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Ride-Sharing Apps at Cancun and all
Quintana Roo Territory.

By Gerardo Reyes.



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Historically, authorized taxis have dominated the transportation in all Mexican territory, including Quintana Roo. Since permits were needed to conduct business in the country, private companies like Uber or DiDi were not initially regulated to offer services in Mexico. Because of this, there were few transportation options for locals and tourists to move at The Riviera Maya and all Quintana Roo. However, recent regulatory changes, regarding to a judicial proceeding, have made it possible for private businesses like Uber to run out in the State of Quintana Roo.

“Although official taxis have typically been the main option of transportation for travelers in The Riviera Maya and nearby lands, the Carpooling Service has grown to be a more and more well-liked substitute due to its affordable prices and convenience. Nevertheless, this private transportation service was not regulated and consequently Quintana Roo Government used to demand the same taxi’s legal requirements to ride-hailing companies.”

It is crucial to keep in mind that one of the original ride-sharing businesses, that connects consumers and drivers using a smartphone app was founded in 2009 by Travis Kalanick and Garrett Camp in San Francisco, California¹. However, Transportation Network Companies (TNC) have been operating in Quintana Roo Region since 2016, offering travelers and locals a practical and reasonably priced transportation option². Although official taxis have typically been the main option of transportation for travelers in The Riviera Maya and nearby lands, the Carpooling Service has grown to be a more and more well-liked substitute due to its affordable prices and convenience. Nevertheless, this private transportation service was not regulated and consequently Quintana Roo Government used to demand the same taxi’s legal requirements to ride-hailing companies.

The main difference between an authorized taxi and a ride-sharing car is that the first one is a public service, while the second is a private service, which does not need a public license as taxis. This fundamental premise was the base of an Amparo Claim filed four years ago by a virtual platform.

Other motivation to submit the amparo lawsuit was the opposition from taxi drivers who assert that the ride-sharing service is stealing their customers. For example, a family of tourists was ejected from an Uber vehicle by cab drivers in Cancun, Quintana Roo, Mexico. The family had just arrived at Cancun International Airport and had requested an Uber to transport them to their hotel, according to the story. However, a group of cabbies surrounded the Uber car as they were leaving the airport and forced the driver to stop. The family protested and insisted that they had a right to utilize the ride-hailing service, but the taxi drivers insisted that they get out of the Uber³.

Due to all the above, in 2019, a ride-hailing company filed an Amparo against article 105, sections VII and VIII of the Traffic Law of Quintana Roo (“Ley de Movilidad del Estado de Quintana Roo” in Spanish). As mentioned, the article disputed establishes the legal requirements that regular taxis must have to operate and blocks the ride-sharing companies the opportunity plunge into the transportation market⁴.

1.- “History of Uber: Timeline and Facts” <https://www.thestreet.com/technology/history-of-uber-15028611> Last query May 04, 2023.

2.- “Uber vence a los taxistas de Quintana Roo, operará en Cancún” <https://www.forbes.com.mx/uber-vence-a-los-taxistas-de-quintana-roo-operara-en-cancun/> Last query May 04, 2023.

3.- “VIDEO: Taxistas obligan a turistas a bajar de un Uber en Cancún; familia entra en pánico” <https://www.eluniversal.com.mx/estados/video-taxistas-obligan-turistas-bajar-de-un-uber-en-cancun-familia-entra-en-panico/> Last query May 04, 2023.

4.- “Uber gana en Cancún: obtiene amparo que le permitiría operar en el aeropuerto, Riviera Maya y Zona Turística” <https://www.motorpasion.com.mx/industria/uber-cancun-amparo-taxistas> Last query May 04, 2023.

In January 2023, after several allegations and remedies filed during the proceeding, the Third Collegiate of the Twenty-Seventh Circuit ruled in favor of Uber⁵. The judicial file 334/2019 "determined that the platform may operate in Quintana Roo in a regulated manner by the State, but not through a concession, since the transportation service it provides is of a private nature, not public."⁶. That means that government are not enabled to request the regular taxi's legal requirements to ride-sharing companies that provide a private service.

Furthermore, the Secretary General of the Transport Union named "FUTV, Quintana Roo" (Frente Único de Trabajadores del Volante de Quintana Roo in Spanish) stated that they will keep reviewing judicial ways to stop the digital platforms⁷.

"In conclusion, a free market is essential, particularly in the transportation sector where it fosters healthy competition, innovation, and better consumer services."

For a number of reasons, the judicial judgment was convenient because turning away ride-hailing companies can encourage non-competition and decrease the caliber of transportation services. First off, by limiting these businesses' access to a certain market, fewer options are available to users, which might lessen market competitiveness. As a result, businesses in the market might not be as motivated to raise the standard of their services or cut client costs.

As these businesses frequently introduce new technologies and business models that can improve efficiency and the quality of transportation services, the rejection of ride-hailing companies can also hinder innovation in the transportation industry. The chance to use these advances is lost by limiting these enterprises' access to the market.

In response to the aforementioned judicial resolution, the State's Local Congress took action and adopted Quintana Roo's new Mobility Law, which contains the operational guidelines for private transportation services provided through virtual platforms⁸. The addition of articles 85 Ter and 86 Bis to the Mobility Law of the State of Quintana Roo regulates private transportation services and mentions that it can be provided through digital platforms. This service will require a different permit than the authorized taxis have for providing public transportation services. Additionally, article 185 Bis of the Mobility Law of the State of Quintana Roo states that private transportation services provided through platforms must contribute 1.5% of the cost of the service to the State. Otherwise, the permit will be revoked⁹.

In conclusion, a free market is essential, particularly in the transportation sector where it fosters healthy competition, innovation, and better consumer services. Businesses compete in a free market to win clients by offering higher quality services at lower costs, which increases consumer choice, improves customer service, and lowers pricing. The availability, convenience, and cost of transportation services have improved as a result of provider rivalry in the case of taxis and ride-sharing services like Uber, DiDi, Lyft, Grab, Ola, Bolt, Careem, among others.

5.- Judicial Judgment link of the Official web: http://sise.cjf.gob.mx/SVP/word1.aspx?arch=1319/1319000025322567035.pdf_1&sec=Marycarmen_Arellano_Guti%C3%A9rrez&svp=1 Last query May 04, 2023.

6.- "¿Uber podrá operar en Cancún! Fallo de Tribunal abre las puertas a la plataforma" <https://www.informador.mx/mexico/Uber-La-plataforma-podra-operar-en-Cancun-Fallo-de-Tribunal-le-abre-las-puertas-a-la-empresa-20230111-0130.html> Last query May 04, 2023.

7.- "Tribunal permite a Uber operar sin regulaciones en Quintana Roo como transporte público" <https://latinus.us/2023/01/11/tribunal-permite-uber-operar-sin-regulaciones-quintana-roo-transporte-publico/> Last query May 04, 2023.

8.- "Uber y DiDi en Quintana Roo: Congreso local aprueba reglas de operación" <https://www.milenio.com/estados/uber-didi-quintana-roo-aprueban-reglas-operacion> Last query May 04, 2023.

9.- Articles 85 Ter, 86 Bis and 185 Bis of the Mobility Law of the State of Quintana Roo.

Minimum age for federal deputies and secretaries of state reduced.

The plenary session of the Chamber of Deputies approved amendments to Articles 55 and 91 of the Constitution to reduce from 21 to 18 the minimum age to be a federal deputy and from 30 to 25 to be a secretary of State; however, the lowering of the age of 25 required to hold the office of senator was discarded. The bill submitted to the Senate for its analysis and eventual ratification, intends to promote the participation of young people in the country's decisions and guarantee the exercise of their political rights, since more than one third of the Mexican population is under 19 years of age. www.amp.milenio.com/politica/reducen-21-18-anos-edad-diputado-federal April 11, 2023.

Mexico, the main user of Pegasus; the most advanced spy in the world..

Pegasus is a software that installs itself on a phone after accepting a disguised invitation, and is then able to monitor people's activities in real time. The program was acquired in 2011 by the Mexican government and has since been used to track drug cartel leaders, but also human rights defenders and journalists. An investigation by The New York Times reveals that Mexico is Pegasus' oldest client, as well as its most prolific user, and has spent more than \$60 million on the program. It has been used in the government of Felipe Calderon, Enrique Peña Nieto and now in the administration of Andres Manuel Lopez Obrador, despite the latter's promise to stop the spying practices. The Mexican army acknowledged that it only used Pegasus between 2011 and 2013, but a group of experts affirmed that it was used in 2014, when 43 students who were planning to go to a protest disappeared. www.politica.expansion.mx/presidencia/2023/04/18/mexico-principal-usuario-pegasus-nyt April 18, 2023.

Supreme Court declares unconstitutional for SEDENA (Army) to take control of the National Guard.

The Mexican Army has become much more powerful in a single year. From 2022 to 2023 it climbed 11 positions in the annual ranking. The Supreme Court of Justice of the Nation (SCJN) ruled that transferring the operational and administrative control of the National Guard (NG) to the Secretariat of National Defense (SEDENA) is unconstitutional. In September 2022, a decree was published in the Official Gazette of the Federation ordering the transfer of the NG under the command of the SEDENA in terms of its operation and budget. This decree was challenged through an action of unconstitutionality filed by the parliamentary minority of the Senate, and it was resolved that it opposes Article 21 of the Constitution, which establishes that the NG is a public security institution, of a civilian nature and attached to the Secretariat of Security and Citizen Protection. Public security functions are the exclusive competence of civilian authorities, while the Armed Forces are responsible for national security against both internal and external threats, which is clearly a different task. www.economista.com.mx/politica/SCJN-declara-inconstitucional-que-la-Sedena-tome-el-control-de-la-Guardia-Nacional-20230418-0052.html April 18, 2023.

Do they regret it? Morena withdraws the initiative that seeks to eliminate the National Institute of Transparency due to 'technical error.'

In the Senate, the president of the board of directors, Alejandro Armenta, affiliated to the political party Morena, announced that he withdrew his initiative to disappear the National Institute of Transparency, Access to Information and Protection of Personal Data (INAI) to correct "a technical error". The legislator explained that instead of transferring the attributions of the INAI to the Ministry of Public Function (SFP), they should be awarded to the Superior Audit Office of the Federation (ASF), since, according to the Constitution, the federation must have an autonomous body. www.elfinanciero.com.mx/nacional/2023/04/27/morena-retira-iniciativa-que-elimina-al-inai-presentara-nueva-propuesta/#:~:text=En%20el%20Senado%2C%20el%20presidente,corregir%20%E2%80%9Cun%20error%20t%C3%A9cnico%E2%80%9D. April 27, 2023.

The sale of the presidential plane to Tajikistan.

A few months before the 2024 electoral process begins, where a new president of the Republic will be voted for and the federal On April 20 this year, President AMLO announced the sale of the presidential airplane to an agency of the Republic of Tajikistan for the price of 1,658.7 million pesos. The sale was made through the Institute to Return to the People what was Stolen (IDPR) and considering 4 criteria: to achieve the best economic condition, to comply with the applicable regulations, and to do so in accordance with the competent agencies. The proceeds will be used to pay the lease to Banobras, VAT, and the IDPR commission. www.forbes.com.mx/el-avion-presidencial-sera-entregado-este-viernes-a-tajikistan/ April 18, 2023.

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