

LAW REGULATING PAID PASSENGER TRANSPORTATION APPS IS PUBLISHED

On April 19th 2023, Law No. 21.553 which regulates paid passenger transportation applications and the services provided through them was published in the Official Gazette.

The Law includes important provisions regarding the protection of consumers of passenger transportation services, making the sphere of protection of Law No. 19.496 - Consumer Protection Act ("CPA"), applicable to the contracts entered by passengers with the platforms of transportation application companies ("TAC").

The application of the CPA to contracts between platforms of goods and/or services and their users has been recognized by consumer jurisprudence recently, which has warned that the "intermediary supplier" must respond directly to consumers in accordance with Article 43 of the CPA. This new law reinforces this criterion.

Likewise, this new regulation is in charge of establishing a set of information duties that must be provided by the TAC, to both consumers and drivers. It will be important that both the consumer protection entity (SERNAC) and the Ministry of Transport and Telecommunications act in coordination in the exercise of their powers to promote compliance with these pre-contractual information duties and avoid duplication of potential procedures and penalties.

The following, are the main provisions that will come into effect as a result of this regulation:

Obligations of TAC

Information obligations to users	The characteristics of the application...
The fare (including tolls) before the st...	
The brand, model, and year of the vehi...	
The terms and conditions of service o...	

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General service evaluation systems a...	
Other obligations to users	Allow permanent monitoring of the tri...
Provide means to report emergencies.	
Additional operating requirements	Provide information to the driver abou...
Operate only with vehicles that compl...	
Only operate with registered drivers.	
Keep a record of the passenger's iden...	

Authority in charge

The Ministry of Transportation and Telecommunications will be in charge of overseeing compliance with the law as well as keeping an electronic registry with the list of TACs and licensed drivers. The local police courthouses of the commune in which the infraction has been committed will be competent to hear these infractions.

Information management and processing

TACs shall maintain information at the disposal of the Ministry, which may be shared with the National Police for purposes of inspection and control of the law.

The management of the information must comply with the current regulations regarding personal data protection. Therefore, to guarantee the privacy and confidentiality of the user's information, TACs must deliver the data in such a way that it cannot be associated in any case to a specific person.

Entry into force

This law will become effective thirty days after the complete processing and publication of the regulation by the MMT, which shall be dictated within a nine-month period.

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