
Second Session, Forty First Parliament
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Legislative Assembly of British Columbia

BILL M**

RIDESHARE ENABLING ACT, 2017

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Explanatory Note

This Bill introduces the concept of transportation network companies and enables the introduction of ridesharing in British Columbia by legislating a transportation and insurance regulatory framework. It further outlines a funding mechanism for municipalities to benefit from ridesharing.

BILL M *** – 2017

RIDESHARE ENABLING ACT, 2017

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

1 In this Act:

"**Branch**" means the Passenger Transportation Branch.

"**Corporation**" means the Insurance Corporation of British Columbia.

"**digital network**" means any Internet-enabled application, software, website or system.

"**rideshare driver**" means an individual who offers or provides ridesharing rides by connecting with the rider through a digital network.

"**rideshare ride**" means an event of transportation of a rider by a rideshare driver.

"**rideshare vehicle**" means a motor vehicle used by a rideshare driver to provide a rideshare ride.

"**transportation network company**" or "**TNC**" means a company that works to ensure the safety and quality of service of rideshare rides as required by this Act.

Part 1 - Ridesharing

TNC to be registered

- 2 (1) A TNC may carry on operations only if it is registered with the Branch.
- (2) The Branch must register a TNC that
- (a) provides its name and address to the Branch;
 - (b) pays an annual registration fee.

- (3) A registered TNC must pay a quarterly registration fee per trip completed in the previous quarter to Revenue Services of British Columbia.
- (4) One-third of the quarterly registration fee paid in accordance with subsection 2 (3) must thereafter be transferred to each of
 - (a) the municipality where the trip began; and
 - (b) the municipality where the trip ended.
- (5) A TNC must update the Branch when it changes its name or address.

Access required to provide rideshare rides

- 3 (1) No person may provide a rideshare ride unless the person:
 - (a) has been allowed access to a digital network under this Act, and
 - (b) is at least 19 years of age.

Driver and vehicle records to be provided by rideshare drivers

- 4 (1) A TNC must ensure that a rideshare driver cannot access a relevant digital network unless the rideshare driver has provided:
 - (a) proof that the rideshare driver owns, leases, or otherwise is authorized to use any vehicle to be used as a rideshare vehicle through the relevant digital network;
 - (b) a copy of a valid provincial registration certificate for any vehicle to be used as a rideshare vehicle through the relevant digital network;
 - (c) a record of the rideshare driver's name, address, and telephone number;
 - (d) a digital photo of the rideshare driver's face;
 - (e) a copy of a valid provincial operator's license, Class 1 through 5, for the rideshare driver; and
 - (f) proof of valid personal automobile insurance for any vehicle to be used as a rideshare vehicle.
- (2) A rideshare driver must immediately notify the TNC if any of the items required by section 4(1) are no longer accurate or valid.

Background check required

- 5 (1) A TNC must conduct or cause to be conducted, on an annual basis, a search of the rideshare driver's provincial driving record and the rideshare driver's name and date of birth against the RCMP National Repository of Criminal Records.
- (2) A rideshare driver cannot access a relevant digital network if the rideshare driver
 - (a) has been convicted:
 - (i) of an offence under the *Criminal Code* involving violence, or of a sexual offence under Part V of the *Criminal Code*;

- (ii) of an offence under the *Controlled Drugs and Substance Act*, or under any other federal or provincial legislation, involving the trafficking of a controlled substance;
 - (iii) of a *Criminal Code* offence involving a motor vehicle, including without limitation the offence of operating a motor vehicle while impaired or operating a motor vehicle with more than 80 mg. of alcohol per 100 ml. of the applicant's blood;
 - (iv) within the previous 3 years of 6 or more driving offences under the *Motor Vehicle Act*, its regulations, or the equivalent legislation of another Province or Territory of Canada;
 - (v) within 5 years of an offence under the *Criminal Code* involving dishonesty.
- (b) has received within the previous 3 years more than one temporary driver's licence suspension under the provisions of the *Motor Vehicle Act*, or the equivalent legislation of another Province or Territory of Canada, on grounds related to the amount of alcohol in the applicant's blood, which suspension has not been cancelled or set aside by judicial process or under a provision of a statute.
- (3) If any information contained in the searches required by section 5(1) changes, the rideshare driver must immediately notify the TNC.

Vehicle Inspection Required

- 6 (1) A rideshare driver must obtain, on an annual basis, a vehicle inspection form signed by a provincially certified automotive technician that confirms the following are in safe working order:
- (a) Foot brakes (minimum thickness of 2mm)
 - (b) Emergency brakes
 - (c) Steering mechanism
 - (d) Windshield
 - (e) Rear window and other glass
 - (f) Windshield wipers
 - (g) Headlights
 - (h) Tail lights
 - (i) Turn indicator lights
 - (j) Brake lights
 - (k) Front seat adjustment mechanism
 - (l) Doors (open, close, lock)
 - (m) Horn
 - (n) Speedometer
 - (o) Bumpers
 - (p) Muffler and exhaust system
 - (q) Condition of tires, including tread depth (minimum thickness of 3/32nds and be above the wear bar indicator)
 - (r) Interior and exterior rear view mirrors; and

- (s) Safety belts for driver and passengers

No street hails

- 7 A rideshare driver must not solicit or accept street hails.

Payment only by electronic means

- 8 A rideshare driver must not solicit cash payments from riders.

Transparency for riders

- 9 A TNC must ensure that a rider has access to the following before a rideshare ride begins:
 - (a) the license plate number of the rideshare vehicle;
 - (b) a picture of the rideshare driver's face;
 - (c) the first name of the rideshare driver; and
 - (d) the opportunity to receive an estimated fare based on the rider's destination.

Electronic receipt

- 10 (1) After a rideshare ride ends, the TNC, on behalf of the rideshare driver, must ensure that an electronic receipt is transmitted to the rider containing the following information:
 - (a) the starting and ending locations of the rideshare ride;
 - (b) the duration and distance of the rideshare ride; and
 - (c) the fare paid.
- (2) The TNC must retain the information provided pursuant to section 10(1) for at least one year, unless the rider has requested deletion of that information.

Insurance

- 11 (1) A rideshare vehicle must be insured by a certificate or a policy evidencing insurance against liability arising out of
 - (a) bodily injury to or the death of a person, and
 - (b) loss of or damage to property,caused by a rideshare vehicle or the use or operation of the rideshare vehicle for the period of time beginning when a rideshare driver has accepted a request for transportation services through the TNC's digital network until all passengers have exited the rideshare vehicle or the transportation services have been completed or canceled, whichever is later.

- (2) The insurance required by section 11(1) must provide third party liability coverage of not less than \$2,000,000 against liability imposed by law arising from bodily injury to or the death of a person, or loss of or damage to property, caused by or arising out of the use or operation of a rideshare vehicle and any other compulsory coverage required by the *Insurance (Vehicle) Act*.
- (3) The requirements of subsections 11(1) and 11(2) may be met by insurance issued to a rideshare driver or a TNC, or some combination thereof.
- (4) The Corporation shall create a class of certificate providing the insurance referred to in subsection 11(1) and 11(2) and shall, on application and payment of the applicable premium, provide insurance coverage as outlined above and a certificate of insurance evidencing coverage in electronic form.

Accessibility

- 12 (1) The fare charged to a person with a disability, service animal, or wheelchair must not, for that reason alone, be greater than the fare that would be charged to a person who did not have that disability, service animal, or wheelchair.
- (2) A TNC must ensure that a rider is provided with:
 - (a) the option to request a wheelchair-accessible ridesharing vehicle, if one is reasonably available to the rider, or
 - (b) if no such vehicle is reasonably available, the contact information of a local wheelchair-accessible service, if any.

Records to improve transportation planning

- 13 On a quarterly basis, the TNC must share with the Branch anonymized, aggregated data by the origin and destination municipality of trips within the province.

Audit of records

- 14 The Branch may audit the material to be possessed by the TNC under section 4 of this Act and of the searches conducted or caused to be conducted under section 5 of this Act to ensure compliance with this Act.

Records protected

- 15 Records audited or received by the Branch under section 14 of this Act shall not be subject to disclosure under the *Freedom of Information and Protection of Privacy Act* or any other law unless expressly permitted by the Lieutenant Governor in Council.

Relationship of rideshare driver and TNC to other types of entities

- 16** A TNC is not a broker or arranger of transportation, and a rideshare driver's business is not a taxi, limousine, commercial passenger vehicle, or a passenger directed vehicle business.

Part 2 - General

Offences

- 17** (1) The provisions of the *Offence Act* apply to breaches of this Act.
- (2) Notwithstanding section 18 of this Act and section 4 of the *Offence Act*, a person who is convicted of an offence is liable to a fine.

This Act governs

- 18** (1) Despite any other Act or by-law, only this Act governs the business of a TNC and of a rideshare driver. TNCs and rideshare drivers remain subject to Acts and by-laws outside the scope of this Act, including parking and traffic regulation.
- (2) A municipality must not impose a tax on, or require a license for, a TNC, a rideshare driver, or a rideshare vehicle where the tax or license relates to the business of the TNC or the business of the rideshare driver.

Regulations

- 19** (1) The Lieutenant Governor in Council may make regulations
- (a) prescribing the amounts, times and in the manner in which fines are administered and collected by the government for the purpose of section 17(2) of this Act;
 - (b) prescribing the amount of the annual registration fee under section 2(2) of this Act;
 - (c) prescribing the amount of the quarterly registration fee under section 2(3) of this Act;
 - (d) defining any word or expression used but not defined in this Act;
 - (e) concerning the relationship of the TNC and rideshare drivers to any types of transportation entities;
 - (f) determining the nature of any municipal taxes or licenses for a TNC, a rideshare driver, or a rideshare vehicle; and
 - (g) respecting any other matter the Lieutenant Governor in Council considers necessary or advisable to carry out for the intent and purpose of this Act.

Commencement

- 20** This Act comes into force on the date of Royal Assent.