

2018

CHAPTER V-3.2

An Act respecting Vehicles for Hire and making consequential amendments to other Acts

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(Assented to May 30, 2018)

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

Short title

1 This Act may be cited as *The Vehicles for Hire Act*.

Definitions

2 In this Act:

“**administrator**” means the person designated as the administrator pursuant to *The Traffic Safety Act*;

“**certificate of registration**” means a certificate of registration issued pursuant to *The Traffic Safety Act*;

“**insurer**” means Saskatchewan Government Insurance;

“**licence**” means a licence issued by a municipality to operate a vehicle-for-hire service;

“**limousine**” means, subject to the regulations, a stretch limousine, sport utility limousine or limousine bus-type vehicle intended for hire that:

- (a) has seating capacity for 6 or more passengers;
- (b) is operated by a chauffeur;
- (c) is the object of a valid prescribed inspection certificate;

(d) is not equipped with a taxi meter or any equipment designed to calculate a passenger fare based on distance travelled;

(e) is not equipped with a dispatch device, two-way radio or mobile data terminal whereby the vehicle is matched with or directed to a passenger seeking to purchase transportation; and

(f) is used exclusively for the transportation of passengers;

“minister” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“municipality” includes the City of Lloydminster;

“person” includes any prescribed entity;

“prescribed” means prescribed in the regulations;

“registration permit” means a registration permit issued pursuant to *The Traffic Safety Act*;

“taxi” means, subject to the regulations, a vehicle for hire that:

(a) is registered in a prescribed class; and

(b) is equipped with a taxi meter or any equipment designed to calculate a passenger fare based on distance travelled;

“transportation network” means, subject to the regulations, an online enabled application, a digital platform, a software program, a website or other system or technology platform offered, used or facilitated by a transportation network company to enable a person to obtain vehicle-for-hire service;

“transportation network company” means a person or other prescribed entity that offers, uses or facilitates a transportation network;

“vehicle” means a vehicle that meets the prescribed qualifications and that has a seating capacity of no more than 10 occupants, including the driver;

“vehicle-for-hire service” means a service provided by a driver affiliated with a transportation network company for the pre-arranged transportation of passengers for compensation through the use of a transportation network, but does not include a taxi service.

Licence required to operate

3 Subject to section 5, a transportation network company shall not operate or facilitate vehicle-for-hire services in a municipality unless;

(a) it holds a valid and subsisting licence to operate or facilitate a vehicle-for-hire service; or

(b) it is otherwise authorized by the municipality to operate or facilitate a vehicle-for-hire service in that municipality.

General bylaw making authority

4(1) In addition to the powers set out in *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*, a municipality may make bylaws respecting transportation networks and transportation network companies, including:

(a) determining the manner in which licences are to be allocated to transportation network companies, including limiting the total number of licences that are to be issued;

- (b) prohibiting, controlling or limiting the transfer of licences;
 - (c) authorizing the conditions or requirements for obtaining, holding or renewing a licence or a class of licences to operate a transportation network company, including the character and fitness of an applicant or licence holder, providing for the duration of licences, and respecting suspension or cancellation of a licence for failure to comply with a term or condition of the bylaw or for any other reason specified in the bylaw;
 - (d) establishing requirements respecting, or restrictions on, who may drive a vehicle when offering vehicle-for-hire services;
 - (e) regulating the manner in which vehicle-for-hire services may be obtained or purchased by the public;
 - (f) authorizing conditions to be imposed at any time during the term of a licence as a requirement of continuing to hold a licence;
 - (g) specifying standards and other requirements for transportation network companies and vehicle-for-hire services, including standards and requirements for the vehicle used to provide vehicle-for-hire services and any equipment used in the vehicle-for-hire service industry;
 - (h) respecting the fees, rates, fares, tolls, tariffs or other charges that may be charged to passengers of vehicle-for-hire services, including:
 - (i) establishing and specifying those charges or the manner in which those fees, rates, fares, tolls, tariffs or other charges are to be determined, including by way of zones, or any other method;
 - (ii) permitting different amounts to be charged outside the municipality;
 - (iii) providing for the collection of those fees, rates, fares, tolls, tariffs or other charges; and
 - (iv) regulating the disclosure of those fees, rates, fares, tolls, tariffs or other charges, including the form and manner in which those charges must be disclosed to passengers;
 - (i) requiring records to be maintained by a transportation network company that holds a licence and the length of time for which records must be retained, including the records concerning a passenger's personal information that must be collected and provided to the municipality by the transportation network company and specifying the form and manner in which that information is to be provided and the time for providing that information;
 - (j) respecting any transitional or other matters relating to the regulation of transportation network companies and vehicle-for-hire services through bylaw;
 - (k) respecting any other prescribed matter or thing.
- (2) The power to make bylaws pursuant to subsection (1) includes the power to create classes of persons, entities, matters or things and to make different bylaws for each of those classes.

Trips between municipalities

5 If a passenger trip crosses into one or more municipalities:

- (a) the bylaws of the municipality in which the trip originated apply for the duration of the entire trip unless the municipalities have otherwise agreed; and
- (b) the driver affiliated with the transportation network company may complete that trip but may not offer other vehicle-for-hire services in another municipality unless the transportation network company with which the driver is affiliated has a valid and subsisting licence in that municipality or is otherwise authorized to operate in that municipality.

Driver requirements

6(1) A transportation network company shall ensure that all of its affiliated drivers have a valid and subsisting prescribed class of driver's licence at all times the driver is providing vehicle-for-hire services.

(2) No transportation network company shall authorize any person to be one of its affiliated drivers, and no person offering a limousine service or taxi service shall authorize any person to be one of its drivers, if during the prescribed period the person was convicted of any of the prescribed offences.

Registration of vehicles

7(1) A vehicle that is to be used by a driver who is affiliated with a transportation network company and that is to provide vehicle-for-hire services;

- (a) must be registered with the administrator pursuant to *The Traffic Safety Act* as a vehicle providing vehicle-for-hire services; and
- (b) must meet the prescribed requirements to indicate that the vehicle may be used to provide vehicle-for-hire services.

(2) The administrator shall not register a vehicle as a vehicle providing vehicle-for-hire services unless the transportation company files with the administrator written evidence, in a form satisfactory to the administrator, that the transportation network company holds a motor vehicle liability insurance policy from an insurance company authorized to carry on the business of insurance in Saskatchewan that insures every vehicle used by drivers affiliated with the transportation network company who provide vehicle-for-hire services and every one of its affiliated drivers in Saskatchewan against the liability imposed by law arising out of the ownership, use or operation of the vehicle and resulting from:

- (a) bodily injury to or the death of any person being carried in or on or entering or getting into or onto or alighting from the vehicle;
- (b) loss of or damage to personal property of passengers that is carried in or on the vehicle; and
- (c) loss of or damage to property of any person other than the insured.

(3) An insurance policy required pursuant to subsection (2):

- (a) must insure against the liability described in that subsection to a limit that is not less than the prescribed amount; and
- (b) is in addition to the amount of insurance required pursuant to *The Automobile Accident Insurance Act*.

Insurance for vehicle-for-hire service

8(1) A transportation network company shall insure, pursuant to *The Automobile Accident Insurance Act*, every vehicle used by its affiliated drivers to provide vehicle-for-hire service.

(2) Notwithstanding *The Automobile Accident Insurance Act*, the premium payable by a transportation network company is the prescribed amount.

(3) Every certificate of insurance required pursuant to subsection (1) is subject to the terms and conditions set out in *The Automobile Accident Insurance Act* and any other prescribed conditions.

Information to be provided to insurer

9(1) Every transportation network company shall provide the following information to the insurer, in a form and manner acceptable to the insurer and within the period required by the insurer:

(a) the transportation network company's name and principal place of business in Saskatchewan or the name and address of the transportation network company's agent or representative in Saskatchewan;

(b) the name and address of all drivers who provide vehicle-for-hire services and who are affiliated with the transportation network company in Saskatchewan;

(c) a list of all vehicles used in providing vehicle-for-hire services by drivers affiliated with the transportation network company in Saskatchewan;

(d) the geographic scope of the transportation network company's operations in Saskatchewan;

(e) proof the transportation network company is licensed to operate as a transportation network company;

(f) any additional prescribed information or information that the insurer may reasonably require.

(2) Subject to the regulations, the administrator may suspend or cancel a certificate of registration or registration permit issued to a transportation network company, or refuse to issue a certificate of registration to a transportation network company, if the transportation network company fails to provide the information required by this section to the insurer.

Powers of administrator

10 Subject to the regulations, if a transportation network company or any of its affiliated drivers fails to comply with this Act or the regulations, the administrator may suspend, cancel or refuse to issue:

(a) a vehicle registration indicating that the vehicle may be used to provide vehicle for-hire services by a driver or by all drivers affiliated with the transportation network company; or

(b) the certificate of insurance required by the transportation network company pursuant to section 8 for its affiliated driver or vehicle or all of its affiliated drivers or vehicles.

Regulations

- 11 The Lieutenant Governor in Council may make regulations:
- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
 - (b) for the purposes of the definition of “person”, prescribing entities;
 - (c) respecting limousines, including adding to or restricting the meaning of that term;
 - (d) respecting taxis, including:
 - (i) prescribing a class of registration; and
 - (ii) adding to or restricting the meaning of that term;
 - (e) respecting transportation networks, including adding to or restricting the meaning of that term;
 - (f) prescribing entities that may operate a transportation network;
 - (g) prescribing the types of transportation arrangements where payment of a fee, rate, fare, toll, tariff or other charge would not be considered compensation;
 - (h) for the purposes of the definition of “vehicle”, prescribing qualifications;
 - (i) for the purposes of section 4, prescribing matters or things for which a municipality may make bylaws;
 - (j) for the purposes of section 6:
 - (i) prescribing classes of driver’s licences;
 - (ii) prescribing a period preceding an application; and
 - (iii) prescribing offences;
 - (k) for the purposes of section 7, prescribing the requirements to indicate that a vehicle may be used to provide vehicle-for-hire services;
 - (l) for the purposes of section 8, prescribing the insurance premium payable by a transportation network company and other conditions to which a certificate of insurance is subject;
 - (m) prescribing the manner of calculating any insurance premium payable by a transportation network company mentioned in clause (l);
 - (n) for the purposes of section 9:
 - (i) prescribing the information to be filed with the insurer by a transportation network company; and
 - (ii) prescribing the procedures for suspending or cancelling a certificate of registration or registration permit, including providing for any notice of a proposed action and right to appeal;
 - (o) for the purposes of section 10, prescribing the procedures for suspending or cancelling a certificate of registration or registration permit, including providing for any notice of a proposed action and right to appeal;

- (p) exempting any person or entity from the application of all or any provisions of this Act;
- (q) prescribing any matter or thing that is authorized or required to be prescribed in the regulations;
- (r) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

SS 2002, c C-11.1, new section 303.1

12 The following section is added after section 303 of *The Cities Act*:

“Immunity for city re certain licensing powers

303.1 No action lies or shall be instituted against a city or any member of the council for any loss or damage caused or alleged to be caused by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise, on, before or after the coming into force of this section, of any power conferred by this Act, the regulations or any other Act or in the carrying out or supposed carrying out of any duty imposed by this Act, the regulations or any other Act, that deals with:

- (a) providing a system of licences that enables a competing industry or company to operate;
- (b) changing the way in which the city allocates licences or with respect to eligibility for a licence;
- (c) removing or creating a limit on the number of licences issued;
- (d) prohibiting the transfer of a licence; or
- (e) establishing requirements and imposing conditions on licensees”.

SS 2005, c M-36.1, new section 341.1

13 The following section is added after section 341 of *The Municipalities Act*:

“Immunity for municipality re certain licensing powers

341.1 No action lies or shall be instituted against a municipality or any member of the council for any loss or damage caused or alleged to be caused by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise, on, before or after the coming into force of this section, of any power conferred by this Act, the regulations or any other Act or in the carrying out or supposed carrying out of any duty imposed by this Act, the regulations or any other Act, that deals with:

- (a) providing a system of licences that enables a competing industry or company to operate;
- (b) changing the way in which the city allocates licences or with respect to eligibility for a licence;
- (c) removing or creating a limit on the number of licences issued;
- (d) prohibiting the transfer of a licence; or
- (e) establishing requirements and imposing conditions on licensees”.

SS 2010, c N-5.2, new section 361.1

14 The following section is added after section 361 of *The Northern Municipalities Act, 2010*:

“Immunity for municipality re certain licensing powers

361.1 No action lies or shall be instituted against a municipality or any member of the council for any loss or damage caused or alleged to be caused by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise, on, before or after the coming into force of this section, of any power conferred by this Act, the regulations or any other Act or in the carrying out or supposed carrying out of any duty imposed by this Act, the regulations or any other Act, that deals with:

- (a) providing a system of licences that enables a competing industry or company to operate;
- (b) changing the way in which the city allocates licences or with respect to eligibility for a licence;
- (c) removing or creating a limit on the number of licences issued;
- (d) prohibiting the transfer of a licence; or
- (e) establishing requirements and imposing conditions on licensees”.

SS 2004, c T-18.1, section 65 amended

15 Subsections 65(5) to (7) of *The Traffic Safety Act* are repealed and the following substituted:

“(5) No person shall drive a class PT vehicle that is used for the transportation of passengers, and the administrator shall not issue a certificate of registration for a class PT vehicle, unless he or she has a valid licence to operate a taxi issued by the municipality”.

Coming into force

16 This Act comes into force on proclamation.