
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1065 Session of
2015

INTRODUCED BY KILLION, GODSHALL, MUSTIO, DIGIROLAMO AND
READSHAW, APRIL 24, 2015

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 24, 2015

AN ACT

1 Amending Titles 53 (Municipalities Generally) and 66 (Public
2 Utilities) of the Pennsylvania Consolidated Statutes by:
3 --In Title 53:
4 As to local transportation in first class cities:
5 In general provisions:
6 further providing for definitions, for
7 legislative findings, for advisory committee, for
8 rates, for power of authority to require
9 insurance, for contested complaints, for driver
10 certification program, for budget and assessments
11 and for funds;
12 providing for transportation network services;
13 and making editorial changes;
14 --In Title 66:
15 In general provisions:
16 further providing for definitions;
17 In contract carrier by motor vehicle and broker:
18 further providing for declaration of policy and
19 definitions;
20 further providing for the regulation of taxi and
21 limousine services; and
22 providing for the regulation of taxi
23 transportation network services and for
24 transportation network services.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. The heading of Chapter 57 of Title 53 of the

1 Pennsylvania Consolidated Statutes is amended to read:

2 CHAPTER 57

3 TAXICABS [AND], LIMOUSINES AND TRANSPORTATION

4 NETWORK COMPANIES IN FIRST CLASS CITIES

5 Section 2. The definitions of "call or demand service" or
6 "taxicab service," "driver's certificate" and "Philadelphia
7 Taxicab and Limousine Regulatory Fund" or "regulatory fund" in
8 section 5701 of Title 53 are amended and the section is amended
9 by adding definitions to read:

10 § 5701. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

15 "Call or demand service" or "taxicab service." Local common
16 carrier service for passengers, rendered on either an exclusive
17 or nonexclusive basis, where the service is characterized by the
18 fact that passengers normally hire the vehicle and its driver
19 [either] by telephone call [or], by hail[,] or [both] by digital
20 network. The term does not include limousine service or
21 transportation network service.

22 "Digital network." An online-enabled application, software,
23 website or system offered or utilized by a transportation
24 network company which enables the prearrangement of rides of
25 passengers with a transportation network company driver.

26 "Driver's certificate." A certificate or permit to drive a
27 taxicab [or], limousine or transportation network company
28 vehicle issued pursuant to section 5706 (relating to driver
29 certification program).

30 * * *

1 "Philadelphia Taxicab [and], Limousine and Transportation
2 Network Service Regulatory Fund" or "regulatory fund." A
3 special fund in the State Treasury established by section 5708
4 (relating to funds) for fulfilling the purposes of this chapter
5 to regulate taxicabs [and], limousines and transportation
6 network services in a city of the first class.

7 * * *

8 "Transportation network company." A company that uses or
9 operates a transportation network service to connect a passenger
10 with a transportation network company driver for the purpose of
11 transportation. The term does not include taxicab service or a
12 company providing transportation through a ridesharing
13 arrangement under the act of December 14, 1982 (P.L.1211,
14 No.279), entitled "An act providing for ridesharing arrangements
15 and providing that certain laws shall be inapplicable to
16 ridesharing arrangements."

17 "Transportation network company driver." An individual who
18 uses the individual's personal vehicle to provide to passengers
19 transportation network service which is arranged through the
20 digital network of a transportation network company.

21 "Transportation network company vehicle." A vehicle used by
22 a transportation network company driver to provide
23 transportation network service.

24 "Transportation network service." As follows:

- 25 (1) A service which meets all of the following:
26 (i) Matches or arranges a passenger and driver
27 electronically in advance through a digital network.
28 (ii) Is rendered on an exclusive basis.
29 (iii) Is characterized by a driver offering or
30 providing transportation to a passenger within a city of

1 the first class in a vehicle arranged through a digital
2 network.

3 (2) The term does not include taxicab service or a
4 ridesharing arrangement under the act of December 14, 1982
5 (P.L.1211, No.279), entitled "An act providing for
6 ridesharing arrangements and providing that certain laws
7 shall be inapplicable to ridesharing arrangements."

8 * * *

9 Section 3. Section 5701.1(2) and (3) of Title 53 are amended
10 to read:

11 § 5701.1. Legislative findings.

12 The General Assembly finds and declares as follows:

13 * * *

14 (2) Unemployment, the spread of poverty and the heavy
15 burden of public assistance and unemployment compensation can
16 be avoided by the promotion, attraction, stimulation,
17 development and expansion of business, industry, commerce and
18 tourism in this Commonwealth through the development of a
19 clean, safe, reliable and well-regulated taxicab [and],
20 limousine and transportation network company industry locally
21 regulated by parking authorities in cities of the first
22 class.

23 (3) Due to the size, total population, population
24 density and volume of both tourism and commerce of a city of
25 the first class, it may be more efficient to regulate the
26 taxicab [and], limousine and transportation network company
27 industries through an agency of the Commonwealth with local
28 focus than an agency with diverse Statewide regulatory
29 duties. Well-regulated local focus on improving those
30 industries can be an important factor in the continual

1 encouragement, development, attraction, stimulation, growth
2 and expansion of business, industry, commerce and tourism
3 within a city of the first class, the surrounding counties
4 and this Commonwealth as a whole.

5 Section 4. Section 5702(a) and (b)(1)(i)(D) of Title 53 are
6 amended and subparagraph (i) is amended by adding a clause to
7 read:

8 § 5702. Advisory committee.

9 (a) Establishment.--There is hereby established an advisory
10 committee to be known as the City of the First Class Taxicab and
11 Limousine Advisory Committee. The authority shall submit to the
12 advisory committee issues and questions for their consideration
13 regarding the regulation, enforcement, compliance and operation
14 of taxicabs [and], limousines and transportation network
15 companies in cities of the first class. The advisory committee
16 may thoroughly consider the questions and issues submitted by
17 the authority and may prepare and transmit to the authority and
18 the public written comments. The advisory committee may submit
19 suggestions and proposals to the authority in writing on topics
20 considered important by a majority of the members. All actions
21 of the advisory committee shall be considered strictly advisory,
22 and the authority shall give careful and due consideration to
23 the comments and proposals of the advisory committee.

24 (b) Membership.--

25 (1) The advisory committee shall consist of the
26 following members:

27 (i) [Ten] Eleven members appointed by the chairman
28 of the authority or his designee as follows:

29 * * *

30 (D) One member of the public who utilizes

1 taxicabs [or], limousines or transportation network
2 services.

3 * * *

4 (K) One representative of a transportation
5 network company.

6 * * *

7 Section 5. Sections 5703, 5704, 5705(b) and 5706(a) and (b)
8 of Title 53 are amended to read:

9 § 5703. Rates.

10 (a) Rates to be just and reasonable.--Every rate made for
11 authority-certified taxicab, limousine [or], medallion taxicab
12 service or transportation network company shall be just and
13 reasonable and in conformity with regulations or orders of the
14 authority.

15 (b) Tariffs.--Under regulations as the authority may
16 prescribe, every taxicab [or] service, limousine service or
17 transportation network company shall file with the authority,
18 within the time and in the form as the authority may designate,
19 tariffs showing all rates established by it and collected or
20 enforced or to be collected or enforced within cities of the
21 first class. Every taxicab [or] service, limousine service or
22 transportation network company shall keep copies of tariffs open
23 to public inspection under rules and regulations as the
24 authority may prescribe. Upon request, the taxicab [or] service,
25 limousine service or transportation network company shall make
26 available at least one copy of any rate filing at a convenient
27 location and for a reasonable length of time within a city of
28 the first class for inspection and study by customers.

29 (c) Adherence to tariffs.--No taxicab [or] service,
30 limousine service or transportation network company shall,

1 directly or indirectly, by any device whatsoever or in any way,
2 demand or receive from any person, corporation or municipal
3 corporation a greater or lesser rate for any service rendered or
4 to be rendered by the taxicab [or] service, limousine service or
5 transportation network company than that specified in the
6 tariffs of the taxicab [or] service, limousine service or
7 transportation network company.

8 (d) Discrimination in rates.--No taxicab [or] service,
9 limousine service or transportation network company shall make
10 or grant any unreasonable preference or advantage to any person,
11 corporation or municipal corporation or subject any person,
12 corporation or municipal corporation to any unreasonable
13 prejudice or disadvantage concerning its rate. No taxicab [or]
14 service, limousine service or transportation network company
15 shall establish or maintain any unreasonable difference as to
16 rates. This subsection shall not prohibit the establishment of
17 reasonable zone or group systems or classifications of rates.

18 (e) Voluntary changes in rates.--

19 (1) Unless the authority otherwise orders, no taxicab
20 [or] service, limousine service or transportation network
21 company shall make any change in any existing and duly
22 established rate except after 60 days' notice to the
23 authority which shall plainly state the changes proposed to
24 be made in the rates then in force and the time when the
25 changed rates will go into effect. The taxicab [or] service,
26 limousine service or transportation network company shall
27 also give notice of the proposed changes to other interested
28 persons as the authority, in its discretion, may direct. The
29 notices regarding the proposed changes which are provided
30 shall be in plain, understandable language as the authority

1 prescribes. All proposed changes shall be shown by filing new
2 tariffs or supplements to existing tariffs filed and in force
3 at the time. The authority, for good cause shown, may allow
4 changes in rates without requiring the 60 days' notice under
5 conditions as it may prescribe.

6 (2) Whenever there is filed with the authority by any
7 taxicab [or] service, limousine service or transportation
8 network company any tariff stating a new rate, the authority
9 may, either upon complaint or upon its own motion and upon
10 reasonable notice, conduct a hearing concerning the
11 lawfulness of the rate. Pending the hearing and its outcome,
12 the authority, upon filing the tariff and delivering to the
13 affected taxicab [or] service, limousine service [affected]
14 or transportation network company a statement in writing of
15 its reasons may, at any time before it becomes effective,
16 suspend the operation of the rate for a period not longer
17 than nine months from the time it would otherwise become
18 effective. The rate in force when the tariff stating the new
19 rate was filed shall continue in force during the period of
20 suspension unless the authority shall establish a temporary
21 rate. The authority shall consider the effect of the
22 suspension in finally determining and prescribing the rates
23 to be charged and collected by the taxicab [or] service,
24 limousine service or transportation network company.

25 (3) If, after the hearing conducted pursuant to
26 paragraph (2), the authority finds any rate to be unjust or
27 unreasonable or in any way in violation of law, it shall
28 determine the just and reasonable rate to be charged or
29 applied by the taxicab [or] service, limousine service or
30 transportation network company for the service in question

1 and shall fix the rate by order to be served upon the taxicab
2 [or] service, limousine service or transportation network
3 company. The rate shall then be observed until changed.

4 (f) Temporary rates.--The authority may, in any proceeding
5 involving the rates of a taxicab [or] service, limousine service
6 or transportation network company, after reasonable notice and
7 hearing and, if the public interest requires, immediately fix,
8 determine and prescribe temporary rates to be charged by a
9 taxicab [or] service, limousine service or transportation
10 network company, pending the final determination of the rate
11 proceeding.

12 (g) Fair return.--In fixing any rate of a taxicab [or]
13 service, limousine service or transportation network company
14 engaged exclusively as a common carrier by motor vehicle, the
15 authority may fix the fair return by relating the fair and
16 reasonable operating expenses, depreciation, taxes and other
17 costs of furnishing service to operating revenues.

18 (h) Refunds.--If, in any proceeding involving rates, the
19 authority determines that any rate received by a taxicab [or]
20 service, limousine service or transportation network company was
21 unjust or unreasonable or was in violation of any regulation or
22 order of the authority or was in excess of the applicable rate
23 contained in an existing and effective tariff of the taxicab
24 [or] service, limousine service or transportation network
25 company, the authority shall have the power to make an order
26 requiring the public utility to refund the amount of any excess
27 paid by any patron.

28 § 5704. Power of authority to require insurance.

29 The authority may, by regulation or order, prescribe for a
30 taxicab [or] service, limousine service or transportation

1 network company requirements as it may deem necessary for the
2 protection of persons or property of their patrons and the
3 public, including the filing of surety bonds, the carrying of
4 insurance or the qualifications and conditions under which
5 carriers may act as self-insurers with respect to the
6 requirements. Insurance coverage required of a transportation
7 network company may be satisfied by a policy obtained by a
8 transportation network company or a policy obtained by a
9 transportation network company driver only if the policy is
10 specifically written to cover the driver's use of a
11 transportation network company vehicle in connection with a
12 transportation network company's digital network.

13 § 5705. Contested complaints.

14 * * *

15 (b) Commencement of complaints.--Authority enforcement
16 officers, Pennsylvania Public Utility Commission enforcement
17 officers and police officers or licensing officials within
18 cities of the first class may commence and prosecute the
19 following:

20 (1) A complaint which is brought before the authority
21 pursuant to this chapter and authority regulations applicable
22 to taxicab [or], limousine or transportation network company
23 operations in cities of the first class.

24 (2) A complaint which:

25 (i) arises out of service to or from a city of the
26 first class against a taxicab [or], limousine or
27 transportation network company operation not certified to
28 provide service between points within a city of the first
29 class; and

30 (ii) is brought before the commission to enforce

1 commission regulations for taxicab [or] service,
2 limousine service or transportation network service.

3 * * *

4 § 5706. Driver certification program.

5 (a) General rule.--

6 (1) The authority shall provide for the establishment of
7 a driver certification program for drivers of taxicabs [and],
8 limousines and transportation network company vehicles within
9 cities of the first class.

10 (i) Standards for fitness of all drivers shall be
11 established under such rules and regulations as the
12 authority may prescribe.

13 (ii) The authority may revoke or suspend a driver's
14 certificate upon a finding that the individual is not fit
15 to operate a taxicab [or], limousine or transportation
16 network company vehicle, as applicable. [Each]

17 (iii) Except as set forth in subparagraph (iv), each
18 applicant for a driver's certificate shall pay a fee in
19 an amount to be determined pursuant to the requirements
20 of section 5710 (relating to fees).

21 (iv) An applicant seeking certification to be a
22 transportation network company driver shall pay a fee of
23 \$100.

24 (2) Upon approval, a picture driver's certificate will
25 be issued to an applicant.

26 (3) No individual shall operate a taxicab [or],
27 limousine or transportation network company vehicle at any
28 time unless the individual is certified as a driver by the
29 authority.

30 (4) Each certified driver shall carry and display in

1 full view a driver's certificate at all times of operation of
2 a taxicab [or], limousine or transportation network company
3 vehicle.

4 (5) The authority may establish orders or regulations
5 which designate additional requirements governing the
6 certification of drivers and the operation of taxicabs [or],
7 limousines or transportation network company vehicles by
8 drivers, including, but not limited to, dress codes for
9 drivers.

10 * * *

11 (b) Violations.--Operating a taxicab [or], limousine or
12 transportation network company vehicle without a driver's
13 certificate or authorizing or permitting the operation of a
14 taxicab or limousine or the provision of transportation network
15 service by a driver who is not certified as a driver by the
16 authority within cities of the first class is a nontraffic
17 summary offense in the first instance and a misdemeanor of the
18 third degree for each offense thereafter. The authority may, by
19 regulation, provide for suspension and revocation of drivers'
20 certificates for violations of this chapter and authority
21 regulations.

22 * * *

23 Section 6. Section 5707(c) of Title 53 is amended by adding
24 a paragraph to read:

25 § 5707. Budget and assessments.

26 * * *

27 (c) Assessments.--

28 * * *

29 (4) The following relate to assessments for
30 transportation network companies:

1 (i) The transportation network company utility group
2 shall be comprised of each transportation network company
3 authorized by the authority under section 5751 (relating
4 to certificate of public convenience required).
5 Transportation network company vehicles approved by the
6 authority to provide transportation network service under
7 section 5752 (relating to transportation network company
8 vehicles) shall not be considered part of the
9 transportation network company group for assessment
10 purposes.

11 (ii) On or before March 31 of each year, each
12 transportation network company shall file with the
13 authority a statement under oath estimating the number of
14 vehicles it estimates to have in service in the next
15 fiscal year.

16 (iii) The portion of the total assessment allocated
17 to the transportation network company utility group shall
18 be divided by the number of transportation network
19 company vehicles estimated by the authority to be in
20 service during the next fiscal year, and the quotient
21 shall be the transportation network company assessment.
22 The transportation network company assessment shall be
23 applied to each transportation network company in the
24 transportation network company group and shall be paid by
25 the transportation network company.

26 (iv) The authority may not make an additional
27 assessment against a vehicle substituted for another
28 already in transportation network company service during
29 the fiscal year and already subject to assessment as
30 provided in subparagraph (iii). The authority may, by

1 order or regulation, provide for reduced assessments for
2 transportation network companies first entering service
3 after the initiation of the fiscal year.

4 (v) The transportation network company assessment
5 shall be determined by the authority.

6 * * *

7 Section 7. Section 5708(a) introductory paragraph of Title
8 53 is amended to read:

9 § 5708. Funds.

10 (a) Regulatory Fund.--The Philadelphia Taxicab [and],
11 Limousine and Transportation Network Services Regulatory Fund is
12 established as a special fund in the State Treasury. A balance
13 remaining in the regulatory fund and previously held by the
14 authority shall be transferred to the special fund in the State
15 Treasury upon the effective date of section 5710 (relating to
16 fees). The regulatory fund shall be the primary operating fund
17 of the authority for the administration and enforcement of this
18 chapter and shall be administered as follows:

19 * * *

20 Section 8. Chapter 57 of Title 53 is amended by adding a
21 subchapter to read:

22 SUBCHAPTER D

23 TRANSPORTATION NETWORK SERVICES IN

24 CITIES OF THE FIRST CLASS

25 Sec.

26 5751. Certificate of public convenience required.

27 5752. Transportation network company vehicles.

28 5753. Insurance.

29 5754. Authority inspection of records.

30 5755. Power of authority.

1 5756. Regulations.

2 5757. Criminal penalties.

3 5758. Civil penalties.

4 § 5751. Certificate of public convenience required.

5 (a) Requirement and issuance.--

6 (1) In order to operate a transportation network company
7 within a city of the first class, the transportation network
8 company must have a certificate of public convenience issued
9 by the authority under section 5755 (relating to power of
10 authority).

11 (2) The authority may grant a certificate of public
12 convenience to provide transportation network service if the
13 authority determines that the applicant is capable of
14 providing safe, adequate, lawful and reliable service to the
15 public.

16 (a.1) Scope of transportation network services.--

17 Notwithstanding subsection (a.2), a transportation network
18 company vehicle may transport persons and their baggage:

19 (1) between points in the city of the first class for
20 which its certificate is issued;

21 (2) from any point in the city of the first class for
22 which its certificate is issued to any point in this
23 Commonwealth;

24 (3) from any point in this Commonwealth to any point in
25 the city of the first class for which its certificate is
26 issued; and

27 (4) from any point in the city of the first class for
28 which its certificate is issued to any point outside this
29 Commonwealth as part of a continuous trip.

30 (a.2) Prohibited transportation network service.--A

1 transportation network company vehicle may not transport
2 individuals and their baggage from any airport, railroad station
3 or hotel located in whole or in part in a city of the first
4 class. A transportation network company driver may not use taxi
5 stands.

6 (a.3) Pennsylvania Public Utility Commission transportation
7 network company certificate holders.--

8 (1) This subsection applies to a transportation network
9 company which:

10 (i) is not authorized by the authority to provide
11 transportation network service in a city of the first
12 class; but

13 (ii) is authorized by the Pennsylvania Public
14 Utility Commission to provide transportation network
15 service elsewhere in this Commonwealth.

16 (2) A transportation network company described in
17 paragraph (1) may transport individuals and their baggage to
18 a city of the first class in accordance with the service
19 authorized in its certificate of public convenience.

20 (a.4) Prohibited commission transportation network
21 service.--A transportation network company authorized by the
22 commission to provide transportation network service may not
23 permit a transportation network company driver to transport
24 individuals and their baggage from any airport, railroad station
25 or hotel located in whole or in part in a city of the first
26 class.

27 (a.5) Compliance.--A transportation network company shall
28 ensure compliance with this section. This subsection includes
29 programming the digital network and applications to comply with
30 this chapter.

1 (b) Enforcement.--

2 (1) This subchapter and the regulations promulgated by
3 the authority under this subchapter shall be enforced within
4 cities of the first class by authority personnel.

5 (2) The commission may initiate actions before the
6 authority.

7 (c) Restrictions.--Certificates issued under this subchapter
8 shall be nontransferable unless a transfer is approved by the
9 authority.

10 (d) Penalties involving certified transportation network
11 companies.--

12 (1) A transportation network company may not provide or
13 authorize the provision of transportation network services in
14 violation of this subchapter and authority regulations with
15 regard to transportation network services in a city of the
16 first class.

17 (2) A transportation network company that violates
18 paragraph (1) commits a nontraffic summary offense.

19 (3) A transportation network company that violates
20 paragraph (1) is subject to section 5758 (relating to civil
21 penalties).

22 (e) Unauthorized vehicles.--

23 (1) A transportation network company that does not have
24 a certificate of public convenience may not do any of the
25 following:

26 (i) Permit a driver to provide transportation
27 network service.

28 (ii) Give the appearance of offering transportation
29 network service using a transportation network company
30 vehicle.

1 (2) A transportation network company that violates
2 paragraph (1) commits a nontraffic summary offense.

3 (3) A transportation network company that violates
4 paragraph (1) is subject to section 5758. A civil penalty
5 shall be deposited in the fund established under section 5708
6 (relating to funds).

7 (f) Confiscation and impoundment of vehicles.--

8 (1) In addition to penalties provided for in subsections
9 (d) and (e), the authority may confiscate and impound a
10 vehicle used to provide transportation network services which
11 is:

12 (i) not associated with a properly certificated
13 transportation network company; or

14 (ii) operated by a transportation network company
15 driver in violation of authority regulations.

16 (2) Upon satisfaction of penalties imposed and
17 outstanding fines assessed against the transportation network
18 company driver owning or operating a confiscated vehicle and
19 payment of the authority's costs associated with confiscation
20 and impoundment, the vehicle shall be returned to its
21 registered owner or registered lienholder.

22 (3) The following apply:

23 (i) If the transportation network company driver
24 fails to satisfy all penalties and outstanding fines
25 assessed within 45 days of the date of impoundment, the
26 authority may publicly auction a confiscated vehicle.

27 (ii) The authority must, at least 30 days before the
28 date of the public auction, provide notice by regular
29 mail to the registered owner and each registered
30 lienholder of the public auction of confiscated vehicles.

1 (4) The authority shall apply the proceeds from the sale
2 of all confiscated property in the following order:

3 (i) To the costs of the authority associated with
4 the confiscation, impoundment and auction.

5 (ii) To penalties and outstanding fines assessed
6 against the owner and operator of the vehicle.

7 (iii) Subject to subsection (f.1), to the lien of
8 any registered lienholder of the confiscated property
9 upon demand.

10 (iv) Subject to subsection (f.1), to the registered
11 owner of the confiscated property upon demand.

12 (f.1) Deposit.--Proceeds not claimed under subsection (f) (4)
13 (iii) or (iv) within one year of the auction date shall be
14 deposited into the fund established under section 5708.
15 § 5752. Transportation network company vehicles.

16 (a) Inspection by authority.--

17 (1) The authority shall promulgate inspection
18 regulations to ensure that each vehicle used to provide
19 transportation network services is safe for use under this
20 subchapter. This paragraph includes:

21 (i) Vehicle age and mileage limitations. Under this
22 subparagraph, the maximum age for a vehicle is 10 years.

23 (ii) Recordkeeping requirements.

24 (2) The authority shall require, by order or regulation,
25 that each vehicle within its jurisdiction under this
26 subchapter submit to inspection:

27 (i) prior to being used to provide transportation
28 network services; and

29 (ii) periodically.

30 (b) Vehicle Code.--Inspection requirements under subsection

1 (a) are in addition to the requirements under 75 Pa.C.S. Ch. 47
2 (relating to inspection of vehicles).

3 (c) Registration.--A transportation network company vehicle
4 used to provide transportation network services must be
5 registered in this Commonwealth to the transportation network
6 company driver using it to provide transportation network
7 services.

8 (d) Marking and license.--

9 (1) Each vehicle used to provide transportation network
10 services shall be identified by a conspicuously placed
11 marking on the exterior of the vehicle. The marking must
12 identify the vehicle as a transportation network company
13 vehicle through a unique identification number to be
14 determined by the authority.

15 (2) Each vehicle used to provide transportation network
16 service shall have a unique license plate to distinguish it
17 as a common carrier. The Department of Transportation and the
18 authority have the power and duty to cooperate under 75
19 Pa.C.S. Ch. 13 Subch. B (relating to registration plates) to
20 implement this paragraph.

21 § 5753. Insurance.

22 (a) Requirements.--Each transportation network company and
23 each transportation network company driver shall comply with
24 this section.

25 (b) Type of insurance.--The transportation network company
26 shall maintain primary insurance which complies with 75 Pa.C.S.
27 Ch. 17 (relating to financial responsibility) with limits to be
28 determined by the authority. The authority shall establish
29 insurance coverage limits that require a lower amount of
30 coverage:

1 (1) during the period of time when a driver has a
2 digital network open but has not been matched with a
3 passenger; and

4 (2) from the time a passenger safely exits a
5 transportation network company vehicle until the time a
6 driver is matched with another passenger or logs off of the
7 digital network, whichever is later.

8 (c) Coverage.--The insurance coverage must:

9 (1) begin when the transportation network company driver
10 opens the digital network to connect transportation network
11 company drivers and passengers; and

12 (2) continue until the later of:

13 (i) the closing of the digital network by the
14 transportation network company driver; or

15 (ii) the safe exiting of the vehicle by the
16 passenger.

17 (d) Transportation network company driver insurance.--
18 Notwithstanding any coverage held or maintained by the
19 transportation network company driver, the transportation
20 network company's insurance coverage required under this section
21 shall be the primary insurance for a claim arising out of an
22 incident involving a transportation network company driver while
23 providing transportation network services.

24 (e) Filing with authority.--The transportation network
25 company shall file all of the following with the authority:

26 (1) Form E, evidence of motor carrier bodily injury and
27 property damage liability certificate of insurance,
28 evidencing its primary commercial insurance coverage.

29 (2) Other coverage as required under subsection (b) and
30 compliance with 75 Pa.C.S. Ch. 17.

1 (f) Proof of insurance.--The transportation network company
2 driver shall certify to the authority that the transportation
3 network company driver's personal insurer has been made aware of
4 the transportation network company driver's intention to operate
5 the driver's vehicle to provide transportation network service.

6 (g) Accidents generally.--In the case of an accident, the
7 following apply:

8 (1) The transportation network company driver shall
9 provide proof of the transportation network company's primary
10 insurance coverage. To comply with this paragraph, the driver
11 may:

12 (i) maintain in the vehicle a hard copy of proof of
13 the transportation network company's primary commercial
14 liability insurance; or

15 (ii) if agreed upon by the insurer, as required
16 under 75 Pa.C.S. § 1782(d) (relating to manner of
17 providing proof of financial responsibility), utilize an
18 electronic copy of proof of the transportation network
19 company's primary commercial liability insurance.

20 (2) The driver may not present the driver's personal
21 insurance to a party as proof of insurance during the time
22 period:

23 (i) beginning when the driver has been matched with
24 a passenger; and

25 (ii) ending on the later of when:

26 (A) the transportation network company driver
27 logs off of a digital network; or

28 (B) the passenger safely exits the vehicle.

29 (3) A driver who violates paragraph (2) is subject to
30 penalties as prescribed by the authority.

1 § 5754. Authority inspection of records.

2 Subject to reasonable confidentiality obligations and
3 applicable confidentiality laws, the authority may inspect
4 records to investigate compliance with the requirements of this
5 subchapter and regulations issued under section 5756 (relating
6 to regulations). A record disclosed to the authority under this
7 section shall not be subject to disclosure to a third party by
8 the authority, including through a request submitted under the
9 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
10 Know Law.

11 § 5755. Power of authority.

12 (a) Certificates.--The authority may issue certificates of
13 public convenience under this subchapter.

14 (b) Application.--An application for a certificate of public
15 convenience must:

16 (1) be filed with the authority in writing;

17 (2) be verified by oath or affirmation; and

18 (3) be in a form and contain information as determined
19 by the authority.

20 (c) Procedure.--The authority may revoke a certificate of
21 public convenience for violation of this subchapter or a
22 regulation promulgated under this subchapter.

23 § 5756. Regulations.

24 (a) Authority.--The authority may promulgate regulations to
25 implement this subchapter.

26 (b) Other provisions.--The authority has the power under
27 subsection (a) notwithstanding any other provision of law or of
28 the authority's articles of incorporation.

29 § 5757. Criminal penalties.

30 A criminal offense under this subchapter is subject to 18

1 Pa.C.S. Ch. 11 (relating to authorized disposition of
2 offenders).

3 § 5758. Civil penalties.

4 (a) General rule.--If a person subject to this subchapter
5 violates this subchapter, a regulation under this subchapter or
6 an order of the authority, the person shall be subject to a
7 civil penalty of not more than \$1,000 to be recovered through a
8 complaint under section 5705(b) (relating to contested
9 complaints).

10 (b) Continuing offenses.--Each day of violation under
11 subsection (a) shall be a separate violation.

12 Section 9. The definitions of "common carrier" and "common
13 carrier by motor vehicle" in section 102 of Title 66 are amended
14 to read:

15 § 102. Definitions.

16 Subject to additional definitions contained in subsequent
17 provisions of this part which are applicable to specific
18 provisions of this part, the following words and phrases when
19 used in this part shall have, unless the context clearly
20 indicates otherwise, the meanings given to them in this section:

21 * * *

22 "Common carrier." Any and all persons or corporations
23 holding out, offering, or undertaking, directly or indirectly,
24 service for compensation to the public for the transportation of
25 passengers or property, or both, or any class of passengers or
26 property, between points within this Commonwealth by, through,
27 over, above, or under land, water, or air, and shall include
28 forwarders, but shall not include contract carriers by motor
29 vehicles, or brokers, or any bona fide cooperative association
30 transporting property exclusively for the members of such

1 association on a nonprofit basis. The term does not include any
2 of the following:

3 (1) A transportation network company.

4 (2) A transportation network company driver.

5 (3) A taxi transportation network company as defined in
6 section 24A01 (relating to definitions).

7 (4) A taxi transportation network company driver as
8 defined in section 24A01.

9 "Common carrier by motor vehicle." Any common carrier who or
10 which holds out or undertakes the transportation of passengers
11 or property, or both, or any class of passengers or property,
12 between points within this Commonwealth by motor vehicle for
13 compensation, whether or not the owner or operator of such motor
14 vehicle, or who or which provides or furnishes any motor
15 vehicle, with or without driver, for transportation or for use
16 in transportation of persons or property as aforesaid, and shall
17 include common carriers by rail, water, or air, and express or
18 forwarding public utilities insofar as such common carriers or
19 such public utilities are engaged in such motor vehicle
20 operations, but does not include:

21 (1) A lessor under a lease given on a bona fide sale of
22 a motor vehicle where the lessor retains or assumes no
23 responsibility for maintenance, supervision, or control of
24 the motor vehicles so sold.

25 (2) Transportation of school children for school
26 purposes or to and from school-related activities whether as
27 participants or spectators, with their chaperones, or between
28 their homes and Sunday school in any motor vehicle owned by
29 the school district, private school or parochial school, or
30 transportation of school children between their homes and

1 school or to and from school-related activities whether as
2 participants or spectators, with their chaperones, if the
3 person performing the school-related transportation has a
4 contract for the transportation of school children between
5 their homes and school, with the private or parochial school,
6 with the school district or jointure in which the school is
7 located, or with a school district that is a member of a
8 jointure in which the school is located if the jointure has
9 no contracts with other persons for the transportation of
10 students between their homes and school, and if the person
11 maintains a copy of all contracts in the vehicle at all
12 times, or children between their homes and Sunday school in
13 any motor vehicle operated under contract with the school
14 district, private school or parochial school. Each school
15 district shall adopt regulations regarding the number of
16 chaperones to accompany students in connection with school-
17 related activities.

18 (3) Any owner or operator of a farm transporting
19 agricultural products from, or farm supplies to, such farm,
20 or any independent contractor or cooperative agricultural
21 association hauling agricultural products or farm supplies
22 exclusively for one or more owners or operators of farms.

23 (4) Any person or corporation who or which uses, or
24 furnishes for use, dump trucks for the transportation of
25 ashes, rubbish, excavated and road construction materials.
26 This paragraph does not include the use or furnishing of
27 five-axle tractor trailers.

28 (5) Transportation of property by the owner to himself,
29 or to purchasers directly from him, in vehicles owned and
30 operated by the owner of such property and not otherwise used

1 in transportation of property for compensation for others.

2 (6) Transportation of voting machines to and from
3 polling places by any person or corporation for or on behalf
4 of any political subdivision of this Commonwealth for use in
5 any primary, general, municipal or special election.

6 (7) Transportation of pulpwood, chemical wood, saw logs
7 or veneer logs from woodlots.

8 (8) Transportation by towing of wrecked or disabled
9 motor vehicles.

10 (9) Any person or corporation who or which furnishes
11 transportation for any injured, ill or dead person.

12 (10) A person or entity that is any of the following:

13 (i) A transportation network company.

14 (ii) A transportation network company driver.

15 (iii) A taxi transportation network company as
16 defined in section 24A01 (relating to definitions).

17 (iv) A taxi transportation network company driver as
18 defined in section 24A01.

19 * * *

20 Section 10. Title 66 is amended by adding chapters to read:

21 CHAPTER 24

22 TAXI AND LIMOUSINE SERVICES

23 Sec.

24 2401. Definitions.

25 2402. Applicability of chapter.

26 2403. Requirements for taxi and limousine companies.

27 2404. Tariffs.

28 2405. Marking of taxis.

29 2406. Service standards and requirements for taxi and limousine
30 companies.

1 2407. Operation of leased taxi and limousine equipment.

2 2408. Inspection and safe operation requirements.

3 2409. Method of operation of taxis.

4 2410. Requirements for taxi drivers.

5 2411. Taxi vehicle requirements.

6 2412. Rates and forms of compensation.

7 2413. Operation of limousines.

8 2414. Regulations.

9 2415. Assessments.

10 § 2401. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Call or demand service." Taxi service for passengers,
15 rendered on an exclusive or a nonexclusive basis, where the
16 service is characterized by the fact that passengers normally
17 hire the vehicle and the vehicle's driver either by telephone
18 call or by hail, or both.

19 "Certificate." A certificate of public convenience issued by
20 the commission.

21 "Digital platform." An online-enabled application, software,
22 website or system, utilized by a motor carrier of passengers to
23 dispatch taxis and calculate fares.

24 "Exclusive service." Transportation on a given trip when the
25 first or principal person, party or group hiring the vehicle has
26 the exclusive right to determine where, when or if another
27 passenger shall be carried on the trip.

28 "Lessee." A driver who enters into a written agreement
29 authorizing the driver to operate a vehicle owned by a lessor.

30 "Lessor." The owner of a vehicle who, by written agreement,

1 authorizes the operation of the vehicle by a lessee in exchange
2 for a fee.

3 "Limousine service." Local, nonscheduled common carrier
4 service for passengers rendered in luxury-type vehicles on an
5 exclusive basis which is arranged for in advance.

6 "Motor carrier of passengers." A common or contract carrier
7 by motor vehicle that offers or undertakes the transportation of
8 a passenger.

9 "Nonexclusive service." Transportation on a given trip where
10 passengers other than the first or principal person, party or
11 group hiring the vehicle may be carried as permitted by the
12 applicable tariff provisions of the carrier and the rules and
13 regulations governing the class of service under which the
14 vehicle is operating.

15 "Tariff." A schedule of rates, rules, regulations, practices
16 or contracts involving a rate or schedule showing the method of
17 distribution of the facilities of a common carrier.

18 § 2402. Applicability of chapter.

19 This chapter shall not apply to a taxi and limousine service
20 within a city of the first class.

21 § 2403. Requirements for taxi and limousine companies.

22 (a) Certificate required.--A person or corporation may not
23 engage in the business of a taxi or limousine company in this
24 Commonwealth unless the person or corporation holds a
25 certificate of public convenience as a motor carrier of
26 passengers issued by the commission.

27 (b) Certificate application and issuance.--A person or
28 corporation seeking to engage in the business of a taxi or
29 limousine company must apply for a certificate of public
30 convenience from the commission in accordance with section

1 1103(a) and (b) (relating to procedure to obtain certificates of
2 public convenience).

3 (c) Evidentiary requirement.--An applicant seeking motor
4 carrier of passengers authority shall have the burden of proving
5 that the applicant possesses the technical and financial ability
6 to provide proper service. Authority shall be withheld if the
7 record demonstrates that the applicant lacks a propensity to
8 operate safely and legally. In evaluating whether a motor
9 carrier of passengers applicant can satisfy these fitness
10 standards, the commission shall examine whether the applicant:

11 (1) Operates illegally and without authority before or
12 during the pendency of the applicant's application.

13 (2) Has capital in excess of the applicant's debts of at
14 least \$10,000 to ensure financial fitness.

15 (3) Has the capability to acquire vehicles, equipment
16 and facilities to house and maintain the applicant's
17 operations.

18 (4) Has demonstrated an ability to provide reasonably
19 continuous service to the public.

20 (5) Has demonstrated an ability to provide safe,
21 reliable and adequate service throughout the entire proposed
22 certificated service area.

23 (6) Has technical expertise and fitness and can
24 demonstrate a working knowledge of the applicable laws of
25 this Commonwealth governing common carrier transportation.

26 (7) Has vehicles, drivers and facilities sufficient to
27 service the area for which authority is sought.

28 (8) Can obtain and maintain insurance coverage compliant
29 with this chapter and commission regulations.

30 (9) Has a written plan to comply with the driver and

1 vehicle safety regulations under this chapter and commission
2 regulations.

3 (10) Has a previous felony record or has been convicted
4 or pled guilty to a crime involving moral turpitude.

5 (11) Has previously complied with commission orders and
6 regulations.

7 (d) Applicability.--Nothing under this section shall apply
8 to an application for the right to operate a limousine service.

9 § 2404. Tariffs.

10 A taxi company shall, prior to furnishing or offering to
11 furnish service, have a tariff approved and on file with the
12 commission under sections 1302 (relating to tariffs; filing and
13 inspection) and 1308 (relating to voluntary changes in rates).

14 The following shall apply:

15 (1) A taxi tariff must be filed, posted and published in
16 accordance with Chapter 13 (relating to rates and
17 distribution systems). A fare may be charged pursuant to a
18 taxi company's commission-approved tariff in the following
19 manner:

20 (i) In the amount as is calculated and registered on
21 the meter.

22 (ii) As a fixed amount for the trip.

23 (iii) As the amount shown to be due on the meter
24 plus a surcharge.

25 (iv) Through a time and distance charge calculated
26 through a digital platform, which may increase or
27 decrease in real time for the purpose of balancing supply
28 and demand. For purposes of this section, a tariff on
29 file with the commission must include the basis upon
30 which rates are calculated, including the calculation

1 methodology or formula.

2 (2) A cancellation, no-show and cleaning fee may be
3 applied as necessary and included within the tariff or
4 charged separately with advance notice to the customer.

5 (3) A taxi company whose tariffs are based on a meter or
6 flat rate must post the rates of the fare in a conspicuous
7 place in each of the taxi company's vehicles.

8 (4) A taxi company that uses a digital platform must
9 disclose the fare calculation method, the applicable rates
10 being charged and provide the option for an estimated fare to
11 the customer. A taxi company that computes fares through a
12 digital platform may not charge a fare that exceeds the
13 limitations under the act of October 31, 2006 (P.L.1210,
14 No.133), known as the Price Gouging Act, during a natural
15 disaster or state of emergency as declared by a State or
16 local governing body of the Commonwealth. If a natural
17 disaster or emergency does not result in the declaration of
18 State or local emergency, the increase in fare must be
19 established on the basis of fares charged over the preceding
20 60 days.

21 (5) A limousine company tariff must be based on time or
22 distance, or both, and shall be available to the commission
23 for review upon request. A limousine carrier must provide
24 tariffed rates to passengers for approval in advance of
25 providing service. Agreed pricing between passenger and
26 carrier shall be deemed legally appropriate and binding.

27 (6) (i) Notwithstanding any other provision of this
28 chapter, a certificated motor carrier of passengers
29 operating in call or demand service may increase the
30 certificated common carrier's tariff once annually in

1 conformance with the increase in the Federal cost-of-
2 living index provided for the city or county in which the
3 majority of the certificate holders' trips occur.

4 (ii) If a certificate holder does not increase rates
5 under subparagraph (i), the certificate holder waives the
6 right to the increase and may not, in a succeeding year,
7 add the increase to the certificate holder's tariff.

8 (iii) If not used, a tariff increase is waived.

9 (iv) An increase in a tariff beyond the increase in
10 the cost-of-living index described under subparagraph (i)
11 shall require commission approval.

12 (7) Notice of the implementation of the cost-of-living
13 index tariff increase must be sent to the commission, in
14 writing, and shall take effect immediately without the need
15 for further proceedings or order of the commission.

16 § 2405. Marking of taxis.

17 (a) Certificate number.--The number of the certificate of
18 public convenience and the registered insignia approved by the
19 commission must be painted or affixed on each side of each
20 vehicle used as a taxi. Each vehicle in a taxi fleet must be
21 sequentially numbered. A list of all fleet vehicles must be
22 filed with the commission.

23 (b) Removal of markings.--If the certificate of public
24 convenience of a motor carrier of passengers is canceled or
25 revoked by the commission or by law or if a vehicle is
26 permanently removed from service, the certificated motor carrier
27 of passengers must immediately remove all markings from the
28 vehicle.

29 (c) Local trade marks.--A common carrier may not mark, paint
30 or design a vehicle to simulate a vehicle operated by another

1 certificated motor carrier of passengers within the same local
2 service area. The simulation of design or other act intended to
3 invite patronage by deception shall be considered sufficient
4 grounds for revocation of a certificate of public convenience.

5 (d) Advertising.--

6 (1) Advertising, including, but not limited to, cab
7 tops, signs, placards and wrapping of vehicles shall be
8 permitted.

9 (2) Notwithstanding paragraph (1), advertising may not
10 obscure the mandated vehicle markings required under this
11 chapter.

12 (3) Advertising displayed on a vehicle must be securely
13 fastened and may not obscure the driver's view in any
14 direction.

15 (e) Applicability.--This section shall not apply to a
16 vehicle operated in limousine service.

17 § 2406. Service standards and requirements for taxi and
18 limousine companies.

19 The following shall apply:

20 (1) An applicant seeking a certificate of public
21 convenience as a motor carrier of passengers under this
22 section must do all of the following as a condition of
23 receipt and maintenance of a certificate:

24 (i) Maintain accurate records including the make,
25 model and license numbers of vehicles used to provide
26 taxi and limousine services.

27 (ii) Maintain accurate records of all taxi and
28 limousine drivers providing services arranged by a
29 certificate holder.

30 (iii) Implement a zero-tolerance policy on the use

1 of drugs and alcohol while a taxi or limousine driver is
2 providing call or demand or limousine services. Any taxi
3 or limousine driver who is the subject of a passenger
4 complaint alleging a violation of the zero-tolerance
5 policy shall be immediately suspended. The suspension
6 shall last until such time as the complaint investigation
7 is completed. The following shall be provided on a taxi
8 or limousine company's Internet website:

9 (A) Notice of the zero-tolerance policy.

10 (B) The procedures a passenger may use to report
11 a complaint about a taxi or limousine driver with
12 whom the passenger reasonably suspects was under the
13 influence of drugs or alcohol during the course of
14 the transportation.

15 (iv) Establish a driver training program designed to
16 ensure that each taxi and limousine driver safely
17 operates the taxi or limousine while transporting
18 passengers.

19 (v) Obtain and review criminal history record
20 information that may be performed through the use of the
21 commission's database, and systems or equivalent systems
22 for each taxi or limousine driver. The criminal history
23 record information must be a national, State and local
24 criminal background check, including the National Sex
25 Offender Registry. A person who has been convicted, pled
26 guilty or pled no contest to any of the following may not
27 be a taxi or limousine driver:

28 (A) driving under the influence of drugs or
29 alcohol within the last seven years; or

30 (B) fraud, a sexual offense, use of a motor

1 vehicle to commit a felony, a crime involving
2 property damage or theft, acts of violence or acts of
3 terrorism.

4 (vi) Obtain and review the driving record for each
5 taxi and limousine driver prior to permitting a driver to
6 operate a taxi or limousine for a certificated motor
7 carrier of passengers and every three years thereafter.
8 Any person convicted of any of the following within the
9 three years immediately preceding the request date of the
10 driving record may not be a taxi or limousine driver:

11 (A) More than three moving violations.

12 (B) A major violation, including attempting to
13 evade a police officer, reckless driving or driving
14 with a suspended license.

15 (2) A motor carrier of passengers may not knowingly
16 permit a person to operate a vehicle in its authorized
17 service unless that person has a current, valid driver's
18 license. Failure to hold a valid driver's license while
19 operating a vehicle in certificated service shall subject the
20 driver to immediate disqualification as a driver and fines
21 and penalties as the commission deems appropriate.

22 § 2407. Operation of leased taxi and limousine equipment.

23 Taxi and limousine companies shall operate vehicles in
24 compliance with the laws of this Commonwealth. The following
25 shall apply:

26 (1) When used in the authorized service of the lessee
27 certificate holder, a leased vehicle shall be operated:

28 (i) by a qualified driver when operating a vehicle
29 with a seating capacity of 15 or fewer passengers,
30 including the driver; or

1 (ii) according to commission regulations
2 establishing a safety code for transportation of property
3 and passengers, when operating a vehicle with a seating
4 capacity of 16 or more passengers, including the driver.

5 (2) The liability insurance maintained by a taxi or
6 limousine company on each motor vehicle shall be as follows:

7 (i) For vehicles capable of transporting fewer than
8 16 passengers, the liability insurance shall be in an
9 amount not less than \$35,000 to cover liability for
10 bodily injury, death or property damage incurred in an
11 accident arising from authorized service. The minimum
12 coverage shall be split coverage in the amounts of
13 \$15,000 bodily injury per person, \$30,000 bodily injury
14 per accident and \$5,000 property damage per accident.
15 This coverage shall include first-party medical benefits
16 in the amount of \$25,000 and first-party wage loss
17 benefits in the amount of \$10,000 for passengers and
18 pedestrians. Except as to the required amount of
19 coverage, the benefits must conform to 75 Pa.C.S. Ch. 17
20 (relating to financial responsibility). First-party
21 coverage of the driver of certificated vehicles must meet
22 the requirements of 75 Pa.C.S. § 1711 (relating to
23 required benefits).

24 (ii) For vehicles capable of transporting 16 to 28
25 passengers, the liability insurance shall be in an amount
26 not less than \$1 million to cover liability for bodily
27 injury, death or property damage incurred in an accident
28 arising from authorized service. Except as to the
29 required amount of liability coverage, the coverage shall
30 meet the requirements of 75 Pa.C.S. Ch. 17.

1 (iii) For vehicles capable of transporting more than
2 28 passengers, the liability insurance shall be in an
3 amount not less than \$5 million to cover liability for
4 bodily injury, death or property damage incurred in an
5 accident arising from authorized service. Except as to
6 the required amount of liability coverage, the coverage
7 shall meet the requirements of 75 Pa.C.S. Ch. 17.

8 (3) Each taxi and limousine shall comply with the
9 registration requirements under 75 Pa.C.S. (relating to
10 vehicles).

11 (4) The operation of a leased vehicle shall not permit
12 an increase in the number of vehicles or in the seating
13 capacity of vehicles if limited by the terms of the
14 certificate.

15 (5) A vehicle must be owned or leased by the certificate
16 holder or owned by the driver under the same terms and
17 conditions of control as the certificate holder must exert
18 under this chapter. Operation and service shall be under the
19 direct regulatory control and supervision of the certificate
20 holder.

21 (6) The following shall apply to leases:

22 (i) A lease of a taxi or limousine must be in
23 writing, must specifically set forth the terms of the
24 lease, including obligations assumed, such as maintenance
25 and fuel, compensation and the duration of the lease, and
26 must be executed by the parties or the parties'
27 authorized agents or officers.

28 (ii) The original lease must be retained by the
29 certificate holder, at the certificate holder's principal
30 office, in whose service the equipment is to be operated.

1 (iii) One copy of the lease must be retained by the
2 owner of the equipment.

3 (iv) A certificate holder must retain a lease for
4 two years following the lease's expiration date.

5 (v) Instead of a copy of the lease, a certificate or
6 rental form identifying the leased vehicle may be carried
7 in the leased vehicle certifying that the equipment is to
8 be operated exclusively in the service of the certificate
9 holder named as lessee. The certificate or rental form
10 must:

11 (A) Show the names and addresses of the owner
12 and lessee, the date of the lease, the location of
13 the original lease retained by the certificate holder
14 and the exact expiration date of the lease.

15 (B) Be certified as true and correct by the
16 certificate holder or an authorized representative.

17 (vi) Notwithstanding any provision of this section,
18 a motor carrier of passengers may not lease the motor
19 carrier's operating rights.

20 (7) The certificate holder must, before taking
21 possession of equipment, inspect the equipment or have the
22 equipment inspected by a person who is competent and
23 qualified to make an inspection on behalf of the certificate
24 holder to ensure that the equipment is in a safe condition to
25 be operated on public roads. The person making the inspection
26 must certify the results of the inspection. The certification
27 shall be retained by the certificate holder for at least one
28 year. If the inspection discloses that the equipment is not
29 in a safe condition to be operated on public roads,
30 possession of the equipment may not be taken by the

1 certificate holder.

2 (8) If the Department of Transportation, at the request
3 of the owner, designates the lessee certificate holder as the
4 registrant of the vehicle and the name and address of the
5 lessee are substituted for the name and address of the
6 lessor, the commission shall approve the registration if the
7 certificate is in good standing, except that the approval
8 shall be effective only for the period during which the lease
9 remains in effect.

10 (9) If a removable device is used to identify the
11 operating carrier as lessee, the device must be made of
12 durable material and be securely affixed to the vehicle
13 operated throughout the duration of the lease. Upon returning
14 the vehicle to the lessor, the lessee certificate holder
15 operating the leased vehicle under this subsection shall
16 remove the removable device displayed on the vehicle.

17 (10) A taxi company may lease a vehicle to a driver for
18 operation in the service of the taxi company certificate
19 holder under the following conditions:

20 (i) The leased vehicle shall be operated under the
21 control and supervision of the certificate holder for
22 regulatory purposes.

23 (ii) (A) A driver of a vehicle in call or demand
24 service must keep a log sheet or manifest for each
25 shift the driver operates unless the vehicle is
26 equipped with a digital dispatch system, mobile data
27 transmitter or GPS dispatching system which records
28 and stores, either on the device itself or on a
29 computer or server located elsewhere, the following
30 information:

1 (I) Date and driver name or identification
2 number.

3 (II) Time of call for service.

4 (III) Time of dispatch.

5 (IV) The times and places of origin and
6 destination of each trip, including the mileage
7 shown on the odometer on the meter at the origin
8 and destination.

9 (V) The amount of the base fare, excluding
10 tip or gratuity.

11 (B) If a certificated carrier has a system which
12 electronically stores the information under clause
13 (A), a paper log shall not be required. A
14 certificated carrier shall store and hold all paper
15 and electronic logs for a two-year period.

16 (11) A motor carrier of passengers must furnish and
17 maintain adequate, reasonably continuous service to the
18 public, without unreasonable interruptions or delay if the
19 carrier has sufficient equipment available, subject to the
20 following:

21 (i) A carrier may, during a period of unexpected
22 demand, provide service as soon as possible and may
23 provide notice to passengers that service is temporarily
24 suspended. If notice is provided to passengers that
25 service is temporarily suspended, the certificate holder
26 shall not be in violation of any law relating to service
27 or reasonable service.

28 (ii) A driver of a call or demand vehicle who
29 believes that his safety or well-being is, or may be, at
30 risk shall not be required to render service and shall

1 not be fined or penalized for failing to provide service
2 under those circumstances.

3 (12) A taxi or limousine must transport a dog trained
4 for the purpose of guiding a blind or deaf person when the
5 dog is accompanying a blind or deaf person paying a regular
6 fare. A service dog must be properly leashed and may not
7 occupy a seat in the taxi or limousine.

8 (13) A taxi or limousine may not unreasonably
9 discriminate against a prospective passenger or unreasonably
10 refuse to provide service to a certain class of passengers or
11 certain localities.

12 § 2408. Inspection and safe operation requirements.

13 This chapter shall apply to vehicles having a designed
14 seating capacity of 15 or fewer passengers, including the
15 driver, which are used by motor carriers of passengers to
16 transport taxi and limousine passengers. The following shall
17 apply:

18 (1) A certificate holder may not permit a vehicle having
19 a seating capacity of 15 or fewer passengers, including the
20 driver, to be operated unless it complies with the following
21 requirements:

22 (i) A vehicle must comply with applicable Department
23 of Transportation equipment inspection standards under 67
24 Pa. Code Ch. 175 (relating to vehicle equipment and
25 inspection) when the vehicle is being operated.

26 (ii) A vehicle must have door hinges and latches in
27 working order and doors must operate easily and close
28 securely.

29 (iii) Advertising on a vehicle shall comply with
30 section 2405(d) (relating to marking of taxis).

1 Advertising may not cover the required marking of the
2 taxi as provided under section 2405(a).

3 (2) A certificate holder may not permit a vehicle having
4 a designed seating capacity of 15 or fewer passengers,
5 including the driver, to be operated to transport passengers
6 unless the certificate holder complies with the following
7 requirements:

8 (i) A vehicle that is equipped with folding,
9 temporary or removable seats must have hinges, latches,
10 brackets or other hardware associated with the seats in
11 working order.

12 (ii) A vehicle must be in clean and sanitary
13 condition.

14 (iii) A vehicle must have a factory-type heater,
15 capable of producing heat for the accommodation of
16 passengers. The heater must be in working order.

17 (iv) A trunk compartment must be clean and suitable
18 for carrying a passenger's luggage.

19 (v) A vehicle must have snow tires or all-weather
20 tires on the drive wheels between October 1 and April 1
21 of the following year.

22 (vi) A vehicle's exterior may not have a dent or
23 gouge larger than four inches in diameter or damage that
24 protrudes from the vehicle.

25 (vii) A vehicle must have four matching wheel covers
26 or the equivalent.

27 (viii) A vehicle must have operative air
28 conditioning.

29 (ix) A vehicle's seats must be secure and not be
30 damaged so as to allow springs or other cushioning or

1 support devices to protrude through the seat.

2 (3) A certificate holder may not permit or require a
3 driver to operate a vehicle revealed by inspection or
4 operation not to comply with this section. If a vehicle being
5 operated on public roads is discovered not to comply with
6 this section, it may be continued in operation to the
7 certificate holder's nearest terminal, place of business or
8 other similar location where repairs can be effected safely.
9 The operation may be conducted only if less hazardous to the
10 public than permitting the vehicle to remain on public roads.

11 (4) A motor carrier of passengers shall ensure that
12 vehicles operated under a certificate or permit receive the
13 annual State inspection required by 75 Pa.C.S. Ch. 47
14 (relating to inspection of vehicles).

15 (5) An enforcement officer employed by the commission is
16 authorized to perform inspections of vehicles to determine
17 compliance with this chapter under sections 307 (relating to
18 inspectors for enforcement) and 506 (relating to inspection
19 of facilities and records). To perform the inspections,
20 commission enforcement officers may stop a vehicle in
21 operation. A commission enforcement officer may enter upon
22 the premises of the taxi or limousine company at a reasonable
23 time for the purpose of performing an inspection upon a
24 vehicle used in regulated operations. A motor carrier of
25 passengers may designate a vehicle as out of service on the
26 carrier's lot prior to an inspection. The commission may not
27 require a carrier to present vehicles for a group inspection
28 in a number that, in the carrier's sole opinion, would impact
29 the operation of the carrier's service. The following shall
30 apply to an inspection:

1 (i) A form designated by the commission shall be
2 used to record findings from vehicles selected for
3 inspection.

4 (ii) A vehicle in operation that is found upon
5 inspection not to comply with this chapter or commission
6 regulations shall be declared out of service by an
7 enforcement officer employed by the commission and shall
8 be placed out of service utilizing the commission's out-
9 of-service sticker.

10 (iii) Except as provided under this subparagraph or
11 paragraph (3), a motor carrier of passengers may not
12 require or permit a person to operate nor may a person
13 operate a vehicle declared and placed out of service
14 until the repairs required by the commission have been
15 satisfactorily completed.

16 (iv) A person may not remove an out-of-service
17 sticker from a vehicle prior to completion of the repairs
18 required by the commission.

19 (v) The person completing the repairs required by
20 the out-of-service notice shall sign the certificate of
21 repairman in accordance with the terms prescribed by the
22 commission, entering the name of the person's shop or
23 garage and the date and time the required repairs were
24 completed. If the vehicle operator completes the required
25 repairs, the operator shall sign and complete the
26 certificate of repairman.

27 (vi) The motor carrier of passenger's disposition of
28 the form shall be as follows:

29 (A) The vehicle operator receiving the form
30 placing the vehicle out of service shall deliver the

1 form to the certificated carrier at the certified
2 carrier's principal place of business.

3 (B) A violation or mechanical defect noted on a
4 form shall be corrected. To the extent that a vehicle
5 operator is shown not to be in compliance with this
6 chapter, appropriate corrective action shall be taken
7 by the certificated carrier.

8 (C) A certificated carrier shall retain a copy
9 of the form at its principal place of business for
10 one year from the date of inspection.

11 (D) When a violation or mechanical defect noted
12 on an inspection form has been corrected by the
13 certificated carrier, the vehicle shall be deemed
14 safe for operation and it may be put back into
15 service by the carrier with no further approval by
16 the commission.

17 (6) If a vehicle in operation is inspected and does not
18 comply with this section or if a motor vehicle being operated
19 in passenger transportation service does not comply with this
20 section, a complaint upon the motion of the commission or
21 other appropriate action may be instituted in accordance with
22 section 701 (relating to complaints) for the purpose of
23 levying a civil penalty as prescribed by section 3301
24 (relating to civil penalties for violations).

25 § 2409. Method of operation of taxis.

26 Unless otherwise specifically provided in the certificate of
27 public convenience, a taxi operating a call or demand service
28 shall have the rights and be subject to the conditions as
29 follows:

30 (1) A taxi may transport a person on request, an

1 exclusive basis or a nonexclusive basis.

2 (2) When offering nonexclusive call or demand service,
3 an owner or driver of a vehicle may not permit or cause the
4 vehicle to be operated on a fixed time schedule over a route
5 of a scheduled route carrier or a public transit system so as
6 to pass specific points in a regular manner or at regular
7 intervals for the purpose of picking up passengers unless the
8 route is not then in operation. The purpose of this paragraph
9 is to prohibit call or demand operations from interfering
10 with scheduled route service.

11 (3) Whenever a taxi is occupied by a fare-paying
12 passenger or by a member of a party of fare-paying passengers
13 who engaged the vehicle on an exclusive basis, the driver of
14 the vehicle may not permit another person to occupy or ride
15 in the vehicle without the consent of the party then
16 occupying the vehicle.

17 (4) When engaged in service on an exclusive basis, a
18 taxi may transport a person:

19 (i) In the area authorized by the certificate.

20 (ii) From a point in the area authorized by the
21 certificate to a point in this Commonwealth.

22 (iii) From a point in this Commonwealth to a point
23 in the area authorized by the certificate, provided the
24 request for the transportation is received in the area
25 authorized by the certificate.

26 (5) When engaged in service on a nonexclusive basis, a
27 taxi may transport a person as follows:

28 (i) In the area authorized by the certificate.

29 (ii) From the area authorized by the certificate to
30 a point in this Commonwealth within five air miles from

1 the boundary of the area authorized by the certificate.

2 (iii) From a point within the five-mile region
3 referred to in subparagraph (ii) to a point within the
4 area authorized by the certificate, provided that the
5 request for the transportation is received in the area
6 authorized by the certificate.

7 (6) Taxi service between points outside a motor carrier
8 of passenger's authorized service territory may not be
9 validated by the subterfuge of routing the vehicle through
10 authorized service territory. A vehicle operator may not
11 attempt to evade a restriction attached to the vehicle
12 operator's operating rights by encouraging or causing a
13 passenger to make a theoretical or actual fare-paying break
14 in a trip by routing it through authorized territory.

15 (7) At minimum, a taxi company shall offer exclusive
16 service unless the taxi company's certificate provides
17 otherwise.

18 § 2410. Requirements for taxi drivers.

19 A taxi driver shall comply with the following service
20 standards:

21 (1) When on duty and not engaged, furnish trip service
22 on demand to an orderly person for lawful purposes, unless
23 the driver's personal safety is at issue.

24 (2) A taxi driver shall comply with the act of June 13,
25 2008 (P.L.182, No.27), known as the Clean Indoor Air Act, and
26 may not smoke or permit smoking in the taxi.

27 (3) Transport passengers to their destinations by the
28 shortest practical route, unless directed by a passenger to
29 take a different route.

30 (4) A charge may not be made by a certificate holder or

1 driver for hand baggage or hand luggage carried by a fare-
2 paying passenger.

3 (5) The driver may carry a package or parcel when the
4 merchandise is accompanied by a passenger but shall refuse to
5 carry a package or parcel when the contents cause the vehicle
6 to become stained or foul smelling. Unless the rights are
7 specifically included in a certificate held by the carrier,
8 this paragraph may not be interpreted to permit the hiring of
9 a vehicle for expressage purposes only.

10 (6) If requested, deliver to the person paying for the
11 service a correct receipt at the time of payment. The name of
12 the motor carrier of passengers, a method of identifying the
13 vehicle and the vehicle's driver, items for which a charge is
14 made, the total amount paid and the date of payment shall be
15 legibly printed or written upon the receipt. A certificate
16 holder shall supply each of its drivers with blank receipts
17 assembled in book form.

18 (7) Prior to driving a taxi before a shift, a taxi
19 driver shall perform a vehicle inspection to confirm that the
20 taxi complies with this chapter. The inspection must include
21 the following:

22 (i) At least one full walk around the taxi to assure
23 the exterior of the vehicle is in compliance with this
24 chapter, including the following:

25 (A) The exterior of the taxi is not damaged, a
26 sharp edge is not present and a part of the vehicle
27 has not been removed. The inspection shall include
28 ensuring the hood and doors of the taxi are present
29 and in their proper location.

30 (B) The appropriate name, colors and markings

1 are affixed to the taxi.

2 (C) The taxi's tires are full size and the
3 treads are not worn below State inspection
4 requirements.

5 (ii) The opening and closing of the doors, hood and
6 trunk to assure proper functionality and the absence of a
7 sharp edge that may injure a passenger or damage
8 clothing, luggage or other property.

9 (iii) An inspection of the interior of the taxi to
10 make certain that the vehicle is clean and otherwise in
11 compliance with this chapter.

12 (iv) Operation of the heater and air conditioner to
13 confirm the taxi's ability to maintain the appropriate
14 air temperature.

15 (v) An inspection of the taxi meter to assure it has
16 been approved for use by the commission and is in proper
17 working order at all times.

18 (8) A taxi driver is responsible for providing clean,
19 safe and courteous taxi service, including the following:

20 (i) Presenting a neat and clean appearance while
21 providing taxi service.

22 (ii) Dressing in clean clothing that will be
23 composed of a shirt with collar, ankle-length trousers,
24 slacks or a dress, a skirt, if gender appropriate, socks
25 or stockings and shoes or clean sneakers. Shorts, bathing
26 trunks or bathing suits, undershirts, "muscle shirts" or
27 tank tops are prohibited unless concealed as
28 undergarments beneath the attire described in this
29 subparagraph.

30 (iii) Bare feet or wearing open-toed shoes or

1 sandals is prohibited while operating a taxi.

2 (iv) Ceasing operation of a vehicle known by the
3 driver to be in an unsafe condition.

4 (v) Being courteous toward passengers, the public,
5 law enforcement officials and representatives of the
6 authority. A driver may not use obscene, vulgar or
7 offensive language while providing taxi service.

8 (vi) Maintaining the volume of a radio at a low
9 level and upon the request of a passenger, lowering the
10 volume or switching off any music or electronic noise
11 such as a radio, except that the taxi's dispatch system
12 must remain on and at a reasonable volume at all times.

13 (vii) Ceasing use of a mobile telephone and removal
14 of ear phones or Bluetooth devices from ears when a
15 passenger is in the vehicle.

16 (viii) Making certain the temperature of the taxi is
17 between 60 and 78 degrees Fahrenheit.

18 (ix) Assisting the elderly or persons with
19 disabilities in entering and exiting the taxi.

20 (x) Maintaining cash capable of providing change for
21 a \$20 bill.

22 (xi) Immediately report possessions of a passenger
23 left behind in a taxi after service.

24 (9) A taxi driver may not charge a fare other than a
25 fare approved by the commission.

26 (10) A taxi driver may not:

27 (i) Request the payment of a gratuity by a
28 passenger.

29 (ii) Insist upon or express a preference for fare
30 payment method.

1 (iii) Ask a potential customer for fare payment
2 method information in advance of providing taxi service.

3 (iv) Refuse payment by credit card, debit card or
4 other cashless payment option identified as an acceptable
5 form of payment by the commission.

6 (11) A taxi driver is responsible for maintaining a copy
7 of the lease agreement, employment contract or a document
8 referring to the agreement or lease and employee
9 identification card in the taxi at all times.

10 (12) A taxi driver shall continually provide taxi
11 service in a manner consistent with 75 Pa.C.S. (relating to
12 vehicles).

13 § 2411. Taxi vehicle requirements.

14 The following shall apply:

15 (1) Taxi service may be operated only in a vehicle with
16 a seating capacity of eight or fewer passengers, excluding
17 the driver.

18 (2) A meter must conform with the following
19 requirements:

20 (i) A call or demand vehicle operated within this
21 Commonwealth must be equipped with a meter. A device
22 constituting a meter shall include, but not be limited
23 to:

24 (A) a standard or traditional meter;

25 (B) a mobile data transmitter unit;

26 (C) a GPS-based Internet application using a
27 tablet or computer; or

28 (D) another accurate technology to track
29 distance and fare that meets with commission approval
30 and reliably demonstrates the correct fare according

1 to the authorized carrier's tariff.

2 (ii) The meter shall be located or kept in a place
3 so that at all times it is plainly visible to the
4 passengers of the vehicle and the fare is readily
5 ascertainable by the occupants of the vehicle.

6 (3) A mechanical meter and meter-driving equipment must
7 be sealed so that the meter case, meter driving equipment or
8 additional gear boxes, if any, cannot be disconnected without
9 breaking a seal, if the meter equipment provides for the
10 sealing.

11 (4) It is the responsibility of the certificate holder
12 to cause the meters to be regulated in a manner where the
13 fare is calculated and registered in accordance with section
14 2412 (relating to rates and forms of compensation).

15 (5) The meter must be in operation when the vehicle is
16 engaged by a passenger, and the passenger shall be required
17 to pay only the amount recorded by the meter, except when
18 back-mileage charge provisions or surcharge provisions of the
19 tariff of the carrier apply. If applicable, the back-mileage
20 charge or surcharge shall be added to the amount recorded by
21 the meter. A meter charge shall be collected only once
22 regardless of whether the vehicle is being used in exclusive
23 service or in nonexclusive service.

24 (6) Between December 1 and December 31 of each year, a
25 motor carrier of passengers shall provide the commission with
26 a current list of vehicles being used as taxis. The list must
27 contain the year, make, model, vehicle identification number
28 and registration number for each vehicle. The list shall be
29 provided to the commission by first class mail or another
30 delivery method authorized by the commission.

1 (7) A taxi may not be operated in call or demand service
2 which is more than 10 model years old or which has exceeded
3 350,000 miles unless a taxi company can, upon the filing of
4 an emergency petition with the commission, demonstrate that
5 the taxi age and mileage restrictions would:

6 (i) result in the immediate disruption of public
7 transportation services;

8 (ii) impose harm to consumers; and

9 (iii) create an anticompetitive transportation
10 service marketplace.

11 (8) The commission shall grant an emergency petition if
12 a taxi company demonstrates that one-third of the taxi
13 company's fleet would be immediately ineligible for operation
14 due to age and mileage requirements. Upon granting an
15 emergency petition, the commission shall provide the
16 petitioning taxi company a phase-in period, not to exceed 24
17 months, to retire taxis exceeding 10 model years or 350,000
18 miles.

19 (9) The vehicle age and mileage restrictions under
20 paragraph (7) shall not apply to any of the following:

21 (i) An electric vehicle or hybrid electric vehicle
22 as defined under 75 Pa.C.S. § 102 (relating to
23 definitions).

24 (ii) A vehicle utilizing alternative fuels as
25 defined under 75 Pa.C.S. § 9002 (relating to
26 definitions).

27 (iii) A wheelchair-accessible vehicle.

28 (10) A taxi may have a dome light affixed to the roof of
29 the vehicle. The dome light shall be visible from a distance
30 of 100 feet from the front and rear of the vehicle. The dome

1 light shall be illuminated only when a customer does not
2 occupy the vehicle.

3 (11) A passenger traveling in a taxi with a child under
4 eight years of age shall supply and install child restraint
5 systems in accordance with 75 Pa.C.S. § 4581 (relating to
6 restraint systems).

7 (12) To provide passengers with the necessary
8 information to file a complaint, a taxi must display a
9 commission-issued complaint decal that lists the telephone
10 number and Internet website to be used to lodge a complaint.
11 The decal shall be posted on the inside of the right rear
12 window of the vehicle, along the bottom edge. The commission
13 shall provide an adequate number of stickers annually to the
14 motor carrier of passengers. A motor carrier of passengers
15 shall not be in default of this section due to a failure of
16 the commission to provide stickers.

17 § 2412. Rates and forms of compensation.

18 (a) Alternative forms of compensation.--A plan of a
19 certificate holder for an alternative form of compensation for
20 call or demand drivers, as permitted by section 2407 (relating
21 to operation of leased taxi and limousine equipment), must
22 conform with the following conditions:

23 (1) The certificate holder shall own the vehicles or
24 lease them from an owner or operator under equipment leasing
25 procedures authorized by this chapter.

26 (2) The certificate holder shall be responsible for
27 providing and maintaining insurance.

28 (3) The certificate holder shall comply with sections
29 2410 (relating to requirements for taxi drivers) and 2411
30 (relating to taxi vehicle requirements).

1 (4) The certificate holder shall require a stated
2 payment from drivers for use of the vehicles and shall permit
3 drivers to keep the revenues and gratuities in excess of this
4 stated payment.

5 (5) For a certificate holder utilizing radio or other
6 electronic dispatching, the vehicle operated by the
7 certificate holder shall be dispatched. A certificate holder
8 shall ensure that a driver answers dispatched orders promptly
9 and that disciplinary procedures exist for drivers who fail
10 to answer dispatches.

11 (6) The certificate holder shall be responsible for
12 daily regulatory supervision of drivers, including owners or
13 operators, and establishing disciplinary procedures for
14 drivers who fail to comply with applicable laws, including
15 this title.

16 (b) Deficient filings.--Certificate holders whose plans for
17 alternative forms of driver compensation do not conform with the
18 conditions under subsection (a) shall submit plans to the
19 commission for review 30 days in advance of a proposed starting
20 date. Review will include, but will not necessarily be limited
21 to, the factors enumerated under subsection (a).

22 (c) Compliance.--In alternative forms of compensation for
23 drivers, whether authorized by this section or by order of the
24 commission, the certificate holder and driver shall comply with
25 sections 2410 and 2411.

26 (d) Rates.--

27 (1) Each call or demand motor carrier of passengers
28 shall charge only the rates contained in its commission-
29 approved tariffs. Rates may be charged as follows:

30 (i) The amount as calculated and registered on the

1 meter or other authorized device.

2 (ii) If authorized by the tariff, a fixed amount for
3 the trip or the amount shown to be due on the meter plus
4 a surcharge.

5 (iii) If authorized by the tariff, a charge
6 tabulated according to the zones entered in the course of
7 the trip.

8 (2) Each certificate holder with fares based on a meter
9 or flat rate shall post the rates of fare in a conspicuous
10 place in each of the certificate holder's taxis. If the
11 certificate holder's tariff is large or complex, the
12 certificate holder may refer the passenger to an Internet
13 website posting for the passenger's review.

14 (3) If a customer requests taxi service from a
15 certificate holder who offers service under tariffs
16 authorizing both exclusive and nonexclusive services, the
17 dispatcher shall:

18 (i) If requested by the customer, quote to the
19 customer the estimated fare for the trip of the customer
20 as priced under both of the two alternative services,
21 considering the number of people in the traveling group
22 of the customer.

23 (ii) Explain to the customer, if necessary, the
24 difference in these two types of service.

25 (4) Nothing in this subsection shall be construed to
26 require the filing or approval of tariffs by a certificate
27 holder for charges calculated by a digital platform, which
28 may increase or decrease in real time for the purpose of
29 balancing supply and demand, except that the method pursuant
30 to which the charges will be calculated must be contained in

1 a carrier's tariff.

2 (e) Accounting requirements for alternative forms of
3 compensation for drivers.--

4 (1) A certificate holder must ensure that appropriate
5 information from the log sheets or electronic storage is
6 properly and correctly recorded.

7 (2) The requirements of subsection (a) shall apply if
8 the fare is based on zones entered in the course of the trip
9 or on flat rates.

10 (3) A copy of each receipt relative to operating
11 expenses incurred to keep the vehicle in operating condition
12 shall be given to the certificate holder by a driver. The
13 certificate holder must ensure that reported expenses are
14 properly and correctly recorded in the accounting records
15 required by commission regulations.

16 § 2413. Operation of limousines.

17 (a) Common carrier.--Unless otherwise specifically provided
18 in the certificate of public convenience, the following shall
19 apply to a common carrier operating limousine service:

20 (1) A common carrier shall have the right to transport a
21 person on an exclusive basis between points as authorized by
22 the certificate, if the service is arranged in advance either
23 by a call or an Internet-based electronic platform. Limousine
24 service shall not be provided by street hail. A verbal order
25 for service made by a hotel doorman or employee at a
26 restaurant and other similar venue, or by others arranging
27 for limousine service in person, shall be deemed a violation
28 of this section. A person may not arrange for limousine
29 service unless the person holds a brokerage license from the
30 commission as required under section 2505 (relating to

1 licenses and financial responsibility required of brokers).

2 (2) A motor carrier of passengers shall have the right
3 to charge for service based upon use of a limousine with
4 payment made by a single person or organization or by
5 passengers as individuals.

6 (3) Direct, in-person solicitation of a passenger by the
7 driver or a representative of the driver or carrier shall be
8 prohibited.

9 (b) Vehicle and equipment requirements.--

10 (1) Limousine service may be operated only in a luxury-
11 type vehicle with seating capacities of 12 or fewer
12 passengers, excluding the driver.

13 (2) A luxury-type vehicle must:

14 (i) Be a vehicle manufactured or subsequently
15 modified so that the vehicle has physical configurations
16 and accessory features that are not considered as being
17 ordinary, standard or commonplace in low-to-moderately
18 priced vehicles.

19 (ii) Be intended to afford a patron a higher level
20 of service and comfort than is ordinarily available in
21 call or demand, paratransit and airport transfer
22 services.

23 (iii) Have, at a minimum, air conditioning, AM/FM
24 stereo radio, deluxe leather or deluxe fabric upholstery,
25 deluxe wheels or wheel covers, four doors and a wheelbase
26 of at least 109 inches.

27 (c) Vehicle list.--Between December 1 and December 31 of
28 each year, a certificate holder shall provide the commission
29 with a current list of all vehicles utilized pursuant to the
30 certificate holder's limousine authority. The list must contain

1 the year, make, vehicle identification number and registration
2 number for each vehicle. The list shall be provided to the
3 commission by first class mail or another delivery method
4 authorized by the commission.

5 (d) Vehicle age.--Unless otherwise permitted by the
6 commission, a vehicle may not be operated in limousine service
7 which is more than 10 model years old or which has exceeded
8 350,000 miles. The commission may grant exceptions for classic
9 limousines.

10 (e) Tariff requirements.--Limousine rates must be based
11 solely on time or distance or both and must be contained in a
12 tariff filed, posted and published under Chapter 13 (relating to
13 rates and distribution systems). The use of meters shall be
14 prohibited.

15 (f) Trip sheet requirements.--A driver of a luxury-type
16 vehicle engaged in providing limousine service shall have a trip
17 sheet or electronic device in the vehicle evidencing that the
18 vehicle is in service. The trip sheet or electronic device must
19 contain the following information:

20 (1) The date of service.

21 (2) The name and certificate number of the motor carrier
22 of passengers.

23 (3) The name of the engaging person or organization.

24 (4) The service being provided and corresponding rate
25 charged.

26 (5) The origin and intended destination, if known.

27 (6) The starting time and length of time for which the
28 vehicle has been reserved, if known.

29 (g) Trip conclusion.--At the conclusion of a trip, the
30 driver shall record the ending time on the trip sheet or

1 electronic device. The trip sheet or electronic device shall be
2 retained by the certificate holder for a minimum of one year.
3 Copies of the documents may be required to be submitted in
4 support of the certificate holder's proposed tariff rate
5 increases in addition to other documentation.

6 (h) Consumer information.--To provide each passenger with
7 the necessary information to file a complaint, a limousine
8 carrier must post a commission-issued complaint decal in a
9 conspicuous location inside the vehicle which lists the
10 telephone number and Internet website to be used to lodge a
11 complaint or provide notice in a form and manner required by
12 commission regulations, on the receipt for service or service
13 contract.

14 § 2414. Regulations.

15 The commission shall make orders or regulations as necessary
16 to implement and enforce this chapter, but only insofar as they
17 are consistent with the specific provisions of this chapter.

18 § 2415. Assessments.

19 Costs incurred by the commission to implement and enforce
20 this chapter shall be included in the commission's proposed
21 budget and shall be assessed upon a taxi and limousine company
22 in accordance with section 510(a) (relating to assessment for
23 regulatory expenses upon public utilities). The commission shall
24 provide carriers with a true and correct accounting of
25 commission activities upon request.

26 CHAPTER 24A

27 TAXI TRANSPORTATION NETWORK SERVICE

28 Sec.

29 24A01. Definitions.

30 24A02. Applicability of chapter.

- 1 24A03. Insurance.
2 24A04. Requirements for taxi transportation network companies.
3 24A05. Requirements for taxi transportation network company
4 drivers.
5 24A06. Vehicle requirements.
6 24A07. Rates and forms of compensation.
7 24A08. Prohibition of additional assessments.
8 § 24A01. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Call or demand service." As defined in section 2401
13 (relating to definitions).

14 "Digital network." An online-enabled application, software,
15 website or system offered or utilized by a taxi transportation
16 network company that enables the prearrangement of rides for
17 passengers with taxi transportation network company drivers.

18 "Lease agreement." A legally binding short-term contract
19 between a TTNC and a TTNC driver providing for the provision of
20 taxi transportation network service through the use of a TTNC
21 driver's personal vehicle.

22 "Motor carrier of passengers." As defined in section 2401
23 (relating to definitions).

24 "Personal vehicle." A vehicle, registered in this
25 Commonwealth, that is insured and operated by the vehicle's
26 owner or a person authorized by the owner to operate the
27 vehicle.

28 "Providing taxi transportation network service." The time
29 beginning when a TTNC driver logs on to a TTNC's digital network
30 and is available to receive requests for taxi transportation

1 network service and ending when a TTNC driver logs off a TTNC's
2 digital network. For purposes of this definition, "available to
3 receive requests for taxi transportation network service"
4 includes the time period when the TTNC driver is waiting for a
5 request for transportation or is waiting to pick up a passenger
6 and from the time a passenger is picked up until the passenger
7 safely exits the vehicle.

8 "Taxi transportation network company" or "TTNC." A company
9 that:

10 (1) holds a valid certificate of public convenience as a
11 motor common carrier of passengers; and

12 (2) is authorized by the commission to provide call or
13 demand service.

14 "Taxi transportation network company driver" or "TTNC
15 driver." An individual who:

16 (1) contracts with a TTNC to use a personal vehicle to
17 transport passengers; or

18 (2) leases a personal vehicle to a TTNC to transport
19 passengers.

20 "Taxi transportation network service." A service which meets
21 all of the following:

22 (1) Matches a passenger and TTNC driver through a
23 digital network in advance, or an advanced reservation
24 dispatched by a call.

25 (2) Is characterized by a TTNC offering transportation
26 to a passenger in a TTNC driver's personal vehicle.

27 (3) Permits a holder of a valid certificate of public
28 convenience as a motor carrier of passengers authorized by
29 the commission to provide call or demand service to dispatch,
30 with passenger consent, or for a passenger to request the

1 dispatch, of a vehicle through the use of a digital network
2 or telephone call.

3 § 24A02. Applicability of chapter.

4 This chapter shall not apply to transportation services
5 within a city of the first class.

6 § 24A03. Insurance.

7 (a) General rule.--A holder of a certificate of public
8 convenience that applies to the commission to provide taxi
9 transportation network service shall meet the requirements of
10 this section and section 512(a) (relating to power of commission
11 to require insurance).

12 (b) TTNC insurance coverage requirements.--

13 (1) The liability insurance maintained by a TTNC on each
14 TTNC driver's personal vehicle shall be in an amount not less
15 than \$35,000 to cover liability for bodily injury, death or
16 property damage incurred in an accident arising from taxi
17 transportation network service.

18 (2) The minimum coverage may be provided as split
19 coverage in the amounts of \$15,000 bodily injury per person,
20 \$30,000 bodily injury per accident and \$5,000 property damage
21 per accident.

22 (3) The coverage shall include first-party medical
23 benefits in the amount of \$25,000 and first-party wage loss
24 benefits in the amount of \$10,000 for passengers and
25 pedestrians.

26 (4) Except as to the required amount of coverage, these
27 benefits shall conform to 75 Pa.C.S. Ch. 17 (relating to
28 financial responsibility). First-party coverage of the driver
29 of certificated vehicles shall meet the requirements under 75
30 Pa.C.S. § 1711 (relating to required benefits).

1 (c) Options for coverage.--The coverage requirements under
2 subsection (b) may be met by one of the following:

3 (1) A TTNC maintaining such insurance on its own.

4 (2) With any combination of a policy maintained by a
5 TTNC and a policy maintained by a TTNC driver that is
6 specifically written for the purpose of providing taxi
7 transportation network service. A TTNC shall assume financial
8 responsibility for that portion of any damages not covered
9 under a policy maintained by a TTNC driver where a person is
10 legally entitled to recover such damages for an injury
11 arising out of the maintenance or use of a vehicle while
12 providing taxi transportation network service.

13 (d) Duty of a TTNC.--It shall be the sole and exclusive
14 responsibility of a TTNC to ensure that the coverage required
15 under subsection (b) is in force prior to permitting a TTNC
16 driver to provide taxi transportation network service. Each
17 policy maintained pursuant to subsection (b) shall:

18 (1) Provide primary liability coverage for incidents
19 involving a TTNC driver while providing taxi transportation
20 network service.

21 (2) Include a duty of the insurer to defend against
22 claims made against a TTNC driver.

23 (e) Waiver of liability prohibited.--

24 (1) A TTNC or TTNC driver may not request or require a
25 passenger to sign a waiver of potential liability for losses
26 of personal property or injury.

27 (2) A TTNC may not request or require a TTNC driver to
28 sign a waiver of potential liability for losses of personal
29 property or injury as a condition of entering into a lease
30 agreement.

1 § 24A04. Requirements for taxi transportation network

2 companies.

3 (a) Authority required.--An individual or corporation shall
4 not engage in the business of a TTNC in this Commonwealth unless
5 the individual or corporation holds a certificate of public
6 convenience as a motor carrier of passengers issued by the
7 commission.

8 (b) Application.--

9 (1) A notice of an application for a TTNC to provide
10 taxi transportation network service must:

11 (i) be made to the commission in writing;
12 (ii) be verified by oath or affirmation; and
13 (iii) be in such form and contain such information
14 as the commission may, by its regulations, require.

15 (2) Approval is contingent upon verification that a
16 TTNC:

17 (i) maintains a valid certificate of public
18 convenience as a motor common carrier of passengers;
19 (ii) meets all of the requirements under subsection
20 (c); and

21 (iii) is fit, willing and able to conform to the
22 provisions of this title and the lawful orders and
23 regulations of the commission promulgated and issued
24 under the authority of this title.

25 (3) An application shall be deemed approved by the
26 commission within 30 days of submission if the commission
27 fails to identify deficiencies in the application.

28 (c) Service standards and requirements.--Any TTNC seeking to
29 provide transportation network service shall do all of the
30 following as a condition of maintenance of a certificate of

1 public convenience:

2 (1) Maintain accurate records including the make, model
3 and license number of personal vehicles used by TTNC drivers
4 to provide taxi transportation network service.

5 (2) Maintain accurate records of all TTNC drivers
6 providing services arranged through the TTNC. The commission
7 shall determine, by regulation or order, the appropriate time
8 period for which the TTNC shall retain the records of the
9 TTNC drivers.

10 (3) Implement a zero-tolerance policy on the use of
11 drugs and alcohol while a TTNC driver is providing taxi
12 transportation network service. Any TTNC driver who is the
13 subject of a passenger complaint alleging a violation of the
14 zero-tolerance policy shall be immediately suspended. The
15 suspension shall last until such time as the complaint
16 investigation is completed. The following shall be provided
17 on a TTNC's Internet website:

18 (i) Notice of the zero-tolerance policy.

19 (ii) The procedures a passenger may use to report a
20 complaint about a TTNC driver whom a passenger reasonably
21 suspects was under the influence of drugs or alcohol
22 during the course of the transportation.

23 (d) Conditions for approval.--Prior to permitting any
24 individual to provide taxi transportation network service, a
25 TTNC shall comply with the following:

26 (1) Establish a driver training program, which is filed
27 with the commission, designed to ensure that each TTNC driver
28 safely operates the driver's vehicle while transporting
29 passengers, which includes, but is not limited to, the
30 following:

1 (i) a defensive driving course affiliated through
2 the National Safety Council Driver Safety Training or
3 equivalent;

4 (ii) an insurance coverage course; and

5 (iii) a course on the prohibition of personal
6 vehicles at airport taxi stands.

7 (2) Obtain and review criminal history record
8 information for each TTNC driver. The criminal history record
9 information shall be a national, State and local criminal
10 background check, including the National Sex Offender
11 Registry. The following individuals may not be a TTNC driver:

12 (i) Any individual who has been convicted within the
13 last seven years of driving under the influence of drugs
14 or alcohol.

15 (ii) Any individual who has been convicted for
16 fraud, a sexual offense, use of a motor vehicle to commit
17 a felony, a crime involving property damage or theft,
18 acts of violence or acts of terrorism.

19 (3) Obtain and review the driving record for each TTNC
20 driver. Any individual convicted of any of the following
21 within the three years immediately preceding the request date
22 of the driving record may not be a TTNC driver:

23 (i) More than three moving violations.

24 (ii) A major violation, including attempting to
25 evade a police officer, reckless driving or driving with
26 a suspended license.

27 (4) Maintain insurance as required under section 512
28 (relating to power of commission to require insurance) and
29 this chapter as evidenced by the filing of a Form E with the
30 commission. As used in this paragraph, "Form E" shall mean

1 the standard form filed by a TTNC's insurer evidencing the
2 existence of a current and valid insurance policy or surety
3 bond in the name of the insured and for lines of coverage and
4 with limits required by statute or commission regulations.

5 (5) Establish and maintain a digital network that
6 identifies the driver, including a photograph, and the make,
7 model and license number of a vehicle used to provide taxi
8 transportation network service.

9 (6) Establish and maintain an Internet website that
10 provides:

11 (i) A customer service telephone number and e-mail
12 address or online form.

13 (ii) The commission's Internet website address.

14 (iii) The commission's complaint hotline telephone
15 number.

16 (iv) Information explaining how to file an insurance
17 claim arising from an accident occurring during the
18 provision of taxi transportation network service.

19 (e) Discrimination prohibited.--A TTNC shall not
20 unreasonably discriminate against any prospective passenger or
21 unreasonably refuse to provide service to a certain class of
22 passengers or certain localities.

23 (f) Inspection authority.--The commission may inspect the
24 records of a TTNC to investigate compliance with the
25 requirements of this chapter and any order or regulation of the
26 commission.

27 (g) Service prohibitions.--A TTNC may not:

28 (1) Operate or do business in a city of the first class.

29 (2) Pick up a passenger from an airport located in a
30 city of the first or second class.

1 § 24A05. Requirements for taxi transportation network company
2 drivers.

3 (a) Licensing.--A separate license shall not be required for
4 a TTNC driver to provide transportation network service for a
5 TTNC. Except as otherwise specifically provided, a TTNC driver
6 shall not be subject to 53 Pa.C.S. (relating to municipalities
7 generally).

8 (b) Service requirements.--Each TTNC driver shall:

9 (1) Satisfy the requirements for a criminal history
10 record information and driving record search as provided
11 under section 2603(d) (relating to service standards and
12 requirements for transportation network companies).

13 (2) Possess a valid driver's license, proof of motor
14 vehicle insurance and be at least 21 years of age.

15 (3) In the case of an accident, provide:

16 (i) Proof of the TTNC driver's personal motor
17 vehicle insurance.

18 (ii) Proof of the TTNC's commercial vehicle
19 liability insurance. A TTNC driver shall have 24 hours
20 following an accident to provide proof of a TTNC's
21 commercial vehicle liability insurance.

22 (c) Limitations.--A TTNC driver shall only provide taxi
23 transportation service as provided by this chapter and shall not
24 solicit or accept street hails requesting transportation.
25 Nothing shall prohibit the dispatch of a vehicle by a holder of
26 a certificate of public convenience as a motor carrier of
27 passengers from fulfilling a taxi transportation network service
28 request or dispatching a TTNC driver in a personal vehicle to
29 provide requested call or demand service.

30 (d) Discrimination prohibited.--A TTNC driver shall not

1 unreasonably discriminate against any prospective passenger or
2 unreasonably refuse to provide service to a certain class of
3 passengers or certain localities.

4 (e) Service prohibitions.--A TTNC driver may not:

5 (1) Operate or do business in a city of the first class.

6 (2) Pick up a passenger from an airport located in a
7 city of the first or second class.

8 § 24A06. Vehicle requirements.

9 (a) Types.--Vehicles used by TTNC drivers to provide taxi
10 transportation network service may be coupes, sedans and other
11 light-duty vehicles, including vans, minivans, sport utility
12 vehicles, hatchbacks, convertibles and pickup trucks that are
13 equipped and licensed for operation on public roads.

14 (b) Certificate of inspection.--Vehicles used by TTNC
15 drivers to provide taxi transportation network service shall be
16 inspected annually by an inspection station approved by the
17 Department of Transportation pursuant to 67 Pa. Code Ch. 175
18 (relating to vehicle equipment and inspection). A valid
19 certificate of inspection shall be maintained in all vehicles.

20 (c) Safety inspection.--The TTNC shall be responsible to
21 conduct a safety inspection of every TTNC driver's personal
22 vehicle. The safety inspection shall be conducted by a mechanic
23 certified to conduct State inspections at a location that meets
24 or exceeds State inspection standards before the vehicle is used
25 to provide transportation network services. These inspections
26 shall be conducted biannually thereafter and shall be in
27 addition to any previously undertaken State inspection.

28 (d) Age.--Vehicles used by TTNC drivers to provide taxi
29 transportation network service may be no more than 10 model
30 years old and may not exceed 350,000 miles.

1 (e) Commission inspection.--The commission may inspect a
2 TTNC driver's personal vehicle to ensure compliance with this
3 section.

4 § 24A07. Rates and forms of compensation.

5 (a) Disclosure.--The TTNC shall disclose the following
6 before booking the transportation:

7 (1) the method of calculation;

8 (2) the applicable rates being charged; and

9 (3) the option for a prospective passenger to receive an
10 estimated fare.

11 (b) Rates.--

12 (1) The amount of a fare received as compensation for
13 taxi transportation network service shall not be subject to
14 commission review or approval.

15 (2) Rates shall be calculated on the basis of the
16 distance and time between the point of origination and the
17 destination and include a minimum base fare. Flat fees may be
18 charged for trips to specific destinations. Rates may
19 increase or decrease in real time for the purpose of
20 balancing supply and demand. Cancellation fees and cleaning
21 fees may be applied as necessary, with advance written notice
22 to the customer.

23 (3) In no event shall a TTNC charge fares that exceed
24 the limitations as prescribed by the act of October 31, 2006
25 (P.L.1210, No.133), known as the Price Gouging Act, during a
26 natural disaster or state of emergency that is declared by
27 State or local government. For any natural disaster or
28 emergency that does not result in the declaration of State or
29 local emergency, the increase in fare shall be established on
30 the basis of fares charged over the preceding 60 days.

1 (c) Receipt.--Upon completion of transportation provided
2 pursuant to this chapter, a TTNC shall provide a written or
3 electronic receipt of the total amount paid by a passenger.
4 § 24A08. Prohibition of additional assessments.

5 The commission may not assess any additional assessments
6 under section 510(a) (relating to assessment for regulatory
7 expenses upon public utilities) against a holder of a
8 certificate of public convenience as a motor carrier of
9 passengers for receiving approval to expand its service
10 offerings to include taxi transportation network service.

11 Section 11. Section 2501(b) of Title 66 is amended to read:
12 § 2501. Declaration of policy and definitions.

13 * * *

14 (b) Definitions.--The following words and phrases when used
15 in this part shall have, unless the context clearly indicates
16 otherwise, the meanings given to them in this subsection:

17 "Broker." Any person or corporation not included in the term
18 "motor carrier" and not a bona fide employee or agent of any
19 such carrier, or group of such carriers, who or which, as
20 principal or agent, sells or offers for sale any transportation
21 by a motor carrier, or the furnishing, providing, or procuring
22 of facilities therefor, or negotiates for, or holds out by
23 solicitation, advertisement, or otherwise, as one who sells,
24 provides, furnishes, contracts, or arranges for such
25 transportation, or the furnishing, providing, or procuring of
26 facilities therefor, other than as a motor carrier directly or
27 jointly, or by arrangement with another motor carrier, and who
28 does not assume custody as a carrier. The term does not include
29 any of the following:

30 (1) A transportation network company.

1 (2) A transportation network company driver.

2 (3) A taxi transportation network company as defined in
3 section 24A01 (relating to definitions).

4 (4) A taxi transportation network company driver as
5 defined in section 24A01.

6 "Contract carrier by motor vehicle."

7 (1) The term "contract carrier by motor vehicle"
8 includes any person or corporation who or which provides or
9 furnishes transportation of passengers or property, or both,
10 or any class of passengers or property, between points within
11 this Commonwealth by motor vehicle for compensation, whether
12 or not the owner or operator of such motor vehicle, or who or
13 which provides or furnishes, with or without drivers, any
14 motor vehicle for such transportation, or for use in such
15 transportation, other than as a common carrier by motor
16 vehicle.

17 (2) The term "contract carrier by motor vehicle" does
18 not include:

19 (i) A lessor under a lease given on a bona fide sale
20 of a motor vehicle where the lessor retains or assumes no
21 responsibility for maintenance, supervision or control of
22 the motor vehicle so sold.

23 (ii) Any bona fide agricultural cooperative
24 association transporting property exclusively for the
25 members of such association on a nonprofit basis, or any
26 independent contractor hauling exclusively for such
27 association.

28 (iii) Any owner or operator of a farm transporting
29 agricultural products from or farm supplies to such farm,
30 or any independent contractor hauling agricultural

1 products or farm supplies, exclusively, for one or more
2 owners or operators of farms.

3 (iv) Transportation of school children for school
4 purposes or to and from school-related activities whether
5 as participants or spectators, with their chaperones, or
6 between their homes and Sunday school in any motor
7 vehicle owned by the school district, private school or
8 parochial school, or the transportation of school
9 children between their homes and school or to and from
10 school-related activities whether as participants or
11 spectators, with their chaperones, if the person
12 performing the school-related transportation has a
13 contract for the transportation of school children
14 between their homes and school, with the private or
15 parochial school, with the school district or jointure in
16 which the school is located, or with a school district
17 that is a member of a jointure in which the school is
18 located if the jointure has no contracts with other
19 persons for the transportation of students between their
20 homes and school, and if the person maintains a copy of
21 all contracts in the vehicle at all times, or children
22 between their homes and Sunday school in any motor
23 vehicle operated under contract with the school district,
24 private school or parochial school. Each school district
25 shall adopt regulations regarding the number of
26 chaperones to accompany students in connection with
27 school-related activities.

28 (v) Any person or corporation who or which uses, or
29 furnishes for use, dump trucks for the transportation of
30 ashes, rubbish, excavated or road construction materials.

1 (vi) Transportation of voting machines to and from
2 polling places by any person or corporation for or on
3 behalf of any political subdivision of this Commonwealth
4 for use in any primary, general or special election.

5 (vii) Transportation of pulpwood, chemical wood, saw
6 logs or veneer logs from woodlots.

7 (viii) Transportation by towing of wrecked or
8 disabled motor vehicles.

9 (ix) Any person or corporation who or which
10 furnishes transportation for any injured, ill or dead
11 person.

12 (x) A transportation network company or
13 transportation network company driver.

14 (xi) A taxi transportation network company as
15 defined in section 24A01 (relating to definitions).

16 (xii) A taxi transportation network company driver
17 as defined in section 24A01.

18 Section 12. Title 66 is amended by adding a chapter to read:

19 CHAPTER 26

20 TRANSPORTATION NETWORK SERVICES

21 Sec.

22 2601. Definitions.

23 2602. Exclusions and applicability of chapter.

24 2603. Service standards and requirements for transportation
25 network companies.

26 2604. Requirements for transportation network company drivers.

27 2605. Transportation network company vehicle requirements.

28 2606. Rates and forms of compensation.

29 2607. Insurance.

30 2608. Personal auto insurance.

1 2609. Required disclosures.

2 2610. Regulations.

3 2611. Enforcement.

4 2612. Assessments.

5 § 2601. Definitions.

6 The following words and phrases when used in this chapter
7 shall have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Digital network." An online-enabled application, software,
10 website or system offered or utilized by a transportation
11 network company that enables the prearrangement of rides for
12 passengers with transportation network company drivers.

13 "License." Proof of the commission's approval, authorizing a
14 transportation network company to provide transportation network
15 service in accordance with this chapter. The term does not
16 include a certificate of public convenience under Chapter 11
17 (relating to certificates of public convenience).

18 "Personal vehicle." A vehicle, registered in this
19 Commonwealth, that is insured and operated by the vehicle's
20 owner or a person authorized by the owner to operate the
21 vehicle.

22 "Providing transportation network services." The time period
23 beginning when a transportation network company driver logs on
24 to a transportation network company's digital network and is
25 available to receive requests for transportation network service
26 and ending when a transportation network company driver logs off
27 of a transportation network company's digital network. For
28 purposes of this definition, "available to receive requests for
29 transportation network service" includes the time period where
30 the transportation network company driver is waiting for a

1 request for transportation or is waiting to pick up a passenger
2 and from the time a passenger is picked up until the passenger
3 safely exits the vehicle.

4 "Surge pricing." A pricing methodology used by a
5 transportation network company whereby the offered price of
6 transportation network service increases during periods of high
7 demand.

8 "Transportation network company." A company that uses or
9 operates a digital network to connect a passenger with a
10 transportation network company driver for the purpose of
11 transportation network service between points within this
12 Commonwealth.

13 "Transportation network company driver" or "driver." An
14 individual who uses a personal vehicle to provide transportation
15 network service to passengers.

16 "Transportation network company vehicle." A personal vehicle
17 used by a transportation network company driver to provide
18 transportation network service.

19 "Transportation network service." A service which meets all
20 of the following:

21 (1) Matches a passenger and a transportation network
22 company driver through the use of a transportation network
23 company's digital network in advance of any service being
24 provided.

25 (2) Is rendered on an exclusive basis. For purposes of
26 this subparagraph, "exclusive basis" means transportation
27 network service on any given trip when the first or principal
28 person, party or group hiring a transportation network
29 company has the exclusive right to determine where, when and
30 if another passenger shall be carried on that trip.

1 (3) Is characterized by the prearranged transportation
2 of a passenger by a transportation network company driver
3 when the passenger and driver are connected though a
4 transportation network company's digital network.

5 § 2602. Exclusions and applicability of chapter.

6 (a) Exclusions.--Transportation network companies,
7 transportation network services and transportation network
8 drivers are not:

9 (1) A "call or demand service" or "taxicab service" or
10 "limousine service" for purposes of 53 Pa.C.S. § 5701
11 (relating to definitions).

12 (2) A "common carrier" under section 102, or a "broker,"
13 "contract carrier by motor vehicle" or "motor carrier" of
14 passengers under section 2501(b).

15 (3) A ridesharing arrangement or ridesharing operator
16 under the act of December 14, 1982 (P.L.1211, No.279)
17 entitled "An act providing for ridesharing arrangements and
18 providing that certain laws shall be inapplicable to
19 ridesharing arrangements."

20 (4) A company or service that connects individuals
21 through a digital network for the purpose of transportation
22 when the transportation does not include the services of a
23 driver or where a driver is compensated only for actual
24 expenses incurred during the provision of transportation.

25 (b) Applicability.--

26 (1) The provisions of this chapter shall not apply to
27 transportation network companies, transportation network
28 company drivers or transportation network services within a
29 city of the first class.

30 (2) Except as otherwise provided, the provisions of this

1 title shall not apply to transportation network companies,
2 transportation network company drivers or transportation
3 network services. The commission is authorized to regulate
4 transportation network companies under this chapter and
5 Chapters 3 (relating to public utility commission), 5
6 (relating to powers and duties), 7 (relating to procedure on
7 complaints) and 33 (relating to violations and penalties).

8 (c) Prohibition.--Except as otherwise provided, a
9 municipality may not impose a tax on or require a license for a
10 transportation network company or transportation network
11 service.

12 § 2603. Service standards and requirements for transportation
13 network companies.

14 (a) License required.--No person or corporation shall engage
15 in the business of a transportation network company in this
16 Commonwealth unless the person or corporation holds a license
17 issued by the commission.

18 (b) License application and issuance.--An application for a
19 transportation network company license shall be made to the
20 commission in writing, be verified by oath or affirmation and be
21 in a form and contain such information as the commission may, by
22 its regulations, require. A license shall be issued to any
23 applicant if it is found that the applicant meets all of the
24 requirements of subsection (c) and is fit, willing and able to
25 conform to the provisions of this title and the lawful orders
26 and regulations of the commission under this title.

27 (c) Service standards and requirements for transportation
28 network companies.--Any applicant seeking a license under this
29 section shall do all of the following as a condition of receipt
30 and maintenance of a license:

1 (1) Maintain accurate records of personal vehicles used
2 by transportation network company drivers to provide
3 transportation network services. Vehicle records shall
4 include the make, model and license plate number of each
5 personal vehicle used by a transportation network company
6 driver to provide transportation network service.

7 (2) Maintain accurate records of all transportation
8 network company drivers providing services arranged through
9 the transportation network company's digital network. Driver
10 records shall include information related to the personal
11 automobile insurance of a transportation network company
12 driver, including the name of the insurer, policy number and
13 expiration date.

14 (3) Implement a zero-tolerance policy on the use of
15 drugs and alcohol while a transportation network company
16 driver is providing transportation network services. Any
17 transportation network company driver who is the subject of a
18 passenger complaint alleging a violation of the zero-
19 tolerance policy shall be immediately suspended. The
20 suspension shall last until the time the complaint
21 investigation is completed. The following shall be provided
22 on a transportation network company's publicly accessible
23 Internet website:

24 (i) Notice of the zero-tolerance policy.

25 (ii) The procedures a passenger may use to report a
26 complaint about a transportation network company driver
27 with whom the passenger was matched and the passenger
28 reasonably suspects was under the influence of drugs or
29 alcohol during the course of the transportation.

30 (4) Establish a driver training program designed to

1 ensure that each transportation network company driver safely
2 operates the driver's vehicle while transporting passengers.
3 Prior to permitting a person to act as a transportation
4 network company driver on its digital network, a
5 transportation network company shall require a person seeking
6 to be a transportation network company driver to
7 satisfactorily complete a driver training program.

8 (5) Obtain and review criminal record history
9 information prior to permitting a person to act as a
10 transportation network company driver on its digital network
11 and every third year thereafter. The criminal record history
12 information shall include a national, State and local
13 criminal background check, including the National Sex
14 Offender Registry. Any person who has been convicted:

15 (i) within the last seven years of driving under the
16 influence of drugs or alcohol; or

17 (ii) at any time for fraud, a sexual offense, use of
18 a motor vehicle to commit a felony, a crime involving
19 property damage or theft, acts of violence or acts of
20 terrorism;

21 shall not be permitted to be a transportation network company
22 driver.

23 (6) Obtain and review a driving history record prior to
24 permitting any person to act as a transportation network
25 company driver on its digital network and every third year
26 thereafter. Any person convicted of any of the following
27 within the three years immediately preceding the request date
28 of a report shall not be permitted to be a transportation
29 network company driver:

30 (i) More than three moving violations.

1 (ii) A major violation, including attempting to
2 evade a police officer, reckless driving or driving with
3 a suspended license.

4 (7) Maintain insurance as required by section 2607
5 (relating to insurance) as memorialized by the filing of a
6 Form E certificate of insurance with the commission.

7 (8) Establish and maintain a digital network that:

8 (i) Connects transportation network company drivers
9 and passengers.

10 (ii) Displays the transportation network company's
11 name or logo.

12 (iii) Displays for the passenger a photograph of the
13 transportation network company driver. The photograph
14 must have been taken within the last 12 months.

15 (iv) Displays for the passenger a description of the
16 transportation network company vehicle that will be used
17 to provide transportation network service, including the
18 make, model and license plate number.

19 (9) Establish and maintain a publicly accessible
20 Internet website that provides:

21 (i) A customer service telephone number and an e-
22 mail address or Internet form.

23 (ii) The commission's Internet website address.

24 (iii) The commission's complaint hotline telephone
25 number.

26 (10) Comply with the commission's regulations and orders
27 regarding the reporting of motor carrier accidents for
28 accidents involving a transportation network company vehicle.

29 (11) Maintain verifiable records regarding its
30 operations and compliance with the obligations under this

1 chapter for a period of three years or for a longer period as
2 may be required by the commission by regulation or order.

3 (d) Discrimination prohibited.--Where service is offered by
4 a transportation network company, the transportation network
5 company must take reasonable steps to ensure that the service
6 provided by each person it permits to act as a transportation
7 network company driver on its digital network is reasonable,
8 safe and adequate. The following shall apply:

9 (1) No transportation network company may unreasonably
10 discriminate against any prospective passenger or
11 unreasonably refuse to provide service to a certain class of
12 passengers or certain localities.

13 (2) A transportation network company shall provide
14 passengers with an opportunity to indicate whether they
15 require a wheelchair-accessible vehicle. If a transportation
16 network company cannot arrange for a passenger to be
17 accommodated in a transportation network company vehicle, it
18 shall refer the passenger to a provider of wheelchair-
19 accessible service, if available in the area where the
20 passenger is located.

21 (e) Prohibitions.--A transportation network company,
22 transportation network service and transportation network
23 company driver may not:

24 (1) Operate or do business in a city of the first class.

25 (2) Pick up a passenger from any airport in a city of
26 the first class or second class.

27 (g) Inspection of records.--The commission is authorized to
28 inspect, audit and investigate any books, records and facilities
29 of a transportation network company and any affiliated entity as
30 necessary to ensure compliance with the requirements of this

1 chapter and any order or regulation of the commission. Documents
2 or records inspected, audited or investigated under this section
3 shall be treated in accordance with the commission's practices
4 and procedures regarding confidential and trade-secret
5 information. Information disclosed to the commission under this
6 section shall be exempt from disclosure to third parties,
7 including through a request submitted under the act of February
8 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

9 § 2604. Requirements for transportation network company
10 drivers.

11 (a) Licensing.--No separate license shall be required for a
12 transportation network company driver to provide transportation
13 network services for a licensed transportation network company.
14 Except as otherwise specifically provided, a transportation
15 network company driver shall not be subject to this title or
16 Title 53 (relating to municipalities generally).

17 (b) Service requirements for transportation network company
18 drivers.--Each transportation network company driver shall:

19 (1) Satisfy the requirements for a criminal history and
20 driving history record search as provided by section 2603
21 (relating to service standards and requirements for
22 transportation network companies).

23 (2) Possess a valid driver's license, proof of motor
24 vehicle insurance and be at least 21 years of age.

25 (3) Carry proof, either a paper copy or, if agreed to by
26 the insurer pursuant to 75 Pa.C.S. § 1782(d) (relating to
27 manner of providing proof of financial responsibility), an
28 electronic copy, of the transportation network company's
29 commercial vehicle liability insurance at all times while
30 acting as a transportation network company driver.

1 (4) Acknowledge, by electronic verification, through a
2 transportation network company's digital network, receipt of
3 notification of insurance requirements under section 2607
4 (relating to insurance).

5 (5) In the case of an accident:

6 (i) Provide proof of the transportation network
7 company's commercial vehicle liability insurance, in a
8 form required under paragraph (3), to any other party
9 involved in the accident and, if applicable, to the law
10 enforcement officer who responds to the scene of the
11 accident.

12 (ii) Report the accident to the transportation
13 network company.

14 (6) Immediately notify the transportation network
15 company, upon conviction, of any offense listed under section
16 2603(c)(5) or (6) which would disqualify a transportation
17 network company driver from being eligible to provide
18 transportation network service.

19 (c) Limitations.--A transportation network company driver
20 shall only provide service as provided by this chapter. A
21 transportation network company driver shall not solicit or
22 accept street hails or telephone calls requesting
23 transportation.

24 (d) Discrimination prohibited.--No transportation network
25 company driver may unreasonably discriminate against any
26 prospective passenger or unreasonably refuse to provide service
27 to a certain class of passengers or certain localities.

28 § 2605. Transportation network company vehicle requirements.

29 (a) Types.--Transportation network company vehicles may be
30 coupes, sedans and other light-duty vehicles, including vans,

1 minivans, sport utility vehicles, hatchbacks, convertibles and
2 pickup trucks that are equipped and licensed for operation on
3 public roads. At no time may a transportation network company
4 vehicle transport a greater number of passengers than the number
5 of factory-installed seatbelts in the vehicle, including the
6 driver.

7 (b) Identification.--Each transportation network company
8 vehicle shall be marked, as required by commission regulations
9 or orders, including display of a consistent and distinctive
10 signage or emblem at all times when providing transportation
11 network service. The use of signage, placards or other
12 distinguishable markings visible from the outside of the vehicle
13 shall be permitted.

14 (c) Inspection required.--

15 (1) Transportation network company vehicles shall be
16 inspected annually by an inspection station approved by the
17 Department of Transportation under 67 Pa. Code Ch. 175
18 (relating to vehicle equipment and inspection). A valid
19 certificate of inspection shall be maintained in all
20 vehicles.

21 (2) The transportation network company shall ensure that
22 transportation network company vehicles remain in continuous
23 compliance with the commission's regulations and orders
24 related to vehicle standards.

25 (3) Transportation network company vehicles are subject
26 to periodic inspections under the Department of
27 Transportation inspection standards.

28 (d) Age.--Vehicles used by transportation network company
29 drivers to provide transportation network service may be no more
30 than 10 model years old. The commission may adjust the

1 requirements of this subsection by regulation or order to permit
2 the use of older vehicles as transportation network company
3 vehicles.

4 (e) Commission inspection.--The commission may inspect any
5 transportation network company vehicle to ensure compliance with
6 this section.

7 § 2606. Rates and forms of compensation.

8 (a) Tariffs and fares.--A transportation network company
9 shall file and maintain with the commission a tariff setting
10 forth the terms and conditions of service including the basis
11 for its fares, including fare calculation method, and its
12 policies regarding surge pricing. A transportation network
13 company may offer transportation network service at no charge,
14 suggest a donation or charge a fare.

15 (b) Disclosure.--If a fare is charged, the transportation
16 network company shall disclose the method of calculation, the
17 applicable rates being charged and the option for a prospective
18 passenger to receive an estimated fare before booking the
19 transportation.

20 (c) Rates not subject to commission review.--The amount of a
21 donation or fare received as compensation for transportation
22 network services shall not be subject to commission review or
23 approval under Chapter 13 (relating to rates and distribution
24 systems).

25 (d) Passenger receipts.--Upon completion of transportation
26 network service, a transportation network company shall transmit
27 an electronic receipt to a passenger's e-mail address or account
28 on the transportation network company's digital network. The
29 receipt shall contain:

30 (1) The origination and destination points of the

1 transportation.

2 (2) The total amount paid by the passenger, if any.

3 (e) Natural disasters and emergencies.--A transportation
4 network company may not charge a fare that exceeds the
5 limitations under the act of October 31, 2006 (P.L.1210,
6 No.133), known as the Price Gouging Act, during a natural
7 disaster or state of emergency as declared by a State or local
8 governing body of the Commonwealth. If a natural disaster or
9 emergency does not result in the declaration of a State or local
10 emergency, the increase in fare must be established on the basis
11 of fares charged over the preceding 60 days.

12 § 2607. Insurance.

13 (a) Insurance required.--A transportation network company
14 and a transportation network company driver shall maintain
15 insurance as provided in this section.

16 (b) Coverage requirements.--

17 (1) The following insurance coverage shall be required
18 for transportation network company vehicles from the moment a
19 transportation network company driver logs on to the
20 transportation network company's digital network until the
21 driver accepts a request to transport a passenger, and from
22 the moment the driver completes the transaction on the
23 digital network or until the ride is completed by the
24 passenger safely exiting the vehicle, whichever is later,
25 until the driver accepts another ride request on the digital
26 network or logs off the digital application:

27 (i) Primary automobile liability insurance coverage
28 in an amount not less than \$35,000 per transportation
29 network company vehicle to cover liability for bodily
30 injury, death or property damage incurred in an accident

1 arising from the provision of transportation network
2 company service. The minimum coverage shall be split
3 coverage in the amounts of \$15,000 bodily injury per
4 person, \$30,000 bodily injury per incident and \$5,000
5 property damage per incident.

6 (ii) First party medical benefits as required by 75
7 Pa.C.S. § 1711 (relating to required benefits) for
8 passengers and pedestrians.

9 (2) The following insurance coverage shall be required
10 for transportation network company vehicles from the moment a
11 transportation network company driver accepts a ride request
12 on the transportation network company's digital network until
13 the driver completes the transaction on the digital network
14 or until the ride is completed by the passenger safely
15 exiting the vehicle, whichever is later:

16 (i) Primary automobile liability insurance coverage
17 in an amount of not less than \$1,000,000 for death,
18 personal injury and property damage to third parties.

19 (ii) First-party medical benefits as required by 75
20 Pa.C.S. § 1711 for passengers and pedestrians on a per-
21 incident basis for incidents involving a transportation
22 network company vehicle during the provision of
23 transportation network service.

24 (3) The insurance coverage required under this section
25 shall also provide for uninsured motorist coverage and
26 underinsured motorist coverage in the amount of \$1,000,000
27 from the moment a passenger enters the vehicle of a
28 transportation network company driver until the trip is
29 completed by the passenger safely exiting the vehicle.

30 (4) Coverage under a transportation network company

1 insurance policy shall not be dependent on a personal
2 automobile insurance policy first denying a claim nor shall a
3 personal automobile insurance policy be required to first
4 deny a claim.

5 (5) In every instance where transportation network
6 company insurance maintained by a transportation network
7 company driver to fulfill the insurance obligations of this
8 section has lapsed or ceased to exist, the transportation
9 network company shall provide the coverage required by this
10 section beginning with the first dollar of a claim.

11 (c) Satisfaction of requirements.--

12 (1) The requirements for the coverage required by this
13 section may be satisfied by any of the following:

14 (i) An automobile liability insurance policy
15 maintained by a transportation network company.

16 (ii) An automobile liability insurance policy
17 maintained by a transportation network company driver.

18 (iii) Any combination of subparagraphs (i) and (ii).

19 (2) A transportation network company may meet its
20 obligations under this subsection through a policy obtained
21 by a transportation network company driver under paragraph
22 (1)(ii) or (iii) only if the transportation network company
23 verifies that the policy maintained by the transportation
24 network company driver is specifically written to cover the
25 driver's use of a vehicle in connection with a transportation
26 network company's digital network.

27 (d) Insurers.--

28 (1) An insurer providing coverage as required by this
29 subsection shall be the only insurer having the duty to
30 defend a liability claim arising from an accident occurring

1 during the provision of transportation network service.

2 (2) The automobile liability insurance coverage required
3 under this section may be placed with an admitted insurer
4 under section 208 of the act of May 17, 1921 (P.L.789,
5 No.285), known as The Insurance Department Act of 1921, or a
6 surplus lines insurer eligible under section 1605 of the act
7 of May 17, 1921 (P.L.682, No.284), known as The Insurance
8 Company Law of 1921.

9 (e) Evidence.--The automobile liability insurance coverage
10 required by this section shall be evidenced by the filing of a
11 Form E certificate of insurance with the commission.

12 (f) Liability.--Nothing in this section shall be construed
13 to limit the liability of a transportation network company
14 arising out of an accident involving a transportation network
15 company driver for an amount above the insurance coverage
16 required under subsection (b) (1) and (2).

17 (g) Duty of a transportation network company.--It shall be
18 the sole and exclusive responsibility of a transportation
19 network company to ensure that the coverage required by this
20 section is in force prior to permitting a transportation network
21 company driver to provide transportation network service through
22 the transportation network company's digital network. Each
23 policy or combination of policies maintained under this section
24 shall:

25 (1) Provide primary liability coverage for incidents
26 involving a transportation network company driver while
27 providing transportation network service.

28 (2) Include a duty of the insurer or insurers to defend
29 against claims made against a transportation network company
30 driver or the owner of a personal vehicle used to provide

1 transportation network service.

2 § 2608. Personal auto insurance.

3 (a) Policy not required.--A private passenger automobile
4 insurance policy may not be required to provide primary or
5 excess coverage during the time a transportation network company
6 driver is providing transportation network service.

7 (b) Insurance.--During the period of time from the moment a
8 transportation network company driver logs on to the
9 transportation network company's digital network until the
10 driver logs off the digital network or the passenger exits the
11 vehicle, whichever is later, all of the following shall apply:

12 (1) The driver's or the vehicle owner's personal
13 automobile insurance policy shall not provide coverage to the
14 participating driver, vehicle owner or a third party, unless
15 either:

16 (i) the policy expressly provides for that coverage
17 during the period of time to which this subsection is
18 applicable, with or without a separate charge; or

19 (ii) the policy contains an amendment or endorsement
20 to provide that coverage, for which a separately stated
21 premium is charged.

22 (2) The driver's or the vehicle owner's personal
23 automobile insurance policy shall not have the duty to defend
24 or indemnify for the driver's activities in connection with
25 the transportation network company, unless either:

26 (i) the policy expressly provides otherwise for the
27 period of time to which this subsection is applicable,
28 with or without a separate charge; or

29 (ii) the policy contains an amendment or endorsement
30 to provide that coverage, for which a separately stated

1 premium is charged.

2 (c) Offer of insurance.--Notwithstanding any other law to
3 the contrary, a personal automobile insurer may, at its
4 discretion, offer an automobile liability insurance policy or an
5 amendment or endorsement to an existing policy providing
6 coverage for transportation network company drivers while
7 providing transportation network service.

8 § 2609. Required disclosures.

9 (a) Disclosures to transportation network company drivers.--

10 (1) A transportation network company shall disclose the
11 following, in writing, to transportation network company
12 drivers, as part of its agreement with those drivers, and
13 require an electronic verification from a transportation
14 network company driver that the required disclosures have
15 been provided:

16 (i) The insurance coverage and limits of liability
17 that the transportation network company provides while
18 the driver uses a vehicle in connection with a
19 transportation network company's digital network.

20 (ii) That, depending on its terms, the
21 transportation network company driver's personal
22 automobile insurance policy may not provide coverage
23 because the driver uses a vehicle in connection with a
24 transportation network company's digital network.

25 (iii) That, depending on its terms, the
26 transportation network company driver's personal
27 automobile insurance policy may not provide collision or
28 comprehensive coverage for damage to a vehicle incurred
29 while the transportation network company driver is
30 providing transportation network service.

1 (iv) That, if the transportation network company
2 driver has questions about the coverage provided by his
3 personal automobile insurance policy, the transportation
4 network company driver should review the terms of the
5 policy with the insurer or agent regarding the use of the
6 insured vehicle as a transportation network company
7 vehicle.

8 (b) Prohibition on disclosure of passenger information.--A
9 transportation network company shall not disclose to a third
10 party any personally identifiable information of a
11 transportation network company passenger unless one of the
12 following applies:

13 (1) The customer knowingly consents. As used in this
14 paragraph "knowingly consents" means:

15 (i) the customer is not required to consent to the
16 disclosure of personal identifiable information to a
17 third party in order to receive transportation network
18 service; and

19 (ii) the customer consents to the disclosure of
20 personal identifiable information in a document that is
21 separate from the transportation network company's terms
22 of service agreement.

23 (2) Pursuant to a subpoena, court order or other legal
24 obligation.

25 (3) The disclosure is to the commission in to the
26 context of an investigation of a formal complaint filed with
27 the commission against a transportation network company or a
28 transportation network company driver and the commission
29 treats the information under confidentiality protections.

30 (4) The disclosure is required to protect or defend the

1 terms of use of transportation network service, agreed to by
2 a passenger as a condition of use of the service, or to
3 investigate violations of those terms.

4 (5) As used in this subsection, the term "personally
5 identifiable information" shall include any of the following:

6 (i) First name or first initial in combination with
7 last name.

8 (ii) Credit or debit card numbers or other financial
9 account numbers.

10 (iii) An e-mail address.

11 (iv) A home address.

12 (6) Notwithstanding paragraphs (1) through (5), a
13 transportation network company may share a passenger's name
14 or telephone number with the transportation network company
15 driver providing transportation network service to the
16 passenger, as necessary, to facilitate correct identification
17 of the passenger by the driver or to facilitate communication
18 between a passenger and driver.

19 § 2610. Regulations.

20 The commission shall make such orders or regulations as
21 necessary to implement and enforce this chapter.

22 § 2611. Enforcement.

23 The commission may, following notice and an opportunity to be
24 heard, impose civil penalties and other appropriate penalties
25 for violations of this chapter or commission regulations and
26 orders. Penalties may include suspension or revocation of a
27 transportation network company's license. Notwithstanding the
28 provisions of section 3301 (relating to civil penalties for
29 violations), a transportation network company that violates any
30 of the provisions of this chapter or fails, omits, neglects or

1 refuses to obey or comply with a commission regulation shall be
2 subject to civil penalties of up to \$5,000 per violation per
3 day.

4 § 2612. Assessments.

5 Costs incurred by the commission to implement and enforce
6 this chapter shall be included in the commission's proposed
7 budget and shall be assessed upon a transportation network
8 company in accordance with section 510(a) (relating to
9 assessment for regulatory expenses upon public utilities). A
10 transportation network company shall report annually to the
11 commission its gross intrastate operating revenues derived from
12 the provision of transportation network service regardless of
13 the entity that collects the revenues. The commission, upon
14 request, shall provide a transportation network company with a
15 true and correct accounting of commission activities related to
16 the implementation and enforcement of this chapter.

17 Section 13. Any holder of a certificate of public
18 convenience as a motor carrier of passengers that has been
19 approved by the commission to provide experimental
20 transportation network service prior to the effective date of
21 this section may continue to provide experimental transportation
22 network services on a permanent basis absent the imposition of
23 additional rules and regulations inconsistent with the terms and
24 conditions contained in its original application which was
25 approved by the Public Utility Commission. Any decision to
26 terminate experimental transportation network services or
27 provide taxi transportation network company service under 66
28 Pa.C.S. Ch. 24A or any subsequent regulations shall be at the
29 sole discretion of a holder of a certificate of public
30 convenience as a motor carrier of passengers.

1 Section 14. This act shall take effect in 60 days.