

## **Supplementary Terms & Conditions Respecting TNSA Apps**

### **A. Purpose**

To establish supplemental terms and conditions of licence about apps provided or used by a licensee with a transportation network service authorization (TNSA) to provide transportation network services (TNS).

### **B. Legislation**

The *Passenger Transportation Act* defines transportation network services (TNSs) as services “respecting the connection of drivers of passenger directed vehicles with passengers who hail and pay for the services through the use of an online platform.”

Section 28(3) states:

The board may establish terms and conditions that apply to a special authorization included in a licence, if issued, including, without limitation, terms and conditions respecting any of the following:

(a) 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;

....

(d) if the licence is to include a transportation network services authorization,

(i) information that must be displayed or carried on or in the motor vehicles or made available to passengers through the use of the licensee's online platform, or both.

### **C. Scope**

1. These terms and conditions encompass:

(a) software applications (apps) that a licensee, driver or passenger uses to provide or access TNS; and

(b) information transmitted, processed, stored or displayed using an app described in (a) above.

## D. Definitions

2. For the purposes of these terms and conditions:

“**act**” means the *Passenger Transportation Act*;

“**app**” means application software that provides a driver or passenger with access to the TNSA licensee’s online platform;

“**board**” means Passenger Transportation Board;

“**estimated fare**” means a specific fare or range of fares calculated before a ride starts, presented to the passenger as a quote or estimate and which may be replaced by a fare calculated at the end of the ride based on actual travel time and actual travel distance;

“**fare**” means the total transportation charges and taxes for a ride including any variable-price adjustment and excluding any gratuities;

“**geo-fencing**” means a location-aware application that has been programmed with geographical boundaries or areas to limit the pick-up or drop-off of passengers to locations authorized in a licensee’s terms and conditions of licence;

“**licence**” means a licence issued under the Act that has a TNSA;

“**licensee**” means the holder of a valid licence to which these terms and conditions apply pursuant to section 1 above;

“**registrar**” means the Registrar of Passenger Transportation appointed under the Act;

“**up-front fare**” means a firm fare that is calculated before a ride starts and paid when the ride ends.

## E. Transportation Network Services

### TNS App Requirements

3. Licensees with a transportation network services authorization (TNSA) must, always:
- (a) provide passengers and drivers with an app that functions in accordance with requirements in these supplemental terms and conditions; and
  - (b) maintain care and control of the apps which includes app functions, operation and performance.

### Basic App Capabilities & Standards

4. Apps must function in a way that allows passengers to hail and pay for a single ride with the same app.
5. Apps must function accurately and reliably.
6. Apps provided by a TNSA licensee must be capable of:
  - (a) connecting drivers and passengers through its online platform;
  - (b) calculating fares that account for:
    - (i) minimum rates;
    - (ii) distance;
    - (iii) time;
    - (iv) other fees and taxes that may be applicable; and
    - (v) dynamic pricing variables that may be applicable;
  - (c) processing the passenger's electronic payment and transmitting an electronic receipt;
  - (d) complying, in conjunction with the online platform, with the Registrar and Board's "data requirements"; and
  - (e) other functions as necessary to comply with these terms and conditions.
7. Apps:
  - (a) must display and transmit information in English; and
  - (b) may display and transmit information in other languages.
8. The app must comply with World Wide Web Consortium (W3C) standards for mobile accessibility.

### Shielding of Personal Information

9. The app:
  - (a) may collect information that identifies a passenger or driver or their contact information (such as first and last name, phone number and email address) and may only use the information as set out in the [\*Personal Information Protection Act\*](#) of B.C.;
  - (b) must, shield the following information so information for the passenger is not given to the driver and information for the driver is not given to the passenger:
    - (i) Last name of the driver and passenger;
    - (ii) Phone number of the driver and passenger; and
    - (iii) Email address of the driver and passenger.

### **Accessibility**

10. The app may only request, collect or record personal information about a health condition, disability, or accommodation request of a customer or driver when:
  - (a) the provision of that information is voluntary and at the discretion of the app user;
  - (b) the personal information that an app-user provides is protected by a password or biometric safeguard that the user may activate or be required to use; and
  - (c) the app enables the app-user to change or delete personal information in the app, or provides information to the user on how to change or delete personal information.
11. The app may give the customer the option to receive communication by voice communication or a digital text format that is compatible with third-party accessibility apps.
12. If the licensee operates one or more accessible vehicles in its fleet, its app must give the passenger an option to request a wheelchair accessible vehicle for:
  - (a) the transportation of a person in a wheelchair or mobility device; and
  - (b) purposes other than transporting a person in a wheelchair or mobility device.

### **Geo-Fencing**

13. The app must have geo-fencing capability.
14. The app must only connect drivers with passengers for pick up within the originating area and drop off within the destination area that is authorized in the licensee's terms and conditions of licence.

### **Advance Fare Information**

15. Based on travel distance and time information that is available when a passenger requests a ride, and before the passenger agrees to a ride, the app must present the passenger, in a prominent manner, either:
  - (a) an estimated fare; or
  - (b) an up-front fare.
16. When an app presents an estimated fare to a passenger, the app must clearly indicate that:
  - (a) the fare is an estimate only; and,

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(b) the passenger will be charged based on travel time or distance, or both during the ride.

17. After a passenger has agreed to pay an up-front fare, the app must, at the end of the ride, charge the up-front fare unless:

(a) a change is made to the requested destination or the ride's estimated time or distance diverge by 5% or more from the actual time or distance of travel; and

(b) the app, before the end of the ride transmits the following information to the passenger:

- (i) notice that the up-front fare has been suspended or replaced;
- (ii) the new method and applicable rates for calculating the fare;
- (iii) contact information or an in-app channel to get more information about the change, or to dispute the change.

### **Pre-Ride Information for Passengers**

18. The app must transmit to the passenger the following information before the passenger enters the TNS vehicle:

- (a) the driver's first name;
- (b) the driver's photo;
- (c) the vehicle make, model, colour and BC licence plate number;
- (d) a prominent notice that the above-noted information is important for passenger safety.

### **Information Records**

19. The app must record, at the time the TNS Vehicle is hailed through the app, the following information:

- (a) the time, date and location where and when the passenger is to be picked up;
- (b) the destination where the passenger is to be discharged;
- (c) driver's first name, photo and a unique identifying number for the driver; and
- (d) the make, model, year, colour and British Columbia licence plate number of the TNS vehicle.

### **GPS Tracking**

20. The app must provide real-time GPS tracking and show the passenger the TNS vehicle while travelling to pick up the passenger or while carrying the passenger.

### **Payment Processing Options**

21. A licensee must ensure that drivers using the app:
- (a) only accept payment for a ride that is processed through the app that the passenger used to hail the ride; and
  - (b) do not accept payment by cash or by any method or system of payment that is separate from the app.
22. The app may only process payment for a gratuity when the gratuity is at the discretion of the passenger.

### **Electronic Receipt**

23. The app must, at the end of the ride, immediately provide to the passenger an electronic receipt containing:
- (a) the passenger's first name;
  - (b) the driver's first name;
  - (c) the time and date that the TNS vehicle service was arranged;
  - (d) the location and time where and when the passenger was picked up;
  - (e) the location and time where and when the passenger was dropped off;
  - (f) fare information that includes separate line items for:
    - (i) charges for the ride;
    - (ii) GST included in the fare; and
    - (iii) fare including GST; and
  - (g) a separate line item or separate receipt that identifies gratuities the passenger paid for a ride.

### **Driver & Passenger Ratings**

24. The app must allow passengers and drivers to rate one another after a ride.

### **Service Issue Resolution**

25. The app must provide passengers with information and a means of contacting the TNSA licensee through the app, by other electronic means or by phone with a number that is toll-free in BC, to:
- (a) address disputes;
  - (b) request and obtain lost items; and

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(c) address other service issues or complaints.

25.2 The app must provide the passengers with the e-mail of the Passenger Transportation Branch of the Ministry of Transportation and Infrastructure and indicate complaints not satisfactorily resolved through 25.1 may be e-mailed to the Branch.

### **Access for Investigators**

26. The licensee must provide the Registrar and police a method to access the app and locate a driver or vehicle operating on the licensee's online platform.

### **F. Dates**

Effective Date: September 16, 2019