
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 749 Session of
2015

INTRODUCED BY VULAKOVICH, BLAKE, BREWSTER, COSTA, FONTANA,
MENSCH, SMITH AND YUDICHAK, APRIL 21, 2015

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
APRIL 21, 2015

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in general provisions, further
3 providing for definitions; in contract carrier by motor
4 vehicle and broker, further providing for declaration of
5 policy and definitions; further providing for the regulation
6 of taxi and limousine services; and providing for the
7 regulation of taxi transportation network services.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The definition of "common carrier by motor
11 vehicle" in section 102 of Title 66 of the Pennsylvania
12 Consolidated Statutes is amended by adding a paragraph to read:
13 § 102. Definitions.

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

19 * * *

20 "Common carrier by motor vehicle." Any common carrier who or

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

12 * * *

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

14 (i) A taxi transportation network company as defined
15 in section 2601 (relating to definitions).

16 (ii) A taxi transportation network company driver as
17 defined in section 2601 (relating to definitions).

18 * * *

19 Section 2. Paragraph (2) of the definition of "contract
20 carrier by motor vehicle" in section 2501(b) of Title 66 is
21 amended by adding a 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 * * *

28 "Contract carrier by motor vehicle."

29 * * *

30 (2) The term "contract carrier by motor vehicle" does

1 not include:

2 * * *

3 (x) A taxi transportation network company or taxi
4 transportation network company driver as defined in
5 section 2601 (relating to definitions).

6 Section 3. Title 66 is amended by adding chapters to read:

7 CHAPTER 25A

8 TAXI AND LIMOUSINE SERVICES

9 Sec.

10 25A01. Definitions.

11 25A02. Requirements for taxi and limousine companies.

12 25A03. Tariffs.

13 25A04. Marking of taxis.

14 25A05. Service standards and requirements for taxi and
15 limousine companies.

16 25A06. Operation of leased taxi and limousine equipment.

17 25A07. Inspection and safe operation requirements.

18 25A08. Method of operation of taxis.

19 25A09. Requirements for taxi drivers.

20 25A10. Taxi vehicle requirements.

21 25A11. Rates and forms of compensation.

22 25A12. Operation of limousines.

23 25A13. Regulations.

24 25A14. Assessments.

25 § 25A01. Definitions.

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

29 "Call or demand service." Taxi service for passengers,
30 rendered on an exclusive or a nonexclusive basis, where the

1 service is characterized by the fact that passengers normally
2 hire the vehicle and the vehicle's driver either by telephone
3 call or by hail, or both.

4 "Certificate." A certificate of public convenience issued by
5 the commission.

6 "Corporation." A body corporate, joint stock company or
7 association, domestic or foreign, and a body corporate, joint
8 stock company or association's lessee, assignee, trustee,
9 receiver or other successor in interest, having the powers or
10 privileges of corporations not possessed by an individual or
11 partnership. The term does not include a municipal corporation.

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

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

19 "Motor carrier." A common or contract carrier by motor
20 vehicle.

21 "Nonexclusive service." Transportation on a given trip where
22 passengers other than the first or principal person, party or
23 group hiring the vehicle may be carried as permitted by the
24 applicable tariff provisions of the carrier and the rules and
25 regulations governing the class of service under which the
26 vehicle is operating.

27 "Tariff." A schedule of rates, rules, regulations, practices
28 or contracts involving a rate or schedule showing the method of
29 distribution of the facilities of a common carrier.

30 § 25A02. Requirements for taxi and limousine companies.

1 (a) Certificate required.--A person or corporation may not
2 engage in the business of a taxi or limousine company in this
3 Commonwealth unless the person or corporation holds a
4 certificate of public convenience as a motor carrier of
5 passengers issued by the commission.

6 (b) Certificate application and issuance.--An application
7 for a certificate of public convenience as a motor carrier of
8 passengers must be made to the commission in writing, be
9 verified by oath or affirmation and be in the form and contain
10 the information required by the commission. A certificate shall
11 be issued to an applicant if it is found that the applicant
12 meets all of the requirements of this chapter.

13 (c) Evidentiary requirement.--

14 (1) An applicant seeking motor common carrier authority
15 shall have the burden of proving that:

16 (i) Approval of the applicant's application will
17 serve a useful public purpose and be responsive to a
18 public demand or need. The proof of a demand or need
19 shall require the following:

20 (A) An academic study or demographic analysis
21 must be used to support the assertion of demand or
22 need for service in a specific area. Each author of
23 the study or analysis must be presented for testimony
24 before the commission.

25 (B) A determination of demand or need must be
26 based on marketplace demographics and national trends
27 regarding taxi market saturation.

28 (C) As used in this subparagraph, the term
29 "demand" or "need" must be demonstrated by the
30 applicant for each specific municipality or county in

1 which the applicant seeks authority.

2 (ii) The motor common carrier authority possesses
3 the technical and financial ability to provide proper
4 service. Authority shall be withheld if the record
5 demonstrates that the applicant lacks a propensity to
6 operate safely and legally. In evaluating whether a motor
7 carrier applicant can satisfy these fitness standards,
8 the commission shall examine whether the applicant:

9 (A) operates illegally and without authority
10 before or during the pendency of the applicant's
11 application.

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

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

18 (D) has technical expertise and fitness and can
19 demonstrate a working knowledge of the applicable
20 laws of this Commonwealth governing common carrier
21 transportation.

22 (E) has vehicles, drivers and facilities
23 sufficient to service the area for which authority is
24 sought.

25 (F) can obtain and maintain insurance coverage
26 compliant with the then existing commission
27 requirements.

28 (G) has a written plan to comply with the
29 driver and vehicle safety requirements under this
30 chapter.

1 (H) has a previous felony record or has been
2 convicted or pled guilty to a crime involving moral
3 turpitude.

4 (I) has previously complied with commission
5 orders and regulations.

6 (2) In addition to the requirements under paragraph (1),
7 for applications for the right to operate in a county of the
8 second class or part of a county of the second class, the
9 following shall apply to the applicant's burden to
10 demonstrate technical and financial ability to provide proper
11 service:

12 (i) Whether the applicant has capital in excess of
13 the applicant's debts of at least \$20,000 to ensure
14 financial fitness.

15 (ii) Whether the applicant has the ability to
16 acquire a minimum of 25 vehicles for immediate use to
17 service the entire second class county. If the applicant
18 does not possess the ability, the applicant shall only be
19 permitted to service selected municipalities or a limited
20 geographic area with less than 25 vehicles.

21 (d) Grant required.--Except for counties of the second
22 class, the commission must grant motor common carrier authority
23 commensurate with the proven public need unless it is
24 established that the entry of a new carrier into a given
25 geographic area would harm, endanger or impair the operations of
26 an existing carrier.

27 (e) Applicability.--Nothing under this section shall apply
28 to an application for the right to operate in limousine service.

29 § 25A03. Tariffs.

30 A taxi company shall, prior to furnishing or offering to

1 furnish service, file with the commission tariffs showing the
2 rates or other compensation demanded for the service. The
3 following shall apply:

4 (1) Except as provided under subparagraph (iv), a taxi
5 tariff must be filed, posted and published in accordance with
6 law and this title. Fares may be charged:

7 (i) In the amount as is calculated and registered on
8 the meter.

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

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

12 (iv) Through a time and distance charge calculated
13 through a digital platform, which may increase or
14 decrease in real time for the purpose of balancing supply
15 and demand.

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

19 (3) A taxi company whose tariffs are based on a meter or
20 flat rate must post the rates of the fare in a conspicuous
21 place in each taxi company vehicle.

22 (4) A taxi company that uses a digital platform must
23 disclose the fare calculation method, the applicable rates
24 being charged and provide the option for an estimated fare to
25 the customer. A taxi company that computes fares through a
26 digital platform may not charge a fare that exceeds the
27 limitations under the act of October 31, 2006 (P.L.1210,
28 No.133), known as the Price Gouging Act, during a natural
29 disaster or state of emergency as declared by a local or
30 State governing body of the Commonwealth. If a natural

1 disaster or emergency does not result in the declaration of
2 local or State emergency, the increase in fare must be
3 established on the basis of fares charged over the preceding
4 60 days.

5 (5) A limousine tariff must be based on time or
6 distance, or both, and shall be available to the commission
7 for review upon request. A certificate holder must provide
8 tariff rates in advance of providing service to passengers
9 for approval. Agreed pricing between passenger and limousine
10 carrier shall be deemed legally appropriate and binding.

11 (6) (i) Notwithstanding any other provision of this
12 chapter, a certificate holder may increase the taxi or
13 limousine tariff once annually in conformance with the
14 increase in the Federal cost-of-living index provided for
15 the city or county in which the majority of the
16 certificate holders' trips occur.

17 (ii) If a certificate holder does not increase rates
18 under subparagraph (i), the certificate holder waives the
19 right to the increase and may not, in a succeeding year,
20 add the increase to the certificate holder's tariff.

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

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

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

29 § 25A04. Marking of taxis.

30 (a) Certificate number.--The number of the certificate of

1 public convenience and the registered insignia approved by the
2 commission must be painted or affixed on each side of each motor
3 vehicle. A taxi fleet must be numbered and filed with the
4 commission.

5 (b) Removal of markings.--If the certificate of public
6 convenience of a common carrier is canceled or revoked by the
7 commission or by law or if the motor vehicle is removed
8 permanently from service, the carrier must immediately remove
9 all markings from the vehicle.

10 (c) Local trade marks.--A common carrier may not mark, paint
11 or design a vehicle to simulate a vehicle operated by another
12 carrier within the same local service area. The simulation of
13 design or other act intended to invite patronage by deception
14 shall be considered sufficient grounds for revocation of a
15 certificate of public convenience.

16 (d) Advertising.--

17 (1) Advertising, including, but not limited to, cab
18 tops, signs, placards and wrapping of vehicles shall be
19 permitted.

20 (2) Notwithstanding paragraph (1), advertising may not
21 obscure the mandated vehicle markings required under this
22 chapter.

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

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

28 § 25A05. Service standards and requirements for taxi and
29 limousine companies.

30 The following shall apply:

1 (1) An applicant seeking a certificate of public
2 convenience as a motor carrier of passengers under this
3 section must do all of the following as a condition of
4 receipt of a certificate:

5 (i) Maintain accurate records including the make,
6 model and license numbers of vehicles to provide taxi and
7 limousine services.

8 (ii) Maintain accurate records of all taxi and
9 limousine drivers providing services arranged by a
10 certificate holder.

11 (iii) Implement a zero-tolerance policy on the use
12 of drugs and alcohol while a taxi or limousine driver is
13 providing call or demand or limousine services. Any taxi
14 or limousine driver who is the subject of a passenger
15 complaint alleging a violation of the zero-tolerance
16 policy shall be immediately suspended. The suspension
17 shall last until such time as the complaint investigation
18 is completed. The following shall be provided on a taxi
19 or limousine company's Internet website:

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

21 (B) The procedures a passenger may use to report
22 a complaint about a taxi or limousine driver with
23 whom the passenger reasonably suspects was under the
24 influence of drugs or alcohol during the course of
25 the transportation.

26 (iv) Establish a driver training program designed to
27 ensure that each taxi and limousine driver safely
28 operates the taxi or limousine while transporting
29 passengers.

30 (v) Obtain and review criminal history record

1 information that may be performed through the use of the
2 commission's database, and systems, or equivalent systems
3 for each taxi or limousine driver. The criminal history
4 record information shall consist of a Federal criminal
5 history record information that includes a Federal Bureau
6 of Investigation fingerprint-based background check and a
7 national, State and local criminal background check,
8 including the National Sex Offender Registry. A person
9 who has been convicted, pled guilty or pled no contest to
10 any of the following may not be a taxi or limousine
11 driver:

12 (A) driving under the influence of drugs or
13 alcohol, within the last seven years; or

14 (B) fraud, a sexual offense, use of a motor
15 vehicle to commit a felony, a crime involving
16 property damage or theft, acts of violence or acts of
17 terrorism.

18 (vi) Obtain and review the driving record for each
19 taxi and limousine driver. Any person convicted of any of
20 the following within the three years immediately
21 preceding the request date of the driving record may not
22 be a taxi or limousine driver:

23 (A) More than three moving violations.

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

27 (2) A certificate holder may not knowingly permit a
28 person to operate a vehicle in its authorized service unless
29 that person has a current, valid driver's license. Failure to
30 hold a valid driver's license while operating a vehicle in

1 certificated service shall subject the driver to immediate
2 disqualification as a driver and such fines and penalties as
3 the commission deems appropriate.

4 § 25A06. Operation of leased taxi and limousine equipment.

5 Taxi and limousine companies shall operate vehicles in
6 compliance with the laws of this Commonwealth. The following
7 shall apply:

8 (1) When used in the authorized service of the lessee,
9 leased vehicles shall be operated by drivers meeting the
10 requirements under this chapter when operating vehicles with
11 seating capacities of 15 or less, including the driver, or 52
12 Pa. Code Ch. 37 (relating to safety code for transportation
13 of property and passengers), when operating vehicles with
14 seating capacities of 16 or more, including the driver.

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

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

1 coverage of the driver of certificated vehicles must meet
2 the requirements of 75 Pa.C.S. § 1711 (relating to
3 required benefits).

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

11 (iii) For vehicles capable of transporting more than
12 28 passengers, the liability insurance shall be in an
13 amount not less than \$5 million to cover liability for
14 bodily injury, death or property damage incurred in an
15 accident arising from authorized service. Except as to
16 the required amount of liability coverage, the coverage
17 shall meet the requirements of 75 Pa.C.S. Ch. 17.

18 (3) Each taxi and limousine shall comply with the
19 registration requirements under 75 Pa.C.S. (relating to
20 vehicles).

21 (4) The operation of a leased vehicle shall not permit
22 an increase in the number of vehicles or in the seating
23 capacity of vehicles if limited by the terms of the
24 certificate.

25 (5) A vehicle must be owned or leased by the certificate
26 holder or owned by the driver under the same terms and
27 conditions of control as the certificate holder must exert
28 under this chapter. Operation and service shall be under the
29 direct regulatory control and supervision of the certificate
30 holder.

1 (6) The following shall apply to leases:

2 (i) A lease of a taxi or limousine must be in
3 writing, must specifically set forth the terms of the
4 lease, including obligations assumed, such as maintenance
5 and fuel, compensation and the duration of the lease and
6 must be executed by the parties or the parties'
7 authorized agents or officers.

8 (ii) The original lease must be retained by the
9 certificate holder in whose service the equipment is to
10 be operated at the principal office of the certificate
11 holder.

12 (iii) One copy of the lease must be retained by the
13 owner of the equipment.

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

16 (v) Instead of a copy of the lease, a certificate or
17 rental form identifying the leased vehicle may be carried
18 in the leased vehicle certifying that the equipment is to
19 be operated exclusively in the service of the certificate
20 holder named as lessee. The certificate or rental form
21 must:

22 (A) Show the names and addresses of the owner
23 and lessee, the date of the lease, the location of
24 the original lease retained by the certificate holder
25 and the exact expiration date of the lease.

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

28 (vi) Notwithstanding any provision of this section,
29 a common carrier may not lease the common carrier's
30 operating rights.

1 (7) The certificate holder must, before taking
2 possession of equipment, inspect the equipment or have the
3 equipment inspected by a person who is competent and
4 qualified to make an inspection as a representative of the
5 certificate holder to ensure that the equipment is in a safe
6 condition to be operated on public roads. The person making
7 the inspection must certify the results of the inspection.
8 The certification shall be retained by the certificate holder
9 for at least one year. If the inspection discloses that the
10 equipment is not in a safe condition to be operated on
11 public roads, possession of the equipment may not be taken by
12 the certificate holder.

13 (8) If the Department of Transportation, at the request
14 of the owner, designates the lessee certificate holder as the
15 registrant of the vehicle and the name and address of the
16 lessee are substituted for the address of the lessor, the
17 commission shall approve the registration if the certificate
18 is in good standing, except that the approval shall be
19 effective only for the period during which the lease remains
20 in effect.

21 (9) If a removable device is used to identify the
22 operating carrier as lessee, the device must be made of
23 durable material and be securely affixed to the vehicle
24 operated throughout the duration of the lease. Upon
25 relinquishing possession of the equipment, the certificate
26 holder operating the leased vehicle under this subsection
27 shall remove the removable device displayed on the vehicle.

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

1 (i) The leased vehicle shall be operated under the
2 control and supervision of the certificate holder for
3 regulatory purposes.

4 (ii) (A) A driver of a vehicle in call or demand
5 service must keep a log sheet or manifest for each
6 shift the driver operates unless the vehicle is
7 equipped with a digital dispatch system, mobile data
8 transmitter or GPS dispatching system which records
9 and stores, either on the device itself or on a
10 computer or server located elsewhere, the following
11 information:

12 (I) Date and driver name or identification
13 number.

14 (II) Time of call for service.

15 (III) Time of dispatch.

16 (IV) The times and places of origin and
17 destination of each trip, including the mileage
18 shown on the odometer on the meter at the origin
19 and destination.

20 (V) The amount of the base fare, excluding
21 tip or gratuity.

22 (B) If a certificated carrier has a system which
23 electronically stores the information under clause
24 (A), a paper log shall not be required. A
25 certificated carrier shall store and hold all paper
26 and electronic logs for a two-year period.

27 (11) A certificate holder must furnish and maintain
28 adequate, reasonably continuous service to the public,
29 without unreasonable interruptions or delay if the carrier
30 has sufficient equipment available, subject to the following:

1 (i) A carrier may, during a period of unexpected
2 demand, provide service as soon as possible and may
3 provide notice to passengers that service is temporarily
4 suspended. If notice is provided to passengers that
5 service is temporarily suspended, the certificate holder
6 shall not be in violation of any law relating to service
7 or reasonable service.

8 (ii) A driver of a call or demand vehicle who
9 believes that his safety or well-being is, or may be, at
10 risk shall not be required to render service and shall
11 not be fined or penalized for failing to provide service
12 under those circumstances.

13 (12) A taxi and limousine must transport a dog trained
14 for the purpose of guiding a blind or deaf person when the
15 dog is accompanying a blind or deaf person paying a regular
16 fare. A service dog must be properly leashed and may not
17 occupy a seat in the conveyance.

18 § 25A07. Inspection and safe operation requirements.

19 This chapter shall apply to vehicles having a designed
20 seating capacity of 15 passengers or fewer, including the
21 driver, which is used by common carriers to transport taxi and
22 limousine passengers. The following shall apply:

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

27 (i) A vehicle must comply with applicable Department
28 of Transportation equipment inspection standards under 67
29 Pa. Code Ch. 175 (relating to vehicle equipment and
30 inspection) when the vehicle is being operated.

1 (ii) A vehicle must have door hinges and latches in
2 working order and doors must operate easily and close
3 securely.

4 (iii) Unless otherwise provided by the commission,
5 advertising on vehicles shall not be limited. Any
6 advertising, including, but not limited to, cab tops,
7 signs, placards and wrapping of vehicles displayed on or
8 in a vehicle must be securely fastened and may not
9 obscure the driver's view in any direction. Advertising
10 may not cover the required marking of the taxi as
11 provided under section 25A02 (relating to requirements
12 for taxi and limousine companies).

13 (2) A certificate holder may not permit a vehicle having
14 a designed seating capacity of 15 passengers or fewer,
15 including the driver, to be operated to transport passengers
16 unless the certificate holder complies with the following
17 requirements:

18 (i) A vehicle that is equipped with folding,
19 temporary or removable seats must have hinges, latches,
20 brackets or other hardware associated with the seats in
21 working order.

22 (ii) A vehicle must be in clean and sanitary
23 condition.

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

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

29 (v) A vehicle must have snow tires or all-weather
30 tires on the drive wheels between October 1 and April 1

1 of the following year.

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

5 (vii) A vehicle must have four matching wheel covers
6 or the equivalent.

7 (viii) A vehicle must have operative air
8 conditioning.

9 (ix) A vehicle's seats must be secure and not be
10 damaged so as to allow springs or other cushioning or
11 support devices to protrude through the seat.

12 (3) A certificate holder may not permit or require a
13 driver to operate a vehicle revealed by inspection or
14 operation not to comply with this section. If a vehicle being
15 operated on public roads is discovered not to comply with
16 this section, it may be continued in operation to the
17 certificate holder's nearest terminal, place of business or
18 other similar location where repairs can be effected safely.
19 The operation may be conducted only if less hazardous to the
20 public than permitting the vehicle to remain on public roads.

21 (4) A certificate holder shall ensure that vehicles
22 operated under a certificate or permit receive the annual
23 State inspection required by 75 Pa.C.S. Ch. 47 (relating to
24 inspection of vehicles).

25 (5) An enforcement officer employed by the commission is
26 authorized to perform inspections of vehicles to determine
27 compliance with this chapter. To perform the inspections,
28 commission enforcement officers may stop a vehicle in
29 operation. A commission enforcement officer may enter upon
30 the premises of the certificate holder at a reasonable time

1 for the purpose of performing an inspection upon a vehicle
2 used in regulated operations. A certificate holder may
3 designate a vehicle as out of service on the certificate
4 holder's lot prior to an inspection. The commission may not
5 require a certificate holder to present a vehicle for a group
6 inspection in numbers that would affect the operation of the
7 certificate holder's service. The following shall apply to an
8 inspection:

9 (i) A form designated by the commission shall be
10 used to record findings from vehicles selected for
11 inspection.

12 (ii) A vehicle in operation that is found upon
13 inspection not to comply with this chapter shall be
14 declared out of service by an enforcement officer
15 employed by the commission and shall be placed out of
16 service utilizing the commission's out-of-service
17 sticker.

18 (iii) Except as provided under this paragraph or
19 paragraph (3), a certificate holder may not require or
20 permit a person to operate nor may a person operate a
21 vehicle declared and placed out of service until the
22 repairs required by the commission have been
23 satisfactorily completed.

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

27 (v) The person completing the repairs required by
28 the out-of-service notice shall sign the Certificate of
29 Repairman in accordance with the terms prescribed by the
30 commission, entering the name of the person's shop or

1 garage and the date and time the required repairs were
2 completed. If the vehicle operator completes the required
3 repairs, the operator shall sign and complete the
4 Certificate of Repairman.

5 (vi) The certificate holder's disposition of the
6 form shall be as follows:

7 (A) The vehicle operator receiving the form
8 placing the vehicle out of service shall deliver the
9 form to the certificate holder operating the vehicle.

10 (B) A violation or mechanical defect noted on a
11 form shall be corrected. To the extent that a vehicle
12 operator is shown not to be in compliance with this
13 chapter, appropriate corrective action shall be taken
14 by the certificate holder.

15 (C) A certificate holder shall retain a copy of
16 the form at its principal place of business for one
17 year from the date of inspection.

18 (D) When a violation or mechanical defect noted
19 on an inspection form has been corrected by the
20 certificate holder, the vehicle shall be deemed safe
21 for operation and it may be put back into service by
22 the certificate holder with no further approval by
23 the commission.

24 (6) If a vehicle in operation is inspected and does not
25 comply with this section or if a vehicle does not comply with
26 this section, a complaint upon the motion of the commission
27 or other appropriate action may be instituted.

28 § 25A08. Method of operation of taxis.

29 Unless otherwise specifically provided in the certificate of
30 public convenience, a taxi operating a call or demand service

1 shall have the rights and be subject to the conditions as
2 follows:

3 (1) A taxi may transport a person on request, an
4 exclusive basis or a nonexclusive basis.

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

14 (3) Whenever a taxi is occupied by a fare-paying
15 passenger or by a member of a party of fare-paying passengers
16 who engaged the taxi on an exclusive basis, the driver of the
17 taxi may not permit another person to occupy or ride in the
18 taxi unless the consent of the party then occupying the
19 vehicle is obtained.

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

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

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

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

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

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

2 (ii) From the area authorized by the certificate to
3 a point in this Commonwealth within an airline distance
4 of five miles from the boundary of the area authorized by
5 the certificate.

6 (iii) From a point within the five-mile region
7 referred to in subparagraph (ii) to a point within the
8 area authorized by the certificate, provided that the
9 request for the transportation is received in the area
10 authorized by the certificate.

11 (6) Taxi service between points outside authorized
12 territory may not be validated by the subterfuge of routing
13 the taxi through authorized territory. A taxi operator may
14 not attempt to evade a restriction attaching to his operating
15 rights by encouraging or causing a passenger to make a
16 theoretical or actual fare-paying break in a trip by routing
17 it through authorized territory.

18 (7) At minimum, a taxi company shall offer exclusive
19 service unless the taxi company's certificate provides
20 otherwise.

21 § 25A09. Requirements for taxi drivers.

22 A taxi driver shall comply with the following service
23 standards:

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

27 (2) A taxi driver shall comply with the act of June 13,
28 2008 (P.L.182, No.27), known as the Clean Indoor Air Act, and
29 may not smoke or permit smoking in the taxi.

30 (3) Transport passengers to their destinations by the

1 shortest practical route, unless directed by a passenger to
2 take a different route.

3 (4) A charge may not be made by a certificate holder or
4 driver for hand baggage or hand luggage carried by a fare-
5 paying passenger.

6 (5) The driver may carry a package or parcel when the
7 merchandise is accompanied by a passenger but shall refuse to
8 carry a package or parcel when the contents cause the taxi to
9 become stained or foul smelling. Unless the rights are
10 specifically included in a certificate of public convenience
11 approved by the commission, this paragraph may not be
12 interpreted to permit the hiring of a taxi for expressage
13 purposes only.

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

22 (7) Prior to driving a taxi before a shift, a taxi
23 driver shall perform a vehicle inspection to confirm that the
24 taxi complies with this chapter. The inspection must include
25 the following:

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

29 (A) The exterior of the taxi is not damaged, a
30 sharp edge is not present and a part of the vehicle

1 has not been removed. The inspection shall include
2 ensuring the hood and doors of the taxi are present
3 and in their proper location.

4 (B) The appropriate name, colors and markings
5 are affixed to the taxi.

6 (C) The taxi's tires are full size and the
7 treads are not worn below State inspection
8 requirements.

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

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

16 (iv) Operation of the heater and air conditioner to
17 confirm the taxi's ability to maintain the appropriate
18 air temperature.

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

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

24 (i) Presenting a neat and clean appearance while
25 providing taxi service.

26 (ii) Dressing in clean clothing that will be
27 composed of a shirt with collar, ankle-length trousers,
28 slacks or a dress, a skirt, if gender appropriate, socks
29 or stockings and shoes or clean sneakers. Shorts, bathing
30 trunks or bathing suits, undershirts, "muscle shirts" or

1 tank tops are prohibited unless concealed as
2 undergarments beneath the attire described in this
3 subparagraph.

4 (iii) Bare feet or wearing open-toed shoes or
5 sandals are prohibited while operating a taxi.

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

8 (v) Being courteous toward passengers, the public,
9 law enforcement officials and representatives of the
10 commission. A driver may not use obscene, vulgar or
11 offensive language while providing taxi service.

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

17 (vii) Ceasing use of a mobile telephone and removal
18 of ear phones or Bluetooth devices from ears when a
19 passenger is in the taxi.

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

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

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

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

28 (9) A taxi driver may not charge a fare other than as
29 provided under this chapter.

30 (10) A taxi driver may not:

1 (i) Request the payment of a gratuity by a
2 passenger.

3 (ii) Insist upon or express a preference for fare
4 payment method.

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

7 (iv) Refuse payment by credit card, debit card or
8 other cashless payment option identified by the
9 commission.

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

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

17 § 25A10. Taxi vehicle requirements.

18 The following shall apply:

19 (1) A taxi may be operated only in a vehicle with a
20 seating capacity of eight passengers or fewer, excluding the
21 driver.

22 (2) A meter must conform with the following
23 requirements:

24 (i) A call or demand vehicle operated within this
25 Commonwealth must be equipped with a meter. A device
26 constituting a meter shall include, but not be limited
27 to:

28 (A) a standard or traditional meter;

29 (B) a mobile data transmitter unit;

30 (C) a GPS-based Internet application using a

1 tablet or computer; or

2 (D) another accurate technology to track
3 distance and fare that meets with commission approval
4 and reliably demonstrates the correct fare according
5 to the authorized certificate holder's tariff.

6 (ii) The meter shall be located or kept in a place
7 so that, at all times, it is plainly visible to the
8 passengers of the vehicle and the fare is readily
9 ascertainable by the occupants of the taxi.

10 (3) A mechanical meter and meter-driving equipment must
11 be sealed so that the meter case, meter driving equipment or
12 additional gear boxes, if any, cannot be disconnected without
13 breaking a seal, providing the meter equipment provides for
14 the sealing.

15 (4) It is the responsibility of the certificate holder
16 to cause the meters to be regulated in a manner where the
17 fare is calculated and registered in accordance with section
18 25A11 (relating to rates and forms of compensation).

19 (5) The meter must be in operation when the taxi is
20 engaged by a passenger, and the passenger shall be required
21 to pay only the amount recorded by the meter, except when
22 back-mileage charge provisions or surcharge provisions of the
23 tariff of the certificate holder apply. When the provisions
24 apply, the back-mileage charge or surcharge shall be added to
25 the amount recorded by the meter. A meter charge shall be
26 collected only once regardless of whether the taxi is being
27 used in exclusive service or in nonexclusive service.

28 (6) Between December 1 and December 31 of each year, a
29 certificate holder shall provide the commission with a
30 current list of the vehicles utilized as a taxi. The list

1 must contain the year, make, model, vehicle identification
2 number and registration number for each taxi. The list shall
3 be mailed to Director, Bureau of Transportation and Safety,
4 Pennsylvania Public Utility Commission, Post Office Box 3265,
5 Harrisburg, Pennsylvania 17105-3265.

6 (7) A taxi may not be operated in call or demand service
7 which is more than 10 model years old or which has exceeded
8 350,000 miles unless a taxi company can, upon the filing of
9 an emergency petition with the commission, demonstrate that
10 the taxi age and mileage restrictions would result in the
11 immediate disruption of public transportation services,
12 impose harm to consumers and create an anticompetitive
13 transportation service marketplace. Upon filing an emergency
14 petition, the commission shall grant the petitioning taxi
15 company a phase-in period, not to exceed 24 months, to retire
16 taxis exceeding 10 model years or 350,000 miles.

17 (8) The vehicle age and mileage restrictions under
18 paragraph (7) shall not apply to any of the following:

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

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

25 (iii) A wheelchair-accessible vehicle.

26 (9) A taxi may have a dome light affixed to the roof of
27 the vehicle. The dome light shall be visible from a distance
28 of 100 feet from the front and rear of the vehicle. The dome
29 light shall be illuminated only when a customer does not
30 occupy the taxi.

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

5 (11) To provide passengers with the necessary
6 information to file a complaint, a taxi must display a
7 commission-issued complaint decal that lists the telephone
8 number and Internet website to be used to lodge a complaint.
9 The decal shall be posted on the inside of the right rear
10 window of the taxi, along the bottom edge. The commission
11 shall provide compliant decals annually to the certificate
12 holder. Failure of the commission to provide the compliant
13 decals shall not deem the certificate holder to be in
14 violation of this section.

15 § 25A11. Rates and forms of compensation.

16 (a) Alternative forms of compensation.--A plan of a
17 certificate holder for an alternative form of compensation for
18 call or demand drivers, as permitted by section 25A06 (relating
19 to operation of leased taxi and limousine equipment), must
20 conform with the following conditions:

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

24 (2) The certificate holder shall be responsible for
25 providing and maintaining insurance.

26 (3) The certificate holder shall comply with sections
27 25A09 (relating to requirements for taxi drivers) and 25A10
28 (relating to taxi vehicle requirements).

29 (4) The certificate holder shall require a stated
30 payment from drivers for use of the taxis and shall permit

1 drivers to keep the revenues and gratuities in excess of this
2 stated payment.

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

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

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

20 (c) Compliance.--In alternative forms of compensation for
21 drivers, whether authorized by this section or by order of the
22 commission, the certificate holder and driver shall comply with
23 sections 25A09 and 25A10.

24 (d) Tariff requirements.--

25 (1) Each certificate holder shall charge according to
26 its tariffs filed, posted and published in accordance with
27 the following:

28 (i) The amount as calculated and registered on the
29 meter or other authorized device.

30 (ii) If authorized by the tariff, a fixed amount for

1 the trip or the amount shown to be due on the meter plus
2 a surcharge.

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

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

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

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

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

23 (4) Nothing in this subsection shall be construed to
24 require the filing or approval of tariffs by a certificate
25 holder for charges calculated by a digital platform, which
26 may increase or decrease in real time for the purpose of
27 balancing supply and demand.

28 (e) Accounting requirements for alternative forms of
29 compensation for drivers.--

30 (1) A certificate holder must ensure that appropriate

1 information from the log sheets or electronic storage is
2 properly and correctly recorded.

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

6 (3) A copy of receipts relative to operating expenses
7 incurred to keep the taxi in operating condition shall be
8 given to the certificate holder by a driver. The certificate
9 holder must ensure that reported expenses are properly and
10 correctly recorded in the accounting records.

11 § 25A12. Operation of limousines.

12 Unless otherwise specifically provided in the certificate of
13 public convenience, the following shall apply to a certificate
14 holder operating limousine service:

15 (1) A certificate holder shall have the right to
16 transport a person on an exclusive basis between points as
17 authorized by the certificate, if the order for service is
18 received in advance by either a call or Internet-based
19 electronic platform, before the actual rendering of service
20 and not by street hail. A verbal order for service made by a
21 hotel doorman or employee at a restaurant and other similar
22 venue, or by others arranging for limousine service in
23 person, shall be deemed a violation of this section. A person
24 may not arrange for limousine service without the appropriate
25 broker's authority issued by the commission under 52 Pa. Code
26 Ch. 39 (relating to brokers).

27 (2) A common carrier shall have the right to charge for
28 service based upon use of a limousine with payment made by a
29 single person or organization or by passengers as
30 individuals.

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

4 (b) Vehicle and equipment requirements.--

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

8 (2) A luxury-type vehicle must:

9 (i) Be a vehicle manufactured or subsequently
10 modified so that the vehicle has physical configurations
11 and accessory features that are not considered as being
12 ordinary, standard or commonplace in low-to-moderately
13 priced vehicles.

14 (ii) Be intended to afford a patron a higher level
15 of service and comfort than are ordinarily available in
16 taxi, paratransit and airport transfer services.

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

21 (c) Vehicle list.--Between December 1 and December 31 of
22 each year, certificate holders shall provide the commission with
23 a current list of all vehicles utilized under its limousine
24 authority. The list must contain the year, make, vehicle
25 identification number and registration number for each
26 limousine. The list shall be mailed to Director, Bureau of
27 Transportation and Safety, Pennsylvania Public Utility
28 Commission, Post Office Box 3265, Harrisburg, Pennsylvania
29 17105-3265.

30 (d) Vehicle age.--Unless otherwise permitted by the

1 commission, a limousine may not be operated in limousine service
2 which is more than 10 model years old or which has exceeded
3 350,000 miles. Exceptions shall be granted for classic
4 limousines upon submission to the commission.

5 (e) Tariff requirements.--Limousine rates must be based on
6 time or distance or both and must be contained in a tariff
7 filed, posted and published under statute. The use of meters
8 shall be prohibited.

9 (f) Trip sheet requirements.--A limousine driver shall have
10 a trip sheet or electronic device in the vehicle evidencing that
11 the limousine is in service. The trip sheet or electronic device
12 must contain the following information:

13 (1) The date of service.

14 (2) The name and certificate holder number.

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

16 (4) The service being provided and corresponding rate
17 charged.

18 (5) The origin and intended destination if known.

19 (6) The starting time and length of time for which the
20 limousine has been reserved if known.

21 (g) Trip conclusion.--At the conclusion of a trip, the
22 limousine driver shall record the ending time on the trip sheet
23 or electronic device. The trip sheet or electronic device shall
24 be retained by the certificate holder for a minimum of one year.
25 Copies of the documents may be required to be submitted in
26 support of the certificate holder's proposed tariff rate
27 increases in addition to other documentation.

28 (h) Consumer information.--To provide each passenger with
29 the necessary information to file a complaint, a limousine
30 carrier must post a commission-issued complaint decal in a

1 conspicuous location inside the vehicle which lists the
2 telephone number and Internet website to be used to lodge a
3 complaint.

4 § 25A13. Regulations.

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

8 § 25A14. Assessments.

9 Costs incurred by the commission to implement and enforce
10 this chapter shall be included in the commission's proposed
11 budget and shall be assessed upon a certificate holder in
12 accordance with section 510(a) (relating to assessment for
13 regulatory expenses upon public utilities). The commission shall
14 provide certificate holders with a true and correct accounting
15 of commission activities upon request.

16 CHAPTER 26

17 TAXI TRANSPORTATION NETWORK SERVICES

18 Sec.

19 2601. Definitions.

20 2602. Insurance.

21 2603. Requirements for taxi transportation network companies.

22 2604. Requirements for taxi transportation network company
23 drivers.

24 2605. Vehicle requirements.

25 2606. Rates and forms of compensation.

26 2607. Prohibition of additional assessments.

27 § 2601. Definitions.

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

1 "Lease agreement." A legally binding short-term contract
2 between a TTNC and a TTNC driver for the provision of taxi
3 transportation network service through the use of a TTNC
4 driver's personal vehicle.

5 "Personal vehicle." A vehicle insured and operated by the
6 owner.

7 "Providing taxi transportation network service." The time
8 period during which a TTNC driver has a TTNC's digital
9 application open and is available to receive requests for taxi
10 transportation network service. For purposes of this definition,
11 "available to receive requests for taxi transportation network
12 service" includes the time period where the TTNC driver is
13 waiting for a request for transportation or is waiting to pick
14 up a passenger and from the time a passenger is picked up until
15 the passenger safely exits the vehicle.

16 "Taxi transportation network company" or "TTNC." A company
17 that:

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

20 (2) is authorized by the commission to provide taxi or
21 limousine service.

22 "Taxi transportation network company driver" or "TTNC
23 driver." An individual who:

24 (1) contracts with a TTNC to use the individual's
25 personal vehicle to transport passengers; or

26 (2) leases the individual's personal vehicle to a TTNC
27 to transport passengers.

28 "Taxi transportation network service." A service which meets
29 all of the following:

30 (1) Matches a passenger and TTNC driver through an

1 online-enabled application or platform in advance, or an
2 advanced reservation dispatched by a call.

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

5 (3) Permits a holder of a valid certificate of public
6 convenience to dispatch, or a passenger to request the
7 dispatch of, a vehicle through the use of an online-enabled
8 application, platform or call.

9 § 2602. Insurance.

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

14 (b) TTNC insurance coverage requirements.--

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

20 (2) The minimum coverage may be provided as split
21 coverage in the amounts of \$15,000 bodily injury per person,
22 \$30,000 bodily injury per accident and \$5,000 property damage
23 per accident. This coverage shall include first-party medical
24 benefits in the amount of \$25,000 and first-party wage loss
25 benefits in the amount of \$10,000 for passengers and
26 pedestrians.

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

1 Pa.C.S. § 1711 (relating to required benefits).

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

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

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

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

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

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

24 (e) Waiver of liability prohibited.--

25 (1) No TTNC or TTNC driver may request or require a
26 passenger to sign a waiver of potential liability for losses
27 of personal property or injury.

28 (2) No TTNC may request or require a TTNC driver to sign
29 a waiver of potential liability for losses of personal
30 property or injury as a condition of entering into a lease

1 agreement.

2 § 2603. Requirements for taxi transportation network companies.

3 (a) Authority required.--No individual or corporation shall
4 engage in the business of a TTNC in this Commonwealth unless the
5 individual or corporation holds a certificate of public
6 convenience as a motor common carrier of passengers issued by
7 the 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:

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

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

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

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

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

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

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

30 (i) a defensive driving course affiliated through

1 the National Safety Council Driver Safety Training or
2 equivalent;

3 (ii) an insurance coverage course; and

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

6 (2) Obtain and review criminal history record
7 information for each TTNC driver. The criminal history record
8 information shall consist of a Federal criminal history
9 record information that includes a Federal Bureau of
10 Investigation fingerprint-based background check and a
11 national, State and local criminal background check,
12 including the National Sex Offender Registry. The following
13 individuals may not be a TTNC driver:

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

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

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

25 (i) More than three moving violations.

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

29 (4) Maintain insurance as required under section 512
30 (relating to power of commission to require insurance) and

1 file a Form E with the commission. As used in this paragraph,
2 "Form E" shall have the same meaning as defined in 52 Pa.
3 Code § 1025.1 (relating to definitions).

4 (5) Establish and maintain an online enabled application
5 or platform that identifies the driver and the vehicle.

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

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

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

11 (iii) The commission's complaint hotline telephone
12 number.

13 (e) Discrimination prohibited.--No TTNC shall unreasonably
14 discriminate against any prospective passenger or unreasonably
15 refuse to provide service to a certain class of passengers or
16 certain localities.

17 (f) Inspection authority.--The commission may inspect the
18 records of a TTNC to investigate compliance with the
19 requirements of this chapter and any order or regulation of the
20 commission.

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

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

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

25 § 2604. Requirements for taxi transportation network company
26 drivers.

27 (a) Licensing.--No separate license shall be required for a
28 TTNC driver to provide transportation network service for a
29 TTNC.

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

1 (1) Satisfy the requirements for a criminal history
2 record information and driving record search as provided
3 under section 2603(d) (relating to requirements for taxi
4 transportation network companies).

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

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

8 (i) Proof of the TTNC driver's personal motor
9 vehicle insurance.

10 (ii) Proof of the TTNC's commercial vehicle
11 liability insurance. A TTNC driver shall have 24 hours
12 following an accident to provide proof of a TTNC's
13 commercial vehicle liability insurance.

14 (c) Limitations.--A TTNC driver shall only provide taxi
15 transportation service as provided by this chapter and shall not
16 solicit or accept street hails requesting transportation.
17 Nothing shall prohibit the dispatch of a vehicle by a holder of
18 a certificate of public convenience as a motor common carrier of
19 passengers from fulfilling a transportation network service
20 request or dispatching a TTNC driver in a personal vehicle to
21 provide requested call or demand service.

22 (d) Discrimination prohibited.--No TTNC driver shall
23 unreasonably discriminate against any prospective passenger or
24 unreasonably refuse to provide service to a certain class of
25 passengers or certain localities.

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

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

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

30 § 2605. Vehicle requirements.

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

6 (b) Certificate of inspection.--Vehicles used by TTNC
7 drivers to provide transportation network service shall be
8 inspected annually by an inspection station approved by the
9 Department of Transportation pursuant to 67 Pa. Code Ch. 175
10 (relating to vehicle equipment and inspection). A valid
11 certificate of inspection shall be maintained in all vehicles.

12 (c) Safety inspection.--The TTNC is responsible to conduct a
13 safety inspection of every TTNC driver's personal vehicle. The
14 safety inspection shall be conducted by a mechanic certified to
15 conduct State inspections at a location that meets or exceeds
16 State inspection standards before the vehicle is used to provide
17 transportation network services. These inspections shall be
18 conducted biannually thereafter and shall be in addition to any
19 previously undertaken State inspection.

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

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

26 § 2606. Rates and forms of compensation.

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

29 (1) the method of calculation;

30 (2) the applicable rates being charged; and

1 (3) the option for a prospective passenger to receive an
2 estimated fare.

3 (b) Rates.--

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

7 (2) Rates shall be calculated on the basis of the
8 distance and time between the point of origination and the
9 destination and include a minimum base fare. Flat fees may be
10 charged for trips to specific destinations. Rates may
11 increase or decrease in real time for the purpose of
12 balancing supply and demand. Cancellation fees and cleaning
13 fees may be applied as necessary, with advance notice to the
14 customer.

15 (3) In no event shall a TTNC charge fares that exceed
16 the limitations as prescribed by the act of October 31, 2006
17 (P.L.1210, No.133), known as the Price Gouging Act, during a
18 natural disaster or state of emergency that is declared by
19 State or local government. For any natural disaster or
20 emergency that does not result in the declaration of local or
21 State emergency, the increase in fare shall be established on
22 the basis of fares charged over the preceding 60 days.

23 (c) Receipt.--Upon completion of transportation provided
24 pursuant to this chapter, a TTNC shall provide a written or
25 electronic receipt of the total amount paid by a passenger.

26 § 2607. Prohibition of additional assessments.

27 The commission may not assess any additional assessments
28 under section 510(a) (relating to assessment for regulatory
29 expenses upon public utilities) against a holder of a
30 certificate of public convenience as a motor common carrier of

1 passengers for receiving approval to expand its service
2 offerings to include taxi transportation network service.

3 Section 4. Any holder of a certificate of public convenience
4 as a motor carrier of passengers that has been approved by the
5 commission to provide experimental transportation network
6 service prior to the effective date of this section may continue
7 to provide experimental transportation network services on a
8 permanent basis absent the imposition of additional rules and
9 regulations inconsistent with the terms and conditions contained
10 in its original application which was approved by the Public
11 Utility Commission. Any decision to terminate experimental
12 transportation network services or provide taxi transportation
13 network company service under 66 Pa.C.S. Ch. 26 or any
14 subsequent regulations shall be at the sole discretion of a
15 holder of a certificate of public convenience as a motor carrier
16 of passengers.

17 Section 5. The following shall apply:

18 (1) All acts and parts of acts are repealed insofar as
19 they are inconsistent with the addition of 66 Pa.C.S. Chs.
20 25A and 26.

21 (2) All regulations and parts of regulations are
22 abrogated insofar as they are inconsistent with the addition
23 of 66 Pa.C.S. Chs. 25A and 26.

24 (3) All rules and parts of rules are abrogated insofar
25 as they are inconsistent with the addition of 66 Pa.C.S. Chs.
26 25A and 26.

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