

## 第一步驟：說明問題

### 壹、研究問題：

經濟型態的轉變和網路影響當今臺灣社會，共享經濟衝擊了許多既有產業的經營模式，針對共享經濟來臨對運輸產業的革新，一方面雖提高民眾生活便利性，另一方面卻瓜分了傳統交通運輸產業的市場。在計程車客運業長久以來的空車率問題尚未解決之際，又面臨網路運輸服務業勢不可擋的進入市場，若不及時研擬改革配套措施，將使市場問題更加嚴重，並因為問題隨時間擴大而產生債留子孫的問題。

共享經濟利用閒置資源發揮經濟效益，改變臺灣許多行業的既有生態，惟當共享經濟以企業獨立經營時，除了衝擊相關產業，也牴觸既有法規，政府應重新檢視既有管制產業存在之必要。西元 2017 年 2 月 10 日逾 300 台 Uber 車包圍交通部向政府表達其訴求[1]，另一方面，計程車客運業者也積極抗爭尋求工作權益的保障，計程車長久以來存在高空車率問題，而 Uber 的出現，造成人民交通方式的改變，讓這失衡的運輸產業天秤更加動搖。

### 貳、問題之公眾性：

Uber 現為非法產業且當過多的車輛進入市場會造成空車率提升，導致資源浪費。除了影響人民交通方式，也衝擊臺灣計程車產業。計程車自身和相關產業之工作權益保障及營利規範本由政府所訂定，因此理當由政府從中協調維持民生安全和產業秩序，使其具有合法性及正當性。

計程車屬於副大眾運輸，特性介於大眾運輸與私人載具之間，由於無固定路線及班次，可彌補大眾運輸路網之不足。政府本應保障人民享有完善且安全之運輸系統，促進永續發展，並解決都市交通問題[2]。

### 參、政府對策：

#### 一、對策：

交通部因 Uber 司機違法營業與 Uber 司機對簿公堂並勝訴。交通部已研擬修改《自用車違規營業裁罰基準》，嚴格執行吊銷牌照，並陸續開罰，總計超過 12 億元[3]。

#### 二、民眾看法：

(一) 認為政府開罰是正確的，政府可訂立法案讓 Uber 可以在道路上合法行駛，若 Uber 不願意遵守就應離開。

(二) Uber 的便利及低廉價格能惠及人民，政府應擁抱創新對 Uber 設立專法，而不是強迫其接受現有的法規。

(三) 政府和 Uber 應該各退一步坐下來好好協商，共享經濟對社會是好的，不應該因為意見不合就拒絕溝通。(參附件一、二)

### 肆、各方意見：

#### 一、計程車客運業者：

(一) 立場：多數反對 Uber 在臺灣違法營業，因其客源受到排擠，且該行業為管制事業卻有人可以不受管制而營業[4]；少數認為如在一樣的條件，基於市場自由應該支持，另有如偏鄉計程車客運業者認為不會被 Uber 取代[5]。

(二) 為何關心此政策：因為客源重疊，Uber 若在臺灣營業，首當其衝的即是計程車客運業者。

(三) 立場優缺點：

1. 優點：因為處在和 Uber 對立方，所以其提出的觀點讓政府及

一般大眾不會被共享經濟的優點魅惑，重新反思整體利弊。

2. 缺點：因為實質衝擊其產業，故難能客觀，且有可能為反對而反對，抵制創新造成產業無法提升水準。

(四) 如何影響政府：參與政府會議、投書媒體、上街抗議、開記者會。

## 二、Uber 司機：

(一) 立場：希望 Uber 能繼續在臺灣營業，因為可以利用空閒時間創造額外收入，要求另立專法而走上街頭抗議[6]。

(二) 為何關心此政策：政府認定 Uber 是否可營業將影響其生計。

(三) 立場優缺點：

1. 優點：落實共享經濟、使消費者有更舒適的乘車經驗、讓政府及大眾反思對既有管制行業的必要性以及是否合乎比例原則。

2. 缺點：衝撞現有體制，破壞既有法規，且難能客觀。

(四) 如何影響政府：上街抗議、與政府對談、連署、開記者會。

## 三、一般民眾：

(一) 立場：部分支持 Uber[7]，部分反對[8]。

(二) 為何關心此政策：一方面想要以優惠的價格享受到優質的服務，另一方面又對網路運輸業產生安全上的疑慮，想要了解此種運輸服務是否可以繼續存在。又現今計程車的品質不一，造成民眾搭乘時有不良之體驗，政府亦應加以改善。

(三) 立場優缺點：

1. 優點：以消費者表達多數人民的意見較具有公眾性及客觀性。

2. 缺點：容易受到價格的影響，而忽略背後社會成本的多寡。

(四) 如何影響政府：支持 Uber 營業者聲援 Uber 司機或參與其連署或以輿論影響政策。

## 四、學者：

(一) 立場：沒有特定支持或反對 Uber，而是試著更深入的切入此議題，看背後的問題與利弊[9,10,11,12]。

(二) 為何關心此政策：學術研究、關心這個社會。

(三) 立場優缺點：

1. 優點：比較客觀，沒有直接利益衝突引發先入為主的觀點。

2. 缺點：未必能真正貼近實務，有可能和主流民意相歧。

(四) 如何影響政府：寫文章投書媒體、協助政策分析與制定。

## 伍、專責機關：

一、行政院交通部：交通部主管車輛的法規範，以既有法規範而言係以行政院交通部主管負責包括全國計程車管理法令及其相關子法，涵蓋計程車客運業之設立、營運監督、核發職業駕駛執照、車輛設備管理、營業區劃分等事項。

二、立法院：應儘速修法（《汽車運輸業管理規則》、《營業稅法》）。

## 陸、政府因應方式：

政府推行《多元化計程車方案》，似可解決此議題，然實質上該法案僅處理表面上的問題。因《多元化計程車方案》僅朝向計程車單一產業做出相關規範，提供民眾多元選擇，並無實質對共享經濟的全體根本發展跟精神做出一套具體規範，故我方希望能根本解決 Uber 爭議及計程車客運業長久以來存在的弊端。

## 第二步驟：檢視得以解決問題的各项可行政策

### 壹、我國——多元化計程車方案

#### 一、政策內容：

修改《汽車運輸業管理規則》的部分條文，多元化計程車司機同現有計程車司機需具備「小客車職業駕照」及「計程車駕駛人執業登記證」，該方案讓非漆成計程車限定顏色且無安裝車頂燈的車輛也可以載客，行駛車輛的年份及里程數也由業者自行公告，同時，以網路為基礎僅供線上叫車，不可路邊攬客，費率部分在各地主管機關的運價範圍內由業者自行決定，收費方式暫以現金及電子支付，後期則朝向僅以電子支付方式。（參附件三、四）

#### 二、提出這個政策的團體：我國行政院

#### 三、此政策優缺點：

##### (一) 優點：

##### 1. 提升計程車業競爭力：

因為此政策增加司機品質管理，同時讓消費者可預先得到乘車品質相關訊息，由於市場資訊更透明，能解決過去消費者和計程車客運業者資訊不對等的問題，間接促進計程車客運業者提升其品質，和落實計程車分級。

##### 2. 節省時間：

在此政策下若全面電子付費，可節省找零時間。

##### 3. 因應電子支付消費方式：

我國在電子商務以及第三方支付並無如他國落實的徹底，若能在計程車業改革的同時加入電子付費的型態，能夠更因應這個科技化的時代。

##### 4. 費率：

此政策下所有計程車皆須加裝計費表，相較過往 Uber 的消費者而言較有保障。此外費率也依品質而彈性變動，欲搭乘較舒適計程車的乘客能多花一些錢選擇車輛，司機也可以因為提供較好的車和服務獲得相應的報酬。

##### 5. 車體外表不受限制：

不似傳統計程車限定漆成臺灣區塗料油漆工會塗料色卡編號 1 之 18 號純黃顏色，省去改裝成本。可使用自家車，不受外觀限制。

##### (二) 缺點：

1. 費率：要求不可低於計程車費率，形同價格受到管制。

2. 脫離共享經濟的本質。

3. 據民調表單目前網路運輸業者並不願投入此方案，代表此方案無法達到希望能實施共享經濟之效用，限制過多使此方案窒礙難行。

4. 申請過程繁瑣，影響申請意願。

##### (三) 可能支持或反對此政策的團體[13,14,15]：

1. 支持：部分計程車車隊業者、部分民眾。

2. 反對：Uber 司機、部分民眾。

### 貳、TNC(Transportation Network Company)加州交通網絡創新法案

#### 一、政策內容：

制定針對網路運輸業者的網路平台之監管規範，視同承認 Uber、Lyft 等網路運輸業者服務的合法性，將網路運輸業者明確界定為一種新型的租車型態，主要規範如：網路運輸業者只被允許網路預約叫車，不允許隨機攬客，也不屬於非營利性共乘。私家車只要符合監管要求後即可合法服務；此法要求的是網路平台公司向監管機構申請政府許可，而非要求接觸網約平台的私家車和其司機申請許可。另外，政府對車輛和司機設置標準、責任保險要求和營運要求等，並要求網路平台承擔管理車輛和審核司機以及日常監管的責任。(參附件五、六)

#### 二、提出這個政策的團體：美國加利福尼亞州公共事業委員會(CPUC)

#### 三、此政策優缺點：

##### (一) 優點：

1. 落實共享經濟，有效應用閒置資源。
2. 支持相關類型新創產業發展。
3. 對平台有明確的責任規範。避免民眾與司機業者發生糾紛時責任界定不明確，求償無門。
4. 規定須保責任險。
5. 網路運輸業營利納入稅收，增加政府財源。

##### (二) 缺點：

1. 法案僅管理平台公司，對於是否能有效監管司機存有疑慮。
2. 衝擊計程車業，壓縮原計程車業的客群。

##### (三) 可能支持或反對此政策的團體：

1. 支持：Uber 司機、原本搭 Uber 的民眾。
2. 反對：計程車客運業者。

#### 參、限制計程車牌照

#### 一、政策內容：

2009 年 12 月 16 日起，舊金山市交通局(San Francisco Municipal Transportation Agency, SFMTA)不再添加人選至申請牌照的等待名單，直到該名單清空。依照舊金山交通運輸法第 1115 條(San Francisco transportation code, section 1115)，SFMTA 以一年為週期，每年召開公聽會檢視是否限制牌照發放。另依照第 1116 條，計程車牌照可以轉售，轉售價一律為 20 萬美金。(參附件七)

#### 二、提出這個政策的團體：美國加利福尼亞州舊金山市交通局(SFMTA)

#### 三、此政策優缺點：

##### (一) 優點：

1. 能降低總牌照數，有效減少空車率。
2. 對現存計程車客運業者無重大衝擊。

##### (二) 缺點：

1. 牌照金額過高，恐無法適合我國國情。
2. 增加進入市場之門檻。
3. 影響有意投入計程車客運業的人。

##### (三) 可能支持或反對此政策的團體：

1. 支持：計程車客運業者。(參附件八、九)
2. 反對：欲進入計程車市場者。



### 第三步驟：提出我方公共政策議案(我方政策)

#### 壹、我們認為解決這個問題最好的政策：

##### 一、緒論

參考外國法制，多數國家與我國相同皆將計程車業列為管制行業，無論是針對計程車駕駛人執業登記做管制、對駕駛車輛限制或是牌照數量管制皆有[16]，可知計程車作為管制行業在各國的普遍性和必要性。因此在討論是否因應 Uber 進入臺灣市場而欲放寬小客車運輸業之執業資格時，仍應考量此等運輸業之特殊性及對大眾安全之保障。

再者，有鑒於我國目前計程車業已飽和，以大臺北地區為例：近十年計程車空車率平均超過 65%、最高更可達 80%[17]，若再將網路運輸服務業合法化，勢必會使目前道路上的空車增多，製造更多污染。我們認為，政府雖不應該守舊地禁止網路運輸服務業，但亦不應為因應網路時代的來臨而草率開放網路運輸服務業，從根本解決關於計程車業長久以來存在的空車率高及品質不一等問題才是最佳解決之道。

鑒於時空變化及產業發展影響政策，未來網路運輸計程車業可能逐漸取代個體計程車客運業者，而需要一軌制的管制。然現今我們認為一軌制將會破壞既有市場故不適宜，故我方提出政策以短期為主。

##### 二、我方政策

將現有的計程車與網路運輸服務業共同納管，並以「雙軌制」管理。我方政策細部規則分述如下：

##### (一) 計程車客運業：

##### 1. 營運方式：

除了既有的電話叫車、路邊攬客外，也可選擇加入網路運輸服務業的平台，接受網路叫車。

##### 2. 車齡：十年以下，超過即淘汰。

##### 3. 牌照數量管制：

(1) 考核制度提高：提高計程車考核難度，間接管制牌照數量。

(2) 新發放牌照的標準：參考外國法制「汰舊暫不補」的方式逐漸降低牌照數量，直到該產業供需趨於平衡，然考量我國民情，並不考慮以高額的價格控管牌照轉售制度。

##### 4. 駕駛資格：

(1) 年齡：維持現有 68 歲，而非政府擬調整至 70 歲。

(2) 身體健康檢查：四十歲以下者，每三年換證時須要健康檢查確認可安全行車、四十至六十歲者，需每兩年健康檢查、六十歲以上者每年需檢查一次。

##### 5. 改採人車合一形式：

臺灣目前制度為人車分離，其缺點在於民眾若欲成為計程車從業人員，需要面對各種不同的窗口才能完成計程車相關業務。且車隊管理產生法令漏洞（參附件十）。故我方政策下認為應改成人車合一的形式，並在交通部下設專責負責機關。

##### (二) 網路運輸服務業：

##### 1. 營運方式：僅能網路叫車，不得路邊攬客。

##### 2. 管制方式：

除了司機都必須通過考試取得一定的資格並註冊列管、車

齡有一定限制和單日營業時間上限，其他關於價格或是公告內容都由平台管制，政府直接管制的是平台，而非司機。即我方政策下，針對網路運輸服務業（例如：Uber）將制定 TNC 相關法規，進行規範。

3. 駕駛資格：

- (1) 身體狀況：四十歲以下者，每三年換證時須要健康檢查確認可安全行車；四十至六十歲者，需每兩年健康檢查；六十歲以上者每年需檢查一次。（強制檢查但不給予補助）
- (2) 不可有特定犯罪相關紀錄（比照計程車司機）。

4. 責任歸屬：

將事件發生之責任歸屬法律明定由平台和司機連帶負責。

5. 保險規定：

強制規定投保第三責任險，給予乘客最完整的保障。

6. 時數上限：

為了避免專職司機影響計程車業，故再進一步研擬後，將訂定每日營業時數，由平台系統計算每日載客時數。若超過立即停權，但如在載客期間達到當日時數上限，為保障消費者權益，仍可繼續營業至該趟服務結束，之後立即停權，無法再利用平台接客，且於隔日扣減超過之時數。

7. 車齡及車況限制：

每年強制車況檢查，車齡至多為 10 年。

8. 劃分營業區域：

以人口密度、人車比與交通形態，將服務範圍分區。

貳、我方提案的優點及缺點：

一、優點：

- (一) 對人民：能夠在有保障的制度下有更多的選擇，且政府改採人車合一的管理制度能減低治安上的疑慮。
- (二) 對網路運輸服務業：能夠利用閒置資源，在臺灣合法營業載客。
- (三) 對計程車司機：若能通過測驗，可同時在雙軌制下營業，此方案凸顯出過去計程車司機間缺乏的市場區隔性，進而促進計程車業品質提升，本方案同時降低過去 Uber 進入臺灣市場對計程車業的衝擊。
- (四) 對社會：牌照管制可降低空車率，減少廢氣排放與資源浪費

二、缺點：

(一) 對網路運輸業業者及司機：

1. 進入門檻較高，降低執業意願。
2. 營業成本增加，降低盈餘。

(二) 對計程車司機：

1. 對未通過測驗的計程車司機來說，工時將受限，進而降低收入。
2. 開放網路運輸瓜分計程車運輸業既有市場。

(三) 對民眾：因為空車率降低，民眾路邊攔車成功機率降低。

參、負責執行此政策的政府機關：

行政院交通部。由於本政策對於計程車管制係採「人車合一」制度，所以應有一專責機關負責所有相關業務，故擬由交通部下設一專職單位。

肆、檢驗我方政策是否牴觸憲法保障的工作權（參附件十一）

#### 第四步驟：擬定行動計畫

##### 壹、讓我方政策制定成法律並由政府機關順利執行的步驟

在製作本次公民行動計畫時，我們發現學者已在民國 99 年已著有《計程車人車管理制度之研究》之政策研究書，民國 105 年亦有《汽車運輸業管理相關規定法制化作業之研究：計程車及小客車租賃業》著作，可知此問題已經受到學者重視，也研擬出可行的改善方式，卻因為可能未受到人民廣泛關注，而使政府經過這麼多年，仍未徹底改善此問題。

故首先，我們希望能將此問題及我方政策放上《臺灣連署運籌資訊平台》和《公共政策網路參與平台》，讓更多社會大眾接觸此議題，再藉由統計數據讓政府知道人民對此議題的關心，進一步能採用我方提出的改革政策。

##### 貳、我方欲採取的行動

###### 一、問卷調查：

分別針對計程車司機、Uber 司機和一般民眾進行問卷調查，將其了解我方政策內容、《多元化計程車方案》的差異性，並且希望能獲得各方意見，讓我們的政策更加完善（參問卷十二）。

###### 二、網路連署平台：

在問卷調查的同時，同時將我方政策放上《臺灣連署運籌資訊平台》和《公共政策網路參與平台》，讓更多關心社會議題的民眾了解我方政策，並給予回饋，同時期待能通過連署門檻，要求政府針對此議題回應。

###### 三、尋求專家學者意見：

除了向法律學者詢問我方政策是否有違憲之虞，另外，也想請教經濟學者，我方政策是否能達到共享經濟的宗旨，次外，也會向交管系學者詢問，我方政策提高計程車考核標準是否會影響偏鄉地區運輸。

###### 四、尋求立法委員意見：

我方政策若要真正落實，必須透過立法及修法才能實施，故希望能先尋求立法委員（特別是交通委員會）的認同，有助於日後成為提案的參考（參附件十三）。

###### 五、社群網站：

我們將在社群網站設立粉絲專頁，宣傳我們的想法和理念，並回應大眾所做出的相關討論（參附件十四）。

##### 參、影響可能支持或反對方政策的團體、個人及政府官員或專責單位

###### 一、可能支持或反對方政策之團體或個人：

中華民國計程車客運商業同業公會、中華民國小客車租賃商業同業公會、中華民國運輸協會、臺灣大車隊、大都會車隊、計程車司機、Uber 公司、Uber 司機、一般民眾。

###### 二、獲得支持和改變反對者想法的方法：

###### （一）座談會：

在各地請法案負責人或是地方代表召開說明會，讓民眾及各單位了解此方案之初衷，分析此方案對於社會之影響與未來趨勢，並直接開放討論機會，讓民眾與各單位代表反應問題，面對面的聽到人民的聲音與意見。

###### （二）政論節目：

從查詢資料的過程中，發現部分學者對此議題和我們有相同理念，藉由請學者和專家到政論節目分享對此議題的看法，有助於我

方政策讓民眾更加了解此議題的重要性及我方政策的優點，將使我方政策獲得支持，亦能夠讓原本因不夠理解而反對的民眾轉向支持。

(三) 直播：

現今網路社會影響力越來越大，透過成立專頁直播節目是全新的一種思想傳播想法，也廣為年輕人喜愛。所以可以透過直播的方式將此政策讓更多人了解並參與討論，同時可以透過留言做及時的互動回答所有人的問題，進一步的提升人民對公民行動議題的了解。

(四) 投書媒體：

藉由投書媒體，讓我們對目前政府作為的意見以及我們研擬的政策能廣為大眾所知，並且讓政府能體察民意，進而影響政府修法。

(五) 與相關利益團體接觸：

透過相關利益團體表達我方想法，參與利益團體發起的活動或向政府進行遊說。

部分計程車客運業者係我方政策下最可能反對我方政策的團體，我方將利用上述管道告知其此政策下，政府將對計程車有足夠保障，對網路運輸服務業者有營業時間限制，同時規範其僅能利用網路叫車形式載客，故對計程車客運業者應不會有過大衝擊。

三、進一步獲得可能願意支持我方政策政府官員或專責單位的方法：

(一) 警政署：

現行政策有管理不易銜接的問題，包括：(1)計程車駕駛員隸屬於警察機構管理，但牌照核發、營運管理，卻由交通道路機關主管；(2)計程車駕駛人申領計程車牌照、年度驗車由公路監理機關負責，但辦理職業登記年度查驗則由警察機關負責；(3)車輛、車籍由監理機關管理，警察機關若要向監理機關查詢整批車籍資料，仍需由警察機關支付程式設計、修改等費用，不僅不符行政簡便原則，亦不合情理。在新行法令「人車合一」的政策上路後，將權責歸回交通部下的專屬部門，將可免除這些問題。

(二) 交通部路政司：

我方應注意是否交通部會在立法後負擔過重，應對此多設立一負責機關。重新立法由法律授權非警政相關人員查詢駕駛人犯罪紀錄之權限。

四、使反對我方政策的政府官員或專責單位轉而支持的方法：

(一) 交通部部長賀陳旦：

交通部部長賀陳旦表示：Uber 非共享經濟，不能特殊看待。可見其對網約車之顧慮在於共享經濟之本質和是否應為其重新立法。我方應透過陳情、公開說明等方式使其了解我方政策下對網路約租車業之營業時數等限制，可避免專職司機違背共享經濟之內涵。另網約車之媒合平台實為一新興產業，應以新法規範[18]。

(二) 交通部：

在我方政策下，交通部必須下設專責機構，增加其業務量，故交通部可能會反對我方政策。若欲使交通部轉而支持，我方擬建議政府在增加交通部預算作為配套措施，同時給予其合理的時間制定相關政策。

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# 共享經濟顛覆傳統， 打造創新服務模式

邱昞芳

經濟不景氣、環保意識抬頭、網路科技進步、社群媒體普及等因素，驅動共享經濟的快速崛起，同時顛覆了傳統企業經營的型態與觀念。雖然共享經濟創新的服務模式精神立基於信任基礎、完善的第三方評價機制，但仍舊引發既有業者反彈，並對現行法令規範形成挑戰，因此共享經濟到底是機會抑或挑戰？亟待相關法令的有效調整，讓相關業者有所依循，方可齊同營造出多元、開放、合作共享的社會樣貌。

共享經濟的概念在歐美盛行已久，1978年美國學者 Marcus Felson與Joe L.Spaeth刊登在「美國行為科學家」雜誌上的文章，以汽車共享為例，提出對於共享經濟的看法。2010年Rachel Botsman與Roo Rogers出版「我的就是你的：協同消費的興起」，更進一步強調共享經濟將為消費者消費模式帶來革命性的影響。隨著共享經濟的蓬勃發展，2013年包括英國經濟學人(The Economist)與富比士(Forbes)雜誌均針對共享經濟進行專文的報導。共享經濟時代的來臨，將顛覆傳統經營型態與觀念，以創新商業模式，提供消費者更有效率、更便利的服務，甚至為存在中的社會問題提供解決方式。

## 驅動共享經濟的關鍵因素

經濟不景氣、環保意識抬頭、網路科技進步以及社群媒體普及等因素，驅動共享經濟快速崛起。首先2008年的金融海嘯，導致歐美陸續面臨經濟不景氣，失業率高漲，民眾為爭取多一份收入，對於閒置資產再利用的接受度明顯提高。除此之外，近年來環保意識的抬頭，驅





### (三) Lending Club：P2P借貸服務

#### 1. 簡介與經營實績

Lending Club創立於2007年，由曾任職於甲骨文公司、負責實時協作產品開發的Soul Htite及執業律師Renaud Laplanche共同創辦，將網路技術與P2P借貸結合，從事P2P借貸服務。2008年Lending Club獲得美國證券交易委員會SEC的認證，註冊成為第一家按照SEC監管標準提供個人貸款的企業。

自創立以來，Lending Club累積媒合貸款金額超過38億美元，其中多數是個人消費貸款，平台中的投資者僅1/3資金來自散戶投資人，多數仍是具有龐大財富的企業家或機構，為全球最大的P2P借貸平台，規劃最快於2014年底申請公開上市。

#### 2. 服務內容與交易方式

Lending Club透過Facebook、Twitter等社群媒體，讓平台上的投資者瞭解借貸者的生活習性與好友，並藉由相關資訊分級訂定借貸者應負的利率與還款方式，借貸利率約介於6~35%，投資者的平均報酬率約6~18%。在借貸過程中，Lending Club向貸款者收取一次性1.11~5%的手續費，同時也向投資者收取1%的服務費。

#### 3. 運作機制與發展特色

Lending Club利用社群網站的資料作為評定借貸者的信用評等的標準，取代傳統徵信、擔保抵押的作用，歸納出借貸者的違約率，所訂定的利率更符合風險與還款成本。投資者可直接瞭解借貸者的交友情況、借貸原因，使得信用不佳或缺乏抵押品卻願意還款的借貸者，可透

過Lending Club平台取得貸款。

不同於其他大型P2P借貸平台提供一對一的競標利率，Lending Club每一筆貸款利率是定型契約，針對用戶資料進行信用評等，換算對應的固定利率與還款方式。簡單易懂的交易模式增加成交的機會，吸引更多投資者願意將Lending Club作為投資理財的工具之一。

#### 共享經濟崛起所帶來的影響

共享經濟的崛起，顛覆許多傳統行業的運作模式，引發既有業者的反彈，也對於既有的法令規範形成挑戰，其中Uber、Airbnb等共享服務平台的快速崛起，引發傳統旅館、計程車業者的強力反彈，甚至引發大規模罷工行動，促使各國政府不得不正視「強調共享」的創新服務模式崛起所帶來的衝擊與影響。除此之外，共享經濟的崛起，利用科技工具打破傳統交易的現象，也提供一個全新的商業模式，利用較低的成本，不僅可以滿足顧客的需求，也能進一步協助解決許多存在已久的社會問題。

#### (一) 共享經濟對於既有業者與法令規範形成挑戰

隨著新興共享服務平台的規模逐步擴大，導致既有企業的生存空間面臨被壓縮，引發大規模的罷工與示威遊行。此外，Airbnb、Uber等平台服務挑戰現有的法令規範引發各界爭議。以提供短期住宿服務的Airbnb而言，由於其所提供的創新服務已嚴重影響到中小型旅館業的生存，而導致旅館業的強力反彈，質疑Airbnb的安全與身分驗證機制存在漏洞，並違反現有

的法令規範，提供住宿服務卻未繳納相關賦稅，要求政府進行調查。

除此之外，Uber所提供的共乘與叫車服務，也引起倫敦、米蘭、柏林等歐洲城市的計程車業者組織罷工或製造交通壅塞，以此要求相關政府必須加強對於Uber等汽車共享服務平台的監管。在法國巴黎、西班牙巴塞隆納、比利時布魯塞爾與德國柏林都面臨違法提供共乘服務、缺乏執業證照、逃避相關賦稅等違反現有法令的質疑。為此，柏林地方法院禁止Uber等平台服務業者經營類似計程車業務，市政府亦表示未取得相關執業證照，不得從事共乘服務。而西班牙則認定Uber共乘服務違法，針對違規駕駛最重罰款一萬歐元。

## （二）以創新服務的思維，鼓勵共享經濟的發展

相對於多數國家仍抱持相對保守、謹慎的態度，韓國首爾市政府企圖以創新服務的思維，鼓勵共享經濟的發展。為打造首爾成為全球設計、時尚與科技重鎮，解決因人口密度過高所導致的住宅與停車位不足等問題，首爾市政府提出「分享式城市」地方計畫，透過篩選及指派發展分享經濟的非營利組織與企業，提供資金、辦公空間與諮詢服務等協助，扶植發展分享服務的新創事業，並成立「首爾分享經濟推廣委員會」，代表來自學術、司法、媒體、福利及運輸等各領域，籌辦「分享城市國際會議」。

目前首爾市政府所支持的新創事業中，包括互借物品的平台、汽車共乘服務、童裝交流

服務、餐食分享網站等，並推出車輛共用、民眾運用官方閒置空間時段、鼓勵將家中閒置空間分租給學生等平台服務。希望透過建立共享生活，恢復彼此信任，以創新商業模式，解決城市發展過程中所衍生的社會問題。但即便如此，面對Uber進軍韓國市場時，首爾市政府仍打算研擬禁止Uber提供服務，以保護傳統計程車業者的權益不受影響，顯見共享經濟的創新模式，確實對於既有的法令與產業運作形成強力的挑戰，成為各國政府應積極思考因應的課題。

## 共享經濟是機會還是挑戰？

共享經濟為企業帶來新的發展機會，同時也對傳統行業造成嚴重的挑戰。對於企業而言，網路環境的成熟、消費行為的轉變確實為企業發展共享經濟提供絕佳的機會，但對於現存企業而言，面對強調共享經濟創新服務的出現，必須因應市場趨勢的發展，調整自身的營運模式，從過往單純的產品提供者轉換為服務提供者，才能在激烈的市場競爭中存活下來，否則將在時代洪流中面臨淘汰。

另一方面，現行許多法令規範都是在強調所有權(ownership)的時代下所制訂的，當強調以「使用權」替代所有權的共享經濟崛起時，導致部分共享服務面臨遊走在介於合法與違法之間灰色地帶的爭議。對於負責制訂法令規範的政府機關而言，必須深入瞭解崛起中的新興商業模式與市場趨勢，以鼓勵創新的態度，針對既有法令進行修改，讓相關業者能有所依循。



相較於歐美早已掀起一波共享經濟的風潮，國內發展腳步相對較為落後，但YouBike微笑單車的成功模式，讓民眾開始感受共享經濟所創造的價值，驅使國內共享經濟逐漸萌芽，愈來愈多消費者開始以YouBike作為通勤工具，並透過Airbnb、Uber預定住宿與叫車服務，而國內的年輕世代也陸續發展出Carpo共乘平台、租生活等創新服務，希望透過分享的力量，打造創新服務模式，營造出多元、開放、合作共享的社會面貌。

（作者為台灣經濟研究院助理研究員）

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# 汽車運輸業管理相關規定法制化作業之研究－計程車及小客車租賃業



交通部運輸研究所

中華民國 105 年 9 月

### 第三次學者專家座談會會議紀錄

一、會議時間：104年10月16日(星期五)下午2時00分

二、會議地點：交通部運輸研究所10樓會議室(臺北市敦化北路240號)

三、主持人：中央警察大學周文生教授            記錄：顏愉 歐冠廷

四、出席人員：

交通部運輸研究所 黃德治前所長

逢甲大學科技管理研究所 侯勝宗教授

逢甲大學運輸科學與管理學系 李克聰教授

交通大學運輸與物流管理學系 馮正民教授

交通大學運輸與物流管理學系 王晉元教授

國立臺灣師範大學企業管理學系 陳敦基教授

交通部運輸研究所 張朝能組長

交通部運輸研究所 史習平研究員

臺北市公共運輸處 陳俊宏科長

高雄市交通局 蘇俊欽科長

交通部路政司 黃錦虹專員

交通部路政司 鄧明宗

中華民國計程車客運業商業同業公會國聯合會 梁平良理事長

中華民國計程車客運業商業同業公會國聯合會 陳燈前理事長

中華民國運輸學會 劉嘉發教授

中華民國運輸學會 黃慧娟教授

五、簡報說明：略

六、討論事項：

#### 張朝能組長

1. 感謝大家撥冗參加會議，本研究花費眾多人力物力，希望能在現今科技發達的情況下，讓運輸產業能夠發展的更健全。兩位計程車公會理事長也希望本案能夠給予產業更多的幫助。
2. 本所陳副所長一直希望能夠為運輸業建立平台，Uber是用科技當作未來產業的導引，帶給民眾無縫的運輸服務。但Uber使用自用車違規營業，是政府無法同意的。然其服務的創新確實是我們可以學習如何來讓產業更好。
3. 過去有位教授提供一個計程車4.0的概念，希望未來計程車是一個年輕人願意投入職場的產業。Uber對全世界各國均有衝擊，但不一定是不好的衝擊，或許能夠帶給業界反思，

## 交通建設篇

### 公告及送達

交通部公告  
中華民國 105 年 8 月 26 日  
交路字第 10550114921 號

主 旨：預告修正「汽車運輸業管理規則」部分條文草案。

依 據：行政程序法第一百五十一條第二項準用第一百五十四條第一項。

公告事項：

- 一、修正機關：交通部。
- 二、修正依據：公路法第七十九條第五項。
- 三、「汽車運輸業管理規則」部分條文修正草案如附件。本案另載於本部全球資訊網站（網址：<http://www.motc.gov.tw/>），「公告事項」網頁。
- 四、對於本公告內容有任何意見或修正建議者，請於本公告刊登公報隔日起 14 日內陳述意見或洽詢：
  - (一) 承辦單位：交通部路政司。
  - (二) 地址：臺北市中正區仁愛路一段 50 號。
  - (三) 電話：(02)2349-2142。
  - (四) 傳真：(02)2389-9887。
  - (五) 電子信箱：lienjen@motc.gov.tw。

部 長 賀陳旦

## 汽車運輸業管理規則部分條文修正草案總說明

為滿足不同乘客需求，因應消費者多元需求差異性，輔導計程車產業開拓新客源，並結合行車軌跡、電子支付及資通訊技術等應用發展，提供優質化、智慧化、安全化之運輸服務，以提升產業競爭力，提供多元化計程車營業規範、資訊透明化及基本服務，爰修正部分條文，其修正重點如下：

- 一、多元化計程車之定義與規範目的。(修正條文第二條)
- 二、規範經營多元化計程車之申請經營核准。(修正條文第四條及附表一之一)
- 三、規範多元化計程車費率。(修正條文第十一條之一)
- 四、規範多元化計程車之基本服務內容及營運方式，並鬆綁有關其車輛外觀之限制。(修正條文第九十一條)

汽車運輸業管理規則部分條文修正草案條文對照表

修正條文	現行條文	說明
<p>第二條 汽車運輸業依下規定，分類營運：</p> <p>一、公路汽車客運業：在核定路線內，以公共汽車運輸旅客為營業者。</p> <p>二、市區汽車客運業：在核定區域內，以公共汽車運輸旅客為營業者。</p> <p>三、遊覽車客運業：在核定區域內，以遊覽車包租載客為營業者。</p> <p>四、計程車客運業：在核定區域內，以小客車出租載客為營業者。</p> <p>五、小客車租賃業：以小客車或小客貨兩用車租與他人自行使用為營業者。</p> <p>六、小貨車租賃業：以小貨車或小客貨兩用車租與他人自行使用為營業者。</p> <p>七、汽車貨運業：以載貨汽車運送貨物為營業者。</p> <p>八、汽車路線貨運業：在核定路線內，以載貨汽車運送貨物為營業者。</p> <p>九、汽車貨櫃貨運業：在核定區域內，以聯結車運送貨櫃貨物為營業者。</p> <p>前項汽車運輸業營運路線或區域，公路主管機關得視實際需要酌予變更。</p> <p><u>計程車客運業為因應特定消費型態所需，得經營多元化計程車客運</u></p>	<p>第二條 汽車運輸業依下規定，分類營運：</p> <p>一、公路汽車客運業：在核定路線內，以公共汽車運輸旅客為營業者。</p> <p>二、市區汽車客運業：在核定區域內，以公共汽車運輸旅客為營業者。</p> <p>三、遊覽車客運業：在核定區域內，以遊覽車包租載客為營業者。</p> <p>四、計程車客運業：在核定區域內，以小客車出租載客為營業者。</p> <p>五、小客車租賃業：以小客車或小客貨兩用車租與他人自行使用為營業者。</p> <p>六、小貨車租賃業：以小貨車或小客貨兩用車租與他人自行使用為營業者。</p> <p>七、汽車貨運業：以載貨汽車運送貨物為營業者。</p> <p>八、汽車路線貨運業：在核定路線內，以載貨汽車運送貨物為營業者。</p> <p>九、汽車貨櫃貨運業：在核定區域內，以聯結車運送貨櫃貨物為營業者。</p> <p>前項汽車運輸業營運路線或區域，公路主管機關得視實際需要酌予變更。</p>	<p>一、增訂第三項及第四項。</p> <p>二、為促進計程車產業之多元化發展，輔導計程車產業開拓新客源，且為配合老人、身心障礙者及行動不便者交通需求，計程車客運業得依據老人福利服務提供者資格要件及服務準則第七十七條至第八十一條、身心障礙者個人照顧服務辦法第七十二條至第七十七條、本規則第九十一條等相關規定，提供失能老人交通接送服務、身心障礙者個別需求之復康巴士服務及無障礙計程車服務。考量其服務對象之特殊性及叫車方式以預約叫車為限，爰其費率與車輛外觀形式等，與一般計程車得有不同規定，以提高計程車駕駛人之服務誘因，俾利落實該服務。</p> <p>三、又為因應推廣自由行之觀光發展政策、偏鄉交通、需求反應式公共運輸(DRTS)等消費與供給態樣，亦得納入多元化計程車營運項目。</p> <p>四、多元化計程車係透過實際網路平臺整合供需訊息，以加速媒合供需雙方，並於乘車前提供消費者車輛、駕駛人資訊、概算車資；採用車輛定位、行車軌跡及電子支付等智慧化經營方式，提供消費者安全、透明及便利之服務。</p>



<p><u>服務。</u> <u>前項多元化計程車客運服務，指以網際網路平臺，整合供需訊息，提供預約載客之計程車服務。</u></p>		
<p>第四條 經營汽車運輸業，應備具籌備申請書（如附表一），依下列規定，申請核准籌備：</p> <p>一、經營公路汽車客運業、遊覽車客運業、小客車租賃業、小貨車租賃業、汽車貨運業、汽車路線貨運業、汽車貨櫃貨運業，向中央公路主管機關申請。</p> <p>二、經營市區汽車客運業：</p> <p>（一）屬於直轄市者，向該直轄市公路主管機關申請。</p> <p>（二）屬於縣（市）者，向縣（市）公路主管機關申請。</p> <p>三、經營計程車客運業，其主事務所在直轄市者，向直轄市公路主管機關申請，在直轄市以外之區域者，向中央公路主管機關申請。</p> <p>前項第二款之市區汽車客運業延長路線至直轄市、縣（市）以外者，應由受理申請之公路主管機關商得相鄰之直轄市、縣（市）公路主管機關之同意；有不同意者，報請中央公路主管機關核定之。</p> <p><u>經營多元化計程車客運服務，應檢具營業計</u></p>	<p>第四條 經營汽車運輸業，應備具籌備申請書（如附表一），依下列規定，申請核准籌備：</p> <p>一、經營公路汽車客運業、遊覽車客運業、小客車租賃業、小貨車租賃業、汽車貨運業、汽車路線貨運業、汽車貨櫃貨運業，向中央公路主管機關申請。</p> <p>二、經營市區汽車客運業：</p> <p>（一）屬於直轄市者，向該直轄市公路主管機關申請。</p> <p>（二）屬於縣（市）者，向縣（市）公路主管機關申請。</p> <p>三、經營計程車客運業，其主事務所在直轄市者，向直轄市公路主管機關申請，在直轄市以外之區域者，向中央公路主管機關申請。</p> <p>前項第二款之市區汽車客運業延長路線至直轄市、縣（市）以外者，應由受理申請之公路主管機關商得相鄰之直轄市、縣（市）公路主管機關之同意；有不同意者，報請中央公路主管機關核定之。</p>	<p>一、增訂第三項。</p> <p>二、規範有關經營多元化計程車客運服務之申請核准應備文件。</p>

<p><u>畫書（如附表一之一），向該管公路主管機關提出申請核准。</u></p>		
<p>第十一條之一 多元化計程車之費率，由計程車客運業於核定運價範圍內自行訂定，報請該管公路主管機關備查，並登載於第二條第四項之網際網路平臺首頁，始得實施。</p>		<p>一、本條新增。 二、因多元化計程車客運業之營業模式，以預約叫車（或特約排班）為限，不得巡迴攬客或於一般計程車招呼站排班候客，與一般計程車營運特性有別，爰明定其費率訂定方式，以兼顧消費者權益及計程車業者經營空間。</p>
<p>第九十一條 經營計程車客運業應遵守下列規定： 一、車輛應使用四門轎式小客車。但設置輪椅區及多元化之計程車，得申請使用四門以上非轎式小客車。 二、車輛應裝設計程車計費表，並按規定收費，不得安裝營業區域以外費率之計程車計費表。 三、車輛應在核定之營業區域內營業，不得越區營業，其營業區域依附表七之規定。 四、車輛新領牌照或汰舊換新時，車身顏色應符合臺灣區塗料油漆公會塗料色卡編號一之十八號純黃顏色。但多元化計程車不得使用前開車身顏色。 五、對所屬車輛及其駕駛人應負管理責任。 六、僱用或解僱駕駛人，應向核發計程車駕駛人執業登記證之警察機關辦理申報。 七、不得將車輛交予無有</p>	<p>第九十一條 經營計程車客運業應遵守下列規定： 一、車輛應使用四門轎式小客車。但設置輪椅區之車輛，得使用廂式或旅行式小客車。 二、車輛應裝設計程車計費表，並按規定收費，不得安裝營業區域以外費率之計程車計費表。 三、車輛應在核定之營業區域內營業，不得越區營業，其營業區域依附表七之規定。 四、自中華民國八十年一月一日起車輛新領牌照或汰舊換新時，車身顏色應符合臺灣區塗料油漆公會塗料色卡編號一之十八號純黃顏色。 五、對所屬車輛及其駕駛人應負管理責任。 六、僱用或解僱駕駛人，應向核發計程車駕駛人執業登記證之警察機關辦理申報。 七、不得將車輛交予無有效職業駕駛執照及計</p>	<p>一、修正第一項第一款但書，明定多元化計程車得申請使用四門以上非轎式小客車，以提供多元化計程車業者服務偏遠地區叫車服務、經營觀光計程車等特定消費型態。 二、因第一項第四款修正已行之有年，原日出時間已無保留必要，爰予以刪除。為使多元化計程車與一般計程車有所區別，不得巡迴攬客或於計程車招呼站排班候客，爰鬆綁多元化計程車車身顏色，但不得採用現行計程車之車身顏色。 三、增訂第四項、第五項。規範多元化計程車之基本服務內容及營運模式。消費者乘車評價目的係藉由累積各次乘車後之評價，供未來其他消費者欲選擇同一輛車服務之前可參考。多元化計程車以預約叫車（含特約排班）為限，不得巡迴攬客或於一般</p>

<p>效職業駕駛執照及計程車駕駛人執業登記證之駕駛人駕駛。</p> <p>八、國道高速公路通行費，應於國道高速公路收費時段，並經乘客同意行駛國道高速公路，方得向乘客收取；於交通部公告之日起，其收費之計算，應以備具國道高速公路通行費計算裝置之計費表（如附件一）計算之。</p> <p>自交通部公告之日起，於該管公路主管機關公告運價調整實施或車輛新領牌照或汰舊換新時，前項第二款規定所定計程車計費表之功能，應為經交通部指定之專業機構確認符合計程車計費表功能規範（如附件二），並依法經度量衡專責機關型式認證認可及檢定合格者；每車裝設一具為限，並應列印乘車證明供乘客收執。</p> <p>前項有關於該管公路主管機關公告運價調整實施或車輛新領牌照或汰舊換新時之規定，自中華民國一百零八年一月一日起，不適用之。</p> <p><u>經營多元化計程車客運服務之業者，應提供下列服務：</u></p> <p><u>一、於消費者叫車前提供相關資訊：</u></p> <p><u>（一）車輛：至少應包括車輛廠牌、牌照號碼、出廠年份等。</u></p> <p><u>（二）駕駛人：至少應包括有效計程車駕駛</u></p>	<p>程車駕駛人執業登記證之駕駛人駕駛。</p> <p>八、國道高速公路通行費，應於國道高速公路收費時段，並經乘客同意行駛國道高速公路，方得向乘客收取；於交通部公告之日起，其收費之計算，應以備具國道高速公路通行費計算裝置之計費表（如附件一）計算之。</p> <p>自交通部公告之日起，於該管公路主管機關公告運價調整實施或車輛新領牌照或汰舊換新時，前項第二款規定所定計程車計費表之功能，應為經交通部指定之專業機構確認符合計程車計費表功能規範（如附件二），並依法經度量衡專責機關型式認證認可及檢定合格者；每車裝設一具為限，並應列印乘車證明供乘客收執。</p> <p>前項有關於該管公路主管機關公告運價調整實施或車輛新領牌照或汰舊換新時之規定，自中華民國一百零八年一月一日起，不適用之。</p> <p>個人經營計程車牌照之使用以原申請人為限，不得轉讓其他個人或公司行號。但經核准歇業，得連同原車過戶予符合個人經營計程車申請資格條件者。</p>	<p>計程車招呼站排班候客。</p> <p>四、現行條文第四項項次遞移。</p>
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<p><u>人執業登記證之顯示、消費者乘車評價。</u></p> <p><u>(三)費率：至少應包括預估車資。</u></p> <p><u>二、車輛定位及行車軌跡。</u></p> <p><u>三、依營業計畫書所定期程採全面電子支付。</u></p> <p><u>四、可供消費者乘車後進行服務品質評價。</u></p> <p><u>多元化計程車接受消費者提出之乘車需求以預約載客為限，不得巡迴攬客或於計程車招呼站排班候客。</u></p> <p>個人經營計程車牌照之使用以原申請人為限，不得轉讓其他個人或公司行號。但經核准歇業，得連同原車過戶予符合個人經營計程車申請資格條件者。</p>		
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## 汽車運輸業管理規則第四條附表一之一修正草案

## 附表一之一 多元化計程車營業計畫書應載事項

本營業計畫書至少應載明下列事項：

- 一、申請人（組織經營名稱）、負責人。
- 二、營運車輛數、車輛型式、車輛車身顏色及車齡（參與多元化計程車客運服務之車輛牌照不得重複提列為其他申請人之計程車車輛牌照）。
- 三、營運車輛之計程車駕駛人執業登記證證號。
- 四、投保旅客責任保險金額（不得低於計程車客運服務業申請核准經營辦法第六條第三項規定金額）。
- 五、乘客預約及取消方式。
- 六、多元化計程車規劃之費率及收費方式。
- 七、電子支付車資之方式、與電子支付業者服務費用分攤方式。
- 八、乘客申訴及消費爭議處理機制。
- 九、車輛事故處理之標準作業程序。
- 十、車輛定位、行車軌跡與電子支付等資料之安全維護管理計畫，及業務終止後之處理方式。
- 十一、申請人、駕駛人及車輛服務品質之自主管理與退場機制。
- 十二、提供其他智慧化或特色增值服務之經營構想或內容。

## 推動多元化計程車服務方案

交通部  
105年10月17日

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### 簡報大綱

- ✦ 推動背景
- ✦ 推動目標
- ✦ 多元化計程車與一般計程車對照
- ✦ 鼓勵加入APP平臺
- ✦ 推動歷程及後續進程
- ✦ 結語

1



### 推動背景(1/4)

- ✦ 102年下半年，Uber違規營業切入我國運輸業市場
- ✦ Uber爭議不斷
  - ❖ Uber未利用供給過剩計程車
  - ❖ Uber派自用車、非適格駕駛載客，非共乘、共享、未減少閒置資源
  - ❖ 實質從事運輸業（決定費率、經手金流，卻不負消保責任），多出產能嚴重衝擊計程車生計
  - ❖ 未增加國家稅收
  - ❖ 未投保旅客責任險
- ✦ 惟Uber提供便利、資訊透明、即時評價之APP服務，獲許多消費者青睞，驗證該類服務市場之存在

2



### 推動背景(2/4)

- ✦ 國內計程車現況
  - ❖ 8萬7千輛計程車供給過剩，影響10萬戶家庭生計
  - ❖ 計程車經營型態複雜（車行、合作社、個人計程車），以個體經營為主
  - ❖ 除已加入車隊計程車，普遍缺乏競爭力
  - ❖ 服務品質參差不齊，屢為消費者詬病

3



## 推動背景(3/4)

- 國內計程車輛、外觀、費率等均一化發展，已無法完全滿足消費者對客製化、精緻化之期待，計程車業者亦較無誘因提供高品質服務，各界期待計程車產業有與時俱進提供高品質運輸服務之必要性。
- 隨著社會及經濟變遷，如何運用網路科技協助傳統計程車提高經營效能，朝品牌化發展，已成為當前計程車未來發展重要課題。

4



## 推動目標



6



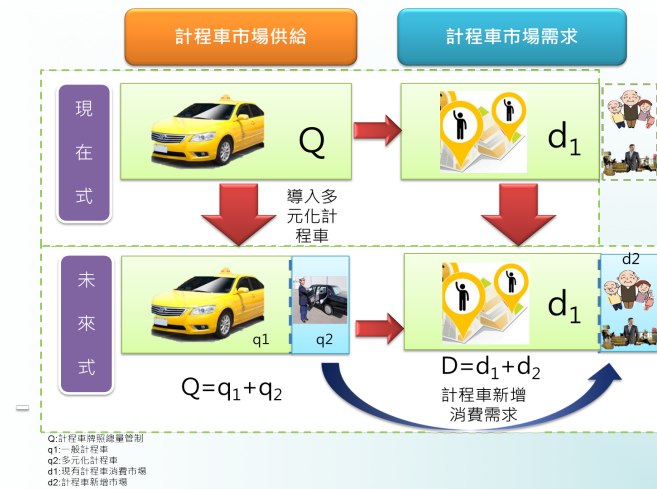
## 推動背景(4/4)

- 105.8.26院長有關多元化計程車相關指示
  - ❖ Uber違規應持續取締
  - ❖ 請交通部優先輔導計程車產業升級，推動多元化計程車
- 順應消費者期待，師人所長，迎合網路時代
  - ❖ 法規鬆綁，開放費率、車身顏色，提供多元化服務
  - ❖ 善用網路科技，智慧運輸
    - APP叫車，消費者選擇人車
    - 對司機即時評價機制
- 加速扶植計程車業者增加競爭力

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## 多元化計程車市場



在總量不增加之前提下，協助計程車業界開拓商機

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## 多元化計程車與一般計程車對照(1/3)

	多元化計程車方案	一般計程車
駕駛資格	<ol style="list-style-type: none"> <li>1. 需具備「小客車職業駕照」。</li> <li>2. 需具備「計程車駕駛人執業登記證」。</li> <li>3. 因應市場所需，業者可自主提升轄下駕駛條件(如具備外語能力、管家級運送服務)。</li> </ol>	<ol style="list-style-type: none"> <li>1. 需具備「小客車職業駕照」。</li> <li>2. 需具備「計程車駕駛人執業登記證」。</li> </ol>
車輛規範	<ol style="list-style-type: none"> <li>1. 允許多元型式小客車。</li> <li>2. 車身顏色不限制，外觀塗裝可應品牌發展自主宣告。</li> <li>3. 免安裝車頂燈。</li> <li>4. 年份及里程數限制由業者自行宣告。</li> </ol>	<ol style="list-style-type: none"> <li>1. 四門轎式小客車。</li> <li>2. 車身顏色應符合臺灣區塗料油漆公會塗料色卡編號1-18號純黃顏色。</li> <li>3. 應安裝車頂燈。</li> </ol>
車資計費方式	<ol style="list-style-type: none"> <li>1. 須裝設經政府檢定之計費表計算里程。</li> <li>2. 在各地計程車主管機關核定的運價範圍內業者可自行決定費率。</li> </ol>	<ol style="list-style-type: none"> <li>1. 須裝設經政府檢定之計費表計算里程。</li> <li>2. 依各地計程車主管機關核定的運價收費。</li> </ol>

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## 多元化計程車與一般計程車對照(3/3)

	多元化計程車方案	一般計程車
載客管道	<ol style="list-style-type: none"> <li>1. 僅能透過平台承接載客任務，不得巡迴攬客。</li> <li>2. 提供APP叫車服務。</li> </ol>	以巡迴攬客、定點排班、電話叫車等方式為主。
平臺業者管理責任	<ol style="list-style-type: none"> <li>1. 投保旅客責任保險。</li> <li>2. 承擔營運及管理責任。</li> </ol>	計程車客運業對所屬車輛及駕駛人應負管理責任。

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## 多元化計程車與一般計程車對照(2/3)

	多元化計程車方案	一般計程車
資訊透明	透過手機、平板電腦等行動載具，顯示車輛、駕駛、行車位置等資訊	無要求
收費方式及金流	<ol style="list-style-type: none"> <li>1. 初期允許現金及電子支付二種方式並行，未來則僅限電子支付方式。</li> <li>2. 電子支付的合作對象須為設立在台灣的銀行或是取得第三方支付執照的業者。</li> </ol>	多以現金交易。
即時評價	乘客可利用APP對該趟次服務進行評分，供其他乘客叫車參考	無

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## 配套措施 - 鼓勵加入APP平臺

- 目前約六成計程車未加入車隊，運用APP叫車平臺可協助提升經營效率，並有助於發展品牌化，改善個體化服務品質參差不齊現象。
- 鼓勵計程車業者善用APP叫車技術
  - 105年8月25日曾邀集地方政府、計程車業界，介紹APP叫車平臺概況。
  - 105年10月19日將邀請網路電商協會及相關業界，辦理APP叫車平臺發表觀摩會。
- 鼓勵個體經營駕駛加入公營APP叫車服務，交通部公共運輸計畫補助經費可協助地方政府建置叫車平臺及行銷。

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## 推動歷程

### 推動歷程

- 計程車駕駛人及民眾問卷調查(104年5、6月)
- 專家學者座談會(104.10.23)
- 行政院青年顧問團及業者座談會(104.11.25)
- 計程車公(工)會及主管機關座談會(104.12.30)
- 中華民國運輸學會座談會(105.6.21)
- 法規調適會議(105.7.26、105.8.15)
- 法規草案預告(105.9.1~105.9.14)
- 會同內政部辦理法規修正發布會銜作業(105.10.4，預定10月底前發布)

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## 結語

- ✦ 多元化計程車之推動，運用APP叫車智慧化，鼓勵計程車業者創新，結合科技業者善用網路力量提供便利叫車服務，擁抱網路競爭時代。
- ✦ 多元化計程車之核心價值在於提升服務品質，增進營運效能。
- ✦ 業者可運用APP之大數據資料，創造更多符合消費者期待之運輸服務。



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## 後續進程

### 後續進程

- 105年10月：與地方主管機關溝通，輔導業者提出申請
- 105年11月：
  - 地方計程車公(工)會擬訂多元化計程車運價，送當地公路主管機關核定
  - 研擬地方政府建置計程車叫車APP平臺補助機制
- 105年12月：公路主管機關審查或評選，通過申請之業者徵求駕駛人並購買營運車輛，推出多元化計程車服務

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# 簡報完畢

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Province of Alberta

TRAFFIC SAFETY ACT

**TRANSPORTATION NETWORK  
COMPANIES REGULATION**

**Alberta Regulation 100/2016**

Extract

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Alberta Queen's Printer  
7<sup>th</sup> Floor, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952  
Fax: 780-452-0668

E-mail: [qp@gov.ab.ca](mailto:qp@gov.ab.ca)  
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(no amdt)

**ALBERTA REGULATION 100/2016**

**Traffic Safety Act**

**TRANSPORTATION NETWORK  
COMPANIES REGULATION**

*Table of Contents*

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- 2 Approval of transportation network company operation
- 3 Appeal
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- 5 Records
- 6 Contents of notices of administrative penalties
- 7 Manner of determining amount of administrative penalty
- 8 Limitation period
- 9 Coming into force

**Interpretation**

**1(1)** For the purposes of the Act and this Regulation, “transportation network company” means a corporation, partnership, sole proprietorship, association or other entity or individual that connects passengers with transportation network drivers for pre-arranged transportation exclusively through the offering, use or operation of a transportation network.

**(2)** In this Regulation,

- (a) “Act” means the *Traffic Safety Act*;
- (b) “for compensation” means that a transportation network driver is being paid for the transportation services that a transportation network automobile is being used to provide, but does not include any payment when the transportation network driver drives a motor vehicle, that is from time to time operated as a transportation network automobile, for the transportation of passengers on an incidental or occasional basis and receives payment in respect of that transportation of those passengers only in one or more of the following forms:
  - (i) as payment for the kilometres travelled at a rate not exceeding the limit of tax exempt allowance paid by

- employers to employees as prescribed in section 7306 of the *Income Tax Regulations* (Canada — CRC chapter 945);
- (ii) as straight reimbursement for out of pocket expenses directly related to the transportation, including, without limitation, gas, parking, gate passes and tolls;
  - (iii) in a case where the transportation network driver is party to an agreement to provide transportation to only the transportation network driver's family members, members of the transportation network driver's household or persons for whom the transportation network driver is a legal guardian, as compensation only to provide transportation to those persons;
- (c) "motor vehicle liability policy" means a motor vehicle liability policy under the *Insurance Act*;
  - (d) "transportation network" means an online enabled application, a digital platform, software, a website, or any other system offered, used or operated by a transportation network company and that is used by persons to pre-arrange the transportation of passengers for compensation by a transportation network driver;
  - (e) "transportation network automobile" means a motor vehicle with a manufacturer's seating capacity originally designed for 8 or fewer passengers, including the driver, used to provide pre-arranged transportation of passengers for compensation through the use of a transportation network, but does not include a taxi;
  - (f) "transportation network automobile insurance policy" means a contract of automobile insurance maintained by a transportation network company that specifically covers liabilities arising from a transportation network driver's use or operation of a transportation network automobile for transportation network services;
  - (g) "transportation network driver" means a person authorized by a transportation network company to operate a transportation network automobile to provide pre-arranged transportation of passengers for compensation through the use of a transportation network;
  - (h) "transportation network services" means

- (i) any time a transportation network driver operating a transportation network automobile is logged onto a transportation network for the purposes of accepting requests for transportation services for compensation from prospective passengers,
- (ii) any time from the moment a transportation network driver operating a transportation network automobile has accepted a ride request through a transportation network, continuing while that transportation network driver is en route to pick up prospective passengers to provide transportation services for compensation, and ending when the first passenger enters the transportation network automobile or a trip is cancelled, whichever is later, or
- (iii) any time from the moment a transportation network driver operating a transportation network automobile has passengers in a transportation network automobile, continuing while such passengers are being transported for compensation, and ending when the last passenger departs from the transportation network automobile.

**Approval of transportation network company operation**

**2(1)** A transportation network company shall not operate in Alberta without being authorized to do so by an approval granted by the Registrar for that purpose.

**(2)** A person who wishes to obtain an approval to operate as a transportation network company must apply to the Registrar for the approval and provide the following information in a form acceptable to the Registrar:

- (a) the transportation network company's name and principal place of business in Alberta;
- (b) if the transportation network company does not have a principal place of business in Alberta, the name and address of the transportation network company's resident agent or representative in Alberta;
- (c) the location in Alberta of the records referred to in section 4(1), (2), (3) and (6) or a location from which, on demand by a peace officer or the Registrar under section 5, the records can be produced;
- (d) the geographic scope of the transportation network company's operations in Alberta;

- (e) the number of the transportation network company's transportation network drivers in Alberta;
  - (f) any additional information or material that the Registrar considers appropriate to determine whether to grant the approval.
- (3)** The Registrar may, after considering an application for an approval,
- (a) issue to the applicant an approval, for a term of up to one year with or without terms and conditions, or
  - (b) refuse the application for an approval.
- (4)** The Registrar may refuse to issue an approval to a person if
- (a) the person or the person's agent makes a false statement or provides misleading information in the application for the approval,
  - (b) the person or the person's agent provides false information to the Registrar,
  - (c) the person or the person's agent refuses to provide the information required under this Regulation to the Registrar,
  - (d) the person has contravened any provision of the Act or the regulations and, in the Registrar's opinion, that contravention affects the person's fitness to hold an approval, or
  - (e) in the opinion of the Registrar, it is not in the public interest to issue an approval to the person.
- (5)** The Registrar shall
- (a) notify the applicant of the decision in writing,
  - (b) if the application is refused, give reasons for the refusal and notify the applicant of the applicant's right to appeal to the Board under section 3, and
  - (c) if terms and conditions are imposed, notify the applicant of the applicant's right to appeal to the Board under section 3.
- (6)** A transportation network company shall notify the Registrar immediately in writing if it ceases operations.

(7) On being notified under subsection (6), the Registrar shall cancel the approval of the transportation network company.

(8) Despite subsection (1), a transportation network company that is operating in Alberta on or before the date this Regulation comes into force that has not submitted an application for an approval under this Regulation and that complies with sections 4 and 5 is deemed to have been issued an approval by the Registrar under subsection (3)(a) and, subject to subsections (9) and (10), may operate as a transportation network company under this Regulation.

(9) The deemed approval under subsection (8) is in effect for 30 days from the coming into force of this Regulation, within which time the transportation network company referred to in subsection (8) shall submit an application for an approval under subsection (2).

(10) If the transportation network company referred to in subsection (8) does not submit an application for an approval within the time specified in subsection (9), or the Registrar does not issue an approval, the transportation network company shall cease operations.

(11) Subsections (8) to (10) are repealed 30 days after the coming into force of this Regulation.

### Appeal

**3(1)** An applicant may appeal a refusal of an application for an approval or the imposition of terms and conditions on an approval to the Board.

(2) In determining an appeal commenced pursuant to this section, the Board may

- (a) confirm, vary or rescind the decision made by the Registrar, or
- (b) set aside the decision made by the Registrar and make any decision that the Registrar is empowered to make.

### Requirements

**4(1)** A transportation network company shall ensure that all its transportation network drivers have a valid and subsisting Class 1, 2 or 4 operator's licence as referred to in the *Operator Licensing and Vehicle Control Regulation* (AR 320/2002) at all times that the transportation network drivers provide transportation network services.



(2) A transportation network company shall ensure that any person applying to it to be authorized as a transportation network driver has a police information check and a vulnerable sector search, reviewed by and acceptable to the transportation network company, prior to authorizing that person to perform transportation network services.

(3) A transportation network company shall ensure that at all times all its transportation network drivers have been issued a police information check within the previous 12 months.

(4) A transportation network company shall not authorize any person as a transportation network driver if during the 10 years immediately preceding the person's application to be authorized as a transportation network driver the person was convicted of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) that is related to the functions, duties or business of a transportation network company or a transportation network driver, including, without limitation,

- (a) any offence of a violent nature, including firearms and weapons offences,
- (b) any offence involving sexual assault, sexual exploitation, sexual interference, procuring or invitation to sexual touching,
- (c) trafficking,
- (d) any offence involving fraud or fraudulent transactions, conspiracy to defraud, the use of false pretences, bribery, extortion or theft, or
- (e) any offence relating to the unlawful operation of a motor vehicle.

(5) A transportation network company shall not maintain the authorization of any person as a transportation network driver if the person is charged with or convicted of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) that is related to the functions, duties or business of a transportation network company or a transportation network driver, including, without limitation,

- (a) any offence of a violent nature, including firearms and weapons offences,
- (b) any offence involving sexual assault, sexual exploitation, sexual interference, procuring or invitation to sexual touching,

- (c) trafficking,
- (d) any offence involving fraud or fraudulent transactions, conspiracy to defraud, the use of false pretences, bribery, extortion or theft, or
- (e) any offence relating to the unlawful operation of a motor vehicle.

(6) A transportation network company shall ensure that its transportation network drivers and the transportation network automobiles they operate are covered at all times that the drivers and the automobiles provide transportation network services by either

- (a) a motor vehicle liability policy
  - (i) that complies with the *Insurance Act* and its regulations,
  - (ii) that provides for insurance coverage of not less than \$1 000 000 for liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property as a result of any single accident that arises any time that a transportation network driver or transportation network automobile is engaged in providing transportation network services as described in section 1(2)(h), and
  - (iii) that provides for passenger hazard coverage of not less than \$1 000 000 for liability resulting from bodily injury to or the death of one or more persons as a result of any single accident that arises any time that a transportation network driver or transportation network automobile is engaged in providing transportation network services as described in section 1(2)(h)(iii),

or

- (b) a motor vehicle liability policy or a transportation network automobile insurance policy
  - (i) that has been approved in accordance with the *Insurance Act*,
  - (ii) that complies with the *Insurance Act* and its regulations,
  - (iii) that provides for insurance coverage of not less than \$1 000 000 for liability resulting from bodily injury

to or the death of one or more persons and loss of or damage to property as a result of any single accident that arises any time that a transportation network driver or transportation network automobile is engaged in providing transportation network services as described in section 1(2)(h)(i), and

- (iv) that provides for insurance coverage of not less than \$2 000 000 for liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property as a result of any single accident that arises any time that a transportation network driver or transportation network automobile is engaged in providing transportation network services as described in section 1(2)(h)(ii) and (iii).

**(7)** The requirements of subsection (6) may be satisfied by any of the following:

- (a) insurance maintained by a transportation network company;
- (b) insurance maintained by a transportation network driver;
- (c) insurance maintained by the owner of a transportation network automobile;
- (d) any combination of the insurance referred to in clauses (a) to (c).

**(8)** If the transportation network company obtains the motor vehicle liability policy or the transportation network automobile insurance policy referred to in subsection (6), the transportation network company shall provide a copy of the policy, which may be in electronic form, to its transportation network drivers.

**(9)** If subsection (8) applies, the transportation network company shall disclose in writing to its transportation network drivers the types of insurance coverage and the liability limits for each type of insurance coverage provided under the motor vehicle liability policy or the transportation network automobile insurance policy referred to in subsection (6).

**(10)** The transportation network company shall advise its transportation network drivers in writing that the driver's own personal motor vehicle liability policy, having regard to its terms, may not provide any coverage while the transportation network driver is providing transportation network services.

**(11)** The transportation network company shall cooperate in respect of the investigation of any loss or claim, and produce in

writing to any insurers, to any peace officer, and to any directly affected parties, including anyone sustaining loss or injury, information or documents related to the loss or claim.

**(12)** The information and documents referred to in subsection (11) include the dates and times of an accident involving a transportation network driver and transportation network automobile and the precise times that the transportation network driver logged in and was logged out of the transportation network.

**(13)** A transportation network company shall ensure that its transportation network drivers do not solicit, accept or transport passengers other than through the use of a transportation network.

**(14)** If any of the information required to be submitted under section 2(2)(a) to (f) changes or is changed, the transportation network company shall notify the Registrar within 15 days after the change.

#### **Records**

**5(1)** The documents or copies of the documents required by section 4(1), (2), (3) and (6) must be maintained by the transportation network company

- (a) for a minimum of 5 years for every transportation network driver, and
- (b) for a minimum of 2 years after a former transportation network driver's last recorded trip for that transportation network company.

**(2)** The documents or copies of the documents required by section 4(1), (2), (3) and (6) and any documents relating to the transportation network company's operation must be produced by the transportation network company within 24 hours of a demand by a peace officer or the Registrar.

#### **Contents of notices of administrative penalties**

**6(1)** A notice of an administrative penalty imposed under section 129.2 of the Act must contain the following information:

- (a) the name of the person on whom the administrative penalty is imposed;
- (b) the provision of Part 6.1 of the Act or of the regulations the person has contravened or failed to comply with;
- (c) a brief description of the nature of the contravention or failure to comply identified under clause (b);

- (d) the amount of the administrative penalty imposed;
- (e) whether the penalty is fixed or accumulates for each day or part of a day that the contravention or failure to comply occurs or continues;
- (f) the date the notice of the administrative penalty is issued;
- (g) the date by which the penalty must be paid, unless the penalty is an accumulating penalty;
- (h) a statement describing the right of a person on whom the administrative penalty is imposed to appeal the administrative penalty to the Board, the addresses to which the appeal is to be sent, how the appeal is to be made and the date by which the appeal is to be made.

(2) The form of the notice of the administrative penalty, containing at least the information described in subsection (1), must be approved by the Registrar.

**Manner of determining amount of administrative penalty**

**7(1)** The Registrar is to determine the amount of the administrative penalty imposed on a person after considering the following factors and the considerations described in subsection (2):

- (a) the seriousness of the contravention or failure to comply;
- (b) the nature of the transportation network company operation;
- (c) whether an accident occurred or the danger that an accident could have occurred as a result of the contravention or failure to comply;
- (d) the history of contraventions of or failures to comply with Part 6.1 of the Act or the regulations by the person on whom the administrative penalty is imposed.

(2) The Registrar is to be guided by the following considerations:

- (a) the amount of the administrative penalty imposed should reflect the seriousness of the contravention or failure to comply;
- (b) the greater the danger or possibility that an accident could have occurred, or the greater the degree of risk to people or property that did occur as a result of the contravention or failure to comply, or the fact that an accident did occur, the higher the penalty should be;

- (c) the more times a person has previously been issued an administrative penalty the higher the penalty should be;
- (d) the greater the degree of wilfulness or neglect in the contravention or failure to comply, the higher the penalty should be.

**Limitation period**

**8** An administrative penalty may be imposed only within 6 months of the date the Registrar first becomes aware of the contravention of or failure to comply with Part 6.1 of the Act or the regulation in respect of which the administrative penalty is to be imposed.

**Coming into force**

**9** This Regulation comes into force on the coming into force of section 9 of the *Traffic Safety Amendment Act, 2016*.



**TRANSPORTATION LICENSE SECTION  
STATE OF CALIFORNIA PUBLIC UTILITIES COMMISSION**

**BASIC INFORMATION FOR TRANSPORTATION NETWORK  
COMPANIES AND APPLICANTS**

**Who should read this information?**

If you will transport passengers over California public streets and highways as a company using an online-enabled platform to connect passengers with drivers using their personal vehicles, you will find important information here on how to apply and how to keep your authority in good standing. Also, keep it for your reference after you have your authority, as there is information to help you. Thank you!

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**Abbreviations**

- CPUC** California Public Utilities Commission
- DMV** California Department of Motor Vehicles
- TCP** Transportation Charter-Party. This can refer to a charter-party carrier, a charter-party permit or certificate, or a charter-party carrier number—the number assigned to a TCP carrier by the License Section.
- TNC** Transportation Network Company. A sub-type of charter-party carrier providing transportation services using an online-enabled platform to connect passengers with drivers using their personal vehicles.
- LLC** Limited Liability Company
- LP** Limited Partnership

# Transportation Network Companies (TNCs)

## What is a Transportation Network Company (TNC)?

A Transportation Network Company (TNC) is a company or organization operating in California that provides transportation services using an online-enabled platform to connect passengers with drivers using their personal vehicles.

This new classification of passenger carrier was established through CPUC Decision 13-09-045.

## What kind of authority is required to operate as a TNC?

For an overview of the types of for-hire passenger carriers regulated by the CPUC, see the publication “Basic Information for Passenger Carriers and Applicants”. A company or individual wishing to operate as a TNC must apply for the TNC subclass of a TCP-P permit. If the type of vehicle used is not a personal, non-commercial vehicle that is owned by the driver, please see the guide Basic Information for Passenger Carriers and Applicants for the definitions of other types of TCP authorities.

Permits for TNCs will only be granted to companies utilizing smart phone technology applications (app) to facilitate transportation of passengers in the driver’s personal vehicle.

TNCs are not permitted to themselves own vehicles used in their operation or own fleets of vehicles. However, there is no limit to the number of drivers that utilize the app under one permit.

TNC drivers shall only transport passengers on a prearranged basis. For the purpose of TNC services, a ride is considered prearranged if the ride is solicited and accepted via a TNC digital platform before the ride commences. TNC drivers are strictly prohibited from accepting street hails.

## How much does it cost to apply?

The fee for filing a new application or refiling a previously denied or expired application for a TNC Permit is \$1,000. The permit is valid for three years.

The fee to renew an existing TNC Permit is \$100.

No application will be accepted or processed without the correct filing fee. **FILING FEES ARE NOT REFUNDABLE.**

Public Utilities Code § 407 allows refunds of fees paid by charter-party carriers only where the fee was collected in error. If you file an application, then later change your mind about whether you want authority, or which kind, or which type of legal entity to apply, that is not “collected in error,” and you will not receive a refund.

Currently, 0.33% of a TNC’s gross California revenues, plus a \$10 administrative fee, will be collected by the CPUC on a quarterly basis as part of overall fees and paid into the Public Utility Commission Transportation Reimbursement Account (PUCTRA).



### **What are the insurance requirements?**

Each TNC must file its insurance policies under seal with the Safety and Enforcement Division as part of applying for a license. TNCs must also file an insurance certificate to be posted on the Commission website.

New insurance requirements came into effect on July 1, 2015. It defined TNC services as having three periods, with each period having its own insurance level.

**Period One** is when the app is on but the driver has not yet accepted a ride request. For Period One, TNC shall have primary insurance of at least \$50,000 for death and personal injury per person, \$100,000 for death and personal injury per incident, and \$30,000 for property damage. The TNC shall also have \$200,000 in excess coverage (per occurrence).

**Periods Two and Three** are when the driver has accepted a ride but has not yet picked up a passenger, and when the driver is transporting the passenger, respectively. During these two periods, primary commercial insurance of \$1,000,000 for death, personal injury, and property damage is required. In addition, TNCs shall maintain \$1,000,000 of uninsured motorist insurance from the moment the passenger enters the vehicle until the passenger exits the vehicle.

TNCs must obtain proof of insurance from each TNC driver before the driver begins providing service and for as long as the driver remains available to provide service. TNC drivers are required to provide proof of both their personal insurance and the commercial excess liability insurance in the case of an accident.

### **Do drivers have to be licensed and trained?**

TNCs must establish a driver training program to ensure that all drivers are safely operating the vehicle prior to the driver being able to offer service.

TNC drivers must possess a valid California driver's license, be at least 21 years of age, and must provide at least one year of driving history before providing TNC services. TNCs must obtain each TNC driver's driving record before the driver begins providing service and annually thereafter.

### **Are drivers required to be drug tested?**

TNCs must institute a policy of zero tolerance for intoxicating substances with respect to drivers in accordance with Decision 13-09-045.

Each TNC is required to include on its website, mobile application and riders' receipts, notice and information on the TNC's zero-tolerance policy and the methods for reporting a driver whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the ride. Also, the TNC's website and mobile application must include a phone number or in-app call function and email address to contact to report the zero-tolerance complaint. Promptly after a zero-tolerance complaint is filed, the TNC is required to suspend the driver pending further investigation.

A TNC's website and mobile application must also include the phone number and email address of the Commission's Consumer Intake Unit that handles passenger carrier complaints: 1-800-894-9444 and [CIU\\_intake@cpuc.ca.gov](mailto:CIU_intake@cpuc.ca.gov).

**Are drivers required to be background checked?**

TNCs must perform national criminal background check including the national sex offender database on drivers utilizing their app. The criminal background check must be based on the applicant's social security number and not just the applicant's name.

In order to protect public safety, any person who has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage and/or theft, acts of violence, or acts of terror shall not be permitted to provide TNC services.

Drivers with convictions for reckless driving, driving under the influence, hit and run, or driving with a suspended or revoked license shall not be permitted to be a TNC driver. Drivers may have a maximum of three points on their driving records for lesser offenses (e.g., equipment problems, speeding, or child safety seat violations).

**What are the requirements for vehicles operating under a TNC's permit?**

TNCs may only use street-legal coupes, sedans, or light-duty vehicles including vans, minivans, sport utility vehicles (SUVs) and pickup trucks. Hatchbacks and convertibles are also acceptable. The maximum seating capacity is seven passengers, including the driver. TNC vehicles must not be significantly modified from factory specifications, (e.g., no "stretch" vehicles).

The app used by a TNC to connect drivers and passengers must display for the passenger: 1) a picture of the driver, and 2) a picture of the vehicle the driver is approved to use.

TNCs must allow passengers to indicate whether they require a wheelchair-accessible vehicle or a vehicle otherwise accessible to individuals with disabilities.

TNC vehicles must display consistent trade dress (i.e., distinctive signage or display on the vehicle) when providing TNC services that is sufficiently large and color-contrasted as to be readable during daylight hours at a distance of 50 feet. The trade dress must be sufficient to allow a passenger, government official, or member of the public to associate a vehicle with a particular TNC (or licensed transportation provider). Acceptable forms of trade dress include, but are not limited to, symbols or signs on vehicle doors, roofs, or grills. Magnetic or removable trade dress is acceptable.

The TNC include photograph of their trade dress with its application for TNC authority.

TNCs must inspect all vehicles and maintain the record of such inspection in case of an audit. TNCs, or a third party licensed by the California Bureau of Automotive Repair, must conduct a 19-point inspection:

1. Foot brakes (check stopping: at 20 mph, a vehicle must be capable of stopping within 25 ft)	11. Front seat adjustment mechanism
2. Emergency brakes (engine stall test)	12. Doors (open, close, lock)
3. Steering mechanism	13. Horn
4. Windshield	14. Speedometer
5. Rear window and other glass	15. Bumpers
6. Windshield wipers	16. Muffler and exhaust system
7. Headlights	17. Condition of tires, inc. tread depth
8. Tail lights	18. Interior and exterior rear view mirrors
9. Turn indicator lights	19. Safety belts for driver and passenger(s)
10. Brake lights	

**Where can TNCs provide service?**

TNCs may operate from any point to any point within California.

**Are you a Transportation Network Company?**

After reading all of this information, if you’ve decided to apply for a TNC permit, you may obtain a Transportation Network Company Application Packet in any of the following ways:

**Download it from the CPUC web site:**

<http://www.cpuc.ca.gov/PUC/Enforcement/TNC/>

**Request by email:** [Licensing\\_TNC@cpuc.ca.gov](mailto:Licensing_TNC@cpuc.ca.gov)

**TCP/TNCs and Taxicabs Distinguished**

Based on the information above, it may seem that there is little or no difference between a charter-party carrier/TNC and a taxicab. In fact, the two are separate and distinct types of transportation. A charter-party carrier/TNC may not operate as a taxi, *or advertise* as to indicate that it provides taxicab service. Taxis are licensed and regulated by cities and counties, while charter-party carriers/TNCs operate under authority from the CPUC, subject to the Public Utilities Code and CPUC regulations. Taxis have meters and top lights; charter-party/TNC vehicles do not have either one. The most important operational difference is that TCP/TNC transportation must be prearranged. Taxis may provide transportation “at the curb”, that is, a customer may “arrange” taxi transportation by simply hailing a cab from the sidewalk. All transportation performed by charter-party carriers/TNC must be arranged beforehand, and the driver must have a completed waybill in his or her possession at all times during the trip.

**Expiration and Renewal**

All TNC permits expire after 3 years. If the carrier completes and submits a renewal application with enough time for the License Section to process its application, the authority will be renewed for another 3 years and there will be no lapse in authority. The expiration date of your authority will appear on the permit itself. We will send you a renewal application approximately 120 days prior to your expiration date. You are required by Commission General Order 157-D to complete and return this to us no less than 3 months prior to expiration. The filing fee for renewal applications is \$100 for all types of permits. General Orders are available on line at [www.cpuc.ca.gov/PUC/documents/go.htm](http://www.cpuc.ca.gov/PUC/documents/go.htm).

## You've decided to apply. Now what?

### Think about who or what will apply (and have CPUC authority)

This is your first major decision after (or even before) deciding to apply. Several types of legal entities may apply for authority.

If you are applying for charter-party authority, on the first page of your application, you will check a box indicating whether you are applying as an Individual, a General Partnership, a Corporation, an LLC (Limited Liability Company) or LP (Limited Partnership). All applicants will indicate the *name of the applicant*. That name will be your CARRIER NAME, the *legal entity* to which your permit will be issued.

If you apply as a corporation, LLC or LP, the License Section will verify that the entity is in good standing with the California Secretary of State.

**Think carefully! If you apply and later change your mind about which type of entity you wish to operate as, you will not receive a refund. You will have to file another application and pay the fee again.**

Here are a few things to consider:

1. You can look at all carriers in our database by going to the CPUC's home page ([www.cpuc.ca.gov](http://www.cpuc.ca.gov)), clicking on the "Transportation" tab, then the link, "Search our List of Companies to find out if a company is licensed". Click on any carrier's File Number ("PSG" or "CA" Number). Unless the carrier is revoked or expired, you will see that carrier's name, mailing address, physical address, and phone number. Keep in mind that whatever address and phone number you place on your application—including your home address and phone number—they are **public information**, posted on our web site, and available to any member of the public. *We will not accept a P.O. Box or mail drop* for a physical address. If you apply as an individual, your name will be part of that public information. If you apply as a general partnership, the names of all partners are public information. Of course, if you are an officer of a corporation, your name is also public information, though it may not be quite as visible as though you were to apply as an individual. Many carriers choose to have a separate business address and phone number.
2. If you apply as a general partnership, be aware that a general partnership consists of the *specific* individuals or entities named as part of that general partnership<sup>1</sup>. If *any partner* leaves the business (including by death) or if another partner is added to the business, then the general partnership which applied for or holds authority no longer exists. The remaining partners(s) must apply for new authority as a new general partnership, or as individual(s), a corporation, etc. The new entity will have a new TCP or PSC number. By contrast, a corporation, LLC, or LP has the advantage that it can change officers, managing members, partners, even owners, and continue as the same legal entity, without the need to apply for new authority.

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<sup>1</sup> Other types of legal entities, such as corporations, may also form general partnerships. For example, a general partnership may consist of an individual and an LLC.

### **The difference between “Carrier Name” and “DBA”**

Again, the name under which you apply (individual, partnership, corporation, etc.) will be your “carrier name”, the name (the legal entity) to which your permit will be issued, and which must appear *exactly* on all your insurance certificates. This is not to be confused with any *fictitious business name* or “DBA” (Doing Business As) you may choose to use.

Example 1: John Doe applied as an individual, doing business as “Acme Limousine Service”. In that case, “*John Doe*” is the carrier name and the permit holder, and not “Acme Limousine Service”.

Example 2: Mr. Doe forms a corporation, “Doe Transportation, Inc.” doing business as “Acme Limousine Service”. “Doe Transportation, Inc.” is the carrier name and the permit holder, and not “Acme Limousine Service”.

If you are a TNC, before you use any fictitious business name, you must inform the License Section in writing of your intent to use it (General Order 157-D, Section 3.06). If you show a DBA on your application, we will print that DBA on your permit, and will post it on our web site. Otherwise, it is not necessary to state your DBA on any document you or your insurer sends us, and may cause confusion, or worse.

Within a few weeks after applying, you will receive a letter from the License Section. On that letter (and every letter you ever receive from us) you will see a File Number. For passenger carriers, this begins with “PSG” followed by some numbers, for example, “PSG0012345”.

Please keep that number handy and refer to it whenever you call, write, or email the License Section! Ideally, it should be prominently displayed on every page of every document you send us. (You can ignore the leading “0’s”, so in the above example, all we need is “PSG12345”.)

When your authority is issued, the numbers of your File Number will also be the numbers of your permit, for example, “TCP 12345-P”. Whenever you contact the License Section, you may refer to that number by any of the prefixes, (i.e., “PSG” or “TCP”).

### **Insurance**

All TNC carriers must file under seal their commercial liability insurance with the CPUC before we will issue an operating authority to them. All TNC carriers must also file an un-redacted copy of their insurance certificate to be posted on the Commission’s website.

In addition, TNC carriers who have employees (e.g., administrative assistants, engineers, sales associates) must have their insurance company file a certificate of workers’ compensation insurance with the Commission’s License Section. The License Section is now accepting only insurance that is e-filed with the Commission. The License Section will not communicate with your insurer on your behalf. It is your responsibility to select an insurer that is able to e-file your insurance.

### **Sign all forms**

It is your responsibility to ensure that your application and all attachments are signed. If you are a partnership, all partners must sign; if a corporation, an officer of the corporation; if an LLC, a managing member.

**If my application is not 100% complete and error-free, will it be denied?**

No (at least not right away). We will accept your application and begin processing it. However, we recommend that you include as many of the required attachments as possible, as this will greatly expedite the process. Applications without the correct filing fee will be rejected.

For TNC applicants, typically, within 1 - 3 weeks after we receive your application, it will be reviewed by a technician who will determine what information and documents are lacking or incomplete. You will receive a letter telling you anything and everything you need to do before your authority can be issued.

Thirty days later, if those items have not been completed, you will receive a second letter telling you what remains to be done. Thirty days after that, you will receive a "Final Notice", advising you that if the remaining items are not completed within 20 days, we may deny your application.

We will wait at least those 20 days before denying your application, and will be somewhat more flexible if you communicate, and we can see that you are making a good faith effort. You will have plenty of opportunities to get everything done before we will deny your application.

HOWEVER, there is a limit to how long we will keep an application pending before we deny it. Do not send us an application if you're not absolutely sure you'll be ready to start operating within 3 months. Once again, filing fees are not refundable, so if your application is denied, you must re-file and pay the application fee again.

**How long will it take to get my permit issued?**

That will depend largely upon how complete and accurate your application is when you submit it *and* how responsive you are to our requests for additional information or documents. So pay careful attention to these instructions, and those in the application packet, and to your mail from the License Section!

TNC applicants who are attentive to these details can typically have their authority issued within about 3-6 weeks, sometimes less. Remember, however, that we have no control over certain factors, such as how quickly your insurer e-files the necessary workers' compensation insurance to us. (See discussion above, under "Insurance".)

**Your responsibilities after authority is issued**

**Keep your Authority Active**

Once you have your authority, you must keep it active in order to continue operating. Your responsibilities include:

- Generally paying prompt and careful attention to all mail you receive from the CPUC. Under normal circumstances, we will notify you of any impending suspension, and tell you what you must do to prevent it, in plenty of time for you to do so.
- Being sure the CPUC knows of any change in your mailing address. You'll find a form on our web site for that purpose.
- Addressing all correspondence to "CPUC License Section" as shown throughout this document. The CPUC has many divisions, branches, etc., so it isn't obvious where your mail should go unless you specify. Include your File Number on all documents, including

checks. The License Section may also be contacted by email at [Licensing\\_TNC@cpuc.ca.gov](mailto:Licensing_TNC@cpuc.ca.gov).

- Keeping copies of all forms and correspondence with the License Section. We handle many thousands of documents every month, and occasionally a document is misplaced or misdirected. This will be far less inconvenient for you if you have backup copies.
- Paying your quarterly fees on time (you will receive notification in the mail when these are due, and all necessary forms and instructions).
- TNCs must apply for renewal no less than 3 months prior to expiration, as required by Commission regulation.
- Provide a copy of any new and/or updated insurance policies. If we find out your insurance was cancelled and you have not provided us with a copy of any new insurance, you permit is liable to be suspended.

We will notify you by mail any time your authority is suspended, revoked, expired, or reinstated. If you have any doubts about your authority status, you may verify it on the Commission's web site, which is updated several times daily, or contact the License Section. If your authority is suspended, revoked, or expired you may not operate. Only "active" authority allows you to operate.

### **Obey All Laws**

Your authority may be suspended or revoked for violations of laws and regulations governing your business. You are responsible for knowing and following these requirements, including the following:

The Public Utilities Code. Sections pertaining specifically to charter-party carriers are §5351 through §5420. Many of these sections contain references to other California codes, such as the Vehicle Code. Carriers are also responsible for obeying those laws as well. All California codes are on line at [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html).

Commission General Orders. Commission General Order (GO) 157 Series contains rules and regulations governing charter-party carriers. You are responsible for knowing and following all applicable regulations in these General Orders, which you may view or download at [www.cpuc.ca.gov/PUC/documents/go.htm](http://www.cpuc.ca.gov/PUC/documents/go.htm).

**If you have thoroughly read the preceding material and are still not sure whether you need CPUC authority, or which type, or if you have other questions, you may contact the License Section for assistance.**

**Email:** [Licensing\\_TNC@cpuc.ca.gov](mailto:Licensing_TNC@cpuc.ca.gov)

**Phone:** (800) 877-8867

**Your input telling us how we can make the information above more clear or useful to our customers in the future is welcome! Address input to:**

**[Licensing\\_TNC@cpuc.ca.gov](mailto:Licensing_TNC@cpuc.ca.gov)**

**THANK YOU from the License Section!**

## ARTICLE 1100: REGULATION OF MOTOR VEHICLES FOR HIRE

1101.	Scope and Purpose of Regulations.
1102.	Definitions.
1103.	Permit Applications and Renewal.
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1105.	General Permit Conditions.
1106.	Conditions Applicable to Color Scheme Permits.
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1108.	Conditions Applicable to Driver Permits.
1109.	Conditions Applicable to Taxi and Ramp Taxi Medallions.
1110.	Conditions Applicable to Ramp Taxi Medallions.
1113.	Taxi and Ramp Taxi Equipment Requirements.
1114.	Records and Reporting Requirements Applicable to Permit Holders.
1115.	Determination of Number of Permits.
1116.	Taxi Medallion Transfer Program.
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1119.	Administrative Fines Assessed Against Non-Permit Holders.
1120.	Administrative Hearings.
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### 1. 1101. SCOPE AND PURPOSE OF REGULATIONS.

#### a) Scope of Regulations.

(1) **Classes of Permits.** This Article shall apply to the following classes of permits issued by the SFMTA:

- (A) Permits issued to a person:
  - (i) Driver Permits.
- (B) Permits issued to a person for use with an identified vehicle or vehicle(s):
  - (i) Taxi/Ramp Taxi Medallions.
  - (ii) Non-Standard Vehicle Permits.
- (C) Permits issued to a business that affiliates with permitted vehicles:
  - (i) Color Scheme Permits.
  - (ii) Dispatch Service Permits.

(2) **Exclusion for Certain Vehicles.** This Article shall not apply to the operation of a motor vehicle:

- (A) Engaged in the business of, or used for, transporting passengers for hire when such motor vehicle is operated under and by authority of a permit for hire issued by the Public Utilities Commission of the State of California (CPUC) to the extent that the commercial operation of such a Motor Vehicle for Hire is entirely within the scope of such certificate;
- (B) Licensed by any city, city and county, county or other public entity as a motor vehicle for hire which may enter the City and County of San Francisco for the purpose of delivering passengers who have hired the vehicle in a jurisdiction in which it is licensed to operate, provided, however, that no such Motor Vehicle for Hire may solicit or accept any passenger while in the City;
- (C) That is regularly operated by a business to transport employees;
- (D) Operated as a private ambulance and regulated by Article 14 of the San Francisco Health Code; or
- (E) Operating on fixed tracks or rails.

(3) **Application of Regulations to Permit Holder Conduct.** This Article applies to the conduct of Permit Holders at all times while engaged in any activity related to the permit.

b) **Purpose of Regulations; Limitation of Liability.** It is the purpose of this Article to require all persons, businesses or corporations holding permits issued pursuant to this Article to take steps to improve taxi service to the public and to protect the public health and safety when providing such service. By enacting this Article, the SFMTA is assuming an undertaking to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees a liability for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

c) **Notice of Regulations.** The SFMTA shall offer a copy of this Article to each person who is applying for or renewing a permit at the time of application or renewal.

d) **Incompatible Activities.** No permit governed by this Article may be issued to an employee of the SFMTA except with the prior written approval of the Director of Transportation.

e) **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be invalid or ineffective, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The SFMTA Board of Supervisors hereby certifies that each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article is intended to be an independent and severable unit.



- (C) Vehicle number, vehicle license number and vehicle status (available or hired);
- (D) Medallion number (manually entered);
- (E) Number of passengers on each trip (manually entered);
- (F) GPS-generated origin, incremental, destination coordinates of each trip;
- (G) The fare for each trip including applicable fees charged;
- (H) The mileage for each trip;
- (I) The total number of trips for each shift;
- (J) The time of hire and discharge for each trip;
- (K) The starting and ending times and total hours of each shift.

(2) **Integration with Electronic Taxi Access System.**

(A) Each Dispatch Service Permit Holder shall implement a system or extend an existing system to integrate and exchange Electronic Trip Information with the Electronic Taxi Access System.

(B) Each Dispatch Service Permit Holder shall use systems to share Electronic Trip Data in real-time. As Drivers start their daily shift, systems used by Dispatch Service Permit Holders shall exchange company, Driver, vehicle and day/time data with the Electronic Taxi Access System. As Drivers begin their trips, systems used by Dispatch Service Permit Holders must share pick-up location, real-time telemetry during the trip, destination location and fare payment not including personal customer information. As Drivers end their daily shift, systems used by Dispatch Service Permit Holders shall exchange company, Driver, vehicle and day/time data with the Electronic Taxi Access System.

(C) The systems used by Dispatch Service Permit Holders shall transmit Electronic Trip Data to the Electronic Taxi Access System at a periodic rate. The transmission rate must be configurable with a default setting of every six seconds.

(3) **Semi-Annual Service Report.** All Dispatch Services must provide the SFMTA with dispatch service reports covering the period of January 1 through June 30 due to the SFMTA by August 1, and covering the period of July 1 through December 31 by February 1 of each year in a format approved by the SFMTA.

(4) **Reports of Found Property.**

(A) **Receipt to Drivers.** Every Dispatch Service Permit Holder shall issue a receipt to the Driver for any Found Property located in an affiliated vehicle or Ramp Taxi and provided to the Dispatch Service.

(B) **Return to Owner.** Every Dispatch Service Permit Holder shall endeavor to return Found Property to its rightful owner. If after 2 business days the owner cannot be located, the Dispatch Service Permit Holder shall give the property to SFMTA with a receipt that includes an inventory of the property and the name or badge number of the Driver who turned it in and the Vehicle Number of the vehicle in which it was found.

(C) **Property Log Book.** Every Dispatch Service Permit Holder shall maintain at the principal place of business a log book in a form approved by the SFMTA which records the date, time, vehicle number, Driver by name or badge number, Incident Report Number (if applicable), description and disposition of property. The log book shall be retained for a minimum period of one year.

(D) **Weekly Property Report to SFMTA.** On the first business day of each week, each Dispatch Service Permit Holder shall fax or email to the SFMTA a copy of all entries made in the property log for the previous week. Those Dispatch Services having no entries for that week will fax or email a notice to the SFMTA that no property was turned in. Dispatch Service Permit Holders shall account for all affiliated Color Schemes.

(5) **Annual Filings Required for Renewal of Permit.** No Dispatch Service Permit shall be renewed unless the Permit Holder files the following documents by May 1 of each year:

- (A) Copy of current City business license;
- (B) Completed Designated Manager Form;
- (C) List of all affiliated Color Schemes;
- (D) Copy of company drug-free workplace policy;
- (E) Insurance certificates demonstrating compliance with the insurance requirements of this Article;
- (F) Sworn statement attesting to compliance with this Article and applicable state and federal laws.

Added by SFMTA Bd. Res. No. 09-23, 2/23/2009; amended by SFMTA Bd. Res. No. 09-077, 5/19/2009; SFMTA Bd. Res. No. 11-017, 2/1/2011; SFMTA Bd. Res. No. 11-065, Ad. 5/17/2011, Eff. 6/17/11; SFMTA Bd. Res. No. 12-079, Ad. 6/5/2012, Eff. 7/6/2012; SFMTA Bd. Res. No. 12-111, Ad. 8/21/2012, Eff. 9/21/2012; SFMTA Bd. Res. No. 12-148, Ad. 11/20/2012, Eff. 12/21/2012; SFMTA Bd. Res. No. 13-003, Ad. 3/19/2013, Eff. 4/19/2013)

## **§. 1115. DETERMINATION OF NUMBER OF PERMITS.**

The SFMTA Board will from time to time but no more than once per 12-month period, hold a hearing to determine whether to limit the number of a class of permits to be issued and/or whether to issue new permits, and, if so, the limit on the number of a class of permits or the number of permits to be issued for each class of permits for the upcoming 12-month period. In making this determination, the Board will consider the availability of service provided by each class of permits compared to the demand for that service, and the public interest. Based upon the record of the hearing and any further evidence which the SFMTA Board may receive, the SFMTA Board will determine the number of each class of permits to be issued, or that no new permits of a particular class will be issued. The Board may also consider any evidence offered at the hearing to establish other means of improving service that would provide the same or greater benefits to the public as issuing the number of permits. The SFMTA shall post notice at least 30 days prior to any hearing held pursuant to this Section.

SFMTA Bd. Res. No. 09-077, 5/19/2009)

## **§. 1116. TAXI MEDALLION TRANSFER PROGRAM.**

a) **Surrender for Consideration.**

(1) The following natural persons are eligible to surrender their Medallions to the SFMTA for consideration in accordance with this Section:

(A) Any Medallion Holder, except a Ramp Taxi Medallion Holder or a Single Operator Part-time Taxi Medallion Holder, who has demonstrated to the satisfaction of the SFMTA that he or she has a bona fide disability that permanently prevents him or her from satisfying the Full-Time Driving Requirement, or that he or she is subject to the Full-Time Driving Requirement, or

(B) Any Medallion Holder, except a Ramp Taxi Medallion Holder or a Single Operator Part-time Taxi Medallion Holder, who has attained the age of 60.

(2) A Medallion Holder who is subject to the Full Time Driving Requirement must demonstrate that, as of the date that the Medallion is surrendered,

# 計程車營運狀況調查報告

資料時間：104年1月至12月

調查時期：105年3月至6月

交通部統計處 編印

中華民國105年10月

表48 專職計程車駕駛人認為改善現行

中華民國

項目別	加強路邊臨檢、 嚴格取締違規 攬客白牌車	取締車隊 非法霸佔 招呼站排班	實施計程車 牌照總量 管制	增設計程車 招呼站
<b>總計</b>	<b>1.57</b>	<b>0.97</b>	<b>0.97</b>	<b>0.56</b>
<b>按車籍縣市分</b>				
臺灣地區	1.57	0.97	0.97	0.56
新北市	1.50	1.16	1.14	0.50
臺北市	1.48	0.88	1.23	0.46
桃園市	1.89	0.86	0.60	0.39
臺中市	1.95	1.11	0.33	1.26
臺南市	1.37	0.85	0.45	0.39
高雄市	1.40	1.10	0.63	0.59
宜蘭縣	1.29	0.91	0.59	1.28
新竹縣	2.26	0.64	0.46	0.62
苗栗縣	2.19	0.36	0.43	0.56
彰化縣	1.94	0.73	0.72	0.28
南投縣	1.61	0.64	0.59	0.34
雲林縣	1.89	0.57	0.39	0.75
嘉義縣	1.74	0.84	0.55	0.68
屏東縣	1.94	0.92	0.48	0.60
臺東縣	2.41	0.97	0.49	0.59
花蓮縣	1.87	0.25	1.02	0.55
澎湖縣	1.19	0.73	0.94	0.66
基隆市	1.61	0.88	1.40	0.49
新竹市	2.11	0.42	0.47	0.62
嘉義市	1.91	0.33	1.55	0.41
金馬地區	1.55	0.17	0.77	0.49
金門縣	1.71	0.13	0.86	0.57
連江縣	0.73	0.33	0.33	0.13
<b>按車籍地區分</b>				
北部地區	1.54	0.97	1.14	0.48
中部地區	1.95	1.03	0.37	1.13
南部地區	1.43	0.99	0.60	0.53
東部地區	2.04	0.48	0.85	0.56

說明：按優先順序之高低，分別給予3分(第一優先)、2分(第二優先)、1分(第三優先)。

# 計程車營運狀況調查報告

資料時間：102年1月至12月

調查時期：103年3月至6月

交通部統計處 編印

中華民國103年11月

(三) 「實施計程車牌照總量管制」仍為改善現行計程車管理制度應優先採取之措施：102 年計程車駕駛人認為改善現行計程車管理制度應採取之措施，仍以「實施計程車牌照總量管制」為第 1 優先；第 2 及第 3 優先分別為「取締車隊非法霸佔招呼站排班」及「增設計程車招呼站」，前 3 優先排序與前次調查結果相同。而觀察各縣市計程車駕駛人認為改善現行計程車管理制度應採取之措施，有 10 個縣市以「實施計程車牌照總量管制」為第 1 優先，而整體排名第 4 優先的「加強路邊臨檢、嚴格取締違規攬客白牌車」管理措施，卻有 7 縣市(桃園縣、新竹縣、苗栗縣、南投縣、雲林縣、嘉義縣及嘉義市)認為應第 1 優先執行，顯示白牌計程車對此 7 縣市計程車之營運已經造成影響，值得相關單位深入瞭解。

表 20、計程車駕駛人認為「改善現行計程車管理制度」應優先採取之措施

民國 103 年 3 至 6 月

單位：分

排名	項目別	102 年	100 年	98 年
1	實施計程車牌照總量管制	1.49	1.91	1.90
2	取締車隊非法霸佔招呼站排班	0.92	0.96	0.94
3	增設計程車招呼站	0.73	0.48	0.45
4	加強路邊臨檢、嚴格取締違規攬客白牌車	0.57	0.45	0.42
5	建立嚴格的計程車執業登記管理制度	0.54	0.47	0.48
6	獎勵專業駕駛及優良駕駛，並嚴格懲處違規駕駛	0.40	0.30	0.29
7	申請個人計程車資格應予提高，並經政府表揚之優良者為限	0.40	0.35	0.34
8	建立駕駛員在職教育訓練制度	0.32	0.16	0.15
9	加強無線電計程車與現行車行、合作社之管理	0.31	0.29	0.33
10	杜絕個人車牌非法買賣或轉讓	0.12	0.17	-

說明：按優先順序，分別給予 3 分(第 1 優先)、2 分(第 2 優先)、1 分(第 3 優先)。

**RDEC-RES-099-032 (政策建議書)**

## **計程車人車管理制度之研究**

**行政院研究發展考核委員會編印**

**中華民國 99 年 9 月**

(本報告內容及建議，純屬研究小組意見，不代表本會意見)

**RDEC-RES-099-032 (政策建議書)**

## **計程車人車管理制度之研究**

**受委託單位：台灣先進交通運輸科技與管理協會**

**研究主持人：洪博士鈞澤**

**協同主持人：周副教授文生**

**研 究 員：吳奇軒、沈大維、陳維隆、王冠堯**

**行政院研究發展考核委員會編印**

**中華民國 99 年 9 月**

(本報告內容及建議，純屬研究小組意見，不代表本會意見)

### 一、內政部警政署意見

- (一) 管理不易銜接：計程車之管理係採「人」、「車」分治，即計程車駕駛人由警察機關管理；其牌照核發、營運管理則由交通公路機關主管，致管理不易銜接
- (二) 不符簡政便民原則：計程車駕駛人申領計程車牌照、年度驗車在公路監理機關，辦理執業登記年度查驗則向警察機關，政出多門，造成駕駛人不便，亦不符簡政便民原則。
- (三) 查詢資料付費不合情理：車輛、車籍由監理機關管理，警察機關若要向監理機關查詢整批車籍資料，仍需由警察機關支付程式設計、修改等費用，不僅不符行政簡便原則，亦不合情理。
- (四) 原委託代管之規劃設計已失去原意：計程車駕駛人執業登記委由警察機關辦理係因以前前科、素行由警察機關管理，現已歸法院管理，警察機關只能透過刑事資料庫查詢前科素行資料，公路主管機關將計程車委由警察機關辦理已失去委託之原有目的及價值。
- (五) 車隊管理產生法令漏洞：所謂車隊如臺灣大車隊，係指向經濟部申請公司登記，經營汽車修理業、管理顧問、人力派遣等項，因營業項目並無計程車相關資料，警察機關無法可管，顯為法令漏洞，但交通主管機關則可回歸運輸業之母法(公路法)來管理，追溯到該車所屬之車行、合作社，採取必要之處罰。

### 二、交通部意見

- (一) 計程車駕駛人執業登記制度為防制治安所制立，係為查核計程車司機是否符合道路交通管理處罰條例第 37 條之駕駛人是否曾犯故意殺人、搶劫、搶奪、強盜.....等素行；遊覽車駕駛人執業登記係為建立僱用關係所制定，兩者立法目的並不相同。
- (二) 就實務管理立場而言，倘由公路監理機關反向警察機關查證，不但曠日廢時難以便民，且因時間差仍有治安疑慮。況且，目前監理業務龐大，在人力及設備不足情況下，所造成之等候及不便，必將更甚於目前，而引起計程車駕駛人之不滿。
- (三) 計程車派遣車隊未來將修法納入計程車客運服務業管理規範，並



### 【憲法意見表】

為保障人民的權利，憲法與相關法律對政府的權力加以限制，以下的檢查表列出一系列憲法對政府行為所設為保障人權之最重要的限制。

請用下列表格發展我方政策，擬定時必須不牴觸憲法對政府行為所設的限制。

<p>1. 政府無權干涉宗教信仰的自由。我方政策有/無牴觸這點，理由如下： 無。 我方政策無涉憲法第 13 條所保障的信仰宗教自由。</p>
<p>2. 政府無權對人民以言論、書寫或以其他方式表達意見之自由加諸不合理或不公平的 限制。我方政策有/無牴觸這點，理由如下： 無。 我方政策無涉憲法第 11 條所保障的言論、講學、著作及出版自由。</p>
<p>3. 政府無權在沒有依法組成法庭或者主管機關，進行正當法定程序前，即剝奪生 命、自由或財產，我方政策有/無牴觸這點，理由如下： 無。 我方政策無涉憲法所保障的生命權、自由權與財產權。</p>
<p>4. 政府無權在沒有正當理由的情況下，即侵犯人民隱私。我方政策有/無牴觸這 點，理由如下： 無。 我方政策並無侵害憲法所保障的隱私權。</p>
<p>5. 政府無權依據人種、宗教、年齡、國籍或性別等因素，制訂對人民有不合理 不公平差別待遇之法律。我方政策有/無牴觸這點，理由如下： 無。 我方政策無涉憲法第 7 條所保障的平等權。</p>

6. 我方政策有/無抵觸其他憲法規定，理由如下：

我方政策似抵觸憲法第 15 條所保障的工作權，但並無抵觸。

參司法院釋字第 584 號解釋文：「人民之工作權為憲法第十五條規定所保障，其內涵包括人民選擇職業之自由。人民之職業與公共福祉有密切關係，故對於從事一定職業應具備之資格或其他要件，於符合憲法第二十三條規定之限度內，得以法律或法律明確授權之命令加以限制。」

(1) 對計程車司機：

網路運輸服務業進入市場，可能涉及計程車業者之工作權。以下試析之：

針對工作權的性質，學說上主要有兼具受益權與自由權說與受益權說，我國釋憲實務所採<sup>1</sup>，認為工作權之內涵指依其興趣或能力，以生活創造或維持之意思，在一定期間內反覆從事之行為，包含營業及選擇職業之自由<sup>2</sup>；後者則認為工作權僅具受益權之本質，僅指國家應設法給予有工作能力者適當之工作機會<sup>3</sup>。而營業及職業自由，則分別回歸憲法第 15 條財產權及第 22 條概括基本權所保障。

若我方開放以私人以兼職模式進入現有小客車運輸業之市場，在供需法則的運作下，因為供給提高，價格將產生下跌之現象。故勢必對計程車市場造成排擠而使業者之載客率降低。我方政策開放市場供兼職司機加入乃基於社會大眾對運輸方式有選擇之自由，國家亦有義務健全國內之運輸系統，新型態之網路叫車方式有利於人民獲取更便利之交通。不僅如此，現今我國從事專職計程車司機之人數逾八萬人，惟實際上無如此大的市場需求，高空車率與空車時數下造成車輛資源與人力資源的閒置及浪費。我方政策下對於人民職業選擇自有所為之限制，係在保障社會整體公共利益，除了能有效利用閒置資源、減少空氣污染，更能讓我國人力資源有效重新分配，故與憲法第 23 條規定，尚無抵觸。

(2) 對我方政策通過後欲從事計程車行業的人民：

承前(1)述，就我國當今計程車運輸業過量的供給而言，考量前述公益，限制職業選擇與憲法第 23 條尚無抵觸。

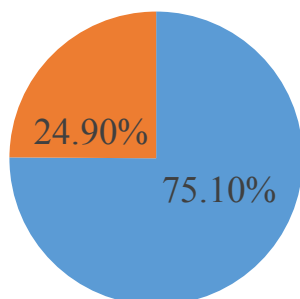
<sup>1</sup> 司法院釋字第 404、510、514、584、689 號解釋參照。

<sup>2</sup> 李惠宗，憲法要義，7 版，元照，2015 年 9 月，頁 258。

<sup>3</sup> 憲法第 152 條：「人民具有工作能力者，國家應予以適當之工作機會。」

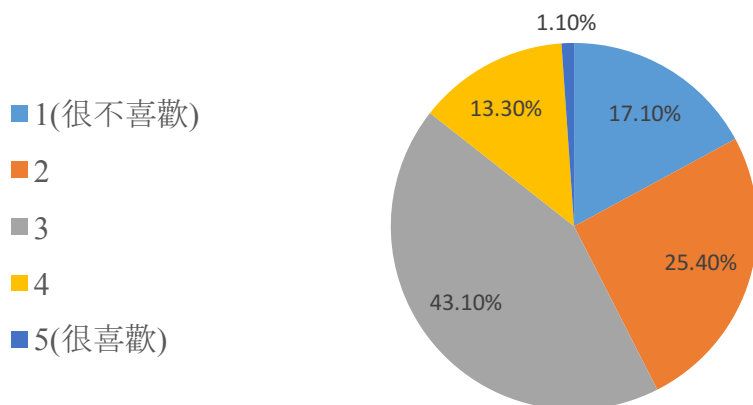
探討一般大眾對計程車及網路運輸服務業之了解程度及想法

是否搭乘過Uber



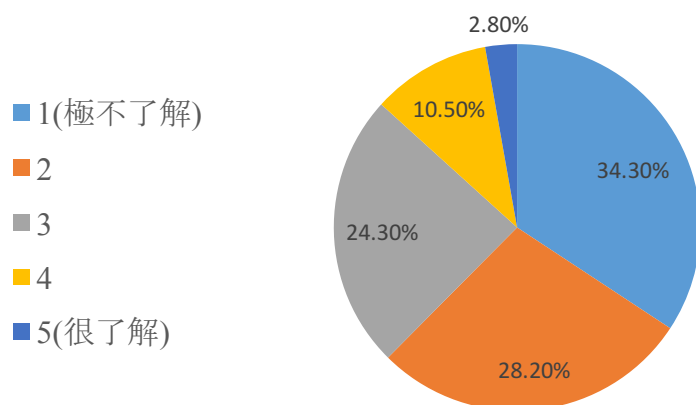
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喜愛搭乘計程車程度



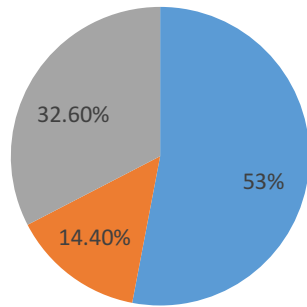
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■ 2  
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■ 4  
■ 5(很喜歡)

了解多元化計程車方案程度



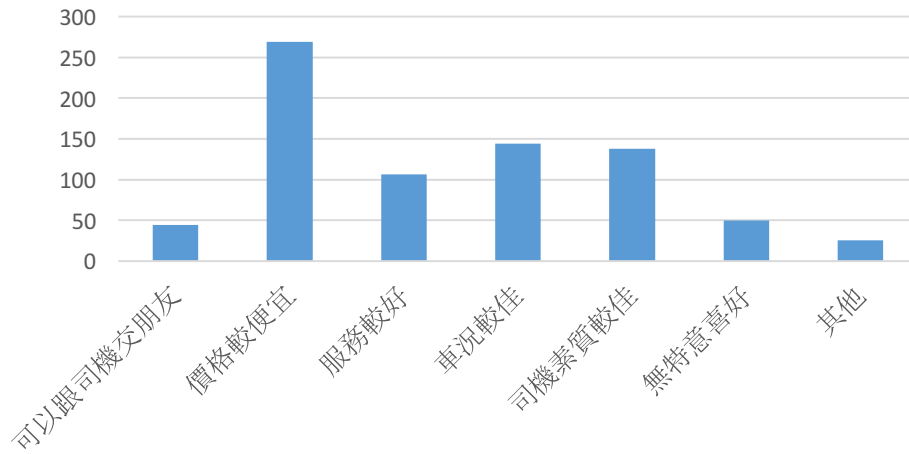
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■ 5(很了解)

## 認為多元化計程車方案可行性

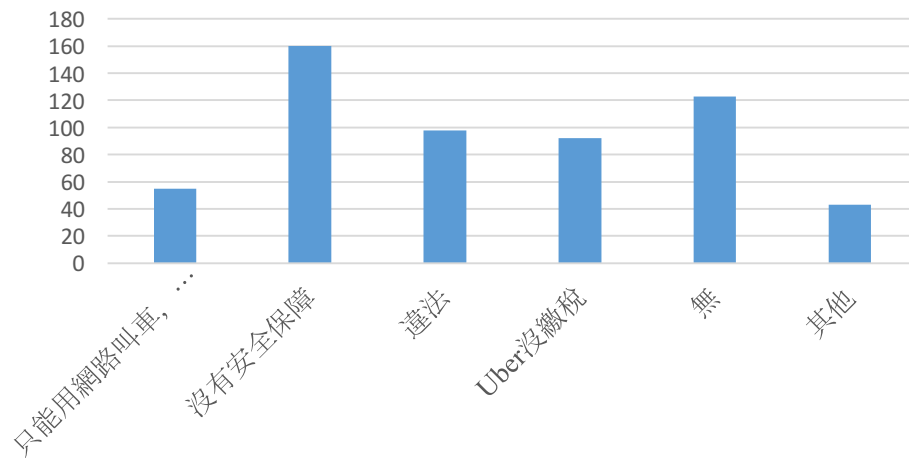


■ 可 ■ 不可 ■ 不知道

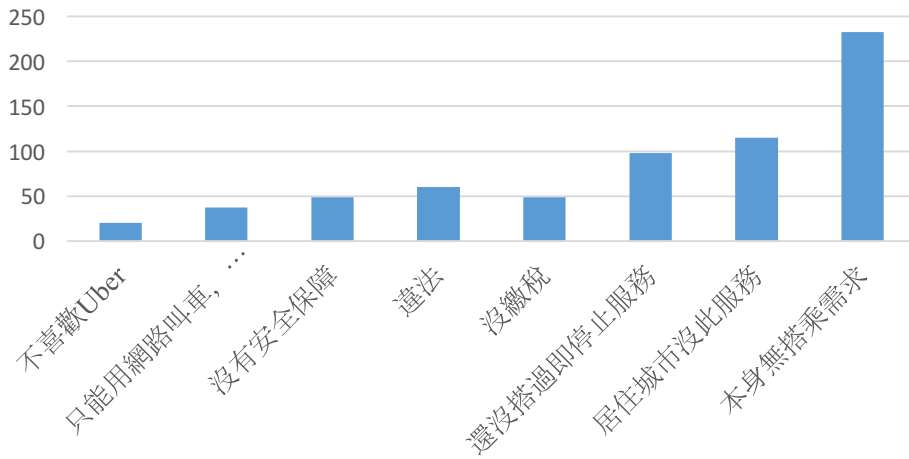
## 喜歡Uber之原因



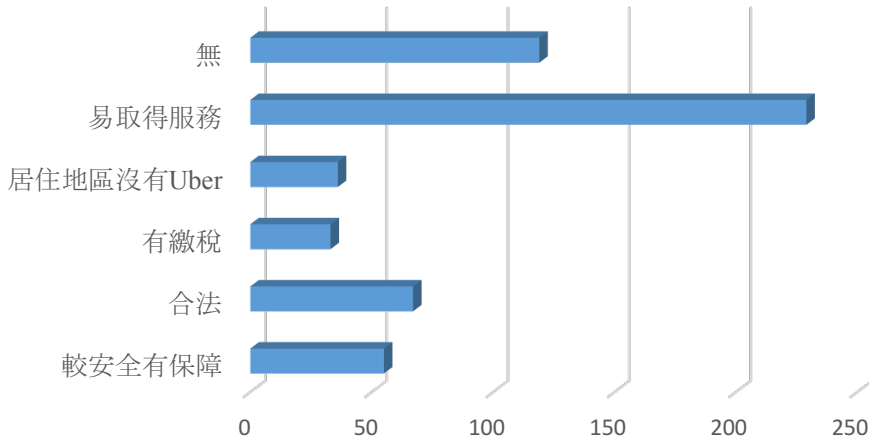
## 不喜歡Uber之理由



### 沒搭過Uber 之原因



### 喜歡計程車之原因



### 不喜歡計程車之理由

