

Notice related to Pilot project concerning remunerated passenger transportation services requested exclusively using a mobile application

On September 30, 2016, the Minister of Transport published a Ministerial Order¹ authorizing the implementation of the *Pilot project concerning remunerated passenger transportation services requested exclusively using a mobile application* (the “Pilot project”). This Pilot project came into force on October 15, 2016 and has been extended twice by the Government of Québec, most recently until October 14, 2019.

On January 18, 2019, the Minister of Transport amended Schedule I of the Pilot project by way of an order² published in the *Gazette officielle* of February 6, 2019, in order to add *Coop de solidarité Eva* as a permit holder eligible to benefit from the provisions of the Pilot project.

The Pilot project authorizes the holder of a taxi transportation service intermediary’s permit designated in Schedule 1 of the Pilot project to provide publicity services and request distribution services for remunerated passenger transportation services by automobile exclusively using a mobile application.

Section 8 of the Pilot project stipulates that the permit holder must have a liability insurance contract under section 84 of the *Automobile Insurance Act*³ guaranteeing compensation for property damage caused by the automobiles used by partners-drivers when providing remunerated passenger transportation. This contract must comply with any other condition or restriction imposed by the *Autorité des marchés financiers* (the “AMF”). These conditions are set out in an endorsement that is specific to the Pilot project and which forms an integral part of the permit holder’s insurance contract.

Therefore, partners-drivers are insured under the permit holder’s insurance contract when they are transporting passengers for remuneration and do not need to take any additional steps in this regard.

However, for any loss occurring outside of this period, partners-drivers must contact their insurers, as only their personal insurance contracts will apply in this case.

Insurance contract restriction

The insurance contract is directly related to the application and maintaining in effect of the Pilot project.

Therefore, this contract can only be taken out by the permit holders referred to in the Pilot project, namely, Uber Canada Inc. and *Coop de solidarité Eva*.

Important reminder for partners-drivers

The fact that the permit holder takes out the insurance contract does not release partners-drivers from the requirement to have a liability insurance contract under section 84 of the *Automobile Insurance Act*.

¹ Order number 2016-16 regarding the Pilot project concerning remunerated passenger transportation services requested exclusively using a mobile application (2016), 148 G.O. II, No. 39A, 3469A.

² Order number 2019-02 of the Minister of Transport dated January 18, 2019 regarding the amendment of the Pilot project concerning remunerated passenger transportation services requested exclusively using a mobile application (2019), 151 G.O. II, No. 6, 136.

³ CQLR, c. A-25.

In light of this, the AMF reminds all partners-drivers and owners of vehicles used to provide a remunerated passenger transportation service of the importance of informing their respective insurers that they are engaged in this activity.

Additional Information

Further information is available from the AMF Information Centre:

Québec City: 418-525-0337

Montréal: 514-395-0337

Toll-free: 1-877-395-0337

www.lautorite.qc.ca

April 4, 2019