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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1290 Session of  
2015

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INTRODUCED BY MAHER, VEREB, KILLION, BLOOM, CHRISTIANA, CUTLER,  
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TOOHIL, WARNER AND WATSON, JUNE 5, 2015

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 5, 2015

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AN ACT

1 Amending Titles 53 (Municipalities Generally), 66 (Public  
2 Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated  
3 Statutes, in taxicabs and limousines in first class cities,  
4 further providing for definitions; in general provisions,  
5 further providing for definitions; in powers and duties,  
6 providing for financial responsibility of transportation  
7 network companies; in contract carrier by motor vehicle and  
8 broker, further providing for declaration of policy and  
9 definitions; providing for transportation network service;  
10 and, in general provisions, further providing for  
11 definitions.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. The definitions of "call or demand service,"  
15 "taxicab service" and "limousine service" in section 5701 of  
16 Title 53 of the Pennsylvania Consolidated Statutes are amended  
17 to read:

18 § 5701. Definitions.

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

1 \* \* \*

2 "Call or demand service" or "taxicab service." Local common  
3 carrier service for passengers, rendered on either an exclusive  
4 or nonexclusive basis, where the service is characterized by the  
5 fact that passengers normally hire the vehicle and its driver  
6 either by telephone call or by hail, or both. The term does not  
7 include transportation network service as defined in 66 Pa.C.S.  
8 § 102 (relating to definitions) or limousine service.

9 \* \* \*

10 "Limousine service."

11 (1) Except as provided in paragraph (2), a motor vehicle  
12 providing any of the following services:

13 (i) Local, nonscheduled common carrier service for  
14 passengers on an exclusive basis for compensation.

15 (ii) Common carrier service for passengers for  
16 compensation:

17 (A) from any airport, railroad station or hotel  
18 located in whole or in part in a city of the first  
19 class; or

20 (B) to any airport, railroad station or hotel  
21 located in whole or in part in a city of the first  
22 class from a point within the city of the first  
23 class.

24 (2) The term does not include any of the following:

25 (i) Taxicab service.

26 (ii) Service that was otherwise exempt from the  
27 jurisdiction of the Pennsylvania Public Utilities  
28 Commission prior to the effective date of this  
29 subparagraph.

30 (iii) Other paratransit service.

1 (iv) Employee commuter van pooling.  
2 (v) A vehicle with a seating capacity of 16 or more  
3 persons, including the driver.

4 (vi) Transportation network service as defined in 66  
5 Pa.C.S. § 102 (relating to definitions).

6 \* \* \*

7 Section 2. The definitions of "common carrier" and "motor  
8 carrier" in section 102 of Title 66 are amended, the definition  
9 of "common carrier by motor vehicle" is amended by adding a  
10 paragraph and the section is amended by adding definitions to  
11 read:

12 § 102. Definitions.

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

18 \* \* \*

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

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

13 \* \* \*

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

15 (i) A transportation network company.

16 (ii) A transportation network company driver.

17 \* \* \*

18 "Digital network." Any online-enabled application, software,  
19 website or system offered or utilized by a transportation  
20 network company that enables the prearrangement of rides with  
21 transportation network company drivers.

22 \* \* \*

23 "Motor carrier." A common carrier by motor vehicle, and a  
24 contract carrier by motor vehicle. The term does not include a  
25 transportation network company or transportation network company  
26 driver.

27 \* \* \*

28 "Personal vehicle." A vehicle that is used by a  
29 transportation network company driver and is:

30 (1) owned, leased or otherwise authorized for use by the

1 transportation network company driver; and

2 (2) not:

3 (i) a call or demand service or limousine service as  
4 defined under 53 Pa.C.S. § 5701 (relating to  
5 definitions);

6 (ii) a common carrier, common carrier by motor  
7 vehicle or motor carrier;

8 (iii) a broker or contract carrier by motor vehicle  
9 as defined under section 2501(b) (relating to declaration  
10 of policy and definitions); or

11 (iv) a driver operating under ridesharing  
12 arrangement or ridesharing operator as defined under the  
13 act of December 14, 1982 (P.L.1211, No.279), entitled "An  
14 act providing for ridesharing arrangements and providing  
15 that certain laws shall be inapplicable to ridesharing  
16 arrangements."

17 "Prearranged ride." The provision of transportation by a  
18 driver to a rider, beginning when a driver accepts a ride  
19 requested by a rider through a digital network, continuing while  
20 the driver transports a requesting rider and ending when the  
21 last requesting rider departs from the personal vehicle. A  
22 prearranged ride does not include:

23 (1) transportation provided using a call or demand  
24 service or limousine service as defined under 53 Pa.C.S. §  
25 5701;

26 (2) a common carrier, common carrier by motor vehicle or  
27 motor carrier;

28 (3) a broker or contract carrier by motor vehicle as  
29 defined under section 2501; or

30 (4) a driver operating under ridesharing arrangement or

1 ridesharing operator.

2 \* \* \*

3 "Transportation network company." A corporation,  
4 partnership, sole proprietorship or other entity that meets all  
5 of the following:

6 (1) Is licensed by the Department of State.

7 (2) Operates in this Commonwealth.

8 (3) Uses a digital network.

9 (4) Provides prearranged rides.

10 A transportation network company shall not be deemed to control,  
11 direct or manage the personal vehicles or transportation network  
12 company drivers that connect to it digital network, except where  
13 agreed to by written contract.

14 "Transportation network company driver" or "driver." An  
15 individual who:

16 (1) receives connections to potential riders and related  
17 services from a transportation network company in exchange  
18 for payment of a fee to the transportation network company;  
19 and

20 (2) uses a personal vehicle to offer or provide a  
21 prearranged ride to riders upon connection through a digital  
22 network controlled by a transportation network company in  
23 return for compensation or payment of a fee.

24 "Transportation network company rider" or "rider." A person  
25 who uses a digital network to connect with a transportation  
26 network driver who provides prearranged rides to the rider in  
27 the driver's personal vehicle between points chosen by the  
28 rider.

29 "Transportation network service." A service which meets all  
30 of the following:

1       (1) Matches a rider and transportation network company  
2 driver using a digital network in advance of the service  
3 being provided.

4       (2) Is rendered on an exclusive basis. For purposes of  
5 this paragraph, the term "exclusive basis" means a  
6 transportation network service on a given trip when each  
7 individual, party or group may not be required to ride with  
8 another rider on that trip unless the individual, party or  
9 group consents to additional riders on the trip.

10       (3) Is characterized by transportation of a rider by a  
11 transportation network company driver when the rider and  
12 driver are connected through a digital network.

13       \* \* \*

14       Section 3. Title 66 is amended by adding a section to read:  
15 § 512.1. Financial responsibility of transportation network  
16 companies.

17       (a) Requirements.--

18       (1) Upon the effective date of this section, a  
19 transportation network company driver or transportation  
20 network company on the driver's behalf shall maintain primary  
21 automobile insurance that recognizes that the driver is a  
22 transportation network company driver or otherwise uses a  
23 vehicle to transport riders for compensation and covers the  
24 driver:

25               (i) while the driver is logged on to the digital  
26 network; and

27               (ii) while the driver is engaged in a prearranged  
28 ride.

29       (2) The following automobile insurance requirements  
30 shall apply while a participating transportation network

1 company driver is logged on to the digital network and is  
2 available to receive transportation requests but is not  
3 engaged in a prearranged ride:

4 (i) Primary automobile liability insurance in the  
5 amount of at least \$50,000 for death and bodily injury  
6 per person, \$100,000 for death and bodily injury per  
7 incident and \$25,000 for property damage.

8 (ii) First party medical benefits as required by 75  
9 Pa.C.S. § 1711 (relating to required benefits) for riders  
10 and pedestrians.

11 (iii) The coverage requirements may be satisfied by  
12 any of the following:

13 (A) automobile insurance maintained by the  
14 transportation network company driver;

15 (B) automobile insurance maintained by the  
16 transportation network company; or

17 (C) any combination of clauses (A) and (B).

18 (3) The following automobile insurance requirements  
19 shall apply while a transportation network company driver is  
20 engaged in a prearranged ride:

21 (i) Primary automobile liability insurance that  
22 provides at least \$1,000,000 for death, bodily injury and  
23 property damage.

24 (ii) First party medical benefits as required by 75  
25 Pa.C.S. § 1711 for riders and pedestrians on a per-  
26 incident basis for incidents involving a transportation  
27 network company driver's operation of a transportation  
28 network company vehicle while engaged in a prearranged  
29 ride.

30 (iii) The coverage requirements may be satisfied by

1           any of the following:

2                   (A) automobile insurance maintained by the  
3                   transportation network company driver;

4                   (B) automobile insurance maintained by the  
5                   transportation network company; or

6                   (C) any combination of clauses (A) and (B).

7           (4) If insurance maintained by a driver under paragraph  
8           (2) or (3) has lapsed or does not provide the required  
9           coverage, insurance maintained by a transportation network  
10           company shall provide the coverage required by this section  
11           beginning with the first dollar of a claim and the  
12           transportation network company shall have the duty to defend  
13           such claim.

14           (5) Coverage under an automobile insurance policy  
15           maintained by the transportation network company shall not be  
16           dependent on a personal automobile insurer first denying a  
17           claim nor shall a personal automobile insurance policy be  
18           required to first deny a claim.

19           (6) Insurance required under this subsection may be  
20           placed with a certified insurer under section 208 of the act  
21           of May 17, 1921 (P.L.789, No.285), known as The Insurance  
22           Department Act of 1921, or a surplus lines insurer eligible  
23           under section 1605 of the act of May 17, 1921 (P.L.682,  
24           No.284), known as The Insurance Company Law of 1921.

25           (7) Insurance satisfying the requirements of this  
26           section shall be deemed to satisfy the financial  
27           responsibility requirement for a motor vehicle under 75  
28           Pa.C.S. Ch. 17 (relating to financial responsibility).

29           (8) A transportation network company driver shall carry  
30           proof of coverage satisfying paragraphs (2) and (3) when the

1 driver uses a vehicle in connection with a digital network.  
2 In the event of an accident, a transportation network company  
3 driver shall provide insurance coverage information to the  
4 directly interested parties, automobile insurers and  
5 investigating police officers under 75 Pa.C.S. § 1786  
6 (relating to required financial responsibility). Upon such  
7 request, a transportation network company driver shall also  
8 disclose to directly interested parties, automobile insurers  
9 and investigating police officers, whether the driver was  
10 logged on to the digital network or on a prearranged ride at  
11 the time of an accident.

12 (b) Disclosures.--The transportation network company shall  
13 disclose in writing to transportation network company drivers  
14 the following before they may accept a request for a prearranged  
15 ride on the digital network:

16 (1) the insurance coverage, including the types of  
17 coverage and the limits for each coverage that the  
18 transportation network company provides while the  
19 transportation network company driver uses a personal vehicle  
20 in connection with a digital network; and

21 (2) that the transportation network company driver's own  
22 automobile insurance policy may not provide any coverage  
23 while the driver is logged on to the digital network and is  
24 available to receive transportation requests or is engaged in  
25 a prearranged ride, depending on its terms.

26 (c) Automobile insurance provisions.--

27 (1) Insurers that write automobile insurance in this  
28 Commonwealth may exclude any and all coverage afforded under  
29 the policy issued to an owner or operator of a personal  
30 vehicle for any loss or injury that occurs while a driver is

1 logged on to a digital network or while a driver provides a  
2 prearranged ride. The right to exclude all coverage may apply  
3 to any coverage included in an automobile insurance policy,  
4 including, but not limited to:

5 (i) liability coverage for bodily injury and  
6 property damage;

7 (ii) uninsured and underinsured motorist coverage;

8 (iii) medical payments coverage;

9 (iv) comprehensive physical damage coverage; and

10 (v) collision physical damage coverage.

11 (2) Notwithstanding any requirement under 75 Pa.C.S. Ch.  
12 17, exclusions under paragraph (1) shall apply. Nothing in  
13 this section implies or requires that a personal automobile  
14 insurance policy provide coverage while the driver is logged  
15 on to a digital network, while the driver is engaged in a  
16 prearranged ride or while the driver otherwise uses a vehicle  
17 to transport riders for compensation. Nothing in this  
18 subsection shall be deemed to preclude an insurer from  
19 providing coverage for the personal vehicle, if the insurer  
20 chooses to do so by contract or endorsement.

21 (3) Automobile insurers that exclude the coverage  
22 described in subsection (a) shall have no duty to defend or  
23 indemnify any claim expressly excluded under the coverage.  
24 Nothing in this section shall be deemed to invalidate or  
25 limit an exclusion contained in a policy, including any  
26 policy in use or approved for use in this Commonwealth prior  
27 to the enactment of this section, that excludes coverage for  
28 vehicles used to carry persons or property for a charge or  
29 available for hire by the public.

30 (4) An automobile insurer that defends or indemnifies a

1 claim against a driver that is excluded under the terms of  
2 its policy shall have a right of contribution against other  
3 insurers that provide automobile insurance to the same driver  
4 in satisfaction of the coverage requirements of subsection  
5 (a) at the time of loss.

6 (5) In a claims coverage investigation, transportation  
7 network companies and any insurer potentially providing  
8 coverage under subsection (a) shall cooperate to facilitate  
9 the exchange of relevant information with directly involved  
10 parties and any insurer of the transportation network company  
11 driver, if applicable, including the precise times that a  
12 transportation network company driver logged on and off of  
13 the digital network in the 12-hour period immediately  
14 preceding and in the 12-hour period immediately following the  
15 accident and disclose a clear description of the coverage,  
16 exclusions and limits provided under any automobile insurance  
17 maintained under subsection (a).

18 Section 4. The definition of "broker" in section 2501(b) of  
19 Title 66 is amended and paragraph (2) of the definition of  
20 "contract carrier by motor vehicle" is amended by adding a  
21 subparagraph to read:

22 § 2501. Declaration of policy and definitions.

23 \* \* \*

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

27 "Broker." Any person or corporation not included in the term  
28 "motor carrier" and not a bona fide employee or agent of any  
29 such carrier, or group of such carriers, who or which, as  
30 principal or agent, sells or offers for sale any transportation

1 by a motor carrier, or the furnishing, providing, or procuring  
2 of facilities therefor, or negotiates for, or holds out by  
3 solicitation, advertisement, or otherwise, as one who sells,  
4 provides, furnishes, contracts, or arranges for such  
5 transportation, or the furnishing, providing, or procuring of  
6 facilities therefor, other than as a motor carrier directly or  
7 jointly, or by arrangement with another motor carrier, and who  
8 does not assume custody as a carrier. The term does not include  
9 a transportation network company or a transportation network  
10 company driver.

11 "Contract carrier by motor vehicle."

12 \* \* \*

13 (2) The term "contract carrier by motor vehicle" does  
14 not include:

15 \* \* \*

16 (x) A transportation network company or  
17 transportation network company driver.

18 Section 5. Title 66 is amended by adding a chapter to read:

19 CHAPTER 26

20 TRANSPORTATION NETWORK SERVICE

21 Sec.

22 2601. Definitions.

23 2602. Exclusions.

24 2603. Applicability of certain laws and prohibition.

25 2604. Service standards and requirements for transportation  
26 network companies.

27 2605. Service standards and requirements for transportation  
28 network company drivers.

29 2606. Personal vehicle requirements.

30 2607. Rates and forms of compensation.

1 2608. Nondisclosure of rider information.

2 2609. Regulations and enforcement.

3 2610. Commission costs.

4 2611. Transportation network service in a city of the first  
5 class.

6 § 2601. Definitions.

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

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

16 § 2602. Exclusions.

17 A transportation network company and a transportation network  
18 company driver shall not be considered:

19 (1) A motor carrier of riders, common carrier, contract  
20 carrier or broker under this title.

21 (2) A ridesharing arrangement or ridesharing operator  
22 under the act of December 14, 1982 (P.L.1211, No.279),  
23 entitled "An act providing for ridesharing arrangements and  
24 providing that certain laws shall be inapplicable to  
25 ridesharing arrangements."

26 § 2603. Applicability of certain laws and prohibition.

27 (a) Motor carrier laws.--Except as otherwise provided, the  
28 following laws and regulations of this Commonwealth may not  
29 apply to a transportation network company or transportation  
30 network company driver:

1           (1) This title, except that the commission may regulate  
2 transportation network companies under Chapters 3 (relating  
3 to public utility commission), 5 (relating to powers and  
4 duties), 7 (relating to procedure on complaints) and 33  
5 (relating to violations and penalties) and this chapter.

6           (2) 53 Pa.C.S. (relating to municipalities generally).

7           (3) Laws and regulations containing special insurance  
8 requirements for motor carriers, except as provided in  
9 section 2604(a)(4)(vii) (relating to service standards and  
10 requirements for transportation network companies).

11           (4) Laws and regulations imposing a greater standard of  
12 care on motor carriers than that imposed on other drivers or  
13 owners of motor vehicles.

14           (5) Laws and regulations imposing special equipment  
15 requirements and special accident reporting requirements on  
16 motor carriers.

17           (b) Municipal licenses and taxes.--Except as otherwise  
18 provided, a municipality may not impose a tax on or require a  
19 license for a transportation network company or transportation  
20 network service.

21 § 2604. Service standards and requirements for transportation  
22 network companies.

23           (a) Requirements for transportation network companies.--

24           (1) A transportation network company may not operate in  
25 this Commonwealth unless it holds and maintains a license  
26 issued by the commission.

27           (2) An application for a license shall be made to the  
28 commission in writing, be verified by oath or affirmation and  
29 contain the following:

30           (i) Proof that the transportation network company is

1 licensed to do business in this Commonwealth.

2 (ii) Proof that the transportation network company  
3 maintains a registered agent in this Commonwealth.

4 (iii) Proof that the transportation network company  
5 maintains a website that includes the information  
6 required under paragraph (4)(viii).

7 (iv) Proof that the transportation network company  
8 has secured the insurance policies required under section  
9 512.1 (relating to financial responsibility of  
10 transportation network companies).

11 (3) A license shall be issued to a transportation  
12 network company applicant if the commission finds that the  
13 applicant meets all the requirements of paragraph (4). In the  
14 process of granting a license, the commission may also impose  
15 conditions that are reasonably related to a licensee's  
16 obligations as set forth in this chapter.

17 (4) An applicant seeking a license under this section  
18 shall do all of the following as a condition of receipt and  
19 maintenance of a license:

20 (i) Maintain accurate records of all transportation  
21 network company drivers providing services arranged  
22 through the digital network and the vehicles used to  
23 provide the service. The following shall apply:

24 (A) Driver records shall include information  
25 related to the personal automobile insurance of a  
26 transportation network company driver, including the  
27 name of the insurer, policy number and expiration  
28 date.

29 (B) Vehicle records shall include the make,  
30 model and license plate number of each personal

1 vehicle used by a transportation network company  
2 driver to provide transportation network service.

3 (ii) Establish a driver-training program designed to  
4 ensure that each transportation network company driver  
5 safely operates the driver's personal vehicle prior to  
6 the driver being permitted to offer transportation  
7 network service through the transportation network  
8 company. Each transportation network company shall file  
9 its driver-training program with the commission upon  
10 application for a license to provide a transportation  
11 network service.

12 (iii) Implement a zero-tolerance policy on the use  
13 of drugs or alcohol while a transportation network  
14 company driver provides transportation network service. A  
15 transportation network company driver who is the subject  
16 of a reasonable rider complaint alleging a violation of  
17 the zero-tolerance policy shall be immediately suspended.  
18 The suspension shall last until the time the complaint  
19 investigation is complete. The following information  
20 shall be provided on a transportation network company's  
21 publicly accessible Internet website:

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

23 (B) Procedures to report a complaint about a  
24 transportation network company driver with whom the  
25 rider was matched and whom the rider reasonably  
26 suspects was under the influence of drugs or alcohol  
27 during the course of the ride.

28 (iv) Obtain and review, prior to permitting a person  
29 to act as a transportation network company driver on its  
30 digital network, a background check report that includes

1 a primary source review of any relevant criminal history  
2 records held by governmental entities in this  
3 Commonwealth, which may include information from the  
4 Pennsylvania State Police or records held by relevant  
5 county governments in this Commonwealth. The following  
6 shall apply:

7 (A) A person who has been convicted within the  
8 past seven years of driving under the influence of  
9 drugs or alcohol or of a crime involving property  
10 damage and theft may not be a transportation network  
11 company driver.

12 (B) A person who has been convicted within the  
13 past seven years of fraud, sexual offenses, use of a  
14 motor vehicle to commit a felony, acts of violence or  
15 acts of terror may not be a transportation network  
16 company driver.

17 (v) Obtain and review, prior to permitting a person  
18 to act as a transportation network company driver on its  
19 digital network, a driving history research report for  
20 the person from the Department of Transportation and  
21 other relevant sources. A person with more than three  
22 moving violations in the three-year period prior to the  
23 check or a major violation in the three-year period prior  
24 to the check may not be a transportation network company  
25 driver. A transportation network company shall review the  
26 driving history report of each transportation network  
27 company driver not less than every third year that a  
28 driver is acting as a transportation network company  
29 driver.

30 (vi) Display, on the digital network, a picture of

1 the transportation network company driver and a  
2 description of the individual's vehicle used in providing  
3 transportation network service, including the make, model  
4 and license plate number of the vehicle.

5 (vii) Maintain insurance as required under section  
6 512.1 (relating to financial responsibility of  
7 transportation network companies) as memorialized by the  
8 filing of a Form E Certificate of Insurance with the  
9 commission.

10 (viii) Establish and maintain a publicly accessible  
11 Internet website that provides:

12 (A) A customer service telephone number or e-  
13 mail address.

14 (B) The telephone number to file a consumer  
15 complaint with the commission.

16 (ix) Comply with the commission's regulations and  
17 orders regarding the reporting of motor carrier accidents  
18 for any accidents involving a personal vehicle.

19 (x) Maintain verifiable records regarding its  
20 operations and obligations under this chapter for a  
21 minimum period of three years or as may be required by  
22 the commission by regulation or order.

23 (b) Inspection of records.--The commission shall be  
24 authorized to inspect, audit and investigate any books, records  
25 and facilities of the transportation network company and any  
26 affiliated entities as necessary to ensure compliance with this  
27 chapter. Documents or records marked as confidential will be  
28 treated according to the commission's practices and regulations  
29 regarding confidential and trade secret information. Information  
30 disclosed to the commission under this chapter shall be exempt

1 from disclosure to a third person, including through a request  
2 submitted under the act of February 14, 2008 (P.L.6, No.3),  
3 known as the Right-to-Know Law.

4 (c) Discrimination in service.--Where services are offered,  
5 a transportation network company must take reasonable steps to  
6 ensure that the service provided by each transportation network  
7 company driver who utilizes the digital network is safe,  
8 reasonable and adequate. A transportation network company may  
9 not unreasonably discriminate against a prospective rider or  
10 unreasonably refuse to provide service to a certain class of  
11 riders or certain localities.

12 (d) Dual motor carriers.--A motor carrier that provides call  
13 and demand service under a certificate of public convenience and  
14 that has obtained a license from the commission to provide  
15 transportation network service may dispatch either a call and  
16 demand vehicle or a transportation network company driver to  
17 provide service in its authorized service territory.  
18 § 2605. Service standards and requirements for transportation  
19 network company drivers.

20 (a) Separate licenses prohibited.--A separate license may  
21 not be required for a transportation network company driver to  
22 provide transportation network service by an approved  
23 transportation network company. Except as otherwise specifically  
24 provided, a transportation network company driver shall not be  
25 subject to other chapters in this title or 53 Pa.C.S. (relating  
26 to municipalities generally).

27 (b) Requirements for transportation network company  
28 drivers.--A transportation network company driver must:

29 (1) Be at least 21 years of age.

30 (2) Pass a criminal history search and a driving history

1 search as specified in section 2604 (relating to service  
2 standards and requirements for transportation network  
3 companies).

4 (3) Possess a valid driver's license and proof of motor  
5 vehicle insurance.

6 (4) Carry proof, either a paper copy or electronic copy,  
7 of the transportation network company's liability insurance  
8 required under section 512.1(b) (relating to financial  
9 responsibility of transportation network companies).

10 (5) Acknowledge by electronic verification, through the  
11 digital network, receipt of notification of insurance  
12 requirements under section 512.1(e).

13 (6) In the case of an accident:

14 (i) Provide the insurance coverage information  
15 required under paragraph (4) to any other party involved  
16 in the accident and, if applicable, to the law  
17 enforcement officer who responds to the scene of the  
18 accident.

19 (ii) Report the accident to the transportation  
20 network company.

21 (7) Notify the transportation network company  
22 immediately upon conviction for any offense listed under  
23 section 2604(a)(4)(iv) or (v) which would disqualify the  
24 transportation network company driver from being eligible to  
25 provide transportation network service.

26 (8) A transportation network company driver may only  
27 accept a ride arranged through the digital network and may  
28 not solicit or accept street-hails or telephone calls  
29 requesting transportation network service.

30 § 2606. Personal vehicle requirements.

1 (a) Authorized vehicles.--Vehicles used by a transportation  
2 network company driver to provide transportation network company  
3 service may be a coupe, sedan or other light-duty vehicle,  
4 including a van, minivan, sport utility vehicle, hatchback,  
5 convertible or pickup truck that is equipped and licensed for  
6 use on a public highway. At no time may a vehicle used to  
7 provide transportation network service transport a greater  
8 number of individuals, including the driver, than the number of  
9 seat belts factory-installed in the vehicle.

10 (b) Vehicle requirements.--No vehicle being used to provide  
11 transportation network service may be older than 10 model years  
12 old. The commission may adjust the requirements of this  
13 subsection by regulation or order to allow older vehicles to be  
14 used to provide transportation network service. All vehicles  
15 shall be marked as required by the commission's regulations or  
16 orders when providing transportation network service. The use of  
17 placards, or other distinguishable markings, visible from the  
18 outside of the vehicle shall be acceptable.

19 (c) Inspections required.--

20 (1) An annual certificate of inspection must be obtained  
21 from an inspection station approved by the Department of  
22 Transportation under 67 Pa. Code Ch. 175 (relating to vehicle  
23 equipment and inspection) for each personal vehicle. A valid  
24 certificate of inspection shall be maintained in all  
25 vehicles.

26 (2) The transportation network company shall ensure that  
27 its drivers' vehicles remain in continuous compliance with  
28 the commission's vehicle standards and are subject to  
29 periodic inspections according to Department of  
30 Transportation inspection standards.

1           (3) A commission officer may inspect a personal vehicle  
2           to ensure compliance with this section.

3   § 2607. Rates and forms of compensation.

4           (a) Rider receipt.--Upon completion of transportation under  
5   this chapter, each transportation network company shall transmit  
6   an electronic receipt to the rider's e-mail address or account  
7   on a digital network documenting the origination and destination  
8   of the trip and the total amount paid, if any.

9           (b) Tariff and fares.--A transportation network company  
10   shall file and maintain with the commission a tariff that sets  
11   forth the terms and conditions of service, including the basis  
12   for its fares and its policies regarding surge pricing. A  
13   transportation network company may offer transportation network  
14   service at no charge, suggest a donation or charge a fare. If a  
15   fare is charged, a transportation network company must disclose  
16   the fare calculation method, the applicable rates being charged  
17   and the option for an estimated fare to the rider before booking  
18   the transportation. The amount of a donation, charge, fare or  
19   other compensation provided or received for transportation  
20   network service shall not be subject to review or approval by  
21   the commission under Chapter 13 (relating to rates and  
22   distribution systems).

23   § 2608. Nondisclosure of rider information.

24           A transportation network company shall not disclose to a  
25   third party any personally identifiable information of a  
26   transportation network company rider unless one of the following  
27   applies:

28           (1) The customer knowingly consents.

29           (2) The information is disclosed under subpoena, court  
30   order or other legal obligation.

1           (3) The disclosure is to the commission in the context  
2 of an investigation regarding a complaint filed with the  
3 commission against a transportation network company and the  
4 commission treats the information as proprietary and  
5 confidential.

6           (4) The disclosure is required to protect or defend the  
7 terms of use of the service or to investigate violations of  
8 those terms. In addition to the foregoing, a transportation  
9 network company shall be permitted to share a rider's name or  
10 telephone number with the transportation network company  
11 driver providing transportation network company service to  
12 the rider in order to facilitate correct identification of  
13 the rider by the transportation network company driver or to  
14 facilitate communication between the rider and the  
15 transportation network company driver.

16 § 2609. Regulations and enforcement.

17           The commission may promulgate regulations and issue orders to  
18 enforce the requirements set forth in this chapter. The  
19 commission may, after notice and opportunity to be heard, impose  
20 civil fines, license suspensions or revocations and other  
21 appropriate remedies for violations of this chapter and  
22 commission regulations and orders.

23 § 2610. Commission costs.

24           The program costs for commission implementation and  
25 enforcement of this chapter shall be included in the  
26 commission's proposed budget and shall be assessed upon  
27 transportation network companies in accordance with section 510  
28 (relating to assessment for regulatory expenses upon public  
29 utilities). For the purposes of section 510 only, the definition  
30 of public utility shall include a transportation network

1 company. The transportation network company shall report  
2 annually to the commission the gross intrastate operating  
3 revenues derived from transportation network service regardless  
4 of the entity that collects the revenues.

5 § 2611. Transportation network service in a city of the first  
6 class.

7 (a) Authority.--Upon the effective date of this section,  
8 transportation network companies, transportation network company  
9 drivers and personal vehicles may operate in a city of the first  
10 class consistent with the requirements of this chapter, as well  
11 as sections 102 (relating to definitions) and 512.1 (relating to  
12 financial responsibility of transportation network companies). A  
13 parking authority in a city of the first class shall, within 60  
14 days of the effective date of this section, take appropriate  
15 action to license any transportation network company seeking to  
16 offer transportation network services within the city of the  
17 first class so long as the company meets the requirements of  
18 section 2604(a)(4).

19 (b) Applicability.--A parking authority in a city of the  
20 first class shall issue proposed regulations regarding the  
21 provision of transportation network services in a city of the  
22 first class not later than 90 days after the effective date of  
23 this section. Notwithstanding any provision of law to the  
24 contrary, any regulations or orders promulgated by a parking  
25 authority in a city of the first class shall be consistent with  
26 the provisions of this chapter, as well as sections 102 and  
27 512.1. The regulations may not impose any additional duties or  
28 requirements on transportation network companies, transportation  
29 network company drivers or personal vehicles operating in a city  
30 of the first class.

1 (c) Enforcement.--At all times, a parking authority in a  
2 city of the first class shall be responsible for the enforcement  
3 of these requirements for trips that commence in a city of the  
4 first class.

5 Section 6. The definition of "bus" in section 102 of Title  
6 75 is amended to read:

7 § 102. Definitions.

8 Subject to additional definitions contained in subsequent  
9 provisions of this title which are applicable to specific  
10 provisions of this title, the following words and phrases when  
11 used in this title shall have, unless the context clearly  
12 indicates otherwise, the meanings given to them in this section:

13 \* \* \*

14 "Bus."

15 (1) a motor vehicle designed to transport 16 or more  
16 passengers, including the driver; or

17 (2) a motor vehicle, other than a taxicab [or],  
18 limousine or personal vehicle as defined in 66 Pa.C.S. § 102  
19 (relating to definitions), designed to transport not more  
20 than 15 passengers, including the driver, and used for the  
21 transportation of persons for compensation.

22 The term does not include a vehicle used in a ridesharing  
23 arrangement, as defined in the act of December 14, 1982  
24 (P.L.1211, No.279), entitled "An act providing for ridesharing  
25 arrangements and providing that certain laws shall be  
26 inapplicable to ridesharing arrangements," or a school bus.

27 \* \* \*

28 Section 7. All acts and parts of acts are repealed insofar  
29 as they are inconsistent with the addition of 66 Pa.C.S. Ch. 26.

30 Section 8. This act shall take effect in 60 days.