

Rothesay Ridesharing By-law No. 1-24

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RECITALS

WHEREAS Rothesay Council considers it to be in the interests of the Town and its residents to regulate, control, and collect fees for the licensing of ridesharing companies;

AND WHEREAS paragraph 10(1)(g) of the *Local Governance Act*, S.N.B. 2017, c. 18, authorizes a local government to enact by-laws respecting transport and transportation systems, including carriers of persons or goods, taxis and other forms of public transportation;

AND WHEREAS section 1 of the *Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, defines a Vehicle-for-Hire Company and a Vehicle-for-Hire Service;

AND WHEREAS section 197.1 of the *Motor Vehicle Act* restricts a Vehicle-for-Hire Company from carrying on business or facilitating the offer of Vehicle-for-Hire Services within the territorial limits of a local government unless authorized to do so by the local government;

AND WHEREAS section 147 of the *Local Governance Act*, states that a local government may, by by-law, provide that a person who violates or fails to comply with any provision of a by-law commits an offence;

AND WHEREAS subsection 156(1) of the *Local Governance Act*, states that a local government may require administrative penalties to be paid in respect of a contravention of a provision of a by-law of the local government;

NOW THEREFORE the Council of Rothesay, enacts as follows:

Title

1 This By-law may be cited as the *Rothesay Ridesharing By-Law* (hereinafter the "By-law").

Definitions

2(1) The words defined in section 1 of the *Motor Vehicle Act*, when used in this By-law, shall have the same meaning as in the said Act.

2(2) The following definitions apply in this By-law:

"By-Law Enforcement Officer" means a by-law enforcement officer appointed pursuant to section 72 of the *Local Governance Act*, and designated by resolution of Council;

"Council" means the elected municipal council of the Rothesay;

"Driver" means an individual who, in affiliation with a Vehicle-For-Hire Company, transports Passengers in a Ridesharing Vehicle;

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“Driver Identification Card” means and includes a physical or electronic form approved by Rothesay containing the following information:

- (a) The first and last name and photograph of the Driver;
- (b) The make, model and license plate number of the Ridesharing Vehicle operated by the Driver; and
- (c) The name and contact information of the Vehicle-for-Hire Company;

“Insurance Act” means the Insurance Act, R.S.N.B. 1973, c. I-12, and amendments thereto.

“License” means a Ridesharing Company License issued under section 4 of this By-law);

“Motor Vehicle Act” means the Motor Vehicle Act, R.S.N.B. 1973, c. M-17, and amendments thereto;

“Passenger” means an individual transported by a Driver in a Ridesharing Vehicle in affiliation with a Vehicle-for-Hire Company;

“Private Passenger Vehicle” means a motor vehicle designed and used primarily for the transportation of persons without remuneration and does not include a bus or taxicab;

“Ride” means the transportation of one or more Passengers in a Ridesharing Vehicle from the pick-up location to the drop-off location;

“Ridesharing Vehicle” means a Private Passenger Vehicle affiliated with a Vehicle-for-Hire Company used to provide a Vehicle-for-Hire Services;

“Ridesharing Vehicle Identifier” means a decal, vehicle light, or other identifier, in a form approved by Rothesay, which displays the name and/or logo of a Vehicle-For-Hire Company;

“Technology Platform” includes any electronic-based software, cellphone, or other technological service which permits Passengers to obtain transportation from a Vehicle-for-Hire Service or Vehicle-for-Hire Company;

“Vehicle-for-Hire Company” means a person or company who uses or offers a Technology Platform to facilitate the offer of Vehicle-for-Hire Services;

“Vehicle-for-Hire Service” means a service consisting of the prearranged transportation of Passengers for compensation offered by a Driver of a Ridesharing Vehicle through a Vehicle-for-Hire Company within Rothesay, but does not include any:

- (a) “Vehicle for Hire” that is already regulated by the Rothesay Taxi By-law; or
- (b) Bus transportation service or business.

Interpretation

3 Rules for interpretation of the language used in this By-law are contained in the lettered paragraphs as follows:

- (a) The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.

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- (b) This By-law is to be read with all changes of gender or number required by the context.
- (c) Each reference to legislation in this By-law is printed in *Italic font*. The reference is intended to include all applicable amendments to the legislation, including successor legislation. Where this By-law references other by-laws of Rothesay, the term is intended to include all applicable amendments to those by-laws, including successor by-laws.
- (d) The requirements of this By-law are in addition to any requirements contained in any other applicable by-laws of Rothesay or applicable provincial or federal statutes or regulations.
- (e) If any section, subsection, part or parts or provision of this By-law, is for any reason declared by a court or tribunal of competent jurisdiction to be invalid, the ruling shall not affect the validity of the By-law as a whole, nor any other part of it.
- (f) The Schedules attached to this By-law are included in and shall be considered part of this By-law.

Vehicle-for-Hire Company License

4(1) Every person who wishes to operate a Vehicle-for-Hire Company in Rothesay shall apply for a Vehicle-for-Hire Company License under this By-law.

4(2) When applying for a License, an applicant shall submit the form attached as Schedule "A" hereto and provide the following information:

- (a) The data security measures that the applicant has in place to protect the personal information of Drivers and Passengers affiliated with the Vehicle-for-Hire Company;
- (b) Proof of the insurance requirement as required by this By-law;
- (c) The number of Ridesharing Vehicles offering Vehicle-for-Hire Service affiliated with the applicant in Rothesay; and
- (d) Payment of all applicable fees required under this By-law, including the basic licensing amount.

4(3) The categories of Vehicle-for-Hire Companies shall be:

- (a) Class A: one hundred vehicles or more (100+);
- (b) Class B: twenty-five (25) to ninety-nine (99) vehicles; and
- (c) Class C: one (1) to twenty-four (24) vehicles.

4(4) Upon the initial application for a License under this By-law, an applicant shall pay the following annual fees to Rothesay:

- (a) Class A - \$7,253.00
- (b) Class B - \$2,469.00
- (c) Class C - \$807.00

4(6) No person shall carry on a Vehicle-for-Hire Company within Rothesay unless they hold a current License issued pursuant to this By-law.

4(7) Every License issued under this By-law shall expire one (1) year after first being issued.

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Vehicle-for-Hire Company Licensees – Prohibitions

5 No Vehicle-for-Hire Company shall:

- (a) Breach any applicable prohibition or obligations of License holders under this By-law; or
- (b) Permit any of its Drivers to breach any prohibition or obligation of Drivers under this By-law.

Vehicle-for-Hire Company Licensees – Obligations

6(1) Every Vehicle-for-Hire Company licensee shall have a Technology Platform.

6(2) The Technology Platform shall:

- (a) At the time when transportation is being arranged, provide the Passenger requesting the transportation:
 - (i) The name and contact information of the Vehicle-for-Hire Company licensee;
 - (ii) The first name and photograph of the Driver who will provide the Ride;
 - (iii) The make, model, and license plate number of the Ridesharing Vehicle that will provide the Ride;
 - (iv) Any special surcharge that will be applicable for the Ride;
 - (v) An estimate of the total cost of the Ride; and
 - (vi) The current location of the Ridesharing Vehicle.
- (b) Permit a Passenger to accept or refuse arranged transportation before it begins and to record such acceptance or refusal;
- (c) Provide a secure payment mechanism that is compliant with Payment Card Industry Security Standards Council standards and guidelines;
- (d) Provide a printed or electronic receipt to the Passenger at the end of the Ride that includes information confirming:
 - (i) Fare rate and surcharges;
 - (ii) Total amount paid;
 - (iii) Date and time of pickup;
 - (iv) Location where the Passenger was picked up and dropped off; and
 - (v) First name of the Driver.
- (e) Provide a link where the Passenger may rate or provide comments upon the Vehicle-for-Hire Service or the Driver.

6(3) Every Vehicle-for-Hire Company licensee shall make available to the public on its Technology Platform, and by any other means of its choice, the following information:

- (a) The insurance coverage required to be maintained by the Vehicle-for-Hire Company and by each Driver;
- (b) The applicable screening process for Drivers and Ridesharing Vehicles;

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- (c) That Drivers may only provide Vehicle-for-Hire Service that are prearranged using the Technology Platform of the Vehicle-for-Hire Company and cannot accept Passengers by any other means, including street hails or taxicab stands; and
- (d) That Drivers cannot accept cash payment for Rides.

6(4) Every License holder shall issue a Driver Identification Card to each of its Drivers.

6(5) Every License holder shall issue a current Ridesharing Vehicle Identifier to each of its Drivers.

6(6) Every License holder shall keep, in electronic format, a current list of all Drivers and Ridesharing Vehicles being used in Vehicle-for-Hire Service, which shall include:

- (a) the full name, address, and telephone number of each Driver;
- (b) the make, model, and license plate number of each Ridesharing Vehicle being used in Vehicle-for-Hire Service; and
- (c) the Ridesharing Vehicle Identifier.

Drivers

7(1) License holders shall ensure that each Driver offering Vehicle-For-Hire Service meets the following requirements:

- (a) is at least 19 years of age;
- (b) has been issued a valid driver's license for the operation of a motor vehicle for the current year pursuant to the *Motor Vehicle Act* and regulations thereunder, and
- (c) has been advised and consents to the information under this section of this By-law being submitted to Rothesay for the purposes of auditing or ensuring compliance with this By-law.

7(2) A License holder shall obtain a criminal record check that is less than ninety (90) days old and driver's record abstract less than thirty (30) days old for each Driver:

- (a) prior to issuing a Driver Identification Card; and
- (b) every twelve (12) months thereafter.

7(3) Every License holder shall:

- (a) review the records contemplated at subsection 7(2) of this By-law;
- (b) ensure that the Driver does not have any outstanding criminal charges; and
- (c) terminate the relationship with any Driver who is not suitable for providing Rides.

7(4) Every License holder shall be responsible to ensure that every Driver to whom it has issued a Driver Identification Card complies with all obligations on Drivers imposed by section 12 of this By-law.

7(5) Every License holder shall immediately terminate its affiliation with a Driver and cancel the Driver's Driver Identification Card if:

- (a) the Driver fails to satisfy any of the obligations imposed by section 12 of this By-law; or
- (b) if Rothesay notifies the License holder that the Driver has acted in manner that is adverse to the public interest or public safety.

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7(6) Upon termination in accordance with section 7(5) of this By-law, the License holder shall ensure that the former Driver no longer has access as a Driver to the Technology Platform.

Records

8(1) Every License holder shall create and maintain for two (2) years, records containing the following information:

- (a) the total number of Rides provided per year;
- (b) the total number of Drivers providing Rides per year;
- (c) the total number of Ridesharing Vehicles providing Rides per year;
- (d) the Driver and Vehicle-for-Hire Service information corresponding with each requested Ride, including:
 - (i) the full name of the Driver;
 - (ii) the license plate number of the Ridesharing Vehicles providing a Vehicle-for-Hire Service;
 - (iii) the date, time and duration of the Ride;
 - (iv) the location where each Passenger was picked up and dropped off; and
 - (v) hours and minutes spent by the Vehicle-for-Hire Service in transporting each Passenger, including time spent enroute to pick up the Passenger.

8(2) Upon request by Rothesay, the License holder shall make the records listed at subsection 8(1) available electronically to Rothesay within a reasonable time.

8(3) The License holder shall keep all records in respect of each Driver for two (2) years after the Driver ceases to be affiliated with the Licensee.

Insurance

9(1) Every License holder shall obtain and maintain at all times, insurance coverage:

- (a) of at least two-million dollars (\$2,000,000.00) including public liability and property damage;
- (b) from an insurer authorized to issue indemnity insurance policies in the Province of New Brunswick;
- (c) against liability for damages resulting from injury to or death of one or more persons and property damage in any one incident that includes:
 - (i) contingent employers' liability and personal injury;
 - (ii) broad form property damage and occurrence property damage; and
 - (iii) employees as additional insurance, and cross-liability and severability of interest provision.
- (d) in the name of the License holder;
- (e) that names Rothesay as an additional insured;
- (f) that contains Non-Owned Automobile Insurance, issued by a company authorized to issue indemnity insurance policies in the Province of New Brunswick, with limits of not less than two million (\$2,000,000.00) inclusive, per occurrence for public liability, bodily injury, death and damage to property;

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- (g) permitting Drivers to carry Passengers for a Vehicle-for-Hire Company endorsement, or an equivalent endorsement acceptable to Rothesay, included within an automobile liability insurance policy maintained on behalf of every Driver; and
- (h) containing an endorsement requiring the insurer to provide Rothesay with at least thirty (30) days prior written notice of any cancellation or variation of the policy.

9(2) Every License holder shall, upon request, provide Rothesay with proof that each Ridesharing Vehicle offering a Vehicle-For-Hire Service affiliated with the License holder is covered by insurance required under this By-law.

9(3) If a License holder fails to comply with the insurance requirements as set out in this By-law, Rothesay shall immediately suspend their License until such time as they provide proof, to the satisfaction of Rothesay, that they are in full compliance with this By-law.

Number of Ridesharing Vehicles

10(1) Vehicle-for-Hire Companies shall be categorized according to the number of affiliated Ridesharing Vehicles offering Vehicle-for-Hire Services.

10(3) When the number of Ridesharing Vehicles offering Vehicle-For-Hire Services affiliated with a License holder changes, the License holder shall immediately notify Rothesay.

10(4) When the number of Ridesharing Vehicles offering Vehicle-for-Hire Services affiliated with a License holder change and affects the category in which the License was classified, the License holder shall immediately notify Rothesay and, in the event of an increase, shall pay the corresponding fee under section 4 of this By-law within two (2) business days of such notification.

Drivers – Prohibitions

11(1) No person shall hold themselves out as a Driver unless they:

- (a) have been authorized by a License holder to act as a Driver for the Vehicle-for-Hire Company; and
- (b) possess a current Driver Identification Card issued by a License Holder.

11(2) No Driver shall:

- (a) request payment for anything other than as permitted under this By-law;
- (b) refuse a request for a Ride by an individual accompanied by a service animal;
- (c) pick up any Passenger in response to a street hail or by any other means other than through the Technology Platform;
- (d) operate a Ridesharing Vehicle in a Vehicle-for-Hire Service that resembles a taxicab in any manner, such as bearing external advertising or a roof sign;
- (e) operate a Ridesharing Vehicle in a Vehicle-for-Hire Service without the insurance requirements under section 9 of this By-law;
- (f) accept payment of cash for any Rides;
- (g) accept Passengers through any other method other than the Technology Platform;
- (h) smoke or vape or permit any Passenger to smoke or vape in a Ridesharing Vehicle while being used for transportation as a Vehicle-for-Hire Service;
- (i) transport more Passengers than there are effectively operating seat belt assemblies in the Ridesharing Vehicle operating the Vehicle-for-Hire Service; or

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- (j) breach any applicable obligations on Driver's imposed by this By-law.

Drivers – Obligations

12(1) Every Driver shall:

- (a) advise and immediately deliver to Rothesay at a location designated by Rothesay any property of the Passenger lost or left in the Ridesharing Vehicle;
- (b) keep their Driver Identification Card in plain sight in the Ridesharing Vehicle at all times when they are providing Rides;
- (c) upon demand by Rothesay, a By-law Enforcement Officer or any Police Officer, produce:
 - (i) their Driver Identification Card;
 - (ii) proof of insurance as required by this By-law; and
 - (iii) any other relevant information pertaining to them or to their operation of the Ridesharing Vehicle;
- (d) on demand by Rothesay, a By-law Enforcement Officer or any Police Officer, submit the Ridesharing Vehicle for inspection at such time and place as specified;
- (e) install the Ridesharing Vehicle Identifier as provided by the License holder, in the front bottom of the passenger's side of the windshield on the Ridesharing Vehicle in such a manner that it is clearly visible and identifiable from the exterior; and
- (f) keep the Ridesharing Vehicle Identifier in its required location whenever they are providing transportation.

12(2) Every Driver shall ensure that the Ridesharing Vehicle being used in a Vehicle-For-Hire Service:

- (a) is no more than eight (8) years old;
- (b) is equipped with winter traction tires during the months of January, February, March and December; and
- (c) has a valid and current certificate of inspection showing that the vehicle has been inspected pursuant to the provisions of the *Motor Vehicle Act*, at the time the Driver begins to provide Rides and annually thereafter.

Enforcement

13 Council may, for the purposes of the administration and enforcement of this By-law appoint By-Law Enforcement Officers who may exercise such powers and perform such duties as set out under this By-law or in the *Local Governance Act*.

Offences

14 Every person who violates any provision of this By-law is guilty of an offence and liable upon summary conviction to a fine of not less than five hundred dollars (\$500.00) and not more than two thousand one hundred dollars (\$2,100.00).

Administrative Penalties

15(1) Rothesay may require an administrative penalty to be paid with respect to a violation of a provision of this By-law as set out in subsection 15(2).

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Schedule A

Application for Vehicle-for-Hire Company License

To Be Completed By Applicant:

Applicant's Name: (Please Print) _____

Applicant's Address: _____

Telephone: _____ (Day)

Proposed Company Name: _____

Proposed Company Location: _____

Status: Individual Partnership Corporation

If the applicant is a partnership, a copy of the partnership agreement must be attached.

If the applicant is a corporation, a copy of the article of incorporation must be provided with certificate that the applicant is a corporation in good standing with Service New Brunswick Corporate Registry.

If the applicant is a partnership or corporation, list the members of the partnership or the officers and directors of the corporation.

Name	Date of Birth
_____	_____
_____	_____
_____	_____

Number of Ridesharing Vehicles: _____

List of Ridesharing Vehicles by License Plate Number (attach additional list if necessary):

Please outline the data security measures the applicant has in place to protect the personal information of Drivers and Passengers affiliated with the Vehicle-for-Hire Company (attach additional paper if necessary):

Do you or any of the officers, directors or partners, or the company have any convictions for any offences under the *Criminal Code of Canada*, the *Controlled Drug and Substances Act*, the *Food and Drug Act of Canada*, the *Young Offenders Act* or the *Liquor Control Act* within the last five years? If "YES" explain the nature of the offence(s) in the space provided below. (Notwithstanding the foregoing, "criminal record" includes any pardons and criminal offences found within the Schedule to the *Criminal Records Act*.)

NO YES

Signature of Applicant: _____

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To Be Reviewed By Applicant:

It is the responsibility of the applicant to complete the form correctly.

CHECKLIST:

Please complete all documents prior to submitting Application Package to Rothesay.

Check off boxes to ensure your Application can be processed.

- Applicant has attained the full age of 19 years.
- Application Form – completed by Applicant.
- Confirmation of insurance as identified under the *Rothesay Ridesharing By-law*.
- Checklist – reviewed by Applicant.
- Present completed Application Package in person to the Rothesay Town Clerk.

Town Hall
70 Hampton Road
Rothesay, NB E2E 5L5

Telephone: (506) 848-6600
Hours of Operation:
Monday to Friday, 8:00AM – 4:30PM
Closed from 12:00 to 1:00 pm

- Payment for Vehicle-for-Hire Company License:

The following fees shall be paid to Rothesay upon application for a Vehicle-for-Hire Company License under this By-law:

- (a) Class "A" - \$7253.00
- (b) Class "B"- \$2469.00
- (c) Class "C"- \$807.00

The following fees shall be paid to Rothesay upon renewal for a Vehicle-for-Hire Company License under this By-law:

- (a) Class "A" - \$7253.00
- (b) Class "B"- \$2469.00
- (c) Class "C"- \$807.00

(For payment by cheque: make cheque payable to Rothesay)

To be completed by the By-Law Enforcement Officer:

This application is: APPROVED DENIED

Reason(s) for denial _____

Signature: _____
By-law Enforcement Officer

Date: _____
Year/Month/Day