

March 4, 2020

Responsibilities of Licensees Operating under a Transportation Network Services Authorization (TNSA)

The Passenger Transportation Act and regulations impose responsibilities on licensees operating under a TNSA. A licensee with a TNSA cannot delegate or outsource these responsibilities. To provide a transportation network service, licensees with a TNSA must meet the requirements of the Passenger Transportation Act (PTA) and regulations.

For example, licensees must:

- Hold a National Safety Certificate (NSC) and direct and control NSC requirements such as safety plans, hours of service for drivers, trip and vehicle inspection requirements, and record keeping; and
- Maintain care & control of vehicles and drivers such as ensuring that each commercial passenger vehicle operated under a TNSA licence is in compliance with the terms and conditions of the licence and ensure that drivers and operators comply with the PTA and regulations.

A TNSA licensee cannot fulfill its duties and responsibilities by relying on other licensees to manage drivers and vehicles.

The Board cannot approve an application that does not meet the requirements of the PTA or its regulations. If a person applies for a TNSA and the Board determines that the proposed application does not meet legislative requirements, the Board will refuse the application.

Only licensees with a TNSA may use a TNS to provide service to passengers. A licensed taxi or limousine operator cannot advertise that it provides a TNS unless its license also includes a TNSA.

The Passenger Transportation Act (PTA) and Regulations

Relevant sections of the [PTA](#) and [Regulations](#) include:

A. PTA

Section 1: Definition of a TNSA

"transportation network services authorization" means an authorization that, if included in a licence (a) authorizes the licensee to provide transportation network services... vehicles, but only if those motor vehicles are hailed through the use of the transportation network services.

Section 23(4)

A person must not provide, or advertise or hold out that the person is able to provide, a service that involves the operation of motor vehicles as a type of commercial passenger vehicles unless

- (a) the person is a licensee whose licence includes the authorization necessary for that type of operation, or
- (b) the licence under which each of the motor vehicles through which that service is or may be provided includes that authorization.

Section 23.1

(1) A person must not provide transportation network services unless the following requirements are met:

- (a) the person is authorized under a valid licence to provide the transportation network services;
- (b) the person holds a valid safety certificate;
- (c) the person meets prescribed requirements and is otherwise in compliance with the licence, this Act, the regulations and other applicable laws;
- (d) passengers transported in passenger directed vehicles operated under the licence are charged rates in compliance with, as applicable,
 - (i) rates approved or set by the board under section 7 (1) (f) [rates for passenger directed vehicles], and
 - (ii) rules made under section 7 (1) (g) [rules respecting rates charged by licensees].

(2) Without limiting section 23 (1), a person who drives a motor vehicle as a commercial passenger vehicle must not transport in the motor vehicle, as passengers, persons who hail the motor vehicle through the use of transportation network services unless the licence under which the person is driving the motor vehicle includes a transportation network services authorization that expressly authorizes the motor vehicle to be hailed through the use of those services.

(3) A person must not provide, or advertise or hold out that the person is able to provide, transportation network services unless the person is a licensee whose licence includes the transportation network services authorization necessary to provide those services.

(4) For certainty, a person does not provide transportation network services by driving a passenger directed vehicle under a transportation network services authorization.

B. Passenger Transportation Regulation

Section 6

A licensee must do all things necessary to

(a) ensure that the Act and this regulation are complied with, including, without limitation, to ensure that each commercial passenger vehicle that is operated under a licence is operated in compliance with the terms and conditions of the licence and in compliance with any rates approved or set by the board under section 7 (1) (f) of the Act and any rules made in relation to those rates under section 7 (1) (g) of the Act, and

(b) secure observance of the Act and of this regulation by

(i) every driver of each commercial passenger vehicle that is operated under the licence,

(ii) every operator of each commercial passenger vehicle that is operated under the licence, and

(iii) every other officer, agent and employee of the licensee.

Section 7

(1) A licensee or permit holder must ensure that the driver of a commercial passenger vehicle operated under the licence or permit

(a) is licensed to drive a motor vehicle of that type,

(b) is not, at any time while operating the commercial passenger vehicle, under the influence of any intoxicating liquor or drugs, and

(c) does not, at any time while operating the commercial passenger vehicle, smoke any substance.

(2) A person must not operate a passenger directed vehicle under a licence or a temporary operating permit issued under section 38 [*applications considered by board*] of the Act unless a driver's licence of the class required for that operation has been issued to the person under the *Motor Vehicle Act*.