



CITY OF MOOSE JAW

RIDESHARE BYLAW, 2019

Bylaw No. 5585

Date of Passage June 10, 2019
(effective date June 10, 2019)

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available at the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

BYLAW NO. 5585
RIDESHARE BYLAW, 2019

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WHEREAS, the Council of the City of Moose Jaw is empowered by Section 8 of *The Cities Act, 2002* to control, regulate and license Transportation Network Companies in the City of Moose Jaw;

NOW THEREFORE, the Council of the City of Moose Jaw in Council assembled enacts as follows:

1. This Bylaw may be cited as the Rideshare Bylaw.
2. For the purpose of this Bylaw:
 - (a) "Affiliated Driver" means an Affiliated Driver as defined by *The Vehicles for Hire Act*;
 - (b) "City" means the City of Moose Jaw;
 - (c) "Council" means the Council of the City of Moose Jaw;
 - (d) "License Inspector" means the License Inspector for the City of Moose Jaw as appointed from time to time, or anyone authorized to act on their behalf, and any member of the Moose Jaw Police Service;
 - (e) "Mobile Application" means an online enabled application, a digital platform, a software program, a website or other system or technology platform offered, used or facilitated to enable a person to obtain Vehicle for Hire services;
 - (f) "Owner" means any person, firm or corporation that has the control, direction and maintenance of a Transportation Network Company or the benefit of the collection of revenue derived from the operation of the Vehicle-for-Hire, whether as registered Owner, Licensee or in possession under any conditional sale, chattel mortgage or hire-purchase agreement, receiving calls for a Transportation Network Company;
 - (g) "Pre-arranged Service" means transportation services that are arranged or requested by the passenger through a Mobile Application in advance of the Vehicle arriving at the passenger's location;
 - (h) "Rideshare" means Vehicle for Hire services provided by a Transportation Network Company.

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 - (g) "Pre-arranged Service" means transportation services that are arranged or requested by the passenger through a Mobile Application in advance of the Vehicle arriving at the passenger's location;
 - (h) "Rideshare" means Vehicle for Hire services provided by a Transportation Network Company.

- (i) "Service Animal" means an animal trained to be used and is used by a person with a disability for reasons related to the disability;
 - (j) "Street Hail" means offering, soliciting or providing transportation services to a passenger without any dispatch that is not a Pre-arranged Service;
 - (k) "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;
 - (l) "Transportation Network Company" means a person or other prescribed entity that offers, uses or facilitates a Transportation Network;
 - (m) "Vehicle" means a Vehicle that meets the prescribed qualifications and that has a seating capacity of no more than 10 occupants, including the Driver.
3. (a) No person shall dispatch or participate in the dispatching of a Vehicle for Hire service or operate or offer a Mobile Application within the City of Moose Jaw unless it holds a valid Rideshare License issued by the City pursuant to this Bylaw.
- (b) Every Rideshare License issued shall be for a calendar year or portion thereof remaining and shall expire on December 31st of the year in which it is issued. Every person to whom a Rideshare License has been previously issued intending to continue conducting or operating the business in subsequent years shall make application to renew the license prior to January 1st of that subsequent year.
- (c) Prior to annual licensing, the Applicant shall produce to the License Inspector:
- (i) The Transportation Network Company's legal name and certified copies of any incorporating or other documents reasonably required by the License Inspector to verify the corporate identity of the Transportation Network Company.
 - (ii) The Transportation Network Company's current address and telephone number;

- (iii) The full name of all Drivers who are registered with the Transportation Network Company to provide Vehicle for Hire services in the City in affiliation with the Transportation Network Company on the date of the license application or renewal; and
 - (iv) Evidence that the Transportation Network Company uses a Mobile Application that meets the requirements of this Bylaw.
 - (c) The Transportation Network Company shall notify the License Inspector of any change to the information submitted pursuant to the section during the validity period of the license.
 - (d) A Rideshare License is not transferrable.
- 4. Every Transportation Network Company shall issue an identification card to its Drivers or otherwise maintain the following information within the Mobile Application:
 - (a) a clear and accurate image of the Driver which matches the current likeness of the Driver;
 - (b) the Driver's first name;
 - (c) the make, model, model year or image, and the license plate number of the Vehicle used by the Driver; and
 - (d) the name and method to contact the licensed Transportation Network Company with which the Driver is affiliated.
- 5. Every Transportation Network Company shall not permit any Driver to provide Rideshare services in affiliation with that Transportation Network Company unless the Driver:
 - (a) meets all of the requirements of *The Vehicles for Hire Act* and *The Vehicles for Hire Regulations* including but not limited to the Driver's licensing and criminal convictions;
 - (b) does not have any conditions on their Driver's license or Vehicle registration which would prohibit the operation of a Vehicle for Hire service; or
 - (c) is not subject to any undertaking, recognizance, peace bond, probation order or other Court issued Order prohibiting the person from performing any function related to transporting persons for hire.

6. Every Transportation Network Company shall use its Mobile Application to:
 - (a) facilitate the pre-arrangement and dispatch of all trips;
 - (b) transmit all information to be provided to passengers and Drivers as required by this Bylaw; and
 - (c) record information required to be recorded pursuant to this Bylaw.
7. Every Transportation Network Company shall make the following information publicly accessible on its website or Mobile Application at all times:
 - (a) that payment may only be made through the Mobile Application;
 - (b) a way to contact the Transportation Network Company including the legal name of the Transportation Network Company and its registered business address;
 - (c) that trip data is being recorded, including a link to the network transportation company's privacy policy; and
 - (d) information regarding trip request cancellation policies.
8. Where a Driver is providing Rideshare services in the City, the Driver shall:
 - (a) carry a valid Saskatchewan Driver's License and otherwise meet the requirements related to Drivers and Vehicles contained within *The Vehicles for Hire Act* and *The Vehicles for Hire Regulations*;
 - (b) ensure that the Vehicle is kept in a neat, clean and tidy condition, both as to its interior and exterior while it is in use;
 - (c) ensure that no person, including the Driver, smokes, burns, uses or holds a lighted or otherwise heated cigarette, cigar, pipe, electronic cigarette, vaporizer, hookah or similar equipment in the Vehicle;
 - (d) not accept any trip except one facilitated by the Mobile Application of a licensed Transportation Network Company's Mobile Application;
 - (e) not accept passengers by way of Street Hail or accept passengers that have not been dispatched by a licensed Transportation Network Company;

- (f) 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 license plate number and the name of the licensed Transportation Network Company; and
 - (g) display a valid inspection decal and Vehicle identification decal as required by any applicable law or as directed by Saskatchewan Government Insurance.
9. Where a Driver is providing Rideshare services in the City, the Driver shall:
- (a) not transport non-ambulatory passengers in a wheelchair or scooter unless the 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 so as to prevent any movement of the wheelchairs or scooters while the Vehicle is in motion;
 - (b) fold and store wheelchairs of ambulatory patients with physical disabilities; and
 - (c) unless exempted by the License Inspector pursuant to the Bylaw, permit a passenger with a disability to be accompanied by their Service Animal and must not demand any additional charge for the transportation of Service Animals accompanying a passenger with a disability.
10. A Driver may apply for an exemption from the application of clause 9(c) regarding Service Animals upon providing proof acceptable to the License Inspector of the Driver's inability to comply with the requirements without suffering undue hardship.
11. This Bylaw may be enforced by a Bylaw Enforcement Officer, License Inspector or any member of the Moose Jaw Police Service.
12. The License Inspector may revoke, refuse to issue or refuse to renew a license under this Bylaw if an Applicant or Licensee 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 offence pursuant to this Bylaw; or
 - (d) Failed to pay the license fee on or before the date required.

The License Inspector shall send notice of any decision to revoke or refuse to issue or renew a license pursuant to this Bylaw to the Applicant or Licensee by registered mail at the address provided by the Applicant or Licensee.

13. Where the License Inspector has:

- (a) refused to issue or renew a license under this Bylaw; or
- (b) revoked a license under this Bylaw;

the Applicant or Licensee may appeal the decision to the Executive Committee of City Council within 30 days of the date of the decision. An appeal must be in writing and delivered to the City Clerk's Office within 30 days of the decision. An appeal cannot be made if the the reason for the refusal is the failure to pay any fee or provide the required information.

14. Where the Executive Committee of City Council hears an appeal pursuant to this Bylaw, they may:

- (a) Confirm the decision of the License Inspector;
- (b) Set aside the decision of the License Inspector; or
- (c) Order the License Inspection to make further inquiry into the facts of the case.

15. Any person who contravenes a provision of this Bylaw is guilty of an offense and liable upon summary conviction:

- (a) in the case of an individual, to a fine not exceeding \$10,000;
- (b) in the case of a corporation, to a fine not exceeding \$25,000;
- (c) in the case of a continuing offence, to a maximum of daily fine of not more than \$2,500 for each day or part of a day during which the offence continues; or
- (d) in default of payment by an individual, by imprisonment for a term of not more than one year.

16. If a person is found guilty of an offence against this Bylaw the Court may, in addition to any other penalty imposed, order the person to comply with this Bylaw or a license issued pursuant to this Bylaw or a condition of a license issued pursuant to this Bylaw.

This Bylaw shall come into force and take effect on the date of its final passing.

READ A FIRST TIME the 10th day of June, 2019.

READ A SECOND TIME the 10th day of June, 2019.

READ A THIRD TIME AND PASSED the 10th day of June, 2019.



MAYOR



ACTING CITY CLERK

SCHEDULE "A"
TO BYLAW NO. 5585
ANNUAL RIDESHARE LICENSE FEES

1. Every Applicant for a license or renewal of license shall pay the annual license fee based on the number of Vehicles set out in the following table:

Number of Vehicles	Annual License Fee
1 to 10 Vehicles	\$1750
Each additional Vehicle over 10	\$175

2. A Licensee shall be required to report, in writing, to the License Inspector any changes in the number of Vehicles providing Rideshare service in association with that license on or before the 15th of the following month for any changes in the previous month.
3. If the number of Vehicles associated with a license increases or decreases during a license year such that the number of Vehicles would fall under a different fee category, the license fee shall be adjusted based on the month that the number of Vehicles in service has changed and not the month of the notice.
4. Any fee increased due to a change in the number of Vehicles shall be paid for the remainder of the license period on or before the end of the following month.
5. If a license Applicant makes application after January 31st in the year in which the license is being applied for, the annual license fee shall be pro-rated based on the number of days remaining in the calendar year from the application date.
6. The license fee shall be non-refundable in the event of revocation, suspension or cancellation by the Applicant after issuance.