

Guidelines for the Acceptance of Cashless Payments in Taxis

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Table of Contents

Contents

Overview	3
Date of Introduction and Scope.....	4
General and Safety Requirements	5
Banking Security Standards, Protocols, Processes and Data Protection	6
Issues with card payments.....	8



Overview

The National Transport Authority (NTA) is a State body set up under statute. With regard to taxis and other small public service vehicles (SPSVs) such as hackneys and limousines, the principal function of NTA is the development, operation and maintenance of a regulatory framework for the licensing and regulation of the industry. This includes the standards to be applied to small public service vehicles and their drivers, and the provision of services involving small public service vehicles.

NTA is empowered to oblige taxi drivers to accept cashless payment as one method of payment of fares. NTA has done this under the [Small Public Service Vehicle \(Cashless Payment Facility\) Regulations 2022](#).

Cashless Payment means payment by means of a physical electronic payment device accepting point of sale card-based payment transactions, using the methodologies of Near Field Communication (contactless) and a PIN (personal identification number) with a chip or a magnetic stripe and includes any such other method identified within Article 4 of Directive (EU) 2015/2366 - the revised Payment Services Directive (PSD2). A physical cashless payment device/terminal enables each driver to, in effect, provide their own in-person, in-taxi payment method for passengers to pay by card.

This document provides guidance to drivers, suppliers and interested parties in relation to how cashless payments are to be accepted in taxis. Nothing in this document shall take precedence over any banking standards legislation, data protection legislation, small public service vehicle legislation or other relevant legislation applicable in Ireland.

This document was prepared by NTA with the assistance of the Advisory Committee on Small Public Service Vehicles, major card schemes (Visa, Mastercard and American Express), financial services experts and Limatel Consulting. It was completed following a public consultation on the Small Public Service Vehicle (Cashless Payment Facility) Regulations 2022 (the Regulations), taking into account all submissions received and reported to the NTA Board. Finally, it was approved by the Advisory Committee on Small Public Service Vehicles for adoption and publication.

Date of Introduction and Scope

All SPSV drivers in Ireland are permitted to accept cashless payments, as well as cash, but only some are legally obliged to do so. From 01 September 2022, all taxi drivers licenced in Ireland must be equipped with a physical device/terminal to accept cashless payments. These guidelines relate to the provision of facilities for cashless payments by those taxi drivers; the guidelines do not relate to cashless payments in other SPSVs (e.g. hackneys or limousines), which are provided at the discretion of the vehicle's operator. Nor do they relate to invoiced accounts held with operators or payments within booking service apps subscribed to by passengers.

These guidelines and the Regulations under which they are written relate to a physical, in-taxi, point of sale card payment process where a passenger uses a credit or debit card (physical or virtually stored in a digital wallet) to pay for a taxi journey.

It should be noted that this document is designed to give practical guidance in relation to the provision of in person point of sale cashless payments. It does not purport to be a legal interpretation of any financial services or banking security standards, data protection, small public service vehicle or other relevant legislation. It is intended to supplement and complement the Regulations and should be read in conjunction with them, however, in the event of any discrepancy, the provisions of the Regulations shall prevail.

The information in this document is provided in good faith. Whilst NTA has taken great care in deriving this information it does not accept any liability or consequential loss for errors or omissions.

General and Safety Requirements

Any cashless payment device used in a taxi should be subject to regular inspection and maintenance to ensure that it remains in adherence with standards, in good repair, charged and capable of intended functionality.

Each cashless payment device must be associated with the driver providing the taxi service, rather than the taxi vehicle as some drivers use different vehicles, or rent or share a vehicle. It is necessary that the driver who takes payment for the journey is identified on the card payment transaction history of the passenger for both the passenger and NTA in the event of an error/complaint.

There is no obligation to have the cashless payment device permanently mounted and displayed in the taxi. However, should a driver wish to do so, the following points must be observed:

- The equipment should not obscure the view of the taximeter by any passenger in the taxi.
- The equipment should be designed, constructed, and carried in the taxi in a secure way that does not present a danger to passengers or the driver, including impact with the equipment in the event of a collision.
- The equipment should not obscure or interfere with the operation of any of the taxi's other standard or mandatory equipment (including the taximeter). In particular, it should not be mounted on or adjacent to air bags or other supplementary safety systems in a way that might compromise the performance and functionality of such safety systems.
- Any charging equipment used must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.
- The equipment should not obscure the driver's view of the road.
- Where such equipment is mounted, it should be located in a considerate way that facilitates passengers and seeks not to interfere with their comfort.

Banking Security Standards, Protocols, Processes and Data Protection

These guidelines will help drivers ensure that their choice from the various physical cashless payment devices available on the market, to be used in taxis licenced by NTA, meet the current banking security standards, payment transaction processes and protocols and are used appropriately under data protection legislation.

Cashless payments are governed by banking security standards, payment transaction processes and protocols, and by the implicit requirements of the card scheme (Visa, Mastercard and American Express) rules. Payment devices and processes used in taxis must be in compliance with the relevant rules and standards that govern such card schemes in Ireland and other relevant EEA countries. The Central Bank of Ireland provides information in this regard.

Cashless payment devices used in taxis must, among other things, fulfil certain legal requirements with regard to:

- their general use;
- the appropriate processing of cashless payment transactions; and
- data protection obligations.

This requires compliance with legislation and standards within the remit of statutory bodies outside of NTA, including but not limited to:

- the [Central Bank of Ireland](#), the competent authority in Ireland for the authorisation and supervision of Payment Institutions and Electronic Money Institutions under the Payment Services Directives and the Electronic Money Directive;
- the Data Protection Commission, the national independent supervisory authority for Irish data protection regulations, which also has functions and powers related to regulatory frameworks such as the Irish ePrivacy Regulations and the EU Law Enforcement Directive. Drivers are legally obliged to comply with the requirements of privacy and data protection legislation in respect of all cashless payment transaction processes, data management and storage. This includes the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. You can find out more from the [Data Protection Commission](#) (DPC).

General Requirements

Cashless payment devices/terminals used in taxis must:

- be correctly functioning to permit a taxi driver to operate, a driver is obliged to withdraw from service if their terminal is broken or out of charge, in the same way as a taxi may not operate without a functioning, verified taximeter
- be associated with and used by only one taxi driver (non-transferable)
- accept Visa, Mastercard and American Express cards via physical card and digital wallet
- meet the relevant requirements and standards as stipulated by the card scheme companies (Vias, Mastercard and American Express)
- adhere to the practice required for the processing, including refunding, of payments in the taxi environment
- allow contactless payments
- not apply surcharges to cashless payments by passengers

Payment Transactions

All payment transaction processes and equipment must:

- operate in accordance with the Central Bank of Ireland rules that govern such activity in Ireland.
- operate in accordance with Payment Card Industry Data Security Standards (PCI DSS).
- meet Data Security Standard (PA-DSS).
- operate in accordance with the acquirer bank regulations and standards.
- provide functionality to protect the confidentiality of personal data whilst the card transaction is being processed.
- allow card details to be stored for the minimum amount of time required to enable the payment transaction to be completed, and thereafter the card details must be deleted or disposed of in a secure manner.

Cashless payment devices must have the appropriate certification required for operation in Ireland.

The descriptor field on the hirer's bank statement must contain at least the name of the dispatch operator or the words [TAXI or TACSAÍ]. Adopting this approach will allow a consumer to identify the nature of the service to which a transaction relates on a bank statement.

Issues with card payments

The NTA compliance team will, as always, exercise discretion and common sense in all complaints investigations.

If a passenger card payment problem occurs, such as insufficient funds or the card has expired, for example, drivers should treat the matter in the same way as when dealing with a passenger who finds themselves unable to pay the fare in cash at the end of a journey. A different card may work or the passenger may be able to pay cash for the fare calculated on the taximeter. The passenger may wish to be taken to a cashpoint to get cash to pay the fare or have a third party pay on their behalf. If a passenger refuses to pay and an amicable agreement cannot be found, drivers should consider involving An Garda Síochána. It is an offence under section 24 of the Taxi Regulation Act 2013 for a person who hires a taxi and, without reasonable excuse, does not pay the fare calculated in line the maximum fares order by a verified taximeter.

To assist with local connectivity blackspots, drivers should consider whether the cashless payment terminal chosen includes connectivity via combined connection types, i.e. Wi-Fi, Bluetooth and 2/3/4/5G mobile networks. Explain the situation to the passenger and a practical solution can usually be found. It is particularly useful to explain known issues to the passenger prior to the commencement of a journey.

If there is a documented internet or service supplier/payment processor outage preventing cashless payments for all businesses, drivers must explain this to intending passengers before they get into their taxi and have evidence of this outage to provide to the NTA's compliance team in the event of a complaint being received. Any such outage is likely to be well publicised and known to passengers.

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