

PARLIAMENT OF VICTORIA

Ridesharing Bill 2016

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PARLIAMENT OF VICTORIA

Introduced in the Council by Ms Fiona Patten

Ridesharing Bill 2016

A Bill for an Act to impose duties on facilitators of ridesharing, to amend the **Transport (Compliance and Miscellaneous) Act 1983** to exempt ridesharing from the provisions of that Act relating to commercial passenger vehicles and to amend the **Transport Integration Act 2010** to recognise the undertaking of rideshare journeys as a transport service and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

- (a) to impose duties on facilitators of ridesharing; and
- (b) to amend the **Transport (Compliance and Miscellaneous) Act 1983** to exempt ridesharing from the provisions of that Act

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relating to commercial passenger vehicles;
and

- 5 (c) to amend the **Transport Integration Act 2010** to recognise the undertaking of rideshare journeys as a transport service.

2 Commencement

- (1) This Part and Part 3 come into operation on the day after the day on which this Act receives the Royal Assent.
- 10 (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision of this Act does not come into operation before 1 January 2017, it comes into operation on that day.
- 15

3 Definitions

In this Act—

category 1 offence has the same meaning as in section 86(1) of the **Transport (Compliance and Miscellaneous) Act 1983**;

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category 2 offence has the same meaning as in section 86(1) of the **Transport (Compliance and Miscellaneous) Act 1983**;

registration number, of a motor vehicle, means the registration number assigned to the motor vehicle under the **Road Safety Act 1986**;

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rideshare application, of a rideshare facilitator, means a software application or a website that—

- 30 (a) is made publicly available by or on behalf of the facilitator; and

- (b) enables a person to request a rideshare journey through a rideshare platform that is owned, operated or controlled by the facilitator;

5 *rideshare driver* means a person who has a rideshare driver arrangement with a rideshare facilitator;

10 *rideshare driver arrangement* means an agreement or arrangement between a person and a rideshare facilitator under which the person—

- (a) may receive and accept requests for rideshare journeys through a rideshare platform owned, operated or controlled by the facilitator; and

- (b) may undertake those journeys using a specified motor vehicle;

15 *rideshare facilitator* means a person who owns, operates or controls a rideshare platform;

20 *rideshare journey* means a journey in which a person is, or is to be, carried as a passenger for hire or reward in a motor vehicle as arranged under a rideshare platform;

25 *rideshare platform* means a system that provides for—

- (a) a person to request, by using a software application or a website, to be carried as a passenger for hire or reward in a motor vehicle other than a taxi-cab within the meaning of section 86(1) of the **Transport (Compliance and Miscellaneous) Act 1983**; and

- (b) the communication of the request to one or more rideshare drivers; and

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- (c) the acceptance of the request by or on behalf of a rideshare driver; and
 - (d) the payment of money by or on behalf of the person who made the request; and
 - (e) the payment of money to the rideshare driver who carries the passenger as requested.

10 **4 Vehicle pooling agreements and charitable arrangements**

For the purposes of this Act, a person is not *carried as a passenger for hire or reward* if the carriage is made pursuant to—

- 15
- (a) a vehicle pooling agreement described in section 87(3) of the **Transport (Compliance and Miscellaneous) Act 1983**; or
 - (b) a charitable arrangement described in section 87(5) of that Act.

Part 2—Duties of rideshare facilitators

5 Rideshare application must display certain images and information

- 5 (1) A rideshare facilitator must ensure, as far as is reasonably practicable, that a rideshare application of the facilitator operates to display the following things when a person's request for a rideshare journey made using the application is accepted—
- 10 (a) a photograph that clearly shows the face of the rideshare driver who accepted the request;
- (b) the registration number of the motor vehicle that is to be used by the driver for the journey.

15 **Penalty:** In the case of an individual,
240 penalty units.

In the case of a body corporate,
1200 penalty units.

- 20 (2) A rideshare facilitator is not liable to be prosecuted for more than one offence against subsection (1) in respect of a single failure to ensure that the rideshare application operates as required under that subsection regardless of how many instances of that application do not operate
- 25 as required.

6 Rideshare facilitator must not enter into driver arrangements unless requirements are met

- 30 (1) A rideshare facilitator must not enter into a rideshare driver arrangement with a person unless—
- (a) the facilitator is satisfied that—
- (i) the person meets the requirements set out in subsection (2); and

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Part 2—Duties of rideshare facilitators

- 5 (ii) the motor vehicle that is to be used
by the person to provide rideshare
journeys under the arrangement
meets the requirements set out in
subsection (3); and
- (b) the person gives the facilitator a photograph
that clearly shows the person's face.
- Penalty: In the case of an individual,
240 penalty units.
- 10 In the case of a body corporate,
1200 penalty units.
- (2) The requirements that apply to the person are that
the person—
- 15 (a) is an individual of or over the age of
18 years; and
- (b) holds a full driver licence (within the
meaning of the **Road Safety Act 1986**)
that—
- 20 (i) is in force; and
- (ii) has been held for at least one year; and
- (c) has not, in the last 10 years, been found
guilty of—
- 25 (i) a category 1 offence; or
- (ii) a category 2 offence; and
- (d) is not subject to—
- (i) a charge for a category 1 offence that
has not been finally disposed of; or

Part 2—Duties of rideshare facilitators

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- (ii) reporting obligations imposed by Part 3 of the **Sex Offenders Registration Act 2004**; or
- (iii) an extended supervision order under the **Serious Sex Offenders Monitoring Act 2005** or an interim extended supervision order under that Act; or
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- (iv) a supervision order within the meaning of the **Serious Sex Offenders (Detention and Supervision) Act 2009** or an interim supervision order within the meaning of that Act; or
- 15
- (v) a detention order within the meaning of the **Serious Sex Offenders (Detention and Supervision) Act 2009** or an interim detention order within the meaning of that Act.
- (3) The requirements that apply to the motor vehicle are that the vehicle—
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- (a) was manufactured in the last 10 years; and
- (b) is registered under the **Road Safety Act 1986**.
- (4) A rideshare driver arrangement is not invalid by reason only of a failure to comply with
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- subsection (1).
- (5) Section 163 of the **Transport (Compliance and Miscellaneous) Act 1983** applies to the interpretation of this section as if a reference in that section to Division 6 of Part VI of that Act were a reference to this section.
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Note

Section 163 of the **Transport (Compliance and Miscellaneous) Act 1983** set outs, for the purposes of Division 6 of Part VI of that Act, what is meant by—

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Part 2—Duties of rideshare facilitators

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- a reference to a person who has been found guilty of an offence; and
- a reference to a person who has been charged with an offence; and
- a reference to a charge that has not been finally disposed of.

Part 3—Amendment of other Acts

Division 1—Amendment of Transport (Compliance and Miscellaneous) Act 1983

7 Definitions

- 5 (1) In section 86(1) of the **Transport
(Compliance and Miscellaneous) Act 1983**,
in the definition of *commercial passenger
vehicle*, after "hire or reward" **insert**
10 "(other than for the purpose of a rideshare
journey)".
- (2) In section 86(1) of the **Transport
(Compliance and Miscellaneous) Act 1983**
insert the following definition—
15 "*rideshare journey* has the same meaning as
it has in the **Ridesharing Act 2016**;"

8 Operation of motor vehicle as a commercial passenger vehicle or commercial goods vehicle

- 20 In section 87(1) of the **Transport
(Compliance and Miscellaneous) Act 1983**,
after "hire or reward" **insert** "(other than for the
purpose of a rideshare journey)".

Division 2—Amendment of Transport Integration Act 2010

9 Definitions

- 25 (1) In section 3 of the **Transport Integration
Act 2010** **insert** the following definition—
"*rideshare services* means the undertaking of
rideshare journeys within the meaning of the
Ridesharing Act 2016;"

(2) In section 3 of the **Transport Integration Act 2010**, in the definition of *transport services*, after paragraph (ca) **insert**—

"(cb) rideshare services;"

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Division 3—Repeal of amending Part

10 Repeal of amending Part

This Part is **repealed** on the first anniversary of its commencement.

Note

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The repeal of this Part does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.