



Dad's Dial a Driver Services Inc.
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[In Canada, the Criminal Code prohibits driving while one's ability to operate a vehicle is impaired by alcohol or drugs. It is also an offence to drive with a blood alcohol concentration (BAC) in excess of 80 mg of alcohol per 100 ml of blood. In recent decades, the federal government has implemented numerous measures to combat impaired driving.

Impaired driving has been a recognized criminal act in Canada since 1921, despite a sizeable drop in the number of impaired driving offences since the mid-1980s, impaired driving is still unfortunately, the leading cause of criminal deaths in Canada.

With campaigning and marketing techniques provided by groups such as M.A.D.D (Mothers Against Drunk Driving) and other Government Agencies impaired driving was steadily declining to record lows throughout the mid-1980's (1986) until 2006.

Statistics Canada from 2011 recorded that since 2006, impaired driving has been yet again on the rise, and drastically rising throughout Saskatchewan, Yukon Territories and our own British Columbia.

Canada as a whole estimates that impaired driving offences has been increasing at an alarming rate of 2% (an average of 3000 more incidents...) per year from 2008 through 2011 as shown below;

<u>Year</u>	<u>Incidents</u> <u>number</u>
2008	84,694
2009	88,303
2010	87,231
2011	90,277]

- Information source: Statistics Canada

With establishments serving alcoholic beverages with little choice on how their customers are going to get home safely with their vehicles, it is likely they will put trust in designated driving services that have limited or non-existent insurance coverage for their customers or do not carry proper business licensing.

It is expected some accidents involving designated driving companies will commence, we express urgency to require all designated driving services carry a special authorization policy currently available through ICBC that covers their industry specifically, so that these companies no longer pose a risk to local establishments and public safety.

A customer is a person who has found themselves in a somewhat desperate situation, they had an appointment at the eye doctor, they had a few too many beers at an event, they got carried away in some other way that would prevent them from safely operating their motor vehicle.

A designated driver picks up customers and their passengers with their vehicle whether they are impaired, under the influence of a controlled substance, or medically unable to drive their vehicle.

With our experience as a designated driver service, every week we safely move hundreds of impaired “would be” drivers or persons otherwise incapable of operating their vehicle. This keeps them off the road! It is also a catch twenty-two for us because we know there are at least six other companies moving the same amount of people or more with no coverage or improper policies.

A customer expects a level of commitment regarding liabilities such as insurance and safety when calling a designated driving service, in most situations involving a designated driving service the claim for an incident or accident ends up being put against the customer's insurance policy.

We feel it is our responsibility to bring light to this safety issue for the betterment of our communities to ensure no matter which service an individual chooses the municipalities will assure the service carries adequate insurance coverage and licensing.

We are disheartened to learn about an incident occurring February 2016 in Toronto where a gentleman hired a designated driving service, assuming they had insurance coverage and was shocked to find out the accident in fact was to be put against the customer's insurance.

(Source; <http://toronto.ctvnews.ca/man-held-responsible-after-designated-driver-service-totals-his-car-1.2798430>)

Sadly this tragedy could have easily been avoided with some regulation on Toronto's behalf, let's learn from their mistakes and prevent further damages as most of our local designated driver services are not insured properly. Everyone assumes the driver has proper coverage to operate another person's vehicle. Consider this example;

A bar patron is impaired, they drove their vehicle to the bar, they have an important meeting the following day, for which they will need their vehicle, they know they shouldn't drive, it's dangerous, it puts countless lives at risk, they risk their own life, not to mention that it is illegal.

Either themselves or a staff member of an establishment might call a designated driving service, they will not think about the insurance coverage the company carries, they just want to order a safe ride home... As previously mentioned it is more likely a patron or staff member may assume the service they called has insurance coverage and is legally allowed to operate a business.

An impaired person has had a few too many and is not going to think to ask about insurance coverage... These designated driving companies know this... They are providing services without coverage and are putting their customers at risk of damages, injury or death, with no recourse... Just to save money.

Companies who provide designated driving services that are not insured are preying on their customers who assume the hired driver and the company behind that driver will be held liable for any accidents.

This is the reality in most cases, we are the exception for instance ICBC officials can confirm that our company currently holds the specialized authorization policy that has full priority insurance coverage for our customers, their vehicles and any other vehicles involved in any accident whether our drivers are deemed to be at fault, or not. This policy is valid for up to three designated drivers to be driving a customer's vehicle, per policy. Chase vehicles are required to have their vehicle insured with business insurance with five million dollars worth of liability insurance.

An impaired customer assumes and/or expects a level of verbal contractual agreements spoken or otherwise implied when they use designated driving services while impaired, in other words when they realize they cannot operate their vehicle they become vulnerable and subjectable. When a customer asks about insurance coverages the dispatcher or driver may or may not mention valet insurance, or third party liability policies.

Valet Insurance does not exist. What they would actually be referring to is called a Garage or Sales Agency Policy which does not cover the responsibilities of a designated driving service to the public.

Third party insurance does not cover designated driving because of the financial transaction between the company and the customer which requires business insurance.

Designated driver services for hire are operating without insurance coverage or municipal licensing and providing services contrary to what they advertise on their websites and promotional materials which is, that they provide a safe secure ride home.

How is this true if they do not carry proper insurance coverage? How is it acceptable that customers should pay for a service that the customer would be held liable if there was an accident?

Companies who do not have business licensing in there respected jurisdictions, they claim to support their local communities when in fact, they do not.

Companies who claim to have adequate insurance must be forced to demonstrate their documents for inspection by City Council no less than every six calendar months (length of policy term) in order to commence business in Victoria and surrounding areas.

City Council must not allow these companies to collect money from vulnerable impaired people while endangering the public as a whole and putting establishments at financial risk.

There is no documentation for these un-regulated designated driver services such as book keeping in regards to Canada Revenue Agency mandate. Canada Revenue Agency requires accountability for every ride to be revised if needed. These companies are claiming they made much less money than they have actually collected.

It only makes sense that City Council would require business' who are in the designated driving industry to report every ride they do to Canada Revenue Agency and thus requiring designated drivers for hire use a third party automated dispatching system to keep track of revenues, taxes and affirm a database Canada Revenue Agency can review as needed.

Taxes are not being paid to Canada Revenue Agency on money earned, which increases inflation for everyone all around... Nobody wants this.

Third party automated dispatching systems combined with mobile application (App) based fleet tracking systems assures safe driving habits are used while on the road as a designated driver.

If a customer has a complaint about bad driving habits for example excessive speed or erratic driving as displayed countless times with various driving services, a dispatching system easily allows the ability to show the data, track the name of the customer, identify the driver and respond accordingly.

Requiring a third party automated dispatching system would ensure hand-held electronic devices are being operated in a safe, hands-free manner while operating a motor vehicle as required by The Motor Vehicle Act;

The Motor Vehicle Act [RSBC 1996] Chapter 318 Part 3.1

Set out below defines the laws and regulations regarding hand-held electronic devices of all types as follows;

[Definitions

214.1

In this Part:

"electronic device" means

- (a) a hand-held cellular telephone or another hand-held electronic device that includes a telephone function,
 - (b) a hand-held electronic device that is capable of transmitting or receiving electronic mail or other text-based messages, or
 - (c) a prescribed class or type of electronic device;
- "use", in relation to an electronic device, means one or more of the following actions:
- (a) holding the device in a position in which it may be used;
 - (b) operating one or more of the device's functions;

(c) communicating orally by means of the device with another person or another device;

(d) taking another action that is set out in the regulations by means of, with or in relation to an electronic device.

Prohibition against use of electronic device while driving

214.2

(1) A person must not use an electronic device while driving or operating a motor vehicle on a highway.

(2) Without limiting subsection (1), a person must not communicate by means of an electronic device with another person or another device by electronic mail or other text-based message.

Exceptions to prohibition — emergency personnel

214.3

Section 214.2 does not apply to the following persons who use an electronic device while carrying out their powers, duties or functions:

(a) a peace officer;

(b) a person driving or operating an ambulance as defined in the Emergency Health Services Act ;

(c) fire services personnel as defined in the Fire Services Act .

Exceptions to prohibition — certain permitted activities

214.4

Section 214.2 does not apply to a person who uses an electronic device

(a) while operating a motor vehicle that is safely parked off the roadway or lawfully parked on the roadway and is not impeding traffic,

(b) to call or send a message to a police force, fire department or ambulance service about an emergency, or

(c) that is configured and equipped to allow hands-free use in a telephone function, is used in a hands-free manner and is used in accordance with the regulations, if any.]

The Motor Vehicle Act [RSBC 1996] Chapter 318 Part 3.1 carries on to say that some exceptions are made to prohibitions to;

[(a) a prescribed class of persons who, while carrying out their powers, duties or functions and driving or operating a motor vehicle or a prescribed class of motor vehicle, use an electronic device or a prescribed class or type of electronic device,

(b) a person who uses an electronic device while engaged in a prescribed activity or in circumstances or under conditions set out in the regulations, or

(c) a person who uses a prescribed class or type of electronic device.]

- Information Source The Motor Vehicle Act

These exceptions do not include services like taxi's, buses, limousine or designated drivers. Taxi driver companies for example, are strictly mandated by the Transportation Board of BC and ICBC to include hands free devices installed in their vehicles. However designated drivers are not.

Regulations from ICBC

ICBC has detailed guidelines of what is considered "Hands-Free" regarding hand-held devices and why it is such a serious road hazard;

[Distracted driving is a leading cause of car crash fatalities in our province. Police statistics show that about a quarter of all car crash fatalities in B.C. in the last five years (2010 to 2014) were related to distracted driving. That's an average of 81 deaths per year, making distracted driving the second-leading cause of motor Vehicle fatalities in B.C., behind speeding (94) and narrowly ahead of impaired driving (78).

The B.C. government banned the use of personal electronic devices (including talking on a hand-held cellphone and text messaging) while driving as of January 1, 2010...

Keep your hands off.

Hands-free means a Bluetooth or wired headset or speakerphone. The device must be securely attached to the car—it can't be in your lap or loose on the seat beside you. If you're using a headset or headphones, remember that drivers can only wear them in one ear. Only motorcyclists may have an earpiece in both ears...

“The law is the same for all drivers.”

While most drivers are allowed to use a hands-free device, drivers in the Graduated Licensing Program (GLP) are not. They have greater restrictions to help them stay focused on the road while they build their driving experience. This means no use of personal electronic devices at any time, including hands-free phones.

“Using the speakerphone is allowed.”

Not always. Under the law, drivers outside of the GLP are allowed to use hands-free cellphones and devices but there are restrictions on how. In addition to a Bluetooth or wired headset, you can use the speakerphone but the phone has to be securely attached to either you (such as with a belt clip or in your pocket) or to the car; you can't have it in your lap, loose on the seat beside you, in the cupholder, and so on. Holding your phone in one hand and steering with the other isn't safe. And it's illegal. The best way to stay safe is to not use your phone at all, but if you must take a call, use a hands-free electronic device and keep the conversation brief.]

- Information Source ICBC

Unregulated designated drivers are frequently handling their hand-held electronic devices as they use a text/telephone dispatching method and do not install hands-free systems in their chase vehicles as required by ICBC and The Motor Vehicle Act.

This raises a major concern for public safety and causes great risk to passengers and other road users and must be addressed by way of requiring the third party automated dispatching systems which has hands free operation and is designed for the transportation industry to be safe.

There is a very large grey area in which the current laws and regulations allow designated driving services to operate at such a level that it has become unsafe to the people who use and operate the service and to the general public.

Accountability is the major concern at hand, service companies, staff and contract workers are being held accountable for liabilities except the designated driving industry. A good example is strictly enforced within the rules and regulations of the Serving It Right program in accordance with legislation;

Summarized Information from Serving It Right program in B.C

[Public Safety Requires Liquor serving establishments to comply with specific mandates to operate their services, one of them being they must not allow a person to become intoxicated or allow an intoxicated person to remain in a licensed establishment. They are required to ensure intoxicated patrons have a safe way home or to another place where they can sober up. A liquor licensee and its management and staff owe a “duty of care” to both patrons and innocent third parties.

In the context of alcohol sales and service, this means that both the licensee and servers have a legal obligation to protect patrons and others from harm that can result from the activity of drinking, whether that harm occurs on or off the premises. This duty of care is imposed by the “law of negligence” and the British Columbia Occupiers Liability Act.

A licensee must conduct its business in a way that allows it to monitor its patrons' consumption and behaviour so that the licensee knows when to suspend service and/or make arrangements to get an at-risk patron home safely.

The duty of care (the responsibility and legal liability) ends only when patrons get home or to another place where they are able to sober up. If an intoxicated patron drives away from the premises, the duty may continue until that patron reaches his or her home, or the location where they will be spending the night. When the duty is not met, an injured party may take legal action against the licensee, manager or server.

This issue most often arises when a patron who over-consumes alcohol at a licensed establishment is subsequently involved in a motor-vehicle accident. There have been many legal judgments that illustrate the wide-ranging duty of care that licensees are subject to.

Furthermore, The percentage of fault attributed to a licensee varies widely depending on the circumstances.

In the majority of the cases, blame apportioned to the licensee ranges from 5% to 25%.

However, the courts are becoming increasingly willing to apportion a higher degree of fault to licensees who do not meet their duty of care to patrons and the public.

In 2006, the British Columbia Court of Appeal upheld a lower court decision that assigned 50% of the liability to a bar when an intoxicated patron drove from the premises and injured several pedestrians.

For liability purposes, it does not matter whether the licensee or staff actually knew of the patron's state of intoxication. The licensee has an obligation to have systems in place to monitor alcohol consumption and behaviour.

Even if only a small percentage of the total blame is assigned to the licensee, the licensee may still have to pay for all of the damages of someone injured by an intoxicated patron. This is because, under our law, if a plaintiff has suffered injuries caused by two or more people, and the plaintiff is not at all to blame for the injuries, then each of the people who caused the injuries is jointly responsible to pay all of the damages.

In recent years, the courts have decided that those serving alcohol may be held responsible for some of the damage done by intoxicated patrons to themselves or to the public. Some of the decisions have led to very expensive financial settlements or judgments.

Consider this example: A patron is over-served and tries to drive home but hits and seriously injures a pedestrian. The court finds that the patron is 85% responsible, and the bar that over-served him is 15% responsible. The court also finds that the pedestrian did not do anything wrong. A judgment of \$1,000,000 is awarded. If the patron cannot pay his 85% share of the judgment, the bar will have to pay the shortfall.]

- Information Source Serving It Right Program

Even if the staff of the establishment call a designated driving service that establishment can be held financially responsible if the designated driver service has no insurance coverage and can't verify revenues. The injured victim is entitled to get money from somewhere. Insurance companies will stop at nothing to make sure their expense end is paid...

The designated driving service industry accepting responsibility and accountability would relieve local establishments of this heavy burden they carry when a patron leaves the premises with their own vehicle.

Proper insurance coverage would allow a designated driver to safely transport an intoxicated customer either home or another safe place to sober up with the customers own vehicle, just like a taxi would for foot passengers.

City Council needs to hold the designated driving industry to the same standards as applied in The Motor Vehicle Act and the Serving It Right program. Make the designated driver responsible for getting customers home safely in a properly insured vehicle for their industry, from a registered company who regularly shows City Council proof of insurance.

Remove some of the burden suffered by local establishments serving alcohol to the public, while ensuring public safety overall.

Having proper business accreditations, accountability, licensing, third party automated dispatching systems, tracking apps, insurance and up to date accounts with Canada Revenue Agency will not hurt the designated driving industry, it will help the designated driving service thrive, while helping the communities they provide service to feel safe and secure no matter which designated driving services they choose to use.

There is a definite need for the designated driver industry, but it needs to be safe, designated driver companies for hire need to be held responsible for their customers and their liabilities, not just take their money, especially if they are operating a business illegally.

Thank you for taking the time to consider these matters while you plan for a safe, prosperous, proactive future for our community.

Sincerely,



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