

The Vehicles for Hire Regulations

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[Chapter V-3.2 Reg 1](#) (effective December 14, 2018).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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APPENDIX A
**Offences pursuant to the *Criminal Code*
(Canada) and the *Controlled Drugs and
Substances Act* (Canada)**

CHAPTER V-3.2 REG 1

The Vehicles for Hire Act

Title

- 1 These regulations may be cited as *The Vehicles for Hire Regulations*.

Definitions

- 2 In these regulations:

“**Act**” means *The Vehicles for Hire Act*;

“**affiliated driver**” means a driver who provides vehicle-for-hire services and is affiliated with a transportation network company;

“**certificate of insurance**” means a certificate of insurance issued to a transportation network company pursuant to *The Automobile Accident Insurance Act*;

“**insurance deposit**” means a deposit provided to the insurer pursuant to section 6.

14 Dec 2018 cV-3.2 Reg 1 s2.

Driver requirements

3(1) Subject to subsections (2) to (6), no person shall provide, and no transportation network company or taxi or limousine service shall authorize any person to provide, vehicle-for-hire, taxi or limousine services unless that person holds a valid class 1, 2, 3, 4 or 5 driver’s licence issued by the administrator.

(2) Notwithstanding subsection (1), a person who holds a class 5 driver’s licence shall not provide vehicle-for-hire, taxi or limousine services if that person:

- (a) holds a class 5 driver’s licence with a novice 1 or novice 2 restriction;
- (b) subject to subsection (3), has less than 2 years of driving experience while holding a class 5 driver’s licence without a novice 1 or novice 2 restriction;
- (c) in the previous 10 years, has been suspended or disqualified from driving pursuant to Division 3 of Part XIII of *The Traffic Safety Act*; or
- (d) in the previous 2 years, has accumulated 12 or more demerit points pursuant to Part II of the Appendix to *The Driver Licensing and Suspension Regulations, 2006* arising from:
 - (i) convictions pursuant to *The Traffic Safety Act*; or
 - (ii) a motor vehicle accident for which the driver was found to be 50% or more at fault.

(3) For the purpose of clause (2)(b), the driving experience must be in Canada or in a jurisdiction with equivalent licensing requirements that are recognized by the administrator through a reciprocity agreement entered into pursuant to section 13 of *The Traffic Safety Act*.

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(4) A driver's licence mentioned in subsection (1) is subject to *The Traffic Safety Act* and the regulations made pursuant to that Act, including any restrictions imposed by the administrator.

(5) No person shall authorize or enable a driver to provide vehicle-for-hire, limousine or taxi services if that driver has been convicted of an offence set out in Appendix A.

(6) No driver shall operate a vehicle as part of a vehicle-for-hire, taxi or limousine service if that driver has been convicted of an offence set out in Appendix A.

14 Dec 2018 cV-3.2 Reg 1 s3.

Vehicle requirements

4(1) A vehicle used to provide vehicle-for-hire services must be a Class LV vehicle, as determined in accordance with *The Vehicle Classification and Registration Regulations*, that is registered with the administrator to provide vehicle-for-hire services.

(2) Every affiliated driver must identify the transportation network company that the driver is affiliated with by displaying a decal issued by the transportation network company that:

- (a) is located on at least 2 sides of the vehicle used to provide vehicle-for-hire services;
- (b) measures at least 8 centimetres by 8 centimetres; and
- (c) is visible to the public.

14 Dec 2018 cV-3.2 Reg 1 s4.

Insurance requirements

5(1) A driver who provides or who purports to provide vehicle-for-hire services is deemed not to be qualified or authorized as a driver of a motor vehicle pursuant to a certificate as defined in *The Automobile Accident Insurance Act* unless that driver:

- (a) is an affiliated driver; and
- (b) meets the requirements of section 3.

(2) Any claim arising under a transportation network company's certificate of insurance is rendered invalid unless the transportation network company's affiliated driver meets the requirements of section 3.

(3) The certificate of insurance required pursuant to section 8 of the Act is valid respecting only those motor vehicle accidents that occur:

- (a) while the vehicle is being used as part of a vehicle-for-hire service; and
- (b) after an affiliated driver has accepted a passenger fare through a transportation network and up until the moment that the trip is either completed or cancelled.

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- (4) For the purpose of subsection 7(3) of the Act, the prescribed amount is \$1,000,000.00.
- (5) A vehicle must not be used to provide vehicle-for-hire services if it has a registration permit issued pursuant to section 73 of *The Traffic Safety Act*.
- (6) Subject to these regulations, the safety rating assessment set out in Part VIII of *The Automobile Accident Insurance (General) Regulations, 2002* applies to affiliated drivers but not to transportation network companies.
- (7) The commercial rate assessment set out in Part VIII.1 of *The Automobile Accident Insurance (General) Regulations, 2002* applies to transportation network companies but not to affiliated drivers.

14 Dec 2018 cV-3.2 Reg 1 s5.

Premium payment

- 6(1) In this section:

“**billing period**” means the period used by the insurer to calculate the premium payable by a transportation network company;

“**vehicle-for-hire kilometres**” means the number of kilometres travelled by a vehicle that is providing vehicle-for-hire services starting from the moment an affiliated driver accepts a passenger fare through a transportation network up until the moment that trip is either completed or cancelled.

- (2) For the purposes of section 8 of the Act, the transportation network company may apply for and obtain a certificate of insurance only for those vehicles that meet the requirements of *The Traffic Safety Act* and these regulations.
- (3) For the purposes of section 8 of the Act, the premium payable by a transportation network company for a billing period is to be calculated based on:
- (a) the total monthly vehicle-for-hire kilometres travelled by all vehicles that are used by affiliated drivers to provide vehicle-for-hire services through the transportation network company; and
 - (b) a rate of \$0.11 per vehicle-for-hire kilometre.
- (4) A transportation network company insured pursuant to section 8 of the Act shall, on or before the 15th day of each month, in the format required by the insurer, report to the insurer the total vehicle-for-hire kilometres travelled during the previous month by all vehicles that are used by affiliated drivers to provide vehicle-for-hire services through the transportation network company.
- (5) A transportation network company that applies for a certificate of insurance pursuant to section 8 of the Act shall provide the insurer with and maintain an insurance deposit in accordance with this section.
- (6) The insurance deposit mentioned in subsection (5) must:
- (a) be calculated as 20% of the estimated cost of insurance for a 12-month period;

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- (b) be forfeited to the insurer in the event that the transportation network company fails to:
 - (i) report its vehicle-for-hire kilometres; or
 - (ii) pay insurance premiums to the insurer;
 - (c) be refunded to the transportation network company within 30 business days following the end of the policy period if:
 - (i) the transportation network company ceases operations in Saskatchewan;
 - (ii) all insurance premiums and fees due to the insurer have been paid in full; and
 - (iii) the transportation network company has not contravened any provision of the Act or these regulations; and
 - (d) be reviewed periodically and adjusted by the insurer based on the actual vehicle-for-hire kilometres logged by the transportation network company.
- (7) On or before the 15th day of each month, a transportation network company shall pay to the insurer the insurance premium for the previous month.
- (8) If a transportation network company fails to comply with the requirements of this section, the administrator may charge a late payment fee to the transportation network company calculated in accordance with section 12.1 of *The Automobile Accident Insurance (General) Regulations, 2002*, and that section applies, with any necessary modification, for the purposes of this section.
- (9) For the purpose of the report required pursuant to subsection (4), if no vehicle-for-hire kilometres are travelled during a one-month period, the transportation network company shall provide the insurer with a nil report.

14 Dec 2018 eV-3.2 Reg 1 s6.

Information to be provided to the insurer

- 7(1) Every transportation network company and every taxi service and limousine service shall provide the insurer with:
- (a) a criminal record check that encompasses the offences listed in Appendix A that is completed by an agency approved by the administrator for each driver or affiliated driver and that is dated not more than 90 days before a driver or affiliated driver is authorized to start operating for a taxi, limousine or vehicle-for-hire service;
 - (b) on or before the first anniversary of the date that a criminal record check was completed pursuant to clause (a) and on or before every subsequent yearly anniversary, a criminal record check that encompasses the offences listed in Appendix A for each driver or affiliated driver that is completed by an agency approved by the administrator;
 - (c) written notification of any change to its list of affiliated drivers or taxi and limousine drivers;

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- (d) written notification of any change to the vehicles used to provide vehicle-for-hire services through a transportation network company;
 - (e) written notification of any facts or circumstances that:
 - (i) may invalidate a certificate of registration or a certificate of insurance required pursuant to section 8 of the Act; or
 - (ii) may otherwise be in contravention of the Act or these regulations.
- (2) Pursuant to section 9 of the Act, a transportation network company shall, on the request of the insurer, provide the following information to the insurer within the period specified by the insurer:
- (a) any information reasonably required by the insurer for the purpose of validating the insurance premiums paid or payable by the transportation network company; and
 - (b) any other information reasonably required by the insurer for the purpose of fulfilling its duties and obligations pursuant to the Act and these regulations, including:
 - (i) a list of affiliated drivers and the vehicles that provide or have provided vehicle-for-hire services for the transportation network company;
 - (ii) the number of vehicle-for-hire kilometres logged by each affiliated driver and by each vehicle that provides or has provided vehicle-for-hire services for the transportation network company, broken down by trip;
 - (iii) the details of each trip logged by each affiliated driver and each vehicle that provides or has provided vehicle-for-hire services for the transportation network company, including the date, start and end time of the trip and pick-up and drop-off locations; and
 - (iv) documentation establishing that each vehicle that provides or has provided vehicle-for-hire services for the transportation network company meets the requirements of *The Vehicle Inspection Regulations, 2013*.

14 Dec 2018 eV-3.2 Reg 1 s7.

Powers of administrator

8 If the administrator or the insurer suspends, cancels or refuses to issue a certificate of registration or a certificate of insurance, neither the administrator nor the insurer shall issue a certificate of registration or a certificate of insurance to a transportation network company or an affiliated driver whose certificate was suspended, cancelled or refused for a period of 6 months calculated from the end of the period of the suspension or cancellation or date of the refusal.

14 Dec 2018 eV-3.2 Reg 1 s8.

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Appeal – certificate of insurance

9(1) In this section:

“**board**” means the Highway Traffic Board continued pursuant to *The Traffic Safety Act*;

“**notice of dispute**” means a notice filed with the board by a transportation network company.

(2) A transportation network company may appeal to the board only if the administrator suspends, cancels or refuses to issue a certificate of insurance.

(3) A transportation network company that wishes to appeal shall:

(a) file a notice of dispute at the office of the insurer within 90 days after receiving written notice of a suspension, cancellation or refusal to issue;

(b) pay an appeal fee of \$100; and

(c) contact the board to schedule a hearing.

(4) On the application of a transportation network company making an appeal pursuant to this section, the board may grant leave to file a notice of dispute after the expiration of the 90-day period mentioned in clause (3)(a) if the board considers it appropriate to do so.

(5) On receipt of a notice of dispute pursuant to this section, the insurer shall deliver to the board:

(a) the notice of dispute; and

(b) copies of all documents in the insurer’s or administrator’s possession or control that, in the opinion of the insurer or administrator, are relevant to the appeal, other than any report provided pursuant to section 68, 69 or 70 of *The Automobile Accident Insurance Act*.

(6) At the hearing of an appeal, the board shall consider:

(a) the documents delivered pursuant to subsection (5);

(b) any evidence put forward by the insurer or administrator; and

(c) any evidence put forward by the transportation network company that made the appeal.

(7) The insurer shall refund the fee paid pursuant subsection (3) if the transportation network company is successful on appeal.

(8) If a representative of the transportation network company who made the appeal fails to attend the hearing on the date scheduled, the board may, on evidence acceptable to the board that the transportation network company received notice of the hearing, proceed with the hearing in the absence of the transportation network company.

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- (9) On appeal the board may confirm or set aside the insurer's decision to suspend, cancel or refuse to issue a certificate of insurance.
- (10) On an appeal pursuant to this section, any document that the insurer or administrator is required to deliver to the board is admissible as proof, in the absence of evidence to the contrary, of the facts contained in the document.
- (11) An appeal to the board pursuant to this section does not stay the insurer's decision or affect the validity of the insurer's decision respecting the suspension, cancellation or refusal to issue a certificate of insurance.
- (12) A decision of the board pursuant to this section is final and is not subject to appeal.

14 Dec 2018 eV-3.2 Reg 1 s9.

General bylaw making authority

10 In addition to the matters set out in section 4 of the Act, a municipality may make bylaws requiring transportation network companies to establish a complaints process for accepting, recording, reviewing and responding to complaints from the public.

14 Dec 2018 eV-3.2 Reg 1 s10.

Coming into force

11(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Vehicles for Hire Act* comes into force.

(2) If section 1 of *The Vehicles for Hire Act* comes into force before the day on which these regulations are filed with the Registrar of Regulations, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

14 Dec 2018 eV-3.2 Reg 1 s11.

APPENDIX A

**Offences pursuant to the *Criminal Code* (Canada) and
the *Controlled Drugs and Substances Act* (Canada)**

[Section 3]

- 1 Any sexual offence pursuant to the *Criminal Code* (Canada), including sections 151 to 153.1, 163.1, 286.1 to 286.4, 271 to 273, 273.3 and 279 to 281.
- 2 Offences pursuant to the *Criminal Code* (Canada):
 - (a) against the person pursuant to sections 219 to 248, 267 to 269.1 and 270.01 to 270.02;
 - (b) pursuant to sections 76 to 78.1 (Hijacking; Endangering safety of aircraft or airport; Offensive weapons and explosive substances; Seizing control of ship or fixed platform), 79 to 82.6 (Dangerous Materials and Devices), 85 (Using firearm in commission of offence); 88 (Possession of weapon for dangerous purpose), 98.1 (Robbery to steal firearm), 318 to 319 (Hate Propaganda), 343 to 346 (Robbery and Extortion), 348 to 351 (Breaking and entering offences), 430(2) (mischief – danger to life) and 433 (Arson - disregard for human life); and
 - (c) related to terrorism pursuant to Part II.1.
- 3 In the preceding 10 years, offences pursuant to the *Criminal Code* (Canada):
 - (a) pursuant to Part III (Firearms and Other Weapons), other than those offences mentioned in item 2(b) of this Appendix;
 - (b) involving a motor vehicle pursuant to sections 249 to 255;
 - (c) against the person pursuant to sections 264, 264.1, 266, 270, 270.1, 282 and 283;
 - (d) pursuant to Part IX (Offences Against Rights of Property), other than those offences mentioned in item 2(b) of this Appendix;
 - (e) involving fraudulent transactions pursuant to sections 380 to 405;
 - (f) involving mischief in relation to property pursuant to subsections 430(3), (4) and (4.1); and
 - (g) involving arson pursuant to sections 434 to 435.
- 4 In the preceding 10 years, any offence pursuant to the *Controlled Drugs and Substances Act* (Canada).
- 5 Any offence pursuant to any law of any state of the United States of America that is substantially similar to an offence mentioned in items 1 to 4 of this Appendix.

14 Dec 2018 cV-3.2 Reg 1.