

## **Supplementary Terms & Conditions Respecting Taxi & Other PDVA Apps**

### **A. Purpose**

To establish standards and requirements in terms and conditions of licence for apps that may be used by licensees operating taxis, limousines and other passenger directed vehicles under a passenger directed vehicle authorization (PDVA).

### **B. Legislation**

*The Passenger Transportation Act:*

- states that a licence with a PDVA authorizes the licensee to operate one or more passenger directed vehicles, but only if the vehicles are hailed by a method other than the use of transportation network services; and
- defines transportation network services (TNSs) as services “respecting the connection of drivers of passenger directed vehicles with passengers who hail and pay for the services through the use of an online platform.”

Section 28(3) states:

The board may establish terms and conditions that apply to a special authorization included in a licence, if issued, including, without limitation, terms and conditions respecting any of the following:

(a) equipment or technology that must be installed, used or carried on or in motor vehicles operated under the authorization and the inspection, testing, adjustment, display and use of that equipment or technology;

....

(c) if the licence is to include a passenger directed vehicle authorization,

(i) the methods by which motor vehicles may be hailed under the authorization, which methods may include

(A) booking the motor vehicle in advance,

(B) hailing the motor vehicle from the street,

(C) hailing the motor vehicle through a dispatcher, or

(D) any other hailing method, other than hailing through the use of transportation network services,

(ii) information that must be displayed or carried on or in the motor vehicles, including information the board considers necessary to promote passenger safety and consumer protection,

### C. Applicability

1. These terms and conditions are applicable to licensees providing:
  - (a) a service under a PDVA with express authorization for the motor vehicles to be hailed from the street; and
  - (b) a service under a PDVA other than a service in section 1(a).

### D. Scope

2. These terms and conditions of licence encompass:
  - (a) software applications (apps) that are used by passengers to book or hail a trip; and
  - (b) information transmitted, processed, stored or displayed using an app described in section 2(a) above.
3. For clarity, these terms and conditions do not encompass:
  - (a) apps that are used to provide TNS that include both hailing and paying for transportation through an online platform; or
  - (b) taxi soft meters that are used to calculate rates in place of a taximeter.

### E. Definitions

4. For the purposes of these terms and conditions:

**“accessible taxi”** means a vehicle that meets the requirements under Division 44 of the *Motor Vehicle Act Regulations* and operated under a licence with a passenger directed vehicle authorization that expressly authorizes the motor vehicle to be hailed from the street;

**“act”** means the *Passenger Transportation Act*;

**“app”** means application software that provides a driver or passenger with functionality that is within the scope of these terms and conditions;

**“board”** means Passenger Transportation Board;

**“fare”** means the total transportation charges and taxes for a ride including any discounts and excluding any gratuities;

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**“geo-fencing”** means a location-aware application that has been programmed with geographical boundaries or areas to limit the pick-up or drop-off of passengers to locations authorized in a licensee’s terms and conditions of licence;

**“licence”** means a licence issued under the Act that has a passenger directed vehicle authorization;

**“licensee”** means the holder of a valid licence and to which these terms and conditions apply pursuant to section 1 of these terms and conditions;

**“limited reverse trip authority”** means a “Reverse Trips” term and condition of licence with wording to the effect that:

“Transportation of passengers may only originate in the destination area if the transportation terminates in the originating area and the cost of the trip is billed to an active account held by the licence holder that was established before the trip was arranged.”

**“other pdv service”** means a service under section 1(b) of these terms and conditions;

**“return trip authority”** is a term and condition of licence that has the following wording, or substantially the same wording: “The same passengers may only be returned from where their trip terminates in the *destination area* to any point in the *originating area* if the return trip is arranged by the time the originating trip terminates”.

**“reverse trip (limited)”** is a term and condition of licence that has the following wording, or substantially the same wording: “Transportation of passengers may only originate in the *destination area* if the transportation terminates in the *originating area* and the cost of the trip is billed to an active account held by the licence holder that was established before the trip was arranged”.

**“registrar”** means the Registrar of Passenger Transportation appointed under the Act;

**“taxi service”** means a service under section 1(a) of these terms and conditions.

## F. Taxi Services

Terms and conditions in sections 5 through 10 are applicable to taxi services only.

### ***Taxi Service Operating Areas***

5. Trips arranged under a licensee’s “return trip authority” must be identifiable as a pre-arranged trip in the passenger’s app or on an electronic or printed receipt that is received by the passenger.

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6. A passenger's app registration with an account profile or setting up of a credit card account in an app does not give rise to or establish an "active account" for the purposes of limited reverse trip authority.

### ***Accessible Taxis***

7. The app must, if the licensee operates one or more accessible taxis in its fleet, give the passenger an option to request a van for:
  - (a) the transportation of a person in a wheelchair or mobility device; and
  - (b) purposes other than transporting a person in a wheelchair or mobility device.
8. Regardless of the functionality of an app, the licensee remains responsible for meeting priority service requirements with respect to persons requiring a wheelchair accessible vehicle.

### ***Taxi Service Dispatch***

9. Unless the Board orders otherwise, taxi licensees must continue to provide a telephone dispatch despite having an app for passengers to book or hail a trip.

### ***Taxi Service Discounts***

10. For trips booked through an app at off-peak times when a Board-authorized off-peak discount is applicable, the discounted rate information may be communicated to the passenger through the app or by any other means if, by the end of the trip:
  - (a) the receipt that is transmitted or printed by the app or dispatch system includes the discount amount or percentage as a line item on the receipt; or
  - (b) the passenger is given or offered a hand-written receipt with the discount percentage or amount noted on the receipt.

## **G. Taxi Services & Other PDVA Services**

### ***General PDVA Licensee Requirements***

11. Vehicles booked or hailed through an app must be operated in compliance with the operator's:
  - (a) licence; or
  - (b) temporary operating permit.

12. Apps:

- (a) must display and transmit information in English; and
- (b) may display and transmit information in other languages.

***Accessibility***

13. The app may only request, collect, record or store personal information about a health condition, disability, or accommodation request of a passenger or driver when:
- (a) the provision of that information is voluntary and at the discretion of the app user;
  - (b) the personal information that an app-user provides is protected by a password or biometric safeguard that the user may activate or be required to use; and
  - (c) the app enables the app-user to change or delete personal information in the app, or the app provides the user or transmits information to the user on how to change or delete personal information.
14. The app may give the passenger the option to receive communication by voice communication or a digital text format that is compatible with third-party accessibility apps.

***Shielding of Personal Information***

15. The app:

- (a) may collect information that identifies a passenger or driver or their contact information (such as first and last name, phone number and email address) and may only use the information as set out in the *Personal Information Protection Act* of B.C.;
- (b) may use the contact information of the passenger and driver (including phone number and email address); and
- (c) must, shield the following information so information about the passenger is not given to the driver and information about the passenger is not given to the driver:
  - (i) Last name of the driver and passenger;
  - (ii) Phone number of the driver and passenger; and
  - (iii) Email address of the driver and passenger.

### ***Rates***

16. With respect to passenger transportation services provided by the operator if the app calculates the fare, the app:
  - (a) must only calculate Board-approved rates in accordance with Board rules respecting rates and rules governing rates;
  - (b) may only prompt a passenger to add a tip if the passenger has an option to pay for the trip without giving a tip; the app must not add a mandatory tip to the fare; and
  - (c) must not accept payment of fares.
17. Licensees may not advertise or provide “discounted transportation” or “free rides” to promote app downloads or usage of an app, unless specifically approved by the Board.
18. The app must not calculate a fee from passengers in the fare for using a particular payment method.

### ***App Fees***

19. A licensee must not use an app that calculates a fee from passengers for using the app.

### ***Geo-Fencing & Operating Areas***

20. An app used to hail a taxi service or other PDV service must have geo-fencing capability and must only connect drivers with passengers for pick up within the originating area and according to any applicable time restrictions specified in the licensee’s terms and conditions of licence.
21. Licensees must ensure that:
  - (a) any geo-fencing app functionality is programmed to comply with their terms and conditions of licence; and
  - (b) drivers of the licensee comply with the licensee’s terms and conditions of licence respecting operating areas.

### ***Transition***

22. To enable compliance with new requirements for PDVA apps already in use, the following requirements in these supplementary terms and conditions are deferred until March 31, 2020:
  - a) Requirement 15(c) respecting the shielding of information; and
  - b) Requirement 20 respecting geo-fencing capability.

## **H. Dates**

Effective Date of Supplementary Terms & Conditions: September 25, 2019

## **I. Board Rules**

The Board Rule, “Apps for Passenger Directed Vehicles Rule” of July 5, 2017, is rescinded.