
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 447 Session of
2015

INTRODUCED BY FONTANA, TEPLITZ, BLAKE, BREWSTER, YUDICHAK, SMITH
AND COSTA, FEBRUARY 13, 2015

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 13, 2015

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 further providing for power of commission to require
7 insurance; in contract carrier by motor vehicle and broker,
8 further providing for declaration of policy and definitions;
9 providing for transportation network services; in
10 registration of vehicles, further providing for application
11 for registration.

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:

22 * * *

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

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 services as defined in
5 66 Pa.C.S. § 102 (relating to definitions).

6 * * *

7 Section 2. The definitions of "common carrier," "motor
8 carrier" and "public utility" in section 102 of Title 66 are
9 amended, the definition of "common carrier by motor vehicle" is
10 amended by adding a paragraph and the section is amended by
11 adding definitions to 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 shall 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 "Motor carrier." A common carrier by motor vehicle, and a
19 contract carrier by motor vehicle. The term shall not include a
20 transportation network company or transportation network company
21 driver.

22 * * *

23 "Providing transportation network services." The time period
24 beginning when a transportation network company driver logs on
25 to a transportation network company's online-enabled application
26 or platform and is available to receive requests for
27 transportation network services and ending when a transportation
28 network company driver logs off of a transportation network
29 company's online-enabled application or platform or when the
30 passenger safely exits the vehicle, whichever occurs later. For

1 purposes of this definition, the phrase "available to receive
2 requests for transportation network service" includes the time
3 period where the transportation network company driver is
4 waiting for a request for transportation or is waiting to pick
5 up a passenger and from the time a passenger is picked up until
6 the passenger safely exits the vehicle.

7 "Public utility."

8 (1) Any person or corporations now or hereafter owning
9 or operating in this Commonwealth equipment or facilities
10 for:

11 (i) Producing, generating, transmitting,
12 distributing or furnishing natural or artificial gas,
13 electricity, or steam for the production of light, heat,
14 or power to or for the public for compensation.

15 (ii) Diverting, developing, pumping, impounding,
16 distributing, or furnishing water to or for the public
17 for compensation.

18 (iii) Transporting passengers or property as a
19 common carrier.

20 (iv) Use as a canal, turnpike, tunnel, bridge,
21 wharf, and the like for the public for compensation.

22 (v) Transporting or conveying natural or artificial
23 gas, crude oil, gasoline, or petroleum products,
24 materials for refrigeration, or oxygen or nitrogen, or
25 other fluid substance, by pipeline or conduit, for the
26 public for compensation.

27 (vi) Conveying or transmitting messages or
28 communications, except as set forth in paragraph (2)(iv),
29 by telephone or telegraph or domestic public land mobile
30 radio service including, but not limited to, point-to-

1 point microwave radio service for the public for
2 compensation.

3 (vii) Sewage collection, treatment, or disposal for
4 the public for compensation.

5 (viii) Providing limousine service in a county of
6 the second class pursuant to Subchapter B of Chapter 11
7 (relating to limousine service in counties of the second
8 class).

9 (2) The term does not include:

10 (i) Any person or corporation, not otherwise a
11 public utility, who or which furnishes service only to
12 himself or itself.

13 (ii) Any bona fide cooperative association which
14 furnishes service only to its stockholders or members on
15 a nonprofit basis.

16 (iii) Any producer of natural gas not engaged in
17 distributing such gas directly to the public for
18 compensation.

19 (iv) Any person or corporation, not otherwise a
20 public utility, who or which furnishes mobile domestic
21 cellular radio telecommunications service.

22 (v) Any building or facility owner/operators who
23 hold ownership over and manage the internal distribution
24 system serving such building or facility and who supply
25 electric power and other related electric power services
26 to occupants of the building or facility.

27 (vi) Electric generation supplier companies, except
28 for the limited purposes as described in sections 2809
29 (relating to requirements for electric generation
30 suppliers) and 2810 (relating to revenue-neutral

1 reconciliation).

2 (3) For the purposes of sections 2702 (relating to
3 construction, relocation, suspension and abolition of
4 crossings), 2703 (relating to ejection in crossing cases)
5 and 2704 (relating to compensation for damages occasioned by
6 construction, relocation or abolition of crossings) and those
7 portions of sections 1501 (relating to character of service
8 and facilities), 1505 (relating to proper service and
9 facilities established on complaint) and 1508 (relating to
10 reports of accidents), as those sections or portions thereof
11 relate to safety only, a municipal authority or
12 transportation authority organized under the laws of this
13 Commonwealth shall be considered a public utility when it
14 owns or operates, for the carriage of passengers or goods by
15 rail, a line of railroad composed of lines formerly owned or
16 operated by the Pennsylvania Railroad, the Penn-Central
17 Transportation Company, the Reading Company or the
18 Consolidated Rail Corporation.

19 (4) For the purposes of section 510 (relating to
20 assessment for regulatory expenses upon public utilities) and
21 Ch. 26 (relating to transportation network services), a
22 transportation network company shall be considered a public
23 utility.

24 * * *

25 "Transportation network company." A company that operates or
26 uses an online-enabled application or platform to connect a
27 passenger with a transportation network company driver for the
28 purpose of transportation between points within this
29 Commonwealth for compensation.

30 "Transportation network company driver." An individual who

1 uses the individual's personal vehicle to provide a ride for a
2 passenger arranged through a transportation network company's
3 online-enabled application or platform.

4 "Transportation network company vehicle." A vehicle used by
5 a transportation network company driver to provide
6 transportation network services.

7 "Transportation network service." A service which meets all
8 of the following:

9 (1) Matches a passenger and driver using an online-
10 enabled application or platform in advance of the service
11 being provided.

12 (2) The first or principal person, party or group hiring
13 a transportation network company vehicle has the exclusive
14 right to determine where, when or if another passenger shall
15 be carried on that trip.

16 (3) Is characterized by an individual offering a ride to
17 a passenger in the individual's personal vehicle through an
18 online-enabled application or platform for compensation.

19 Section 3. Section 512 of Title 66 is amended to read:

20 § 512. Power of commission to require insurance.

21 (a) Motor carriers.--The commission may, as to motor
22 carriers, prescribe, by regulation or order, such requirements
23 as it may deem necessary for the protection of persons or
24 property of their patrons and the public, including the filing
25 of surety bonds, the carrying of insurance, or the
26 qualifications and conditions under which such carriers may act
27 as self-insurers with respect to such matters. All motor
28 carriers of passengers, whose current liquid assets do not
29 exceed their current liabilities by at least \$100,000, shall
30 cover each and every vehicle, transporting such passengers, with

1 a public liability insurance policy or a surety bond issued by
2 an insurance carrier or a bonding company authorized to do
3 business in this Commonwealth, in such amounts as the commission
4 may prescribe, but not less than \$5,000 for one and \$10,000 for
5 more than one person injured in any one accident.

6 (b) Transportation network companies.--The commission may,
7 in respect to transportation network companies, promulgate
8 regulations or issue orders establishing requirements necessary
9 for the protection of persons or property of their patrons and
10 the public, including the carrying of insurance as required
11 under section 2603 (relating to service standards and
12 requirements of transportation network companies).

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

17 § 2501. Declaration of policy and definitions.

18 * * *

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

22 "Broker." Any person or corporation not included in the term
23 "motor carrier" and not a bona fide employee or agent of any
24 such carrier, or group of such carriers, who or which, as
25 principal or agent, sells or offers for sale any transportation
26 by a motor carrier, or the furnishing, providing, or procuring
27 of facilities therefor, or negotiates for, or holds out by
28 solicitation, advertisement, or otherwise, as one who sells,
29 provides, furnishes, contracts, or arranges for such
30 transportation, or the furnishing, providing, or procuring of

1 facilities therefor, other than as a motor carrier directly or
2 jointly, or by arrangement with another motor carrier, and who
3 does not assume custody as a carrier. The term shall not include
4 a transportation network company or a transportation network
5 company driver.

6 "Contract carrier by motor vehicle."

7 * * *

8 (2) The term "contract carrier by motor vehicle" does
9 not include:

10 * * *

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

13 * * *

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

15 CHAPTER 26

16 TRANSPORTATION NETWORK SERVICES

17 Sec.

18 2601. Definitions.

19 2602. Applicability of certain laws and prohibition.

20 2603. Service standards and requirements for transportation
21 network companies.

22 2604. Service standards and requirements for transportation
23 network company drivers.

24 2605. Transportation network company vehicle requirements.

25 2606. Rates and forms of compensation.

26 2607. Regulations and enforcement.

27 2608. Commission costs.

28 § 2601. Definitions.

29 The following words and phrases when used in this chapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "License." Proof of the commission's approval authorizing a
3 transportation network company to operate a transportation
4 network service in this Commonwealth in accordance with this
5 chapter. The term does not include a certificate of public
6 convenience as described under Ch. 11 (relating to certificates
7 of public convenience).

8 § 2602. Applicability of certain laws and prohibition.

9 (a) Motor carrier laws.--Except as otherwise specifically
10 provided, the following laws and regulations of this
11 Commonwealth shall not apply to a transportation network company
12 or transportation network company driver:

13 (1) The act of December 14, 1982 (P.L.1211, No.279),
14 entitled "An act providing for ridesharing arrangements and
15 providing that certain laws shall be inapplicable to
16 ridesharing arrangements."

17 (2) This title, except that the commission shall
18 regulate transportation network companies, drivers and
19 services under Chapters 3 (relating to public utility
20 commission), 5 (relating to powers and duties), 7 (relating
21 to procedure on complaints), 26 (relating to transportation
22 network services) and 33 (relating to violations and
23 penalties).

24 (3) 53 Pa.C.S (relating to municipalities generally).

25 (4) Laws and regulations containing special insurance
26 requirements for motor carriers, except as provided in
27 section 2603(a)(3)(vii) (relating to service standards and
28 requirements for transportation network companies).

29 (5) Laws imposing a greater standard of care on motor
30 carriers than that imposed on other drivers or owners of

1 motor vehicles.

2 (6) Laws and regulations imposing special equipment
3 requirements and special accident reporting requirements on
4 motor carriers.

5 (b) Municipal licenses and taxes.--A municipality may not
6 impose a tax on or require a license for a transportation
7 network company or transportation network service.

8 (c) Waiver of liability prohibited.--

9 (1) A transportation network company or transportation
10 network company driver may not request or require a passenger
11 to sign a waiver of potential liability for losses of
12 personal property or injury.

13 (2) A transportation network company may not request or
14 require a transportation network company driver to sign a
15 waiver of potential liability for losses of personal property
16 or injury.

17 § 2603. Service standards and requirements for transportation
18 network companies.

19 (a) Requirements.--

20 (1) A transportation network company may not operate in
21 this Commonwealth unless the transportation network company
22 holds and maintains a license issued by the commission.

23 (2) An application for a license must be made to the
24 commission in writing, be verified by oath or affirmation and
25 be in the form and contain the information as the commission
26 may, by regulation or order, require.

27 (3) A license shall be issued to a transportation
28 network company if the transportation network company meets
29 all the requirements of paragraph (4) and any conditions as
30 the commission deems necessary and in the public interest.

1 (4) A transportation network company seeking a license
2 under this section must do all of the following as a
3 condition of receipt and maintenance of a license:

4 (i) Maintain accurate records of all of the
5 following for the time period determined by the
6 commission by regulation or order:

7 (A) All transportation network company drivers
8 providing services arranged through the
9 transportation network company's online-enabled
10 application or platform, including each driver's
11 identity, the driver's license number and the
12 information related to the driver's personal
13 automobile insurance policy including the name of the
14 insurer, policy number and expiration date.

15 (B) The number of transactions or rides provided
16 to passengers in this Commonwealth through the
17 transportation network company's online-enabled
18 application or platform, including the date, time,
19 origination, destination and fare of each of those
20 rides.

21 (C) Transportation network company vehicle
22 information for all vehicles used by the
23 transportation network company's drivers to provide
24 transportation network services, including the year,
25 make, vehicle identification number and registration
26 number for each vehicle.

27 (ii) Establish a driver-training program to ensure
28 that each transportation network company driver safely
29 operates his or her vehicle prior to the driver being
30 permitted to offer transportation network services

1 through the transportation network company. The following
2 shall apply to the driver-training program:

3 (A) Each transportation network company shall
4 file the transportation network company's driver-
5 training program with the commission upon application
6 for a license to provide a transportation network
7 service.

8 (B) The commission shall establish, through
9 regulations or orders, the components each driver-
10 training program must include at a minimum.

11 (C) Each transportation network company must
12 file an annual report with the commission on the
13 number of transportation network company drivers
14 currently providing service for the transportation
15 network company that became eligible and completed
16 the driver-training program.

17 (iii) Implement a zero tolerance policy on the use
18 of drugs or alcohol while a transportation network
19 company driver provides transportation network services,
20 provide notice of the zero tolerance policy on the
21 transportation network company's publicly accessible
22 Internet website and implement procedures to report a
23 complaint about a transportation network company driver
24 with whom the passenger was matched and whom the
25 passenger reasonably suspects was under the influence of
26 drugs or alcohol during the course of the ride. A
27 transportation network company shall immediately suspend
28 a transportation network company driver who is the
29 subject of a passenger complaint alleging a violation of
30 the zero tolerance policy. The suspension shall last

1 until the time the complaint investigation is complete.

2 (iv) Obtain and review, prior to permitting a person
3 to act as a transportation network company driver on the
4 transportation network company's online-enabled
5 application or platform, a criminal history research
6 report for the person from the Pennsylvania State Police
7 and other relevant law enforcement sources. The following
8 shall apply:

9 (A) The criminal history research report must be
10 a national criminal background check, including the
11 national sex offender database.

12 (B) A person who has been convicted, within the
13 past seven years, of driving under the influence of
14 drugs or alcohol or of a crime involving property
15 damage and theft may not be a transportation network
16 company driver.

17 (C) A person who has been convicted at any time
18 for fraud, sexual offenses, use of a motor vehicle to
19 commit a felony, acts of violence or acts of terror
20 may not be a transportation network company driver.

21 (v) Obtain and review, prior to permitting a person
22 to act as a transportation network company driver on the
23 transportation network company's online-enabled
24 application or platform, a driving history research
25 report for the person from the Department of
26 Transportation and other relevant sources. The following
27 shall apply:

28 (A) A person with more than three moving
29 violations in the three-year period prior to the
30 check or a major violation in the three-year period

1 prior to the check may not be a transportation
2 network company driver.

3 (B) The commission shall determine, through
4 regulation or order, the frequency with which the
5 transportation network company must review the
6 driving history of each transportation network
7 company driver.

8 (vi) Display, on the online-enabled application or
9 platform used by the transportation network company to
10 connect transportation network company drivers and
11 passengers, a picture of the transportation network
12 company driver taken within the preceding 12 months, a
13 description of the individual's vehicle used in providing
14 transportation network services, including the make,
15 model, color and other identifying features and the
16 license plate number of the vehicle.

17 (vii) Maintain primary automobile insurance in the
18 amount and for coverages required by the commission's
19 regulations under section 512 (relating to power of
20 commission to require insurance) while the vehicle is
21 providing transportation network service. The coverage
22 shall include first party medical benefits as required by
23 75 Pa.C.S. § 1711 (relating to required benefits). The
24 following shall apply:

25 (A) In addition to the liability insurance
26 coverage requirements under this subparagraph, a
27 transportation network company must maintain third
28 party liability insurance coverage as determined by
29 the commission during the time period beginning when
30 the transportation network company driver receives

1 and accepts a passenger's request for transportation
2 network services until the time the passenger safely
3 exits the vehicle.

4 (B) It shall be the sole and exclusive
5 responsibility of a transportation network company to
6 ensure that coverage required under this subparagraph
7 is in force prior to permitting a transportation
8 network company to provide transportation network
9 services through the transportation network company's
10 online-enabled application or platform. Each policy
11 maintained under this subparagraph, including each
12 policy maintained under clause (A), shall:

13 (I) Provide primary liability coverage for
14 incidents involving a transportation network
15 company driver while providing transportation
16 network services.

17 (II) Include a duty of the insurer to defend
18 against claims made against a transportation
19 network company driver or the owner of a personal
20 vehicle used to provide transportation network
21 services.

22 (C) The coverage requirements under this
23 subparagraph may be met by one of the following:

24 (I) A transportation network company
25 maintaining the insurance on the transportation
26 network company's own.

27 (II) With any combination of a policy
28 maintained by a transportation network company
29 and a policy maintained by a transportation
30 network company driver that is specifically

1 written for the purpose of providing
2 transportation network services. Notwithstanding
3 any insurance coverage held or maintained by the
4 transportation network company driver, nothing
5 under this section shall limit the liability of a
6 transportation network company arising out of an
7 incident involving a transportation network
8 company driver while providing transportation
9 network services in a claim for damages against a
10 transportation network company for an amount
11 above the required insurance coverage under this
12 subparagraph.

13 (III) The coverage required under this
14 subparagraph may not be dependent on a
15 transportation network company driver's personal
16 automobile insurance policy first denying a claim
17 nor shall a personal automobile insurance policy
18 be required to first deny a claim.

19 (viii) File with the commission a Form E evidencing
20 its commercial insurance coverage and other coverage as
21 required under subparagraph (vii). Except for the Form E,
22 the commission may not disclose to a third party any
23 information related to the insurance policy. A record
24 disclosed by the commission shall not be subject to
25 disclosure to a third party by the commission, including
26 through a request submitted under the act of February 14,
27 2008 (P.L.6, No.3), known as the Right-to-Know Law.

28 (ix) Establish and maintain a publicly accessible
29 website that provides:

30 (A) A customer service telephone number.

1 (B) A customer service email address or Internet
2 form.

3 (C) The telephone number to file a customer
4 complaint with the commission.

5 (D) Information regarding how to file an
6 insurance claim arising from an accident occurring
7 while a transportation network company driver is
8 providing transportation network services.

9 (x) File with the commission the transportation
10 network company's pricing policy effective during
11 emergencies and natural disasters which is designed to
12 prevent unconscionably excessive prices in compliance
13 with the act of October 31, 2006 (P.L.1210, No.133),
14 known as the Price Gouging Act.

15 (xi) Comply with the commission's regulations and
16 orders regarding the reporting of motor carrier accidents
17 for any accidents involving the transportation company's
18 drivers.

19 (xii) Maintain verifiable records regarding the
20 transportation company's operations and obligations under
21 this chapter for a minimum period of three years, or
22 other time period and details as may be required by the
23 commission.

24 (xiii) Comply with other requirements established by
25 the commission that are necessary and in the public
26 interest.

27 (b) License.--

28 (1) The commission shall prescribe, through regulations
29 or orders, the privileges, rights, obligations and authority
30 provided with, and suspension, revocation or renewal

1 requirements for, the issuance of a license under this
2 chapter.

3 (2) A license under this chapter shall not provide the
4 same authority as a certificate of public convenience as
5 described under Ch. 11 (relating to certificates of public
6 convenience).

7 (c) Inspection of records.--The commission may inspect,
8 audit and investigate books, records and facilities of the
9 transportation network company and affiliated entities as the
10 books, records and facilities relate to the licensed services
11 provided by the transportation network company. A document or
12 record marked as confidential must be treated according to the
13 commission's practices and regulations regarding confidential
14 and trade secret information.

15 (d) Discrimination in service.--A transportation network
16 company must provide safe, reasonable and adequate service to
17 localities where services are offered. A transportation network
18 company may not, in regard to service, make or grant an
19 unreasonable preference or advantage to a person, corporation or
20 municipal corporation or subject a person, corporation or
21 municipal corporation to an unreasonable service, prejudice or
22 disadvantage. A transportation network company may not establish
23 or maintain an unreasonable difference, in regard to service,
24 between localities or between classes of service. This
25 subsection shall not prohibit the establishment of reasonable
26 classifications of service.

27 (e) Persons with disabilities.--A transportation network
28 company may not subject a person with physical or mental
29 disabilities to an unreasonable service, prejudice or
30 disadvantage. In regard to providing a service to a person with

1 a disability in a nondiscriminatory manner, a transportation
2 network company and the transportation company's drivers shall
3 comply with all of the following:

4 (1) A transportation network company may not impose
5 additional charges for providing services to a person with
6 physical or mental disabilities because of those
7 disabilities.

8 (2) A transportation network company driver must
9 transport a service animal when accompanying a passenger with
10 physical or mental disabilities.

11 (3) If a passenger with physical or mental disabilities
12 requires the use of the passenger's mobility equipment, the
13 transportation network company driver must store the mobility
14 equipment in the vehicle during a ride if the vehicle is
15 reasonably capable of storing the mobility equipment. If the
16 driver is unable to store the passenger's mobility equipment
17 in the driver's vehicle, the driver shall refer the passenger
18 to another transportation network company driver or
19 transportation network company with a vehicle that is
20 equipped to accommodate the passenger's mobility equipment.

21 (4) The following shall apply to a transportation
22 network company driver's violation or alleged violation of
23 this subsection:

24 (i) A transportation network company shall not be
25 not liable for the transportation network company
26 driver's violation of this subsection unless the driver's
27 violation has been previously reported to the
28 transportation network company in writing and the
29 transportation network company has failed to reasonably
30 address the alleged violation.

1 (ii) Within 10 days of receiving a complaint about a
2 driver's alleged violation of this subsection, the
3 commission shall report the complaint to the
4 transportation network company for which the driver
5 provides transportation network services.

6 (iii) The commission shall provide a transportation
7 network company the same due process rights provided
8 transportation providers in defending against civil
9 penalties assessed by the commission.

10 (f) Disclosures for prospective transportation network
11 company drivers.--

12 (1) A transportation network company must make the
13 following disclosures to a prospective driver in the
14 prospective driver's written terms of service:

15 (i) While operating on the transportation network
16 company's online-enabled application or platform, the
17 driver's personal vehicle insurance policy might not
18 afford liability coverage, depending on the policy's
19 terms.

20 (ii) The vehicle may not be used to provide
21 transportation network services until the insured
22 notifies the vehicle insurance provider that the driver
23 plans to use the vehicle to provide transportation
24 network services for the transportation network company
25 as required under section 2605(d) (relating to
26 transportation network company vehicle requirements).

27 (iii) A list of all requirements for transportation
28 network company drivers as provided under section 2604
29 (relating to service standards and requirements for
30 transportation network company drivers).

1 (2) The disclosures required under this subsection must
2 be placed conspicuously in the prospective driver's written
3 terms of service.

4 (3) The prospective driver must acknowledge the terms of
5 service electronically or by signature.

6 § 2604. Service standards and requirements for transportation
7 network company drivers.

8 (a) Separate licenses prohibited.--A separate license may
9 not be required for a transportation network company driver to
10 provide transportation network services for a licensed
11 transportation network company.

12 (b) Service requirements for transportation network company
13 drivers.--A transportation network company driver must do all of
14 the following:

15 (1) Pass a criminal history search and a driving history
16 search as specified under section 2603 (relating to service
17 standards and requirements for transportation network
18 companies).

19 (2) Possess a valid driver's license, proof of personal
20 automobile insurance and be at least 21 years of age.

21 (3) Carry a paper copy or electronic copy of the
22 transportation network company's liability insurance required
23 under section 2603(a)(3)(vii) (relating to service standards
24 and requirements for transportation network companies).

25 (4) In the case of an accident, provide proof of the
26 transportation network company's liability insurance and
27 other coverage as required under paragraph (3) to any other
28 party involved in the accident and, if applicable, to the law
29 enforcement officer who responds to the scene of an accident
30 and report the accident to the transportation network

1 company.

2 (c) Prohibitions.--A transportation network company driver
3 may only accept a ride arranged through the licensed
4 transportation network company's online-enabled application or
5 platform and may not solicit or accept street-hails or telephone
6 calls requesting transportation network service.

7 (d) Commission authority.--Each transportation network
8 company driver shall be subject to sections 501 (relating to
9 general powers) and 3301 (relating to civil penalties for
10 violations).

11 § 2605. Transportation network company vehicle requirements.

12 (a) Authorized vehicles.--A transportation network company
13 vehicle must be a street-legal coupe, sedan or light-duty
14 vehicle, including a van, minivan, sport utility vehicle,
15 hatchback, convertible and pickup truck. A vehicle used to
16 provide transportation network service may not transport a
17 greater number of individuals, including the driver, than the
18 number of seatbelts that were factory installed in the vehicle.

19 (b) Age and mileage of vehicle.--The commission shall
20 promulgate regulations regarding a transportation network
21 company's vehicle age, mileage and condition.

22 (c) Inspections required.--

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

29 (2) A safety inspection must be conducted by the
30 transportation network company or a third party on each

1 transportation network company vehicle before the vehicle is
2 used to provide transportation network services and annually
3 thereafter.

4 (3) An inspection under paragraph (2) shall be conducted
5 by an individual who is competent and qualified to make an
6 inspection to ensure that the equipment is in a safe
7 condition to be operated on the highway. The inspection shall
8 include the following:

9 (i) Foot brakes.

10 (ii) Emergency brakes.

11 (iii) Steering mechanism.

12 (iv) Windshield.

13 (v) Rear window and other glass.

14 (vi) Windshield wipers.

15 (vii) Headlights.

16 (viii) Tail lights.

17 (ix) Turn indicator lights.

18 (x) Stop lights.

19 (xi) Front seat adjustment mechanism.

20 (xii) The opening, closing and locking of doors.

21 (xiii) Horn.

22 (xvi) Speedometer.

23 (xv) Bumpers.

24 (xvi) Muffler and exhaust system.

25 (xvii) Condition of tires, including tread depth.

26 (xviii) Interior and exterior rear view mirrors.

27 (xix) Safety belts for driver and passenger.

28 (4) A commission officer may inspect the transportation
29 network company vehicles to ensure compliance with this
30 section.

1 (5) The transportation network company shall ensure that
2 transportation network company vehicles remain in continuous
3 compliance with the commission's vehicle standards and the
4 Department of Transportation inspection standards.

5 (6) Each vehicle shall be marked as required by
6 commission regulations or order when providing transportation
7 network service.

8 (d) Disclosure required.--A vehicle may not be operated for
9 purposes of providing transportation network services until the
10 insured notifies the vehicle insurance provider that the driver
11 plans to use the vehicle to provide transportation network
12 services for the transportation network company.

13 § 2606. Rates and forms of compensation.

14 (a) Tariff.--A transportation network company must file and
15 maintain with the commission a tariff that sets forth the terms
16 and conditions of service, including the basis for its fares and
17 its policies regarding surge pricing.

18 (b) Passenger receipt.--Upon completion of transportation
19 under this chapter, each transportation network company must
20 transmit an electronic receipt to the passenger's email address
21 or account on a transportation network company's online-enabled
22 application or platform documenting the origination and
23 destination of the trip and the total amount paid, if any.

24 (c) Fares.--A transportation network company may offer
25 transportation network services at no-charge directly to the
26 passenger, suggest a donation or charge a fare directly to the
27 passenger or the transportation network company driver. If a
28 fare is charged, a transportation network company must disclose
29 the fare calculation method, the applicable rates being charged
30 and the option for an estimated fare to the passenger before

1 booking the ride. The amount of a donation, charge, fare or
2 other compensation provided or received for transportation
3 network services shall not be subject to review or approval by
4 the commission under Ch. 13 (relating to rates and distribution
5 systems).

6 § 2607. Regulations and enforcement.

7 (a) Regulations.--The commission may promulgate regulations
8 and orders to enforce this chapter.

9 (b) Enforcement.--The commission may, after notice and
10 opportunity to be heard, impose a civil fine, license suspension
11 or revocation, and other appropriate remedies for violations of
12 this chapter and commission regulations and orders.

13 § 2608. Commission costs.

14 (a) Costs.--The costs for commission implementation and
15 enforcement of this chapter shall be included in the
16 commission's proposed budget and shall be assessed upon
17 transportation network companies in accordance with section 510
18 (relating to assessment for regulatory expenses upon public
19 utilities).

20 (b) Report.--The transportation network company shall report
21 annually to the commission the gross intrastate operating
22 revenues derived from transportation network service regardless
23 of the entity that collects the revenues.

24 Section 6. Section 1305(b) of Title 75 is amended to read:

25 § 1305. Application for registration.

26 * * *

27 (b) Evidence of P.U.C. approval for buses and taxis.--Before
28 registering any bus or taxi which is required under the laws of
29 this Commonwealth to obtain a certificate of public convenience
30 from the Pennsylvania Public Utility Commission, the department

1 shall require evidence that the certificate has been issued and
2 has not been revoked or has not expired. This subsection shall
3 not apply to a transportation network company vehicle as defined
4 in 66 Pa.C.S. § 102 (relating to definitions).

5 * * *

6 Section 7. This act shall take effect in 60 days.