

Bihar Taxi Aggregator Operational Directives, 2019

BIHAR

India

Bihar Taxi Aggregator Operational Directives, 2019

Rule

BIHAR-TAXI-AGGREGATOR-OPERATIONAL-DIRECTIVES-2019 of 2019

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Bihar Taxi Aggregator Operational Directives, 2019 Published vide Notification No.-06/Taxi Sewa/2018-403, dated 10.1.2019 No.-06/Taxi Sewa/2018-403. - In exercise of powers conferred under Section 93 of the Motor Vehicle Act, 1988 (Act No. 59) Bihar Taxi Aggregator Operational Directives 2018 was published as required by sub-section (1) of section 212 of the said Act, for information of all persons likely to be affected thereby; and notice was given by the Government of Bihar for thirty days from the date on which the draft notification was published in the Official Gazette for objections or suggestions on or before the aforesaid period. No objections/suggestions were received from the people in general. Hence in exercise of powers conferred under section 93 of Motor Vehicle Act, 1988 (Act No. 59, 1988) to promote urban mobility according to guidelines issued by Ministry of Road Transport and highways (MoRTH), Government of India and in view of the existing provisions of rule 103 of Bihar Motor Vehicles Rules 1992 to regulate the operational activities of the Transportation Technologies Aggregator, the Department of Transport, Government of Bihar hereby issue the following set of directives namely "Bihar Taxi Aggregator Operational Directives 2019". These directives will be effective from the date of issuing notification to this effect in the Gazette of Bihar.

1. Short title, application and commencement.

- (i) These guidelines may be called the Bihar Taxi Aggregator Operational Directives 2019. (ii) These directives shall be applicable to the Aggregator operating in the State of Bihar. (iii) They shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

(1) In these directives, unless anything required in the subject or context - (i) "Act" means the Motor Vehicles Act, 1988; (ii) "Aggregator" means a person who is an operator or an intermediary / marketplace who canvasses or solicits or facilitates passengers for travel by a taxi/motor cycle or any other public service vehicle and who connects the passenger / intending passenger to a driver of a taxi or any other public service vehicle through phone calls, internet, web-based services or GPS/GPRS based services whether or not any fare, fee, commission, brokerage or other charges are collected for providing such services; (iii) "Form" means forms append to these Bihar Taxi Aggregator Policy; (iv) "Licence" means a Licence issued to an aggregator under these Bihar Taxi Aggregator Policy; (v) "Licencee" means an aggregator who holds licence issued under these Bihar Taxi Aggregator Policy; (vi) "Licensing Authority" means the State Transport Commissioner, Government of Bihar; (vii) "Taxi" means a motor vehicle having valid permit under the applicable laws of India, as the case may be and must be valid in the State of Bihar. (viii) "Motor Cycle" means as per Section 2(27) of Motor Vehicles Act 1988 which provides the definition of a Motor Cycle which "means a two-wheeled motor vehicle, inclusive of any detachable side-car having an extra wheel, attached to the motor vehicle" and the Ministry of Shipping, Road Transport and Highways (Department of Road Transport and Highways) vide notification number 1248(E) dated 5.11.2004 allows registration of "Motor Cycle" both under Transport and Non-Transport categories; (ix) In terms of Section 2(35) of the Act "Public Service Vehicles" means any Motor Vehicle used or adapted to be used for the carriage of passenger for hire or reward; (x) "Inspection Authority" means District transport officer or any other officer authorized in this behalf specifically by the State Transport Commissioner. (2) Words and expressions used in these Bihar Taxi Aggregator Policy and not defined herein shall have the same meanings respectively assigned to them in the Motor Vehicles Act, 1988, Central Motor Vehicles Rules, 1989 and Bihar Motor Vehicles Rules, 1992 shall have the meaning assigned to them therein.

3. License.

- (A) Requirement of License. - No company shall act as a Taxi Aggregator within the State of Bihar unless such a company has obtained an Agent's license from the Licensing Authority. (B) Application for the issue of licence - (i) Application for license under this Bihar Taxi Aggregator Operational Directives 2019 shall be made in writing to the Licensing Authority in the Form-1 of Appendix-I as specified for the purpose and shall be accompanied by the supporting documents as listed herein. (ii) Application for grant of license shall be accompanied by proof of payment of appropriate fee as per Section 103 A of Bihar Motor Vehicles Rules 1992. (C) Documents for Application for the issue of licence. - Following documents shall be enclosed along with application: - (i) Documents certifying that the applicant company is registered under the Companies Act, 1956 or 2013 and under the relevant provisions of all the applicable laws; (ii) Proof of address of the organization within the State of Bihar and details of the Telephone Number, web address and e-mail id of the Office-in-Charge of the organization in the State of Bihar; (iii) The Applicant should be in operation for the last one year - Copy of Certificate of Incorporation; (iv) GST Registration Certificates and PAN details; (v) Audited financial statements for the last one financial years; (vi) An undertaking to the effect that the terms and conditions of the license as granted under Bihar Taxi Aggregator

Operational Directives 2019 along with necessary & applicable provisions of Motor Vehicle Act 1988, Central Motor Vehicles Rules 1989, Bihar Motor Vehicles Rules 1992 and all the applicable laws of the land will be fully complied; (vii) The licensee shall maintain a minimum fleet of 50 taxis either owned or through an agreement with individual taxi permit holders in prescribed form to the effect that for private vehicles, permit will be procured from competent authority to convert the vehicle into commercial vehicle within 30 days of grant of license; (viii) The licensee shall maintain a minimum fleet of 50 Motor Cycles either owned or through an agreement with individual permit holders in prescribed form to the effect that for private vehicles, permit will be procured from competent authority to convert the vehicle into commercial vehicle within 30 days of grant of license; (ix) Detail of the Telephone Number, web address and e-mail id of the Managing Director of the Company; (x) The applicant company will have to submit a developed MIS integrated with other details of technical specifications to operate as an aggregator; (xi) Details of call center, web portal and Mobile App for operation, details of parking facility available; (D) Provisional License - The Applicant must apply for grant of license in Form I of Appendix - II and on being satisfied that the applicant has complied with all the conditions prescribed for grant of a licence under this Bihar Taxi Aggregator Operational Directives 2019, the licensing authority shall issue a Provisional Licence to the applicant. The Provisional License will be valid for 30 days and within which the Applicant must submit a compliance report with all the terms and conditions as mentioned in the Provisional License. The Provisional License may be extended for a further period of 30 days as per discretion of the Licensing Authority and in case of eligibility criteria being not fulfilled till lapse of extended period of provisional license, the provisional license may be subject to cancellation. (E) Grant of License - (i) On satisfactory compliance of the conditions as mentioned in the Provisional License within the specified period under this Bihar Taxi Aggregator Operational Directives 2019, the Licensing Authority will grant the Final License in Form I of Appendix - II. (ii) The License shall be valid for a period of 3 (three) years from the date of grant. (iii) Prior to issuance of license, the licensing authority through inspection authority can conduct an enquiry as deemed necessary. (F) Renewal of License - (i) The licence granted under these rules may be renewed subject to the satisfactory performance of the Licensee as per terms and conditions of this Bihar Taxi Aggregator Operational Directives 2019 on an application at least before one month from the expiry of the license. The application should be made on Form I of Appendix - III. (ii) The renewal application shall be submitted along with the prescribed fee u/s 103 (A) of Bihar Motor Vehicles Rules 1992. (iii) Documents to be attached with License renewal application:-

1. Original copy of the granted license;

2. Details of the permit of the taxi/ motor bike taxis operated under the Licensee during the License valid period;

3. Details of the passengers availed the service under the Licensee during the License valid period;

4. Details of complains and their redressal under the Licensee during the License valid period;

5. Audited report of last three years of financial statements;

6. Details of any proceeding during the License valid period;

7. Prior to renewal of license, the licensing authority through inspection authority can conduct an enquiry as deemed necessary.

(iv)The License shall be valid for next three years from the date of renewal of the License.(v)On satisfactory compliance of the conditions as mentioned in this Bihar Taxi Aggregator Operational Directives 2019, the Licensing Authority will renew the License as per Form I of Appendix -II.(G)Power of Licensing Authority to Suspend or Cancel the License -(i)The licensing authority may, after giving an opportunity of being heard to the Licensee, suspend or cancel the licence, if,-(a)the licensee has failed to comply with any of the terms and conditions of these rules; or,(b)an employee of licensee or driver of vehicle attached to the licensee is guilty of any misbehavior or misconduct with any passenger; or,(c)a complaint against the licensee by any passenger has been proved beyond reasonable doubt, the licensing Authority may suspend the license for a specified period or cancel the license.(d)the licensee has failed to comply with any of the terms and conditions of these rules then the renewal license will be liable for rejection, with reasons to be recorded in writing.(ii)When the license is suspended or cancelled, the holder of the license shall surrender the license to the licensing authority.(H)Issue of Duplicate License. - Where the licence is lost or destroyed, an application for issue of a duplicate shall be made along with the prescribed fee u/s 103 (A) of Bihar Motor Vehicles Rules 1992. A duplicate Licence so issued shall be marked "Duplicate" in red ink.

4. Appeal.

- (i) The Principal Secretary/Secretary Transport Department, Government of Bihar shall be the appellate authority in matters related to License.(ii)The Licence aggrieved by any order of the licensing authority may within thirty days of the receipt of the order, make an appeal to the Principal Secretary/Secretary Transport Department, Government of Bihar.(iii)An appeal shall be in the form of a memorandum in duplicate setting forth the grounds of for the appeal and shall be accompanied by fee as may be specified in Bihar Motor Vehicles Rules 1992.(iv)The Principal Secretary/Secretary Transport Department, Government of Bihar may, after giving an opportunity of hearing to the parties and after such enquiry as it may be deem fit pass an appropriate order.

5. Fare.

- (i) As per Section 67 (1) of Motor Vehicles Act 1988, the State Government may, from time to time, by notification in the Official Gazette, issue directions regarding the fixing of fares and freight of taxies(including the maximum and minimum in respect thereof);(ii)The Licensee shall display the

fare rate and provide a fare rate estimator on the website, internet enabled application or digital platform used by the Licensee to connect driver and passenger.

6. Operational infrastructure.

- (A) Infrastructure related to Vehicle - (i) No Taxi/ Motor Cycle shall be offered for hire through an aggregator who is not registered under these rules. (ii) The Licensee shall ensure that every Taxi/Motor Cycle has a valid fitness certificate issued under the Act, Insurance Certificate, PUC and shall be operating under permit granted under relevant provision of MV Act 1988 (iii) Each vehicle operating under these directives shall have either fitted in vehicle or separately in mobile application of the driver of the vehicle, GPS/GPRS based tracking device showing the path travelled and total distance covered. The device shall be in constant communication with the control room of the licensee while the taxi is on hire. (iv) Any vehicle operating under these policy may be equipped with a mobile radio, Web or application platform based two way communication system of the licensee. (v) The details containing the photograph of the driver, license number, Public Service Vehicle (PSV) Badge number and registration mark of the vehicle etc. shall be displayed prominently inside the vehicle, so that the same is directly visible to the passenger. These details shall also be made visible on the app and on the invoices issued to the customer. (vi) Helpline numbers of DTO, Police and Women's Help line shall be prominently displayed inside the vehicle. (vii) Any vehicle operating under these policy shall be equipped with a first aid box containing the articles specified in Bihar Motor Vehicle Rules, 1992. (viii) Any vehicle operating under these Rules should be driven on clean fuel. Such vehicle should meet emission standards as prescribed from time to time by the Transport Authority/MoRTH. (ix) A feedback register easily accessible to the passenger shall be kept in the vehicle. (x) In case of Motor Cycle (bike-taxis), in addition to above clause the following condition needs to be satisfied. (a) Carriage of minors as hirers shall not be allowed. (b) More than one pillion rider shall not be allowed but under parental guidance a child not more than 5 years old shall be permitted for ride. (c) Crash helmets for riders as per permissible specifications shall be provided by the service provider. (d) Carriage of personal effects by the hirer will be allowed on a very limited basis, like a normal size backpack or handheld briefcase, etc. of reasonable weight. (B) Driver's Profile - (i) The driver needs to be a holder of any valid license to drive light motor vehicle or two-wheeler as the case may be. (ii) The driver shall have adequate knowledge of the roads and routes of the area of operation so that the passengers are not inconvenienced. (iii) The driver on duty shall be in uniform as approved by the Licensing Authority or as per company's design. (iv) The driver shall be of good moral character without any criminal record. Any person who has been convicted within the past seven years of driving under the influence of drugs or alcohol, or has been convicted at any time for any cognizable offence under the Code of Criminal Procedure 1973, including fraud, sexual offences, use of a motor vehicle to commit a cognizable offence, a crime involving property dispute and/or theft, acts of violence or acts of terror shall not be engaged by the licensee. (v) The Licensee shall be responsible for quality of drivers, their police verification, and their conduct with passengers. The Licensee shall also ensure that the drivers are safe, reliable and trustworthy. (vi) Information regarding ownership of vehicles and the profile of drivers including their verification by the Police shall be ensured by the licensee and shall be provided to the Licensing Authority as well as Traffic Police. (vii) Maintain the copies of the following up-dated records relating to the driver's vehicle (after verification with the

originals):(a)Certificate of Registration;(b)Certificate of Fitness;(c)Permit of the vehicle;(d)Chassis and engine numbers and(e)Commercial insurance policy covering for third party risks as prescribed in the Act.(f)Pollution under control certificate.(viii)If the Licensee uses or causes or allows a vehicle to be used in any manner not authorized by the provisions of the Act mentioned herein, the Licensee and the driver shall be jointly and severally responsible for any injury, harm, offence or crime committed by any person, including the driver.(ix)The driver shall always behave in a polite and courteous manner with the passenger.(x)The driver will not pickup passenger by street hailing.(C)General Conditions to be observed by a Licensee - (i) The licensee shall maintain a 24 X 7 control room with adequate manpower.(ii)The licensee shall ensure availability of adequate parking space for all taxis.(iii)The licensee shall ensure mechanism for protecting the rights of women employees as stipulated under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013).(iv)Neither shift his place of business, nor any of his branches as mentioned in the licence nor open a new branch without a written permission from the licensing authority.(v)Maintain records, in digital form of all the taxis & motor cycles at his control, indicating on a day to day basis, the trips operated by each vehicle, details of passengers who travelled in the vehicle, origin and destination of the journey and the fare collected. The records so maintained shall be open for inspection by an officer nominated by the licensing authority at any time.(vi)Provide a list of drivers, their Licence numbers, the vehicle registration numbers and the chassis and engine numbers and permit details of Taxis operated by him to the Licensing Authority on a quarterly basis and also as & when required.(vii)Maintain the copies of following up-dated records relating to the drivers (after verification with the originals):(a)a photograph of the driver;(b)driving licence;(c)Present home address with proof of residential address;(d)RBI compliance KYC bank account details;(e)Self-attested copies of EPIC card and PAN card.(f)Contact details and addresses of two family members.(viii)Implement a zero tolerance policy on the use of drugs or alcohol applicable to any driver, provide notice of the zero- tolerance policy on its website, as well as the procedure to report a complaint about a driver when a passenger reasonably suspects that the driver was under the influence of drugs or alcohol during the course of the ride' The Licensee shall-immediately deactivate or suspend such driver's access to the platform upon receipt of a passenger's complaint alleging violation of the zero tolerance policy. The suspension shall last or continue during the period of investigation by the Licensee.(ix)The licensee shall conduct structured refresher training programs for its drivers including but not limited to safe driving skills, gender sensitization, passenger etiquette etc. The licensee shall ensure that the driver shall undertake such refresher trainings at least once in a calendar year. Such training programs should be duly documented by the licensee.(x)Send photo of the driver along with vehicle registration number and other details of the driver to the customer's mobile before boarding.(xi)Publish beforehand its policy on taxi fare, registration of taxis and drivers with its platform or app, sharing of fares with taxi owners and/or drivers, safety of passengers, grievance redressal mechanism for passengers etc.(xii)The licensee shall ensure that the driver undergoes an annual health checkup for ensuring his fitness to drive the vehicle.(xiii)If any untoward incident occurs during the course of a ride, the Licensee shall inform the same to the licensing authority as well as to the jurisdictional police immediately.(xiv)The vehicle MUST be equipped with the facility of a physical emergency button with the provision of emitting prescribed sound/light note, when pressed, for ensuring full safety and security of the passenger/driver on board in a conspicuous position and in a place having immediate access to the hirer. The vehicle must be equipped with a GPS tracking device fitted by the

owner of the vehicle.

7. Grievance redressal.

- (i) maintain a web portal containing all details regarding the owners of the vehicles, services offered, fare structure, insurance liabilities, control room number, name and contact details of a duly appointed grievance redressal officer. (ii) Ensure adequate mechanism for receiving passenger's feedback and grievances. This may be ensured through feedback register kept in the taxi, easily accessible to the passengers always and also by providing toll free phone numbers. (iii) Ensure that the grievances or complaints of passengers or any other persons received, by him shall be attended by the grievance officer appointed by him and they must be made available to the inspecting authorities on demand. (iv) The Transport Department can review from time to time, "grievance redressal" by the licensee, of complaints lodged by passengers and the licensee shall be liable to produce such relevant documents before inspection authority for such review. Based on review, the department can issue relevant instructions, as deemed necessary.

8. Power to remove difficulties.

- (i) The Transport Department shall be competent enough for any amendment in these directives, as deemed necessary. (ii) The licensing authority can change conditions or add new conditions, after prior notice of 30 days to the licensee

9. Miscellaneous.

- In case of any provisions under these directives are found contrary to any provisions of MV Act, 1988, CMVR, 1989, BMVR, 1992 and Bihar Motor Vehicle Taxation Act, 1994 with rules framed there under, then such provisions of selective act and rules will have overriding effect thereon.

10. Repeal and savings.

- In case any directives or executive order etc., if issued in this regard prior to this, then provisions of Bihar Taxi Aggregator Operational Directives 2019 will be effective and previous instructions contradictory to this shall be treated to be repealed up to that extent. Appendix-I Form-I Application for the grant of Aggregator's License under Bihar Taxi Aggregator Operational Directives 2019 To The State Transport Commissioner cum Licensing Authority Transport Department, Government of Bihar, Patna I, the undersigned hereby apply for the grant of Aggregator's License under The Bihar Taxi Aggregator Operational Directives 2019

| Sl No | Details | Particulars |
|-------|--|-------------|
| 1 | Full Name of the Aggregator Firm | |
| 2 | Name of the Firm's Director & Father's Name | |
| 3 | Telephone Number, e-mail id of the Firm's Director | |

- 4 Address of the Head Office
- 5 Telephone Number, web address and e-mail id of the Firm
- 6 Address of branch offices situated in Bihar
- 7 Telephone Number, e-mail id of the officer in-charge of the branch offices
- 8 Number of branches and their addresses
- 9 If a registered company, enclose a copy of certificate of Incorporation / registration
- 10 Copy of GSTN Registration Certificate of the Firm
- 11 PAN Number
- 12 Audited Financial Report of the last one year
- 13 Details of Mobile App, Web Portal & Call Centre for operational purposes
- 14 Details of the available Parking facility
- 15 Details of GPS/GPRS facility
- 16 Number of Taxies/ Motor Cycles proposed to be operated and evidence of contract
(List to be enclosed)
- 17 Details of submitted fees
- 18 Details of Security Money
- An affidavit executed before executive magistrate to ensure compliance of Bihar
Taxi Aggregator Operational Directives 2019 and in addition MV Act, 1988,
19 CMV Rules, 1989 and Bihar Motor Vehicle Rules, 1992, Bihar Motor Vehicles
Taxation Act, 1994 and rules framed there under

I hereby declare that the information given above and other documents enclosed herewith are true to the best of my knowledge. I understand that if any information is found to be incorrect at any point of time, the Licence granted to me is liable to be cancelled, besides initiating other legal action/actions against me. I have gone through the provisions of under The Bihar Taxi Aggregator Operational Directives 2019, I accept the same and agree to abide by the said Bihar Taxi Aggregator Operational Directives 2019. Date & Place Signature of the Applicant/ Authorized signatory Appendix-I Form-2 License for an Aggregator..... is hereby licensed to function as an Aggregator under The Bihar Taxi Aggregator Operational Directives 2019, subject to the conditions contained in Bihar Taxi Aggregator Operational Directives 2019. This license is valid from to

Sl No Details

Particulars

- 1 License Number and Date of Issue
- 2 Name of the Aggregator Company in Full
- 3 Name of the Company's Managing Director & Father's Name
- 4 Address, Telephone Number, e-mail of the head office
- 5 Address, Telephone Number, e-mail address of the branches
- 6 Telephone Number, web address and e-mail id of the Authorized Representative within state of Bihar
- 7 Number of Taxies/ Motor Cycles proposed to be operated. (as per list enclosed)
- 8 Particular of Network through which the operator shall function

9 Details of other infrastructure e.g. CallCentre, Parking facilities, etc. to be provided by Aggregator

10 Details of Security Deposit

The Licensee shall observe all the conditions contained in The Bihar Taxi Aggregator Operational Directives 2019. Place: Date: State Transport Commissioner Transport Department Government of Bihar The license is renewed from to Place: Date: State Transport Commissioner Transport Department Government of Bihar Appendix-I Form-3 Application for Renewal of Aggregator License under Bihar Taxi Aggregator Operational Directives 2019 I , do hereby apply for renewal of Aggregator's license under The Bihar Taxi Aggregator Operational Directives 2019.

| Sl No | Details | Particulars |
|-------|---|-------------|
| 1 | License Number | |
| 2 | License Validity | |
| 3 | Details of Application Fee | |
| 4 | Date of Application | |
| 5 | Full Name of the Aggregator Company & Managing Director | |
| 6 | Address, Telephone Number, e-mail of the head office | |
| 7 | Telephone Number, web address and e-mail id of the Authorized Representative in state of Bihar | |
| 8 | Original copy of the Issued license | |
| 9 | Details of the permit of the motor taxi/ motorbike taxis operated | |
| 10 | Details of the passengers who availed the service under the Licensee during the License valid period. | |
| 11 | Details of complains and their redressal under the Licensee during the License valid period. | |
| 12 | Audited report of last three years of financial statements | |

The Licensee shall observe all the conditions contained in The Bihar Taxi Aggregator Policy. I hereby declare that the information given above and other documents enclosed herewith are true to the best of my knowledge. I understand that if any information is found to be incorrect at any point of time, the Licence granted to me is liable to be cancelled, besides initiating other legal action/actions against me. I have gone through the provisions of under The Bihar Taxi Aggregator Operational Directives 2019, I accept the same and agree to abide by the said Bihar Taxi Aggregator Operational Directives 2019. Place: Date: Name and Signature of the Managing Director of the Company