

Bylaw No. 2/2020

Town of Pense

A Bylaw to Allow and Regulate Regional Rideshare Business

Purpose: The purpose of this bylaw is to establish a licensing scheme for transportation network companies as required by *The Vehicles for Hire Act* and to provide regulatory requirements for regional rideshare businesses and vehicle-for-hire services.

Authority: This bylaw is authorised pursuant to section 8 of *The Municipalities Act* and section 4 of *The Vehicles for Hire Act*.

The Council of the Town of Pense, in the Province of Saskatchewan, enacts as follows:

1. DEFINITIONS

In this Bylaw, including this section:

- 1.1 **Administrator** shall mean the employee or representative of the R.M. of Edenwold No. 158 tasked with enforcing this Bylaw, or their delegate, and for issuing regional business licences pursuant to this Bylaw.
- 1.2 **Council** shall mean the Council of the Rural Municipality of Edenwold No. 158.
- 1.3 **Regional Rideshare Business** shall mean a person, entity, or corporation that operates or manages a transportation network.
- 1.4 **Designated Officer** shall mean an employee or representative of any municipality within the regional business area, a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, Community Safety Officer, or Administrator.
- 1.5 **Regional Business Licence** shall mean a business licence issued by the R.M. of Edenwold No. 158 to operate a vehicle-for-hire service.
- 1.6 **Regional Business Area** shall mean the geographic areas occupied by the Rural Municipality of Edenwold No. 158, the Rural Municipality of Lajord No. 128, the Rural Municipality of Pense No. 160, the Rural Municipality of Lumsden No. 189, the Town of Balgonie, the Town of Grand Coulee, the Town of Pilot Butte, the Town of Pense, the Village of Buena Vista, the Village of Belle Plaine, and the Town of Lumsden, and illustrated in Appendix B
- 1.7 **R.M.** shall mean the Rural Municipality of Edenwold No. 158.
- 1.8 **Street Hailing** shall mean offering, soliciting, or accepting offers to provide vehicle-for-hire service, or providing vehicle-for-hire service without the use of a transportation network.
- 1.9 **Transportation Network** shall mean, subject to *The Vehicles for Hire Act*, an online-enabled application, a digital platform, a software program, a website, or other system

or technology platform offered, used, or facilitated by a regional rideshare business to enable a person to obtain vehicle-for-hire service.

1.10 **Transportation Network Vehicle** shall mean a motor vehicle with a manufacturer's seating capacity originally designed for 8 or fewer passengers, including the driver, used to provide pre-arranged transportation of passengers for compensation through the use of a transportation network.

1.11 **Transportation Network Driver** shall mean a person authorised by a regional rideshare business to operate a transportation network vehicle and provide pre-arranged transportation of passengers for compensation through the use of a transportation network.

1.12 **Vehicle-for-Hire Service** shall mean a service provided by a transportation network driver affiliated with a regional rideshare business for the pre-arranged transportation of passengers for compensation through the use of a transportation network, but does not include a taxi service.

2. REGIONAL BUSINESS LICENCE

2.1 No regional rideshare business shall carry on or engage in business using a vehicle-for-hire service in the regional business area without a regional business licence.

2.2 A regional rideshare business must apply in writing to the Administrator for a regional business licence before commencing any vehicle-for-hire service using the "Regional Business Licence Application" in Appendix A.

2.3 An application must include all requested information, including but not limited to:

- The address where the regional rideshare business is primarily headquartered;
- The legal name of the regional rideshare business, and certified copies of any incorporating documents reasonably required by the Administrator to verify the corporate identity of the applicant;
- The name, telephone number, and corporate email of a contact person for the regional rideshare business; and
- A completed "Regional Business Licence Application" and supporting documents (where applicable).

2.4 The regional rideshare business shall notify the Administrator of any change to the information submitted pursuant to this Bylaw during the validity period of the licence.

2.5 The Administrator may issue or renew regional rideshare licences in the following circumstances:

- The Administrator receives a completed application pursuant to 2.3;

- b. The regional rideshare business has paid the required regional business licensing fee to the R.M., dependent on the number of expected affiliated transportation network drivers;
 - c. If required, the necessary provincial or federal licence has been produced
- 2.6 A regional rideshare business must notify the R.M. if:
 - a. A regional rideshare business is discontinued;
 - b. The nature of a regional rideshare business changes;
 - c. A regional rideshare business's number of authorised transportation network drivers grows beyond that listed in their regional business licensing fee;
 - d. A regional rideshare business is purchased or sold, and the Administrator must be made aware of any new contact information.
- 2.7 All funds collected as part of an application for a regional business licence shall be used to enforce, administer, and monitor regional rideshare businesses within the regional business area.
- 2.8 If a regional business licence contravenes any term or condition of this Bylaw, the Administrator may suspend or cancel the licence pursuant to this Bylaw.
- 2.9 The Administrator may reinstate a suspended regional business licence if it is satisfied that the regional rideshare business complies with this Bylaw.
- 2.10 A regional business licence issued under the provisions of this Bylaw is valid for one year, beginning on the date of issuance.
- 2.11 A regional business licence issued to a regional rideshare business shall be considered valid in the regional business area shown in Appendix B.
- 2.12 The Administrator may revoke, refuse to issue, or refuse to renew a regional business licence if the regional rideshare business has:
 - a. Failed to comply with any provision of this Bylaw;
 - b. Failed to comply with any requirements of *The Vehicles for Hire Act* or *The Vehicles for Hire Regulations*;
 - c. Been convicted of an offense pursuant to this Bylaw;
 - d. Failed to provide any information required by this Bylaw or the Administrator;
 - e. Failed to pay any fees required by this Bylaw;
 - f. The Administrator reasonably believes that the regional rideshare business has given false or misleading information in its application; and

- g. The continuance, issuance, or renewal of the regional business licence is not in the public interest.

2.13 Regional business licences are non-transferable.

2.14 The regional rideshare business shall notify the Administrator of any failure of the regional rideshare business to meet the requirements of this Bylaw within 24 hours of its occurrence.

2.15 Any regional rideshare business may appeal the suspension, cancellation, or rejection of a regional business licence to the Council.

3. REGIONAL RIDESHARE BUSINESS

- 3.1 Every regional rideshare business shall issue an identification card to all affiliated drivers, or provide and maintain the following information which shall be made available to all municipalities within the regional business area:
 - a. A clear and accurate image of the driver which matches their current likeness;
 - b. The driver's first name;
 - c. The make, model, model year or image, and licence plate number of the transportation network vehicle used by the transportation network driver.
- 3.2 Every regional rideshare business shall not permit any affiliated transportation network drivers to provide vehicle-for-hire services while representing the regional rideshare business unless the driver:
 - a. Meets all requirements of *The Vehicles for Hire Act* and *The Vehicles for Hire Regulations*, including but not limited to requirements regarding driver licensing and criminal convictions;
 - b. Does not have any conditions on their driver's licence or vehicle registration which would prohibit the operation of a vehicle-for-hire service;
 - c. Is not subject to any undertaking, recognisance, peace bond, probation order, or other court-issued order prohibiting the person from performing any function related to vehicle-for-hire services.
- 3.3 Every regional rideshare business shall make the following information publicly accessible on its website at all times:
 - a. A way to contact the regional rideshare business, including its legal name and its registered business address.
 - b. That trip data is being recorded, including a link to the regional rideshare business's privacy policy.
 - c. Information regarding trip request cancellation policies.

3.4 A regional rideshare business shall provide, when requested, proof to the Town of Pense of its motor vehicle liability insurance according to *The Vehicles for Hire Act* and *The Vehicles for Hire Regulations*.

3.5 A regional rideshare business shall provide for secure payment through the use of an affiliated transportation network.

3.6 A regional rideshare business shall not permit any affiliated transportation network driver to accept payment in cash for a vehicle-for-hire service facilitated by the transportation network.

3.7 A regional rideshare business shall not permit or condone the acceptance of street hailing or the solicitation of passengers by affiliated transportation network drivers without the use of a transportation network.

3.8 Every regional rideshare business shall obtain the consent of all affiliated transportation network drivers for the collection, use, and disclosure of any personal information required to be collected, used, or disclosed pursuant to this Bylaw.

3.9 Every regional rideshare business shall record the following information for each trip dispatched through its transportation network:

- a. The date and time of each request for vehicle-for-hire service received through the transportation network;
- b. The date and time a transportation network driver accepts the request for vehicle-for-hire service;
- c. The time of pick-up and drop-off;
- d. The duration of the vehicle-for-hire service;
- e. The transportation network vehicle identification by licence plate;
- f. The full name of the transportation network driver;
- g. The route taken;
- h. The number of kilometers travelled per trip.

3.10 Every regional rideshare business shall keep the following records:

- a. A list of every affiliated transportation network driver and transportation network vehicle, including the driver's full name, address, and the vehicle's make, model, model year, and licence plate number;
- b. Confirmation that every driver meets the requirements of this Bylaw, *The Vehicles for Hire Act*, and *The Vehicles for Hire Regulations*.

3.11 Every regional rideshare business shall retain the records required to be kept pursuant to this Bylaw in an accessible format for a minimum of two years from the date the record was created.

3.12 Upon request by the Administrator or Designated Officer, and in the form, manner, and time prescribed, every regional rideshare business shall submit to the Administrator or Designated Officer the data recorded pursuant to 3.7 and 3.8.

4. TRANSPORTATION NETWORK VEHICLE

4.1 A regional rideshare business shall not permit any vehicle to be used to provide vehicle-for-hire services unless the vehicle:

- Meets all requirements of all applicable laws, including, but not limited to *The Vehicles for Hire Act, The Vehicles for Hire Regulations, The Vehicle Inspection Regulations*, or any successor legislation thereof; and
- Meets all requirements of this Bylaw.

4.2 A transportation network vehicle shall not be older than ten years from the date of issuance of the regional business licence.

4.3 A transportation network vehicle shall not be used for vehicle-for-hire service without a valid vehicle inspection certificate from Saskatchewan Government Insurance.

4.4 A transportation network vehicle shall be identifiable by the appropriate window markings and shall not utilise markings that would be consistent with commercial branding or those of a taxicab.

5. TRANSPORTATION NETWORK DRIVER

5.1 All transportation network drivers shall:

- Carry a valid Saskatchewan Driver's Licence and otherwise meet the requirements related to drivers contained within *The Vehicles for Hire Act and The Vehicles for Hire Regulations*;
- Have a completed and valid criminal record check indicating a clean criminal history as outlined in *The Vehicles for Hire Act and The Vehicles for Hire Regulations*;
- Ensure that their vehicle is kept in a neat, clean, and tidy condition, both as to its interior and exterior, while in use;
- Display the name and a method to contact the regional rideshare business with which the transportation network driver is affiliated, in a manner visible to all passengers;
- Ensure that their vehicle is operated in a safe and controlled manner according to the rules of the road;

- f. Ensure that no person, including the driver, smokes, burns, uses, or holds a lighted or otherwise heated cigarette, cigar pipe, electronic cigarette, vaporiser, hookah, or similar equipment inside the vehicle;
- g. Not accept any trip except those facilitated by the regional rideshare business;
- h. Issue a receipt to the passenger containing the total amount paid, the date, time, and duration of the trip, the driver's first name, the vehicle's licence plate number, and the name of the facilitating regional rideshare business;
- i. Display a valid inspection decal and regional rideshare business decal as required by any applicable law or as directed by Saskatchewan Government Insurance;
- j. Take due care of all property delivered, entrusted, or accepted by the driver for conveyance or safekeeping, and every driver shall immediately upon termination of any hiring or engagements take reasonable care to ensure that all property left in the driver's vehicle is:
 - i. Delivered to the person owning the same;
 - ii. If the owner thereof cannot be found, delivered to the nearest municipal office, police station, or RCMP detachment for safekeeping together with such particulars as may be required;
 - iii. Treated in accordance with the policy of the regional rideshare business provided that a description of this policy be made publicly available on the regional rideshare business's website or mobile application.
- k. Carry in their vehicle no more than the number of persons for which the vehicle capacity has been rated by provincial law;
- l. Ensure their vehicle is equipped with seatbelts which are functional, visible, and accessible for the convenient use of all passengers;
- m. Not drink, consume, or have in their possession any substance capable of causing impairment; and
- n. Not knowingly or deliberately misinform or deceive any passenger.

5.2 Where a transportation network driver is providing vehicle-for-hire service within the regional business area, the driver shall:

- a. Not transport non-ambulatory passengers in a wheelchair or scooter unless the affiliated transportation network vehicle is designed and certified for that purpose in accordance with all applicable laws, and if the transportation of non-ambulatory passengers is permitted pursuant to all applicable laws, securely fasten all wheelchairs and scooters to prevent any movement of the wheelchair or scooter while the vehicle is in motion;
- b. Fold and store wheelchairs of ambulatory passengers with physical disabilities;

- c. Unless exempted by the Administrator, permit a passenger with a disability to be accompanied by an animal trained to be used by a person with a disability for reasons related to the disability, and must not demand any additional charge for the transportation of said animals accompanying a passenger with a disability.
- 5.3 A transportation network driver may apply for an exemption from 5.2(c) upon providing proof acceptable to the Administrator of the driver's inability to comply with the requirements without suffering undue hardship.

6. ENFORCEMENT AND PENALTIES

- 6.1 The administration and enforcement of this Bylaw is hereby delegated to the Administrator.
- 6.2 This Bylaw may be enforced by a Designated Officer.
- 6.3 Any individual or entity contravening any provisions of this Bylaw shall be guilty of an offence and is liable to a penalty of \$1000.00 per offence, plus any applicable surcharge imposed pursuant to *The Victims of Crime Act*.
- 6.4 A regional rideshare business contravening any provisions of this Bylaw who has been served with a summons ticket and the penalty amount is \$1000.00 or less and who wishes to plead guilty and pay a voluntary payment within 14 days of the date of the summons ticket, may deliver the summons and an amount equal to 50% of the specified penalty sum for the offense to a place indicated on the summons ticket on or before the date specified on the summons.
- 6.5 All disputes arising as a result of the administration of this Bylaw shall be first referred to Council.
- 6.6 Subject to 6.5, Regional Rideshare Businesses may appeal decisions made by Council to the Dispute Resolution Office of the provincial Ministry of Justice, all fees of which shall be paid by the R.M.

7. SEVERABILITY

- 7.1 This Bylaw shall not be construed to hold the Town of Pense or its agents responsible or liable for any damage to persons or property through the unlawful use of vehicle-for-hire services.
- 7.2 If a court of competent jurisdiction should declare any part, section, sentence, clause, phrase, or other portion of this Bylaw to be invalid, that portion shall not be construed as having persuaded or influenced the municipal governing body to pass the remainder of this Bylaw. The part, section, sentence, clause, phrase, or other portion of this Bylaw is to be deemed a separate, distinct, and independent provision, and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.

8. COMING INTO FORCE

8.1 This Bylaw shall come into force and take effect on the final passing thereof.

1st Reading: July 8, 2020

2nd Reading: September 9, 2020

3rd Reading: September 9, 2020



Administrator: Jenday

Deputy Mayor: Michele LeBlanc

Rural Municipality of Edenwold No. 158

Regional Business Licence Application

New Regional Business Licence Application Renewal of Existing Regional Business Licence, Number: _____

Name of Business: _____

Business Mailing Address: _____

Business Phone: _____ Fax: _____

Email: _____ Website: _____

Contact Person Name: _____

Contact Person Phone: _____ Contact Person Corporate Email: _____

Description of Business

Legal Name of Business: _____

Description of Business: _____

Number of Employees: _____ Business Start Date: _____

Type of Business: Rideshare Other: _____

Regional Business Licences are valid for one (1) year from date of issue and must be renewed annually

Regional Business Licensing Fee: 0-10 Drivers \$250 11-25 Drivers \$350 26 or more Drivers \$500

I hereby agree to comply with Bylaw 2020-30 of the R.M. of Edenwold and acknowledge that it is my responsibility to ensure compliance with these and any other applicable bylaws, provincial acts & regulations.

Applicant's Signature: _____ Date: _____

I/we authorize the contact information and website address of the above business to be advertised on the R.M. of Edenwold's website and provided to emergency service authorities: Yes No

The issuing of a licence to a regional rideshare business by the R.M. of Edenwold does not relieve the regional rideshare business of having to obtain any federal/provincial licence that may be required by law. (initial) _____

Please return to the R.M. of Edenwold No. 158: 100 Hutchence Road, Emerald Park, S4L 1C6
Phone: 306-771-2522 Email: rm158@sasktel.net

For Office Use
Date Received: _____ Regional Business Licence Number: _____

Development Officer Signature: _____ Date: _____

Appendix B

Map of the Regional Business Area

