

Guidance on the requirement for a commercial driver's license if hotel staff picks up guests at the airport

Greenland Business Association has received the following letter from the Police, which has obtained the opinion of the Danish Road Traffic Authority. It is the assessment of Greenland Business Association that courts will lean on the Danish understanding of commercial driving, even though it is not clearly described in the Greenlandic executive order on driving licenses.

"It is the Danish Transport Authority's immediate assessment, based on an interpretation of the purpose and how the concept is generally understood, that a hotel's employees will need a driving license for commercial passenger transport in order to drive guests to and from, for example, the airport, as the driving is done for remuneration and without any closer connection to the persons being driven."

As a starting point, a commercial driver's license is required for hotel employees when, for example, driving a shuttle bus to and from the airport.

The reasoning behind their assessment is as follows:

"The concept of commercial passenger transport is, as you mention, not further defined in the Greenlandic driving license ordinance.

In Denmark, there are different definitions depending on whether it is commercial passenger transport under the Bus and Coach Act or commercial passenger transport under the Taxi Act.

In the Danish Bus and Coach Act, commercial passenger transport is defined as driving

- 1) with persons without a close connection to the person, company, or association that carries out the transport or arranges for it to be carried out,*
- 2) which is performed for remuneration, or*
- 3) which constitutes the primary purpose of the person, company, or association in question.*

According to the Danish Taxi Act, the starting point is that passenger transport is considered commercial when driving is carried out for profit.

In the explanatory notes to the bill for the new taxi law in 2017, an example is given of when commercial passenger transport is involved. The example concerns driving to and from the airport in connection with a hotel stay. The following is stated:

"In order to make a profit from the transportation, a payment must be made for the transportation. Payment means either a direct payment for the driving performed or an indirect payment, e.g., in the form of a total payment for the driving and for another service, where the driving is an ancillary service in relation to the purchased (main) service. This could be, for example, in connection with purchasing a hotel stay, where driving to and from the airport is part of an overall package. Such driving is commercial passenger transport, as the driving is indirectly paid. Hotels' transport of guests and other services that include the provision of passenger transport are thus considered commercial passenger transport requiring authorization." "

Inussiarnersumik inuulluaqqusillunga/With kind regards

Emil Maegaard-Hoffmann

Head of Secretariat

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