates, and also, what
 7 issues they see as important to their
 8 industry. So, the Board has been asked to
 9 audit claims for taxi claims to determine
 10 the cause of the four-claim's experience,
 11 including details regarding the underlying
 12 causes of loss and the high claim costs.
 13 And then provide recommendations to reduce
 14 those claims costs and to reduce rates for
 15 the taxi industry. So, Cameron and
 16 Associates has prepared a report, there's
 17 copies there. I believe you already had a
 18 copy circulated, do you?
 19 MR. MURPHY:
 20 A. Yeah.
 21 MS. GLYNN:
 22 Q. And they've identified possible areas that
 23 could be contributing to the claims
 24 experience, but we also wanted to hear
 25 directly from the taxi operators. The

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1 purpose is to discuss the taxi issues here
 2 today, but we are also tasked with looking
 3 at other issues in our Terms of Reference.
 4 Again, another copy down there if you want
 5 to take that. So, feel free to comment on
 6 the taxi issues and the other issues, but
 7 note that there is an opportunity for you to
 8 come back again. We're looking at the third
 9 week of May for some more public hearings.
 10 Intended to be an informal discussion, but
 11 we are transcribing to ensure that we have a
 12 record, an accurate record of what is said.
 13 The transcript will become part of the
 14 public record, which means it will be
 15 available on our website, and it may be
 16 referred to by the commissioners when they
 17 write their report to government. That
 18 report is scheduled to be filed June 30th,
 19 2018. The Board will not make
 20 determinations or decisions on the issues.
 21 We will simply make some recommendations,
 22 and this gives us an opportunity to pass on
 23 to government comments on a whole bunch of
 24 issues. So, please, again, feel free to
 25 discuss any of those issues and if we feel

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1 like we strayed too far outside of our
 2 parameters, we'll be sure to let you know.
 3 So, with all that being said, I ask that you
 4 introduce yourself and who you are here
 5 representing, and we will get started.
 6 MR. MURPHY:
 7 A. Okay. My name is George Murphy, and I
 8 guess, in this particular case, not only am
 9 I representing the general public out there,
 10 but I'm also representing Jiffy Cabs. I'm
 11 the business manager for the company.
 12 CHAIR:
 13 Q. And the floor is yours.
 14 MR. MURPHY:
 15 A. Oh, all right, thanks.
 16 CHAIR:
 17 Q. It's your time. We may might cut in as we
 18 need to, but you take it away.
 19 MR. MURPHY:
 20 A. Yeah, I appreciate it, and this is my first
 21 time, I guess, down here for an actual
 22 hearing. So, for any of the hearing
 23 processes that have ever occurred, so I
 24 appreciate the opportunity, number one.
 25 I want to thank you in advance for the

<p style="text-align: right;">Page 5</p> <p>1 work that you're doing, because I know that 2 this is not a very easy topic to tackle, and 3 I know that there are a lot of issues 4 involved, and none to which, well, from 5 stories that I hear even, this has been 6 ongoing for a very, very long time, and I 7 guess you could say that on some parts 8 there's a failure to deal with the issue on 9 the part of a whole lot of people. Not only 10 just the taxi industry, but even on an 11 insurance perspective and even on a 12 governmental perspective. It's a failure by 13 everybody, I guess, and it's about time that 14 we all own up to our responsibilities in 15 this particular case and this will hopefully 16 not be the last time that we'll see this 17 much involvement. And hopefully, that 18 involvement and participation will carry on 19 now that there have been some finely 20 established lines of communication that have 21 been established over the last couple of 22 months, particularly with the Department of 23 Service NL. So, in that regard, you know, 24 like I said, I want to thank everybody for 25 the work that they're doing on this. I know</p>	<p style="text-align: right;">Page 7</p> <p>1 the way any stand will do it, they will 2 charge a stand rent. And in order to charge 3 a stand rent, somebody else making a 4 business decision to put a car on, obviously 5 has to look at their costs. So, one of the 6 chief costs that they'll look at, and I get 7 questions on it every day, they end up 8 looking at the business model and they say, 9 well, fine and dandy, the stand rent and the 10 works, because there's revenue coming in at 11 a particular dollar level, and depending on 12 the broker and how much they worked the car, 13 there's 168 hours a week of an opportunity 14 to make money. One of those big factors, to 15 turn them on or turn them off from making 16 that final step into taking a broker ship 17 position would be fuel costs and the second 18 being insurance costs. And insurance costs 19 are getting unmanageable, I guess you could 20 say on the part of some. Not saying that 21 there's no basis for them to be seeing an 22 increase if they've got a bad driving 23 record, but the whole question around being 24 lumped into the Facility group comes into 25 question at the same time. We know that</p>
<p style="text-align: right;">Page 6</p> <p>1 that it's a very short time and until the 2 actual report is going to be released, the 3 final report to government, so I'm going to 4 thank you in advance for the hard work that 5 you're doing on (unintelligible). 6 So, having said that, I brought several 7 perspectives and several views, I guess, in 8 particular, as regards to how this is played 9 out in our industry. And I guess what I'll 10 do is take it in little bits of manageable 11 pieces and then come out with a whole lot of 12 generalities in the end. And perhaps I'll 13 be able to formulate a picture of what we're 14 seeing out there, because the insurance 15 industry itself is at question, and we 16 wonder how much the insurance industry is 17 actually on our side when we see things 18 happening. And at the same time, on a 19 company perspective it's actually becoming 20 a, how shall I put it? It's becoming a 21 pretty important factor in a way that we end 22 up doing business as well and knowing that 23 there are rising costs for the people that 24 we're depending on at the same time to make 25 revenue. And the way Jiffy Cabs does it,</p>	<p style="text-align: right;">Page 8</p> <p>1 we're in a high-risk industry, we know that 2 we're pretty much an essential service for 3 everybody, including even for government. 4 In some cases, we're a justice deterrent in 5 knowing that we take drunk drivers off the 6 road, for example, and get them home. We're 7 a pretty important corner stone, I think, in 8 the marketplace, and particularly in the 9 transportation sector. 10 But again, when it comes to our company 11 perspective, there are several things 12 happening there. If we don't sell a broker 13 ship opportunity to somebody, we don't grow 14 revenue and at the same time then comes the 15 issue of, if we end up losing brokers 16 because of higher insurance costs, we end up 17 losing broker ships and we end up losing 18 revenue and then we got a customer service 19 issue that happens there too. So, it's a 20 pretty important issue for us on that 21 particular perspective. Even when it comes 22 to a hiring perspective, for example, when 23 it comes to drivers, we have issues, for 24 example, in our own hiring procedures we end 25 up seeing holes between insurance companies</p>

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1 and Motor Vehicle Registration. So, this is
 2 why I say that I have to take this in
 3 several pieces, because even through Motor
 4 Vehicle Registration, while we get a list of
 5 offences, for example, that somebody might
 6 have, it's not usually current or up to
 7 date. Sometimes it's an out of date model.
 8 There are no records of accidents, for
 9 example, that would be on an Abstract in the
 10 hiring process of new drivers, which brings
 11 into the question the sharing of information
 12 between insurance companies, government and
 13 police forces too at the same time. I don't
 14 think it's in the mandate to have this
 15 insurance or have accident information to be
 16 actually placed on an Abstract, but it
 17 should be as a matter of driver screening,
 18 for example, and that sometimes is an issue.

19 Now, I know that, well, government has
 20 let us party to know some information from
 21 the meeting that we had yesterday that there
 22 are changes coming to how people will be
 23 licenced and how they will be doing
 24 screening, and I can't really get into it
 25 all, but changes are coming as early as July

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1 on that. So, I know that from the asks
 2 (phonetic) that we've had, very public asks
 3 that we've had with the Department, a lot of
 4 things are changing in that Department, and
 5 they're all positive. That's what I'll say
 6 to that.

7 So, the industry in its approach to
 8 government has been doing things already.
 9 We are going to be instituting driver
 10 training, for example. That's going to have
 11 a major effect on what's out there now,
 12 that's also going to have a major effect on
 13 the way we recruit people to work in our
 14 industry, but at the same time as that, it's
 15 also going to make for very safe conditions
 16 as regards to what people--the image that
 17 people have of taxi drivers, for example,
 18 and it's not a very good image at all in
 19 some cases, while others are literally
 20 thinking that taxi drivers are their
 21 saviours and saints sometimes whenever they
 22 get out of their cars and shovel walkways
 23 and that sort of stuff. So, you get all
 24 kind of, you know, but you get some of the
 25 images of taxi drivers is that they're out

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1 to take you and rip you off and do whatever
 2 and they've got bad reputations. Others
 3 are, you know, like I say, they're more than
 4 deserving of their reputations and then you
 5 get the other side, where taxi drivers are
 6 absolutely excellent, and you can't get any
 7 better than what you find out there.
 8 They'll do anything for you.

9 I'm getting off track here a little
 10 bit. But again, on the company perspective,
 11 our finding is that, you know, our business
 12 is finding it harder to attract new
 13 brokerage operations, as any business with
 14 an unblemished driving record is already
 15 facing that same uphill challenge of finding
 16 low cost insurance. And like we say, if you
 17 have an absolutely clean driving record,
 18 you're already sentenced. Loose quotation
 19 marks, I guess, around that word,
 20 "sentenced", but you are already sentenced
 21 and convicted as having a terrible driving
 22 record and being at a huge risk. And it
 23 doesn't matter about the driving record that
 24 you have, it doesn't matter what driving
 25 skills you have. Right now, you are told

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1 that you are going to be in Facility, you
 2 have no other choice but to go to Facility
 3 and even when somebody who wants to get into
 4 the industry is shopping around for
 5 insurance, it turns out that Facility is
 6 becoming anti-competitive. And I believe it
 7 would be a good question for the Public
 8 Utilities Board to ask around the
 9 Competitions Bureau, as regards to how anti-
 10 competitive that it is, because you don't
 11 get insurance companies that are actually
 12 competing for the taxi driver, for his
 13 business or her business, what you get is an
 14 automatic direction to Facility that this is
 15 where you're going anyway because you are
 16 driving a taxi.

17 Now, if they did the same thing with
 18 Chevrolet or Fords or Toyotas, it's much the
 19 same thing, because you're driving a Pinto,
 20 your insurance is going to go up. It
 21 doesn't go by your driving record, it's
 22 going to go by--because they found that
 23 Pintos explode, for example, but you see
 24 where I'm coming from when I say that it's
 25 anti-competitive? You got all these groups

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1 that are colluding, and I'll use the word
 2 "colluding", and you know, they go ahead,
 3 and they have their fixed rate of profit and
 4 everything like that and it's fine and dandy
 5 and they have a right to a return, and I
 6 believe that they have a right to profit.
 7 But they don't have that right, I don't
 8 think, to be discriminatory in the choosing
 9 of Facility as being the only option for
 10 shopping around.
 11 So, on that regard, I would ask the
 12 Public Utilities Board to look at that and
 13 ask the question about competition. And
 14 certainly, the Competition's Bureau, I think
 15 would be very important in that particular
 16 aspect, because I don't think, even because
 17 the insurance industry is regulated, I don't
 18 know if the Competition's Bureau would even
 19 look at it. But the definition of a
 20 monopoly, Facility pretty much fits that.
 21 You don't see one company competing with
 22 another when it comes to that. It has one
 23 rate and one rate only, and like I said, if
 24 you're driving a taxi, you are automatically
 25 pointed to that particular group, and nobody

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1 wants to bother to give you that particular
 2 competitive price in the process.
 3 We looked at the possibility of
 4 increasing metre rates, for example, to
 5 mitigate the insurance rates, and we say
 6 right now, that we can't do that. The
 7 simple reason is, it's a poor economy out
 8 there and people are already having trouble
 9 out there and we believe that it would bring
 10 more harm to the industry more so then ever.
 11 So, that particular route is out. If
 12 insurance costs continue to rise, estimates
 13 range two years for insurance costs to even
 14 out and then possibly decline under the
 15 present numbers that we're looking at and
 16 only then, they would only decline if
 17 accident rates drop. We feel that this is
 18 going to be a detriment to our business,
 19 number one, in the simple fact that if costs
 20 go up, people are going to drop out of the
 21 industry, and again, you'll see the house of
 22 cards here that less of a service means
 23 degradation to anybody trying to get home,
 24 it effects small and large business.
 25 Anybody who's calling for a taxi, or

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1 any business out there that needs taxis for
 2 transportation, it could be healthcare, it
 3 could be Social Services, it could be oil
 4 companies, who knows, but either way,
 5 everybody is going to suffer as a result of
 6 the decline in the number of taxis that are
 7 out there.
 8 According to some industry leaders,
 9 insurance industry leaders that I've been
 10 talking to and some agents that I've been
 11 talking to outside the industry, the problem
 12 of rising claims was largely ignored until
 13 just a few years ago and I was given some
 14 paperwork, and I'm still trying to
 15 understand the paperwork, and believe it or
 16 not, sometimes when you're going through
 17 insurance numbers it's a little bit harder
 18 to understand than an insurance--than an oil
 19 company. And I think you'll know the
 20 perspective that are coming through on that.
 21 It was easier to understand the oil business
 22 and oil pricing than what it is insurance
 23 companies and insurance pricing and how they
 24 do that actually still amazes me and every
 25 time I look at the numbers, I literally get

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1 sick trying to figure it out, so it's going
 2 to take me months.
 3 So, I'm not prepared to talk about
 4 numbers, as such, besides the bottom line in
 5 some of the reports. Increases may
 6 certainly bear justification, but the rate
 7 at which they are, or will occur, certainly
 8 far out outstrips the abilities of some of
 9 those same costs to be paid or even handed
 10 down to present levels of application. And
 11 I think that, well, the Public Utilities
 12 Board knowing that they've had to pass
 13 along, or they've seen applications for 28
 14 percent increases, 30 odd percent, you know
 15 the numbers that I'm talking about,
 16 certainly far outstrips the rate at which
 17 the insurance companies that are working
 18 Facility actually address claims. And I'm
 19 told that as far back as May of 1987, up
 20 until the late 1990s or so, these claims
 21 were never addressed and there was never any
 22 redress done to rates or anything like that,
 23 so nothing was ever done to address the
 24 rising rate of claims. In other words, they
 25 didn't apply for a rate increase at those

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1 particular times, because they simply didn't

2 look at the numbers.

3 CHAIR:

4 Q. We know that to be a cause.

5 MR. MURPHY:

6 A. And if you know that to be a factor--I think

7 I'm right on the number. 1997, would that

8 be the last year, or indeed, probably much

9 later than that.

10 MR. OAKE:

11 Q. I think it was '96 or '97.

12 CHAIR:

13 Q. They didn't come in then until 2013.

14 MR. OAKE:

15 Q. 2013, yeah.

16 CHAIR:

17 Q. There was no rate filing in between that

18 period.

19 MR. MURPHY:

20 A. Yeah, so, I mean, you know, if we had this

21 case up until 2013 where it was no concern

22 to them, all of a sudden they decided to

23 address it, and if you're gone between 1987

24 and 2013, I can understand them trying to

25 recoup costs, but I can't understand them

Page 18

1 trying to recoup costs, being able to, I

2 should say, recoup costs at that short

3 timeline that they were given. If they

4 ignored the problem since 1987, why didn't

5 they have that same timeframe? In other

6 words, what's that, 24 years, I think, in

7 between? Why weren't they given 24 years of

8 increases, right, to gain it back? Because

9 in my mind, and in other people's minds, if

10 they missed it, it's entirely their fault.

11 So, the problem that they have now is that

12 they are trying to gain back what they lost

13 at a very high rate of increases, at a very

14 high rate of increases, at such a short time

15 that it's now making it unaffordable for

16 some. So, they cause their own problem.

17 So, while we might have claims out

18 there, some of these claims, as far as I'm

19 concerned, these percentages, increases that

20 they're looking for are for things that

21 happened as late as 1980s, and I haven't

22 heard any evidence against that. But what I

23 do hear is, like I said, and you guys just

24 confirmed it, that pretty much up until the

25 late 1990s, they did nothing about it. So

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1 it's an industry caused problem here that

2 we're being made to pay for, and I don't

3 think that that's very fair, and if they

4 were looking for a 28 percent increase, but,

5 you know, you can justify an increase, for

6 example, year over year from '87 until now,

7 that it will be two percent, then so be it,

8 let it be two percent until they recoup

9 their costs, or until such time as claims

10 drop off and then they can hold it back, or

11 the balance can be struck with it.

12 So, I'll leave that particular point.

13 I think that that's a very important point

14 to remember here, that while there was a law

15 in place, or a regulation in place for them

16 to do this and to apply for profit, they

17 ignored it and ignorance of the law is no

18 defense when it comes to that. I don't

19 think that they can justify the fact that

20 they ignored it for so long and then they

21 wanted to be paid back over such a short

22 time. So, there is that perspective.

23 I just wanted to make mention of a

24 couple of other things that I've been

25 hearing out there, and I think that, well, a

Page 20

1 lot of people that I've been talking to in

2 the last little while wanted me to mention

3 several things and let me find the other

4 piece here now that I was going to talk

5 about when it came to insurance. I'm

6 getting more and more cases from people that

7 are having a bad claims experience overall,

8 and I think that I've got some pretty good

9 evidence that indeed there is and this comes

10 outside the Aviva report that was released

11 on the Mainland, well, I guess probably

12 three or four weeks ago now, and I think

13 everybody heard that there had been

14 fraudulent claims against insurance

15 companies that are ranging about 50 percent.

16 So, about one in two, the cases are saying

17 that the original cost of the repairs was

18 much more than what they had estimated, and

19 it was done for fraudulent reasons, that

20 people would get more money from it. In my

21 particular case, it was totally by accident

22 that I had found this, but I had found that

23 there were excessive claims even paid out

24 under my own policy, and that was for glass

25 replacements.

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1 So, in a search to find a better way
 2 around the Driver’s Abstract, I did a search
 3 on companies out there that do, I guess you
 4 could say they keep a record of insurance
 5 claims and everything. I don’t know that
 6 the insurance companies might use what is
 7 known as the Auto Gold Plus Report, but the
 8 report that I had asked them to send off
 9 entailed every other policy that was ever
 10 under my name, under my driver’s licence
 11 number and it showed me the policies that
 12 were there. So, there were a number of
 13 claims, for example, I had a case where my
 14 car was rear ended, nomination day, August
 15 of 2011, and the car got wrote off. So,
 16 that was fine and dandy, that claim was
 17 there, even though it wasn’t charged to me,
 18 but somebody had rear ended me and fine and
 19 dandy, there was a claim paid out. So, it
 20 would make mention of that.
 21 There was also, in 2014, a claim for a
 22 windshield on my wife’s Rondo. She had a
 23 brand-new Rondo and there was a crack in the
 24 windshield, and there was a claim made there
 25 for \$1,143 and that was listed there on the

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1 claim and I said, “wait now, this can’t be
 2 right, I mean a windshield is a lot cheaper
 3 than that”. So, I phoned, and I asked the
 4 price for a windshield and, you know, so I
 5 phone up to Cabot Auto Glass and they told
 6 me \$350 installed. Installed for a
 7 windshield for a 2014 Rondo, and I
 8 questioned the \$1,143 claim. Now, I phoned
 9 up my insurance company to ask for
 10 information on that particular claim and
 11 they said, “no, we can’t do that. We can’t
 12 show you that claim because that’s now
 13 private information, privileged information,
 14 if you will, between them and the insurance
 15 company”, or between them and the
 16 contractor, whoever it was that replaced the
 17 windshield. So, I was telling a friend of
 18 mine this particular experience and they
 19 said, “that’s nothing”, he said, and he
 20 said, “my mother’s Toyota RAV4 just had the
 21 windshield replaced, \$1,463”. It costs up
 22 to Cabot Auto Glass for their windshield,
 23 \$410. So, I believe that there is a problem
 24 with the claims process here in the
 25 Province, and that’s one of the reasons why

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1 not only taxi drivers, but the general
 2 public, in particular, are being tacked with
 3 extra insurance costs. Because, number one,
 4 insurance companies are not doing their due
 5 diligence when it comes to costing out of
 6 these things; number two, customers are
 7 being insulated from the fact of even seeing
 8 the bill at the end, such as in my case,
 9 this is 2018 now, this is 2014 when this
 10 happened. It was four years ago that this
 11 was done. I never did see the cost of it.
 12 I just had the windshield replaced and,
 13 “here you go, here’s your keys, Mrs.
 14 Murphy”, and “see you later” and “thanks for
 15 your business”, but never seen the total
 16 cost at the end. So, even the consumer
 17 can’t have an opportunity to respond to
 18 something like that. So if a consumer can’t
 19 question it, and a third set of prying eyes
 20 can’t see it, there’s an opportunity for
 21 some to make a dollar and I think that that
 22 becomes readily apparent, not only in the
 23 case of this, in my particular case or my
 24 friend’s particular case, but the simple
 25 case is that there’s just an opportunity

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1 there for somebody to make money. And
 2 again, the insurance companies, that’s all
 3 they do is look at the bottom line when it
 4 comes to any claims that they’ve had and
 5 then, all of a sudden, they come back to
 6 people like you here at the Public Utilities
 7 Board and say, “listen, we’ve had a high
 8 number of claims here. As a result, we’re
 9 going to be applying to you for a rate
 10 increase on everybody’s insurance”. And
 11 every other consumer pays for that.
 12 COMMISSIONER OXFORD:
 13 Q. Mr. Murphy, just to clarify that, you don’t
 14 get any kind of a statement, okay, on your
 15 fleet at the end of the year or anything
 16 showing--by your insurance company, I may
 17 add, okay, showing, okay, that there’s been
 18 a payout or pay on your behalf?
 19 MR. MURPHY
 20 A. I don’t deal directly with that end. There
 21 would be a fellow that’s managing the
 22 vehicles directly on the road. I’m more a
 23 business manager, so I wouldn’t see that,
 24 but in my time there, I’ve heard of very few
 25 accidents, for example, I’ve only been there

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1 in that position for about a year and I
 2 think I can count on one hand pretty much
 3 the number of accidents that I've heard
 4 about. And if a broker has the accident,
 5 the broker deals directly with the insurance
 6 company and I wouldn't hear about that,
 7 right. And now, we're at the position at
 8 Jiffy Cabs where we have all brokers. We
 9 have no fleet of our own, as such.

10 CHAIR:
 11 Q. Okay.

12 MR. MURPHY:
 13 A. Yeah.

14 COMMISSIONER OXFORD:
 15 Q. Okay. Move on.

16 CHAIR:
 17 Q. So, the brokers are dealing with the
 18 insurance companies personal, almost on a
 19 personal basis?

20 MR. MURPHY:
 21 A. Yeah, the insurance--the brokers, if you
 22 will, they would be like an independent
 23 business operating under one umbrella. In
 24 particular, Jiffy Cabs and operating on
 25 their phone number and what work we give

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1 them and we would get out and we would mark
 2 it ourselves for work, sort of thing.

3 CHAIR:
 4 Q. Do any of the brokers have multiple cars?
 5 Like do you have individual -

6 MR. MURPHY:
 7 A. Yes.

8 CHAIR:
 9 Q. So, a broker might have a fleet policy if
 10 they own 10 cars? Like do they come as a
 11 group like that or is it usually one or two?

12 MR. MURPHY:
 13 Q. They would have usually six or seven
 14 vehicles under one particular policy and
 15 probably have five or six different
 16 policies, probably with different companies
 17 in some cases or sometimes all with one
 18 company.

19 CHAIR:
 20 Q. Okay.

21 MR. MURPHY:
 22 A. And usually I don't get to see that end of
 23 it, because whatever they do to save money
 24 is whatever they do to save money, that sort
 25 of thing. So, and if they get an

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1 opportunity to shop around between the Cal
 2 LeGrows of this world, I say more power to
 3 you, buddy.

4 CHAIR:
 5 Q. Yeah, absolutely.

6 MR. MURPHY:
 7 A. Because they're going to give you different
 8 prices, but that's not what we hear a lot of
 9 times, right. It usually goes by different
 10 drivers and everything that they would have,
 11 depending on the policies. So, claims can
 12 be far out of line with the actualities of
 13 an accident, and I can site the recent
 14 reports from Aviva that aired nationally on
 15 what can happen that results in a bad claim
 16 and/or claim's experience. Claims are not
 17 broken down to show you how the money was
 18 paid out, and actual legal fees, for
 19 example, are never disclosed, except to the
 20 person in receipt of the same. That, I
 21 think is probably an important point,
 22 because part of that claim, and this is a
 23 very important point, and probably a good
 24 point that we never see. For example, in my
 25 own case where I had the vehicle wrote off,

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1 it was \$15,000 claim. The vehicle, God love
 2 it, I still miss it. I could drive from CBS
 3 to Deer Lake on the one tank of gas -

4 COMMISSIONER OXFORD:
 5 Q. It was good on gas.

6 MR. MURPHY:
 7 A. Yeah, I'm still crying on that. We're
 8 getting back to gas here again, but anyway,
 9 when I found out, well, okay, fine and
 10 dandy, I got a settlement for it, I still
 11 have to go out and get a loan for a car. I
 12 didn't get complete coverage for the car or
 13 anything. The car was older, fine, so I got
 14 some of that money back and everything like
 15 that, and, you know, like in spite of the
 16 injuries that I had, I was on my back, I
 17 think, for about three weeks. I couldn't do
 18 a think, pretty much, but I didn't go to
 19 therapy or anything like that, I knew that
 20 time would heal it and everything. So, I
 21 didn't cost the insurance company that much,
 22 but my \$15,000 claim had a \$4,400 bill for
 23 lawyer's fees and that. And if I go by that
 24 particular percentage, that's almost what,
 25 35 percent, rough math? About 35 percent, I

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1 think of the cost of the claim was in legal
 2 fees. Now, I don't know if that is the same
 3 with every other claim, but it seemed like
 4 the claim was settled fairly quickly, and
 5 I'm still trying to figure out, I'm still
 6 trying to scratch my head exactly what did
 7 they do for that, you know?
 8 CHAIR:
 9 Q. So, you were hit?
 10 MR. MURPHY:
 11 A. I was rear ended, yeah.
 12 CHAIR:
 13 Q. You were hit and was not at fault for you,
 14 obviously? So, who had billed for legal
 15 fees?
 16 MR. MURPHY:
 17 A. Who had billed for legal fees?
 18 CHAIR:
 19 Q. Who were the legal fees billed to?
 20 MR. MURPHY:
 21 A. Well, I went and I got a lawyer, just to
 22 protect my interest, right.
 23 CHAIR:
 24 Q. Oh, for your--okay, so it was at that level,
 25 okay.

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1 MR. MURPHY:
 2 A. Yeah, it was recommended that I would go out
 3 and get a lawyer, just to make sure that I
 4 would get coverage for the car. You know,
 5 it was a cut and dry case of, it was buddy's
 6 fault and, you know, anybody can make a
 7 mistake in a car, you know, anybody can make
 8 a mistake in a vehicle like that, and I
 9 don't hold it over their head. And that's
 10 part of what I'll get into the -
 11 COMMISSIONER OXFORD:
 12 Q. So, the other insurance company paid your
 13 \$15,000 for your car, plus some \$4,000 or so
 14 -
 15 MR. MURPHY:
 16 A. No, the \$15,000 included the legal fees.
 17 COMMISSIONER OXFORD:
 18 Q. It included the legal fees?
 19 MR. MURPHY:
 20 A. Yeah.
 21 COMMISSIONER OXFORD:
 22 Q. Okay.
 23 MR. MURPHY:
 24 A. It said \$4,400 legal fees that came out of
 25 that \$15,000.

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1 COMMISSIONER OXFORD:
 2 Q. All right.
 3 MR. MURPHY:
 4 A. Right. So, if you end up with a cheque out
 5 of it, that's fine and dandy. Then you just
 6 go on, you park it. Pardon the pun, but you
 7 park it. I was hit by a drunk driver in
 8 1997, had two broken scaphoid bones in each
 9 one of my hands and I settled out for like
 10 \$1,500. I said, "just cover my wages for
 11 the next two weeks while I got casts on my
 12 hands until I was mobilized". I knew that I
 13 was going to heal at the same time as that,
 14 but you know, I was fine once they cut the
 15 cast off me and I was back to work. They
 16 covered my expenses and that was fine and
 17 dandy. Take buddy off the road, do whatever
 18 you got to do with him. I forgive him, I
 19 forgave him a long time ago, but you know,
 20 still, if I wanted to take advantage of him
 21 I'm pretty darn sure that with broken
 22 scaphoid bones, I probably could've got 60
 23 or 70 or \$100,000 or whatever it is. Some
 24 people called me stupid, some people called
 25 me foolish, because I settled out for that

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1 much. Much, \$1,500, yeah right. Go ahead
 2 and laugh at it now, but still, you know,
 3 it's one of these cases again, and like I
 4 said, I'll get into that in a little bit
 5 too, because I think that there's a problem
 6 here with attitude out there on the road.
 7 Like I said, I'll get into that.
 8 So, anyway, I was saying, like as
 9 regards to the glass replacement, I'll just
 10 finish up on this particular point. This
 11 money has to be recouped by the insurance
 12 companies, but it is passed back to all
 13 consumer's insurance policies, simply
 14 because we're easy targets because of the
 15 necessity of having insurance. It's the law
 16 that we got to have insurance, right. It's,
 17 you know, like I said, it's not an option.
 18 Insurance companies are complicit in
 19 allowing rate increases as a result. The
 20 higher rates go, the higher the commission
 21 sale at the end of the day as one industry
 22 insider told me, there is no incentive for
 23 lower insurance bills here. The higher the
 24 insurance bills go, the higher amounts we
 25 pay, the better the commission that an

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1 insurance agent would get. That's how
 2 they're paid, right. That has to be
 3 questioned.
 4 Let me get into the attitudes about how
 5 insurance has changed, because like I said,
 6 some, or all of this might not be factual,
 7 but it's my belief anyway, and when I
 8 bounced this idea, these ideas off of people
 9 they pretty much agree with it, and I'll go
 10 by this. So, attitudes have changed
 11 insurance itself. A definition of an
 12 accident, and this would be the dictionary
 13 definition of an accident, it's "an
 14 unfortunate incident that happens
 15 unexpectedly and unintentionally, typically
 16 resulting in damage or injury; whereas
 17 negligence is failure to take proper care in
 18 doing something, or number two under the law
 19 definition, the legal definition, failure to
 20 use reasonable care, resulting in damage or
 21 injury to another." The reason why I wanted
 22 to bring this up is pretty simple. We have
 23 gone from a society that recognizes an
 24 accident as being an accident to one that
 25 recognizes that an accident is a total

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1 result of negligence. That it's a money-
 2 making opportunity. They don't call it
 3 "whip cash" for nothing.
 4 As consumers of over insurance, you
 5 know, we have lost the definition of what it
 6 means to have insurance and how we treat
 7 each other. Attitude is changed from simply
 8 having an accident, to a change in people,
 9 to the point that we are all negligent in
 10 the use of our vehicles. That's the way
 11 that we're all seen, particularly the taxi
 12 industry. The fact that so many go through
 13 a court process to seek settlement tells me
 14 that accidents are a reason to seek
 15 negligence when probably the majority of
 16 accidents happened outside of negligence,
 17 simply because they were a fact of
 18 accidents.
 19 Maybe it was changing road conditions
 20 in the snap of a finger, who knows. Maybe
 21 you went down over Barter's Hill thinking
 22 that it was salted, when it was actually a
 23 sheet of glass, I don't know. But anyway,
 24 when it comes to reasonable care, the
 25 definition, the degree of caution and

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1 concern for the safety of himself or herself
 2 and others, an ordinarily prudent and
 3 rational person would use in such
 4 circumstances, this is a subjective test of
 5 determining if a person is negligent,
 6 meaning he or she did not exercise
 7 reasonable care. And that's usually what
 8 you find in the court of law whenever an
 9 argument goes like this, whenever somebody
 10 is suing each other over an accident, you
 11 see that it has now become a money-making
 12 opportunity for some and we, ourselves, lose
 13 the definition of an accident.
 14 It's that bad out there that even
 15 finding a witness to an accident comes into
 16 question. No one is willing to become a
 17 witness to an accident and as a result,
 18 accidents get hard to determine fault. And
 19 I think you'll say that that's probably
 20 true. How many times have you witnessed an
 21 accident or maybe you've talked to somebody
 22 who witnessed an accident and they just
 23 drove on by. They didn't stop to offer
 24 assistance, they didn't stop and talk to the
 25 police and say, "I saw that happen". I hear

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1 it all the time and I don't know how many
 2 times I've heard--in some instances now over
 3 my lifetime, but particularly over the last
 4 couple of weeks how people were hit in the
 5 middle of an intersection and people, they
 6 couldn't find a witness for it. You know,
 7 and I had an older gentleman come into my
 8 office the other day, I didn't know him from
 9 Adam and a resident of Mayor Avenue and he
 10 was driving downtown, down there by the
 11 Delta Hotel and somebody came up and side
 12 swiped his car and there's hundreds of
 13 people around the intersection, people in
 14 the crosswalk and everything when this
 15 happened, not a single witness came and made
 16 a statement to him and said, "this man is
 17 not responsible, it's the responsibility of
 18 the other driver". So, he's 80 years old
 19 now and he's looking at skyrocketing
 20 insurance rates and he's probably not going
 21 to be able to afford his own insurance
 22 policy because he's a single income earner
 23 and his wife just died and, you know, I hear
 24 his life story too at the same time, that
 25 because nobody witnesses things, nobody

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1 comes forth and are honest enough to come
 2 forth, people’s insurance rates go up.
 3 I’ll give you another case now where
 4 this happened to one of our own drivers. I
 5 can site a case here where one of our own
 6 drivers recently had an accident where he
 7 was not at fault. He was hanging a left at
 8 an intersection, he had the green arrow to
 9 go and we also had a witness who swore to
 10 our driver’s innocence, we didn’t know him
 11 from Adam. He gave the stand a call, the
 12 stand referred him to me, so I ended up
 13 taking the, what I thought was probably
 14 going to be a complaint or a business
 15 inquiry, and instead, he tells me he
 16 witnessed an accident. He said, “b’y”, he
 17 said, “I don’t know where to go with this”.
 18 He said, “I don’t know who owns the car”,
 19 and he said, “I don’t even know what car
 20 number it is”. And, of course, this being a
 21 Saturday evening, I’m thinking to myself,
 22 well, fine and dandy and that’s it. Anyway,
 23 he said, “I witnessed an accident”, he said,
 24 “the car in front of me went straight
 25 through the red light at the time, with the

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1 flashing green arrow and struck the rear
 2 fender of our car that was turning onto Park
 3 Avenue from Topsail Road. And so, he said,
 4 “can you help me out”, he said, “I’d like
 5 to, you know, just let him know that it
 6 wasn’t your driver’s fault, because your
 7 drivers are always getting the shitty end of
 8 the stick”. Pardon the expression, and of
 9 course, at the time, it’s a hot thing in the
 10 media, it still is. Just, you know, for
 11 this person to come forward and try to
 12 witness, became problematic, because at the
 13 same time, the first thing that the other
 14 insurance company did for the other party
 15 that was at fault in the accident, they
 16 ended up getting a private investigator on
 17 this guy and investigated every aspect of
 18 him in order to find out if he had any
 19 connection to the fellow that owned the car.
 20 CHAIR:
 21 Q. The witness?
 22 MR. MURPHY:
 23 A. The witness. That’s how bad of a society
 24 that we are after getting, that when you
 25 have a taxi driver that’s not at fault and

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1 the person that hit our driver too, at the
 2 same time, put up a nice little post up on
 3 Facebook then and said, you know, “a Jiffy
 4 cab driver went and ran into me down the
 5 side of my vehicle, caused all that damage,
 6 and I’m looking for a witness.” So, they
 7 even had the nerve to go out and look for a
 8 witness, when we already had a witness who
 9 testified to the fact that, “listen, I saw
 10 this vehicle go straight through the red
 11 light while the turning arrow was on. They
 12 didn’t have the green in their lane”. He
 13 was the second car back and they questioned
 14 the authenticity of the witness. That’s how
 15 bad it gets when you’re driving a taxi. So,
 16 anything can happen.
 17 I heard of a case there last week too,
 18 a driver, who shouldn’t have backed out of a
 19 driveway, number one, you should always back
 20 into a driveway and then come out. The same
 21 as what I did out here in the parking lot.
 22 I backed into the spot and I keep preaching
 23 to the drivers, the simple fact about safety
 24 out there. Always back your car into the
 25 stands, don’t go going window to window and

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1 having a chat. Back in and do whatever. He
 2 backed out of a driveway, caused a scratch
 3 to the bumper, a literal scratch to
 4 somebody’s bumper and ended up with a \$1,600
 5 cost to replace some paint on the bumper.
 6 And I’m thinking to myself, like, you know,
 7 again, bad claims experience, but because
 8 you’re driving a taxi, you’re already
 9 automatically labelled. So, I think that,
 10 you know, we’re used to a society of having
 11 barriers taken down, and I think Facility is
 12 one that’s got to go and if you’re going to
 13 be on the road, you’re going to be on the
 14 road.
 15 As soon as you left for work to come
 16 here to the Public Utilities Board building
 17 here today, at 120 Torbay Road, you took
 18 that risk of driving here. I took that risk
 19 to come down here and present at a hearing.
 20 Everybody else had to drive here to work
 21 too. I mean, we all took risks. Yeah,
 22 sure, we all got to take a risk, but at two
 23 o’clock in the morning, there’s not a lot of
 24 vehicles on the road, somebody has to be on
 25 the road to move people, it just happens to

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1 be that we're out there. And thank God that
 2 my kids aren't old enough for University yet
 3 or they'd be going downtown, because they'd
 4 probably be calling dad to come down and
 5 pick them up, but that's outside the case.
 6 And if they're wearing a Toronto Maple
 7 Leaf's jersey they can stay where they're
 8 at. But you know, that's the experience
 9 that taxi drivers are going through. So
 10 that's the perspective that I wanted to
 11 bring in here. Hopefully, I've succeeded in
 12 doing that.

13 Government's role in lowering
 14 insurance. I wanted to touch on that, and
 15 then I'll finish up with what I think really
 16 has to be done, and I think I've already
 17 touched on that anyway when it comes to--we
 18 have to have a change in attitude, and I did
 19 touch on that. I won't reiterate what I've
 20 already said. It's already in the minutes,
 21 I guess. But Government's role in lowering
 22 insurance. The Government needs more
 23 involvement in taking irresponsible and
 24 negligent drivers off the road, and there
 25 are several changes to legislation to ensure

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1 insurance is used to the benefit of all
 2 drivers and that safe driving practices
 3 become a common place in our society.
 4 Several tools are there to ensure drivers
 5 participate in their own protection. All
 6 drivers should be prepared, and I've said
 7 this already, be prepared to witness and
 8 assist drivers who have been in accidents.
 9 A failure to witness is a failure to solve a
 10 problem and it's a failure of society. If
 11 you don't get involved, you lose, and
 12 everybody else loses right along with you.
 13 If all were ready to witness and testify as
 14 necessary over an accident, then the
 15 importance of being cautious behind the
 16 wheel becomes self evident. You remove
 17 negligence in favour of vigilance and you
 18 make for a defensive driver, a more
 19 defensive driver, and a more caring driver.
 20 Consumers become eager to participate in
 21 relation to reporting blame. More driver
 22 training for drivers before they become
 23 active on the road. Mandatory first aid,
 24 for example, in return for the right to
 25 drive is an example.

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1 It is mandatory in Germany and in
 2 Switzerland if you're going to share a road
 3 with a potential for witnessing injury, then
 4 first aid should be mandatory. That's one
 5 example, and I think that Doug McCarthy
 6 might have touched on some of these points
 7 in his previous testimony. I also want to
 8 say that in Germany they have prescribed
 9 driving classes, so that you get on-road
 10 experience and everything before, and it's
 11 mandatory as well. Both in Germany and in
 12 Switzerland. This can help make for better
 13 drivers, and like I said, Government is
 14 going to be making changes to the Class 4
 15 system here, which is going to make that all
 16 the more better when it comes to making
 17 better taxi drivers here.

18 So, it's going to be a much-improved
 19 industry and we're looking forward to those
 20 challenges. It's something that we've been
 21 looking for and now the only thing that's
 22 going to stop us from that, or it might be a
 23 bit of a holdback and we're still looking
 24 for funding for that sort of thing. That
 25 might be the only hold up that we'll have,

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1 but we think that we can manage our way
 2 though it and pricing that scenario is still
 3 going about. So, that's being done on our
 4 part.

5 There should be a minimum age of
 6 ownership for any vehicle that is road
 7 worthy and licensable. There should also be
 8 a minimum age requirement that a registered
 9 owner also would have or become signatory to
 10 an insurance policy. Circumventing of the
 11 system has led to some drivers being
 12 reported with more claims against them.
 13 Here's what I mean, and this is going to be
 14 a sore point for some people out there. I
 15 have heard, I don't have substantive
 16 evidence and it would require probably
 17 further investigative abilities, but I have
 18 heard of cases where policies, insurance
 19 policies on taxis were owned by nine-year-
 20 old kids. Now, in order to get an insurance
 21 policy, it would be my understanding that
 22 the legal age of signing any document would
 23 be, I'll question, I'll leave it open.
 24 Seventeen years old, legal authority for
 25 signing a legal document in Newfoundland and

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1 Labrador? You'd have to find that out.

2 CHAIR:

3 Q. I look to my lawyers.

4 MS. GLYNN:

5 Q. Sorry?

6 CHAIR:

7 Q. It's probably 18.

8 MS. GLYNN:

9 Q. Yes, it's 18.

10 MR. MURPHY:

11 A. I'm guessing, you know, the -

12 CHAIR:

13 Q. It's not nine. I was still back at nine

14 years old trying to figure out how that

15 would work.

16 MR. MURPHY:

17 A. The assumption here--yes, and I question

18 that, I'll leave that with you and you guys

19 have got more experience in investigating

20 these things and I don't know if you'll ever

21 find it, but I'm told that this happened in

22 the 1990s. I don't know if it's true or

23 not, but if it did happen, at the same time,

24 Motor Vehicle Registration may have

25 documentation in there to show that nine-

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1 year old's actually own motor vehicles. And

2 I think that that's something--if it is

3 legal for them to own a vehicle, I think

4 that that has to change, because I don't

5 know of any nine-year old's that are going

6 to drive. Maybe they'll drive a tractor on

7 the Prairies in daddy's lap, but I don't

8 think that they should be driving, or hold

9 ownership for vehicles in Newfoundland and

10 Labrador when it comes to that. Like I say,

11 that's hearsay, but the question that

12 remains is, how did they get an insurance

13 policy if it's not legal for them to hold

14 it?

15 MS. GLYNN:

16 Q. So, they own the car, or they own the policy

17 or they own both?

18 MR. MURPHY:

19 A. The policy was in their name. So, in order

20 to have a policy on a vehicle, I think that

21 you also have to have the registered

22 ownership of the vehicle and then the

23 insurance company would have to go and ask

24 the question, "are you licencing this

25 vehicle, allowing this vehicle to be insured

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1 for you and what have you", and that's the

2 way to get around it.

3 COMMISSIONER OXFORD:

4 Q. It seems to be a whole mess of issues that

5 would revolve around that particular issue.

6 MR. MURPHY:

7 A. Exactly, yeah. So, I think the question of

8 the handling of policies has got to be asked

9 here too at the same time. Then I'll go on.

10 The Government needs to coordinate the

11 exchange of information between Motor

12 Vehicle Registration, police and insurance

13 companies as regards to Driver's Abstracts,

14 I already talked about. The system does not

15 allow for the information exchange. Privacy

16 concerns, I don't know. There are issues in

17 screening of drivers entering the industry.

18 Now, I've already touched on that, I won't

19 go on with it any longer, but the Driver's

20 Abstract should have current and updated

21 information. Not only of driving offenses,

22 but records of accidents and that sort of

23 thing that are on there, that aren't there

24 presently. Because if you're going to be

25 able to get information to screen out a

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1 driver, and we ask people who are coming in,

2 perspective drivers, to come in with a

3 Driving Abstract. And fine and dandy, the

4 driving offences are listed there, and once

5 you tell them that they are able to drive or

6 they're not able to drive, then all of a

7 sudden you go to the licencing process for a

8 broker and a broker finds out, "he's

9 probably got thee accidents, b'y, and you

10 know, he's not insurable, he's no good to

11 me, no good for anybody". You know, and we

12 end up screening them out as a result like

13 that, but there should be a way for a

14 company such as ours to have that

15 information readily available at our

16 fingertips, rather than having the industry

17 give us an answer two or three weeks or a

18 month down the road that this person is not

19 insurable, and that's another way that we

20 can keep them out of insurance.

21 A simple exchange of information or a

22 simple exchange of a driver's licence number

23 and a name and a date of birth, for example,

24 an insurance company would be immensely

25 handy before we even allow that possibility

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1 to happen because you're automatically going
 2 to screen people out, because people are
 3 going to say, "well, b'y, I got two
 4 accidents on my record anyway, I'm not going
 5 to go driving", but if I find a way, a loop
 6 hole to get into the system, they'll get in,
 7 and they will get in, right. A lifting of
 8 plates from uninsured vehicles has to
 9 happen, and it's easily enforced and
 10 coordinated between various services with
 11 implementation of the policy. We feel that
 12 that's very important, that it's not just
 13 taxi drivers that are out there that have a
 14 high rate of claims, but the general public
 15 has a high rate of claims too, and often
 16 enough the rate for uninsured automobile is
 17 going up too at the same time.
 18 Albeit a lot smaller than what the
 19 liability pay outs would be, but it's still
 20 a cost. And if it's 50 bucks that it's gone
 21 up over the years, it's 50 bucks, or
 22 whatever the number is, but still, it's an
 23 easy system as far as I'm concerned for
 24 Government to implement and coordinate
 25 between the services of Highway Enforcement,

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1 Royal Newfoundland Constabulary, RCMP,
 2 insurance companies, motor vehicle
 3 registration. This guy hasn't paid his
 4 policy for two months. We all have the
 5 tendency to pay in advance, there's a
 6 different way that we can handle it too.
 7 You pay in advance for insurance. Once you
 8 get past that deadline for your next
 9 payment, it becomes automatically uninsured
 10 anyway, so the plate should come off the
 11 car. And that's as easy as picking up a
 12 phone, and why aren't we doing it? You
 13 know, we don't have to be paying these
 14 higher insurance costs, and again, a failure
 15 for even the insurance industry to address
 16 this, tells me how easy it is for them to
 17 apply for a rate increase and get it, and
 18 get it, because they don't have to do their
 19 due diligence, so it all comes back due
 20 diligence.
 21 Police only take reports of accidents
 22 involving more than \$2,500 in damage now.
 23 That number has changed, that's gone up from
 24 \$1,000, and that changed probably about a
 25 four or five years ago, I'm guessing now.

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1 They only take statements in case there's a
 2 personal injury. It's curious to see how
 3 much was actually reported, injury to the
 4 police for some accidents, whose damage was
 5 less than required for police response. We
 6 need better police reporting and also, to
 7 lower the threshold for damages. I think
 8 that the police have got to get back to more
 9 community-based policing too at the same
 10 time. And an accident is an accident, is an
 11 accident, supposing it's \$50.00, there's
 12 still conflict, possibly between people and
 13 I think that's where we have to have our
 14 police forces intervened, supposedly if it's
 15 just Mrs. Joan's car that struck somebody's
 16 post. It doesn't matter, it's still an
 17 incident between people that has to be
 18 looked after and no bad feelings as a
 19 result.
 20 So, I think that we have to keep a good
 21 eye on something like that. And again, it
 22 all comes back to the basis of change in
 23 attitudes as well. I think that, you know,
 24 if a lot of this were done, simply put,
 25 there would be a change in attitudes and we

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1 wouldn't be having the high claims that what
 2 we're seeing now. But there are several
 3 things, you know, like I say in summation
 4 that I think the Public Utilities Board
 5 could be doing and at the same time, that
 6 the insurance companies have not been doing
 7 over the years, and the Government have not
 8 been doing over the years. So, you know,
 9 but as regards to their wanting more
 10 increases, like I said, just to sum it up,
 11 they ignored the problem between '87 and--or
 12 '86 and '97. They didn't address the
 13 problem back then, and they only want to
 14 address it now. They don't deserve to be
 15 hammering away at the taxi industries like
 16 they are now. They should be paying as much
 17 attention to insurance rates as what they
 18 did back in the '80s, as far as I'm
 19 concerned. If they're going to ignore the
 20 problem, go ahead and keep on ignoring it if
 21 you want to. We believe that sure, costs
 22 are probably going up, but they don't
 23 deserve these board increases that they're
 24 getting. They deserve to have increases
 25 based on how many years they actually

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1 ignored the problem and they can make up the
 2 problem from there.
 3 So, I think that's about all I had.
 4 There's nothing else that I can think of
 5 right now at the present time.
 6 COMMISSIONER OXFORD:
 7 Q. You covered a lot of ground.
 8 MR. MURPHY:
 9 A. What's that?
 10 COMMISSIONER OXFORD:
 11 Q. You covered a lot of ground.
 12 MR. MURPHY:
 13 A. Yeah, and I guess, when you're given a time
 14 limit too, I felt like I was in the House of
 15 Assembly there for a bit.
 16 CHAIR:
 17 Q. We didn't mean to make you feel rushed. We
 18 have lots of time.
 19 MR. MURPHY:
 20 A. I had an hour and five minutes in there, I
 21 think. No, 55 minutes, maybe.
 22 CHAIR:
 23 Q. You did fine.
 24 MR. MURPHY:
 25 A. Anyway, it's fine, I covered all the basis,

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1 and like I said, you know, I helped out Doug
 2 with the issue, mainly just to get them all
 3 coordinated to get some of this stuff going
 4 and put him back on track. He had some very
 5 good points when it comes to the insurance
 6 industry, we just need a little bit of
 7 direction and so, I've just been helping out
 8 Doug with the background and letting him
 9 handle most of it.
 10 CHAIR:
 11 Q. He was in Tuesday.
 12 MR. MURPHY:
 13 A. Yeah.
 14 CHAIR:
 15 Q. We had a good session with Mr. McCarthy.
 16 MR. MURPHY:
 17 A. Yeah, he's great.
 18 CHAIR:
 19 Q. He's doing a lot of work.
 20 MR. MURPHY:
 21 A. Yeah, he has, and he understands the
 22 insurance company like I understand my own.
 23 CHAIR:
 24 Q. Yeah, we got that sense.
 25 MR. MURPHY:

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1 A. I'm all good with it. I don't know if
 2 there's any other questions that I can -
 3 MS. GLYNN:
 4 Q. I had a question, Mr. Murphy, and it just
 5 goes back to the claim that you personally
 6 had. You said it was a \$15,000 claim, and
 7 that you had a \$4,400 legal bill. You don't
 8 know what the insurance companies cost was
 9 for that claim?
 10 MR. MURPHY:
 11 A. \$15,000.
 12 MS. GLYNN:
 13 Q. But you don't know what their legal cost--
 14 that's what they pay out to you.
 15 MR. MURPHY:
 16 A. Oh, I don't know. I don't know if they had
 17 any, because I think that -
 18 MS. GLYNN:
 19 Q. You don't know if it went to a lawyer at
 20 that point?
 21 MR. MURPHY:
 22 A. No, and it was solved rather quick like, so
 23 I think they probably looked at it and said,
 24 "b'y, this guy is letting us off", or I can
 25 sign off on this one, "see you later,

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1 goodbye".
 2 MS. GLYNN:
 3 Q. Yeah, so the insurance company may not have
 4 had a legal bill?
 5 MR. MURPHY:
 6 A. Yeah.
 7 MS. GLYNN:
 8 Q. The \$4,400 was Mr. Murphy's legal -
 9 MR. MURPHY:
 10 A. Yes, yeah.
 11 CHAIR:
 12 Q. Does Jiffy have any--do you guys require a
 13 certain level of insurance from all your
 14 brokers?
 15 MR. MURPHY:
 16 A. Yes, million dollar, million dollars is
 17 normal to the industry.
 18 CHAIR:
 19 Q. So, you do the million, okay.
 20 MR. MURPHY:
 21 A. Two million dollars for it altogether, I
 22 think it is, yeah.
 23 VICE-CHAIR:
 24 Q. And you talked about your concerns about the
 25 attitude of people and the automatic

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1 assumption of negligence, rather than just
 2 an accident. Do you think that the cap,
 3 position of a cap would help with that?
 4 MR. MURPHY:
 5 A. Absolutely. You know, you can legitimise
 6 injuries. You can. I can legitimise, for
 7 example, me having to not lift anything for
 8 the couple of weeks that I didn't, but I
 9 knew when it was time to go back to work,
 10 right. You see a heavy degree of
 11 advertising now on T.V., having to do with
 12 people and their experiences, and I'm
 13 looking at cars that are rolled over on
 14 their roof and that kind of tells that,
 15 "yeah, I can legitimise that". Certainly,
 16 if your vehicle rolled over, you're thrown
 17 into an unnatural position and chances are,
 18 you probably have injuries. You're probably
 19 going to need some time to heal, and you may
 20 never heal if you've had broken bones or if
 21 you happen to be aged and broken bones is a
 22 different condition. Some people call it a
 23 meat list for injuries, but other than that,
 24 in my experience and from what I'm told and
 25 from what I've read, it doesn't necessarily

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1 mean that because you have a cap on soft
 2 tissue injuries, doesn't mean that you lose
 3 your right to sue. And that's the misnomer
 4 that's being put out there. That you're
 5 going to lose all your rights, and you're
 6 not going to lose all your rights. If you
 7 have legitimate injuries, for example, that
 8 requires surgery, then the flood gates are
 9 probably going to end up being open on
 10 reaching a fair settlement for somebody
 11 who'd been injured.
 12 So, you know, while we would like to
 13 see a cap, it certainly, if you raise the
 14 cap, is one thing. If you raise that cap,
 15 it's going to probably deter a lot of people
 16 from having the motivation to lock up the
 17 breaks when they see a taxi coming, or if
 18 they see an opportunity, quote on quote, a
 19 "money making opportunity". Whip cash, like
 20 I said, it is known. And it's well known in
 21 the legal industry too, I think that whip
 22 cash happens, and I know one particular
 23 experience when a person I knew were
 24 describing their injuries and the pain that
 25 they had, the lawyer was on the other end of

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1 the phone going, "cha-ching, cha-ching, cha-
 2 ching", every time he would describe--if he
 3 moved this arm the wrong way, cha-ching.
 4 You know, you're told to log your pain and
 5 everything and in a doctor's case and in
 6 some legal fields you're also told to log
 7 your pain as well, right. That if you're
 8 going to have pain, you are deserving of
 9 money every time. Fifty bucks, fifty bucks,
 10 as I lift my elbow. Every time you lift
 11 your arm you're going to be compensated for
 12 it. You know, that it would be a
 13 compensable injury, if you will, as it would
 14 be known in Workers' Compensation examples.
 15 You know, we've lost something here
 16 with our insurance. Attitude is pretty poor
 17 out there, you can see it. It's certainly a
 18 reason why I think we've got aggressive
 19 drivers out there too that people don't pick
 20 up the phone and call the police, because
 21 they think that nothing is going happen,
 22 that they don't want to pursue things
 23 through the Court of Law and I honestly
 24 believe that unless attitudes change and
 25 unless people's attitudes change, you're

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1 forever going to be stuck with the system
 2 that you have and congratulations, give
 3 yourself a pat on the back, you're also
 4 going to have higher insurance rates. So, a
 5 failure to address it by all parties,
 6 including consumers, including drivers out
 7 there in making demands for a better driving
 8 system out there, if you will, or a way of
 9 licensing. is only going to cost you in the
 10 end if you don't act.
 11 MS. GLYNN:
 12 Q. Mr. Murphy, has Jiffy thought about
 13 introducing the cameras to their cabs? One
 14 of the things you spoke about was the lack
 15 of witnesses, so the -
 16 MR. MURPHY:
 17 A. You know, we tell everybody, if you want to
 18 put cameras in the car, you also have,
 19 according to what some people believe, you
 20 also have to put the legal warning on the
 21 car too that you have cameras. When I came
 22 in through the door of this building,
 23 "congratulations, smile, you're on candid
 24 camera".
 25 MS. GLYNN:

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1 Q. Smile.
 2 MR. MURPHY:
 3 A. Exactly. Some people believe that it's
 4 there right to privacy that would be
 5 interrupted in something like that. So,
 6 we've got probably two or three vehicles out
 7 there that got cameras and everything like
 8 that. Dash cams pointing outwards towards
 9 the traffic, they work, and some of the
 10 drivers are getting those put in the cars
 11 too now, because they know that they're a
 12 target. But what does that tell you about
 13 society? That you got to get a camera in
 14 your car, because an accident is not an
 15 accident anymore. You have got to prevent
 16 the negligent opportunity, right. Case in
 17 point, so, you know, the simple fact is
 18 because you got to put a camera up in this
 19 building, tells you that there are bad
 20 people out there. And we know there are bad
 21 people out there, but you know, a long time
 22 ago it didn't go to cameras, it came to good
 23 police work to catch the fellow that done it
 24 and he went to jail, right. And maybe you
 25 need more foot patrols when it comes to

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1 something like that, you wouldn't have to
 2 spend money on cameras, but you see my
 3 point, right. Yeah, some of them do have -
 4 MS. GLYNN:
 5 Q. It's not a policy for training.
 6 MR. MURPHY:
 7 A. It's not a policy, no. We tend to believe
 8 that, just like the Irish Soap commercial
 9 tells you, that the Newfoundlanders are 99
 10 and 44, 100 percent pure, right. Sometimes
 11 you just got to have faith in people.
 12 COMMISSIONER OXFORD:
 13 Q. Yes.
 14 MS. GLYNN:
 15 Q. I'm just going down through the other
 16 questions that I had.
 17 COMMISSIONER OXFORD:
 18 Q. Do you require your--when you're hiring new
 19 drivers and stuff, do you require a
 20 Certificate of Conduct?
 21 MR. MURPHY:
 22 A. Yes, at all times.
 23 COMMISSIONER OXFORD:
 24 Q. At all times?
 25 MR. MURPHY:

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1 Q. We go through the prerequisites of having
 2 clean Driver Abstracts, so that's one of the
 3 measurements that we use. A Certificate of
 4 Conduct and the Vulnerable Sector Check.
 5 We've done that, well, since Tom Hollett
 6 owned the company back in 1988, I think that
 7 he was using all that stuff and we've
 8 carried on with that. Yeah, nobody gets to
 9 drive without it.
 10 CHAIR:
 11 Q. Do you have to keep those updated?
 12 MR. MURPHY:
 13 A. Yes, yeah, and well, we do that, and at the
 14 same time, we'll browse through the court
 15 docket.
 16 CHAIR:
 17 Q. Oh really?
 18 MR. MURPHY:
 19 A. Oh, yeah. Well, the court docket is public
 20 and, you know, it helps to know even some of
 21 the names out there. You feel like you're
 22 the telegram reporter sometimes. "Oh, I
 23 knows that guy". "Oh, my God, Darlene, look
 24 what you did".
 25 CHAIR:

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1 Q. I never looked at the court docket.
 2 MR. MURPHY:
 3 A. You never done that? Oh, my God, yes,
 4 they're up there publicly, yeah. Every now
 5 and then you hear, you know, rumours of
 6 somebody, whatever, and you'll go there, and
 7 you'll see, oh, they're only throwing a
 8 little bit of bull at you or whatever, you
 9 know. "Somebody is going to court next
 10 week". "Oh, yes b'y", and go and look at
 11 that and--no, I haven't found any of our
 12 drivers on it yet, but it's another tool
 13 that's used. It's a free tool to use, to
 14 see if anybody has got anything.
 15 COMMISSIONER OXFORD:
 16 Q. We hear a lot about, okay, drivers are out
 17 doing the taxi cabs, not being familiar with
 18 the territory that you're driving in and
 19 this is resulting in accidents, okay by--
 20 some would suggest that these accidents. Do
 21 you see that?
 22 MR. MURPHY:
 23 A. No, I disagree with that.
 24 COMMISSIONER OXFORD:
 25 Q. Is that right?

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1 MR. MURPHY:
 2 A. Yeah, a driver is a driver is a driver.
 3 Whenever you get in a taxi you treat people
 4 the same as what you would your own family.
 5 Whenever you get them in the car, so you're
 6 going to drive the same way. It's the
 7 change of attitude behind the wheel. When
 8 it comes to driving, we like to make sure--
 9 for example, when it comes to familiarity,
 10 like that, the first thing that I do, for
 11 example, for anybody who doesn't know the
 12 City, I'll make sure that they know it up
 13 here first.
 14 COMMISSIONER OXFORD:
 15 Q. Okay. You give them an orientation?
 16 MR. MURPHY:
 17 A. I give them an orientation, I spend, well,
 18 let's see, the last driver that I had came
 19 in on six different occasions for an
 20 interview, and each time I came in, of
 21 course, you go over the role of what they do
 22 behind the wheel and everything like that,
 23 but their orientation includes quizzes and
 24 knowing the City, and if they don't get out
 25 there in the City with at least 50 percent

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1 knowledge of the streets, they don't get to
 2 go at all. If they can't tell me the proper
 3 route to go in their own mind, whatever I
 4 ask them, how to get from Moss Heather Drive
 5 to Gerard Place and I know I got you lost
 6 right there, right?
 7 COMMISSIONER OXFORD:
 8 Q. Yeah.
 9 MR. MURPHY:
 10 A. But you're still driving, right.
 11 COMMISSIONER OXFORD:
 12 Q. Yes, that's right.
 13 MR. MURPHY:
 14 A. Right, and if necessary you would learn
 15 where Moss Heather Drive was to, you would
 16 know where Gerard Place is to. I would give
 17 you a chance to know that. Now, there have
 18 been some people come in and they're
 19 absolutely lost causes, but there have been
 20 people that come in to and they memorize
 21 everything, they come in with everything on
 22 paper. They'll list off streets and I'll
 23 ask them where the Taaffe's Lane or the
 24 Fraser Place are to. And I got you lost
 25 again, but you see my point, right.

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1 I'll give everybody a chance at it and
 2 I never say no until they're a lost cause,
 3 because, you know, again, people are good, I
 4 don't want to be denying anybody an
 5 opportunity, I don't want to lose the simple
 6 fact that--for example, I might have
 7 somebody completely brilliant here, they
 8 might be the Stephen Hawking of taxi driving
 9 and maybe they won't work out, right, but
 10 I'll give everybody an opportunity. We've
 11 had people in there from, you know, we're
 12 multi national, we're a very diverse
 13 workforce, we don't throw up any barriers to
 14 people. We start them off with rudimentary
 15 knowledge, right, and we tell them, you
 16 know, make it a course of study for yourself
 17 and I'll keep them coming back. You know,
 18 and as long as they're interested and
 19 everything and I interview them. I'll do a
 20 pre-interview on them, I'll interview them
 21 before they spend the money to go out and do
 22 their Class 4, I'll get them in there for an
 23 interview before they even go ahead and get
 24 screened down there at the RNC for their
 25 Certificate of Conduct even.

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1 The first thing I need to know is
 2 knowledge. If you know the City, if you
 3 want to make the investment then, if they
 4 chose to make that investment then, then
 5 I'll make them go ahead and spend their
 6 money. That's the way I do it that way,
 7 because these things have an inherent cost.
 8 The Certificate of Conduct, the Vulnerable
 9 Sector Check are \$25.00, but to somebody
 10 who's working on minimum wage, b'y that's a
 11 lot of money. So, I'll interview them first
 12 and I'll gage their interest for it, I'll
 13 use that as their first step and then if
 14 they come back for the second interview and
 15 if they show a willingness to learn, then I
 16 know I'm going to have a good driver. And
 17 nationality never figured into it, right.
 18 Diversity, I think is, I don't know, neat.
 19 It's just neat to be all inclusive, right.
 20 And you know, for some of the drivers that
 21 are gone out there, some of the foreign
 22 drivers that I have out there don't have any
 23 accidents. They're better drivers than what
 24 Newfoundlanders are, and they're great with
 25 people.

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1 COMMISSIONER OXFORD:
 2 Q. You can only speak to your own experience,
 3 right.
 4 MR. MURPHY:
 5 A. Yeah, and I don't know, maybe that's because
 6 I was NDP, I don't know. But I didn't come
 7 in with rubber boots on today, so that's
 8 gone.
 9 CHAIR:
 10 Q. Are we going off record now? Are we -
 11 MS. GLYNN:
 12 Q. Well, you lost me at Moss Heather Drive, so
 13 -
 14 MR. MURPHY:
 15 A. Go up Thorburn Road, you can turn down and
 16 get it off Picea Lane or take your second
 17 left going up Thorburn, up over, sorry,
 18 third -
 19 MS. GLYNN:
 20 Q. I got Thorburn Road.
 21 MR. MURPHY:
 22 A. Third left up there past the mall, let's put
 23 it that way.
 24 CHAIR:
 25 Q. I only know it because my nephew lived

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1 there.
 2 MR. MURPHY:
 3 A. And Gerard Place is down across from NTV.
 4 The new subdivision in there on your left-
 5 hand side.
 6 CHAIR:
 7 Q. I think we're off, now are we? Yeah.
 8 (OFF RECORD)
 9 MR. MURPHY:
 10 A. Just as another point, I guess when it comes
 11 to insurance companies and record keeping, I
 12 don't know what you'd find as regards to
 13 what happened back in the 1990s whether it's
 14 true or not. Whether somebody can
 15 investigate that. Whether the whole aspect
 16 of 9-year olds having insurance policies is
 17 true or not, but the simple fact is, I don't
 18 know how far their records go back and I
 19 don't know how far you're able to go back to
 20 even track such information. And I don't
 21 know the law for keeping that. Revenue
 22 Canada might have a five-year, seven-year
 23 law when it comes to keeping financial
 24 information. Insurance companies may keep
 25 it for statistical purposes or maybe they

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1 don't, but something might have to be done
 2 in a case like this where we're going back
 3 through claims and everything like they have
 4 been. We've gone back as far as 1986 in
 5 mentioning some of these things, perhaps you
 6 can have a look at the law when it comes to
 7 incidents like that where we're paying for
 8 claims that happened years ago, as regards
 9 to making insurance companies keep records
 10 for a longer period of time. And I think
 11 that that would be probably beneficial in a
 12 case like that. I think that's the last
 13 point I wanted to make.
 14 CHAIR:
 15 Q. Thank you.

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CERTIFICATE

I, Janessa Murphy, do hereby certify that the foregoing is a true and correct transcript of a meeting heard re: insurance regulations and taxi drivers, heard on the 12th day of April, 2018 at the offices of the Public Utilities Board, St. John's, Newfoundland and Labrador and was transcribed by me to the best of my ability by means of a sound apparatus.

Dated at St. John's, NL this
 25th day of April 2018

Janessa Murphy
 Discoveries Unlimited Inc.

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