

Bill 30: *The Local Vehicles for Hire Act*: Manitoba's Controversial Approach to Ride Sharing Services

K A S I A K I E L O C H *

I. INTRODUCTION**

Ride sharing services in Canada and are one of the fastest growing and largest segments of the sharing economy, which connects individuals or businesses looking for a product or service to those who have it.¹ Ride sharing is “an arrangement in which a passenger travels in a private vehicle, usually for a fee and arranged by a means of a website or a mobile application.”² When ride sharing comes to mind, many think of companies such as Uber, Lyft, and TappCar, which are companies that have expanded their operations within Canada significantly in recent years. Some other interchangeable terms for ride sharing services are transportation network companies and mobility services providers. Ride sharing services in Canada have operated since as early as 2012³ despite facing licensing and regulatory challenges. In response to the popularity of

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** This paper reflects events until March 31st, 2018.

¹ Government of Canada, “Ride-Sharing” (12 September 2017), online: <canada.ca/en/revenue-agency/programs/about-canada-revenue-agency-cra/compliance/ride-sharing.html> [perma.cc/NR3Q-3WXW].

² *Ibid.*

³ Patty Winsa, “Taxi App Company Uber Charged with Licensing Offences”, *Toronto Star* (5 December 2012), online: <thestar.com/news/gta/2012/12/05/taxi_app_company_uber_charged_with_licensing_offences.html> [perma.cc/GCZ5-97BQ].

ride sharing felt among the Canadian public balanced upon the opposition to the services by various lobbying groups and the aforementioned challenges, many provinces have enacted ride sharing legislation to permit these services in recent years.

Manitoba recently joined other Canadian provinces that permitted ride sharing services by enacting *The Local Vehicles for Hire Act*⁴ in 2018. The act came into effect on February 28th, 2018. The main questions that this paper will look at is what happened during the legislative process for Bill 30, why it is so controversial, is it effective, and what can be done to improve it? The consequences of Manitoba's ride sharing legislation can be analyzed by using a critical lens to evaluate the effectiveness of its approaches to the issues of safety, regulation, compensation, and consultation. This paper will discuss Manitoba's controversial approach to introducing ride sharing services by providing an overview of the nature of ride sharing services in Canada and how and why they became regulated in Manitoba. It will describe and analyze the legislative process that Bill 30 went through in order to become enacted and discuss the perspectives of key stakeholders, the media, and the opposition parties in the Legislature. This paper will then provide an in-depth analysis of the effects of Bill 30 on Manitobans. It will be argued that Manitoba's approach to the regulation of ride sharing services is flawed, and suggestions will be made on how to strengthen Bill 30.

II. BACKGROUND

A. Ride Sharing Services in Canada

Ride sharing services have existed in Canada since around 2012 when Uber began its operations in Ontario.⁵ At the time, there were no specific regulations for ride sharing service companies, and there were concerns about the companies not abiding by taxi company regulations.⁶ While many ride sharing companies began operations in other countries and then expanded to Canada, some companies were created in Canada. Kangaride,

⁴ Bill 30, *The Local Vehicles for Hire Act*, 2nd Sess, 41st Parl, Manitoba, 2017 (assented to November 9, 2017), SM 2017, c 36 [Bill 30].

⁵ *Ibid.*

⁶ *Ibid.*

a Quebec company, was founded in 2006 and organizes long distance rides.⁷ TappCar, an Edmonton-based company, began its operations in Alberta in 2016.⁸ Lyft, a Toronto-based company, began operating in Ontario in 2017.⁹ Many ride sharing companies were operating without formal legislation and regulations, until provinces and municipalities extended regulations for vehicles for hire that were expanded to include ride sharing services. While many provinces introduced ride sharing services legislation in 2016, Edmonton was the first Canadian city to pass a by-law that enabled transportation network companies to operate.¹⁰ The table below summarizes and compares key details regarding the operation of ride sharing services in Canadian provinces.

Table 1: Ride Sharing Services in Canada

| | Ontario | Alberta | British Columbia | Saskatchewan | Quebec | Manitoba |
|--|-------------------------------------|---|-----------------------------|----------------------------|---------------------|----------------------------|
| Ride Sharing Companies Operating *not an exhaustive list | Uber, Lyft, Cowboy Taxi, InstaRyde, | TappCar, Cowboy Taxi, Ride Please, Poparide, Lyft, Uber | Cowboy Taxi, Poparide, Uber | N/A | Kangaride, Uber | TappCar, Cowboy Taxi, Lyft |
| Legislation | In place since 2016 | In place | Introduced but | Introduced but not enacted | In place since 2016 | In place |

⁷ Kangaride, “Home”, online: <kangaride.com> [perma.cc/QR4V-VNMT].

⁸ Bartley Kives, “How and Alberta Firm Created a Ride-Sharing Company to Fill the Uber Void”, CBC News (20 February 2018), online: <cbc.ca/news/canada/manitoba/tappcar-winnipeg-ride-hailing-background-1.4543602> [perma.cc/7H46-8VN8].

⁹ Jessica Patton, “Toronto-Born InstaRyde Enters City’s Crowded Ridesharing Market”, Global News (22 November 2017), online:<globalnews.ca/news/3875598/toronto-born-instaryde-enters-citys-crowded-ridesharing-market/> [perma.cc/6WQ9-8QQ7].

¹⁰ Government of Manitoba, Winnipeg Taxicab Services Review, prepared by MNP LLP (Winnipeg, 2016) at 74, online (pdf): <gov.mb.ca/mr/taxicab/pubs/wpg_taxicab_review_final_rpt_dec20.pdf> [perma.cc/A9XU-VGFZ].

| | | since 2016 | not enacted | | | since 2018 |
|--|---|--|--|--|--|--|
| Municipalities Involved in Regulation? | Yes | Yes | Yes | N/A | Yes | Yes |
| Number of Municipalities | 444 | 352 | 162 | 779 | 1,110 | 137 |
| Insurance | Separate for ride sharing services, province approves of insurance policies | Specific for ride sharing services, province approves of policy coverage | Specific for ride sharing services, provincial public insurance provider | Specific for ride sharing services, provincial public insurance provider | Specific for ride sharing services, provincial public insurance provider | Separate for ride sharing services, provincial public insurance provider |
| Compensation to Taxi Drivers? | No | No | No | No | No | No |

There is a vast amount of literature on the topic of ride sharing services, with a significant amount focusing on the United States.¹¹ While there is literature on the ride sharing services in Canada, more information appears

¹¹ See e.g. Daniel E Rauch & David Schleicher, “Like Uber, but for Local Government Law: The Future of Local Regulation of the Sharing Economy” (2015) 76:4 Ohio St LJ 901; Judd Cramer & Alan B Krueger, “Disruptive Change in the Taxi Business: The Case of Uber” (2016) 106:5 Am Economic R 177; Nelson D Chan & Susan A Shaheen, “Ridesharing in North America: Past, Present, and Future” (2012) 32:1 J Transport Reviews at 93; Andrew T Bond, “An App for that: Local Governments and the Rise of the Sharing Economy” (2015) 90:2 Notre Dame L Rev 77.

to be available through news articles, online blogs, and reports.¹² The American perspective on ride sharing services is relevant to Canada because the United States has jurisdictions with municipal regulations for vehicles for hire like Canada does, and shares concerns about the impact that ride sharing services, such as Uber, have on taxicab services. The lack of vast academic literature on ride sharing services in Canada may be due to the new and continuous creation of legislation and regulations in Canadian provinces that have yet to be fully studied and written on.

B. Ride Sharing Services in Manitoba

Before ride sharing services became heavily discussed in Manitoba, the previous NDP Government initiated a review of the taxi industry in the province by commissioning a report by Myers Norris Penney LLP (MNP), an accounting and business advisory firm, in December 2015.¹³ Prior to the MNP Report being commissioned, the last review of taxi services occurred in 2009.¹⁴ Around 2015, Uber publicly expressed interest in entering the

¹² See e.g. Michael Motala, “The ‘Taxi Cab Problem’ Revisited: Law and Ubernomics in the Sharing Economy” (2016) 31:3 BFLR 467; Mark Thompson, “Sharing Economy’ Businesses like Uber Need to Share the Responsibilities Too” (4 September 2015) *Canadian Centre for Policy Alternatives*, online:

<policyalternatives.ca/publications/commentary/sharing-economy-businesses-uber-need-share-responsibilities-too> [perma.cc/KTG2-G3MB]; Paul Moist, “Uber No Solution for Winnipeg: Analysis of Taxi and Transport” (4 April 2017) *Canadian Centre For Policy Alternatives*, online:

<policyalternatives.ca/publications/commentary/uber-no-solution-winnipeg> [perma.cc/VL27-5UMN]; John Pecman, “Don’t Ban Ride-Sharing. Rethink Regulation.” *The Globe and Mail* (26 November 2015), posted on the Government of Canada Competition Bureau Canada website, online:

<competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/04008.html> [perma.cc/VL3P-WATJ]; British Columbia, Legislative Assembly, Standing Committee on Crown Corporations, *Transportation Network Companies in British Columbia*, (2018), online: <leg.bc.ca/content/CommitteeDocuments/41st-parliament/2nd-session/CrownCorporations/Report/SSC-CC_41-2_Report-2018-02-15_Web.pdf> [perma.cc/BXB6-9TV7]; Government of Manitoba, *supra* note 10.

¹³ “Uber with a Catch: Review Recommends Licences Ride-Hailing, More Cabs in Winnipeg” *CBC News* (21 December 2016) online (pdf): <cbc.ca/news/canada/manitoba/uber-taxicab-review-1.3907728> [perma.cc/4CLJ-A2ZR].

¹⁴ Government of Manitoba, “Taxicab Board Homepage”, online: <gov.mb.ca/mr/taxicab/taxicab.html> [perma.cc/Q583-7JYK].

Manitoba market.¹⁵ The MNP's 169 page final report was released in December 2016.¹⁶ The report found that Winnipeg has a very low rate of taxicabs given its population compared to other cities.¹⁷ It provided a comprehensive overview of the state of taxi services in Manitoba and made 40 recommendations to improve taxi services. The recommendations covered numerous topics including licensing structures, fares, safety, and customer service.

Bill 30, The Local Vehicles for Hire Act,¹⁸ was introduced in the Manitoba Legislature on March 20th, 2017 and received royal assent on November 9th, 2017. The legislation sparked significant public discussion and media coverage.¹⁹ In December 2017, Winnipeg taxi drivers commenced legal action the provincial government and sought an injunction to prevent ride sharing services from operating in the province because it would result in a loss in the value of taxi business licences.²⁰ The lawsuit was indefinitely adjourned in March 2018.²¹

¹⁵ "Ride Sharing Service Uber Wants in Winnipeg Market" *CBC News* (14 October 2015), online: <cbc.ca/news/canada/manitoba/ride-sharing-service-uber-wants-in-winnipeg-market-1.3269837> [perma.cc/C2EC-UV97].

¹⁶ Government of Manitoba, *supra* note 10.

¹⁷ *Ibid* at 3.

¹⁸ Bill 30, *supra* note 4.

¹⁹ See e.g. "Hundreds of Taxi Drivers Circle Manitoba Legislature to Protest Uber Bill," *CBC News* (10 November 2017), online: <cbc.ca/news/canada/manitoba/taxi-protest-bill-30-uber-1.4397164> [perma.cc/9R2W-4WTF]; David Larkins, "Competition Good in Ride-Sharing World, Chamber Says" *Winnipeg Sun* (29 November 2017), online: <winnipeg.sun.com/news/local-news/competition-good-in-ride-sharing-world-chamber-says> [perma.cc/T8NA-9WW9]; "Winnipeg's Taxi Industry Fighting Back Against Ride Sharing By-law" *CTV News* (16 December 2017), online: <winnipeg.ctvnews.ca/winnipeg-s-taxi-industry-fighting-back-against-ride-sharing-by-law-1.3724671> [perma.cc/Y4WU-TPNX].

²⁰ "Winnipeg Taxicab Companies Sue Province Over Law Allowing Ride-Sharing Services" *CBC News* (15 December 2017), online: <cbc.ca/news/canada/manitoba/winnipeg-taxi-lawsuit-1.4452433> [perma.cc/Y7J3-AKV9].

²¹ Cameron MacLean, "Future of Lawsuit Over Ride-Hailing Legislation Unclear After Can Companies Ask for Adjournment" *CBC News* (14 March 2018), online: <cbc.ca/news/canada/manitoba/winnipeg-taxi-company-lawsuit-adjourned-1.4576415> [perma.cc/2C3P-AAMW].

Ride sharing companies began to operate in Manitoba on March 2nd, 2018, just 2 days after Bill 30 came into force and effect.²² The three companies that began operations in Winnipeg were TappCar, Lyft, and Cowboy Taxi.²³ Although all similar in premise, each has unique features such as Cowboy Taxi, which offers a “girl power” option, where customers can request a female driver.²⁴ Uber has yet to set up operations in Manitoba, and has cited that the insurance scheme does not fit its business model.²⁵ Since March 1st, 2018, over 200 drivers have applied to obtain vehicle for hire insurance in Manitoba.²⁶ The introduction of ride sharing services to Manitoba has resulted in the creation of new local ride sharing service companies. In March 2018, a new taxi dispatch company, Yellow Taxi Dispatch Ltd., announced that it was recruiting new drivers and would offer low dispatch fees.²⁷ Gozo Dispatch Inc., a contract based company, announced that it will begin to operate in Winnipeg in May 2018.²⁸ The organization requires drivers to meet standards to make passengers feel comfortable and has a zero-tolerance policy against racism, sexism, transphobia, homophobia, and other forms of discrimination.²⁹ While ride sharing services are new to Manitoba, there has been significant public discussion and media coverage about them due to Bill 30.

²² “Ride-Hailing Sets New Era in Motion” *Winnipeg Free Press* (3 March 2018), online: <winnipegfreepress.com/opinion/editorials/ride-hailing-sets-new-era-in-motion-475727193.html> [perma.cc/XP7A-96TY].

²³ *Ibid.*

²⁴ Cowboy Taxi, “Services”, online: <cowboytaxi.ca/services>.

²⁵ Uber Says MPI Insurance Proposal Could Keep It Out of Winnipeg”, *CBC News* (10 January 2018), online: <cbc.ca/news/canada/manitoba/uber-winnipeg-mpi-insurance-1.4481942> [perma.cc/XLV7-467T].

²⁶ Kevin Rollason, “200 Drivers Get Vehicle-for-Hire Insurance”, *Winnipeg Free Press* (15 March 2018), online: <winnipegfreepress.com/local/200-drivers-get-vehicle-for-hire-insurance-476921293.html> [perma.cc/V474-S4TR].

²⁷ “Drivers Invited to New Taxi Dispatch Service Meeting”, *Winnipeg Free Press* (24 March 2018), online: <winnipegfreepress.com/local/drivers-invited-to-new-taxi-dispatch-servicemeeting-477829173.html> [perma.cc/8A7P-HMG4].

²⁸ Holly Caruk, “Putting Safety in the Driver’s Seat: New Ride Dispatch Service Aims to Provide Safe Rides for All”, *CBC News* (28 March 2018), online: <cbc.ca/news/canada/manitoba/ride-dispatch-service-safety-gozo-1.4598215> [perma.cc/E2FQ-M32V].

²⁹ *Ibid.*

III. SUMMARY OF BILL 30

Bill 30's purpose is to provide municipalities with powers to make their own by-laws that regulate the vehicle for hire industry, which includes taxis, limos, and vehicles that are hired online.³⁰ Section 4 states that municipalities must consider maintaining a sustainable industry that meets the needs of the public and those working within the industry and may make the by-laws under *The Municipal Act*. By-laws can have provisions on various matters including determining how many licences will be allocated, how they will be allocated, and what types of classes of licences will be issued.³¹ Municipalities can establish provisions related to the prohibition, control, and transfer of licences, and the requirements for people engaged in the vehicle for hire business can be controlled, including what kind of character the applicant or licence holder has to have.³² Standards and requirements for vehicles, fees, rates, fares, insurance, and record keeping can also be made by enactment of by-laws.³³

The bill repeals *The Taxicab Act* and dissolves the Taxicab Board.³⁴ Licences issued under *The Taxicab Act* and certain certificates issued under the *Highway Traffic Act* are cancelled, and the province cannot be found legally liable for these changes.³⁵ The legislation requires the City of Winnipeg to make its own by-law regarding the vehicle for hire industry.³⁶ All taxicab business and driver's licences issued by the Taxicab Board are cancelled effective February 28th, 2018 and anyone with a valid licence before Bill 30 came into effect will have a valid licence under Winnipeg's vehicle for hire by-law.³⁷ The bill allows for municipal by-laws to establish a Vehicles for Hire Commission.³⁸

³⁰ Bill 30, *supra* note 4 at explanatory note.

³¹ *Ibid*, s 3(2).

³² *Ibid*.

³³ *Ibid*.

³⁴ *Ibid*, s 9.

³⁵ *Ibid*, s 10(2).

³⁶ *Ibid*, s 3(3).

³⁷ *Ibid*, s 10(1).

³⁸ *Ibid*, s 3(2).

The bill includes definitions of terms such as vehicle for hire, which is a vehicle that has “10 or fewer occupants including the driver” that is used to “transport a passenger for compensation where the vehicle is hired for a single trip, and the passenger controls the route travelled or the destination.”³⁹ If a trip is between municipalities, the by-laws of the municipality that the trip began in will apply.⁴⁰ Municipalities will be required to share information with Manitoba Public Insurance, the province’s Registrar for Motor Vehicles, and other municipalities with vehicle for hire by-laws.⁴¹

Provisions within the act that relate to legal action against certain actors. Under section 9(d), legal proceedings started or continued by or against the Taxi Board may be continued by or against the Manitoba government.⁴² Section 10(3) states that no legal cause of action or remedy can be started due to the direct or indirect results of a licence or certificate being cancelled.⁴³ Bill 30 also amends the following pieces of legislation: *The Drivers and Vehicles Act*, *The Highway Traffic*, *The Liquor and Gaming Control Act*, *The Manitoba Public Insurance Corporation Act*, and *The City of Winnipeg Charter*.⁴⁴ Many of these amendments include striking out the terms “taxicab,” *The Taxicab Act*, *The Taxicab Board*, and *The Taxicab Board of Winnipeg*.

The translation of the French text to the English text of the legislation is mostly identical.⁴⁵ There are some differences, including that the term “vehicle-for-hire” in French appears to translate to “motor-driven vehicle sector” or “chauffeur-driven sector,” which conveys a slightly different meaning and different use of terminology. In section 9, the Taxicab Board is translated as the Taxi Regulatory Commission. The term licence in the English text is often translated to the term permit in the French text. By-laws in the English text are translated as regulations in the French text.

³⁹ *Ibid*, s 2.

⁴⁰ *Ibid*, s 5.

⁴¹ *Ibid*.

⁴² *Ibid*, s 9(d).

⁴³ *Ibid*, s 10(3).

⁴⁴ *Ibid*.

⁴⁵ The French text of the bill was converted into English using Google translator. Accuracy of the translation is not guaranteed.

IV. LEGISLATIVE PROCESS

A. Introduction and First Reading

Bill 30 was introduced and read for the first time on March 20th, 2017 by The Honourable Eileen Clarke, who was the Minister of Indigenous and Municipal Relations at the time.⁴⁶ On August 17th, 2017, a cabinet shuffle separated the department of Indigenous and Municipal Relations into two.⁴⁷ Minister Clarke's portfolio was renamed Indigenous and Northern Relations, and Jeff Wharton, the MLA for Gimli, became the Minister of Municipal Relations.⁴⁸ The Honourable Jeff Wharton is listed as the Minister of Municipal Relations and sponsor of Bill 30.⁴⁹

The Honourable Eileen Clarke's motion to read Bill 30 for the first time in the legislature was seconded by The Honourable Blaine Pedersen, who was the Minister of Manitoba Infrastructure at the time.⁵⁰ Minister Clarke's remarks about Bill 30 were taken from the legislation itself and stated its purpose:

The Purpose of this act is to provide a municipality with specific powers to make by-laws regulating vehicles for hire such as taxis, limousines and other vehicles, including those hired by way of an online application, a digital network or platform, a website or any other similar manner. Among these things, the act enables municipalities to create by-laws to allow the operation of ride-sharing companies, or transportation network companies as they are also known, such as Uber.⁵¹

While not a part of the introduction and first reading stage, the Committee of Supply for the department of Municipal and Indigenous Relations took place on May 25th, 2017. Also known as "estimates," the

⁴⁶ Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 28 (20 March 2017) at 802 (Hon Eileen Clarke).

⁴⁷ Elisha Dacey, "Pallister Adds New Face, New Department in Cabinet Shuffle" *CBC News* (17 August 2017), online: <cbc.ca/news/canada/manitoba/cabinet-shuffle-manitoba-1.4251238> [perma.cc/VQP4-DWSS].

⁴⁸ *Ibid.*

⁴⁹ Legislative Assembly of Manitoba, "Second Session, Forty-First Legislature", online: <web2.gov.mb.ca/bills/41-2/index.php> [perma.cc/E9Y2-YF9M].

⁵⁰ *Supra* note 46; Minister Pedersen was shuffled into the Department of Growth Enterprise and Trade on August 17th, 2017.

⁵¹ *Ibid.*

committee of supply provides an opportunity for questions to be asked of ministers about their departments. Mr. Maloway, the NDP MLA for Elmwood, asked Minister Clarke about the lack of consultation with Manitobans about Bill 30. Minister Clarke noted that:

Industry oversight has become riddled in red tape and has failed to evolve with the changing interests of those in Winnipeg. The government just completed the most extensive consultations on the vehicle-for-hire industry in decades, where the public and stake-holders spoke up to say that the existing regulatory regime needs to be modernized. We've heard from Manitobans and we're taking action.⁵²

Minister Clarke's statement explained the rationale for Bill 30. Mr. Maloway later commented that Bill 30 is "draconian; it's authoritarian; it's discriminatory; it targets a community, particularly the Indo-Canadian community."⁵³

B. Second Reading

1. Introduction

The second reading stage of the legislative process is where debate and discussion on the bill begins, and once the bill is accepted by motion, it is suggested that there is support of the general principles of the bill by the Legislative Assembly.⁵⁴ The second reading stage also allows for the sponsoring minister of the bill to provide more information on its purpose and necessity and to answer questions about the legislation.

On October 10th, 2017, Minister Wharton presented a motion to have Bill 30 read for a second time that was seconded by The Honourable Ian Wishart, Minister of Education.⁵⁵ Minister Wharton spoke about modernizing the vehicles for hire industry and meeting local interests within Manitoba.⁵⁶ He stated that the *Taxicab Act* was created back in 1935 where

⁵² Manitoba, Legislative Assembly, Hansard, 41st Parl, 2nd Sess, Vol LXX No 58B (25 May 2017) at 2512-2513 (Hon Eileen Clarke).

⁵³ *Ibid* at 2567.

⁵⁴ Government of Manitoba, "How Laws Are Made", online: *The Legislative Assembly of Manitoba* <gov.mb.ca/legislature/business/bills.html> [perma.cc/3QK4-BPZM] ["How Laws Are Made"].

⁵⁵ *Hansard* (10 October 2017), *supra* note at 2867 (Hon. Jeff Wharton).

⁵⁶ *Ibid.*

horses were the common form of transportation.⁵⁷ At the time, Winnipeg was made up of 13 municipalities, and the Taxicab Board was created to settle disputes between them.⁵⁸ At the time of second reading, Manitoba was the only province in Canada that regulated the vehicle-for-hire industry for its capital city.⁵⁹ The industry regime had significant red tape and was not serving the needs of Winnipeg.⁶⁰ Minister Wharton recognized that the previous NDP Government commissioned a review of the vehicles for hire industry by having Meyers Norris Penny (MNP) do a review and consult with industry members and stakeholders. The MNP's review consulted over 10,000 Manitobans, including 675 taxi drivers and licence owners.⁶¹ The MNP report concluded that the taxi system was in need of significant modernization and improvement.

Minister Wharton noted that Winnipeg has had the same number of taxicab licences since 1947.⁶² Winnipeg's taxicab to people ratio is the lowest in Canada compared to other major cities, which has contributed to high taxicab service wait times.⁶³ The Government responded to the MNP Report's recommendations by allowing municipalities to make vehicle-for-hire by-laws and meet local needs.⁶⁴ The minister acknowledged that a number of municipalities, including Portage, Selkirk, and Brandon, already have by-laws in place for ride-sharing companies.⁶⁵

2. Questions

After a minister introduces a bill in second reading, a question period of up to 15 minutes takes place. The Honourable Jon Gerrard, the Liberal MLA for River Heights, began question period by asking whether the province will ensure that taxi drivers will be treated fairly and be compensated; Minister Wharton responded by stating that there will be a

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ *Ibid* at 2868.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

clean slate and Winnipeg will have “the powers necessary to create a modern regulatory regime.”⁶⁶ Judy Klassen, the Liberal MLA for Kewatinook, asked about the City of Winnipeg regulations, and Minister Wharton spoke about the city being able to develop by-laws that work best for Winnipeggers.⁶⁷

The Honourable Steven Fletcher, Independent MLA for Assiniboia and former Progressive Conservative member, asked whether ride-sharing services will be obligated to provide accessible transportation in keeping with human rights legislation.⁶⁸ He asked about rides between municipalities and which by-laws apply, and the minister replied that the by-laws of the municipality where the person is picked up apply. Fletcher also asked about the increase in red tape for municipal by-laws and policing of the by-laws, and Minister Wharton responded by discussing the need for industry modernization and stated that the municipalities are in the best position to make the by-laws.

Mohinder Saran, the NDP MLA for The Maples, and the second most vocal critic⁶⁹ of Bill 30, asked about compensation for taxi drivers; Minister Wharton spoke about the ability of municipalities to create their own by-laws.⁷⁰ Saran referenced the compensation packages given by the Australian government to taxi drivers when Uber began to run, and Minister Wharton replied that he was not aware of this.⁷¹ Saran also asked about compensating taxi drivers who invest over \$300,000 in their taxi businesses, but the Minister spoke about how municipalities will make by-laws.⁷²

3. *Debate*

Jim Maloway, the most vocal critic of Bill 30 in the Legislature, began the second reading stage debate. He stated: “You know, this government brought this legislation in this past spring at the very last possible moment. And I’ve said before, that the act is really- it’s a –should be renamed an act to destroy 1,600 jobs and turn-make a new low-wage economy in

⁶⁶ *Hansard* (10 October 2017), *supra* note 63 at 2869 (Hon. Jon Gerrard).

⁶⁷ *Ibid* (Judy Klassen).

⁶⁸ *Ibid* at 2869 (Hon. Steven Fletcher).

⁶⁹ Based on the amount of time spent discussing the Bill 30 in *Hansard*.

⁷⁰ *Hansard* (10 October 2017), *supra* note 63 at 2869 (Mohinder Saran).

⁷¹ *Ibid* at 2870.

⁷² *Ibid*.

Manitoba.⁷³ He referenced the 2.5 million dollars in compensation that was given by the Schreyer NDP Government to 400 insurance agents in the early 1970s when Autopac was introduced as a reason why taxicab drivers should also be compensated if Bill 30 were to come into effect.⁷⁴ He also referenced how Australia compensated taxi drivers when Uber began operations there, and that although the compensation was insufficient, it is better than the lack of compensation that Manitoba taxicab drivers are being offered.⁷⁵

Maloway stated that the government should withdraw, rethink, and reintroduce Bill 30 upon further consultation.⁷⁶ He also stated, “What’s even worse is the complete abdication of social responsibility of this government in facilitating not only the destruction of an important part of our transportation infrastructure but the red carpet deregulation that’s rolling out to a parasitic business model.”⁷⁷ Maloway also referenced the compensation of Quebec dairy farmers after the Canada-European trade agreement (CETA) was created as another reason why taxicab drivers should be compensated.⁷⁸

The Honourable Jon Gerrard spoke next and stated: “this bill will introduce quite drastic changes to the taxi industry in Manitoba” and “the introduction of Bill 30 by the minister of Indigenous and Municipal Relations sent shock waves among those in the taxi industry.”⁷⁹ Gerrard referenced Cindy Lamoureux, the Liberal MLA for Burrows, who has a number of taxi driver constituents who are concerned about the impacts of Bill 30. Her constituents were concerned about the communities and families of taxi drivers who have given back to the province, how competition is not bad, but all of the players should follow the same rules, in that ride sharing services should be subject to the same insurance and licence plate provisions as taxi drivers, and that ensuring fairness towards

⁷³ *Ibid* at 2871 (Jim Maloway).

⁷⁴ *Ibid* at 2872.

⁷⁵ *Ibid*.

⁷⁶ *Ibid*.

⁷⁷ *Ibid*.

⁷⁸ *Ibid* at 2872.

⁷⁹ *Ibid* at 2887-2888 (Hon Jon Gerrard).

the taxi industry is imperative.⁸⁰ The Manitoba Liberals do not support Bill 30 but are not entirely opposed to ride-sharing services in the province.

Mohinder Saran expressed concern over the loss of the value of taxi driver licences that will take place if Bill 30 is enacted, and that government action is directly related to the value of the permits because previous governments have allowed for their value to increase significantly. He did not think that the government adequately consulted with Manitobans and that taxicab drivers should be compensated. He commented on the government's unfair treatment towards immigrants who compose a significant portion of taxi drivers, and that other people in other professions such as farmers have received compensation for similar reduction of business due to government action.⁸¹ Saran stated that the immigrant community is very politically active, and that there would be repercussions by not listening to its concerns.

At the conclusion of the debate, the Speaker, Myrna Driedger, asked the question of whether the House will adopt Bill 30 for second reading.⁸² Some MLAs agreed, and others did not, which led to a voice vote. The Speaker ruled that the "Yeas," meaning those in favour of the motion, won the vote.⁸³ The Official Opposition House Leader and NDP MLA for St. Johns, Nahanni Fontaine, requested a recorded vote.⁸⁴ The result of the vote was that there were 36 Yeas in favour of Bill 30 passing second reading and 16 Nays, and the motion was carried.⁸⁵

C. Committee Stage

The purpose of the committee stage is to allow members of the public to provide input on prospective legislation. At the beginning of the Bill 30 hearings, it was specified that presenters would have 10 minutes to speak, followed by 5 minutes to answer questions from the MLAs at the committee. Jim Maloway presented motions at the beginning of each committee meeting to allow for translators to assist presenters, and each motion was passed. The meetings for Bill 30 were under the Standing

⁸⁰ *Ibid* at 2888.

⁸¹ *Hansard* (10 October 2017), *supra* note 63 at 2890 (Mohinder Saran).

⁸² *Ibid*.

⁸³ *Ibid* at 2891.

⁸⁴ *Ibid*.

⁸⁵ *Ibid*.

Committee on Social and Economic Development. The majority of the MLAs attended the meetings for some period of time, with the exception of 11 out of 57 of them.

The committee meeting hearings for Bill 30 took place on October 23rd, 24th, 26th, 27th, and 31st, 2017. Generally, this would be considered a high number of hearing days for a committee. The total time spent on all of the meetings was 36.5 hours. Each meeting lasted between 6 and 14 hours. Most of them started at 6 p.m. and ended at midnight. Approximately 267 people registered to speak on the bill and 158 people presented, which left over 100 people who did not have a chance to present. The high number of registered committee presenters is rare at the Manitoba Legislative Assembly. Sometimes there are only a handful or registrants, and other times even no speakers, at committee meetings.

The backgrounds of committee presenters vary based on the nature of the legislation, and in the case of Bill 30, most of the presenters were private citizens and male taxicab drivers. The majority of the presenters were of East Indian descent based on where they said their families came from. 9 presenters were female, many presenters were young adults who spoke on behalf of their families, and the youngest presenter was 16 years old. 15 presenters identified as taxicab drivers with Unicity Taxi and 6 identified as being from Duffy's Taxi. 6 presenters were affiliated with the following organizations: Uber, the Manitoba Federation of Labour, the Independent Living Resource Centre, the Canadian Centre for Policy Alternatives, and two were from the Winnipeg Community Taxi Coalition. One presenter was a relative of the founder of Duffy's Taxi. 2 presenters identified as regular members of the public with a low degree of connection to the taxicab industry apart from being consumers of taxicab services. Some of the presenters said the same content word for word, and others explained that Unicity Taxi and Duffy's Taxi provided committee presenters with information to use in their presentations.

1. Themes

Many of the presentations touched on several common themes, as shown in the table below. While it may have been assumed that compensation would have been the most discussed theme, the one theme that every presentation related to in some way is community. Each presenter discussed the community that they came from and Bill 30's potential effects on it. The largest community group was the East Indian ethnic community

and there were references to the immigrant, disabled, Indigenous, and female communities.

Table 2: Occurrence of Topics Discussed at Committee

| Topic | # of In-Person Committee Presenters Who Referenced the Topic (out of 142 people) |
|------------------------------|--|
| Safety | 114 |
| Family | 112 |
| Compensation | 52 |
| Level Playing Field/Fairness | 40 |
| Insurance Requirements/Costs | 38 |
| Consultation | 20 |
| Accessibility | 19 |

2. Safety

Safety was the most discussed theme by presenters. The vast majority of taxi drivers spoke about the safety features of their taxicabs, including shields, panic buttons, and emergency lights on the outside of cabs. They discussed the significant difference in safety that was experienced after certain safety features were required in taxicabs in Manitoba after the violent death of a Winnipeg taxi driver. Some presenters discussed data that demonstrated a drastic decline in taxi driver injuries due to these security features. Dozens, if not the majority of taxi drivers, shared stories of being injured on the job. Many were stabbed, hit, assaulted with items, and verbally abused. Many drivers developed long term medical conditions that made driving difficult or impossible, demonstrating the great risks and sacrifices involved with their work. Many drivers stated that the panic buttons in their cars that are used to dispatch the police to their location save many lives. Drivers discussed the difficult positions that they have been put in to protect their safety, including letting passengers leave the taxicab without paying to avoid injury or violence. Most drivers discussed the long hours that they work, that they provide a service to the public, and that they work in extremely hot and cold temperatures.

Numerous presenters discussed their reservations about ride sharing services because Bill 30 does not require specific safety features in cars, which puts drivers and passengers at risk. There are no requirements for vehicle for hire service drivers to have child abuse registry or criminal record checks in the bill. It also seems unlikely that ride sharing service drivers will

install shields and other costly safety items because many drivers work on a part-time basis and use their cars for both work and personal purposes.

3. Family

Family was the second most discussed theme by the presenters. Many presenters described when they immigrated to Canada, what their level of education is like, and how many children and family members they support. Many taxicab drivers are the sole income earners for their families. They described having children attending university and need the to earn enough money to cover tuition and book fees. They expressed the need to ensure that their children had a better start to life than they had. A significant number of drivers were university educated and could not afford to take the necessary steps to work in their desired profession, or their education was not recognized in Canada. The drivers described that they work long and late hours to support their families, which comes at the cost of their health and time with their loved ones.

A large portion of presenters expressed concern for their ability to support their families if Bill 30 were to be enacted. They stated that the combination of losing business to companies like Uber and having the value of their taxicab business decrease makes them concerned that they will have to resort to going on government assistance and social welfare. Many drivers were in the process of paying off the value of their taxicab businesses and expressed concern about not being able to pay down their debts. Many of them borrowed money from personal connections or took out loans at high interest rates to pay for their licences. Drivers were counting on using the value of their businesses to fund their retirement.

4. Level Playing Field/Fairness and Consultation

The general sentiment expressed by taxicab drivers was that if ride sharing services were to come to Manitoba, they should be subject to the same rules and regulations as them. Presenters described a level playing field as requiring ride sharing service drivers to follow safety regulations, install safety equipment in their cars, pay similar insurance rates as taxicab drivers, and be subject to child abuse registry and criminal record checks. Taxi drivers expressed dissatisfaction with the fact that ride sharing services such as Uber do not have to pay the same fees to set up business in Manitoba and can use flexible rates that vary, while taxicab drivers have set rates. Many taxi drivers stated that they are not opposed to competition in the vehicles

for hire industry, but that many ride sharing service companies have an advantage under Bill 30.

Taxi drivers shared that they were assured by the Progressive Conservative Government that there would be a level playing field for taxicab drivers and adequate consultation if ride sharing services such as Uber were ever to come to Manitoba. The drivers named specific PC MLAs who assured them that they would be treated fairly if there were changes to the vehicles for hire system. In order to have a level playing field, many drivers spoke about the need for compensation from the government and for ride sharing services to be subject to safety regulations. Drivers wanted to be sure that the value of their taxi businesses would not decline.

5. Accessibility

Although accessibility is listed last as a major theme during committee discussion, it is important to note the concerns that were raised about it. Some presenters noted that taxicab companies provide accessible taxis and that there are a specific number of handi-van companies. Human rights legislation requires for there to be accessible transit options, and taxicab drivers were concerned that ride sharing companies will not have accessible vehicles. There are a total of 51 accessible taxicabs in Manitoba out of a total of 652 taxicabs and limousines, and if accessible vehicle drivers stop working due to the difficult financial climate created by Bill 30, there may be inadequate accessible transit options. Taxicab drivers mentioned that they take mandatory training on providing services to individuals with accessibility concerns, and that ride sharing service companies may not train their drivers sufficiently or at all. The taxicab drivers expressed a desire for ride sharing service companies in Manitoba to have to provide accessible vehicle options by trained drivers.

6. Closing of the Committee Stage

At 10 p.m. on October 31st, the committee decided that it no longer had time to hear from over 100 remaining registered speakers and moved on to the sponsoring minister's opening statement. Minister Wharton stated that the Province of Manitoba recognizes the value of the taxicab industry and the need to modernize it.⁸⁶ Safety would not be compromised

⁸⁶ Manitoba, Legislative Assembly, *Standing Committee on Social and Economic Development*, 41st Parl, 2nd Sess, Vol LXX No 12 (31 October 2017) at 562-563 (Hon. Jeff Wharton).

under Bill 30 because municipalities are able to make proper regulations and coordinate them with local police, parking, and by-law enforcement resources.⁸⁷ A fair playing field will be maintained for taxicab drivers by having their valid licences transferred to the City of Winnipeg so that they can continue their business without disruption. Minister Wharton closed his statement by stating that it is time to modernize the current system and that Bill 30 balances the needs of all stakeholders.

Jim Maloway spoke of the inability of the government to properly manage the committee process since not all registered speakers had the chance to present. He called Bill 30 draconian and criticized its lack of compensation for taxi drivers.⁸⁸ He stated that he is willing to introduce amendments to Bill 30 that would cover the issues of compensation and safety regulations at the report stage.⁸⁹ Cindy Lamoureux requested and received leave to make a statement. She expressed discontent with the government's management of the committee meeting and pointed out the government's lack of consultation with stakeholders.⁹⁰

The chairperson proceeded to have the committee vote on certain provisions of Bill 30. The bill's preamble, enacting clause, and title are the only provisions that were not voted on because they are postponed until a later time. Mr. Maloway suggested an amendment to clause 3.2(i)(i), but the Nays won the voice vote. Mr. Maloway requested a recorded vote, and the amendment was defeated with 6 Nays to 4 Yeas.⁹¹ The same process was repeated with clauses 3, 10, 11, and 21, where Mr. Maloway suggested an amendment that was defeated on a voice vote and recorded vote with 6 Nays and 4 Yeas. All of the clauses of Bill 30 were passed including the ones that were challenged.

⁸⁷ *Ibid.*

⁸⁸ Manitoba, Legislative Assembly, *Standing Committee on Social and Economic Development*, 41st Parl, 2nd Sess, Vol LXX No 12 (31 October 2017) at 563 (Jim Maloway).

⁸⁹ *Ibid.*

⁹⁰ Manitoba, Legislative Assembly, *Standing Committee on Social and Economic Development*, 41st Parl, 2nd Sess, Vol LXX No 12 (31 October 2017) at 563-564 (Cindy Lamoureux).

⁹¹ *Ibid.*

D. Report Stage Amendments

The purpose of the report stage is to consider any amendments that came up at the committee stage and further amendments.⁹² There were three proposed report stage amendments for Bill 30 by the NDP on November 7th, 2017. The first report stage amendment was moved by Mr. Maloway and seconded by Ted Marcelino, the NDP MLA for Tyndall Park.⁹³ The amendment added a clause requiring by-laws to include specific safety standards. The safety standards required vehicles to have a protective shield for the driver, a camera that can record audio, a strobe light on top of the vehicle, and a panic button. The amendment required vehicles to be inspected by a certified technician, and that drivers must pass a criminal record check and receive 35 hours of training on topics such as conflict and customer service. There were requirements for drivers display a photo with their name in their cars and for there to be a regulatory mechanism for passengers to make complaints and to have them investigated.

Mr. Maloway commenced debate on the proposed amendment by stating that the government failed to consult with stakeholders and failed to provide the taxi industry a fair playing field. He stated that the government is “dumping the responsibility off to the municipalities, off to the City of Winnipeg, who don’t really know what they’re doing on this file and creating a non-level playing field with Uber who will not have to have any of these requirements that they do now.”⁹⁴ He referenced Australia’s compensation of taxi drivers and explained his dissatisfaction that the government did not hear the remaining registered presenters at the committee stage.⁹⁵ He cited the Manitoba Autopac and Quebec dairy farmer compensation situations as reasons why the government should compensate taxi drivers.⁹⁶

Minister Wharton spoke about how municipalities are capable of making safety regulations for vehicle for hire companies and cited a number

⁹² “How Laws Are Made”, *supra* note 54.

⁹³ Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 80B (7 November 2017) at 3531 (Jim Maloway).

⁹⁴ *Ibid* at 3533.

⁹⁵ *Ibid* at 3534.

⁹⁶ *Ibid* at 3534.

of municipalities that already have created their own by-laws.⁹⁷ He stated that his government used a report that was initiated by the former NDP government to modernize the vehicle for hire industry.⁹⁸ He did not comment about the amendment specifically apart from stating that municipalities will make safety regulations. Hon. Jon Gerrard spoke about the need to modernize the taxi and ride sharing services and that driver safety is crucial.⁹⁹ He stated that even if municipalities will create by-laws, the province is responsible for safety.

Mohinder Saran began his remarks by commenting on the government's lack of consultation with stakeholders.¹⁰⁰ He stated that the government is ignoring immigrant and minority groups who make up the majority of taxicab drivers in the province. Saran commented on the likely increase in the number of people who will depend on government welfare and rent assist because taxi drivers will not be able to make ends meet if the value of their taxi businesses decrease due to Bill 30.¹⁰¹ He stated that many taxi drivers came to Manitoba for a better life and that the government is making their lives much more difficult with the legislation.

The Honourable Steven Fletcher began his remarks by stating that Bill 30 is horrible and cannot be fixed with the amendment.¹⁰² He stated that he supports competition and Uber operating in the province, but that the red tape created by Bill 30 does not make sense. He cited that all 137 of Manitoba's municipalities could create their own regulations, which is a lot of red tape.¹⁰³ He expressed continued concerns for which regulations apply for trips between various municipalities and expects MPI rates to increase significantly because of ride sharing services. He cited concerns about enforcing the municipal regulations and ensuring that adequate accessible

⁹⁷ Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 80B (7 November 2017) at 3534 (Hon. Jeff Wharton).

⁹⁸ *Ibid* at 3535.

⁹⁹ *Ibid*.

¹⁰⁰ Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 80B (7 November 2017) at 3536 (Mohinder Saran).

¹⁰¹ *Ibid* at 3537.

¹⁰² Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 80B (7 November 2017) at 3537 (Hon. Steven Fletcher).

¹⁰³ *Ibid* at 3538.

transportation options are available. He suggested that bill 30 should be pulled and started again from scratch.¹⁰⁴

Flor Marcelino, the NDP MLA for Logan, expressed concerns over a lack of security features in ride sharing service vehicles.¹⁰⁵ She spoke about how significantly members of the taxi industry have contributed to the province, and that it is unfair that they will not receive compensation or have regulations that create a level playing field.¹⁰⁶ Ted Marcelino stated that over 40 taxi drivers and their families live in his constituency and that they are very hard working citizens who would lose their livelihood due to the changes under Bill 30.¹⁰⁷ He spoke of safety concerns and how the provincial government is deflecting and downloading its responsibilities to municipalities.¹⁰⁸ He mentioned concerns about increased costs to municipalities and potential confusion between having both provincial and municipal regulations for the industry.¹⁰⁹ Mr. Marcelino was disappointed in the government for not allowing all presenters to speak at the committee meetings and stated: “And it’s the uncaring attitude that gets to me. It is the uncaring attitude that is really abominable, to say the least.”¹¹⁰

Matt Wiebe, the NDP MLA for Concordia, closed the debate on the first report stage amendment.¹¹¹ He cited driver safety concerns and the fact that the government did not hear from over 100 registered presenters at committee. His comments were interrupted because the time for debate was over. The Speaker put the question to the House as to whether it would adopt the amendment, and a recorded vote followed. The motion to adopt the second amendment was lost on a 17 Yeas and 38 Nays vote.¹¹²

¹⁰⁴ *Ibid* at 3539.

¹⁰⁵ Manitoba, Legislative Assembly, Hansard, 41st Parl, 2nd Sess, Vol LXX No 80B (7 November 2017) at 3539 (Flor Marcelino).

¹⁰⁶ *Ibid* at 3540.

¹⁰⁷ Manitoba, Legislative Assembly, Hansard, 41st Parl, 2nd Sess, Vol LXX No 80B (7 November 2017) at 3540 (Ted Marcelino).

¹⁰⁸ *Ibid*.

¹⁰⁹ *Ibid*.

¹¹⁰ *Ibid* at 3541.

¹¹¹ Manitoba, Legislative Assembly, Hansard, 41st Parl, 2nd Sess, Vol LXX No 80B (7 November 2017) at 3541 (Matt Wiebe).

¹¹² *Ibid* at 3542.

Mr. Maloway introduced the second report stage amendment, which was seconded by Flor Marcelino.¹¹³ The amendment sought to establish a compensation commission for holders of licenses that were issued by the Taxicab Board under the *Taxicab Act*.¹¹⁴ There were provisions requiring a commission to consider the impacts of regulatory taking, expropriation, loss of profits, and loss of goodwill to license holders.¹¹⁵ There was no debate on the amendment, and it went straight to a vote. A recorded vote was requested and, and the motion to adopt the second report stage amended was lost, with 16 Yeas and 38 Nays.¹¹⁶

The third report stage amendment was introduced right after the second amendment by Mr. Maloway and seconded by Mr. Selinger, the former Premier of Manitoba.¹¹⁷ It strikes out clauses 10(3) and 10(5) of Bill 30. Section 10(3) removed the ability for someone whose taxicab license has been cancelled to have a cause of action or remedy can arise, and no compensation or damages could be owed. Section 10(5) stated that no taking, expropriation or injurious affection can occur due to the cancellation of a license. There was no debate on the amendment and it immediately went to a vote. There was a recorded vote, and the motion to adopt the third report stage was lost with a vote of 17 Yeas and 28 Nays.¹¹⁸

E. Concurrence and Third Reading

The third reading of Bill 30 took place on November 9th, 2017. Minister Wharton moved for Bill 30 to be reported on from the Standing Committee on Social and Economic Development and for the bill to be concurred and read for a third time and passed, which was seconded by Minister Clarke.¹¹⁹ Minister Wharton spoke about the need to modernize the taxi industry and the benefits of transferring responsibility of the local transportation

¹¹³ *Manitoba, Legislative Assembly, Hansard*, 41st Parl, 2nd Sess, Vol LXX No 80B (7 November 2017) at 3542 (Jim Maloway).

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid* at 3543.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ *Manitoba, Legislative Assembly, Hansard*, 41st Parl, 2nd Sess, Vol LXX No 82B (9 November 2017) at 3641 (Hon Jeff Wharton).

industry to municipalities. He challenged opposition members' contentions that municipal councilors are not capable of regulating the industry and pointed out that the City of Winnipeg regulates Handi-Transit services among other transport-related services.¹²⁰ He stated that "maintaining the status quo is not the option" and that the system has "maintained static for over 80 years."¹²¹ The bill's coming into force date was February 28th, 2018 to give municipalities time to create vehicle-for-hire by-laws. Minister Wharton recognized the thousands of Manitoba stakeholders who provided feedback about changing the vehicles-for-hire industry.¹²²

Mr. Maloway spoke about his concerns regarding the government's lack of consideration of opposition amendments to Bill 30.¹²³ He reiterated his concerns about safety, compensation, and the loss of livelihood for taxi drivers and their families. He criticized the government's creation of red tape through allowing up to 137 Manitoba municipalities to create vehicle-for-hire by-laws. He criticized the government's different insurance requirements for taxi drivers and ride sharing companies and noted that ride sharing services are given the upper hand, which will potentially destroy small taxi businesses.¹²⁴ Ms. Lamoureux stated that the clause restricting legal action breaches the rights of taxi drivers, that the lack of safety provisions in the legislation poses risks to drivers and passengers, and that the government has not been fair to the taxi drivers who invested their entire livelihoods into their taxi businesses.¹²⁵ She recommended that the government provide compensation to taxi drivers and ensure that ride sharing services have the same standards as taxi cab drivers. She recommended that the government dissolve Bill 30.¹²⁶

Mr. Saran stated that "the taxi service industry is the bread and butter of many Indo-Canadians living in Winnipeg."¹²⁷ He was concerned that the government was enabling Uber to come to the province without investing

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² *Ibid.*

¹²³ *Ibid* at 3642 (Jim Maloway).

¹²⁴ *Ibid* at 3643.

¹²⁵ *Ibid* at 3643-3644 (Cindy Lamoureux).

¹²⁶ *Ibid* at 3644.

¹²⁷ *Ibid* at 3644 (Mohinder Saran).

in their businesses as much as taxi drivers. He suggested that the government should buy back the taxi business owners and make them non-transferrable. He criticized the lack of government consultation with the taxi industry and the lack of government fairness towards taxi drivers.

The motion to adopt Bill 30 on concurrence and third reading was passed with a recorded vote of 36 yeas and 16 nays.¹²⁸

F. Royal Assent

Bill 30 received Royal Assent on November 9th, 2017 and was accepted by Lieutenant Governor Her Honour Janice Filmon.¹²⁹ It came into force and effect on February 28th, 2018.

G. Other Legislative Components: Petitions, Grievances, and Question Period

While not necessary components of the legislative process, petitions, question period questions, and grievances play an important part in legislative debate. Petitions are a means for members of the legislative assembly to identify a concern of Manitobans and suggest a way to solve or remedy the concern.¹³⁰ At least 15 Manitoba residents have to sign a petition in order for it to be read in the House. NDP MLAs read petitions in the House that were related to Bill 30 between April 3, 2017 and November 9, 2017. The petition¹³¹ suggested that the government should withdraw Bill 30.¹³² A minimum of 2,520 signatures would have been collected by the NDP in order to read their 168 petitions in the House.

Grievances allow members of the legislative assembly to speak for 10 minutes about an issue relating to their constituents.¹³³ Mohinder Saran presented a grievance on the 103rd anniversary of Komagatu Maru to

¹²⁸ *Ibid* at 3646.

¹²⁹ *Ibid* at 3661.

¹³⁰ Legislative Assembly of Manitoba, “Fact Sheet No 13: General Petitions”, online (pdf): <gov.mb.ca/legislature/about/faq/fact013.pdf> [<https://perma.cc/F84S-A3DR>].

¹³¹ See, for example, Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 37 (11 April 2017) at 1237 (Flor Marcelino).

¹³² *Ibid*.

¹³³ Legislative Assembly of Manitoba, “Fact Sheet No 3: Legislative Terminology”, online (pdf): <www.gov.mb.ca/legislature/about/faq/fact3.pdf> [perma.cc/J2UX-8J5V].

compare the anniversary to the ways in which Sikh people in Manitoba are being disadvantaged by Bill 30.¹³⁴ Jim Maloway presented a grievance on November 6th, 2017 about how approximately 100 committee presenters were not allowed to present at the committee meeting on Bill 30.¹³⁵

Oral Questions, also known as Question Period, allows for Ministers to be asked questions relating to their portfolios, which is mostly done by opposition members.¹³⁶ 7 sets of questions were asked during Question Period about Bill 30. Jim Maloway asked about committee presenters being denied the chance to present on Bill 30, asked if they will get a chance to speak, and why the government did not extend committee meeting hours.¹³⁷ He also asked about the transition for regulatory changes and lack of consultation with the taxi industry before introducing Bill 30.¹³⁸ Ted Marcelino asked about withdrawing Bill 30.¹³⁹ Bernadette Smith, the NDP MLA for Point Douglas, asked how the government can ensure the safety of Indigenous women, if it will compensate drivers, and if the government will support the opposition's amendments to Bill 30.¹⁴⁰ Cindy Lamoureux asked about why taxi drivers cannot bring legal challenges against the government, how can it justify risking families, and what is it doing to ensure that ride sharing companies follow the same security standards as taxi companies.¹⁴¹

¹³⁴ Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 56B (23 May 2017) at 2357 (Mohinder Saran).

¹³⁵ Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 79 (6 November 2017) at 3476 (Jim Maloway).

¹³⁶ *Hansard* (23 May 2017), *supra* note 134.

¹³⁷ Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 76B (31 October 2017) at 3328 (Jim Maloway).

¹³⁸ Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 29B (21 March 2017) at 853 (Jim Maloway).

¹³⁹ Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 73 (21 March 2017) at 3136 (Ted Marcelino).

¹⁴⁰ Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 67B (5 October 2017) at 2817 (Bernadette Smith).

¹⁴¹ Manitoba, Legislative Assembly, *Hansard*, 41st Parl, 2nd Sess, Vol LXX No 73 (25 October 2017) at 3133 (Cindy Lamoureux).

V. ANALYSIS

In order to determine whether Bill 30 is an effective piece of legislation, the areas of safety, consultation, compensation, and a fair or level playing field will be assessed. These areas were discussed at significant length throughout the legislative process. It is the authors opinion, that in order for Bill 30 to be an effective piece of legislation, it should appropriately address these four areas, which involves creating sound provisions within the legislation that consider the public interest and stakeholder interests. Unfortunately, the provincial government did a poor job of addressing these areas, and therefore suggestions will be raised in which Bill 30 could have been more effective.

A. Safety

Bill 30 does not contain specific provisions on safety requirements. It simply states that the municipalities can establish a Vehicles for Hire Commission that makes recommendations about public safety, protection for consumers, and matters relating to those working in the industry. The word safety only comes up once in the bill. The Manitoba Government's approach to regulating the vehicles for hire industry has been to delegate practically all decision-making power to the municipalities. This approach is not ideal because there are key areas that the province could regulate in order to ensure that certain safety requirements are met by local vehicle for hire companies and drivers regardless of which municipality they operate in.

While the province requires all taxi drivers to pass a criminal record check every four years and child abuse registry every two in order to provide services, these checks should be done on a more frequent basis. There should also be required safety features for vehicles, although they may differ between taxis and cars used by ride sharing companies. All taxis should continue to be required to have basic safety features such as safety shields, panic buttons, and exterior emergency lights like they did before Bill 30 was introduced. While it may be difficult to require ride sharing service cars to have safety shields, they could have panic buttons and other safety features that are less visible for drivers who use their cars for business and personal purposes. Mandating a province-wide set of safety standards demonstrates that there are minimal standards required for vehicles for hire, which can protect both drivers and passengers. By leaving safety standards to be

determined by the various municipalities, there may be issues with nuanced details that municipalities expect from drivers, which may result in a lack of adherence to the provisions by drivers working in various municipalities and difficulty in policing them.

Having a uniform set of minimal safety standards ensures consistency, and the NDP report stage amendment that suggested that there be certain safety standards should have been adopted at least in part. The mandatory shields would likely be difficult to enforce in ride sharing company vehicles used for business and personal purposes, so there could be a requirement for taxis and full-time cars that are insured for business purposes to be required to have them. The recommended driver training in the NDP's safety amendment are very appropriate, and it is the authors opinion that the province should mandate driver training because issues of general safety and conflict de-escalation are very important and relevant across the entire province.

Alberta has a similar vehicle for hire regulation model to Manitoba in that municipalities are responsible for making their own regulations. Alberta also has additional provincial regulations related to safety. The provincial regulations require drivers to go through a police information check and vulnerable sector screen.¹⁴² A medical fitness check is required for drivers and their cars must have commercial vehicle registration plates.¹⁴³ While the regulations do not cover specifics about safety requirements for vehicles, they include a police registry check requirement, which is important. Safety appeared to be one of the largest concerns for taxi drivers and the opposition in relation to Bill 30. The government did express that safety is a priority, although this is not shown in Bill 30. The government had the opportunity to place provisions with a floor of safety standards that should be met by the vehicles for hire industry, and its reluctance to consider the opposition's report stage amendment on safety questions how much of a priority it is to the government and its view of safety as a public interest issue.

B. Consultation

Since elected representatives serve to make decisions in government based on the best interests of the electorate, consultation is an essential

¹⁴² Alberta Transportation, "Ride for Hire Services", online: <transportation.alberta.ca/rideforhire.htm> [perma.cc/X7C7-N7J8].

¹⁴³ *Ibid.*

component of democracy. It helps to ensure that elected representatives are informed of the interests of voters and represent those interests. When introducing legislation, effective consultation includes listening to stakeholders, individuals, opposition parties, and looking at similar legislation in other provinces and countries. In my view, effective consultation involves seeking out and listening to the opinions of others and being receptive to making changes to legislation based on legitimate concerns and recommendations. There was a general lack of effective consultation with Bill 30.

Regarding the consultation of stakeholders when formulating Bill 30, there were many claims from members of the public and opposition parties that the provincial government did not adequately consult with Manitobans. During the committee stage presentations, 20 presenters stated they felt that they had not been consulted, and the majority of them were taxi drivers. By not adopting any of the NDP's report stage amendments, it appeared they were not being listened to. Of the three NDP report stage amendments, only was one debated due to time constraints, and all three of them were discussed and voted on in about three hours. This is very fast for any stage of the legislative process and demonstrated the provincial government's indifference to the opposition's amendments for Bill 30 despite their relevance. Throughout Hansard, Minister Clarke and Minister Wharton claimed that members of the vehicles for hire industry were consulted, but were not able to list who they consulted with.

It appears that the illusion of a lack of consultation was due to the fact that the provincial government used online submissions through the MNP report consultation process as their form of consultation with the public. The MNP consultation process received over 10,000 submissions from Manitobans, including 675 taxi drivers. The provincial government did not appear to clearly communicate that it was relying on the MNP report recommendations to reflect the feedback from the public. Bill 30 only reflected a few recommendations from the MNP report, such as reviewing the regulatory structure for taxis and allowing ride sharing services to enter the market. The bill ignored the majority of the report's recommendations, such as mandating safety and security requirements, publishing a customer and driver "bill of rights," discontinuing seasonal licences, phasing out licence transferability, and establishing a fare cost index. The government did not necessarily need to implement many of the report's recommendations since many of them involve the creation of regulations,

which is now up to municipalities. While the government created a means to hear from thousands of members of the public about taxi services through the MNP report consultation process, it failed to demonstrate that it actively considered the interests of those who were consulted. By not implementing the majority of the MNP report's recommendations, the government created the impression that it did not hear the people who were consulted because it did not act on their concerns.

The main area of concern regarding the lack of consultation relates to the government's lack of allowing all presenters to present during the committee stage. Over 267 people signed up to present at the committee for Bill 30 but only 142 people were given the opportunity to present. In order to sign up to present at the committee, individuals have to contact the Manitoba Legislative Assembly Clerk's Office. The government is informed of the number of registered speakers so that it can schedule committee meeting dates and sitting times accordingly. While the number of registered committee presenters ranges for various bills, the Manitoba Legislature has had presenters in similar volumes to Bill 30 before. Two examples of bills that received extremely high committee meeting attendance and presentation registrants for were Bill 18 and Bill 20 in the 2013 summer session at the Manitoba Legislature, where a PST increase and the allowance gay straight alliances in all schools were discussed.¹⁴⁴ All of the presenters who had signed up to present on bills 18 and 20 were given the opportunity to present. The committee meetings for these bills were held over various days and late into the night to accommodate all of the presenters.

The provincial government should have better planned its committee meeting times. Most importantly, it should have added more committee meeting dates to accommodate the number of registered speakers. It could have considered lowering presentation and question period times to accommodate more speakers. Lowering the presentation times to 5 minutes or the question period to 2 minutes could have helped to ensure that more speakers could present. The government could have allowed people to take time, such as up to a week, to submit a written presentation rather than present an oral one to allow all registrants to present their views. The

¹⁴⁴ "Winnipeg Mayor Pans PST Hike at Public Hearing" CBC News (2 July 2013), online: <cbc.ca/news/canada/manitoba/winnipeg-mayor-pans-pst-hike-at-public-hearing-1.1399168> [perma.cc/6CPR-QKPC].; "Bill 18 Opponents, Supporters Speak at 1st Public Hearing" CBC News (4 September 2013), online: <cbc.ca/news/canada/manitoba/bill-18-opponents-supporters-speak-at-1st-public-hearing-1.1388270> [perma.cc/LCT34H63].

government could have also considered running the committee in two separate rooms and allow for two sets of presentations to be heard at the same time by different members from the government and opposition parties, although it does not appear that this has been done before.

The government's lack of initiative to accommodate all of the committee meeting speakers demonstrated that consultation was not truly a major priority for Bill 30. Considering that the vast majority of committee meeting presenters were against the bill and wanted it to be retracted, the government may have chosen to limit presentations because of the critical opinions that were being presented. The government denied 142 individuals of their primary opportunity to interact with legislators directly throughout the legislative process. While the provincial government should be given credit for its online consultation process where it received 10,000 submissions regarding ride sharing services, the denial of presentation opportunities to members of the public during the committee stage is very disappointing.

The lack of full consultation may have affected the outcome of the bill because it is not known whether what someone could have said in committee could have convinced the government to make changes to Bill 30. Considering that Bill 30 was so highly criticized, there was probably little that could have said to convince the government to amend the bill by the committee stage because it would then require the government to admit fault on key areas with the bill, such as safety and compensation. While the government can claim that it listened to some of the concerns of Manitobans, it did not act on the MNP report's recommendations based on extensive public consultation, demonstrating the difference between simply listening to concerns and hearing what is being said and acting to create change. Overall, the provincial government failed at effective consultation with Bill 30.

C. Compensation

Compensation appeared to be the most controversial issue pertaining to Bill 30. This is because one of the expected repercussions of the bill is a decrease in the value of taxi business licences. In Manitoba, taxi drivers have spent as much as around \$400,000 to \$500,000 on business licences to operate taxis. Since Bill 30 allows for ride sharing services to operate in Manitoba, it is anticipated that it will be difficult for taxi drivers to sell their business licenses for the full value when individuals who want to provide

ride sharing services can simply join a company like Uber or TappCar and not pay for a business licence. In other provinces such as Ontario, Quebec, and British Columbia where ride sharing companies operate, taxi business licenses have decreased in value by as much as around 60 percent.¹⁴⁵ This means that some licence holders who sell their licences are losing as much as approximately \$300,000 depending on the province. Taxi business licence holders in Manitoba are therefore, justified in feeling that they will lose significant value in their business licences based on what is occurring in other Canadian provinces and that they should be compensated by the Manitoba Government.

The Manitoba Government appeared to not be concerned about compensating taxi drivers whatsoever. In committee, comments were made by Progressive Conservative MLAs that taxi drivers should face the reality that many businesses face when the value of an investment changes and that the introduction of competition to an industry does not warrant government compensation. On the other hand, the NDP strongly suggested that taxi drivers get compensated for the lowered value of their business licences. The NDP suggested an amendment to Bill 30 that would establish a compensation commission, but did not provide suggestions on how much it expected the government to possibly spend on compensating taxi business licence holders.

The NDP referenced the government compensation scheme that was set up in Australia for taxi drivers whose business licences decreased in value when ride sharing services were introduced through legislation. In the state of Victoria, Australia, the government announced that it would compensate drivers with \$378 million Australian dollars.¹⁴⁶ Other Australian states have

¹⁴⁵ Jason Magder, "Taxi Industry Blames Uber as Quebec Taxi Permits Show Sharp Drop in Value", *Montreal Gazette* (13 June 2017), online: <montrealgazette.com/news/local-news/taxi-values-declined-by-tens-of-thousands-in-region> [perma.cc/WT3Y-2BF2]; Patrick Cain, "Toronto Taxi Licence Prices are Plummeting. Is Uber to Blame?", *Global News* (22 January 2015), online: <globalnews.ca/news/1780260/toronto-taxi-licence-prices-are-plummeting-is-uber-to-blame/> [perma.cc/Y8DD-2MDJ]; Jon Woodward, "Uber Concerns Slash Taxi Industry Share Value in Vancouver", *CTV News Vancouver* (11 December 2015), online: <bc.ctvnews.ca/uber-concerns-slash-taxi-industry-share-value-in-vancouver-1.2697647> [perma.cc/4XGG-PHTD].

¹⁴⁶ Paul Colgan, "If Australian Taxi Drivers are Getting Millions in 'Disruption Compensation', Here are Other Handouts to Consider", *Business Insider Australia* (24 August 2016), online: <businessinsider.com.au/victoria-taxi-industry-compensation-

provided compensation packages varying from \$27.5 million to \$100 million Australian dollars.¹⁴⁷ To fund the compensation amounts, the states have implemented vehicle for hire fare surcharges.¹⁴⁸ The compensation scheme for taxi drivers is a good initiative in theory, but in practice, the users of vehicle for hire services pay for the compensation packages. On one hand this is a means of offloading responsibility for paying for the compensation costs to consumers of services. If a government's legislation negatively impacts taxi drivers, it should fall upon the government to compensate the affected groups. On the other hand, if the government were to spend budget money on compensation packages, it would mean that taxpayer dollars would be used to compensate taxi drivers, and less tax dollars would be spent on providing services to all citizens of the province. Nonetheless, some sort of compensation scheme for taxi drivers appears to be a fair response to the impacts on the taxi business licenses.

If the Manitoba Government were to compensate taxi drivers for the decreased value of their business licences, the whole value that was lost should not be entirely covered. Taxi business licenses can fluctuate for many reasons such as increased competition and economy fluctuations, which the government should not have to compensate for. The government could assume responsibility for a percentage of the decreased licence value for each holder, even if it were as little as 10 or 20 percent. There are many ways to compensate licence holders including providing decreased insurance rates, specialized tax benefits, and fare surcharges collected by ride sharing service transactions. The provincial government could pay business licence holders for the value of their licences and establish a system where it owns and transfers the licences when the holder changes, although that would be a costly and complicated scheme that would not likely occur. A one-time payment to taxi drivers for their business licences may be a more realistic means of providing compensation. The fact that the Manitoba Government prevented the possibility of lawsuits related to losses is a very unfortunate and restrictive move that is not fair to taxi business licence holders. The changes that were brought upon the taxi industry were sudden and leave business licence holders without options for compensation.

for-uber-2016-8> [perma.cc/27ZN-8ADF].

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*

The NDP spent much of their time in debates referencing situations where governments have compensated groups when there were significant legislative changes that impacted entire industries. They referenced when car insurance became public and Manitoba Public Insurance (MPI) was established as a crown corporation in 1971.¹⁴⁹ When MPI was established, insurance brokers were given compensation packages or the option of working as agents within the public system.¹⁵⁰ Additionally, the NDP referenced the \$350 million in compensation that the Canadian federal government provided to dairy farmers in 2016 after Canada signed a trade agreement with the European Union.¹⁵¹

While these are good examples of governments providing compensation to sectors affected by legislative and trade deal schemes, there are some notable distinctions to be made between them and the taxi service industry. There are notable differences between the taxi business licencing scheme, car insurance, and dairy products. Firstly, the first two sectors relate to an industry that provides customer service with a product (insurance), while the dairy sector involves just a product. Secondly, there are alternative business options to obtaining a specific taxi business licence to provide vehicle for hire services, while there is only one means in Manitoba to get car insurance¹⁵² and there is one federal dairy marketing board.¹⁵³ Lastly, the compensation schemes for the insurance and dairy industries were not focused on compensation alone. The insurance brokers compensation scheme included an option for insurance providers to operate their own branches under the public system. Compensation was also provided due to the loss of an opportunity to pursue the same work if they did not join the

¹⁴⁹ Daniel Blaikie, “Manitoba History: The Origins of Autopac: An Essay on the Possibility of Social Democratic Government in Manitoba”, Manitoba Historical Society (October 2008), online: <mhs.mb.ca/docs/mb_history/59/autopac.shtml> [perma.cc/8FDP-WAKR].

¹⁵⁰ *Ibid.*

¹⁵¹ Janyce McGregor, “\$350M Dairy Programs to Help Farmers, Processors Compete Under Canada-EU Trade Deal”, CBC News (10 November 2016), online: <cbc.ca/news/politics/dairy-compensation-announcement-ceta-thursday-1.3845003> [perma.cc/XD66-RR4D].

¹⁵² Manitoba Public Insurance, “About Us”, online: <mpi.mb.ca/en/About-Us/Pages/about.aspx> [perma.cc/XJ4M-RCQ3].

¹⁵³ Canadian Dairy Commission, “Home” (2 May 2017), online: <cdc-ccl.gc.ca/CDC/index-eng.php> [perma.cc/N4YH-JCN2].

public insurance system. For the dairy farmers, compensation was provided to upgrade farm technologies and to modernize dairy processing operations, which is completely different than providing individual compensation packages.¹⁵⁴ The distinctions between the taxi business licence, car insurance, and dairy industries demonstrate that differences between the product and service provided, the alternative business options, and the purpose of the compensation suggest that there is no one size fits all compensation scheme, and that what worked for the car insurance and dairy industries may not be applicable to taxi business licence holders.

The provincial government expressed no indication that it would compensate taxi business licence holders for the decreased value of their licences. The opposition presented a compensation option that occurred in Australia as a comparative model that the Manitoba Government rejected. There are several ways in which compensation can be provided, although no Canadian provinces that have adopted vehicle for hire legislation have provided taxi drivers any form of compensation. The opposition's comparison of taxi drivers to the car insurance and dairy industries that received compensation is flawed because there are key differences between the industries. This makes it difficult to justify compensating taxi drivers based on these comparative examples alone. I submit that some kind of compensation should be provided to taxi business licence holders and it is unfair to the taxi licence holders that legal action against the provincial government for losses induced by Bill 30 is barred.

D. Level or Fair Playing Field

The last main area of analysis pertaining to Bill 30 relates to whether it allows for a level or fair playing field between taxi drivers and ride sharing service companies and drivers. Additional considerations should be made to the regulatory responsibilities that have been delegated to municipalities by the province and whether this is fair. Throughout the entirety of the committee stage, taxi drivers mentioned that Bill 30 creates an uneven playing field between taxi drivers and ride sharing company drivers. Some of the reasons for the unfair playing field included lowered value in taxi business licences due to the introduction of ride sharing services to the vehicles for hire market, current safety requirements for taxis that do not apply to ride sharing service cars, and lower cost insurance options for ride sharing services that are not available to taxi companies.

¹⁵⁴ McGregor, *supra* note 151.

The taxis drivers' frustration with the decreased value of their business licences should be directed at the government rather than ride sharing services because the government is allowing ride sharing services to enter the Manitoba market. Regarding regulations, it does seem to be unfair that taxis may be subject to different safety regulations than ride sharing service vehicles, especially if many ride sharing service vehicles are operated for personal and business use. Taxi drivers should see their unique safety requirements as a means of providing better quality services to customers, but there may be cost inequities between them and ride sharing service drivers. Regarding differences in insurance costs, taxi drivers should have been offered insurance or other cost benefits to compensate for the lower costs that ride sharing service companies pay. Currently, full time taxi drivers pay around \$10,000 in car insurance per year, while full time ride sharing service drivers will be required to pay around \$2,500 per year.¹⁵⁵ The government could have lowered insurance rates for taxi drivers to level costs. It appears that taxi drivers are being expected to compete with ride sharing services despite an unfair playing field, and the province could have chosen to make insurance costs more reasonable for taxi drivers.

The other area where Bill 30 creates an unfair playing field is between the province and the municipalities. The province delegated significant responsibilities to municipalities by requiring them to create and enforce vehicles for hire regulations. Not only are there costs of creating the regulations and ensuring compliance, there are additional costs with administering the regulations and provisions within them. The province did not suggest that municipalities will receive funding or other types of support to implement these regulations, and municipalities such as the City of Winnipeg have expressed frustration with insufficient provincial funding.¹⁵⁶ While Manitoba's approach to delegating the creation of all ride sharing regulations to municipalities is in line with what other provinces are doing, funding and other supports could have been made available to ensure that

¹⁵⁵ Elisha Dacey, "Uber Drivers Could Pay \$1,000s Less than Cabbies for Insurance, MPI Says", *CBC News* (20 December 2017), online: <cbc.ca/news/canada/manitoba/uber-drivers-four-times-less-insurance-1.4458031> [perma.cc/S2G7-TCT6].

¹⁵⁶ Bartley Kives, "Provincial Budget Does No Re-Election Favours for Winnipeg's Mayor", *CBC News* (13 March 2018), online: <cbc.ca/news/canada/manitoba/winnipeg-manitoba-bowman-friesen-funding-1.4574877> [perma.ca/VP24-23ZF].

municipalities can properly and safely administer vehicles for hire regulations.

Of greater concern is the significant increase in red tape that occurs by requiring municipalities to create their own vehicles for hire by-laws and regulations. Rather than having one set of regulations at the provincial level, there will now be provincial legislation and individual municipal by-laws and regulations for vehicles for hire. This complicates the process of finding out what regulations drivers have to abide by and requires municipalities to create what will likely be redundant and/or nuanced differences in regulations.

The City of Winnipeg created a 48-page long by-law for vehicles for hire. Several municipalities have created similar by-laws similar in length of their own. Drivers who provide services in multiple municipalities, such as in rural Manitoba, will have to be aware of the by-laws of the various municipalities that they operate in. Having one provincial set of by-laws, at least for significant issues such as safety and driver requirements, would provide more uniformity and clarity as to what is required of vehicles for hire service providers. There could have been greater detail in Bill 30 on requirements for vehicles for hire services on matters that apply across the province to allow for municipalities to focus on by-law provisions that are unique to them.

Considering that the Manitoba Government is committed to reducing red tape across the province,¹⁵⁷ it is hypocritical for them to create so much red tape under Bill 30. While the creation of red tape was likely inevitable since municipalities should be able to make their own vehicles for hire by-laws, the government has shown inconsistency with its priority of reducing red tape. By not providing any indication of support for municipalities and their delegated task of regulating vehicles for hire services, the province has created less of a level playing field in terms of how responsibility is divided between the two levels of government. Under Bill 30, the government has not provided a level or fair playing field to the taxi drivers or the various municipalities in which vehicle's for hire will operate in.

¹⁵⁷ Government of Manitoba, News Release, "Manitoba Government Announces Co-Chairs to Lead Red Tape Reduction Task Force" (6 December 2016), online: <news.gov.mb.ca/news/index.html?item=40070> [perma.cc/H8YG-P797]; Bryce Hoyer, "Manitoba Government Vows to Slash Red Tape", *CBC News* (23 January 2017), online: <cbc.ca/news/canada/manitoba/pallister-red-tape-manitoba-1.3948399> [perma.cc/L3LC-83BE].

VI. CONCLUSION

Overall, Bill 30 was a highly controversial piece of legislation that drastically changed vehicles for hire services in Manitoba. As ride sharing services continue to grow and expand across Manitoba and Canada, provinces will need to continue to properly regulate the industry to ensure compliance and safety for both drivers and passengers. This paper provided an overview of the state of ride sharing services in Canada and outlined how ride sharing services have entered Manitoba and changed the nature of the vehicles for hire industry significantly over a short period of about a year. The legislative process for Bill 30 was described and analyzed in great detail. Bill 30 is flawed because the provincial government failed to adequately address legitimate concerns related the areas of safety, consultation, compensation, and creating a fair level playing field between taxi drivers and vehicle for hire drivers. A number of suggestions have been made to enhance Bill 30. While the legislation can be amended to be more effective, I predict that many key aspects of the legislation will remain intact.