Passenger Transportation Board
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Notice to Taxi Licensees RE: Terms and Conditions Update

July 12, 2023

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The Passenger Transportation Board is providing notice to taxi licensees of changes the Board intends to make to Terms and Conditions (T&Cs) in their licences.

INTRODUCTION

What is this notice about?

Section 31 of the *Passenger Transportation Act* ("Act") allows the Board to "mass update" T&Cs on licences. This is to provide notice to taxi licensees specifically of the need to update their T&Cs, and the reasons for those changes, and provide taxi licensees with an opportunity to comment.

If a taxi licensee wishes to provide comment on the proposed updates to T&Cs, your comment must be in writing and provided to the Board by **July 26, 2023**. Please send your comment with the subject line "mass update of taxi licences" to: ptboard@gov.bc.ca. There is no fee associated with providing comment on this topic.

What is the "mass update" process?

Under section 31(3) of the Act, the Board may issue a direction to the Registrar, on its own initiative and in circumstances outside of the licence renewal process, to amend licences for the purposes of:

- Correcting an error;
- Standardizing T&Cs of all licences, or in a specified class of licences; or,
- Making licences comply with amendments made to the Act or regulations.

In this case, the Board has determined that there are updates needed to all taxi licences to correct an error, standardize T&Cs, and to make licences comply with the amendment made to the Act in 2019. In this case, the Board has determined that taxi licences are a specified class of licences.

Why are changes being made to taxi licence terms and conditions?

When the Act was amended in 2019, there were certain directions provided to the Board regarding T&Cs, under sections 28(2) to (5) of the Act. Those requirements are detailed below. Due to resource constraints, only licences that were brought before the Board for decision after 2019 have been amended to reflect these directions. The Board is now updating the T&Cs of all taxi licences to comply with the Act and to standardize the taxi T&Cs.

Why are only taxi licences being amended?

The directions under sections 28 of the Act apply to more than taxi licences. However, to minimize confusion and manage the workload, the Board will be tackling changes to T&Cs one sector type (class) at a time. For example, once the taxi licences have been amended, the Board will go through the same process of “mass updating” TNS licences, as applicable, as well as other sector types (like limousines).

What happens after this notice and comment process?

After considering any comments received from taxi licensees, the Board will make a final decision on these updates to taxi T&Cs. The Board will let the taxi licensees know the outcome via the weekly Bulletin on the Board's new website. Any direction notice would then be sent to the Registrar's office, who would be responsible for sending out revised licences to the taxi sector.

PROPOSED CHANGES

1. Section 28(2) – specifying licence type

Section 28(2) states that "If the Board approves an application for a licence, the Board must specify the special authorizations that should be included in the licence, if issued".

Currently licences say "Special Authorization" at the top, but do not generally specify what kind of Special Authorization. To comply with this section of the Act, the Board would like to add a category of Special Authorization, such as "Inter-City Bus Authorization" or "Passenger Directed Vehicle Authorization" or "Transportation Network Services Authorization". As well, in the interests of clarity, the Board intends to add the sector type to the licence, such as "PDVA: Taxi" or "PDVA: Limousine".

Taxi T&C Wording (specifying licence type)

- Add the category of "Passenger Directed Vehicle Authorization" to the top of the licence, below the term "Special Authorization" and above "Terms & Conditions".
- Add the "PDVA: Taxi" sector type under the category of authorization "Passenger Directed Vehicle Authorization" and above "Terms & Conditions".

2. Section 28(3)(a) – equipment and technology

Section 28(3)(a) of the Act provides that the Board may establish T&Cs respecting 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.

Apps

On taxi applications that came before the Board since 2019, the Board incorporated T&Cs for taxi apps through supplementary T&Cs, located at: https://www.ptboard.bc.ca/sites/default/files/2023-04/Supplementary_Terms_Conditions_Taxi_Other_PDVA_Apps.pdf. However, the Board would like to begin consolidating T&Cs in one place on the licence. Therefore, the app T&Cs will be placed on all taxi licences to standardize these T&Cs across all taxi licensees.

Taxi T&C Wording (apps)

Applications (apps) *General requirements* *Collecting personal health information* *Shielding driver and passenger information* *Certain charges not allowed* *Taxis must keep phone dispatch* *Apps may not accept*	1. An application (app) offered by the licensee that allows passengers to book a trip on a mobile device must: a) have geo-fencing capability; b) only connect drivers with passengers for pick up and drop off as specified in Section C (Originating Areas and Services) of this licence; c) record, before an originating trip ends, return trips requested under a licensee's "return trip authority" term and condition and retain this recorded information in a retrievable form for 12 months; d) display and transmit information in English and may display and transmit the same information in other languages; e) give the app user an option to request a wheelchair accessible vehicle, if the licensee operates them; f) not collect or record personal health information about a passenger or their use of mobility aids, without the consent of the app user; g) retain, in a retrievable form, consent obtained pursuant to section 1(f) above until such consent is withdrawn or no longer required; h) protect information referred to in section 1(f) above by a password or biometric safeguard that the app user may access to see or modify the information; i) (i) allow the app user to change or delete information referred to in section 1(f) above, or (ii) provide instructions to the app user on how to have information referred to in section 1(f) above in the app changed or deleted; j) make any changes requested by the app user under section1(i) within 14 days of a request being made; k) shield the last name, phone number and email address of the driver from the passenger; l) shield the last name, phone number and email address of the passenger from the driver; m) not charge or advertise "free rides" or other transportation discounts as an incentive for persons to download the app without written approval of the Board; n) not charge a fee from a passenger for using particular payment method; o) not charge a fee for use of the app; p) not replace telephone dispatch service, if the license operates a taxi service, without the approval of the Board; and, q) not accept payment for fares even if the app calculates fares. 2. The app may give a passenger the option to receive communication by voice communication or a digital text format that is compatible with third-party accessibility apps. 3. The Personal Information Protection Act governs personal information collected in an app. 4. A person registering on an app or providing credit card information in an app does not establish an "active account" for the purposes of the limited reverse trip authority term and condition.

Top Lights and Meters

Previously the Board utilized “express authorizations” for taxi hailing which said: Vehicles must be equipped with a meter that calculates fares on a time and distance basis. Vehicles may be equipped with a top light. Vehicles may, from within the originating areas only, pick up passengers who hail or flag the motor vehicle from the street. In this older T&C, the Board combined hailing language with top light and meter T&Cs.

Unfortunately, when the Board modified the taxi hailing language (below) on taxi applications that came before the Board since 2019, it omitted T&Cs on top lights and meters on some licences. Since section 23(2)(a) requires express authorization on the licence for top lights and meters, the Board must update all taxi licences to ensure that the top light and meter language remains. Therefore, this update is for the purpose of correcting an error.

Taxi T&C Wording (top lights and meters)

Top Lights	Motor vehicles may be equipped with a top light.
Meters	Motor vehicles must be equipped with a meter that calculates fares on a time and distance basis.

3. Section 28(3)(c) – methods for hailing

Section 28(3)(c) allows the Board to establish T&Cs respecting the methods by which motor vehicles may be hailed under the authorization, which methods may include: booking the motor vehicle in advance, hailing the motor vehicle from the street, hailing the motor vehicle through a dispatcher, or any other hailing method, other than hailing through the use of transportation network services.

Since 2019, the Board has added new hailing language to any taxi licences that came before it. Other licences have the “express authorizations” language detailed above or something older. Therefore, the Board needs to update taxi licences to include the same hailing language to standardize the T&Cs between all taxis.

Taxi T&C Wording (hailing):

Hailing in Originating Area	1. A taxi trip may be arranged by: 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) hailing the motor vehicle through an app that does not process payment for the fare. 2. Passengers must not be hailed through a Transportation Network Service app that connects drivers with passengers who hail and pay for the services through the use of an online platform.

4. Section 28(4) – vehicle identifiers

Section 28(4) of the Act requires the Board to establish a T&C that each motor vehicle under an authorization display, in the form and manner required by the Registrar, a vehicle identifier that is issued to the licensee by the Registrar, or authorized by the Registrar to be issued by the licensee.

Although the Board has been adding this T&C to licences that have come before the Board since 2019, all taxi licences must contain this standardized T&C.

Taxi T&C Wording (vehicle identifiers)

Vehicle Identifiers	Each motor vehicle operated under this authorization must display, at the times and in the form and manner required by the Registrar, a vehicle identifier that is: a) issued to the licensee by the Registrar; or b) authorized by the Registrar to be issued by the licensee.

5. Section 28(5) – data requirements

Section 28(5) of the Act requires the Board to establish as a T&C that licensees must provide to the Registrar any information, including personal information, and data that the Registrar or the Board may require, including, without limitation, information and data respecting (a) the motor vehicles, and

the drivers of those motor vehicles, operated under the authorization, (b) the availability of the motor vehicles, at given points in time, for hailing by methods permitted under the authorization, and (c) trips taken by passengers transported in accessible passenger directed vehicles or trips taken by passengers transported in non-accessible passenger directed vehicles, or both, including (i) trip rates, (ii) wait times, (iii) pick-up times and locations, and (iv) drop-off times and locations.

While the Board has added this requirement as a T&C to taxi licences since 2019 , it needs to be added to all taxi licences to standardize T&Cs across all taxis.

Taxi T&C Wording (data)

Data Requirements	The licensee must provide to the Registrar any information, including personal information, and data that the Registrar or Board may require within time periods that the Registrar or Board may reasonably require, which may include, without limitation, information and data set out in section 28(5)(a) to (c) of the Passenger Transportation Act.