

Research on the Rules of Network Car based on Sharing Economy

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Keywords: Network Car, Sharing Economy, Rules and Management

Abstract: The network car is an emerging business that is different from the traditional taxi industry, and is essentially a sharing economy. The regulation of the network car should jump out of the traditional taxi-based regulation idea, and “start another stove” to find a balance between respecting technological innovation and government regulation of the market. At the same time, the relevant specifications of the network car should be both the enterprise regulation law and the enterprise promotion law, not just the regulation law. It is necessary to distinguish between full-time network vehicles and part-time network vehicles, and to establish access standards and regulatory measures, and to adjust the quantity and price of the network vehicles to the market.

1. Introduction

Internet car (hereinafter referred to as "network car") is an emerging form that has emerged in recent years. It refers to passengers who use the mobile phone application software provided by the platform company to reserve vehicles to realize the point-to-point passenger service mode. It is a type of sharing economy. The rise of the network car has caused a huge impact on the traditional taxi industry, and it itself is facing the torture of the market and the government. In order to standardize this new format, the transportation department issued the “Interim Measures for the Administration of Network Appointment Taxi Operation Services (Consultation Draft)” (hereinafter referred to as the “Draft for Comment”) in October 2015, and it is proposed to The platform is included in the scope of taxi management. However, the starting point of the “good” of the transportation department has led to overwhelming doubts. After all, not all rules can solve problems. Some regulations can not only solve problems, but create problems. As a new thing, the network car must be very cautious in its regulation. Is it the rule of the traditional taxi that is still “starting another stove”? If “starting another stove”, what kind of ideas or ideas should be followed? The current problem is also a problem that many Western countries have confused. Therefore, in addition to the special practice of our country, we must clearly recognize the international trend in the regulation of China's online car. The logical starting point of this paper is that the network car needs to be regulated. How to construct the regulation paradigm of the network car is the main research topic of this paper.

2. China's network car regulations proposed

The network car is not a taxi in the traditional sense. It is an emerging format that comes with the development of mobile network technology and the popularity of smart phones. The traditional taxi is a cruiser, and the emerging network car is a reserved car. In general, the current taxi industry in China presents a situation in which the traditional taxi operation mode coexists with the Internet car operation mode. The traditional taxi has rules to follow, and the network car is not available. On the issue of the network car, the key is not to determine the nature of the network car, but whether the network car and its platform can be incorporated into the supervision of the traditional taxi industry. Because the “taxi” itself is a historical concept, and its connotation itself is constantly evolving. It is impossible to use the service connotation of a certain stage as the inherent mode of “renting a car” to oppose the transformation of the old technology by the new technology. 1 It is necessary to think about whether the special form of the network car in China and the existing regulation mode can be applied to the regulation of the network car. If the traditional taxis use the platform software to

remove the operational form, then the popular Internet car in China can be summarized into three modes. The first mode is that the vehicle is purchased by a regular car rental company, the driver is dispatched by a third-party labor dispatch company, and the Internet platform engages in a matching business to achieve the matching between the driver and the car rental business. Vehicles in this mode have passed government audits, and drivers are generally trained full-time workers. The second mode is that the vehicle is purchased by the Internet platform and the driver belongs to the Internet platform. The third mode is for private car owners to use the personal vehicle to carry out network car service. Internet platform companies, car rental companies, labor dispatch companies, and private car owners have signed a four-party agreement to deal with government supervision. Private car owners rely on car rental companies. The driver who is engaged in the driving business as an employee of the labor dispatch company happens to be the owner of the private car. 2 The first and second modes do not have too much legal risk. The controversial issue is the third mode, in which non-operating vehicles enter operations and conflict with national road transport regulations. The Chinese government mainly adopts three methods of market access, price and quantity to regulate traditional taxis, restricts taxi operators, strictly controls the number of taxi licenses issued, and formulates according to local economic development. The operating price of taxis in the area. Regarding why the government should intervene in the taxi industry, in essence, it is the government's intervention in the market, correcting the market's failure, and how to establish a set of solutions that can meet the market and government regulatory requirements in the regulation of the taxi industry. This is the core of the problem. Under the impact of the emerging network car, the traditional taxi industry regulation method, which had already accumulated deep defects, is even more stretched. In March 2016, the Ministry of Housing and Urban-Rural Development and the Ministry of Public Security abolished the 18-year urban taxi management. The Measures, which means that the relevant departments are planning a new taxi regulation program.

3. China's network car regulations

Scholars have their own opinions on the regulation methods of the network car. The mainstream opinion is that the government should adopt an inclusive attitude toward the network car. There are also a few opinions that should prevent the private car from entering the network. 1 This paper believes that the network car is an upgraded version of the telephone car, is a new thing, the law of physical development and the regulatory experience of developed countries, the legalization of the network car including private cars is developing trend. The network car is favored by the public because of its relatively low price and convenient service, but its own development also has some hidden dangers. Access thresholds are low and service security is uncertain. The network car company basically adopts the C2C (Customer-to-Customer) model, and the private car owner has a very low threshold. 2 In the latter model, the Internet platform does not require drivers to perform skills tests, health checks, provide personal evidence of non-criminal records, vehicle condition detection, etc., which leads to great security in the provision of online car service. Hidden dangers. In the "Draft for Commentary" issued by the transportation department on standardizing the network car, the network car is defined as a service platform based on Internet technology, accessing qualified vehicles and drivers, and integrating supply and demand information. Offer a non-parade to book a rental car service. 3 This definition clearly defines the network car as a form of taxi, so in the subsequent provisions of the "Consultation Draft", the regulation method of the traditional taxi is essentially placed on the network car. If access is regulated, although the draft has been relaxed in terms of quantitative regulation and price regulation, it is far from enough.

4. China Network's car construction regulation

In the developed countries, the network-related vehicles have also experienced the development process from illegal to legalized. In fact, the regulatory models of the network-related vehicles are not consistent. Singapore has implemented registration management for online car rentals, and there is no threshold for entry. This also reflects the fact that the Singapore government has been actively

promoting the development of private car self-driving sharing platforms, solving urban traffic congestion problems, and creating a relaxed regulatory environment for technological innovation and sharing economy. . Many states in the United States have basically affirmed the model innovation of online car, and created a new path for network car supervision. For example, California recognizes that the network car is a new legal status for car rental, allowing private cars to access the Internet as a network. Car operation, etc. The UK has incorporated the network car into the private car rental category and set a lower entry threshold. Although the UK network car also needs to apply for a license to operate, the platform company, the vehicle and the driver get a special car rental license and apply. The conditions are more relaxed. 4 Foreign practices provide some reference for the problem of China's network car regulation. As a new form of business, legalization is the trend. The key to the problem lies in how to construct the regulation paradigm. The establishment of rules should be guided by the concept, and the rules for the development of the network car should also be discussed in the previous article. The network car is a type of sharing economy, the connotation of the enterprise regulation law and the enterprise promotion law, and the reasonable balance of freedom and regulation. The concept is oriented, avoiding path dependence, and handling the relationship between the network car and the specification and the network car and the traditional taxi industry in a timely manner. In addition, when formulating regulatory norms for online vehicles, it is necessary to follow the basic principles of administrative law such as the statutory authority and the proportional principle. 5 In terms of statutory authority, there must be a legal basis for requiring administrative actions. In particular, in the setting of administrative licenses, the provisions of the Administrative Licensing Law must be strictly followed. The principle of proportionality solves the problem of the rationality of the regulatory model and the means of supervision. The principle of proportionality includes the three sub-principles of the principle of appropriateness, the principle of necessity and the principle of narrow proportion. Article 13 of the Administrative Licensing Law embodies the above three sub-principles for the provision that administrative licenses may not be set. When designing the network vehicle regulation, it should also abide by the principle of proportionality and handle the relationship between the supervision method and the purpose of supervision.

Quantity regulation and price regulation must be regulated by the market, which is different from the traditionally controlled mode of the number and price of the traditional taxi industry. The traditional taxi is a cruising car. If the number of cruise cars is too large, it will occupy the road space, causing road congestion and negative externalities, which is one reason for its quantity control. Net car is an appointment car, and private cars are mostly. The addition of private cars to the network car is a natural manifestation of social and economic development, and there is no need to regulate its quantity. In addition, the market can completely form the price mechanism of the network car. If the price of the network car is too high, which will damage the consumer rights, the consumer can choose alternative transportation tools such as traditional taxis. Once the demand for the network car is reduced, the price will naturally fall back, so that it can maintain fair competition between the old and new formats. Relaxing the regulation of the number and price of online vehicles is also a requirement of the principle of proportionality in administrative law. On the basis of self-regulation through the market, it reduces unnecessary administrative intervention on the market. On the issue of quantity and price regulation, we should reasonably balance freedom and regulation and respect the power of the market.

5. Conclusion

The network car is an emerging business that is different from the traditional taxi industry and is a sharing economy. This means that it cannot adopt the traditional taxi regulation, and should find a balance between respecting technological innovation and government regulation of the market. At the same time, the relevant specifications of the network car should be both the enterprise regulation law and the enterprise promotion law, not just the regulation law. The network car is not the same as the operating vehicle. The regulation of the network car and its platform must be “starting up another stove”, distinguishing the full-time network car and the part-time network car, and setting

the access standards and supervision measures respectively. In addition, market-oriented, reasonable balance of freedom and regulation, the number and price of the network car to the market to adjust.

Acknowledgements

Fund Project: Xijing College's second batch of research fund project in 2017 “Research on Xi'an Network Customized Public Transport Crowdfunding Mode Based on the Background of Shared Economy” Item No.: XJ170213

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